



Judicial Salaries and Allowances Determination 2006

Pursuant to section 12B(1) of the Remuneration Authority Act 1977 and,—

- (a) in relation to the Chief Justice and the other Judges of the Supreme Court, the President of the Court of Appeal and the other Judges of the Court of Appeal, the Chief High Court Judge and the other Judges of the High Court, to section 9A(1)(a) and (b) of the Judicature Act 1908:
 - (b) in relation to the Chief Judge of the Employment Court and the other Judges of the Employment Court, to section 206(1)(a) and (b) of the Employment Relations Act 2000:
 - (c) in relation to the Chief Judge of the Maori Land Court, the Deputy Chief Judge of the Maori Land Court, and 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:
 - (e) in relation to the Associate Judges of the High Court, to section 26F(1)(a) and (b) of the Judicature Act 1908,—
- the Remuneration Authority makes the following determination (to which is appended an explanatory memorandum).

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Determination

- 1 Title**
This determination is the Judicial Salaries and Allowances Determination 2006.
- 2 Commencement**
This determination is deemed to have come into force on 1 October 2005.
- 3 Expiry**
This determination expires on 30 September 2006.
- 4 Salaries of judicial officers**
The salaries payable to the judicial officers specified in the Schedule must be paid at the respective rates set out in that schedule.
- 5 Principal allowances of judicial officers**
Principal allowances for general expenses must be paid to the judicial officers specified in the Schedule at the respective rates set out in that schedule.
- 6 Principal allowance of Chief High Court Judge for secondary residential accommodation in Wellington**
- (1) This clause applies if the Chief High Court Judge—
- (a) has his or her primary place of residence in Auckland; and
 - (b) owns or rents on a continuous basis residential accommodation in Wellington (the **secondary residential accommodation**); and
 - (c) uses that accommodation in lieu of overnight accommodation.

- (2) Subject to subclause (1), the Chief High Court Judge must be paid a principal allowance for the secondary residential accommodation in the amount of the actual and reasonable expenses incurred by him or her in relation to that accommodation.
- (3) The maximum yearly rate of the allowance payable on and after 1 October 2005 is \$20,000.

Schedule
Salaries and principal allowances

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	Yearly rate of salary payable on and after 1 Octo- ber 2005	Yearly rate of prin- cipal allowance for general expenses payable on and after 1 October 2005
Chief Justice	372,000	7,900
Judge of the Supreme Court	348,000	6,500
President of the Court of Appeal	346,000	6,500
Judge of the Court of Appeal	325,000	5,600
Chief High Court Judge	323,000	5,600
Judge of the High Court	303,000	5,600
Chief District Court Judge	300,000	5,000
Principal Family Court Judge	265,000	5,000
Principal Youth Court Judge	252,000	5,000
Principal Environment Judge	252,000	5,000
District Court Judge	235,000	4,100
Chief Judge of the Employment Court	297,000	5,600
Judge of the Employment Court	268,000	4,700
Chief Judge of the Maori Land Court	265,000	5,000
Deputy Chief Judge of the Maori Land Court	252,000	4,700
Judge of the Maori Land Court	235,000	4,100
Associate Judge of the High Court	235,000	4,100

Dated at Wellington this 31st day of January 2006.

David Oughton,
Chairman.

A. Foulkes,
Member.

M. Wintringham,
Member.

Explanatory memorandum

This memorandum is not part of the determination, but is intended to indicate its general effect.

This determination, which is deemed to have come into force on 1 October 2005 and expires on 30 September 2006, sets the salaries and allowances for the judiciary. It allows for an increase in salaries ranging from 7% for the High Court Judges to 9.3% for the District Court and Maori Land Court Judges. The movement of 7% at the High Court level is driven by data obtained about remuneration in the legal profession. Salaries must be kept attractive to ensure an ability to recruit and retain judges for the High Court.

The Royal Commission on the Courts in 1978 recommended that the salaries of District Court Judges should be fixed at around 80% of the salary of a High Court Judge. Since then the jurisdiction of the District Court has increased significantly. At the same time, the salary margin between the 2 courts has widened. The Authority has, in this determination, moved to narrow the gap to 77.5%.

Chief High Court Judge

It has become evident that the nature of the requirements of this position means the incumbent must maintain operational bases in both Auckland and Wellington. Currently the Chief High Court Judge maintains his primary residence in Auckland. The Authority agrees that it would not be appropriate for the Chief High Court Judge to be paid the standard daily allowance while he is based in Wellington. Accordingly, it has been decided to authorise a reimbursement of actual and reasonable expenses incurred in maintaining a secondary place of residence in Wellington.

The Authority also received representations for a similar type of assistance for Judges of the Court of Appeal and the Supreme Court who keep their primary place of residence outside Wellington when appointed to those courts. The Authority sees a distinction between

the work requirements of the Chief High Court Judge and the personal choice of members of the appellate courts. It is not persuaded that a flat taxable allowance payable as proposed to those recruited from outside Wellington would be fair in comparison with other members of the courts who would not qualify. It is a matter that needs further analysis.

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