

**Reprint
as at 1 October 2020**



**Judicial Officers Salaries and Allowances (2019/20)
Determination 2019**

(LI 2019/319)

Judicial Officers Salaries and Allowances (2019/20) Determination 2019: revoked (after expiring on 30 September 2020), on 1 October 2020, by clause 13 of the Judicial Officers Salaries and Allowances (2020/21) Determination 2020 (LI 2020/266).

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:
 - (aa) in relation to the appointed Judges of the Court Martial Appeal Court, to section 3(3B) of the Court Martial Appeals Act 1953:
 - (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:
 - (ba) in relation to the Chief Judge and other Judges of the Court Martial, to section 20 of the Court Martial Act 2007:
 - (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 coroners, to section 110(1) of the Coroners Act 2006,—
- the Remuneration Authority makes the following determination (to which is appended an explanatory memorandum).

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.

Enacting statement paragraph (aa): inserted (with effect on 1 January 2020), on 11 June 2020, by clause 5(1) of the Judicial Officers Salaries and Allowances (2019/20) Amendment Determination (No 2) 2020 (LI 2020/115).

Enacting statement paragraph (ba): inserted (with effect on 1 January 2020), on 11 June 2020, by clause 5(2) of the Judicial Officers Salaries and Allowances (2019/20) Amendment Determination (No 2) 2020 (LI 2020/115).

Enacting statement paragraph (e): amended (with effect on 1 January 2020), on 5 March 2020, by clause 5 of the Judicial Officers Salaries and Allowances (2019/20) Amendment Determination 2020 (LI 2020/29).

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Determination

- 1 Title**

This determination is the Judicial Officers Salaries and Allowances (2019/20) Determination 2019.
- 2 Commencement**
 - (1) This determination is deemed to have come into force on 1 October 2019 (except as provided in subclause (2)).
 - (2) Clauses 7 to 7E and Parts 2 and 3 of the Schedule are deemed to have come into force on 1 January 2020.

Clause 2(1): amended (with effect on 1 January 2020), on 5 March 2020, by clause 6(1) of the Judicial Officers Salaries and Allowances (2019/20) Amendment Determination 2020 (LI 2020/29).

Clause 2(2): inserted (with effect on 1 January 2020), on 5 March 2020, by clause 6(2) of the Judicial Officers Salaries and Allowances (2019/20) Amendment Determination 2020 (LI 2020/29).

Clause 2(2): amended (with effect on 1 January 2020), on 11 June 2020, by clause 6 of the Judicial Officers Salaries and Allowances (2019/20) Amendment Determination (No 2) 2020 (LI 2020/115).

3 Expiry

This determination expires on 30 September 2020.

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 Part 1 of the Schedule and no separate principal allowance for general expenses is payable.

Clause 5: amended (with effect on 1 January 2020), on 11 June 2020, by clause 7 of the Judicial Officers Salaries and Allowances (2019/20) Amendment Determination (No 2) 2020 (LI 2020/115).

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 2019 is \$20,000.

- (4) In this clause, **Wellington** means the area within the boundaries of the Wellington Regional Council.

7 Definition of coroner for purposes of clauses 7A and 7B

In clauses 7A and 7B, 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.

Clause 7: replaced (with effect on 1 January 2020), on 5 March 2020, by clause 7 of the Judicial Officers Salaries and Allowances (2019/20) Amendment Determination 2020 (LI 2020/29).

7A 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 payable to a chief coroner set out in the Schedule; and
- (b) the salary payable to a District Court Judge set out in the Schedule.
- (2) The salaries payable to a deputy chief coroner and coroner are 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 a 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 \$42,500 per annum by way of salary, in recognition of the fact that a relief coroner is not entitled to receive superannuation contributions under the Judicial Officers Superannuation Determination 2019, provided that the annual sum of the following amounts does not exceed \$325,600:
- (a) the salary payable under subclause (2); 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 the Judicial Officers Superannuation Determination 2019.

Clause 7A: inserted (with effect on 1 January 2020), on 5 March 2020, by clause 7 of the Judicial Officers Salaries and Allowances (2019/20) Amendment Determination 2020 (LI 2020/29).

7B 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 \$11,000 per annum, in

recognition of the fact that each is, from time to time, rostered to act as National Duty Coroner.

Clause 7B: inserted (with effect on 1 January 2020), on 5 March 2020, by clause 7 of the Judicial Officers Salaries and Allowances (2019/20) Amendment Determination 2020 (LI 2020/29).

7C Definitions for purposes of clause 7D

In clause 7D, 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 a Deputy Chief Judge but does not include the Chief Judge of that court

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

Clause 7C: inserted (with effect on 1 January 2020), on 11 June 2020, by clause 8 of the Judicial Officers Salaries and Allowances (2019/20) Amendment Determination (No 2) 2020 (LI 2020/115).

7D Salaries and allowances of appointed Judge of Court Martial Appeal Court and Judge of Court Martial

- (1) The salaries and allowances payable to an appointed Judge of the Court Martial Appeal Court and a Judge of the Court Martial are set out in Part 3 of the Schedule.
- (2) An appointed Judge of the Court Martial Appeal Court or a Judge of the Court Martial is presumed to act on a part-time basis unless the Judge performs the functions of the Judge's office for 226 or more full working days in a calendar year.
- (3) For the purpose of calculating the salary payable for a period during which an appointed Judge of the Court Martial Appeal Court or 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 226 pro-rated in proportion to the amount of the day worked.
- (4) This clause does not apply to a District Court Judge who is also appointed a Judge of the Court Martial.

Clause 7D: inserted (with effect on 1 January 2020), on 11 June 2020, by clause 8 of the Judicial Officers Salaries and Allowances (2019/20) Amendment Determination (No 2) 2020 (LI 2020/115).

7E Salary and allowance of Chief Judge of Court Martial

- (1) The Chief Judge of the Court Martial must be paid \$168,100 (which is four-and-a-half-tenths of the yearly salary rate set out in Part 3 of the Schedule).
- (2) The allowance payable to the Chief Judge is set out in Part 3 of the Schedule.
- (3) If the Chief Judge performs the functions of that office for more than 101.7 days (being four-and-a-half-tenths of 226 full working days in a calendar year), then, in addition to the salary payable under subclause (1), salary is payable to the Chief Judge at a daily rate of \$1,650 (which is the yearly rate set out in Part

3 of the Schedule divided by 226) pro-rated in proportion to the amount of the day worked.

- (4) The maximum amount of salary payable under subclauses (1) and (3) is the yearly rate set out in Part 3 of the Schedule.
- (5) A District Court Judge who holds the office of Chief Judge of the Court Martial must be paid the higher of the following:
- (a) the salary payable to the Chief Judge under this clause:
 - (b) the salary payable to a District Court Judge provided for in this determination.

Clause 7E: inserted (with effect on 1 January 2020), on 11 June 2020, by clause 8 of the Judicial Officers Salaries and Allowances (2019/20) Amendment Determination (No 2) 2020 (LI 2020/115).

8 Revocation

The Judicial Salaries and Allowances (2018/19) Determination 2018 (LI 2018/279) is revoked.

Schedule **Salaries and principal allowances**

cls 4, 5, 7A, 7D, 7E

Schedule heading: amended (with effect on 1 January 2020), on 11 June 2020, by clause 9(1) of the Judicial Officers Salaries and Allowances (2019/20) Amendment Determination (No 2) 2020 (LI 2020/115).

Part 1

Salaries and principal allowances payable on and after 1 October 2019

Schedule Part 1 heading: inserted (with effect on 1 January 2020), on 5 March 2020, by clause 8(2) of the Judicial Officers Salaries and Allowances (2019/20) Amendment Determination 2020 (LI 2020/29).

Judicial officer	Yearly rate of salary (including principal allowance for general expenses) payable on and after 1 October 2019 (\$)
Chief Justice	560,100
Judge of the Supreme Court	525,400
President of the Court of Appeal	525,400
Judge of the Court of Appeal	493,500
Chief High Court Judge	493,500
Judge of the High Court	471,100
Associate Judge of the High Court	399,000
Chief District Court Judge	471,100
Principal Family Court Judge	403,600

Judicial officer	Yearly rate of salary (including principal allowance for general expenses) payable on and after 1 October 2019 (\$)
Principal Youth Court Judge	403,600
Chief Environment Court Judge	403,600
District Court Judge	358,100
Chief Judge of the Employment Court	441,400
Judge of the Employment Court	399,000
Chief Judge of the Māori Land Court	403,600
Deputy Chief Judge of the Māori Land Court	380,700
Judge of the Māori Land Court	358,100

Schedule Part 1: amended, on 1 July 2020, by section 109 of the Resource Management Amendment Act 2020 (2020 No 30).

Part 2

Salaries payable on and after 1 January 2020

Schedule Part 2: inserted (with effect on 1 January 2020), on 5 March 2020, by clause 8(3) of the Judicial Officers Salaries and Allowances (2019/20) Amendment Determination 2020 (LI 2020/29).

Judicial officer	Yearly rate of salary payable on and after 1 January 2020 (\$)
Chief coroner	362,800
Deputy chief coroner	303,100
Coroner	283,100

Part 3

Salaries and allowances payable on and after 1 January 2020

Schedule Part 3: inserted (with effect on 1 January 2020), on 11 June 2020, by clause 9(2) of the Judicial Officers Salaries and Allowances (2019/20) Amendment Determination (No 2) 2020 (LI 2020/115).

Judicial officer	Yearly rate of salary payable on and after 1 January 2020 (\$)	Hourly rate of allowance payable on and after 1 January 2020 (\$)
Appointed Judge of the Court Martial Appeal Court	462,000	75
Chief Judge of the Court Martial	373,600	–
Deputy Chief Judge of the Court Martial	347,700	–
Judge of the Court Martial	347,700	–
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 13th day of December 2019.

Fran Wilde,
Chairperson.

Len Cook,
Member.

Geoff Summers,
Member.

Explanatory memorandum

Note: The following explanatory memorandum should be read in conjunction with the explanatory memorandum(s) appended to the:

- **Judicial Officers Salaries and Allowances (2019/20) Amendment Determination (No 2) 2020**
- **Judicial Officers Salaries and Allowances (2019/20) Amendment Determination 2020**

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 2019 and expires on 30 September 2020. It sets the salaries and the allowances for the Judges of the Supreme Court, the Court of Appeal, the High Court, the District Court, 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:
- 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.

As in previous years, the Authority took into account a wide range of information, including—

- submissions (written and oral) received from the various benches; and
- the views of key stakeholders; and
- terms and conditions of employment enjoyed by the members of the judiciary; and
- information on the recruitment and retention of judicial officers; and
- 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; and
- remuneration data for senior positions in the public sector; and
- a survey, completed in 2018, of recurring and contemporary issues affecting the courts.

We see across the judiciary that there are arguments that the scope of particular judicial roles has increased in recent years. The Authority does not have available to it information that would allow examination of relative shifts in scope where these shifts affect one bench in comparison with another bench. Evidence that can quantify such changes and distinguish them from developments experienced in all callings reflects factors that are not readily comparable. A key focus this year was the advice we received on the stability of the benches and their apparent candidate pools. This has not generated any external concern that we can detect. We see across the benches of the judiciary a strong capacity to adapt that may have the side-effect of obscuring some of the pressures on remuneration.

In these and other cases we sought the views of the Chief Justice, the Attorney-General, the Minister of Justice, the Solicitor-General, and the Secretary for Justice, along with the heads of each bench, before taking into account in the determination the evidence available to us, as well as arguments presented to the Authority. Where these key stakeholders can advise, or where we have sufficient information consistent with our terms of reference, then we will make what we consider an appropriate adjustment to individual benches. However, we act cautiously in this process because of the need to anticipate consequential responses in following years from the remaining benches.

While we note that Ministers are seeking to ensure that remuneration practices of the State take into account their effect on the distribution of income, the Authority has to act independently in the application of its statutory obligations. Indicators and benchmarks, including measures of income relativities, inform the Authority in its determinations for the judiciary.

Across the benches there has not been strong evidence of a serious situation throughout 2018–19 in relation to retention or recruitment to any particular bench as a result of the current level of remuneration. However we may be at a turning point on recruitment, as we have been advised by several benches of recent indications from potential candidates that point to the relationship between remuneration and recruitment as being at some risk of changing in the coming year. The following 2 specific issues of recruitment have emerged to have greater significance in the review this year:

- the need to recognise a shift in the requirements of candidates for Tikanga Māori; and
- the need to support the large-scale recruitment initiatives to the District Court over the next few years, which will be put in train shortly.

To maintain the relative position of Judges, compared with other relevant groups in New Zealand in 2019–20 with respect to salary, the Judges of the Senior Courts will receive an adjustment informed by the new public sector labour cost index salaries and wages indicator published by the Government Statistician, which excludes the increases to the minimum wage and major pay settlements for the year ended 30 September 2019. A base increase of 1.5 % is applied to the remuneration of a Judge of the High Court, and the equivalent dollar amount is then applied as a fixed-sum increase to the remuneration of the Chief High Court Judge and the Judges of the Court of Appeal and Supreme Court.

We have decided to adjust the salary of Judges of the District Court and Māori Land Court by an increase of 2.7% this year. These adjustments will be taken into account next year when assessing any increases for that or later determinations. This year's additional increase is both in response to the general indicators we use and recognition of the high level of recruitment that is planned for the District Court over the next 3 to 5 years.

We have applied the second part of the salary adjustments initiated in 2018 to Associate Judges of the High Court and to the Principal Youth Court Judge and Principal Environment Judge.

Note: The preceding explanatory memorandum should be read in conjunction with the explanatory memorandum(s) appended to the:

- **Judicial Officers Salaries and Allowances (2019/20) Amendment Determination (No 2) 2020**
- **Judicial Officers Salaries and Allowances (2019/20) Amendment Determination 2020**

Reprinted as at
1 October 2020

**Judicial Officers Salaries and Allowances (2019/20)
Determination 2019**

Explanatory
memorandum

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 19 December 2019.

Reprints notes

1 *General*

This is a reprint of the Judicial Officers Salaries and Allowances (2019/20) 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 (2020/21) Determination 2020 (LI 2020/266): clause 13

Resource Management Amendment Act 2020 (2020 No 30): section 109

Judicial Officers Salaries and Allowances (2019/20) Amendment Determination (No 2) 2020 (LI 2020/115)

Judicial Officers Salaries and Allowances (2019/20) Amendment Determination 2020 (LI 2020/29)

Judicial Officers Salaries and Allowances (2019/20) Determination 2019 (LI 2019/319): clause 3