

**THE JUDICIAL SALARIES AND ALLOWANCES
DETERMINATION 1996**

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, to the Deputy Chief Judge of the Maori Land Court, and to the other Judges of the Maori Land Court, to section 13 (1) (a) and (b) of Te Ture Whenua Maori Act 1993:
 - (d) In relation to the Chief District Court Judge, the Principal Family Court Judge, the Principal Youth Court Judge, the Principal Environment 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).
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DETERMINATION

1. Title and commencement—(1) This determination may be cited as the Judicial Salaries and Allowances Determination 1996.

(2) This determination shall be deemed to have come into force on the 1st day of October 1996.

2. Expiry—This determination shall expire on the 30th day of September 1997.

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

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

5. Revocation—The Judicial Salaries and Allowances Determination 1995* is hereby revoked.

*S.R. 1995/290

Cls. 3, 4

SCHEDULE
SALARIES AND PRINCIPAL ALLOWANCES

	Yearly Rate of Salary Payable on and after 1 October 1996	Yearly Rate of Principal Allowance for General Expenses Payable on and after 1 October 1996
	\$	\$
Chief Justice	224,000	7,900
President of the Court of Appeal	220,000	6,500
Judge of the Court of Appeal	205,000	5,600
Judge of the High Court	195,000	5,600
Chief District Court Judge	187,000	5,000
Principal Family Court Judge	168,000	4,700
Principal Youth Court Judge	160,500	5,000
Principal Environment Judge	160,500	4,700
District Court Judge	156,000	4,100
Chief Judge of the Employment Court	195,000	5,600
Judge of the Employment Court	182,000	4,700
Chief Judge of the Maori Land Court	174,500	5,000
Deputy Chief Judge of the Maori Land Court	168,000	4,700
Judge of the Maori Land Court	156,000	4,100
Master of the High Court	156,000	4,100

Dated at Wellington this 25th day of November 1996.

H. D. PEACOCK, Chairman.

R. J. McARLEY, Member.

EXPLANATORY MEMORANDUM

This determination is the outcome of a review undertaken by the Higher Salaries Commission of judicial salaries and allowances as at 1 October 1996.

1. Background

1.1 The previous determination of judicial salaries and allowances expired on 30 September 1996, and this determination is deemed to have come into force on 1 October 1996 and will expire on 30 September 1997.

1.2 The Commission invited submissions from each Bench and had the benefit of discussions with a number of representatives of the Courts. Survey material and other information available to the Commission have also been taken into account, as have views expressed by members of the public.

1.3 The Commission is bound by the criteria prescribed by section 18 of the Higher Salaries Commission Act 1977. These include the need to achieve and maintain fair relativity with levels of remuneration received elsewhere, the need to be fair both to the persons or group of persons whose remuneration is being determined and to the taxpayer, and the need to recruit and retain competent persons. The requirements of the position concerned are to be taken into account as also are conditions of service in relation to those applicable to others in comparable circumstances.

1.4 As always, the key issue in setting judicial salaries is the need to recruit people of the highest quality and, having recruited them, to keep them.

2. Salaries

2.1 It has long been the case that members of the Judiciary, especially those taking office in the higher Courts, accept a loss of income on appointment. Over recent years, notwithstanding salary adjustments from time to time, the Judges have lost ground by comparison with the leaders of the legal profession, as well as by comparison with people holding high level positions in industry and commerce.

2.2 It is evident that the financial gap, together with the increasing pressures of judicial office, are such as to give rise to concern about the continuing recruitment and retention of people possessing the necessary attributes.

2.3 Realistically, the Commission cannot bridge the financial gap, nor can the Commission assist in making judicial office more attractive in other respects. The Commission does, however, affirm its awareness of the public need to maintain a strong, competent and independent Judiciary of the highest possible quality.

2.4 Accordingly this determination effects salary adjustments greater than those made by preceding determinations of recent years.

3. Allowances

3.1 The principal allowances presently in force have remained unchanged since 1990. The Commission has considered them and has decided against any adjustment.

Issued under the authority of the Acts and Regulations Publication Act 1989 and section 12B (9) of the Higher Salaries Commission Act 1977.

Date of notification in *Gazette*: 28 November 1996.