

**Reprint
as at 3 December 2004**



**Judicial Superannuation (Part-time
Judges) Determination 2004**

(SR 2004/411)

Pursuant to sections 12B(2)(a) and 17 of the Remuneration Authority Act 1977, the Remuneration Authority, after consultation with the Government Superannuation Fund Authority and the Government Actuary, makes the following determination (to which is appended an explanatory memorandum).

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This determination is administered by the Remuneration Authority.

Determination

1 Title

This determination is the Judicial Superannuation (Part-time Judges) Determination 2004.

2 Commencement

This determination comes into force on the day after the date of its notification in the *Gazette*.

3 Judicial officers to whom this determination applies

This determination applies to any judicial officer who—

- (a) is or was a contributor under Part 5A of the Government Superannuation Fund Act 1956; and
- (b) is or was authorised by the Attorney-General to act on a part-time basis during any period of his or her judicial service.

4 Interpretation

In this determination, unless the context otherwise requires,—

Act means the Government Superannuation Fund Act 1956

part-time judicial officer means a judicial officer to whom this determination applies

part-time judicial service means a period of judicial service during which a part-time judicial officer acts on a part-time basis.

5 Calculation of salary

The amount of the annual salary payable to a part-time judicial officer at the date of his or her retirement or resignation must be treated, for the purposes of sections 81H, 81I, 81K, 81L, and 81T of the Act, as being the amount of the annual salary that would be payable at that date for a full-time equivalent position.

Example

Judge A is a High Court Judge who is authorised to work part-time.

Example—*continued*

Judge A is paid an annual salary of \$136,000, which is 50% of the annual salary payable to a full-time High Court Judge.

Judge A's annual salary, for the purpose of calculating his or her retiring allowance, is taken to be \$272,000.

6 Calculation of length of judicial service

A period of part-time judicial service must be reduced, for the purposes of sections 81F(3), 81H, 81I, 81P, and 81S of the Act, by the same proportion as the proportion by which the judicial officer's salary in respect of that period was reduced.

Example

Judge A retires on the completion of 16 years' judicial service. Judge A worked part-time for the last 3 years of that service. Judge A was paid 50% of the salary payable to a full-time Judge during those 3 years. Judge A's total judicial service, for the purposes of the Act, is taken to be—

$$13 \text{ years} + (3 \times 0.5) = 14.5 \text{ years}$$

7 Act is modified accordingly

Part 5A of the Act is modified accordingly, in so far as it applies to part-time judicial officers, by this determination.

Dated at Wellington this 25th day of November 2004.

BA Wakem,
Deputy Chairman.

David Oughton,
Member.

Explanatory memorandum

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

Legislation has been passed to allow for Judges to act on a part-time basis with a pro rata adjustment to their salary and allowances.

Judges appointed on or before 30 June 1992

There is a statutory requirement for Judges appointed on or before 30 June 1992 to belong to the Government Superannuation Fund and to pay prescribed contributions for a maximum period of 16 years.

It is necessary to provide for any Judge who, before completing the equivalent of 16 years' full-time service, is authorised to act on a part-time basis. Any period of part-time judicial service must be converted to full-time equivalent judicial service to ensure—

- that compulsory superannuation contributions can be ceased on the due date; and
- that the date of qualifying for the maximum percentage calculation of retiring allowance is likewise clearly established.

In addition, there is a need to clarify that the nominal salary for a full-time Judge is to be the salary base from which a Judge's retiring allowance is to be computed.

Judges appointed after 1 July 1992

For Judges appointed after 1 July 1992, there is no need to make any special provisions. These Judges are entitled to a subsidy on their salary. As the subsidy is based on the salary actually received, any pro rata salary received during a period of part-time judicial service would attract a pro rata amount of subsidy.

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Notes

1 *General*

This is a reprint of the Judicial Superannuation (Part-time Judges) Determination 2004. The reprint incorporates all the amendments to the determination as at 3 December 2004, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, *see*

<http://www.pco.parliament.govt.nz/legislation/reprints.shtml>
or Part 8 of the *Tables of Acts and Ordinances and Statutory Regulations, and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- position of the date of assent (it now appears on the front page of each Act)

- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*
