

**Version
as at 10 November 2022**



**Judicial Officers Salaries and Allowances (2021/22)
Determination 2021
(SL 2021/424)**

Judicial Officers Salaries and Allowances (2021/22) Determination 2021: revoked (with effect on 1 October 2022, after expiring on 30 September 2022), on 10 November 2022, by clause 14 of the Judicial Officers Salaries and Allowances (2022/23) Determination 2022 (SL 2022/288).

This determination is made by the Remuneration Authority under sections 12B(1) and 19 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, and the Chief High Court Judge and the other Judges of the High Court, under section 135(1)(a) and (b) of the Senior Courts Act 2016:
- (b) in relation to the appointed Judges of the Court Martial Appeal Court, under section 3(3B) of the Court Martial Appeals Act 1953:
- (c) in relation to the Chief District Court Judge, Principal Family Court Judge, Principal Youth Court Judge, Chief Environment Court Judge, and the other District Court Judges, under section 34(1)(a) and (b) of the District Court Act 2016:
- (d) in relation to the Chief Judge and other Judges of the Court Martial, under section 20 of the Court Martial Act 2007:
- (e) in relation to the Chief Judge of the Employment Court and the other Judges of the Employment Court, under section 206(1)(a) and (b) of the Employment Relations Act 2000:
- (f) in relation to the Chief Judge of the Māori Land Court, the Deputy Chief Judge of the Māori Land Court, and the other Judges of the Māori Land Court, under section 13(1)(a) and (b) of Te Ture Whenua Maori Act 1993:
- (g) in relation to the Chief Coroner, Deputy Chief Coroner, Coroners, and Relief Coroners, under section 110(1) of the Coroners Act 2006.

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

The Remuneration Authority's explanatory memorandum is appended.

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Determination

- Title**
This determination is the Judicial Officers Salaries and Allowances (2021/22) Determination 2021.
- Commencement**
This determination is deemed to have come into force on 1 October 2021.

3 Expiry

This determination expires on 30 September 2022.

Judicial officers other than Judges of Court Martial and Coroners

4 Salaries of judicial officers

The salaries payable to the judicial officers specified in Part 1 of the Schedule must be paid at the respective rates set out in that schedule.

5 Principal allowance for general expenses of judicial officers included in salary

An amount representing a principal allowance for general expenses is included within the salary payable to the judicial officers specified in Part 1 of the Schedule and no separate principal allowance for general expenses is payable.

6 Principal allowance of Judge of Supreme Court, Judge of Court of Appeal, or Chief High Court Judge for secondary residential accommodation in Wellington

- (1) This clause applies if—
 - (a) a Judge of the Supreme Court, a Judge of the Court of Appeal, or the Chief High Court Judge does not have their primary place of residence in Wellington; and
 - (b) the Judge of the Supreme Court, the Judge of the Court of Appeal, or the Chief High Court Judge—
 - (i) owns or rents on a continuous basis residential accommodation in Wellington (the **secondary residential accommodation**); and
 - (ii) uses the secondary residential accommodation in lieu of overnight accommodation.
- (2) If this clause applies, the Judge of the Supreme Court, the Judge of the Court of Appeal, or the Chief High Court Judge must be paid, as a principal allowance for the secondary residential accommodation, the amount of the actual and reasonable expenses incurred by the Judge in relation to that accommodation.
- (3) The maximum yearly rate of the principal allowance payable on and after 1 October 2021 is \$20,000.
- (4) In this clause, **Wellington** means the area within the boundaries of the Wellington Regional Council.

7 Allowance of Judges of the Māori Land Court who serve as Judge of the Māori Appellate Court

The Chief Judge, Deputy Chief Judge, and each other Judge of the Māori Land Court who serves as a Judge of the Māori Appellate Court must be paid a taxa-

ble allowance at the rate of \$17,100 per annum, in recognition of the fact that those Judges are also Judges of the Māori Appellate Court.

Judges of Court Martial

8 Definitions for purposes of clauses 9 and 10

In clauses 9 and 10, unless the context otherwise requires,—

appointed Judge of the Court Martial Appeal Court means a Judge of the Court Martial Appeal Court appointed under section 3(1)(b) of the Court Martial Appeals Act 1953

Judge of the Court Martial includes a Deputy Chief Judge but does not include the Chief Judge of that court

year means a period of 12 months ending on 30 September.

9 Salaries and allowances of appointed Judge of Court Martial Appeal Court and Judge of Court Martial

- (1) The salaries and allowances payable to an appointed Judge of the Court Martial Appeal Court and a Judge of the Court Martial must be paid at the respective rates set out in Part 2 of the Schedule.
- (2) An appointed Judge of the Court Martial Appeal Court or a Judge of the Court Martial is presumed to act on a part-time basis unless the Judge performs the functions of the Judge's office for 226 or more full working days in a year.
- (3) For the purpose of calculating the salary payable for a period during which an appointed Judge of the Court Martial Appeal Court or a Judge of the Court Martial acts on a part-time basis, the daily rate is the yearly rate of salary applicable to that Judge divided by 226 pro-rated in proportion to the amount of the day worked.
- (4) This clause does not apply to a District Court Judge who is also appointed a Judge of the Court Martial.

10 Salary and allowance of Chief Judge of Court Martial

- (1) The Chief Judge of the Court Martial must be paid \$184,200 (which is four-and-a-half-tenths of the yearly salary rate set out in Part 2 of the Schedule).
- (2) The allowance payable to the Chief Judge is set out in Part 2 of the Schedule.
- (3) If the Chief Judge performs the functions of that office for more than 101.7 days (being four-and-a-half-tenths of 226 full working days in a year), then, in addition to the salary payable under subclause (1), salary is payable to the Chief Judge at a daily rate of \$1,810 (which is the yearly rate set out in Part 2 of the Schedule divided by 226) pro-rated in proportion to the amount of the day worked.
- (4) The maximum amount of salary payable under subclauses (1) and (3) is the yearly rate set out in Part 2 of the Schedule.

- (5) A District Court Judge who holds the office of Chief Judge of the Court Martial must be paid the higher of the following:
- (a) the salary payable to the Chief Judge under this clause; and
 - (b) the salary payable to a District Court Judge provided for in this determination.

Coroners

11 Definition of Coroner for purposes of clauses 12 and 13

In clauses 12 and 13, unless the context otherwise requires, **Coroner**—

- (a) means a person holding office under any of sections 103, 104, 105, and 105A of the Coroners Act 2006; but
- (b) does not include a person who, under section 22(a) of the District Court Act 2016, is a Coroner by virtue of holding office as a District Court Judge.

12 Salaries of Chief Coroner, Deputy Chief Coroner, Coroner, and Relief Coroner

- (1) The salary payable to a Chief Coroner must be paid at the rate set out in Part 3 of the Schedule, but, if the Chief Coroner is also a District Court Judge, the Chief Coroner must be paid the higher of the following:
- (a) the salary payable to a Chief Coroner set out in Part 3 of the Schedule; and
 - (b) the salary payable to a District Court Judge set out in the Part 1 of the Schedule.
- (2) The salaries payable to a Deputy Chief Coroner and Coroner must be paid at the rates set out in Part 3 of the Schedule.
- (3) If a Chief Coroner or Deputy Chief Coroner ceases to hold that office but continues to hold office as a Coroner, their salary and allowances must be reduced by the amount of any salary or allowances received solely because of their being a Chief Coroner or Deputy Chief Coroner.
- (4) A Relief Coroner appointed under section 104 of the Coroners Act 2006 is entitled to an additional payment of up to \$9,800 per annum by way of salary, in recognition of the fact that a Relief Coroner is not entitled to receive superannuation contributions under the Judicial Officers Superannuation Determination 2019, provided that the annual sum of the following amounts does not exceed \$336,600:
- (a) the salary payable under subclause (2); and
 - (b) any additional payment under this subclause; and

- (c) any superannuation subsidy (inclusive of any tax liability) that the coroner is entitled to be paid by the Crown otherwise than under the Judicial Officers Superannuation Determination 2019.

13 Allowance of Chief Coroner, Deputy Chief Coroner, Coroner, and Relief Coroner

The Chief Coroner, the Deputy Chief Coroner, each Coroner, and each Relief Coroner appointed by the Chief Coroner to act as National Duty Coroner must be paid a taxable allowance at the rate of \$11,200 per annum, in recognition of the fact that each is, from time to time, rostered to act as National Duty Coroner.

14 Revocation

The Judicial Officers Salaries and Allowances (2020/21) Determination 2020 (LI 2020/266) is revoked.

Schedule
Salaries and principal allowances

cls 4, 5, 9, 10, 12

Part 1
Salaries and principal allowances payable to specified judicial officers on and after 1 October 2021

Judicial officer	Yearly rate of salary (including principal allowance for general expenses) payable on and after 1 October 2021 (\$)
Chief Justice	566,700
Judge of the Supreme Court	532,000
President of the Court of Appeal	532,000
Judge of the Court of Appeal	500,100
Chief High Court Judge	500,100
Judge of the High Court	477,700
Associate Judge of the High Court	415,600
Chief District Court Judge	477,700
Principal Family Court Judge	409,300
Principal Youth Court Judge	409,300
Chief Environment Court Judge	409,300
District Court Judge	363,100
Chief Judge of the Employment Court	477,700
Judge of the Employment Court	415,600
Chief Judge of the Māori Land Court	409,300
Deputy Chief Judge of the Māori Land Court	388,800
Judge of the Māori Land Court who is appointed Deputy Chairperson of the Waitangi Tribunal	376,000
Judge of the Māori Land Court	363,100

Part 2
**Salaries and allowances payable to Judges of Court Martial on and
after 1 October 2021**

Judicial officer	Yearly rate of salary payable on and after 1 October 2021 (\$)	Hourly rate of allowance payable on and after 1 October 2021 (\$)
Appointed Judge of the Court Martial Appeal Court	477,700	75
Chief Judge of the Court Martial	409,300	—
Deputy Chief Judge of the Court Martial	363,100	—
Judge of the Court Martial	363,100	—

Judicial officer	Yearly rate of salary payable on and after 1 October 2021 (\$)	Hourly rate of allowance payable on and after 1 October 2021 (\$)
Deputy Chief Judge acting under section 13(3) of the Court Martial Act 2007	–	45
Deputy Chief Judge or Judge when acting on a part-time basis	–	75

Part 3

Salaries payable to Coroners on and after 1 October 2021

Judicial officer	Yearly rate of salary payable on and after 1 October 2021 (\$)
Chief Coroner	367,900
Deputy Chief Coroner	337,100
Coroner	326,800

Dated at Wellington this 14th day of December 2021.

Fran Wilde,
Chairperson.

Geoff Summers,
Member.

Dallas Welch,
Member.

Explanatory memorandum

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

This determination is deemed to have come into force on 1 October 2021 and expires on 30 September 2022. It sets the salaries and the allowances for the Judges of the Supreme Court, the Court of Appeal, the High Court, the District Court, the Court Martial Appeal Court, the Court Martial, the Employment Court, and the Māori Land Court and for Coroners.

The Remuneration Authority (the **Authority**) is required to have regard to the following when setting judicial officers' remuneration and allowances:

- the need to achieve and maintain fair relativity with the levels of remuneration received elsewhere; and
- the need to be fair to both—
 - the persons or group of persons whose remuneration is being determined; and
 - the taxpayer; and
- the need to recruit and retain competent persons.

In addition, the Authority must take into account—

- the requirements of the position concerned; and
- 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 Authority, comparable with those of the persons or members of the group of persons whose remuneration is being determined.

Under section 18A of the Remuneration Authority Act 1977, the Authority must also take into account any prevailing adverse economic conditions, based on evidence from an authoritative source, and may determine the remuneration at a rate lower than it would otherwise have determined.

Keeping with previous practice, the Authority invited submissions from all the benches. It received and considered submissions from a number of benches and met with bench representatives to discuss the issues raised in their submissions.

In making this determination, the Authority took into account the mandatory criteria listed above and the submissions made by the benches. The negative impact of COVID-19 on the New Zealand economy and society has been a dominant factor in respect of all the determinations made by the Authority over the last 22 months.

Although the local economy has proven to be more resilient than predicted at this time last year, the further waves of COVID-19 recurring around the world continue to present a highly volatile and uncertain environment internationally and locally. Many sectors and regions around New Zealand continue to be challenged by localised outbreaks of the virus and by the movements in and out of alert levels. Given the continued global and local economic uncertainty, the Authority took a conservative approach in making this determination.

As a result, most judicial officers have received a modest increase to their remuneration of 1.4%, which is broadly in line with the adjustments made by the Authority in respect of other groups and individuals for which it sets remuneration. A small number of benches received larger increases to reflect either their increasing jurisdiction or the specialist nature of their bench, or both.

The Authority has introduced in this determination an allowance for the Judges of the Māori Land Court who serve as Judges of the Māori Appellate Court. This allowance recognises the special jurisdiction of the Māori Appellate Court and the additional powers that the Māori Land Court Judges are required to exercise in the Appellate Court.

This determination is for the year commencing 1 October 2021. The determination could not be finalised earlier because a number of benches had asked for and were granted an extension to the deadline for the receipt of their submissions as they could not complete their submissions in the time required due to the move to Alert Level 4 on 17 August 2021.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 16 December 2021.

Notes

1 *General*

This is a consolidation of the Judicial Officers Salaries and Allowances (2021/22) Determination 2021 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Judicial Officers Salaries and Allowances (2022/23) Determination 2022 (SL 2022/288): clause 14

Judicial Officers Salaries and Allowances (2021/22) Determination 2021 (SL 2021/424): clause 3