

Remuneration Authority Legislation Bill

Government Bill

As reported from the committee of the whole House

Key to symbols used in reprinted bill

As reported from the committee of the whole House

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Hon Aupito William Sio

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14

Schedule 6
New ~~Part 4~~ Part 6 of Schedule 12 of Resource Management Act
1991

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Remuneration Authority Legislation Act **2021**.

2 Commencement

This Act comes into force on the first day of the month that immediately follows the month in which this Act receives the Royal assent. 5

Part 1

Amendment to Remuneration Authority Act 1977

3 Principal Act

This Part amends the Remuneration Authority Act 1977. 10

4 Schedule 4 amended

(1) In Schedule 4, repeal the items relating to the Chief Community Magistrate, the Principal Disputes Referee, and the Principal Tenancy Adjudicator and the Deputy Principal Tenancy Adjudicator.

(2) In Schedule 4, insert in their appropriate alphabetical order: 15

The Chairperson and Deputy Chairpersons of the Human Rights Review Tribunal

The Chief Community Magistrate and the Community Magistrates

The deputy chairs and members of the Immigration and Protection Tribunal

The Environment Commissioners and Deputy Environment Commissioners of the Environment Court 20

The Principal Disputes Referee and the Referees of the Disputes Tribunal

The Principal Tenancy Adjudicator, the Deputy Principal Tenancy Adjudicator, and the Tenancy Adjudicators of the Tenancy Tribunal

Part 2

25

Amendments to other Acts

Subpart 1—Amendments to Disputes Tribunal Act 1988

5 Principal Act

This subpart amends the Disputes Tribunal Act 1988.

5A	Section 6D amended (Delegation by Principal Disputes Referee)	
	In section 6D(5), replace “section 8A” with “ section 9 ”.	
6	Section 8A repealed (Salary and allowances of Principal Disputes Referee)	
	Repeal section 8A.	
7	Section 9 replaced (Salary and allowances)	5
	Replace section 9 with:	
9	Remuneration of Principal Disputes Referee and Referees	
(1)	The Principal Disputes Referee and each Referee—	
(a)	must be paid a salary, or a fee, or an allowance, at the rate determined by the Remuneration Authority; and	10
(b)	must be paid any additional allowances (including travelling allowances and expenses) in accordance with the Fees and Travelling Allowances Act 1951.	
(2)	Expenses may be incurred, without further appropriation than this section, to meet the salaries, fees, or allowances determined under subsection (1)(a) .	15
(3)	For the purposes of subsection (1)(b) , the Fees and Travelling Allowances Act 1951 applies as if the Principal Disputes Referee and each Referee were a member of a statutory Board as defined in section 2 of that Act.	
8	Schedule 1AA amended	
	In Schedule 1AA,—	20
(a)	insert the Part set out in Schedule 1 of this Act as the last Part; and	
(b)	make all necessary consequential amendments.	
	Subpart 2—Amendments to District Court Act 2016	
9	Principal Act	
	This subpart amends the District Court Act 2016.	25
10	New section 4A inserted (Transitional, savings, and related provisions)	
	After section 4, insert:	
4A	Transitional, savings, and related provisions	
	The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.	30
11	Sections 60 and 61 replaced	
	Replace sections 60 and 61 with:	

- 60 Remuneration of Chief Community Magistrate and Community Magistrates**
- (1) The Chief Community Magistrate and each Community Magistrate must be paid, out of public money, without further appropriation than this section,—
- (a) a salary, or a fee, or an allowance, at the rate determined by the Remuneration Authority; and 5
- (b) any additional allowances, such as travelling allowances or other incidental or minor allowances, as determined by the Governor-General by Order in Council.
- (2) An Order in Council made under **subsection (1)(b)**, or a provision of any such order, may be made so as to come into force on a specified date that is— 10
- (a) the date on which the order is made; or
- (b) any other date, whether that date is before or after the date on which the order is made.
- (3) If no date is specified under **subsection (2)**, the order or provision comes into force on the date on which the order is made. 15
- (4) An order under **subsection (1)(b)** is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements) and comes into force in accordance with **subsection (2) or (3)** even if it is not yet published. 20
- Compare: 1947 No 16 s 11G(2)
- 61 Remuneration of acting Chief Community Magistrate and acting Community Magistrates**
- (1) For the period during which an acting Chief Community Magistrate acts as authorised under section 56, the acting Chief Community Magistrate must be paid the salary, fee, or allowances determined for a Chief Community Magistrate under **section 60(1)**. 25
- (2) For the period during which an acting Community Magistrate acts as authorised under section 59, the acting Community Magistrate must be paid the salary, fee, or allowances determined for a Community Magistrate under **section 60(1)**. 30
- Compare: 1947 No 16 s 11H(4)
- 12 New Schedule 1AA inserted**
- Insert the **Schedule 1AA** set out in **Schedule 2** of this Act as the first schedule to appear after the last section of the principal Act.
- Subpart 3—Amendments to Human Rights Act 1993 35
- 13 Principal Act**
- This subpart amends the Human Rights Act 1993.

- 14 Section 2 amended (Interpretation)**
 In section 2(1), insert in its appropriate alphabetical order:
fees framework means the framework determined by the Government from time to time for the classification and remuneration of statutory and other bodies in which the Crown has an interest 5
- 15 Section 101B amended (Delegation by Chairperson of Tribunal)**
 In section 101B(5), replace “section 119” with “**section 118A**”.
- 16 New section 118A inserted (Remuneration of Chairperson and Deputy Chairpersons)**
 After section 118, insert: 10
- 118A Remuneration of Chairperson and Deputy Chairpersons**
- (1) The Chairperson, and each Deputy Chairperson, of the Tribunal—
- (a) must be paid a salary, or a fee, or an allowance, at the rate determined by the Remuneration Authority; and
- (b) is entitled in accordance with the fees framework to be reimbursed for actual and reasonable travelling and other expenses incurred in carrying out their office as a Chairperson or Deputy Chairperson. 15
- (2) Expenses may be incurred, without further appropriation than this section, to meet the salaries, fees, or allowances determined under **subsection (1)(a)**.
- 17 Section 119 amended (Fees of members of Tribunal)** 20
- (1) In section 119(1), after “Tribunal”, insert “appointed in accordance with section 98(b)”.
- (2) Repeal section 119(2).
- 18 Schedule 1AA amended**
 In Schedule 1AA,— 25
- (a) insert the Part set out in **Schedule 3** of this Act as the last Part; and
- (b) make all necessary consequential amendments.
- Subpart 4—Amendments to Immigration Act 2009
- 19 Principal Act**
 This subpart amends the Immigration Act 2009. 30
- 20 Schedule 1AA amended**
 In Schedule 1AA,—
- (a) insert the Part set out in **Schedule 4** of this Act as the last Part; and
- (b) make all necessary consequential amendments.

21 Schedule 2 amended

In Schedule 2, replace clause 4(2) with:

- (2) Each deputy chair and the other members of the Tribunal (including an acting member appointed under section 219A)—
- (a) must be paid a salary, or a fee, or an allowance, at the rate determined by the Remuneration Authority; and 5
- (b) must be paid any additional allowances (including travelling allowances and expenses) in accordance with the Fees and Travelling Allowances Act 1951.
- (3) Expenses may be incurred, without further appropriation than this clause, to meet the salaries, fees, or allowances determined under **subclause (2)(a)**. 10
- (4) For the purposes of **subclause (2)(b)**, the Fees and Travelling Allowances Act 1951 applies as if each deputy chair and other member of the Tribunal were a member of a statutory Board as defined in section 2 of that Act.

Subpart 5—Amendments to Residential Tenancies Act 1986 15

22 Principal Act

This subpart amends the Residential Tenancies Act 1986.

23 Section 69 replaced (Remuneration of Tenancy Adjudicators)

Replace section 69 with:

- 69 Remuneration of Tenancy Adjudicators** 20
- (1) Each Tenancy Adjudicator—
- (a) must be paid a salary, or a fee, or an allowance, at the rate determined by the Remuneration Authority; and
- (b) must be paid any additional allowances (including travelling allowances and expenses) in accordance with the Fees and Travelling Allowances Act 1951. 25
- (2) Expenses may be incurred, without further appropriation than this section, to meet the salaries, fees, or allowances determined under **subsection (1)(a)**.
- (3) For the purposes of **subsection (1)(b)**, the Fees and Travelling Allowances Act 1951 applies as if each Tenancy Adjudicator were a member of a statutory Board as defined in section 2 of that Act. 30
- (4) The remuneration of a Tenancy Adjudicator must not be reduced during the term of the Tenancy Adjudicator's appointment.
- (5) In this section, **Tenancy Adjudicator** includes the Principal Tenancy Adjudicator and the Deputy Principal Tenancy Adjudicator. 35

- 23A Section 71A amended (Delegation by Principal Tenancy Adjudicator)**
 In section 71A(5), replace “section 69(1)” with “**section 69**”.
- 24 Schedule 1AA amended**
 In Schedule 1AA,—
- (a) insert the Part set out in **Schedule 5** of this Act as the last Part; and 5
 - (b) make all necessary consequential amendments.
- Subpart 6—Amendments to Resource Management Act 1991
- 25 Principal Act**
 This subpart amends the Resource Management Act 1991.
- 26 Section 263 replaced (Remuneration of Environment Commissioners and special advisors)** 10
 Replace section 263 with:
- 263 Remuneration of Environment Commissioners, Deputy Environment Commissioners, and special advisors**
- (1) Each Environment Commissioner and Deputy Environment Commissioner— 15
 - (a) must be paid a salary, or a fee, or an allowance, at the rate determined by the Remuneration Authority; and
 - (b) must be paid any additional allowances (including travelling allowances and expenses) in accordance with the Fees and Travelling Allowances Act 1951. 20
 - (2) Expenses may be incurred, without further appropriation than this section, to meet the salaries, fees, or allowances determined under **subsection (1)(a)**.
 - (3) Each special advisor must be paid, out of money appropriated by Parliament for the purpose, remuneration by way of a salary, a fee, or an allowance, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951. 25
 - (4) For the purposes of **subsections (1)(b) and (3)**, the Fees and Travelling Allowances Act 1951 applies as if each Environment Commissioner, Deputy Environment Commissioner, and special advisor were a member of a statutory Board as defined in section 2 of that Act. 30
- 27 Schedule 12 amended**
 In ~~Schedule 1AA~~ Schedule 12,—
- (a) insert the Part set out in **Schedule 6** of this Act as the last Part; and
 - (b) make all necessary consequential amendments.

Schedule 1
New Part 2 of Schedule 1AA of Disputes Tribunal Act 1988

s 8

Part 2

Provision relating to Remuneration Authority Legislation Act 2021 5

2 Remuneration of Principal Disputes Referee and Referees

(1) ~~A person who immediately before the commencement date held office as the Principal Disputes Referee or a Referee continues to be paid remuneration on the same terms and conditions that applied to that office immediately before that date, until new terms and conditions are determined by the Remuneration Authority under **section 9(1)(a)**.~~ 10

(2) ~~In this clause, **commencement date** means the date on which **subpart 1 of Part 2 of the Remuneration Authority Legislation Act 2021** comes into force.~~

2 Remuneration of Principal Disputes Referee and Referees 15

(1) A person who immediately before the commencement date held office as the Principal Disputes Referee or a Referee continues to be paid the same amount of remuneration and allowances that applied to that office immediately before that date, until new remuneration and allowances are determined by the Remuneration Authority under **section 9(1)(a)**. 20

(2) In this clause, —
commencement date means the date on which the **Remuneration Authority Legislation Act 2021** comes into force
Principal Disputes Referee includes a person appointed as an Acting Principal Disputes Referee under section 6B. 25

Schedule 2
New Schedule 1AA inserted into District Court Act 2016

s 12

Schedule 1AA
Transitional, savings, and related provisions

5

s 4A

Part 1

Provision relating to Remuneration Authority Legislation Act 2021

- 1** ~~Remuneration of Chief Community Magistrate and Community Magistrates~~ 10
- (1) ~~A person who immediately before the commencement date held office as the Chief Community Magistrate, the Acting Chief Community Magistrate, a Community Magistrate, or an acting Community Magistrate continues to be paid remuneration on the same terms and conditions that applied to that office immediately before that date, until new terms and conditions are determined by the Remuneration Authority under **section 60(1)(a)**.~~ 15
- (2) ~~In this clause, **commencement date** means the date on which **subpart 2 of Part 2 of the Remuneration Authority Legislation Act 2021** comes into force.~~
- 1** Remuneration of Chief Community Magistrate and Community Magistrates 20
- (1) A person who immediately before the commencement date held office as the Chief Community Magistrate or a Community Magistrate continues to be paid the same amount of remuneration and allowances that applied to that office immediately before that date, until new remuneration and allowances are determined by the Remuneration Authority under **section 60(1)(a)**. 25
- (2) In this clause, —
- Chief Community Magistrate** includes an Acting Chief Community Magistrate appointed under section 56
- commencement date** means the date on which the **Remuneration Authority Legislation Act 2021** comes into force 30
- Community Magistrate** includes an acting Community Magistrate appointed under section 57.

Schedule 3
New Part 3 of Schedule 1AA of Human Rights Act 1993

s 18

Part 3

Provision relating to Remuneration Authority Legislation Act 2021 5

3 ~~Remuneration of Chairpersons and Deputy Chairpersons of Human Rights Review Tribunal~~

(1) ~~A person who immediately before the commencement date held office as the Chairperson or a Deputy Chairperson of the Human Rights Review Tribunal continues to be paid remuneration on the same terms and conditions that applied to that office immediately before that date, until new terms and conditions are determined by the Remuneration Authority under **section 118A(1)(a)**.~~ 10

(2) ~~In this clause, **commencement date** means the date on which **subpart 3 of Part 2 of the Remuneration Authority Legislation Act 2021** comes into force.~~ 15

3 Remuneration of Chairperson and Deputy Chairpersons of Human Rights Review Tribunal

(1) A person who immediately before the commencement date held office as the Chairperson or a Deputy Chairperson of the Human Rights Review Tribunal continues to be paid the same amount of remuneration that applied to that office immediately before that date, until new remuneration and allowances are determined by the Remuneration Authority under **section 118A(1)(a)**. 20

(2) In this clause,—

Chairperson includes a temporary acting Chairperson appointed under section 102 25

commencement date means the date on which the **Remuneration Authority Legislation Act 2021** comes into force.

Schedule 4
New Part 2 of Schedule 1AA of Immigration Act 2009

s 20

Part 2

Provision relating to Remuneration Authority Legislation Act 2021 5

4 Remuneration of deputy chair and other members of Tribunal

(1) ~~A person who immediately before the commencement date held office as a deputy chair or other member of the Tribunal continues to be paid remuneration on the same terms and conditions that applied to that office immediately before that date, until new terms and conditions are determined by the Remuneration Authority under **clause 4(2)(a)** of Schedule 2.~~ 10

(2) ~~In this clause, **commencement date** means the date on which **subpart 4 of Part 2 of the Remuneration Authority Legislation Act 2021** comes into force.~~

4 Remuneration of deputy chair and other members of Tribunal 15

(1) A person who immediately before the commencement date held office as a deputy chair or other member of the Tribunal continues to be paid the same amount of remuneration and allowances that applied to that office immediately before that date, until new remuneration and allowances are determined by the Remuneration Authority under **clause 4(2)(a)** of Schedule 2. 20

(2) In this clause,—
commencement date means the date on which the **Remuneration Authority Legislation Act 2021** comes into force

member of the Tribunal includes an acting member appointed under section 219A(1)(b). 25

Schedule 5
New ~~Part 6~~ Part 7 of Schedule 1AA of Residential Tenancies Act
1986

s 24

Part 67

5

Provision relating to Remuneration Authority Legislation Act 2021

38 ~~Remuneration of Principal Tenancy Adjudicator, Deputy Principal Tenancy Adjudicator, and Tenancy Adjudicators~~

- (1) ~~A person who immediately before the commencement date held office as the Principal Tenancy Adjudicator, the Deputy Principal Tenancy Adjudicator, or a Tenancy Adjudicator continues to be paid remuneration on the same terms and conditions that applied to that office immediately before that date, until new terms and conditions are determined by the Remuneration Authority under **section 69(1)(a)**.~~ 10
- (2) ~~In this clause, **commencement date** means the date on which **subpart 5 of Part 2 of the Remuneration Authority Legislation Act 2021** comes into force.~~ 15

40 Remuneration of Principal Tenancy Adjudicator, Deputy Principal Tenancy Adjudicator, and Tenancy Adjudicators

- (1) A person who immediately before the commencement date held office as the Principal Tenancy Adjudicator, the Deputy Principal Tenancy Adjudicator, or a Tenancy Adjudicator continues to be paid the same amount of remuneration and allowances that applied to that office immediately before that date, until new remuneration and allowances are determined by the Remuneration Authority under **section 69(1)(a)**. 20
- (2) In this clause,—
commencement date means the date on which the **Remuneration Authority Legislation Act 2021** comes into force
Deputy Principal Tenancy Adjudicator includes an acting Deputy Principal Tenancy Adjudicator appointed under section 67A 25
Principal Tenancy Adjudicator includes an acting Principal Tenancy Adjudicator appointed under section 67A 30
Tenancy Adjudicator includes an acting Tenancy Adjudicator appointed under section 67A.

Schedule 6

New ~~Part 4~~ Part 6 of Schedule 12 of Resource Management Act 1991

s 27

Part 46

Provision relating to Remuneration Authority Legislation Act 2021

~~31 Remuneration of Environment Commissioners and Deputy Environment Commissioners~~

(1) ~~A person who immediately before the commencement date held office as an Environment Commissioner or a Deputy Environment Commissioner continues to be paid remuneration on the same terms and conditions that applied to that office immediately before that date, until new terms and conditions are determined by the Remuneration Authority under **section 263(1)(a)**.~~

(2) ~~In this clause, **commencement date** means the date on which **subpart 6 of Part 2 of the Remuneration Authority Legislation Act 2021** comes into force.~~

38 Remuneration of Environment Commissioners and Deputy Environment Commissioners

(1) A person who immediately before the commencement date held office as an Environment Commissioner or a Deputy Environment Commissioner continues to be paid the same amount of remuneration and allowances that applied to that office immediately before that date, until new remuneration and allowances are determined by the Remuneration Authority under **section 263(1)(a)**.

(2) In this clause, **commencement date** means the date on which the **Remuneration Authority Legislation Act 2021** comes into force.

Legislative history

11 October 2021	Introduction (Bill 82-1)
26 October 2021	First reading and referral to Justice Committee
19 April 2022	Reported from Justice Committee
1 September 2022	Second reading
15 November 2022	Committee of the whole House
	Third reading