

**Reprint
as at 20 December 2018**



**Judicial Salaries and Allowances (2017/18) Determination
2017
(LI 2017/280)**

Judicial Salaries and Allowances (2017/18) Determination 2017: revoked (with effect on 1 October 2018 and after expiring on 30 September 2018), on 20 December 2018, by clause 8 of the Judicial Salaries and Allowances (2018/19) Determination 2018 (LI 2018/279).

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)(b) of the Coroners Act 2006,—

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 and Allowances (2017/18) Determination 2017.

2 Commencement

This determination is deemed to have come into force on 1 October 2017.

3 Expiry

This determination expires on 30 September 2018.

4 Salaries of judicial officers

The salaries payable to the judicial officers specified in the Schedule must be paid at the respective rates set out in that schedule.

5 Principal allowances of judicial officers

Principal allowances for general expenses must be paid to the judicial officers specified in the Schedule at the respective rates set out in that schedule.

6 Principal allowance of Chief High Court Judge for secondary residential accommodation in Wellington

- (1) This clause applies if—
- (a) the Chief High Court Judge’s primary place of residence is in Auckland; and
 - (b) 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 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 2017 is \$20,000.

7 Principal allowance of District Court Judge who is chief coroner

A District Court Judge who holds the office of chief coroner must be paid a principal allowance at the yearly rate of \$10,000 in addition to the salary and principal allowance set out in the Schedule.

8 Revocation

The Judicial Salaries and Allowances Determination 2017 (LI 2017/41) is revoked.

Schedule
Salaries and principal allowances

cls 4, 5

Judicial officer	Yearly rate of salary payable on and after 1 October 2017 (\$)	Yearly principal allowance for general expenses payable on and after 1 October 2017 (\$)
Chief Justice	532,400	7,900
Judge of the Supreme Court	499,800	6,500
President of the Court of Appeal	499,800	6,500
Judge of the Court of Appeal	469,200	5,600
Chief High Court Judge	467,700	5,600
Judge of the High Court	446,800	5,600
Associate Judge of the High Court	340,900	4,100
Chief District Court Judge	446,800	5,000
Principal Family Court Judge	388,200	5,000
Principal Youth Court Judge	366,300	5,000
Principal Environment Judge	366,300	5,000
District Court Judge	340,900	4,100
Chief Judge of the Employment Court	424,400	5,600
Judge of the Employment Court	384,200	4,700
Chief Judge of the Māori Land Court	388,200	5,000
Deputy Chief Judge of the Māori Land Court	366,300	4,700
Judge of the Māori Land Court	340,900	4,100

Dated at Wellington this 14th day of November 2017.

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, which is deemed to have come into force on 1 October 2017 and expires on 30 September 2018, sets the salaries and principal allowances for the Judges of the Supreme Court, the Court of Appeal, the High Court and District Court benches (including an allowance for a District Court Judge who is also the Chief Coroner), the Principal Environment Judge, the Employment Court, and 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; and
- the need to be fair both—
 - to the persons or group of persons whose remuneration is being determined; and
 - to the taxpayer; and
- 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 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.

In its preceding determination, the Authority said that it was completing a review of its approach to setting the remuneration, allowances, and superannuation benefits of the judiciary and was also considering any changes that may need to be implemented resulting from the Senior Courts Act 2016 and the District Court Act 2016, which came into force on 1 March 2017. The Authority now expects to complete this review during the first half of 2018. This determination could be amended retroactive to 1 October 2017 as a result of the review.

The review is taking into account a wide range of information, including—

- submissions that were received from the various courts:
- remuneration data on comparable jobs in private sector legal practices with comparable skills and experience and for groups from which it can be expected that Judges could be recruited:
- information on the recruitment and retention of Judges:
- remuneration data for senior positions in the public sector:
- terms and conditions of employment enjoyed by members of the judiciary.

In the meantime, the Authority has made an increase of approximately 1.9% (rounded) to the salaries across all courts. This reflects the wage movement in the public sector for the year ended 30 June 2017 (as shown in Statistics New Zealand Labour Market Statistics).

Reprints notes

1 *General*

This is a reprint of the Judicial Salaries and Allowances (2017/18) Determination 2017 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 and Allowances (2018/19) Determination 2018 (LI 2018/279): clause 8

Judicial Salaries and Allowances (2017/18) Determination 2017 (LI 2017/280): clause 3