

**Reprint
as at 30 June 2010**



**Local Government Elected
Members (2009/10) (Auckland)
Determination 2009**

(SR 2009/225)

Local Government Elected Members (2009/10) (Auckland) Determination 2009: expired, on 30 June 2010, by clause 3.

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

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

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Determination

- 1 Title**
This determination is the Local Government Elected Members (2009/10) (Auckland) Determination 2009.
- 2 Commencement**
This determination is deemed to have come into force on 1 July 2009.
- 3 Expiry**
This determination expires on 30 June 2010.

4 Interpretation

In this determination, unless the context otherwise requires,—

Act means the Local Government Act 2002

city council means a city council named in Part 2 of Schedule 2 of the Act

community board means a community board established under section 49 of the Act

district council means a district council named in Part 2 of Schedule 2 of the Act

expenses rules means a local authority's rules, approved by the Remuneration Authority, for paying expenses to members of the local authority and members of community boards situated within its district

local authority means a regional council, district council, or city council

member means,—

- (a) in relation to a regional council, a chairperson or other member of the council:
- (b) in relation to a district council or city council, a mayor or other member of the district council or city council:
- (c) in relation to a community board, a chairperson or other member of the community board

regional council means a regional council named in Part 1 of Schedule 2 of the Act.

Regional council

5 Remuneration, expenses, and allowances payable to elected members of regional council

- (1) Subject to the other provisions of this determination, the remuneration, expenses, and allowances payable to the elected members of the regional council are—
 - (a) those set out in Schedule 1; and
 - (b) actual and reasonable expenses and allowances in accordance with council policy as approved by the Remuneration Authority, but subject to the provisions of this determination; and
 - (c) resource consent hearing fees payable in accordance with this determination.

- (2) However, the chairperson of the regional council must not be paid resource consent hearing fees or meeting fees unless the payment is first approved by the Remuneration Authority.

District councils, city councils, and community boards

6 Remuneration, expenses, and allowances payable to elected members of district councils, city councils, and community boards

- (1) Subject to the other provisions of this determination, the remuneration, expenses, and allowances payable to the elected members of a district council, city council, or community board are—
- (a) those set out in Schedule 2; and
 - (b) actual and reasonable expenses and allowances in accordance with council policy as approved by the Remuneration Authority, but subject to the provisions of this determination; and
 - (c) resource consent hearing fees payable in accordance with this determination.
- (2) However, the mayor of a district council or city council must not be paid resource consent hearing fees or meeting fees unless the payment is first approved by the Remuneration Authority.
- (3) A member of a community board is not entitled to be paid a meeting fee, other than—
- (a) a resource consent hearing fee; or
 - (b) a meeting fee paid in accordance with the rules of the relevant council that have been approved by the Remuneration Authority.

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 as a preliminary step before a hearing referred to in paragraph (a) or (b); or
 - (d) a hearing relating to a private change in a district or regional plan or policy statement initiated 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 a local authority; or
 - (f) a hearing on an objection against a charge fixed by the local authority 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 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 initiated by the local authority; or
 - (c) a hearing relating to a notice of requirement initiated by the local authority; 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 a member in hearing a resource consent hearing; and
 - (b) includes the time spent by a 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 a member—
- (a) preparing for a resource consent hearing; or
 - (b) inspecting a site, except where subclause (1)(b)(iii) applies.

9 Amount of resource consent hearing fee

- (1) Subject to clause 10, a 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) A member who is not the chairperson of the resource consent hearing is entitled to be paid a fee of \$68 per hour of hearing time.
- (3) For any period of hearing time of less than 1 hour, the fee must be apportioned accordingly.

10 Fee for pre-hearing meeting

A resource consent fee for a formal pre-hearing meeting held as a preliminary step before a resource consent hearing may be paid only to 1 member.

Expenses

11 Expenses may be reimbursed in accordance with expenses rules

A local authority may reimburse expenses in accordance with its expenses rules to the following persons:

- (a) its members; and
- (b) in the case of a district council or a city council, the members of community boards situated within its district.

12 Public may inspect expenses rules

A local authority must allow members of the public, during the hours that the local authority is open to the public, to inspect its expenses rules.

Allowances

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

A local authority may pay allowances in accordance with rules approved by the Remuneration Authority to the following persons:

- (a) its members; and
- (b) in the case of a district council or a city council, the members of community boards situated within its district.

14 Vehicle mileage allowance

(1) A local authority may pay a vehicle mileage allowance in accordance with this clause to the following persons if they are not otherwise provided with a vehicle by the local authority:

- (a) its members; and
- (b) in the case of a district council or city council, the members of community boards situated within its district.

(2) The local authority may pay a vehicle mileage allowance for travel by the member, including travel to and from the member's residence, if the travel is—

- (a) in his or her own vehicle; and
- (b) on the local authority's business; and
- (c) by the most direct route reasonable in the circumstances.

(3) The maximum amount of the allowance is \$0.70 per kilometre.

Schedule 1

cl 5(1)

**Remuneration, expenses, and allowances
of elected members of regional council**

Auckland Regional Council

Office	Annual salary (\$)
Chair	153,884
Deputy Council Chair	44,750

Office	Annual salary (\$)
Committee Chair (5)	44,750
Deputy Committee Chair (4)	25,750
Councillor	22,750

Meeting fees	Description
\$230	Per day, in accordance with Council policy as approved by the Remuneration Authority

The maximum amount of meeting fees payable in accordance with this schedule to all elected councillors in respect of the period from 1 July 2009 to 30 June 2010 must not exceed \$325,658.

Chair car
N/A

Schedule 2 cl 6(1)
**Remuneration, expenses, and allowances
of elected members of district councils,
city councils, and community boards**
Auckland City Council

Office	Annual salary (\$)
Mayor	160,567
Deputy Mayor	91,143
Chair Major Committee (5)	78,975
Chair Minor Committee/Deputy Chair (6)	60,352
Deputy Chair City Development	72,975
Councillor	48,855

Meeting fees	Description
\$220	Per day, for district plan panel meetings held in the Gulf Islands, in accordance with Council policy as approved by the Remuneration Authority
\$220	Per day, for meetings held on the Isthmus, in accordance with Council policy as approved by the Remuneration Authority

\$110 Per half day, for meetings held on the Isthmus, in accordance with Council policy as approved by the Remuneration Authority

The maximum amount payable for meeting fees in accordance with this schedule to all elected councillors in respect of the period 1 July 2009 to 30 June 2010 must not exceed \$70,000.

Mayoral car

Full private use

*Avondale Community Board
Eastern Bays Community Board
Eden/Albert Community Board
Great Barrier Community Board
Hobson Community Board
Maungakiekie Community Board
Mt Roskill Community Board
Tamaki Community Board
Waiheke Community Board
Western Bays Community Board*

Office	Annual salary (\$)
Chair	20,200
Member	10,100

Franklin District Council

Office	Annual salary (\$)
Mayor	90,195
Deputy Mayor/Chair Regulatory Committee	48,360
Committee Chair (3)	39,130
Councillor	31,305

Meeting fees **Description**
\$155 Per meeting, in accordance with Council policy as approved by the Remuneration Authority

The maximum amount of meeting fees payable in accordance with this schedule to all elected councillors in respect of the period 1 July 2009 to 30 June 2010 must not exceed \$6,000.

Mayoral car

Full private use

*Onewhero/Tuakau Community Board
Waiuku/Awhitu Community Board*

Office	Annual salary (\$)
Chair	15,012
Member	7,506

Manukau District Council

Office	Annual salary (\$)
Mayor	157,096
Deputy Mayor	87,000
Committee Chair, Policy and Activities	74,000
Committee Chair, Environmental Hearings	72,000
Committee Chair (5)	70,000
Portfolio Leader, Category 1 (3)	70,000
Portfolio Leader, Category 2 (3)	66,000
Councillor	56,000

Meeting fees	Description
\$255	Per half day, for Chair of Hearings Committee in accordance with Council policy as approved by the Remuneration Authority
\$204	Per half day, for members of Hearings Committee in accordance with Council policy as approved by the Remuneration Authority

The maximum amount of meeting fees payable in accordance with this schedule to members of the Hearings Committee in respect of the period from 1 July 2009 to 30 June 2010 must not exceed \$58,990.

Mayoral car

Full private use

*Botany Community Board
Clevedon Community Board
Howick Community Board
Mangere Community Board
Manurewa Community Board
Otara Community Board
Pakuranga Community Board
Papatoetoe Community Board*

Office	Annual salary (\$)
Chair	19,919
Deputy Chair	10,162
Member	10,162

North Shore City Council

Office	Annual salary (\$)
Mayor	144,029
Deputy Mayor	74,197
Committee Chair (4)	70,126
Deputy Committee Chair (5)	59,439
Councillor	57,435

Meeting fees

N/A

Mayoral car

Full private use

*Albany Community Board
Birkenhead-Northcote Community Board
Devonport Community Board
East Coast Bays Community Board
Glenfield Community Board
Takapuna Community Board*

Office	Annual salary (\$)
Chair	23,001
Member	14,386

Papakura District Council

Office	Annual salary (\$)
Mayor	81,049
Deputy Mayor	49,210
Councillor	37,854

Meeting fees	Description
\$150 for Type A meetings	For each meeting, in accordance with Council policy as approved by the Remuneration Authority
\$250 for Type B meetings	Per day, in accordance with Council policy as approved by the Remuneration Authority

The maximum amount of meeting fees payable in accordance with this schedule to all elected councillors in respect of the period from 1 July 2009 to 30 June 2010 must not exceed \$14,000.

Mayoral car

N/A

Rodney District Council

Office	Annual salary (\$)
Mayor	110,105
Deputy Mayor	61,173
Committee Chair (3)	57,173
Councillor	56,172

Meeting fees

N/A

Mayoral car
Full private use

Waitakere City Council

Office	Annual salary (\$)
Mayor	141,877
Deputy Mayor	81,753
Committee Chair (5)	71,793
Committee Chair, LTCCP & AP	68,625
Deputy Committee Chair (3)	58,067
Councillor	55,333

Meeting fees
N/A

Mayoral car
Full private use

*Henderson Community Board
Massey Community Board
New Lynn Community Board
Waitakere Community Board*

Office	Annual salary (\$)
Chair	25,299
Member	13,022

Dated at Wellington this 19th day of August 2009.

Michael Wintringham,
Deputy Chairman.

A Foulkes,
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 July 2009, sets the remuneration, allowances, and expenses of elected local government representatives in the Auckland region.

The Local Government Act 2002 requires the Remuneration Authority (the **Authority**), in setting remuneration, to have regard to the need to—

- minimise the potential for types of remuneration to distort the behaviour of the elected members:
- achieve and maintain fair relativity with levels of remuneration received elsewhere:
- be fair both to the elected members and ratepayers:
- attract and retain competent persons.

In order to meet its statutory obligations, and in particular to achieve transparency, fairness, and consistency in remuneration-setting across diverse local and regional authorities, the Authority established a model to assist in determining the cost of governance and representation for each local and regional authority. The model incorporates 4 criteria that are transparent and readily verifiable from published data, namely—

- population:
- operational expenditure:
- net assets controlled:
- rate of population change.

This provides the Authority with a ranking order of the relative size of the governance and representation responsibility of each local and regional authority.

The model also allows for the incorporation of a general movement in remuneration to help ensure that adjustments to the salaries of elected representatives reflect not only the size of their roles, but also

any market movement in remuneration that the Authority considers should be applied to their salaries.

The application of these factors results in a sum of money (the **indicative pool**) notionally attributable to each local and regional authority, and from which the remuneration of each elected member will be met.

This determination uses indicative pool totals derived from audited annual accounts for the year ended 30 June 2008 and population figures as at the same date.

The Authority calculated the indicative pool in late 2008, at which stage the economy was slowing, but the seriousness and impact of the external financial crisis was not as apparent as it is currently. The Authority applied a general remuneration movement of 3%, slightly less than the movement in remuneration from 2007 to 2008 that survey and other data were showing.

The incorporation of this general adjustment and the other 4 factors into the Authority's model generated changes in the indicative remuneration pools for Auckland local and regional authorities ranging between 2.2% and 5.5%.

Councils were then invited to recommend the distribution of the pool for the 2009/10 financial year.

Subsequent to this notification to councils, the Treasury released its post-election financial update. The Government's response to the update emphasised the need for a sustained period of strict control over government expenditure. Part of that response was a call for restraint on movement in remuneration generally, and for senior state sector employees and office-holders. Parliament itself resolved unanimously not to seek any increase in MPs' remuneration in 2009/10.

In this context, some councils expressed concerns about increasing the salaries of elected representatives when they also were facing difficult funding choices. The Authority therefore advised all councils in late January that, where there was valid reason and unanimous agreement within a council not to increase salaries of elected members, the Authority would consider a recommendation to defer any increases that would otherwise have applied from 1 July 2009.

Auckland councils took a variety of approaches to recommending the allocation of this year's pool. Recommendations ranged from full distribution of the pool to rejection of any increase over

2008/09. Some councils recommended distribution of only part of the increase. Some councils also recommended a different basis of allocation among positions from 2008/09. Support for the recommendations ranged from unanimous to substantial splits.

Given the legislative programme for the establishment of a replacement local government authority in the Auckland region from October 2010, the Authority initially sought to gain support for a common approach across the affected councils. The majority expressed unwillingness to adopt such an approach and consequently the Authority decided to deal with the particular circumstances of each council. Across the remainder of New Zealand, the Authority's approach has been to accept recommendations that were unanimous or near unanimous. In Auckland the level of dissent was in many cases significant, but given the finite nature of the arrangements under consideration, the Authority accepted majority recommendations in most cases. It determined an alternative approach altogether in one circumstance to avoid a reduction of remuneration for one group of representatives.

It has been the long-held position of the Authority that neither mayors nor councils can influence the level of mayoral remuneration. However, given the approach taken in responding to councils' recommendations, the Authority has also accepted recommendations from individual mayors to defer increases in their remuneration this year.

It is fair to say that in some districts debate on these issues within a council has been openly political and fraught, and has involved considerable time and resource. The local delays, and the Authority's attempt to develop a single model of distribution, have also led to delays in releasing this determination.

The Authority has made no change to the level set for the vehicle mileage allowance.

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Notes

1 *General*

This is a reprint of the Local Government Elected Members (2009/10) (Auckland) Determination 2009. The reprint incorporates all the amendments to the determination as at 30 June 2010, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not

included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint
(most recent first)***

Local Government Elected Members (2009/10) (Auckland) Determination 2009 (SR 2009/225): clause 3
