

**THE JUDICIAL SALARIES AND ALLOWANCES  
DETERMINATION 1992**

PURSUANT to the Higher Salaries Commission Act 1977 and,—

- (a) In relation to the Chief Justice, the President of the Court of Appeal, the Judges of the Court of Appeal, and the other Judges of the High Court, to section 9A (1) (a) and (b) of the Judicature Act 1908 (as inserted by section 2 of the Judicature Amendment Act (No. 3) 1985):
  - (b) In relation to the Chief Judge of the Employment Court and the other Judges of the Employment Court, to section 115 of the Employment Contracts Act 1991:
  - (c) In relation to the Chief Judge of the Maori Land Court and the other Judges of the Maori Land Court, to section 21 (1) (a) and (b) of the Maori Affairs Act 1953 (as substituted by section 2 of the Maori Affairs Amendment Act (No. 2) 1985 and amended by section 2 (2) of the Maori Affairs Amendment Act 1991):
  - (d) In relation to the Chief District Court Judge, the Principal Family Court Judge, the Principal Youth Court Judge, the Principal Planning Judge, and the other District Court Judges, to section 6 (1) (a) and (b) of the District Courts Act 1947 (as substituted by section 2 of the District Courts Amendment Act (No. 3) 1985):
  - (e) In relation to the Masters of the High Court, to section 26F (1) (a) and (b) of the Judicature Act 1908 (as inserted by section 5 of the Judicature Amendment Act 1986),—
- the Higher Salaries Commission hereby makes the following determination (to which is appended an Explanatory Memorandum).

**DETERMINATION**

**1. Title and commencement**—(1) This determination may be cited as the Judicial Salaries and Allowances Determination 1992.

(2) This determination shall be deemed to have come into force on the 1st day of October 1991.

**2. Expiry**—This determination shall expire on the 30th day of September 1992.

**3. Salaries of Judges**—The salaries payable to the Judges specified in the Schedule to this determination shall be paid at the respective rates set out in that Schedule.

**4. Principal allowances of Judges**—Principal allowances for general expenses shall be paid to the Judges specified in the Schedule to this determination at the respective rates set out in that Schedule.

**5. Revocations**—The following determinations are hereby revoked:

- (a) The Judicial Salaries and Allowances Determination 1991\*:
- (b) The Judicial Salaries and Allowances Determination (No. 2) 1991†:
- (c) The Judicial Salaries and Allowances Determination (No. 3) 1991‡:
- (d) The Judicial Salaries and Allowances Determination 1991, Amendment No. 1§.

\*S.R. 1991/80  
†S.R. 1991/153  
‡S.R. 1991/201  
§S.R. 1991/223

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SCHEDULE  
SALARIES AND PRINCIPAL ALLOWANCES

Cls. 3, 4

	Yearly Rate of Salary Payable on and after 1 October 1991	Yearly Rate of Principal Allowance for general expenses payable on and after 1 October 1991
Chief Justice	181,500	7,900
President of the Court of Appeal	178,000	6,500
Judge of the Court of Appeal	168,000	5,600
Judge of the High Court	159,500	5,600
Chief District Court Judge	148,500	5,000
Principal Family Court Judge	138,000	4,700
Principal Youth Court Judge	130,500	5,000
Principal Planning Judge	130,500	4,700
District Court Judge	127,500	4,100
Chief Judge of the Employment Court	160,500	5,600
Judge of the Employment Court	150,500	4,700
Chief Judge of the Maori Land Court	143,000	5,000
Deputy Chief Judge of the Maori Land Court	138,000	4,700
Judge of the Maori Land Court	127,500	4,100
Master of the High Court	127,500	3,500

Dated at Wellington this 14th day of April 1992.

T. W. BLENNERHASSETT, Chairman.

M. A. FITZGERALD, Member.

R. J. McARLEY, Member.

## EXPLANATORY MEMORANDUM

*Background*

1. The Judicial Salaries and Allowances Determination is the outcome of a review undertaken by the Higher Salaries Commission following the expiry of the Judicial Salaries and Allowances Determination 1991, which came into force on 1 October 1990.

2. The present determination is deemed to have come into force on 1 October 1991.

*Expiry Date*

3. As required by section 19 of the Higher Salaries Commission Act 1977 (as substituted by section 8 of the Higher Salaries Commission Amendment Act 1988), an expiry date for the determination has been prescribed in clause 2 (30 September 1992). It should be noted, however, that section 19 also provides that a determination shall remain in force beyond its stated expiry date until superseded by another determination, and may, on the grounds stated in section 19 (4), be amended at any time.

*Jurisdiction*

4. The Commission's jurisdiction in respect of salaries and principal allowances is contained in section 12B (1) of the Higher Salaries Commission Act 1977 (as amended), which reads as follows:

**"12B. Functions of Commission in relation to judicial salaries and superannuation—**(1) The Commission shall have the function of considering and determining the salaries and principal allowances of—

"(a) The Chief Justice, the President of the Court of Appeal, the Judges of the Court of Appeal, and the Judges of the High Court; and

"(b) The Chief District Court Judge, the Principal Family Court Judge, the Principal Youth Court Judge, the Principal Planning Judge, and the other District Court Judges; and

"(c) The Chief Judge of the Employment Court and the other Judges of the Employment Court; and

"(d) The Chief Judge of the Maori Land Court and the other Judges of the Maori Land Court; and

"(e) The Masters of the High Court."

5. It is pertinent also to recognise that the Commission has a function of making recommendations to appropriate Ministers concerning superannuation provisions for the judiciary. The Commission's function in this regard is set out in section 12B (2), which reads as follows:

"(2) The Commission shall have the function of making recommendations to the Minister of Justice, the Minister of Labour, the Minister of Maori Affairs, and the Minister of Finance with respect to the matters to which Part IV or Part V of the Government Superannuation Fund Act 1956 applies."

*Criteria*

6. The Commission is bound by the criteria prescribed by section 18 of the Higher Salaries Commission Act 1977 (as substituted by section 7 of the Higher Salaries Commission Amendment Act 1988), which reads as follows:

"18. (1) In determining any remuneration under section 12 (1) (a) or section 12B (1) of this Act, or under any other enactment, the Commission shall have regard in particular to the following criteria:

"(a) The need to achieve and maintain fair relativity with the levels of remuneration received elsewhere; and

"(b) The need to be fair both—

"(i) To the persons or group of persons whose remuneration is being determined; and

"(ii) To the taxpayer or ratepayer; and

"(c) The need to recruit and retain competent persons.

"(2) In determining the remuneration of any persons or group of persons pursuant to any subparagraph of section 12 (1) (a) of this Act or in determining the remuneration of any persons or group of persons pursuant to section 12B (1) of this Act or under any other Act, the Commission shall take into account—

"(a) The requirements of the position concerned; and

"(b) The conditions of service enjoyed by the persons whose remuneration is being determined and those enjoyed by the persons or members of the group of persons whose remuneration and conditions of employment are, in the opinion of the

Commission, comparable with those of the persons or members of the group of persons whose remuneration is being determined.”

*Principles*

7. The principles followed by the Commission in fixing salaries and allowances for the judiciary were enunciated in detail in the Explanatory Notes concerning reviews undertaken since 1978. The Commission considers that by and large those principles are still valid.

*Procedures Adopted*

8. Written submissions were sought and received from all branches of the Judiciary in respect of their salaries and allowances and, where requested, these submissions were discussed fully by the Commission with the representatives of each bench. Survey material and other information and opinions available to the Commission were also taken into consideration.

9. Submissions received addressed also the matter of relativities between various classes of the Judiciary. Reference was made to the increasing workload being experienced by the Courts and the extended jurisdiction conferred on some Courts by changes in legislation. The question of relativities will be readdressed when it becomes appropriate to consider some movement in remuneration packages generally.

10. The Commission has been careful to consider all aspects of the criteria under which it must operate in considering the salaries and allowances of the Judiciary. It has also taken note of the present economic climate and the restraint which is being called for from all members of the community. Members of the Judiciary have themselves acknowledged that need in their submissions. Although there has been some movement in the Consumer Price Index during the year to 30th September 1991 it is noted that there is an increasing trend, in both the public and private sectors, to hold remuneration packages at existing levels. Some indeed are being reduced both voluntarily and in cases where appointments are made to replace an incumbent who has retired. In weighing up all the criteria and the information available the Commission has found that no movement in salary levels or allowances is justified at the present time.

11. As a result this determination is, at all levels, unchanged from its predecessor.

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Issued under the authority of the Acts and Regulations Publication Act 1989 and section 12B (3) of the Higher Salaries Commission Act 1977.

Date of notification in *Gazette*: 16 April 1992.