



Judicial Superannuation (Part-time Judges) Determination 2004

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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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. 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.

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.

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.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 2 December 2004.

This determination is administered in the Remuneration Authority.
