

**Reprint
as at 19 December 2019**



Judicial Salaries and Allowances (2018/19) Determination 2018

(LI 2018/279)

Judicial Salaries and Allowances (2018/19) Determination 2018: revoked (with effect on 1 October 2019, after expiring on 30 September 2019), on 19 December 2019, by clause 8 of the Judicial Officers Salaries and Allowances (2019/20) Determination 2019 (LI 2019/319).

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 135(a) and (b) of the Senior Courts Act 2016:
- (b) in relation to the Chief District Court Judge, each principal Judge, and the other District Court Judges, to section 34(a) and (b) of the District Court Act 2016:
- (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 chief coroner, to section 110(1)(a) of the Coroners Act 2006,—

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

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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 (2018/19) Determination 2018.

2 Commencement

This determination is deemed to have come into force on 1 October 2018.

3 Expiry

This determination expires on 30 September 2019.

4 Salaries of judicial officers

- (1) The salaries payable to the judicial officers specified in the Schedule must be paid at the respective rates set out in that schedule.
- (2) This clause is subject to clause 7.

5 Principal allowance for general expenses of judicial officers included in salary

An amount representing a principal allowance for general expenses is included within the salary payable to judicial officers specified in the Schedule and no separate principal allowance for general expenses is payable.

6 Principal allowance of Judge of Supreme Court, Judge of Court of Appeal, or Chief High Court Judge for secondary residential accommodation in Wellington

- (1) This clause applies if—
 - (a) a Judge of the Supreme Court, a Judge of the Court of Appeal, or the Chief High Court Judge does not have his or her primary place of residence in Wellington; and

- (b) the Judge of the Supreme Court, the Judge of the Court of Appeal, or the Chief High Court Judge—
 - (i) owns or rents on a continuous basis residential accommodation in Wellington (the **secondary residential accommodation**); and
 - (ii) uses the secondary residential accommodation in lieu of overnight accommodation.
- (2) If this clause applies, the Judge of the Supreme Court, the Judge of the Court of Appeal, or 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 the Judge in relation to that accommodation.
- (3) The maximum yearly rate of the principal allowance payable on and after 1 October 2018 is \$20,000.
- (4) In this clause, **Wellington** means the area within the boundaries of the Wellington Regional Council.

7 Salary payable to District Court Judge who is chief coroner

A District Court Judge who holds the office of chief coroner must be paid the higher of the following:

- (a) the salary payable to a District Court Judge set out in the Schedule; and
- (b) the salary payable to the Chief Coroner in accordance with the Coroners (Salaries and Superannuation) Determination 2018, or another determination of the Remuneration Authority made under section 110(1)(a) of the Coroners Act 2006 that supersedes that determination.

8 Revocation

The Judicial Salaries and Allowances (2017/18) Determination 2017 (LI 2017/280) is revoked.

Schedule
Salaries and principal allowances

	cls 4, 5, 7
Judicial officer	Yearly rate of salary (including principal allowance for general expenses) payable on and after 1 October 2018 (\$)
Chief Justice	553,100
Judge of the Supreme Court	518,400
President of the Court of Appeal	518,400
Judge of the Court of Appeal	486,500
Chief High Court Judge	486,500
Judge of the High Court	464,100

	Yearly rate of salary (including principal allowance for general expenses) payable on and after 1 October 2018 (\$)
Judicial officer	
Associate Judge of the High Court	369,600
Chief District Court Judge	463,200
Principal Family Court Judge	397,600
Principal Youth Court Judge	385,700
Principal Environment Judge	385,700
District Court Judge	348,700
Chief Judge of the Employment Court	434,900
Judge of the Employment Court	393,100
Chief Judge of the Māori Land Court	397,600
Deputy Chief Judge of the Māori Land Court	375,100
Judge of the Māori Land Court	348,700

Dated at Wellington this 18th day of December 2018.

Fran Wilde,
Chairperson.

Len Cook,
Member.

Geoff Summers,
Member.

Explanatory memorandum

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

This determination is deemed to have come into force on 1 October 2018 and expires on 30 September 2019. It sets the salaries and the principal allowance for secondary residential accommodation in Wellington for the Judges of the Supreme Court, the Judges of the Court of Appeal, and the Chief High Court Judge and sets out the salaries for the other High Court Judges, the District Court benches (including the salary payable to a District Court Judge who is also the Chief Coroner), the Principal Envir-

onment Judge, the Judges of the Employment Court, and the Judges of 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;
- the need to be fair both—
 - to the persons or group of persons whose remuneration is being determined; and
 - to the taxpayer;
- 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 consider 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.

During the last 18 months, the Authority has completed a significant review of its approach to setting remuneration, allowances, and superannuation entitlements for judicial officers specified under section 12B of the Remuneration Authority Act 1977. This determination implements the outcome of that part of the review that is related to the provision of salaries and allowances to those judicial officers.

The review took into account a wide range of information, including:

- submissions (written and oral) received from the various benches;
- the views of key stakeholders;
- remuneration data on comparable jobs in private sector legal practices with similar skills and experience and for groups from which it can be expected that the judicial officers could be recruited;
- remuneration data for senior positions in the public sector;
- remuneration arrangements covering judicial officers in international jurisdictions;
- terms and conditions of employment of members of the judiciary;
- information on the recruitment and retention of judicial officers;
- a survey of recurring and contemporary issues affecting the courts.

A key finding of the review was the importance of maintaining appropriate relativities between the salaries of the various judicial officer positions. While such relativities should not be regarded as fixed in perpetuity, the Authority recognised the risk in the significance that some might attribute to any change in relativities that have been stable for some time. For the District Court and specialist courts, where the superannuation subsidy is being changed in an associated determination, the remuneration increase is less this year. Overall, across all benches there is an increase of approximately 1.8% in remuneration.

Some positions such as the Chief High Court Judge, Associate Judges of the High Court, Principal Youth Court Judge, and Principal Environment Judge received a higher increase to address historic relativity issues. Rather than percentage increases, the Judges of the Supreme Court and the Court of Appeal received a flat rate increase based on the increase to the salary of a Judge of the High Court.

Up till now, judicial officers have been paid a principal allowance for general expenses (determined under section 12B(1) of the Remuneration Authority Act 1977). The Authority has determined that this allowance is redundant in this modern world. Therefore, from 1 October 2018, the grossed up principal allowance for general expenses has been incorporated into the salaries of judicial officers payable under this determination.

Following a legislative change, the principal allowance for secondary residential accommodation in Wellington has been extended to the Judges of the Supreme Court and Court of Appeal. Although the Supreme Court and the Court of Appeal are based in the capital city, most of New Zealand's lawyers do not live in Wellington. An element of pragmatism is needed in order to properly recognise modern family influences and to support the recruitment and retention of Judges in these courts. In this case, it is assumed that a Judge's primary place of residence is the place where the Judge would normally live if not required to spend continuous periods in Wellington engaged on judicial business. For the purposes of the principal allowance for secondary accommodation, Wellington has been defined as the area within the boundaries of the Wellington Regional Council.

During the coming year, the Authority will be giving further consideration to its approach to determining the remuneration of the Principal Environment Judge, the Judges of the Employment Court and Māori Land Court, and the coroners (who are currently covered by a separate determination).

Reprints notes

1 *General*

This is a reprint of the Judicial Salaries and Allowances (2018/19) Determination 2018 that incorporates all the amendments to that notice 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 Officers Salaries and Allowances (2019/20) Determination 2019 (LI 2019/319): clause 8

Judicial Salaries and Allowances (2018/19) Determination 2018 (LI 2018/279): clause 3