

**Reprint
as at 16 November 2017**



Judicial Salaries and Allowances Determination 2017

(LI 2017/41)

Judicial Salaries and Allowances Determination 2017: revoked (with effect on 1 October 2017 and after expiring on 30 September 2017), on 16 November 2017, by clause 8 of the Judicial Salaries and Allowances (2017/18) Determination 2017 (LI 2017/280).

Pursuant to 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, 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 Māori Land Court, the Deputy Chief Judge of the Māori Land Court, and the other Judges of the Māori Land Court, to section 13(1)(a) and (b) of Te Ture Whenua Māori Act 1993:
- (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).

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint. Note 4 at the end of this reprint provides a list of the amendments incorporated.

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Determination

1 Title

This determination is the Judicial Salaries and Allowances Determination 2017.

2 Commencement

This determination is deemed to have come into force on 1 October 2016.

3 Expiry

This determination expires on 30 September 2017.

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 2016 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 (No 2) 2015 (LI 2015/322) is revoked.

Schedule
Salaries and principal allowances

cls 4, 5

Judicial officer	Yearly rate of salary payable on and after 1 October 2016 (\$)	Yearly principal allowance for general expenses payable on and after 1 October 2016 (\$)
Chief Justice	522,500	7,900
Judge of the Supreme Court	490,500	6,500
President of the Court of Appeal	490,500	6,500
Judge of the Court of Appeal	460,500	5,600
Chief High Court Judge	459,000	5,600
Judge of the High Court	438,500	5,600
Associate Judge of the High Court	334,500	4,100
Chief District Court Judge	438,500	5,000
Principal Family Court Judge	381,000	5,000
Principal Youth Court Judge	359,500	5,000
Principal Environment Judge	359,500	5,000
District Court Judge	334,500	4,100
Chief Judge of the Employment Court	416,500	5,600
Judge of the Employment Court	377,000	4,700
Chief Judge of the Māori Land Court	381,000	5,000
Deputy Chief Judge of the Māori Land Court	359,500	4,700
Judge of the Māori Land Court	334,500	4,100

Dated at Wellington this 24th day of February 2017.

Fran Wilde,
Chairperson.

Geoff Summers,
Member.

Len Cook,
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 2016 and expires on 30 September 2017, 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 Māori 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; 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.

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.

In setting the remuneration for the judiciary for the year from 1 October 2016, the information that the Authority considered included—

- submissions that were received from the various benches; 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 the Judges could be recruited; and
- growth in the New Zealand Consumers Price Index and labour market statistics as published by the Government Statistician over the previous year; and
- information on the recruitment of Judges from a range of sources, including the Attorney-General, the Chief Justice, and Heads of Benches; and
- remuneration data for senior positions in the public sector; and
- conditions of employment enjoyed by members of the judiciary; and
- prevailing economic conditions.

Against that background, the Authority has made an increase of approximately 1.7% (rounded) in salaries across all courts.

The salary increases for the Judges in this determination are broadly in line with the adjustments made by the Authority during the last year in respect of other groups and senior positions in the public sector for which it sets remuneration.

The Authority this year reviewed the principal allowances applicable to each judicial position and has left them at their current level. However, all allowances, remuneration, and superannuation benefits are currently under review by the Authority, which is also considering any changes that may need to be implemented when the Senior Courts Act 2016 and the District Court Act 2016 come into force on 1 March 2017.

Reprints notes

1 *General*

This is a reprint of the Judicial Salaries and Allowances Determination 2017 that incorporates all the amendments to that determination as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Judicial Salaries and Allowances (2017/18) Determination 2017 (LI 2017/280): clause 8

Judicial Salaries and Allowances Determination 2017 (LI 2017/41): clause 3