Reprint
as at 31 December 2016

Judicial Salaries, Allowances, and Superannuation (Court Martial Appeal Court and Court Martial) Determination 2016

(LI 2016/39)

Judicial Salaries, Allowances, and Superannuation (Court Martial Appeal Court and Court Martial) Determination 2016: expired, on 31 December 2016, by clause 3.

Pursuant to section 12B(2) of the Remuneration Authority Act 1977 and,—

(a) in relation to the appointed Judges of the Court Martial Appeal Court, section 12B(1)(aa) of the Remuneration Authority Act 1977 and section 3(3B) of the Court Martial Appeals Act 1953; and

(b) in relation to the Chief Judge and other Judges of the Court Martial, section 12B(1)(ba) of the Remuneration Authority Act 1977 and section 20 of the Court Martial Act 2007,—

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

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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.

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Determination

1 Title

This determination is the Judicial Salaries, Allowances, and Superannuation (Court Martial Appeal Court and Court Martial) Determination 2016.

2 Commencement

This determination is deemed to have come into force on 1 January 2016.

3 Expiry

This determination expires on 31 December 2016.

4 Interpretation

(1) In this determination, unless the context otherwise requires,—

appointed Judge of the Court Martial Appeal Court means a Judge of the Court Martial Appeal Court appointed under section 3(1)(b) of the Court Martial Appeals Act 1953

Judge of the Court Martial includes the Chief Judge and a Deputy Chief 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.

(2) In this determination, a Judge of the Court Martial is presumed to act on a **part-time basis** unless he or she performs the functions of that office for more than 230 full working days in a calendar year.

5 Salary and allowance of appointed Judge of Court Martial Appeal Court

(1) The salary and allowance payable to an appointed Judge of the Court Martial Appeal Court are set out in Schedule 1.

(2) For the purpose of calculating the salary payable for a period during which an appointed Judge of the Court Martial Appeal Court acts on a part-time basis, the daily rate is the yearly rate of salary divided by 230 pro-rated in proportion to the amount of the day worked.

6 Salaries and allowances of Chief Judge and other Judges of Court Martial

(1) The salaries and allowances payable to the Chief Judge and the other Judges of the Court Martial are set out in Schedule 2.

(2) For the purpose of calculating the salary payable for a period during which a Judge of the Court Martial acts on a part-time basis, the daily rate is the yearly rate of salary applicable to that Judge divided by 230 pro-rated in proportion to the amount of the day worked.

(3) This clause does not apply to a District Court Judge who is also appointed a Judge of the Court Martial.

7 Superannuation rights of appointed Judge of Court Martial Appeal Court

An appointed Judge of the Court Martial Appeal Court is not eligible for the payment of any superannuation subsidy.

8 Limited application of clause 9

Clause 9 does not apply to a Judge of the Court Martial who—

(a) is also a District Court Judge; or

(b) acts on a part-time basis; or

(c) is a current contributor under Part 5A of the Government Superannuation Fund Act 1956; or

(d) is a current contributor to the new GSF scheme.

9 Eligibility of Judge of Court Martial for subsidy on contributions to retirement scheme

(1) A Judge of the Court Martial who chooses to contribute to a retirement scheme is eligible to have a subsidy paid on his or her contribution.

(2) The maximum amount of superannuation subsidy (inclusive of any tax liability) that is payable in any year is 20% of the gross salary actually paid to the Judge in that year.

(3) In order to qualify for a superannuation subsidy, the contribution that the Judge must make to the retirement scheme, when expressed as a ratio of the superannuation subsidy to the Judge's contribution, is 5:1.

10 Other judicial determinations do not apply

To avoid doubt, nothing in the Judicial Salaries and Allowances Determination (No 2) 2015 or the Judicial Superannuation Determination 2006 applies to the appointed Judges of the Court Martial Appeal Court or to the Chief Judge and other Judges of the Court Martial (other than those Judges who are also District Court Judges).

11 Revocation

The Judicial Salaries, Allowances, and Superannuation (Court Martial Appeal Court and Court Martial) Determination 2015 (LI 2015/68) is revoked.

Schedule 1
Salary and allowance of appointed Judge of Court Martial Appeal Court

cl 5

Judicial officer	Yearly rate of salary payable on and after 1 January 2016 ($)	Hourly rate of allowance ($)
Appointed Judge	430,695	75

Schedule 2
Salaries and allowances of Chief Judge and other Judges of Court Martial

cl 6

Judicial officer	Yearly rate of salary payable on and after 1 January 2016 ($)	Hourly rate of allowance ($)
Chief Judge	353,430	105
Deputy Chief Judge	328,950	–
Judge	328,950	–
Deputy Chief Judge acting under section 13(3) of the Court Martial Act 2007		45
Deputy Chief Judge or Judge when acting on a part-time basis		75

Dated at Wellington this 23rd day of February 2016.

Fran Wilde,
Chairperson.

Geoff Summers,
Member.

Angela Foulkes,
Member.

Explanatory memorandum

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

The members of the Court Martial Appeal Court and the Court Martial are drawn from both serving Judges and private practitioners, who are known as appointed Judges of the Court Martial. This determination sets the salaries, allowances, and superannuation rights and obligations of appointed Judges of the Court Martial Appeal Court and the Chief Judge and other Judges of the Court Martial.

The Authority has set the salaries for appointed Judges at what it considers to be the appropriate rate for full-time positions. Appointed Judges acting on a part-time basis will be paid for the time they act, calculated on a pro-rata basis as a proportion of the salary payable to an appointed Judge acting on a full-time basis. The increases in remuneration reflect the movement in salaries for serving Judges, which took effect from 1 October 2015, as set out in the Authority's Judicial Salaries and Allowances Determination (No 2) 2015.

The appointed Judges, when fulfilling their statutory roles, continue to incur expenses in the running of their private practices. The Authority has accordingly specified allowances to be paid as a contribution towards the costs incurred by appointed Judges in maintaining their practices while carrying out their statutory functions. These allowances remain at the level set following a review in 2014.

This determination is for a year from 1 January 2016. The making of the determination was delayed beyond the expiry of the previous determination in order to allow the Remuneration Authority to carry out preparatory work on the determination. The determination expires on 31 December 2016.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 3 March 2016.

Reprints notes

1 General

This is a reprint of the Judicial Salaries, Allowances, and Superannuation (Court Martial Appeal Court and Court Martial) Determination 2016 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 Salaries, Allowances, and Superannuation (Court Martial Appeal Court and Court Martial) Determination 2016 (LI 2016/39): clause 3

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