



Community Magistrates (Remuneration and Allowances) Order 2019

Patsy Reddy, Governor-General

Order in Council

At Wellington this 4th day of November 2019

Present:

Her Excellency the Governor-General in Council

This order is made under section 60 of the District Court Act 2016 on the advice and with the consent of the Executive Council.

Contents

		Page
1	Title	2
2	Commencement	2
3	Transitional, savings, and related provisions	2
4	Remuneration of Community Magistrates (other than Chief Community Magistrate)	2
5	Travelling allowances and other incidental and minor allowances	2
6	Particulars of allowances claimed	3
7	Revocation	3
	Schedule 1	3
	Transitional, savings, and related provisions	
	Schedule 2	4
	Travelling allowances and other incidental and minor allowances	

Order

1 Title

This order is the Community Magistrates (Remuneration and Allowances) Order 2019.

2 Commencement

- (1) This order, except clause 4(1)(a) and (4), comes into force on 5 December 2019.
- (2) Clause 4(1)(a) and (4) is taken to have come into force on 5 November 2017.

3 Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

4 Remuneration of Community Magistrates (other than Chief Community Magistrate)

- (1) A Community Magistrate is to be paid a fee of \$481 (the **daily fee**) for each day (or part of a day) on which they do either or both of the following:
 - (a) attend court as a Community Magistrate:
 - (b) participate in training or a course that is relevant to the work carried out by Community Magistrates and is approved by the Chief District Court Judge.
- (2) Except as provided by subclause (3), a Community Magistrate is also to be paid the daily fee for each day (or part of a day) on which the Community Magistrate is rostered to attend court but given less than 2 days' notice before that day that their services are not required for that day.
- (3) If a Community Magistrate is rostered to attend court on a Saturday (or part of a Saturday) and is notified that their services are not required for that day, the Community Magistrate is to be paid the daily fee for the day (or part of the day) only if they are not notified before that day.
- (4) This clause does not apply in relation to the Chief Community Magistrate.

5 Travelling allowances and other incidental and minor allowances

- (1) A Community Magistrate (including the Chief Community Magistrate) is entitled to be paid an allowance for any out-of-pocket expense incurred for any item specified in column 1 of the table in Schedule 2, but only to the maximum amount (if any) specified opposite the item in column 2 of the table and subject to the limitations specified opposite in column 3 of the table.
- (2) The amount of an allowance payable to a Community Magistrate under this clause must be reasonable, and must not exceed the actual amount incurred by the Community Magistrate.

6 Particulars of allowances claimed

A Community Magistrate claiming payment of any allowance under this order may be paid the allowance only if—

- (a) full particulars of the claim are set out in a statement that is signed by the Community Magistrate; and
- (b) receipts or other documents supporting the claim are attached to, or provided with, the statement; and
- (c) the Registrar or other responsible officer of the court has certified that the allowance claimed is payable under this order.

7 Revocation

The following orders are revoked:

- (a) Community Magistrates (Remuneration and Allowances) Order 1998 (SR 1998/465):
- (b) Community Magistrates (Remuneration and Allowances) Amendment Order 2017 (LI 2017/217):
- (c) Community Magistrates (Remuneration and Allowances) Amendment Order 2012 (SR 2012/83).

Schedule 1
Transitional, savings, and related provisions

cl 3

Part 1
Provision relating to this order as made

1 Out-of-pocket expenses incurred before 5 December 2019

The Community Magistrates (Remuneration and Allowances) Order 1998 continues to apply in relation to allowances payable to a Community Magistrate for expenses incurred by the Community Magistrate before 5 December 2019 as if this order had not been made.

Schedule 2 Travelling allowances and other incidental and minor allowances

cl 5

Column 1 Expense	Column 2 Maximum amount payable	Column 3 Other limitations
1 Expenses relating to use by Community Magistrate of their personal motor vehicle	Amount determined applying the relevant kilometre rate published under section DE 12 of the Income Tax Act 2007 (with any necessary modifications)	Travel must relate to duties as Community Magistrate and be incurred while the Community Magistrate is absent from the office of the court that they usually attend
2 Membership of Air New Zealand's Koru Club		Approval of Chief District Court Judge required before membership is commenced or renewed Chief District Court Judge must anticipate that Community Magistrate will travel by air within New Zealand for the purposes of carrying out duties as Community Magistrate while absent from the office of the court that they usually attend
3 Other travelling expenses, including fares for public transport		Travel must relate to duties as Community Magistrate and be incurred while the Community Magistrate is absent from the office of the court that they usually attend
4 Mobile phone plan for phone used for official purposes	\$32 per month	Community Magistrate not supplied with mobile phone by Ministry of Justice
5 STD phone calls made for official purposes		Community Magistrate not supplied with mobile phone by Ministry of Justice
6 Medical examination while in office		Performed on Community Magistrate by general practitioner approved by Ministry of Justice Not more than 1 in a year

Column 1 Expense	Column 2 Maximum amount payable	Column 3 Other limitations
7 Eye examination and eye vision test while in office		Performed on Community Magistrate by optometrist approved by Ministry of Justice Not more than 1 in every 2 years
8 Professional counselling	\$240 per session	Counselling of Community Magistrate must be for issues arising in relation to their work as Community Magistrate Counselling must be approved by Chief District Court Judge before it commences Maximum of 3 sessions in a year

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

General overview

This order, which comes into force on 5 December 2019, provides for—

- the fees payable to Community Magistrates (other than the Chief Community Magistrate); and
- travelling allowances and other incidental and minor allowances that are payable by way of reimbursement to Community Magistrates (including the Chief Community Magistrate).

The fees payable to the Chief Community Magistrate are determined by the Remuneration Authority.

Community Magistrates are currently paid the fees and additional allowances provided for in the Community Magistrates (Remuneration and Allowances) Order 1998 (the **1998 order**). This order revokes and replaces the 1998 order.

Fees

Under the 1998 order, fees are paid at the rate of \$14.21 for each quarter hour or part of a quarter hour during which a Community Magistrate attends court, but no more than \$455 each day. This order—

- increases the daily fee by 5.75% to \$481 (backdated to 5 November 2017); and
- provides that the daily fee is payable for each day or part of a day during which a Community Magistrate attends court; and
- specifies additional circumstances in which the daily fee is payable to a Community Magistrate.

Allowances

Under the 1998 order, Community Magistrates are entitled to be paid travelling allowances for out-of-pocket expenses they incur when their duties require them to be away from the court they usually attend. Under this order, Community Magistrates are also entitled to be paid allowances for certain additional out-of-pocket expenses, including—

- certain phone-related expenses; and
- an annual medical examination; and
- a biennial eye examination and eye vision test; and
- professional counselling.

2019/261

**Community Magistrates (Remuneration and
Allowances) Order 2019**

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Wellington, New Zealand:

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