

**Reprint
as at 24 January 2019**



Judicial Superannuation Determination 2004

(SR 2004/459)

Judicial Superannuation Determination 2004: revoked (with effect on 1 January 2019), on 24 January 2019, by clause 8(a) of the Judicial Superannuation Determination 2019 (LI 2019/5).

Pursuant to section 12B(2) of the Remuneration Authority Act 1977, the Remuneration Authority, after consultation with the Government Actuary, makes the following determination (to which is appended an explanatory memorandum).

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Determination

1 Title

This determination is the Judicial Superannuation Determination 2004.

2 Commencement

This determination comes into force on 1 January 2005.

3 Interpretation

(1) In this determination, unless the context otherwise requires,—

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.

Act means the Government Superannuation Fund Act 1956

judicial officer means a judicial officer specified in section 12B(1) of the Remuneration Authority Act 1977

New GSF Scheme means the New Government Service Superannuation Scheme established under Part 2A of the Act

registered scheme means any superannuation scheme that is 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) For the purposes of this determination, the length of a period of service of a person as a judicial officer is computed as follows:
- (a) a period of service that began or ended before 1 July in any year is treated as having begun or ended, as the case may be, at the beginning of that year:
 - (b) a period of service that began or ended on or after 1 July in any year is treated as having begun or ended, as the case may be, at the end of that year.

4 Judicial officers to whom this determination applies

This determination applies to the following judicial officers:

- (a) those judicial officers who elect, under section 81OA of the Act, to cease to be a contributor under Part 5A of the Act; and
- (b) those judicial officers first appointed or reappointed as judicial officers on or after 1 July 1992, and who are not entitled or required to contribute under Part 4 or Part 5 or Part 5A of the Act.

5 Maximum superannuation subsidy

- (1) The maximum subsidy per year of contributions to a registered scheme by a judicial officer to whom this determination applies, inclusive of any income tax payable on that subsidy, is 30% of his or her salary.
- (2) However, if the judicial officer is also a contributor to the New GSF Scheme, then the maximum subsidy per year of contributions to the registered scheme, inclusive of any income tax payable on that subsidy, is 20% of his or her salary.

6 Ratio of superannuation subsidy to judicial officer's contribution

- (1) The contribution to a registered scheme that a judicial officer must make in order to qualify for a subsidy of contributions to that scheme must, when expressed as a ratio of the superannuation subsidy to the judicial officer's contribution, be 7.5 to 1.
- (2) However, if the judicial officer is also a contributor to the New GSF Scheme, then for the purposes of subclause (1) the ratio is 20 to 1.

7 Limit on service for which superannuation subsidy payable

- (1) This clause applies to a judicial officer who has contributed under Part 4 or Part 5 or Part 5A of the Act.
- (2) The maximum period of service as a judicial officer (whether continuous or in 2 or more separate periods) for which a subsidy of contributions to a registered scheme will be paid is 16 years less the period during which the judicial officer was a contributor under Part 4 or Part 5 or Part 5A of the Act.

8 Revocation

The Judicial Superannuation Determination (No 2) 2003 (SR 2003/395) is revoked.

Dated at Wellington this 15th day of December 2004.

B A Wakem,
Deputy Chairman.

David Oughton,
Member.

Explanatory memorandum

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

This determination, which comes into force on 1 January 2005, is substantially the same as the Judicial Superannuation Determination (No 2) 2003. That determination provided for a maximum superannuation subsidy of 25% of the salary payable to a judicial officer who is not a member of the Government Superannuation Fund (the **GSF**), subject to a 6.25:1 ratio of subsidy to contribution.

This determination provides for a maximum superannuation subsidy of 30% of the salary payable to a judicial officer who is not a member of the GSF, subject to a 7.5:1 ratio of subsidy to contribution. The rationale for the increase is to achieve a more equitable position for judicial officers who are not members of the judicial GSF.

Judicial officers who were appointed before 1 July 1992 are eligible to remain members of the judicial superannuation scheme under the GSF. The Government Actuary has previously assessed that the inherent subsidy in the judicial superannuation scheme under the GSF during the 16 years of service that counts for benefits would be well in excess of 30% of salaries.

Last year, for judicial officers who were appointed after 1 July 1992, the available subsidy was increased to 25% of gross salary with effect from 1 January 2004. The Remuneration Authority noted then that there was an inequity between the 2 groups of judicial officers with respect to the value of their superannuation entitlements. As the Authority noted, this situation needed to be addressed because it was a significant element in the willingness of people approached to become part of the judiciary, to serve in that capacity. The Authority indicated at that time that a further adjustment would be considered in its review of judicial remuneration in 2004.

Issued under the authority of the Legislation Act 2012 and section 12B(9) of the Remuneration Authority Act 1977.
Date of notification in *Gazette*: 23 December 2004.

Reprints notes

1 *General*

This is a reprint of the Judicial Superannuation Determination 2004 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 Superannuation Determination 2019 (LI 2019/5): clause 8(a)