



Judicial Salaries and Allowances Determination 2002

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:
- (b) in relation to the Chief Judge of the Employment Court and the other Judges of the Employment Court, to section 206 of the Employment Relations Act 2000:
- (c) in relation to the Chief Judge of the Maori Land Court, 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:
- (e) in relation to the Masters of the High Court, to section 26F(1)(a) and (b) of the Judicature Act 1908,—

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

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Determination

- 1 Title**

This determination is the Judicial Salaries and Allowances Determination 2002.
- 2 Commencement**

This determination is deemed to have come into force on 1 October 2002.
- 3 Expiry**

This determination expires on 30 September 2003.
- 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 Revocation**

The Judicial Salaries and Allowances Determination 2001 (SR 2001/391) is revoked.

Schedule

Salaries and principal allowances

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	Yearly rate of salary payable on and after 1 Octo- ber 2002	Yearly rate of principal allow- ance for general expenses pay- able on and after 1 October 2002
Chief Justice	317,400	7,900
President of the Court of Appeal	307,400	6,500
Judge of the Court of Appeal	283,500	5,600
Judge of the High Court	264,100	5,600
Chief District Court Judge	261,100	5,000
Principal Family Court Judge	223,900	5,000
Principal Youth Court Judge	216,900	5,000
Principal Environment Judge	216,900	5,000
District Court Judge	202,200	4,100
Chief Judge of the Employment Court	260,400	5,600
Judge of the Employment Court	235,700	4,700
Chief Judge of the Maori Land Court	229,600	5,000
Deputy Chief Judge of the Maori Land Court	217,300	4,700
Judge of the Maori Land Court	202,200	4,100
Master of the High Court	202,200	4,100

Dated at Wellington this 9th day of December 2002.

H. D. Peacock,
Chairman.

B. A. Wakem,
Member.

W. R. Mulholland,
Member.

Explanatory memorandum

Recruitment

The Commission has previously commented on the various factors that affect judicial recruitment. These still remain. As well, there is increasing concern about personal and family security and financial security in retirement. It is important that the judiciary does not fall too far behind executive salaries in New Zealand and maintains a reasonable relativity with comparable positions.

Superannuation

The current scheme in respect of post-1992 appointees does not provide certainty of income in retirement. The pre-1992 scheme provided a guaranteed pension and this was a major attraction to becoming a judge. Concern about the lack of financial security for judges in retirement is now very real. It is clearly a significant barrier to recruitment. Financial security in retirement is also important in reinforcing the independence of the judiciary. A compounding factor is the limitation on employment of judges post retirement. A funded pension scheme, even if no more expensive than the current defined contribution scheme, is likely to be perceived as more valuable and, as such, would help recruit and retain an independent and competent judiciary.

Other matters

There are other issues that add to the complexity of the tasks undertaken by judges and the Commission's responsibility to remunerate them fairly. The District Court now has responsibility for some matters that were formerly within the jurisdiction of the High Court, in particular in the area of serious criminal trials. The level of responsibility undertaken by judges at the District Court level varies quite widely. The Commission sees that a case might be made for differential rates of remuneration for judges at the District Court level to reflect this more properly. However, any such consideration needs to await a possible restructuring of the courts which might flow from changes being contemplated elsewhere.

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Issued under the authority of the Acts and Regulations Publication Act 1989 and section 12B(9) of the Higher Salaries Commission Act 1997.

Date of notification in *Gazette*: 12 December 2002.
