

# **Remuneration Authority Legislation Bill**

Government Bill

## **Explanatory note**

### **General policy statement**

This Bill is an omnibus Bill introduced under Standing Order 267(1)(a). That Standing Order provides that an omnibus Bill that amends more than 1 Act may be introduced if the amendments deal with an interrelated topic that can be regarded as implementing a single broad policy. That policy is to transfer responsibility for determining the remuneration of certain judicial and statutory officers to the Remuneration Authority to recognise the judicial nature of the positions.

The Bill amends the Remuneration Authority Act 1977 and 6 other Acts to transfer responsibility for determining the remuneration for the following judicial officers from the Cabinet Fees Framework to the Authority:

- the Chairperson and Deputy Chairpersons of the Human Rights Review Tribunal:
- Community Magistrates of the District Court:
- Environment Commissioners and Deputy Environment Commissioners of the Environment Court:
- members and deputy chairs of the Immigration and Protection Tribunal:
- Referees of the Disputes Tribunal:
- Tenancy Adjudicators of the Tenancy Tribunal.

The remuneration of these officers will remain the same until the Remuneration Authority makes its first determination. However, if the Remuneration Authority determines that any of these officers should be paid less than their current remuneration, the Remuneration Authority Act 1977 requires that their remuneration remain at its current level.

*Both Remuneration Authority and Cabinet Fees Framework determine remuneration*

The remuneration of statutory and judicial officers is determined both under the Cabinet Fees Framework and by the Remuneration Authority.

The Remuneration Authority is an independent statutory body that determines the remuneration for judicial and statutory officers who need to have, and to be seen to have, independence from the Government. For example, the Remuneration Authority determines the remuneration for Judges because Judges need to be, and to be seen to be, impartial, independent from the Government, and free from political interference in their decision making. This contributes to public trust and confidence in the judicial system.

The Remuneration Authority Act 1977 prescribes the criteria the Remuneration Authority must consider in determining officers' remuneration. The criteria include the requirements of the position, relativity to the market, and fairness to those whose remuneration is being set and to the taxpayer. Determinations are made or reviewed on an annual basis. The Government has to implement the Remuneration Authority's determinations.

The Cabinet Fees Framework classifies judicial and statutory officers into 4 broad categories for fee-setting purposes and prescribes a range of fees for each category that reflects the nature of their work, including the expertise required, the extent of their decision-making powers, and the impact of their decisions. The Minister or the fee-setting authority responsible for the officers makes the final decision on the fee to be paid to each type of officer within that fee range.

*Independent principles-based review recommended transfers*

An independent principles-based review was undertaken to determine whether the Cabinet Fees Framework or the Remuneration Authority is the more appropriate mechanism for setting the remuneration of statutory and judicial officers administered by the Ministry of Justice. The review concluded that the principal difference between the Remuneration Authority and the Cabinet Fees Framework is the degree of independence from the Government of remuneration decisions. The Remuneration Authority is independent of the Government whereas the Government controls the Cabinet Fees Framework.

The review concluded that Community Magistrates, Disputes Tribunal Referees, and Environment Commissioners and Deputy Environment Commissioners are judicial decision makers and their remuneration should be determined independently of Government by the Remuneration Authority.

Community Magistrates sit in the District Court and hear matters that would otherwise come before a District Court Judge. Community Magistrates are required to have the personal qualities, experience, and skills needed to deal with lower-level criminal matters.

The Disputes Tribunal is a division of the District Court. It considers disputes based on contract, quasi-contract, or tort involving destruction or loss of, or damage or injury to, property, and the recovery of property of up to \$30,000. Referees are required to have appropriate qualifications such as legal, mediation, or arbitration qualifications or training, as well as the personal attributes, knowledge, and experience needed for the role. Referees are required to try to mediate a settlement first. Where this is not possible, the Referee makes an order that is binding on the parties.

The Environment Court largely deals with appeals about the contents of regional and district plans and appeals arising out of applications for resource consents. Commissioners are appointed for their knowledge and experience in matters coming before the court, such as planning, resource management, and heritage protection. Environment Commissioners and Deputy Environment Commissioners sit in the Environment Court, hearing matters and making decisions either as a panel (with an Environment Court Judge) or alone.

*Other tribunals also require greater independence from Government*

The remuneration of the Immigration and Protection Tribunal and the Tenancy Tribunal also needs to be determined independently of the Government by the Remuneration Authority.

The Immigration and Protection Tribunal hears appeals against decisions of the Minister of Immigration or Immigration New Zealand on residence class visas, deportation (including appeals on humanitarian grounds), and claims to be recognised as a refugee or protected person. The Minister of Immigration or Immigration New Zealand is a party to these appeals.

That tribunal is required to be chaired by a District Court Judge and the members are required to be legally qualified. As the tribunal chair is a District Court Judge, their remuneration is already set by the Remuneration Authority. The Bill transfers responsibility for determining the remuneration of the other tribunal members to the Remuneration Authority.

The Tenancy Tribunal hears disputes between landlords (including Kāinga Ora) and tenants of residential properties, and disputes relating to unit title developments such as apartment buildings. Tenancy Tribunal Adjudicators are required to either be legally qualified or have the knowledge or experience needed for the role.

The Residential Tenancies Amendment Act 2020 and the Residential Tenancies (Healthy Homes Standards) Regulations 2019 have significantly expanded the tribunal's role and responsibilities. For example, the monetary threshold of the Tenancy Tribunal for residential tenancy disputes has been doubled from \$50,000 to \$100,000. The tribunal can now impose pecuniary penalties of up to \$50,000 on non-compliant landlords and can issue works orders to compel landlords to comply with the Healthy Homes Standards. The chief executive of the Ministry of Business, Innovation, and Employment can initiate proceedings against non-compliant landlords.

*Human Rights Review Tribunal jurisdiction is comparable to that of Judge*

The Human Rights Review Tribunal hears claims relating to breaches of the Human Rights Act 1993, the Privacy Act 2020, and the Health and Disability Commissioner Act 1994.

Each case is heard by the Chairperson or a Deputy Chairperson and 2 panel members. The Chairperson and the Deputy Chairpersons are required to be legally qualified. Panel members have knowledge or experience of matters likely to come before the tribunal, including economic, employment, cultural, or social issues. The Chairperson or a Deputy Chairperson chairs the panel that considers each case and also writes the tribunal decision.

The independent principles-based review concluded that the Human Rights Review Tribunal jurisdiction is comparable to that of a Judge because the tribunal has the power to declare legislation to be inconsistent with the New Zealand Bill of Rights Act 1990. Only the legally qualified members of the tribunal have the knowledge and expertise to make such declarations. The Bill transfers responsibility for determining the remuneration of the legally qualified members, the Chairperson and the Deputy Chairpersons, to the Remuneration Authority.

*Five new permanent legislative authorities are being established*

A permanent legislative authority (a **PLA**) is created when an Act authorises payments to be made from public money without a specific appropriation from Parliament. PLAs are needed because the remuneration for these officers is to be determined independently of the Government.

The Bill establishes 5 new PLAs to fund the remuneration of the following officers:

- the Chairperson and Deputy Chairpersons of the Human Rights Review Tribunal (Human Rights Act 1993):
- Environment Commissioners and Deputy Environment Commissioners of the Environment Court (Resource Management Act 1991):
- members and deputy chairs of the Immigration and Protection Tribunal (Immigration Act 2009):
- Referees of the Disputes Tribunal (Disputes Tribunal Act 1988):
- Tenancy Adjudicators of the Tenancy Tribunal (Residential Tenancies Act 1986).

A new PLA is not required to fund Community Magistrates because they are already funded through a PLA in the District Court Act 2016.

**Departmental disclosure statement**

The Ministry of Justice is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2021&no=82>

### Clause by clause analysis

*Clause 1* is the Title clause.

*Clause 2* is the commencement clause. It provides that the Bill comes into force on the first day of the month that immediately follows the month in which this Act receives the Royal assent.

## Part 1

### Amendment to Remuneration Authority Act 1977

*Clause 3* provides that *Part 1* amends the Remuneration Authority Act 1977 (the **principal Act**).

*Clause 4* amends Schedule 4 of the principal Act, which lists officers whose remuneration is determined by the Remuneration Authority (the **Authority**), to insert 6 new categories of officer into the schedule. The effect of the amendment is to enable the Authority to determine the remuneration and principal allowances of the following officers:

- the Chairperson and Deputy Chairpersons of the Human Rights Review Tribunal;
- Community Magistrates of the District Court;
- Environment Commissioners and Deputy Environment Commissioners of the Environment Court;
- members and deputy chairs of the Immigration and Protection Tribunal;
- Referees of the Disputes Tribunal;
- Tenancy Adjudicators of the Tenancy Tribunal.

## Part 2

### Amendments to other Acts

#### Subpart 1—Amendments to Disputes Tribunal Act 1988

*Clause 5* provides that *subpart 1 of Part 2* amends the Disputes Tribunal Act 1988 (the **principal Act**).

*Clause 6* consequentially repeals section 8A of the principal Act. Section 8A relates to the salary and allowances of the Principal Disputes Referee and is superseded by *clause 7*.

*Clause 7* replaces section 9 of the principal Act with *new section 9*, which authorises the Authority to determine the remuneration of the Referees of the Disputes Tribunal.

*Clause 8* inserts *new Part 2* into Schedule 1AA, which sets out transitional, savings, and related provisions for the principal Act, to add a savings provision relating to the amendment made by *clause 7*.

### Subpart 2—Amendments to District Court Act 2016

*Clause 9* provides that *subpart 2 of Part 2* amends the District Court Act 2016 (the **principal Act**).

*Clause 10* inserts into the principal Act *new section 4A*, which gives effect to the transitional, savings, and related provisions set out in *new Schedule 1AA* (as inserted by *clause 12*).

*Clause 11* replaces sections 60 and 61, which relate to the remuneration of Community Magistrates and acting Community Magistrates. *New section 60* authorises the Authority to determine the remuneration of Community Magistrates, as well as continuing the existing position whereby the Authority determines the remuneration of the Chief Community Magistrate. *New section 61* clarifies that an acting Chief Community Magistrate must be paid the same salary, fee, and allowances as the Chief Community Magistrate.

*Clause 12* inserts into the principal Act *new Schedule 1AA*, which sets out transitional, savings, and related provisions arising from the amendments made by *clauses 10 and 11*.

### Subpart 3—Amendments to Human Rights Act 1993

*Clause 13* provides that *subpart 3 of Part 2* amends the Human Rights Act 1993 (the **principal Act**).

*Clause 14* amends section 2(1) of the principal Act, which defines terms used in the principal Act. The amendment relocates the definition of fees framework currently set out in section 119(2) to the main interpretation provision, because the definition is also relevant to *new section 118A* (as inserted by *clause 16*).

*Clause 15* consequentially amends section 101B of the principal Act to take account of *new section 118A*.

*Clause 16* inserts *new section 118A*, which authorises the Authority to determine the remuneration of the Chairperson and Deputy Chairpersons of the Human Rights Review Tribunal (the **Tribunal**).

*Clause 17* makes 2 amendments to section 119 of the principal Act, which relates to the remuneration of members of the Tribunal. *Clause 17(1)* amends section 119(1) to ensure that the provision does not apply to the Chairperson and Deputy Chairpersons of the Tribunal (whose remuneration is to be determined under *new section 118A*). *Clause 17(2)* consequentially repeals section 119(2), which defines the term fees framework, due to the relocation of the definition to section 2(1) of the principal Act.

*Clause 18* inserts *new Part 3* into Schedule 1AA, which sets out transitional, savings, and related provisions for the principal Act, to add a savings provision relating to the amendments made by *clauses 16 and 17*.

#### Subpart 4—Amendments to Immigration Act 2009

*Clause 19* provides that *subpart 4 of Part 2* amends the Immigration Act 2009 (the **principal Act**).

*Clause 20* inserts *new Part 2* into Schedule 1AA, which sets out transitional, savings, and related provisions for the principal Act, to add a savings provision relating to the amendment made by *clause 21*.

*Clause 21* amends clause 4 of Schedule 2 of the principal Act, which provides for the remuneration of the chair of the Immigration and Protection Tribunal to be set by the Authority, and the other members of the Tribunal to be paid in accordance with the Fees and Travelling Allowances Act 1951. The effect of the amendment is to authorise the Authority to determine the remuneration of the deputy chairs and other members of the Tribunal.

#### Subpart 5—Amendments to Residential Tenancies Act 1986

*Clause 22* provides that *subpart 5 of Part 2* amends the Residential Tenancies Act 1986 (the **principal Act**).

*Clause 23* replaces section 69 of the principal Act, which relates to the remuneration of the Tenancy Adjudicators. Currently, the remuneration of Tenancy Adjudicators is paid in accordance with the Fees and Travelling Allowances Act 1951, although the Authority is authorised to determine the remuneration of the Principal Tenancy Adjudicator and the Deputy Principal Tenancy Adjudicator. *New section 69* authorises the Authority to determine the remuneration of all Tenancy Adjudicators.

*Clause 24* inserts *new Part 6* into Schedule 1AA, which sets out transitional, savings, and related provisions for the principal Act, to add a savings provision relating to the amendment made by *clause 23*.

#### Subpart 6—Amendments to Resource Management Act 1991

*Clause 25* provides that *subpart 6 of Part 2* amends the Resource Management Act 1991 (the **principal Act**).

*Clause 26* replaces section 263 of the principal Act, which relates to the remuneration of Environment Commissioners, Deputy Environment Commissioners, and special advisors to the Environment Court. Currently, the remuneration of these officers is paid in accordance with the Fees and Travelling Allowances Act 1951. *New section 263* authorises the Authority to determine the remuneration of Environment Commissioners and Deputy Environment Commissioners. Special advisors continue to be paid in accordance with the Fees and Travelling Allowances Act 1951.

*Clause 27* inserts *new Part 4* into Schedule 12, which sets out transitional, savings, and related provisions for the principal Act, to add a savings provision relating to the amendment made by *clause 26*.





*Hon Aupito William Sio*

## **Remuneration Authority Legislation Bill**

Government Bill

### **Contents**

	Page
1 Title	3
2 Commencement	3
<b>Part 1</b>	
<b>Amendment to Remuneration Authority Act 1977</b>	
3 Principal Act	3
4 Schedule 4 amended	3
<b>Part 2</b>	
<b>Amendments to other Acts</b>	
Subpart 1—Amendments to Disputes Tribunal Act 1988	
5 Principal Act	3
6 Section 8A repealed (Salary and allowances of Principal Disputes Referee)	3
7 Section 9 replaced (Salary and allowances)	4
9 Remuneration of Principal Disputes Referee and Referees	4
8 Schedule 1AA amended	4
Subpart 2—Amendments to District Court Act 2016	
9 Principal Act	4
10 New section 4A inserted (Transitional, savings, and related provisions)	4
4A Transitional, savings, and related provisions	4
11 Sections 60 and 61 replaced	4
60 Remuneration of Chief Community Magistrate and Community Magistrates	4

**Remuneration Authority Legislation Bill**

	<b>Remuneration of acting Chief Community Magistrate and acting Community Magistrates</b>	<b>5</b>
12	New Schedule 1AA inserted	5
	Subpart 3—Amendments to Human Rights Act 1993	
13	Principal Act	5
14	Section 2 amended (Interpretation)	5
15	Section 101B amended (Delegation by Chairperson of Tribunal)	6
16	New section 118A inserted (Remuneration of Chairperson and Deputy Chairpersons)	6
	<b>118A Remuneration of Chairperson and Deputy Chairpersons</b>	<b>6</b>
17	Section 119 amended (Fees of members of Tribunal)	6
18	Schedule 1AA amended	6
	Subpart 4—Amendments to Immigration Act 2009	
19	Principal Act	6
20	Schedule 1AA amended	6
21	Schedule 2 amended	6
	Subpart 5—Amendments to Residential Tenancies Act 1986	
22	Principal Act	7
23	Section 69 replaced (Remuneration of Tenancy Adjudicators)	7
	<b>69 Remuneration of Tenancy Adjudicators</b>	<b>7</b>
24	Schedule 1AA amended	7
	Subpart 6—Amendments to Resource Management Act 1991	
25	Principal Act	8
26	Section 263 replaced (Remuneration of Environment Commissioners and special advisors)	8
	<b>263 Remuneration of Environment Commissioners, Deputy Environment Commissioners, and special advisors</b>	<b>8</b>
27	Schedule 12 amended	8
	<b>Schedule 1</b>	<b>9</b>
	<b>New Part 2 of Schedule 1AA of Disputes Tribunal Act 1988</b>	
	<b>Schedule 2</b>	<b>10</b>
	<b>New Schedule 1AA inserted into District Court Act 2016</b>	
	<b>Schedule 3</b>	<b>11</b>
	<b>New Part 3 of Schedule 1AA of Human Rights Act 1993</b>	
	<b>Schedule 4</b>	<b>12</b>
	<b>New Part 2 of Schedule 1AA of Immigration Act 2009</b>	
	<b>Schedule 5</b>	<b>13</b>
	<b>New Part 6 of Schedule 1AA of Residential Tenancies Act 1986</b>	
	<b>Schedule 6</b>	<b>14</b>
	<b>New Part 4 of Schedule 12 of Resource Management Act 1991</b>	

**The Parliament of New Zealand enacts as follows:****1 Title**

This Act is the Remuneration Authority Legislation Act **2021**.

**2 Commencement**

This Act comes into force on the first day of the month that immediately follows the month in which this Act receives the Royal assent. 5

**Part 1****Amendment to Remuneration Authority Act 1977****3 Principal Act**

This Part amends the Remuneration Authority Act 1977. 10

**4 Schedule 4 amended**

(1) In Schedule 4, repeal the items relating to the Chief Community Magistrate, the Principal Disputes Referee, and the Principal Tenancy Adjudicator and the Deputy Principal Tenancy Adjudicator.

(2) In Schedule 4, insert in their appropriate alphabetical order: 15

The Chairperson and Deputy Chairpersons of the Human Rights Review Tribunal

The Chief Community Magistrate and the Community Magistrates

The deputy chairs and members of the Immigration and Protection Tribunal

The Environment Commissioners and Deputy Environment Commissioners of the Environment Court 20

The Principal Disputes Referee and the Referees of the Disputes Tribunal

The Principal Tenancy Adjudicator, the Deputy Principal Tenancy Adjudicator, and the Tenancy Adjudicators of the Tenancy Tribunal

**Part 2**

25

**Amendments to other Acts****Subpart 1—Amendments to Disputes Tribunal Act 1988****5 Principal Act**

This subpart amends the Disputes Tribunal Act 1988.

**6 Section 8A repealed (Salary and allowances of Principal Disputes Referee) 30**

Repeal section 8A.

<b>7</b>	<b>Section 9 replaced (Salary and allowances)</b>	
	Replace section 9 with:	
<b>9</b>	<b>Remuneration of Principal Disputes Referee and Referees</b>	
(1)	The Principal Disputes Referee and each Referee—	
(a)	must be paid a salary, or a fee, or an allowance, at the rate determined by the Remuneration Authority; and	5
(b)	must be paid any additional allowances (including travelling allowances and expenses) in accordance with the Fees and Travelling Allowances Act 1951.	
(2)	Expenses may be incurred, without further appropriation than this section, to meet the salaries, fees, or allowances determined under <b>subsection (1)(a)</b> .	10
(3)	For the purposes of <b>subsection (1)(b)</b> , the Fees and Travelling Allowances Act 1951 applies as if the Principal Disputes Referee and each Referee were a member of a statutory Board as defined in section 2 of that Act.	
<b>8</b>	<b>Schedule 1AA amended</b>	15
	In Schedule 1AA,—	
(a)	insert the Part set out in <b>Schedule 1</b> of this Act as the last Part; and	
(b)	make all necessary consequential amendments.	
	Subpart 2—Amendments to District Court Act 2016	
<b>9</b>	<b>Principal Act</b>	20
	This subpart amends the District Court Act 2016.	
<b>10</b>	<b>New section 4A inserted (Transitional, savings, and related provisions)</b>	
	After section 4, insert:	
<b>4A</b>	<b>Transitional, savings, and related provisions</b>	
	The transitional, savings, and related provisions set out in <b>Schedule 1AA</b> have effect according to their terms.	25
<b>11</b>	<b>Sections 60 and 61 replaced</b>	
	Replace sections 60 and 61 with:	
<b>60</b>	<b>Remuneration of Chief Community Magistrate and Community Magistrates</b>	30
(1)	The Chief Community Magistrate and each Community Magistrate must be paid, out of public money, without further appropriation than this section,—	
(a)	a salary, or a fee, or an allowance, at the rate determined by the Remuneration Authority; and	

(b)	any additional allowances, such as travelling allowances or other incidental or minor allowances, as determined by the Governor-General by Order in Council.	
(2)	An Order in Council made under <b>subsection (1)(b)</b> , or a provision of any such order, may be made so as to come into force on a specified date that is—	5
(a)	the date on which the order is made; or	
(b)	any other date, whether that date is before or after the date on which the order is made.	
(3)	If no date is specified under <b>subsection (2)</b> , the order or provision comes into force on the date on which the order is made.	10
(4)	An order under <b>subsection (1)(b)</b> is secondary legislation ( <i>see</i> Part 3 of the Legislation Act 2019 for publication requirements) and comes into force in accordance with <b>subsection (2) or (3)</b> even if it is not yet published. Compare: 1947 No 16 s 11G(2)	
<b>61</b>	<b>Remuneration of acting Chief Community Magistrate and acting Community Magistrates</b>	15
(1)	For the period during which an acting Chief Community Magistrate acts as authorised under section 56, the acting Chief Community Magistrate must be paid the salary, fee, or allowances determined for a Chief Community Magistrate under <b>section 60(1)</b> .	20
(2)	For the period during which an acting Community Magistrate acts as authorised under section 59, the acting Community Magistrate must be paid the salary, fee, or allowances determined for a Community Magistrate under <b>section 60(1)</b> . Compare: 1947 No 16 s 11H(4)	25
<b>12</b>	<b>New Schedule 1AA inserted</b> Insert the <b>Schedule 1AA</b> set out in <b>Schedule 2</b> of this Act as the first schedule to appear after the last section of the principal Act.  Subpart 3—Amendments to Human Rights Act 1993	
<b>13</b>	<b>Principal Act</b> This subpart amends the Human Rights Act 1993.	30
<b>14</b>	<b>Section 2 amended (Interpretation)</b> In section 2(1), insert in its appropriate alphabetical order: <b>fees framework</b> means the framework determined by the Government from time to time for the classification and remuneration of statutory and other bodies in which the Crown has an interest	35

- 15 Section 101B amended (Delegation by Chairperson of Tribunal)**  
In section 101B(5), replace “section 119” with “**section 118A**”.
- 16 New section 118A inserted (Remuneration of Chairperson and Deputy Chairpersons)**  
After section 118, insert: 5
- 118A Remuneration of Chairperson and Deputy Chairpersons**
- (1) The Chairperson, and each Deputy Chairperson, of the Tribunal—
- (a) must be paid a salary, or a fee, or an allowance, at the rate determined by the Remuneration Authority; and
- (b) is entitled in accordance with the fees framework to be reimbursed for actual and reasonable travelling and other expenses incurred in carrying out their office as a Chairperson or Deputy Chairperson. 10
- (2) Expenses may be incurred, without further appropriation than this section, to meet the salaries, fees, or allowances determined under **subsection (1)(a)**.
- 17 Section 119 amended (Fees of members of Tribunal)** 15
- (1) In section 119(1), after “Tribunal”, insert “appointed in accordance with section 98(b)”.
- (2) Repeal section 119(2).
- 18 Schedule 1AA amended**
- In Schedule 1AA,— 20
- (a) insert the Part set out in **Schedule 3** of this Act as the last Part; and
- (b) make all necessary consequential amendments.
- Subpart 4—Amendments to Immigration Act 2009
- 19 Principal Act**
- This subpart amends the Immigration Act 2009. 25
- 20 Schedule 1AA amended**
- In Schedule 1AA,—
- (a) insert the Part set out in **Schedule 4** of this Act as the last Part; and
- (b) make all necessary consequential amendments.
- 21 Schedule 2 amended** 30
- In Schedule 2, replace clause 4(2) with:
- (2) Each deputy chair and the other members of the Tribunal (including an acting member appointed under section 219A)—

- (a) must be paid a salary, or a fee, or an allowance, at the rate determined by the Remuneration Authority; and
  - (b) must be paid any additional allowances (including travelling allowances and expenses) in accordance with the Fees and Travelling Allowances Act 1951. 5
- (3) Expenses may be incurred, without further appropriation than this clause, to meet the salaries, fees, or allowances determined under **subclause (2)(a)**.
- (4) For the purposes of **subclause (2)(b)**, the Fees and Travelling Allowances Act 1951 applies as if each deputy chair and other member of the Tribunal were a member of a statutory Board as defined in section 2 of that Act. 10

### Subpart 5—Amendments to Residential Tenancies Act 1986

#### 22 Principal Act

This subpart amends the Residential Tenancies Act 1986.

#### 23 Section 69 replaced (Remuneration of Tenancy Adjudicators)

Replace section 69 with: 15

#### 69 Remuneration of Tenancy Adjudicators

- (1) Each Tenancy Adjudicator—
  - (a) must be paid a salary, or a fee, or an allowance, at the rate determined by the Remuneration Authority; and
  - (b) must be paid any additional allowances (including travelling allowances and expenses) in accordance with the Fees and Travelling Allowances Act 1951. 20
- (2) Expenses may be incurred, without further appropriation than this section, to meet the salaries, fees, or allowances determined under **subsection (1)(a)**.
- (3) For the purposes of **subsection (1)(b)**, the Fees and Travelling Allowances Act 1951 applies as if each Tenancy Adjudicator were a member of a statutory Board as defined in section 2 of that Act. 25
- (4) The remuneration of a Tenancy Adjudicator must not be reduced during the term of the Tenancy Adjudicator’s appointment.
- (5) In this section, **Tenancy Adjudicator** includes the Principal Tenancy Adjudicator and the Deputy Principal Tenancy Adjudicator. 30

#### 24 Schedule 1AA amended

In Schedule 1AA,—

- (a) insert the Part set out in **Schedule 5** of this Act as the last Part; and
- (b) make all necessary consequential amendments. 35

## Subpart 6—Amendments to Resource Management Act 1991

**25 Principal Act**

This subpart amends the Resource Management Act 1991.

**26 Section 263 replaced (Remuneration of Environment Commissioners and special advisors)**

5

Replace section 263 with:

**263 Remuneration of Environment Commissioners, Deputy Environment Commissioners, and special advisors**

- (1) Each Environment Commissioner and Deputy Environment Commissioner—
- (a) must be paid a salary, or a fee, or an allowance, at the rate determined by the Remuneration Authority; and 10
- (b) must be paid any additional allowances (including travelling allowances and expenses) in accordance with the Fees and Travelling Allowances Act 1951.
- (2) Expenses may be incurred, without further appropriation than this section, to meet the salaries, fees, or allowances determined under **subsection (1)(a)**. 15
- (3) Each special advisor must be paid, out of money appropriated by Parliament for the purpose, remuneration by way of a salary, a fee, or an allowance, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951. 20
- (4) For the purposes of **subsections (1)(b) and (3)**, the Fees and Travelling Allowances Act 1951 applies as if each Environment Commissioner, Deputy Environment Commissioner, and special advisor were a member of a statutory Board as defined in section 2 of that Act.

**27 Schedule 12 amended**

25

In Schedule 1AA,—

- (a) insert the Part set out in **Schedule 6** of this Act as the last Part; and
- (b) make all necessary consequential amendments.



**Schedule 1**  
**New Part 2 of Schedule 1AA of Disputes Tribunal Act 1988**

s 8

**Part 2**

**Provision relating to Remuneration Authority Legislation Act 2021** 5

**2 Remuneration of Principal Disputes Referee and Referees**

- (1) A person who immediately before the commencement date held office as the Principal Disputes Referee or a Referee continues to be paid remuneration on the same terms and conditions that applied to that office immediately before that date, until new terms and conditions are determined by the Remuneration Authority under **section 9(1)(a)**. 10
- (2) In this clause, **commencement date** means the date on which **subpart 1 of Part 2 of the Remuneration Authority Legislation Act 2021** comes into force.

**Schedule 2**  
**New Schedule 1AA inserted into District Court Act 2016**

s 12

**Schedule 1AA**  
**Transitional, savings, and related provisions**

5

s 4A

**Part 1**  
**Provision relating to Remuneration Authority Legislation Act 2021**

- 1 Remuneration of Chief Community Magistrate and Community Magistrates** 10
- (1) A person who immediately before the commencement date held office as the Chief Community Magistrate, the Acting Chief Community Magistrate, a Community Magistrate, or an acting Community Magistrate continues to be paid remuneration on the same terms and conditions that applied to that office immediately before that date, until new terms and conditions are determined by the Remuneration Authority under **section 60(1)(a)**. 15
- (2) In this clause, **commencement date** means the date on which **subpart 2 of Part 2 of the Remuneration Authority Legislation Act 2021** comes into force.

**Schedule 3**  
**New Part 3 of Schedule 1AA of Human Rights Act 1993**

s 18

**Part 3**

**Provision relating to Remuneration Authority Legislation Act 2021** 5

**3 Remuneration of Chairpersons and Deputy Chairpersons of Human Rights Review Tribunal**

- (1) A person who immediately before the commencement date held office as the Chairperson or a Deputy Chairperson of the Human Rights Review Tribunal continues to be paid remuneration on the same terms and conditions that applied to that office immediately before that date, until new terms and conditions are determined by the Remuneration Authority under **section 118A(1)(a)**. 10
- (2) In this clause, **commencement date** means the date on which **subpart 3 of Part 2 of the Remuneration Authority Legislation Act 2021** comes into force. 15

**Schedule 4**  
**New Part 2 of Schedule 1AA of Immigration Act 2009**

s 20

**Part 2**

**Provision relating to Remuneration Authority Legislation Act 2021** 5

**4 Remuneration of deputy chair and other members of Tribunal**

- (1) A person who immediately before the commencement date held office as a deputy chair or other member of the Tribunal continues to be paid remuneration on the same terms and conditions that applied to that office immediately before that date, until new terms and conditions are determined by the Remuneration Authority under **clause 4(2)(a)** of Schedule 2. 10
- (2) In this clause, **commencement date** means the date on which **subpart 4 of Part 2 of the Remuneration Authority Legislation Act 2021** comes into force.

**Schedule 5**  
**New Part 6 of Schedule 1AA of Residential Tenancies Act 1986**

s 24

**Part 6**

**Provision relating to Remuneration Authority Legislation Act 2021** 5

**38 Remuneration of Principal Tenancy Adjudicator, Deputy Principal Tenancy Adjudicator, and Tenancy Adjudicators**

- (1) A person who immediately before the commencement date held office as the Principal Tenancy Adjudicator, the Deputy Principal Tenancy Adjudicator, or a Tenancy Adjudicator continues to be paid remuneration on the same terms and conditions that applied to that office immediately before that date, until new terms and conditions are determined by the Remuneration Authority under **section 69(1)(a)**. 10
- (2) In this clause, **commencement date** means the date on which **subpart 5 of Part 2 of the Remuneration Authority Legislation Act 2021** comes into force. 15

**Schedule 6**  
**New Part 4 of Schedule 12 of Resource Management Act 1991**

s 27

<b>Part 4</b>	
<b>Provision relating to Remuneration Authority Legislation Act 2021</b>	5
<b>31 Remuneration of Environment Commissioners and Deputy Environment Commissioners</b>	
(1) A person who immediately before the commencement date held office as an Environment Commissioner or a Deputy Environment Commissioner continues to be paid remuneration on the same terms and conditions that applied to that office immediately before that date, until new terms and conditions are determined by the Remuneration Authority under <b>section 263(1)(a)</b> .	10
(2) In this clause, <b>commencement date</b> means the date on which <b>subpart 6 of Part 2 of the Remuneration Authority Legislation Act 2021</b> comes into force.	15