

REMUNERATION AND ALLOWANCES AND OTHER TERMS AND CONDITIONS OF APPOINTMENT FOR A NEW JUDGE OF THE HIGH COURT

SALARY

Your salary is _____ per annum payable from _____ your commission date.

Enclosed is a copy of the latest *Judicial Salaries and Allowances Determination* with effect from _____ for your information.

THE JUDICIAL SUPERANNUATION DETERMINATION 2019

I would like to also inform you about the practical application of the *Judicial Superannuation Determination 2019* made by the Remuneration Authority with effect from 1 January 2019. A copy of the determination is enclosed.

The *Judicial Superannuation Determination* provides for Judicial Officers first appointed on or after 1 July 1992 and who wish to provide for their retirement, to choose a retirement scheme as defined in section 6(1) of the Financial Markets Conduct Act 2013, other than the new GSF scheme.

If the Judicial Officer chooses to contribute to a retirement scheme, the maximum amount that may in any year be paid by way of superannuation subsidy is 37.5% of that Judicial Officer's salary.

For a Judicial Officer who is already a contributor to the New Government Service Superannuation Scheme then the maximum subsidy per year on contributions is 23.75% of the Judicial Officer's salary.

The contribution that a Judicial Officer must make to the retirement scheme in order to qualify for a superannuation subsidy must, when expressed as a ratio of the superannuation subsidy to the Judicial Officer's contribution, is 7.5 to 1.

The subsidy includes 33 percent Employers Superannuation Contribution Tax ('ESCT') which is deducted and paid on your behalf direct to the Inland Revenue Department. The subsidy will be paid on contributions made only during your service as a Judicial Officer.

The subsidy can commence on contributions made from _____, the date of your appointment.

If you wish to join a retirement scheme or if you already contribute to one and wish it to be subsidised in terms of the above limits, please inform the Team Leader, Payroll, Ministry of Justice. The office of the Chief Justice can provide the contact details.

It will be necessary to let the Ministry know at least the following details please:

- name of the scheme;
- contact name, address and number for the scheme;
- your account, client or policy number for the purposes of identification; and
- your rate of contributions.

Deductions can be made from your salary. In fact, this is usually the most convenient method of making contributions. Once deductions commence the Ministry can make regular fortnightly subsidy payments with knowledge of your contributions rate and can also arrange to pay the ESCT tax without constant reference to you to confirm contributions made.

KiwiSaver

Members of the Judiciary who meet the standard KiwiSaver requirements are also eligible to opt into KiwiSaver and enjoy the majority of KiwiSaver benefits. These benefits include an annual member tax credit paid by the Government of up to \$521.43.

However, given the existing Crown subsidy that members of the Judiciary receive on their personal superannuation contributions, they will not be entitled to an additional KiwiSaver employer contribution.

Under Kiwi-Saver legislation employers will not be required to provide an additional compulsory Kiwi-Saver employer contribution where they currently provide an existing complying superannuation contribution. In line with this policy, anyone who receives an existing Crown funded superannuation subsidy will not receive an additional Kiwi-Saver compulsory employer contribution.

TRAVELLING ALLOWANCES

(a) Daily Rate

You may claim \$240 for any day when it is necessary for you to be away overnight from your home Court on official business. Instead of that allowance, you may elect to claim on an actual and reasonable basis.

If you elect to claim the allowance but it is inadequate to meet the expenses you incur, the Ministry will reimburse you for all actual and reasonable expenses over and above the daily allowance.

Where you claim on an actual and reasonable basis, you are entitled to an incidental allowance of \$6.80 per day. That incidental allowance is not available when the flat rate of \$240 per day is claimed.

If you do not wish to claim for travel expenses on the basis of an allowance or to receive a travel advance, you have the option of a Travel Card. Use of the Travel Card is strictly on an actual and reasonable basis to cover authorised expenditure.

(b) Daily Rate: Judges Partner

You are entitled to claim an additional allowance of \$96 per day where you are accompanied by your partner on official business which requires you to be absent overnight from your home Court.

(c) Private Sitting Room

The cost of a private sitting room at hotels is met as a separate item. A receipt is necessary. This provision does not apply in the case of motel accommodation.

(d) Air Travel

You are entitled to free air travel for yourself and partner when travelling within New Zealand on official business.

Free air travel while not on official business is limited to a total of **5,360** kms per financial year for each of you.

(e) Taxis or Government Cars

When travelling on official business taxi fares are met as an official charge. You may use a government car and driver between your home and transport, and between transport and hotels if a taxi is not suitable.

You are also entitled to the use of a government car and driver to transport you to and from official functions and between your home and the court outside normal working hours when transport by taxi or other means is difficult or inconvenient.

(f) Motor Vehicle Allowance

If you are making a journey for official purposes and public transport is not available or is suitable, you may use your own car and claim the standard mileage rate of _____ cents per kilometre.

This rate can be used for up to a maximum of 14,000 km of travel for official purposes per year.

(g) Laundry and Dry-Cleaning Expenses

Laundry and dry-cleaning expenses may be refunded where a Judge is absent from home in excess of seven (7) consecutive nights on any one occasion.

FURNISHING OF JUDGE'S CHAMBERS

The Ministry will supply full furnishings for a Judge's Chambers. If a Judge would prefer to introduce items of personal furniture this can usually be arranged after discussion with the local Court Manager.

TRANSFER EXPENSES

(a) Personal Expenses on Removal of Household Effects

Expenses for yourself and dependent members of your family will be paid as follows:

- (i) At the commencement of a journey - up to 2 days accommodation in full.
- (ii) During the journey - actual and reasonable expenses incurred. Any amounts claimed over \$5.00 and resulting from the one transaction are to be accompanied by receipts.
- (iii) At destination - up to 7 days accommodation in full.

Should it be necessary to have this period extended, prior approval must be arranged with the Chief Judge.

No incidental allowance is payable during the period referred to in (iii) above.

(b) Removal of Furniture and Effects

There is no restriction on removal expenses that may be paid on transfer. In addition, a grant without production of receipts will be made for adjustments to floor or window coverings at the current rate of \$908.

An allowance at the current rate of \$297 is payable for each child at intermediate or secondary school, provided a new uniform is required because of the change of schools.

(c) Selling and Buying a House

On the sale and purchase of a house within 2 years of the date of transfer a refund will be made of 100% of the amounts spent on legal expenses, stamp duty, and valuation fee for securing an advance or mortgage and 100% of the estate agent's scale fees with a combined maximum refund at the current rate of \$13,139.

An amount in excess of this will be considered by the Ministry on the merits of each case. Prior to taking up the appointment, the Chief Judge may consider any reasonable request for assistance with accommodation and/or related travel to the new location for an appointee to look for a new home.

(d) Rental Assistance

The Minister of Justice may approve payment of a rent subsidy for short periods in cases where a Judge on transfer is awaiting occupancy of permanent accommodation.

EQUIPMENT

(a) Standard Textbooks Issue

The Judicial Libraries Management Board, and Judicial Libraries (on the Board's behalf) are responsible for maintaining shared Judges' libraries in each court and providing an electronic libraries service for all members of the judiciary.

In addition, each newly appointed Judge is issued with a Chambers set of library materials. To obtain a copy of the current Chambers list and to arrange ordering those materials, please contact the Manager, Judicial Libraries, xxxxx xxxx, who will be pleased to discuss your library requirements with you. She may be contacted on (xx) xxx xxxx.

(b) Contribution to work-related expenditure when first appointed

On first appointment legal texts and/or other work materials may be chosen for your personal use at a total cost not to exceed \$500. Reimbursement of this expenditure should be arranged with the local Court Manager.

(c) Robes and Wigs

The Ministry will on request supply you with ceremonial robes and wig. Other robes and wigs are provided by Judges themselves.

PRIVATE TELEPHONE

Refund is made of full rental of residential telephone and extensions and cost of installation incurred on new appointment or if the Judge does not wish to have a residential telephone a contribution of \$50 per month will be made towards the costs of wi-fi. Charges for toll calls incurred on official business will be refunded.

SABBATICAL LEAVE

A judge is entitled to 12 months leave after each 10 years of service, but it has become an established practice to allow 6 months leave to be taken after 5 years of service or for 3 months leave to be taken after 2 ½ years' service.

The entitlement for each 10 years of continuing service is for sabbatical leave and these 10-year periods are disregarded in calculating retiring leave.

RETIRING LEAVE

This is given in respect of:

- (a) The completed years of service, where the total service does not exceed 10 years.
- (b) Where the total service exceeds 10 years, the complete years of service that do not exceed 10, over and above the periods of 10 years or 20 years, as the case may be, that have qualified for sabbatical leave.

If, in accordance with the established practice, sabbatical leave has been taken in respect of the first 5 of the years that qualify for retiring leave, the retiring leave is reduced by the amount of sabbatical leave so taken.

The amount of retiring leave is 1-1/5 months for each year that counts for retiring leave.

e.g.: Total service 18 years (no sabbatical leave taken in respect of the third 5 years of service)
Retiring leave is $8 \times 1\frac{1}{5}$ months = $9\frac{3}{5}$ months.

LEAVE AT RETIREMENT IN RESPECT OF UNUSED SABBATICAL LEAVE AND OF RETIRING LEAVE

Subject to the exercise of the option mentioned hereunder to take a lump sum payment in lieu of leave, all leave to which a judge is entitled at or about the time of their retirement, whether in respect of unused sabbatical leave or of retiring leave, is required to be taken as leave so as to expire on their retirement date.

Any such leave untaken as at the statutory date of retirement will be forfeited. Salary for the period of leave is paid fortnightly and is assessable in full for income tax. Contributions to your Superannuation Scheme are deducted in the usual way.

LUMP SUM OPTION AT RETIREMENT IN LIEU OF LEAVE

In lieu of taking the leave at retirement referred to in the preceding paragraph, a retiring judge may elect to accept a lump sum for (i) unused sabbatical leave (if any) and (ii) retiring leave, but with the following limits.

Complete years of Total Service	Limit of lump sum
Less than 5 years	1/10 th of 12 months' salary for each complete year
5 years and less than 15 years	5/10 th of 12 months' salary for each complete year
15 years and less than 20 years	1/10 th of 12 months' salary for each complete year in excess of 10
20 years and over	12 months' salary

Where any of these limits operate to reduce the lump sum that would otherwise be payable, the excess of the total entitlement for unused sabbatical leave and retiring leave over and above the period that is covered by the lump sum is to be taken as retiring leave. The foregoing provisions under the heading "Leave at retirement in respect of unused sabbatical leave and retiring leave" will apply to such leave.

In the case of a Judge retiring on their 70th birthday, the effect of exercising the option is that they will actually work until their 70th birthday unless they have leave due in excess of the period covered by the lump sum. In the latter case they would cease working in time to enable excess leave to be taken as retiring leave expiring on retirement date. Whether or not there is excess leave to be taken, the Judge receives salary to their 70th birthday plus, at that

time, the lump sum. Amounts received as salary will be assessable income for income tax purposes and contributions to any Superannuation Scheme will be deducted there from. Superannuation deductions are not made from the lump sum.

In the case of a Judge retiring before reaching 70, the effect of exercising the option is the same as just stated for a Judge retiring at age 70, subject to reference to “their 70th birthday” being read as their “retirement date”.

ANNUAL LEAVE AND SICK LEAVE

There is no provision for High Court Judges to be granted annual and sick leave as such. However, should such leave be required by you, the Chief High Court Judge should be consulted in the first instance.

DIRECT JUDICIAL SUPPORT STAFF

Direct Judicial Support Staff include Judges' Associates, Judges' Clerks and other employees provide administrative support services direct to the judiciary.

JUDICIAL SECURITY

The Judicial Security Manager will provide you with advice on a range of security issues. His/her contact details are: _____.