



Judicial Salaries, Allowances, and Superannuation (Court Martial Appeal Court and Court Martial) Determination 2012

Pursuant to section 12B(2) of the Remuneration Authority Act 1977 and,—

- (a) in relation to the appointed Judges of the Court Martial Appeal Court, section 12B(1)(aa) of the Remuneration Authority Act 1977 and section 3(3B) of the Court Martial Appeals Act 1953; and
- (b) in relation to the Chief Judge and other Judges of the Court Martial, section 12B(1)(ba) of the Remuneration Authority Act 1977 and section 20 of the Court Martial Act 2007,—

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, Allowances, and Superannuation (Court Martial Appeal Court and Court Martial) Determination 2012.
- 2 Commencement**

This determination is deemed to have come into force on 1 January 2012.
- 3 Expiry**

This determination expires on 31 December 2012.
- 4 Interpretation**
 - (1) In this determination, unless the context otherwise requires,—

appointed Judge of the Court Martial Appeal Court means a Judge of the Court Martial Appeal Court appointed under section 3(1)(b) of the Court Martial Appeals Act 1953

Judge of the Court Martial includes the Chief Judge and a Deputy Chief Judge

new GSF scheme means the new government service superannuation scheme established under Part 2A of the Government Superannuation Fund Act 1956

registered superannuation scheme means a superannuation scheme registered under the Superannuation Schemes Act 1989, other than the new GSF Scheme

year means a period of 12 months ending on 31 December.

- (2) In this determination, a Judge of the Court Martial is presumed to act on a **part-time basis** unless he or she performs the functions of that office for more than 230 full working days in a calendar year.

5 Salary and allowance of appointed Judge of Court Martial Appeal Court

- (1) The salary and allowance payable to an appointed Judge of the Court Martial Appeal Court are set out in Schedule 1.
- (2) For the purpose of calculating the salary payable for a period during which an appointed Judge of the Court Martial Appeal Court acts on a part-time basis, the daily rate is the yearly rate of salary divided by 230 pro-rated in proportion to the amount of the day worked.

6 Salaries and allowances of Chief Judge and other Judges of Court Martial

- (1) The salaries and allowances payable to the Chief Judge and the other Judges of the Court Martial are set out in Schedule 2.
- (2) For the purpose of calculating the salary payable for a period during which a Judge of the Court Martial acts on a part-time basis, the daily rate is the yearly rate of salary applicable to that Judge divided by 230 pro-rated in proportion to the amount of the day worked.
- (3) This clause does not apply to a District Court Judge who is also appointed a Judge of the Court Martial.

7 Superannuation rights of appointed Judge of Court Martial Appeal Court

An appointed Judge of the Court Martial Appeal Court is not eligible for the payment of any superannuation subsidy.

8 Limited application of clause 9

Clause 9 does not apply to a Judge of the Court Martial who—

- (a) is also a District Court Judge; or
- (b) acts on a part-time basis; or
- (c) is a current contributor under Part 5A of the Government Superannuation Fund Act 1956; or

(d) is a current contributor to the new GSF scheme.

9 Eligibility of Judges of Court Martial for subsidy on contributions to registered superannuation scheme

- (1) A Judge of the Court Martial who chooses to contribute to a registered superannuation scheme is eligible to have a subsidy paid on his or her contribution.
- (2) The maximum amount of superannuation subsidy (inclusive of any tax liability) that is payable in any year is 20% of the gross salary actually paid to the Judge in that year.
- (3) In order to qualify for a superannuation subsidy, the contribution that the Judge must make to the registered superannuation scheme must, when expressed as a ratio of the superannuation subsidy to the Judge's contribution, be 5:1.

10 Other judicial determinations do not apply

To avoid doubt, nothing in the Judicial Salaries and Allowances Determination 2011 or the Judicial Superannuation Determination 2006 applies to the appointed Judges of the Court Martial Appeal Court or to the Chief Judge and other Judges of the Court Martial (other than those Judges who are also District Court Judges).

11 Revocations

The following determinations are revoked:

- (a) Judicial Salaries, Allowances, and Superannuation (Court Martial Appeal Court and Court Martial) Determination 2009 (SR 2009/207):
 - (b) Judicial Salaries, Allowances, and Superannuation (Court Martial Appeal Court and Court Martial) Determination 2011 (SR 2011/207).
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Schedule 1

cl 5

**Salary and allowance of appointed Judge
of the Court Martial Appeal Court**

Judicial officer	Yearly rate of salary payable on and after 1 January 2012 (\$)	Hourly rate of allowance (\$)
Appointed Judge	385,500	70

Schedule 2

cl 6

**Salaries and allowances of Chief Judge
and other Judges of Court Martial**

Judicial officer	Yearly rate of salary payable on and after 1 January 2012 (\$)	Hourly rate of allowance (\$)
Chief Judge	314,500	100
Deputy Chief Judge	293,000	—
Judge	293,000	—
Deputy Chief Judge acting under section 13(3) of the Court Martial Act 2007		40
Deputy Chief Judge or Judge when acting on a part-time basis		70

Dated at Wellington this 10th day of April 2012.

John Errington,
Chairman.

A Foulkes,
Member.

D Morcom,
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 January 2012 and expires on 31 December 2012, sets the salaries, allowances, and superannuation rights and obligations of appointed Judges of the Court Martial Appeal Court and the Chief Judge and other Judges of the Court Martial.

The members of the Court Martial Appeal Court and the Court Martial are drawn from both serving Judges and private practitioners. The latter, when fulfilling their statutory roles, continue to incur expenses in the running of their private practices.

The Authority has therefore set salaries at what it considers to be the appropriate rate for full-time positions. Judges acting on a part-time basis will be paid for the time they act, calculated on a pro-rata basis as a proportion of the salary payable to a Judge acting on a full-time basis.

The increases in remuneration reflect the movement in salaries for other judicial officers, which took effect from 1 October 2011, as set out in the Authority's Judicial Salaries and Allowances Determination 2011.

In addition, the Authority has specified allowances to be paid as a contribution towards the cost of maintaining their practices while carrying out their statutory functions.

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