

Version
as at 1 October 2023



**Judicial Officers Salaries and Allowances (2022/23)
Determination 2022**
(SL 2022/288)

Judicial Officers Salaries and Allowances (2022/23) Determination 2022: revoked, on 1 October 2023, by clause 14 of the Judicial Officers Salaries and Allowances (2023/24) Determination 2023 (SL 2023/272).

This determination is made by the Remuneration Authority under sections 12B(1) and 19 of the Remuneration Authority Act 1977.

The Remuneration Authority's explanatory memorandum is appended.

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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.

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Determination

1 Title

This determination is the Judicial Officers Salaries and Allowances (2022/23) Determination 2022.

2 Commencement

This determination is deemed to have come into force on 1 October 2022.

3 Expiry

This determination expires on the close of 30 September 2023.

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 2022 is \$20,000.
- (4) In this clause, **Wellington** means the area within the boundaries of the Wellington Regional Council.

7 **Allowance of Judges of Māori Land Court who serve as Judge of 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 taxable allowance at the rate of \$17,440 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 the close of 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 225 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 225 prorated 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 \$200,400 (which is 48% 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 108 days (being 48% of 225 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 \$1,855 (which is the yearly rate set out in Part 2 of the Schedule divided by 225) prorated 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, 104A, 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.

Clause 11(a): amended (with effect on 11 April 2023), on 11 May 2023, by clause 4 of the Judicial Officers Salaries and Allowances (2022/23) Amendment Determination 2023 (SL 2023/75).

12 Salaries of Chief Coroner, Deputy Chief Coroner, Coroner, Relief Coroner, and Associate 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, Coroner, Relief Coroner, and Associate 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 \$10,000 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 \$343,300:
- (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 Relief Coroner is entitled to be paid by the Crown otherwise than under the Judicial Officers Superannuation Determination 2019.
- (5) An Associate Coroner appointed under section 104A of the Coroners Act 2006 is entitled to an additional payment of up to \$6,000 per annum by way of salary, in recognition of the fact that an Associate 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 \$206,000:
- (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 Associate Coroner is entitled to be paid by the Crown otherwise than under the Judicial Officers Superannuation Determination 2019.

Clause 12 heading: amended (with effect on 11 April 2023), on 11 May 2023, by clause 5(1) of the Judicial Officers Salaries and Allowances (2022/23) Amendment Determination 2023 (SL 2023/75).

Clause 12(2): amended (with effect on 11 April 2023), on 11 May 2023, by clause 5(2) of the Judicial Officers Salaries and Allowances (2022/23) Amendment Determination 2023 (SL 2023/75).

Clause 12(5): inserted (with effect on 11 April 2023), on 11 May 2023, by clause 5(3) of the Judicial Officers Salaries and Allowances (2022/23) Amendment Determination 2023 (SL 2023/75).

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

The Chief Coroner, the Deputy Chief Coroner, each Coroner, each Relief Coroner, and each Associate Coroner appointed by the Chief Coroner to act as National Duty Coroner must be paid a taxable allowance at the rate of \$11,420 per annum, in recognition of the fact that each is, from time to time, rostered to act as National Duty Coroner.

Clause 13 heading: amended (with effect on 11 April 2023), on 11 May 2023, by clause 6(1) of the Judicial Officers Salaries and Allowances (2022/23) Amendment Determination 2023 (SL 2023/75).

Clause 13: amended (with effect on 11 April 2023), on 11 May 2023, by clause 6(2) of the Judicial Officers Salaries and Allowances (2022/23) Amendment Determination 2023 (SL 2023/75).

14 Revocation

The Judicial Officers Salaries and Allowances (2021/22) Determination 2021 (SL 2021/424) 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 2022

Judicial officer	Yearly rate of salary (including principal allowance for general expenses) payable on and after 1 October 2022 (\$)
Chief Justice	578,000
Judge of the Supreme Court	542,600
President of the Court of Appeal	542,600
Judge of the Court of Appeal	510,100
Chief High Court Judge	510,100
Judge of the High Court	487,300
Associate Judge of the High Court	423,900
Chief District Court Judge	487,300
Principal Family Court Judge	417,500
Principal Youth Court Judge	417,500
Chief Environment Court Judge	417,500
District Court Judge	370,400
Chief Judge of the Employment Court	487,300
Judge of the Employment Court	423,900
Chief Judge of the Māori Land Court	417,500
Deputy Chief Judge of the Māori Land Court	396,600
Judge of the Māori Land Court who is appointed Deputy Chair of the Waitangi Tribunal	383,500
Judge of the Māori Land Court	370,400

Part 2
Salaries and allowances payable to Judges of Court Martial on and after 1 October 2022

Judicial officer	Yearly rate of salary payable on and after 1 October 2022 (\$)	Hourly rate of allowance payable on and after 1 October 2022 (\$)
Appointed Judge of the Court Martial Appeal Court	487,300	80
Chief Judge of the Court Martial	417,500	—
Deputy Chief Judge of the Court Martial	370,400	—
Judge of the Court Martial	370,400	—

Judicial officer	Yearly rate of salary payable on and after 1 October 2022 (\$)	Hourly rate of allowance payable on and after 1 October 2022 (\$)
Deputy Chief Judge acting under section 13(3) of the Court Martial Act 2007	–	48
Deputy Chief Judge or Judge when acting on a part-time basis	–	80

Part 3 Salaries payable to Coroners

Schedule Part 3: replaced (with effect on 11 April 2023), on 11 May 2023, by clause 7 of the Judicial Officers Salaries and Allowances (2022/23) Amendment Determination 2023 (SL 2023/75).

Judicial officer	Yearly rate of salary (\$)
	<i>Salary payable on and after 1 October 2022</i>
Chief Coroner	380,400
Deputy Chief Coroner	345,100
Coroner	333,300
Relief Coroner	333,300
	<i>Salary payable on and after 11 April 2023</i>
Associate Coroner	200,000

Dated at Wellington this 4th day of November 2022.

Geoff Summers,
Chairperson.

Dallas Welch,
Member.

Vern Walsh,
Member.

Explanatory memorandum

Note: The following explanatory memorandum should be read in conjunction with the explanatory memorandum(s) appended to the:

- **Judicial Officers Salaries and Allowances (2022/23) Amendment Determination 2023**

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 2022 and expires on the close of 30 September 2023. 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 determination is made by the Remuneration Authority (the **Authority**) under sections 12B(1) and 19 of the Remuneration Authority Act 1977. Payment of these salaries and allowances out of public money is authorised,—

- 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:
- in relation to the appointed Judges of the Court Martial Appeal Court, under section 3(3B) of the Court Martial Appeals Act 1953:
- 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:
- in relation to the Chief Judge and other Judges of the Court Martial, under section 20 of the Court Martial Act 2007:
- 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:
- 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:
- in relation to the Chief Coroner, Deputy Chief Coroner, Coroners, and Relief Coroners, under section 110(1) of the Coroners Act 2006.

In keeping with previous practice, the Authority invited submissions from all the benches. It considered the submissions that it received and met with a number of bench representatives to discuss the issues raised in their submissions and to build up its understanding of the contemporary pressures and challenges facing the judicial officers covered by this determination. The Authority also compared these judicial

officers' salaries to salaries in private legal practices and law firms, and to salaries for senior positions within the public sector.

After carefully considering the criteria listed in the Remuneration Authority Act 1977, the Authority determined an increase of approximately 2% to the salaries of the judicial officers covered by this determination.

This determination is for the year commencing 1 October 2022. 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.

Note: The preceding explanatory memorandum should be read in conjunction with the explanatory memorandum(s) appended to the:

- **Judicial Officers Salaries and Allowances (2022/23) Amendment Determination 2023**

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 10 November 2022.

Notes

1 *General*

This is a consolidation of the Judicial Officers Salaries and Allowances (2022/23) Determination 2022 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 (2023/24) Determination 2023 (SL 2023/272): clause 14
Judicial Officers Salaries and Allowances (2022/23) Amendment Determination 2023 (SL 2023/75)