



Judicial Salaries and Allowances Determination 2004

Pursuant to section 12B(1) 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, the Chief High Court Judge 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(1)(a) and (b) 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 Associate Judges of the High Court, to section 26F(1)(a) and (b) of the Judicature Act 1908,—

the Remuneration Authority 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 2004.

2 Commencement

This determination is deemed to have come into force on 1 October 2004.

3 Expiry

This determination expires on 30 September 2005.

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 2003 (SR 2003/394) is revoked.

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Schedule Salaries and principal allowances

	Yearly rate of salary payable on and after 1 Octo- ber 2004	Yearly rate of principal allow- ance for general expenses payable on and after 1 October 2004
Chief Justice	348,000	7,900
Judge of the Supreme Court	326,000	6,500
President of the Court of Appeal	324,000	6,500
Judge of the Court of Appeal	303,000	5,600
Chief High Court Judge	302,000	5,600
Judge of the High Court	283,000	5,600

	Yearly rate of salary payable on and after 1 Octo- ber 2004	Yearly rate of principal allow- ance for general expenses payable on and after 1 October 2004
Chief District Court Judge	279,000	5,000
Principal Family Court Judge	239,000	5,000
Principal Youth Court Judge	232,000	5,000
Principal Environment Judge	232,000	5,000
District Court Judge	215,000	4,100
Chief Judge of the Employment Court	278,000	5,600
Judge of the Employment Court	251,000	4,700
Chief Judge of the Maori Land Court	245,000	5,000
Deputy Chief Judge of the Maori Land Court	232,000	4,700
Judge of the Maori Land Court	215,000	4,100
Associate Judge of the High Court	215,000	4,100

Dated at Wellington this 15th day of December 2004.

B. A. Wakem, Deputy Chairman.

David Oughton, Member.

Explanatory memorandum

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

This determination, which is deemed to have come into force on 1 October 2004, sets the salaries and allowances for the judiciary. It allows for an increase in salaries ranging from 3%–4% for the various benches. This is a modest increase and in part reflects the additional value arising from the increased superannuation subsidy for post-1992 members (who are not members of the Government Superannuation Fund) that was signalled in last year's determination.

The slight differentiation between benches this year reflects an increasing concern over the continued ability to recruit, and now retain, judges for the High Court.

Last year the Authority, quoting the Solicitor-General, drew attention to the importance of 3 basic criteria supporting judicial independence—

- security of tenure:
- financial security:
- institutional independence.

These remain critical elements.

The Authority will continue to assess the remuneration package for the judiciary against these criteria and alongside evidence about salary scales in other comparable jurisdictions and from more general remuneration surveys.

Whilst the level of remuneration the Authority sets cannot match levels enjoyed by senior practitioners from whose ranks future judges might be drawn, neither should salaries be set at a level which makes accepting appointment to any bench an “economically irrational act”. The Authority has had evidence, on numerous occasions, of the income sacrifice which many appointees make in order to serve their country in this fashion. New Zealand should be grateful that men and women of calibre continue to accept appointment as judges.

Issued under the authority of the Acts and Regulations Publication Act 1989 and section 12B(9) of the Remuneration Authority Act 1977.

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