

**THE JUDICIAL SALARIES AND ALLOWANCES
DETERMINATION 1990**

PURSUANT to the Higher Salaries Commission Act 1977 and,—

- (a) In relation to the Chief Justice, the President of the Court of Appeal, the Judges of the Court of Appeal and the other Judges of the High Court, to section 9A (1) (a) and (b) of the Judicature Act 1908 (as inserted by section 2 of the Judicature Amendment Act (No. 3) 1985);
- (b) In relation to the Chief Judge of the Labour Court and the other Judges of the Labour Court, to section 290 of the Labour Relations Act 1987;
- (c) In relation to the Chief Judge of the Maori Land Court and the other Judges of the Maori Land Court, to section 21 (1) (a) and (b) of the Maori Affairs Act 1953 (as substituted by section 2 of the Maori Affairs Amendment Act (No. 2) 1985);
- (d) In relation to the Chief District Court Judge, the Principal Family Court Judge, the Principal Planning Judge, and the other District Court Judges, to section 6 (1) (a) and (b) of the District Courts Act 1947 (as substituted by section 2 of the District Courts Amendment Act (No. 3) 1985);
- (e) In relation to the Principal Youth Court Judge, to section 6 (1) of the District Courts Act 1947 (as substituted by section 2 of the District Courts Amendment Act (No. 3) 1985) and section 12B (1) (b) of the Higher Salaries Commission Act 1977 (as inserted by section 4 of the Higher Salaries Commission Amendment Act (No. 2) 1985 and amended by section 449 of the Children, Young Persons, and Their Families Act 1989);
- (f) In relation to the Masters of the High Court, to section 26F (1) (a) and (b) of the Judicature Act 1908 (as inserted by section 5 of the Judicature Amendment Act 1986),—

the Higher Salaries Commission hereby makes the following determination (to which is appended an Explanatory Memorandum).

DETERMINATION

1. Title and commencement—(1) This determination may be cited as the Judicial Salaries and Allowances Determination 1990.

(2) Except as provided in clause 5 (2) of this determination, this determination shall be deemed to have come into force on the 1st day of October 1989.

2. Expiry—This determination shall expire on the 30th day of September 1990.

3. Salaries of Judges—The salaries payable to the Judges specified in the Schedule to this determination shall be paid at the respective rates set out in that Schedule.

4. Principal allowances of Judges—Principal allowances for general expenses shall be paid to the Judges specified in the Schedule to this determination at the respective rates set out in that Schedule.

5. Salary and principal allowance of Principal Youth Court Judge—(1) There shall be paid to the Principal Youth Court Judge—

(a) A salary at the rate of \$126,500 a year; and

(b) A principal allowance for general expenses at the rate of \$4,900 a year.

(2) This clause shall be deemed to have come into force on the 1st day of November 1989.

6. Revocation—The Judicial Salaries and Allowances Determination 1989* is hereby revoked.

*S.R. 1989/11

SCHEDULE
SALARIES AND PRINCIPAL ALLOWANCES

Cls. 3, 4

	Yearly Rate of Salary Payable on and after 1 October 1989	Yearly Rate of Principal Allowance for general expenses payable on and after 1 October 1989
Chief Justice	175,000	7,800
President of the Court of Appeal	171,500	6,400
Judge of the Court of Appeal	162,000	5,500
Judge of the High Court	153,500	5,500
Chief District Court Judge	143,000	4,900
Principal Family Court Judge	132,500	4,600
Principal Planning Judge	125,500	4,600
District Court Judge	123,000	4,000
Chief Judge of the Labour Court	154,500	5,500
Judge of the Labour Court	145,000	4,600
Chief Judge of the Maori Land Court	138,000	4,900
Judge of the Maori Land Court	123,000	4,000
Master of the High Court	114,500	3,000

Dated at Wellington this 30th day of January 1990.

J. DUNMORE,
Chairman.

M. A. FITZGERALD,
Member.

G. L. JACKSON,
Member.

EXPLANATORY MEMORANDUM

Background

1. The Judicial Salaries and Allowances Determination is the outcome of a review undertaken by the Higher Salaries Commission following the expiry of the Judicial Salaries and Allowances Determination 1989, which came into force on 1 April 1988.

2. The present determination (except for clause 5) is deemed to have come into force on 1 October 1989. Clause 5, which relates to the Principal Youth Court Judge, is deemed to have come into force on 1 November 1989 (the date when that office was created by the Children, Young Persons, and Their Families Act 1989).

Expiry Date

3. As required by section 19 of the Higher Salaries Commission Act 1977 (as substituted by section 8 of the Higher Salaries Commission Amendment Act 1988), an expiry date for the determination has been prescribed in clause 2 (30 September 1990). It should be noted,

however, that section 19 also provides that a determination shall remain in force beyond its stated expiry date until superseded by another determination, and may, on the grounds stated in section 19 (4), be amended at any time.

Jurisdiction

4. The Commission's jurisdiction in respect of salaries and principal allowances is contained in section 12b (1) of the Higher Salaries Commission Act 1977 (as amended), which reads as follows:

"12b. Functions of Commission in relation to judicial salaries and superannuation—(1) The Commission shall have the function of considering and determining the salaries and principal allowances of—

- "(a) The Chief Justice, the President of the Court of Appeal, the Judges of the Court of Appeal, and the Judges of the High Court; and
- "(b) The Chief District Court Judge, the Principal Family Court Judge, the Principal Youth Court Judge, the Principal Planning Judge, and the other District Court Judges; and
- "(c) The Chief Judge of the Labour Court and the other Judges of the Labour Court; and
- "(d) The Chief Judge of the Maori Land Court and the other Judges of the Maori Land Court; and
- "(e) The Masters of the High Court."

5. It is pertinent also to recognise that the Commission has a function of making recommendations to appropriate Ministers concerning superannuation provisions for the judiciary. The Commission's function in this regard is set out in section 12b (2), which reads as follows:

"(2) The Commission shall have the function of making recommendations to the Minister of Justice, the Minister of Labour, the Minister of Maori Affairs, and the Minister of Finance with respect to the matters to which Part IV or Part V of the Government Superannuation Fund Act 1956 applies."

Criteria

6. The Commission is bound by the criteria prescribed by section 18 of the Higher Salaries Commission Act 1977 (as substituted by section 7 of the Higher Salaries Commission Amendment Act 1988), which reads as follows:

"18. (1) In determining any remuneration under section 12 (1) (a) or section 12b (1) of this Act, or under any other enactment, the Commission shall have regard in particular to the following criteria:

- "(a) The need to achieve and maintain fair relativity with the levels of remuneration received elsewhere; and
- "(b) The need to be fair both—
 - "(i) To the persons or group of persons whose remuneration is being determined; and
 - "(ii) To the taxpayer or ratepayer; and
- "(c) The need to recruit and retain competent persons.

"(2) In determining the remuneration of any persons or group of persons pursuant to any subparagraph of section 12 (1) (a) of this Act or in determining the remuneration of any persons or group of persons pursuant to section 12b (1) of this Act or under any other Act, the Commission shall take into account—

- "(a) The requirements of the position concerned; and
- "(b) 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 Commission, comparable with those of the persons or members of the group of persons whose remuneration is being determined."

Principles

7. The principles followed by the Commission in fixing salaries and allowances for the judiciary were enunciated in detail in the Explanatory Notes concerning reviews undertaken since 1978. The Commission considers that by and large those principles are still valid.

Procedures Adopted

8. Written submissions were received from Judges in respect of their salaries and allowances and, where requested, these submissions were discussed fully by the Commission with their representatives. Other information and opinions were obtained from various appropriate sources and the conditions of appointment of the various classes of Judges were taken into account.

9. Submissions, both written and oral, were received regarding relativities between various classes of the judiciary. In view of the Law Commission's report on *The Structure of the Courts*, with the possibility of changes in the composition, jurisdiction, and operation of the various courts, it has been decided that any changes in relativities at this time would be inappropriate.

Principal Allowances

10. Adjustments have been made to cover rises in costs which have occurred since 1 April 1988. These allowances are considered by the Commission to be reimbursement allowances for expenses which are incurred on circuit and elsewhere and which are not easily accounted for.

Issued under the authority of the Acts and Regulations Publication Act 1989 and section 12B (3) of the Higher Salaries Commission Act 1977.
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