

**Reprint
as at 21 December 2012**



**Judicial Salaries and Allowances
Determination 2011**

(SR 2011/433)

Judicial Salaries and Allowances Determination 2011: revoked (with effect on 1 October 2012), on 21 December 2012 (after expiring on 30 September 2012), by clause 8 of the Judicial Salaries and Allowances Determination 2012 (SR 2012/424).

Pursuant to sections 12B(1) and 19 of the Remuneration Authority Act 1977, and,—

- (a) in relation to the Chief Justice, and to 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 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:
- (c) 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:
- (d) 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:

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

- (e) in relation to the Associate Judges of the High Court, to section 26F(1)(a) and (b) of the Judicature Act 1908:
- (f) in relation to the chief coroner, to section 110(1)(b) of the Coroners Act 2006,—

the Remuneration Authority makes the following determination (to which is appended an explanatory memorandum).

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Schedule

Salaries and principal allowances

Determination

- 1 Title**
This determination is the Judicial Salaries and Allowances Determination 2011.
- 2 Commencement**
This determination is deemed to have come into force on 1 October 2011.
- 3 Expiry**
This determination expires on 30 September 2012.

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 the secondary residential accommodation in lieu of overnight accommodation.
- (2) If this clause applies, 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 him or her in relation to that accommodation.
- (3) The maximum yearly rate of the principal allowance payable on and after 1 October 2011 is \$20,000.

7 Principal allowance of District Court Judge who is chief coroner

If a District Court Judge holds the office of chief coroner, he or she must be paid a principal allowance at the rate of \$10,000 per annum, in addition to the salary and principal allowance set out in the Schedule.

8 Revocation

The Judicial Salaries and Allowances Determination 2010 (SR 2010/486) is revoked.

cls 4, 5

Schedule
Salaries and principal allowances

Judicial officer	Yearly rate of salary payable on and after 1 October 2011 (\$)	Yearly principal allowance for general expenses payable on and after 1 October 2011 (\$)
Chief Justice	460,000	7,900
Judge of the Supreme Court	431,500	6,500
President of the Court of Appeal	431,500	6,500
Judge of the Court of Appeal	405,000	5,600
Chief High Court Judge	404,000	5,600
Judge of the High Court	385,500	5,600
Associate Judge of the High Court	293,000	4,100
Chief District Court Judge	385,500	5,000
Principal Family Court Judge	333,500	5,000
Principal Youth Court Judge	314,500	5,000
Principal Environment Judge	314,500	5,000
District Court Judge	293,000	4,100
Chief Judge of the Employment Court	364,500	5,600
Judge of the Employment Court	329,500	4,700
Chief Judge of the Maori Land Court	333,500	5,000
Deputy Chief Judge of the Maori Land Court	314,500	4,700
Judge of the Maori Land Court	293,000	4,100

Dated at Wellington this 20th day of December 2011.

John Errington,
Chairman.

A Foulkes,
Member.

D Morcom,
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 2011 and expires on 30 September 2012, sets the salaries and principal allowances for the Judges of the Supreme Court, the Court of Appeal, the High Court and District Court benches (including the salary and allowance of a District Court Judge who currently holds the judicial office of chief coroner), the Employment Court, and the Maori Land Court.

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

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

- 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.

In setting the remuneration for the judiciary this year, the information that the Authority considered included—

- submissions made by the Chief Justice, High Court Judges, District Court Judges, Employment Court Judges, and Maori Land Court Judges; and
- remuneration data made available to it in respect of private sector legal remuneration of groups with comparable skills and experience and from which groups it can be expected that Judges of the High Court could be recruited; and
- remuneration data made available to it in respect of private sector legal remuneration of groups with comparable skills and experience and from which groups it can be expected that District Court Judges could be recruited; and
- growth in the New Zealand Consumers Price Index and Labour Cost Index over the previous year; and
- levels and relativities of remuneration of judicial positions in the United Kingdom, Australia, and Canada; and
- information received from the Attorney-General, Solicitor-General, and Chief Justice regarding recruitment of Judges; and
- conditions of employment enjoyed by members of the judiciary; and
- prevailing economic conditions.

Against that background, the Authority has made an increase of 1.5% in salaries for judicial officers. That increase is in line with the modest adjustments made by the Authority in 2011 in respect of the other groups and positions in the public sector for which it sets remuneration.

No change has been made to the yearly principal allowance for general expenses. The Authority recognises the need to review the appropriateness and intended scope of this allowance and is working with the judiciary on this.

Reprinted as at
21 December 2012

**Judicial Salaries and Allowances
Determination 2011**

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 22 December 2011.

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 - 2 Status of reprints
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Notes**1 General**

This is a reprint of the Judicial Salaries and Allowances Determination 2011. The reprint incorporates all the amendments to the determination as at 21 December 2012, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint (most recent first)*

Judicial Salaries and Allowances Determination 2012 (SR 2012/424): clause 8
Judicial Salaries and Allowances Determination 2011 (SR 2011/433): clause 3
