



ANALYSIS

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1992, No. 66

An Act to amend the Higher Salaries Commission Act 1977

[30 June 1992

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Higher Salaries Commission Amendment Act 1992, and shall be read together with and deemed part of the Higher Salaries Commission Act 1977 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of July 1992.

2. Functions of Commission—(1) Section 12(1) of the principal Act (as substituted by section 4 of the Higher Salaries Commission Amendment Act 1988) is hereby amended by repealing paragraph (b), and substituting the following paragraphs:

“(b) To consider and make determinations with respect to the superannuation rights and obligations of the members of the House of Representatives who are contributors under Part VI of the Government Superannuation Fund Act 1956, being rights fixed at the commencement of this Act by that Part and other provisions of that Act:

“(ba) To consider and make determinations with respect to the superannuation rights and obligations of those members of the House of Representatives who are first elected, or who are re-elected, as members of

the House of Representatives on or after the 1st day of July 1992 and who are not entitled or required to contribute under Part VI of the Government Superannuation Fund Act 1956:".

(2) Section 12 of the principal Act is hereby further amended by inserting, after subsection (2), the following subsections:

“(2A) The Commission shall, in making a determination under subsection (1) (ba) of this section, determine—

“(a) The maximum amount that in any year may be paid by way of superannuation subsidy (which amount must be the same for all members but which may be expressed as a specified monetary amount or as a percentage of an ordinary member’s salary as the Commission determines) in respect of those members of the House of Representatives who choose to contribute to any registered superannuation scheme; and

“(b) The contribution that the member must make to that registered superannuation scheme in order to be entitled to any of the subsidy referred to in paragraph (a) of this subsection, expressed as a ratio of the subsidy to the member’s contribution.

“(2B) For the avoidance of doubt, it is hereby declared that the Crown’s liability to any registered superannuation scheme to which a member referred to in subsection (1) (ba) of this section chooses to contribute shall be limited to payment of such subsidy as may be determined pursuant to subsection (2A) of this section.

“(2C) In this section ‘registered superannuation scheme’ means any superannuation scheme that is registered under the Superannuation Schemes Act 1989.”

3. Functions of Commission in relation to judicial salaries and superannuation—(1) The principal Act is hereby amended by repealing section 12B (as inserted by section 4 of the Higher Salaries Commission Amendment Act (No. 2) 1985), and substituting the following section:

“12B. (1) The Commission shall have the function of considering and determining the salaries and principal allowances of—

“(a) The Chief Justice, the President of the Court of Appeal, the Judges of the Court of Appeal, and the Judges of the High Court; and

- “(b) The Chief District Court Judge, the Principal Family Court Judge, the Principal Youth Court Judge, the Principal Planning Judge, and the other District Court Judges; and
- “(c) The Chief Judge of the Employment Court and the other Judges of the Employment Court; and
- “(d) The Chief Judge and the Deputy Chief Judge of the Maori Land Court and the other Judges of the Maori Land Court; and
- “(e) The Masters of the High Court.
- “(2) The Commission shall have the function of considering and making determinations with respect to—
- “(a) The superannuation rights and obligations of the judicial officers specified in subsection (1) of this section who are contributors under Part IV or Part V or Part VA of the Government Superannuation Fund Act 1956, being rights fixed at the commencement of this Act by any of those Parts and other provisions of that Act; and
- “(b) The superannuation rights and obligations of those judicial officers specified in subsection (1) of this section who are first appointed as judicial officers, or who are re-appointed as judicial officers, on or after the 1st day of July 1992 and who are not entitled or required to contribute under Part IV or Part V or Part VA of the Government Superannuation Fund Act 1956.
- “(3) The Commission shall, in making a determination under subsection (2) (b) of this section, determine—
- “(a) The maximum amount that in any year may be paid by way of superannuation subsidy in respect of any judicial officer who chooses to contribute to any registered superannuation scheme; and
- “(b) The contribution that the judicial officer must make to that registered superannuation scheme in order to be entitled to any of the subsidy referred to in paragraph (a) of this subsection, expressed as a ratio of the subsidy to the officer’s contribution.
- “(4) Any maximum amount determined under subsection (3) (a) of this section may be expressed as either a specified monetary amount or a percentage of salary, either of which may vary according to any category of judicial officer.
- “(5) Nothing shall prevent the holder of any one particular judicial office from being treated as a category of judicial officer

for the purposes of subsection (4) of this section if the Commission considers it to be appropriate.

“(6) Any reference in this section to ‘judicial officer’ includes any person appointed to the office of Solicitor-General.

“(7) For the avoidance of doubt, it is hereby declared that the Crown’s liability to any registered superannuation scheme to which a judicial officer referred to in subsection (2) (b) of this section chooses to contribute shall be limited to payment of such subsidy as may be determined pursuant to subsection (3) of this section.

“(8) In this section ‘registered superannuation scheme’ means any superannuation scheme that is registered under the Superannuation Schemes Act 1989.

“(9) Every determination to which subsection (1) or subsection (2) of this section applies shall be deemed to be a regulation for the purposes of the Acts and Regulations Publication Act 1989 but not for the purposes of the Regulations (Disallowance) Act 1989.”

(2) The following enactments are hereby consequentially repealed:

- (a) Subsections (1) and (2) of section 8 of the Judicature Amendment Act 1986:
- (b) So much of the Second Schedule to the Children, Young Persons, and Their Families Act 1989 as relates to the Higher Salaries Commission Act 1977:
- (c) Section 159 of the Employment Contracts Act 1991.

4. Publication of determinations fixing Parliamentary pay and allowances—Section 16 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) Every determination to which subsection (1) of this section applies shall be deemed to be a regulation for the purposes of the Acts and Regulations Publication Act 1989 but not for the purposes of the Regulations (Disallowance) Act 1989.”

5. Provisions relating to Parliamentary and judicial superannuation—The principal Act is hereby amended by repealing section 17, and substituting the following section:

“17. (1) Any determination under section 12 (1) (b) or section 12B (2) (a) of this Act may contain provisions which modify, or are to apply instead of, provisions of the Government Superannuation Fund Act 1956.

“(2) Before making a determination under section 12 (1) (b) or section 12B (2) (a) of this Act in respect of rights under the Government Superannuation Fund Act 1956, the Commission shall consult with the Superintendent of the Government Superannuation Fund concerning the substance and form of the Commission’s proposed determination.

“(3) Before making a determination under section 12 (1) (b) or section 12 (1) (ba) or section 12B (2) of this Act, the Commission shall consult with the Government Actuary concerning the substance and form of the Commission’s proposed determination.

“(4) Any determination made under section 12 (1) (b) or section 12 (1) (ba) or section 12B (2) of this Act, and any provision of any such determination, may be made so as to come into force on a date to be specified in that behalf in the determination, being the date of the making of the determination or any other date, whether before or after the date of the making of the determination or the date of the commencement of this section.

“(5) Every such determination, and every provision of any such determination, in respect of which no date is specified shall come into force on the date of the making of the determination.

“(6) Where a determination made under section 12 (1) (ba) or section 12B (2) (b) of this Act requires or allows for, in relation to any person, the payment out of public money of any superannuation subsidy, that subsidy may in accordance with, and within any limits prescribed by, this Act and any such determination be paid out of public money without further appropriation than this section.

“(7) Every determination under section 12 (1) (b) or section 12 (1) (ba) of this Act shall be made known in accordance with section 16 of this Act as if it were a determination in respect of the salaries and allowances of members of the House of Representatives.

“(8) Except to the extent that a determination under section 12 (1) (b) or section 12B (2) (a) of this Act modifies, or is expressed to be in substitution for, any provision of the Government Superannuation Fund Act 1956, nothing in any such determination shall affect the provisions of that Act.”

6. Frequency of adjustments—Section 19 of the principal Act (as substituted by section 8 of the Higher Salaries

Commission Amendment Act 1988) is hereby amended by inserting, before subsection (1), the following subsection:

“(1A) This section applies to determinations other than those under section 12 (1) (b) or section 12 (1) (ba) or section 12B (2) of this Act.”

This Act is administered in the Department of Labour.
