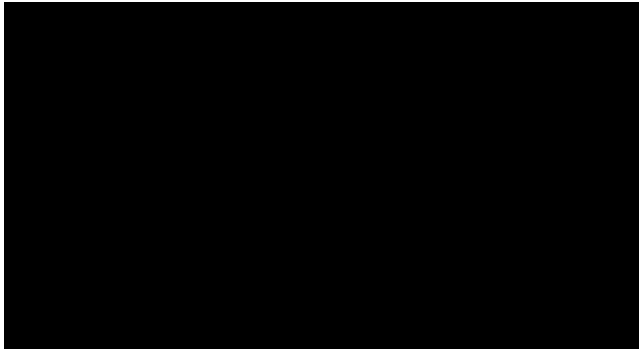




27 May 2024



Official information request for information about judges' entitlements

Our Ref: OIA353/1

1. We refer to your official information request to the Ministry of Justice dated 24 April 2024 and transferred to the Crown Law Office on 29 April 2024. You request:

“information received via OIA et al for the series of articles regarding judges’ perks via the Sunday Star Times as reported here:
<https://www.thepost.co.nz/politics/350243184/sunday-star-times-wins-year-long-battle-reveal-judges-secret-perks>”

2. We understand you to be asking us to provide you with any information released under the Official Information Act 1982 that informed articles about judicial entitlements in the Sunday Star Times.
3. The Crown Law Office has not released any material in response to requests under the Official Information Act for copies of judicial terms and conditions because judicial terms and conditions are set by the Attorney-General in her capacity as the senior law officer. The Solicitor-General as junior law officer, supported by the Crown Law Office, assists the Attorney-General in this work. The Official Information Act does not apply to the Attorney-General and Solicitor-General when they act in their law officer capacity and information held by them in that capacity falls outside the terms of the Official Information Act.
4. The article to which you enclosed a link referred to the Attorney-General’s decision that judicial terms and conditions would be publicly released. Since the date of that article, some judicial terms and conditions have been released. On 30 April 2024, the Chief Justice announced the release of the judicial terms and conditions for the Senior Courts and Employment Court. A copy of the Chief Justice’s media statement is **enclosed** with this response.

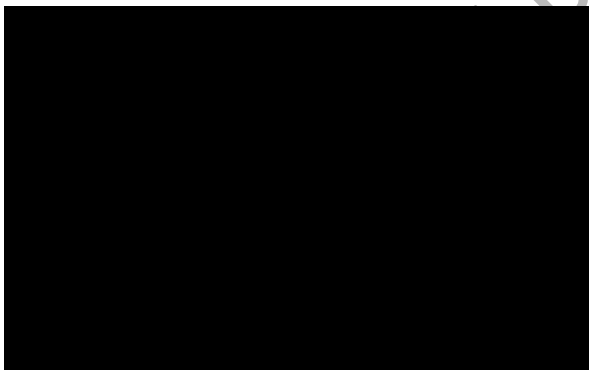
5. The terms and conditions for the Senior Courts and the Employment Court are published on the Courts of New Zealand website together with the two previous versions of these terms and conditions: <https://www.courtsofnz.govt.nz/about-the-judiciary/terms-and-conditions-of-judicial-appointment/>
6. As explained in the media statement, the terms and conditions for other courts are being reviewed by the Attorney-General in conjunction with the judiciary and will be released in due course. This includes the terms and conditions which apply to the District Court judiciary. As noted above, they are held by the Crown Law Office pursuant to our law officer function and are not held under the Official Information Act. Pending such release, we decline to make them available.

Proactive release

7. Please note that we may publish this response (with your personal details redacted), and any related documents, on Crown Law's website if we decide proactive release of this response is, or may be, in the public interest. If you have any concerns about this, please let us know within 10 working days of the date of this letter.

Complaint to the Ombudsman

8. You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.



Encl



The Right Honourable Dame Helen Winkelmann

CHIEF JUSTICE OF NEW ZEALAND | TE TUMU WHAKAWĀ O AOTEAROA

30 April 2024

MEDIA STATEMENT

Chief Justice announces release of terms and conditions of judicial appointment

The Chief Justice, with the agreement and support of the Attorney-General, announces the release of the detailed terms and conditions of judicial appointment for the Senior Courts and Employment Court.

“The Attorney General and I see the publication of the terms and conditions as an appropriate step. Public confidence in our core democratic institutions is strengthened by openness and transparency,” Chief Justice Helen Winkelmann said today.

“The salaries and superannuation of judges are already publicly available. They are set by the Remuneration Authority at a level that reflects the required expertise and experience to be appointed as a judge in our courts. Publication of the terms and conditions of appointment provides further transparency into the remuneration of judges.”

The terms and conditions are provided to judges on their appointment, and cover matters such as:

- travel allowances and expenses for judges on circuit travel and official business,
- transfer expenses for when a judge is required to relocate on, or during, their appointment,
- contributions to legal texts, internet and telephone expenses and,
- leave entitlements.

The current terms and conditions for judges from the Senior Courts (Supreme Court, Court of Appeal and High Court) and the Employment Court have been published today on the Courts of New Zealand website. The terms and conditions have been progressively modernised since 2022. The two previous versions of the terms and

conditions for High Court judges (that applied to all Senior Court judges) and Employment Court judges have been published for comparison.

Terms and conditions for other courts are being reviewed by the Attorney-General in conjunction with the judiciary and will be released in due course.

The terms and conditions documents do not include judicial salaries and superannuation entitlements because these are already publicly available in the [Judicial Officers Salaries and Allowances \(2023/2024\) Determination 2023](#) and the [Judicial Officers Superannuation Determination 2019](#).

Salaries and superannuation subsidy entitlements are set by the [Remuneration Authority](#), which is responsible for setting the pay for key public office holders including the Governor-General, members of Parliament and judicial officers.

In 2018-19, the Remuneration Authority undertook a formal review of judicial officer remuneration. In this, the Authority considered all the terms and conditions of the judiciary. That allowed the Authority to develop a “fully inclusive total remuneration amount” for each judicial role to inform the review and its subsequent determinations of judicial officers’ salaries and allowances.

The terms and conditions are published on the Courts of New Zealand website, along with some supporting [FAQs](#).

Helen Winkelmann
Chief Justice | Te Tumu Whakawā

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