

**Reprint  
as at 24 December 2010**



**Judicial Salaries and Allowances  
Determination 2009**

(SR 2009/419)

Judicial Salaries and Allowances Determination 2009: revoked (with effect on 1 October 2010), on 24 December 2010 (after expiring on 30 September 2010), by clause 8 of the Judicial Salaries and Allowances Determination 2010 (SR 2010/486).

Pursuant to section 12B(1) 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 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:
- (c) 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:
- (d) 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:

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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.

- (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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### Determination

- 1 Title**  
This determination is the Judicial Salaries and Allowances Determination 2009.
- 2 Commencement**  
This determination is deemed to have come into force on 1 October 2009.
- 3 Expiry**  
This determination expires on 30 September 2010.
- 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 allowance payable on and after 1 October 2009 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 allowances set out in the Schedule.

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cls 4, 5

**Schedule  
Salaries and principal allowances**

	<b>Yearly rate of salary payable on and after 1 October 2009 (\$)</b>	<b>Yearly principal allowance for general expenses payable on and after 1 October 2009 (\$)</b>
<b>Judicial officer</b>		
Chief Justice	437,500	7,900
Judge of the Supreme Court	410,000	6,500
President of the Court of Appeal	410,000	6,500
Judge of the Court of Appeal	385,000	5,600
Chief High Court Judge	384,000	5,600
Judge of the High Court	366,500	5,600
Associate Judge of the High Court	276,500	4,100
Chief District Court Judge	366,500	5,000
Principal Family Court Judge	316,000	5,000
Principal Youth Court Judge	298,500	5,000
Principal Environment Judge	298,500	5,000
District Court Judge	276,500	4,100
Chief Judge of the Employment Court	346,500	5,600
Judge of the Employment Court	313,000	4,700
Chief Judge of the Maori Land Court	316,000	5,000
Deputy Chief Judge of the Maori Land Court	298,500	4,700
Judge of the Maori Land Court	276,500	4,100

Dated at Wellington this 15th day of December 2009.

Michael Wintringham,  
Chairman.

A Foulkes,  
Member.

J Errington,  
Member.

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### **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 2009 and expires on 30 September 2010, sets the salaries and 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.

This determination is the first issued by the Remuneration Authority (the **Authority**) since the Remuneration Authority Amendment Act 2009 came into force on 8 December 2009.

In applying the statutory criteria for making the determination, the Authority took account of, among other things, the following matters:

- there are no immediate pressing recruitment or retention issues with any of the benches. However, addressing such problems after the event can be difficult and may be ineffective, and the Authority recognises the need to minimise, where possible, the risk of their developing over time:
- no matters requiring the salary relativities between benches to be addressed were brought to the Authority's attention. Therefore the Authority decided that any salary adjustment would apply equally to all benches:
- remuneration growth in many areas of the legal profession has levelled off, and in some instances remuneration may have fallen, in the past year or more. However, the remuneration of those in the areas of the legal profession that are the catchment for appointees to the High Court, in particular, remains

well ahead of the remuneration of the High Court bench. The slowing of remuneration growth in the profession provides an opportunity for some modest closing of the remuneration gap:

- the Authority was required to take into account new section 18A of the Remuneration Authority Act 1977, inserted by the Remuneration Authority Amendment Act 2009. This requires the Authority to take account of prevailing adverse economic conditions and allows the Authority to make a determination at a lower rate than it might have done had it not taken those conditions into account. The Authority regards this new section as both clarifying and reinforcing the criterion of fairness to the taxpayer that is an existing provision of the Act (section 18(1)(b)(ii));
- there is a long-standing and important constitutional convention that the remuneration of Judges should be free from, and be seen to be free from, any undue influence of the executive arm of government.

After weighing these factors, the Authority has made a small, across-the-board, increase in the salaries of the judicial officers specified in the determination. This results in increases of the order of 1.2% to 1.3%, the differences in increases between judicial officers being solely due to rounding.

No change has been made to the yearly principal allowance for general expenses.

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## **Notes**

### **1 *General***

This is a reprint of the Judicial Salaries and Allowances Determination 2009. The reprint incorporates all the amendments to the determination as at 24 December 2010, 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 2010 (SR 2010/486): clause 8

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