

**Reprint
as at 5 March 2020**



Coroners (Salaries and Superannuation) Determination 2019

(LI 2019/6)

Coroners (Salaries and Superannuation) Determination 2019: revoked (with effect on 1 January 2020, and after expiring on 31 December 2019), on 5 March 2020, by clause 9 of the Judicial Officers Salaries and Allowances (2019/20) Amendment Determination 2020 (LI 2020/29).

Pursuant to section 110(1) of the Coroners Act 2006 and section 12B(1)(f) and (2) of the Remuneration Authority Act 1977, the Remuneration Authority makes the following determination (to which is appended an explanatory memorandum).

Contents

	Page
1 Title	2
2 Commencement	2
3 Expiry	2
4 Interpretation	2
5 Salaries of Chief Coroner, Deputy Chief Coroner, and coroner	2
6 Allowance of Chief Coroner, Deputy Chief Coroner, and coroner	3
7 Limited application of clause 8	3
8 Eligibility for subsidy on contributions to retirement scheme	3
9 Judicial determinations do not apply to coroners	4
10 Revocation	4
Schedule	4
Salaries of Chief Coroner, Deputy Chief Coroner, and coroner	

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.

Determination

1 Title

This determination is the Coroners (Salaries and Superannuation) Determination 2019.

2 Commencement

This determination is deemed to have come into force on 1 January 2019.

3 Expiry

This determination expires on 31 December 2019.

4 Interpretation

In this determination, unless the context otherwise requires,—

coroner —

- (a) means a person holding office under any of sections 103, 104, 105, and 105A of the Coroners Act 2006; but
- (b) does not include a person who, under section 22(a) of the District Court Act 2016, is a coroner by virtue of holding office as a District Court Judge

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

retirement scheme means a retirement scheme as defined in section 6(1) of the Financial Markets Conduct Act 2013, other than the new GSF Scheme

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

5 Salaries of Chief Coroner, Deputy Chief Coroner, and coroner

- (1) The salary payable to a Chief Coroner is set out in the Schedule, but if the Chief Coroner is also a District Court Judge, the Chief Coroner must be paid the higher of the following:
 - (a) the salary set out in the Schedule; and
 - (b) the salary payable to a District Court Judge provided for in the Judicial Salaries and Allowances (2018/19) Determination 2018 (or another determination of the Remuneration Authority made under section 34(a) of the District Court Act 2016 that supersedes that determination).
- (2) The salary payable to a Deputy Chief Coroner and coroner is set out in the Schedule.
- (3) If a Chief Coroner or Deputy Chief Coroner ceases to hold that office but continues to hold office as a coroner, their salary and allowances must be reduced by the amount of any salary or allowances received solely because of their being the Chief Coroner or Deputy Chief Coroner.

- (4) A relief coroner appointed under section 104 of the Coroners Act 2006 is entitled to an additional payment of up to \$41,400 per annum by way of salary, in recognition of the fact that a relief coroner is not entitled to receive superannuation contributions under clause 8, provided that the annual sum of the following amounts does not exceed \$317,100:
- (a) the salary payable under subclause (1); and
 - (b) any additional payment under this subclause; and
 - (c) any superannuation subsidy (inclusive of any tax liability) that the coroner is entitled to be paid by the Crown otherwise than under this determination.

6 Allowance of Chief Coroner, Deputy Chief Coroner, and coroner

The Chief Coroner, the Deputy Chief Coroner, and each coroner must be paid a taxable National Duty Coroner allowance at the rate of \$10,700 per annum, in recognition of the fact that each is, from time to time, rostered to act as National Duty Coroner.

7 Limited application of clause 8

Clause 8 does not apply to—

- (a) a Chief Coroner or Deputy Chief Coroner who is a Judge; or
- (b) a coroner who is—
 - (i) a former coroner appointed under section 103(5) of the Coroners Act 2006; or
 - (ii) a relief coroner appointed under section 104 of the Coroners Act 2006; or
 - (iii) a current contributor under Part 5A of the Government Superannuation Fund Act 1956; or
 - (iv) a current contributor to the new GSF Scheme.

8 Eligibility for subsidy on contributions to retirement scheme

- (1) A Chief Coroner, Deputy Chief Coroner, or coroner who chooses to contribute to a retirement scheme is entitled to have a subsidy paid on that contribution.
- (2) The maximum amount of superannuation subsidy (inclusive of any tax liability) that is payable in any year is 37.5% of the gross salary and National Duty Coroner allowance actually paid to the Chief Coroner, Deputy Chief Coroner, or coroner in that year.
- (3) In order to qualify for a superannuation subsidy, the contribution that the Chief Coroner, Deputy Chief Coroner, or coroner must make to the retirement scheme, when expressed as a ratio of the superannuation subsidy to that person's contribution, is 7.5:1.

9 Judicial determinations do not apply to coroners

To avoid doubt,—

- (a) nothing in the Judicial Salaries and Allowances (2018/19) Determination 2018 (except clause 7) applies to coroners; and
- (b) nothing in the Judicial Superannuation Determination 2019 applies to coroners to whom clause 8 applies.

10 Revocation

The Coroners (Salaries and Superannuation) Determination 2018 (LI 2018/15) is revoked.

Schedule

Salaries of Chief Coroner, Deputy Chief Coroner, and coroner

cl 5

Judicial officer	Yearly rate of salary payable on and after 1 January 2019 (\$)
Chief Coroner	353,300
Deputy Chief Coroner	295,100
Coroner	275,700

Dated at Wellington this 22nd day of January 2019.

Fran Wilde,
Chairperson.

Len Cook,
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 2019 and expires on 31 December 2019, sets the salaries, allowances, and superannuation rights of coroners.

The Remuneration Authority (the **Authority**) is required to have regard to the following when setting remuneration for coroners and other judicial officers:

- the need to achieve and maintain fair relativity with the levels of remuneration received elsewhere; and
- the need to be fair both—
 - to the persons or group of persons whose remuneration is being determined; and
 - to the taxpayer; and

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 whose remuneration is being determined.

The Authority must also take into account 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 (including coroners) listed 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, allowances, and superannuation to the Chief Coroner and Deputy Chief Coroner, and to coroners.

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 requiring 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. As the superannuation subsidy for coroners has changed in this

determination to bring the subsidy into line with that of the other judicial officers who are covered by the Judicial Superannuation Determination 2019, the remuneration increase for coroners is less this year than in previous years.

During the coming year, the Authority will be giving further consideration to its approach to determining the remuneration of coroners as theirs is a specialist court with unique characteristics.

The determination is for a year, from 1 January 2019. The determination could not be finalised earlier because of the preparatory work that the Authority was required to undertake before making the determination.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 24 January 2019.

Reprints notes

1 *General*

This is a reprint of the Coroners (Salaries and Superannuation) Determination 2019 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 Officers Salaries and Allowances (2019/20) Amendment Determination 2020 (LI 2020/29): clause 9

Coroners (Salaries and Superannuation) Determination 2019 (LI 2019/6): clause 3