



Local Government Elected Members (2010/11) (Auckland Council and Local Boards) Determination 2010

Pursuant to section 51 of the Local Government (Tamaki Makaurau Reorganisation) Act 2009, clause 6 of Schedule 7 of the Local Government Act 2002, and the Remuneration Authority Act 1977, the Remuneration Authority makes the following determination (to which is appended an explanatory memorandum).

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Schedule 1

Remuneration, expenses, and allowances payable to elected members of Auckland Council

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Schedule 2

Remuneration, expenses, and allowances payable to elected members of local boards

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Determination

1 Title

This determination is the Local Government Elected Members (2010/11) (Auckland Council and Local Boards) Determination 2010.

2 Commencement

This determination comes into force, in respect of the Auckland Council and local boards, on the day on which the successful candidates in the 2010 local body elections come into office under section 115 of the Local Electoral Act 2001.

3 Expiry

This determination expires on the close of 30 June 2011.

4 Interpretation

In this determination, unless the context otherwise requires,—
Auckland Council means the Auckland Council established by section 6 of the Local Government (Auckland Council) Act 2009

elected member,—

- (a) in relation to the Auckland Council, means a person who has been declared to be elected as the mayor of Auckland or other member of the governing body of the Auckland Council under the Local Electoral Act 2001:

- (b) in relation to a local board, means a person who has been declared to be elected as a member of that board under the Local Electoral Act 2001

expenses rules means rules of the Auckland Council for paying expenses to an elected member of the Auckland Council or a local board that have been approved by the Remuneration Authority

hearing time has the meaning given in clause 8

local board means a local board established under section 10 of the Local Government (Auckland Council) Act 2009

Remuneration Authority means the Remuneration Authority established by section 4 of the Remuneration Authority Act 1977

resource consent hearing has the meaning given in clause 7

resource consent hearing fee means a fee for attending a resource consent hearing set out in clause 9.

Auckland Council

5 Remuneration, expenses, and allowances payable to elected members of Auckland Council

- (1) The remuneration, expenses, and allowances payable to the elected members of the Auckland Council are—
- (a) those set out in Schedule 1; and
 - (b) expenses and allowances payable in accordance with clauses 10 and 12 to 14; and
 - (c) resource consent hearing fees payable in accordance with this determination.
- (2) An elected member of the Auckland Council is not entitled to be paid a meeting fee other than a resource consent hearing fee.
- (3) However, the mayor of Auckland is not entitled to be paid a resource consent hearing fee.

*Local boards***6 Remuneration, expenses, and allowances payable to elected members of local boards**

- (1) The remuneration, expenses, and allowances payable to the elected members of a local board are—
 - (a) those set out in Schedule 2; and
 - (b) expenses and allowances payable in accordance with clauses 10 and 12 to 14; and
 - (c) resource consent hearing fees payable in accordance with this determination.
- (2) An elected member of a local board is not entitled to be paid a meeting fee other than a resource consent hearing fee.
- (3) However, the chairperson of a local board is not entitled to be paid a resource consent hearing fee.

*Resource consent hearing fees***7 Meaning of resource consent hearing**

- (1) In this determination, **resource consent hearing** means—
 - (a) a hearing arising from a resource consent application made under section 88 of the Resource Management Act 1991; or
 - (b) a hearing arising from a notice of requirement given under section 168 of the Resource Management Act 1991; or
 - (c) a formal pre-hearing meeting held under section 99 of the Resource Management Act 1991 as a preliminary step before a hearing referred to in paragraph (a) or (b); or
 - (d) subject to subclause (2)(b), a hearing relating to a private change in a district or regional plan or policy statement requested under clause 21 of Schedule 1 of the Resource Management Act 1991; or
 - (e) a mediation hearing in the Environment Court as part of an appeal from a decision of the Auckland Council; or
 - (f) a hearing on an objection against a charge fixed by the Auckland Council under section 36 of the Resource Management Act 1991.

- (2) In this determination, **resource consent hearing** does not include—
- (a) a hearing of submissions as part of the process of the preparation of a district or regional plan or policy statement; or
 - (b) a hearing relating to a change or variation in a district or regional plan or policy statement requested by the Auckland Council or a local board; or
 - (c) a hearing relating to a notice of requirement initiated by the Auckland Council or a local board; or
 - (d) any other hearing not specified in subclause (1).

8 Meaning of hearing time

- (1) In this determination, **hearing time**—
- (a) means the time spent by an elected member in hearing a resource consent hearing; and
 - (b) includes the time spent by an elected member—
 - (i) in formal committee deliberations; and
 - (ii) at a formal pre-hearing meeting under section 99 of the Resource Management Act 1991; and
 - (iii) at a formal site inspection as part of a group inspection or as part of a pre-hearing meeting; and
 - (iv) in determining a notified resource consent application where a formal hearing does not take place.
- (2) In this determination, **hearing time** does not include time spent by an elected member—
- (a) preparing for a resource consent hearing; or
 - (b) inspecting a site, except where subclause (1)(b)(iii) applies.

9 Fees for attending resource consent hearing

- (1) An elected member who acts as the chairperson of a resource consent hearing is entitled to be paid a fee of \$85 per hour of hearing time.
- (2) An elected member who is not the chairperson of a resource consent hearing is entitled to be paid a fee of \$68 per hour of hearing time.

- (3) For any period of hearing time that is less than 1 hour, the fee must be apportioned accordingly.
- (4) Despite subclauses (1) and (2), a resource consent hearing fee in respect of a formal pre-hearing meeting held under section 99 of the Resource Management Act 1991 may be paid only to 1 elected member.
- (5) This clause is subject to clauses 5(3) and 6(3).

Expenses

10 Expenses may be reimbursed in accordance with expenses rules

- (1) The Auckland Council may reimburse expenses to its elected members in accordance with the expenses rules.
- (2) The Auckland Council or a local board may reimburse expenses to the elected members of that local board in accordance with the expenses rules.

11 Public may inspect expenses rules

The Auckland Council must, during the hours that its offices are open to members of the public, allow members of the public to inspect the expenses rules.

Allowances

12 Allowances may be paid in accordance with rules approved by Remuneration Authority

- (1) The Auckland Council may pay allowances to its elected members in accordance with rules approved by the Remuneration Authority.
- (2) The Auckland Council or a local board may pay allowances to the elected members of that local board in accordance with the rules referred to in subclause (1).

13 Vehicle mileage allowance

- (1) The Auckland Council or a local board may, in accordance with this clause, pay a vehicle mileage allowance to an elected member of the Auckland Council or that local board who is not

otherwise provided with the use of a vehicle by the Auckland Council or that local board.

- (2) The Auckland Council or a local board may pay a mileage allowance for travel by the elected member, including travel to and from the member's residence, if the member—
 - (a) travels—
 - (i) in his or her own vehicle; and
 - (ii) by the most direct route reasonable in the circumstances; and
 - (b) is on Auckland Council or local board business.
- (3) The maximum amount of the allowance is \$0.70 per kilometre.

14 Communications allowance

- (1) The Auckland Council or a local board may pay, in accordance with this clause, a communications allowance to an elected member of the Auckland Council or that local board towards the expenses of a mobile telephone, computer, and Internet connection of an amount not exceeding \$500 in respect of the period beginning with the commencement of this determination and ending on the close of 30 June 2011.
 - (2) A communications allowance is not payable to the extent that the Auckland Council or that local board provides that member with any of the following:
 - (a) the use of a mobile telephone;
 - (b) the use of a computer and ancillary equipment;
 - (c) an Internet connection.
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Schedule 1
Remuneration, expenses, and allowances
payable to elected members of Auckland
Council

Office	Annual salary (\$)
Mayor of Auckland	240,000
Councillor	80,000

cl 6

Schedule 2
Remuneration, expenses, and allowances
payable to elected members of local
boards

Albert–Eden Local Board

Office	Annual salary (\$)
Chairperson	70,000
Member	36,200

Devonport–Takapuna Local Board

Office	Annual salary (\$)
Chairperson	57,800
Member	34,800

Franklin Local Board

Office	Annual salary (\$)
Chairperson	58,100
Member	33,600

Great Barrier Local Board

Office	Annual salary (\$)
Chairperson	38,900
Member	20,100

Henderson–Massey Local Board

Office	Annual salary (\$)
Chairperson	73,500
Member	36,900

Hibiscus and Bays Local Board

Office	Annual salary (\$)
Chairperson	66,700
Member	35,600

Howick Local Board

Office	Annual salary (\$)
Chairperson	78,400
Member	37,100

Kaipatiki Local Board

Office	Annual salary (\$)
Chairperson	65,700
Member	35,400

Mangere–Otahuhu Local Board

Office	Annual salary (\$)
Chairperson	63,200
Member	35,400

Manurewa Local Board

Office	Annual salary (\$)
Chairperson	65,900
Member	35,400

Maungakiekie–Tamaki Local Board

Office	Annual salary (\$)
Chairperson	62,300
Member	35,200

Orakei Local Board

Office	Annual salary (\$)
Chairperson	65,000
Member	35,800

Otara–Papatoetoe Local Board

Office	Annual salary (\$)
Chairperson	64,700
Member	35,700

Papakura Local Board

Office	Annual salary (\$)
Chairperson	53,400
Member	33,700

Puketapapa Local Board

Office	Annual salary (\$)
Chairperson	57,400
Member	34,700

Rodney Local Board

Office	Annual salary (\$)
Chairperson	54,800
Member	33,000

Upper Harbour Local Board

Office	Annual salary (\$)
Chairperson	54,900
Member	34,100

Waiheke Local Board

Office	Annual salary (\$)
Chairperson	40,500
Member	20,800

Waitakere Ranges Local Board

Office	Annual salary (\$)
Chairperson	54,900
Member	34,100

Waitemata Local Board

Office	Annual salary (\$)
Chairperson	61,300
Member	35,000

Whau Local Board

Office	Annual salary (\$)
Chairperson	63,500
Member	35,500

Dated at Wellington this 22nd day of June 2010.

Michael Wintringham,
Chairman.

J Errington,
Member.

A Foulkes,
Member.

Explanatory memorandum

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

This determination sets the remuneration, expenses, and allowances for the mayor of Auckland and for Auckland councillors who have no committee or other additional responsibilities. Similarly for the 21 local boards established in the new local government structure for Auckland, the determination sets the remuneration, expenses, and allowances for the chairpersons of the local boards and the elected members of the local boards who have no committee or other additional responsibilities.

The remuneration of the mayor of Auckland and the chairpersons of the local boards will remain unchanged until at least 30 June 2011. However, when the Auckland Council and local boards are in place, and have established their committee structures (including deputy mayor and deputy chairperson positions), the Remuneration Authority will make a further determination under section 19(4)(b) of the Remuneration Authority Act 1977, based on recommendations from the Auckland Council and local boards, and within a financial cap established by the Authority, which will provide additional remuneration for the elected members appointed to positions of responsibility within those structures.

In applying the mandatory criteria set out in clause 7 of Schedule 7 of the Local Government Act 2002, the Authority sought to balance the following considerations:

- the relativity between the remuneration for elected positions in the new Auckland structure and the remuneration received by the mayors, chairpersons, and elected members of local authorities elsewhere:
- the inevitable uncertainty about the way in which the new structures will operate in practice over time. For example, the delegations from the Auckland Council to the local boards will be refined over time, and the balance of accountability of the local boards to the Council (for the discharge of delegated authorities) and to their electors (for their performance) will similarly become clearer and established in practice:
- the roles of the principal council-controlled organisations. Although responsible to the Auckland Council, they have a statutory mandate independent of the Council:
- the total cost of governance. With 170 elected members (in the Auckland Council and 21 local boards) every extra \$5,000 in individual elected members' pay results in \$850,000 per annum to be funded by ratepayers:
- the encouragement of effective governance practices:
- the need to attract suitably qualified candidates.

For these and other reasons, the Authority has taken a relatively conservative approach to remuneration setting for Auckland. The remuneration provided in this determination should be adequate to allow the mayor to make a full-time commitment to the role. The remuneration for the Auckland councillors should enable those who wish to make a full-time or near full-time commitment to the role to do so (although inevitably some councillors will face a significant opportunity cost). The assumption is that the chairpersons and members of local boards are not full-time roles, although the role of chairperson in particular will involve a significant time commitment that will limit the opportunity for earning additional income.

The Authority considered whether to allow a mix of meeting fees and regular remuneration. Its view is that set annual remuneration is a more robust way of ensuring participation in governance functions.

As stated above, the Authority will issue an amending determination as soon as possible after the 2010 local body elections to recognise the positions of responsibility that will be established in the Auckland Council and local boards. Before 30 June 2011, the Council and local boards will have the opportunity to put their views to the Authority on the structure and quantum of remuneration prior to the determination for 2011/2012.

The determination, and the governance restructuring, will result in savings in excess of \$1 million annually.

The provisions in the determination for the payment of resource consent hearing fees to elected members, in addition to their remuneration, are broadly similar to those in the current determinations for local authorities. Two comments are warranted—

- first, at this time the extent to which members of local boards will be involved in resource consent hearings of the type defined in *clause 7* of the determination is not clear. However, the Auckland Council is a unitary authority with wide authority to delegate responsibilities to local boards. For that reason, the provisions in the determination for the payment of resource consent hearing fees apply to both the Council and the local boards:
- secondly, payment of resource consent hearing fees to the mayor or to the chairpersons of local boards is not authorised by this determination, which is consistent with the long-standing position of the Authority that the mayor and chairperson roles are to ensure that sound process is in place and, to the extent permitted in a political environment, stand “above the fray” in resource consent matters.

Furthermore, as the mayor and chairperson positions are full-time or near full-time, such additional payments would be difficult to justify.

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