

## JUDICIAL SALARIES AND ALLOWANCES DETERMINATION 1998

---

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 Employment Court and the other Judges of the Employment Court, to section 115 of the Employment Contracts Act 1991:
- (c) In relation to the Chief Judge of the Maori Land Court, to the Deputy Chief Judge of the Maori Land Court, and the other Judges of the Maori Land Court, to section 13 (1) (a) and (b) of Te Ture Whenua Maori Act 1993:
- (d) In relation to the Chief District Court Judge, the Principal Family Court Judge, the Principal Youth Court Judge, the Principal Environment 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 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 makes the following determination (to which is appended an Explanatory Memorandum).

---

### ANALYSIS

1. Title and commencement
  2. Expiry
  3. Salaries of judicial officers
  4. Principal allowances of judicial officers
  5. Revocation
- 

### SCHEDULE

Salaries and Principal Allowances

---

## DETERMINATION

**1. Title and commencement**—(1) This determination may be cited as the Judicial Salaries and Allowances Determination 1998.

(2) This determination is deemed to have come into force on 1 October 1998.

**2. Expiry**—(1) Except as provided in subclause (2), this determination expires on 30 September 1999.

(2) In relation to the Chief Judge of the Maori Land Court and the Deputy Chief Judge of the Maori Land Court, this determination expires on 4 December 1998.

**3. 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.

**4. 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.

**5. Revocation**—The Judicial Salaries and Allowances Determination 1997\* is revoked.

\*S.R. 1997/337

---

Cls. 3, 4

SCHEDULE  
SALARIES AND PRINCIPAL ALLOWANCES

|   | Yearly Rate of<br>Salary Payable<br>on and after 1<br>October 1998 | Yearly Rate of<br>Principal<br>Allowance for<br>General<br>Expenses<br>Payable on and<br>after 1 October<br>1998 |
|---|--|--|
|   | \$   | \$   |
| Chief Justice ... ..                              | 243,400  | 7,900  |
| President of the Court of Appeal ... ..           | 239,200  | 6,500  |
| Judge of the Court of Appeal ... ..               | 222,600  | 5,600  |
| Judge of the High Court ... ..                    | 212,200  | 5,600  |
| Chief District Court Judge ... ..                 | 205,000  | 5,000  |
| Principal Family Court Judge ... ..               | 182,500  | 5,000  |
| Principal Youth Court Judge ... ..                | 176,000  | 5,000  |
| Principal Environment Judge ... ..                | 176,000  | 5,000  |
| District Court Judge ... ..                       | 169,500  | 4,100  |
| Chief Judge of the Employment Court ... ..        | 212,200  | 5,600  |
| Judge of the Employment Court ... ..              | 197,600  | 4,700  |
| Chief Judge of the Maori Land Court ... ..        | 189,800  | 5,000  |
| Deputy Chief Judge of the Maori Land Court ... .. | 182,500  | 4,700  |
| Judge of the Maori Land Court ... ..              | 169,500  | 4,100  |
| Master of the High Court ... ..                   | 169,500  | 4,100  |

Dated at Wellington this 30th day of November 1998.

H. D. PEACOCK, Chairman.

B. A. WAKEM, Member.

W. R. MULHOLLAND, Member.

## EXPLANATORY MEMORANDUM

This determination is the outcome of a review undertaken by the Higher Salaries Commission of judicial salaries and allowances as at 1 October 1998.

*1. Background*

1.1 The previous determination of judicial salaries and allowances expired on 30 September 1998, and this determination is deemed to have come into force on 1 October 1998 and will expire on 30 September 1999.

1.2 The Commission invited submissions from each Bench and had the benefit of discussions with a number of representatives of the Courts. Survey material and other information available to the Commission have also been taken into account in reviewing judicial salaries.

1.3 The Commission is bound by the criteria prescribed by section 18 of the Higher Salaries Commission Act 1977. These include the need to achieve and maintain fair relativity with 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, and the need to recruit and retain competent persons. The requirements of the position concerned are to be taken into account as also are conditions of service in relation to those applicable to others in comparable circumstances.

1.4 As the Commission has noted previously, the key issue in setting judicial salaries is the need to recruit people of the highest quality in order to maintain the independence and integrity of the justice system in New Zealand.

*2. Salaries*

2.1 The Commission has previously noted the effect on recruitment to the Judiciary of the substantial disparity between judicial salaries and the incomes earned by leaders of the Bar. That gap cannot be bridged.

2.2 However, the Commission is now deeply concerned about the increasing difficulty in recruiting suitable candidates to the High Court where, in recent times, there have been a number of refusals to accept appointment.

2.3 There are many factors which affect the attractiveness of a position to potential candidates. Salary is often not the most important element. Other factors tend to be:

- complexity of work;
- pressures of the position;
- flexibility in terms and conditions of employment;
- the level of support services provided;
- any restrictions on future employment.

2.4 The Commission cannot directly affect these matters but strongly supports any changes that can be made which will alleviate the problems being experienced in recruitment of suitable candidates.

2.5 For its part the Commission will need to consider the relative salaries of all the Courts, especially in relation to recruitment. This matter will be on the agenda for the 1999 determination.

2.6 In respect of judicial salaries the Commission has, in this determination, maintained the position achieved in prior determinations, except in respect of the positions of the Chief District Court Judge, the Principal Youth Court Judge, and the Principal Environment Judge to recognise the responsibilities of these positions.

*3. Allowances*

3.1 The principal allowances presently in force have remained unchanged since 1990. The Commission has decided against any adjustment, except in the case of the Principal Family Court Judge and the Principal Environment Judge, to bring them into line with comparable positions.

*4. Chief Judge and Deputy Chief Judge of the Maori Land Court*

4.1 In relation to the Chief Judge of the Maori Land Court and the Deputy Chief Judge of the Maori Land Court, this determination expires on the earlier date of 4 December 1998.

4.2 Under the Treaty of Waitangi Act 1975, the Chief Judge of the Maori Land Court is the Chairperson of the Waitangi Tribunal. The Treaty of Waitangi Amendment Bill, at present before Parliament, will extend the class of persons who may be Chairperson to include a High Court Judge and a retired High Court Judge.

4.3 It is not known when the bill will be passed by Parliament. After it is passed, however, and having regard to the appointment of the Chief Judge of the Maori Land Court as a High Court Judge, the Commission proposes to review the salaries and allowances of the Chief Judge and Deputy Chief Judge of the Maori Land Court.

---

Issued under the authority of the Acts and Regulations Publication Act 1989 and section 12B (9) of the Higher Salaries Commission Act 1977.

Date of notification in *Gazette*: 3 December 1998.