

**Reprint
as at 14 June 2013**



**Judicial Salaries, Allowances, and
Superannuation (Court Martial
Appeal Court and Court Martial)
Determination 2012**

(SR 2012/66)

Judicial Salaries, Allowances, and Superannuation (Court Martial Appeal Court and Court Martial) Determination 2012: revoked (with effect on 1 January 2013, after expiring on 31 December 2012), on 14 June 2013, by clause 11 of the Judicial Salaries, Allowances, and Superannuation (Court Martial Appeal Court and Court Martial) Determination 2013 (SR 2013/260).

Pursuant to section 12B(2) of the Remuneration Authority Act 1977 and,—

- (a) in relation to the appointed Judges of the Court Martial Appeal Court, section 12B(1)(aa) of the Remuneration Authority Act 1977 and section 3(3B) of the Court Martial Appeals Act 1953; and
- (b) in relation to the Chief Judge and other Judges of the Court Martial, section 12B(1)(ba) of the Remuneration Authority Act 1977 and section 20 of the Court Martial Act 2007,—

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

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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.

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Determination

- 1 Title**
 This determination is the Judicial Salaries, Allowances, and Superannuation (Court Martial Appeal Court and Court Martial) Determination 2012.
- 2 Commencement**
 This determination is deemed to have come into force on 1 January 2012.
- 3 Expiry**
 This determination expires on 31 December 2012.
- 4 Interpretation**
 - (1) In this determination, 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 the Chief Judge and a Deputy Chief Judge

new GSF scheme means the new government service superannuation scheme established under Part 2A of the Government Superannuation Fund Act 1956

registered superannuation scheme means a superannuation scheme registered under the Superannuation Schemes Act 1989, other than the new GSF Scheme

year means a period of 12 months ending on 31 December.

- (2) In this determination, a Judge of the Court Martial is presumed to act on a **part-time basis** unless he or she performs the functions of that office for more than 230 full working days in a calendar year.

5 Salary and allowance of appointed Judge of Court Martial Appeal Court

- (1) The salary and allowance payable to an appointed Judge of the Court Martial Appeal Court are set out in Schedule 1.
- (2) For the purpose of calculating the salary payable for a period during which an appointed Judge of the Court Martial Appeal Court acts on a part-time basis, the daily rate is the yearly rate of salary divided by 230 pro-rated in proportion to the amount of the day worked.

6 Salaries and allowances of Chief Judge and other Judges of Court Martial

- (1) The salaries and allowances payable to the Chief Judge and the other Judges of the Court Martial are set out in Schedule 2.
- (2) For the purpose of calculating the salary payable for a period during which 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 230 pro-rated in proportion to the amount of the day worked.
- (3) This clause does not apply to a District Court Judge who is also appointed a Judge of the Court Martial.

7 Superannuation rights of appointed Judge of Court Martial Appeal Court

An appointed Judge of the Court Martial Appeal Court is not eligible for the payment of any superannuation subsidy.

8 Limited application of clause 9

Clause 9 does not apply to a Judge of the Court Martial who—

- (a) is also a District Court Judge; or
- (b) acts on a part-time basis; or
- (c) is a current contributor under Part 5A of the Government Superannuation Fund Act 1956; or
- (d) is a current contributor to the new GSF scheme.

9 Eligibility of Judges of Court Martial for subsidy on contributions to registered superannuation scheme

- (1) A Judge of the Court Martial who chooses to contribute to a registered superannuation scheme is eligible to have a subsidy paid on his or her contribution.
- (2) The maximum amount of superannuation subsidy (inclusive of any tax liability) that is payable in any year is 20% of the gross salary actually paid to the Judge in that year.
- (3) In order to qualify for a superannuation subsidy, the contribution that the Judge must make to the registered superannuation scheme must, when expressed as a ratio of the superannuation subsidy to the Judge's contribution, be 5:1.

10 Other judicial determinations do not apply

To avoid doubt, nothing in the Judicial Salaries and Allowances Determination 2011 or the Judicial Superannuation Determination 2006 applies to the appointed Judges of the Court Martial Appeal Court or to the Chief Judge and other Judges of the Court Martial (other than those Judges who are also District Court Judges).

11 Revocations

The following determinations are revoked:

- (a) Judicial Salaries, Allowances, and Superannuation (Court Martial Appeal Court and Court Martial) Determination 2009 (SR 2009/207):
- (b) Judicial Salaries, Allowances, and Superannuation (Court Martial Appeal Court and Court Martial) Determination 2011 (SR 2011/207).

Schedule 1

cl 5

**Salary and allowance of appointed Judge
of the Court Martial Appeal Court**

Judicial officer	Yearly rate of salary payable on and after 1 January 2012 (\$)	Hourly rate of allowance (\$)
Appointed Judge	385,500	70

Schedule 2

cl 6

**Salaries and allowances of Chief Judge
and other Judges of Court Martial**

Judicial officer	Yearly rate of salary payable on and after 1 January 2012 (\$)	Hourly rate of allowance (\$)
Chief Judge	314,500	100
Deputy Chief Judge	293,000	–
Judge	293,000	–
Deputy Chief Judge acting under section 13(3) of the Court Martial Act 2007		40
Deputy Chief Judge or Judge when acting on a part-time basis		70

Dated at Wellington this 10th day of April 2012.

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 January 2012 and expires on 31 December 2012, sets the salaries, allowances, and superannuation rights and obligations of appointed Judges of the Court Martial Appeal Court and the Chief Judge and other Judges of the Court Martial.

The members of the Court Martial Appeal Court and the Court Martial are drawn from both serving Judges and private practitioners. The latter, when fulfilling their statutory roles, continue to incur expenses in the running of their private practices.

The Authority has therefore set salaries at what it considers to be the appropriate rate for full-time positions. Judges acting on a part-time basis will be paid for the time they act, calculated on a pro-rata basis as a proportion of the salary payable to a Judge acting on a full-time basis.

The increases in remuneration reflect the movement in salaries for other judicial officers, which took effect from 1 October 2011, as set out in the Authority's Judicial Salaries and Allowances Determination 2011.

In addition, the Authority has specified allowances to be paid as a contribution towards the cost of maintaining their practices while carrying out their statutory functions.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 12 April 2012.

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Notes

1 *General*

This is a reprint of the Judicial Salaries, Allowances, and Superannuation (Court Martial Appeal Court and Court Martial) Determination 2012. The reprint incorporates all the amendments to the determination as at 14 June 2013, 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, Allowances, and Superannuation (Court Martial Appeal Court and Court Martial) Determination 2013 (SR 2013/260): clause 11

Judicial Salaries, Allowances, and Superannuation (Court Martial Appeal Court and Court Martial) Determination 2012 (SR 2012/66): clause 3
