

**Reprint
as at 1 July 2011**



**Local Government Elected
Members (2010/11) (Except
Auckland) Determination 2010**

(SR 2010/245)

Local Government Elected Members (2010/11) (Except Auckland)
Determination 2010: expired, on 1 July 2011, 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).

Contents

	Page
1 Title	2
2 Commencement	2
3 Expiry	3
4 Interpretation	3
<i>Regional councils</i>	
5 Remuneration, expenses, and allowances payable to members of regional councils	4
<i>District councils, city councils, and community boards</i>	
6 Remuneration, expenses, and allowances payable to members of district councils, city councils, and community boards	4

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.

	<i>Resource consent hearing fees</i>	
7	Meaning of resource consent hearing	4
8	Meaning of hearing time	5
9	Fees for attending resource consent hearing	6
	<i>Expenses</i>	
10	Expenses may be reimbursed in accordance with expenses rules	6
11	Public may inspect expenses rules	6
	<i>Allowances</i>	
12	Allowances may be paid in accordance with rules approved by Remuneration Authority	7
13	Vehicle mileage allowance	7
14	Travel time allowance	7
15	Communications allowance	8
	Schedule 1	9
	Remuneration, expenses, and allowances of members of regional councils	
	<i>[Revoked]</i>	
	Schedule 2	9
	Remuneration, expenses, and allowances of members of district councils, city councils, and community boards	
	<i>[Revoked]</i>	

Determination

- 1 Title**
This determination is the Local Government Elected Members (2010/11) (Except Auckland) Determination 2010.
- 2 Commencement**
This determination comes into force, for each of the local authorities and community boards specified in Schedules 1 and 2, 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,—

Act means the Local Government Act 2002

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

community board means a community board established under section 49 of the Act and named in Schedule 2 of this determination

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

expenses rules means a local authority's rules for paying expenses to a member of the local authority or its community boards that have been approved by the Remuneration Authority

hearing time has the meaning given to it in clause 8

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

member means a person who has been declared to be elected under the Local Electoral Act 2001 as,—

- (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 council:
- (c) in relation to a community board, a chairperson or other member of the board

regional council means a regional council named in Part 1 of Schedule 2 of the Act and Schedule 1 of this determination

resource consent hearing has the meaning given to it in clause 7

resource consent hearing fee means a fee payable in accordance with clause 9 for attending a resource consent hearing.

*Regional councils***5 Remuneration, expenses, and allowances payable to members of regional councils**

- (1) The remuneration, expenses, and allowances payable to the members of a regional council are—
 - (a) those set out in Schedule 1; and
 - (b) expenses and allowances payable in accordance with clauses 10 and 12 to 15; and
 - (c) resource consent hearing fees.
- (2) However, the chairperson of a regional council is not entitled to be paid resource consent hearing fees.

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

- (1) The remuneration, expenses, and allowances payable to the members of a district council, city council, or community board are—
 - (a) those set out in Schedule 2; and
 - (b) expenses and allowances payable in accordance with clauses 10 and 12 to 15; and
 - (c) resource consent hearing fees.
- (2) However, the mayor of a district council, the mayor of a city council, and the chairperson of a community board is not entitled to be paid resource consent hearing fees.

*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) 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 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 requested 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 held 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 Fees for attending resource consent hearing

- (1) 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 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 for a formal pre-hearing meeting held under section 99 of the Resource Management Act 1991 may be paid to only 1 member.
- (5) This clause is subject to clauses 5(2) and 6(2).

Expenses

10 Expenses may be reimbursed in accordance with expenses rules

A local authority may reimburse expenses in accordance with the 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.

11 Public may inspect expenses rules

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

Allowances

12 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.

13 Vehicle mileage allowance

(1) A local authority may, in accordance with this clause, pay a vehicle mileage allowance 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 a 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 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 the local authority's business.

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

14 Travel time allowance

(1) A local authority may, in accordance with this clause, pay a travel time allowance 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.

- (2) The local authority may pay a travel time allowance for travel by the member, including travel to and from the member's residence, if the travel is—
 - (a) on the local authority's business; and
 - (b) by the quickest form of transport reasonable in the circumstances.
- (3) The maximum amount of the allowance is \$15.00 per hour.
- (4) However, a member who can properly be regarded as being a full-time member is not entitled to be paid a travel time allowance.

15 Communications allowance

- (1) A local authority may, in accordance with this clause, pay a communications allowance to its members, and, in the case of a district council or a city council, the members of community boards situated within its district, towards the expenses of all or any of the following:
 - (a) a mobile telephone;
 - (b) a computer or ancillary equipment;
 - (c) an Internet connection.
 - (2) The maximum amount of the allowance is \$500 for the period beginning with the commencement of this determination and ending on the close of 30 June 2011.
 - (3) A communications allowance is not payable to the extent that the local authority provides the member with any of the following:
 - (a) the use of a mobile telephone;
 - (b) the use of a computer or ancillary equipment;
 - (c) an Internet connection.
-

Schedule 1

cl 5

**Remuneration, expenses, and allowances
of members of regional councils**

[Revoked]

Schedule 1: revoked, on 3 June 2011, pursuant to clause 4 of the Local Government Elected Members (2010/11) (Except Auckland) Determination 2010 Amendment Determination (No 2) 2011 (SR 2011/206).

Schedule 2

cl 6

**Remuneration, expenses, and allowances
of members of district councils, city
councils, and community boards**

[Revoked]

Schedule 2: revoked, on 3 June 2011, pursuant to clause 5 of the Local Government Elected Members (2010/11) (Except Auckland) Determination 2010 Amendment Determination (No 2) 2011 (SR 2011/206).

Dated at Wellington this 11th day of August 2010.

M Wintringham,
Chairman.

J Errington,
Member.

A Foulkes,
Member.

Explanatory memorandum

Note: The following explanatory memorandum should be read in conjunction with the explanatory memorandum(s) appended to the:

- **Local Government Elected Members (2010/11) (Except Auckland) Determination 2010 Amendment Determination (No 2) 2011**
- **Local Government Elected Members (2010/11) (Except Auckland) Determination 2010 Amendment Determination 2011**

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

This determination sets the remuneration of the mayors of district and city councils, the chairs of regional councils, and councillors and community board members for the period from the declaration of the results of the 2010 local authority elections until the establishment of the committee structures of the newly elected councils.

This determination does not include the Auckland Council or the local boards established under the Local Government (Auckland Council) Act 2009. The remuneration of the elected representatives of the new local government structure for Auckland was established in the Local Government Elected Members (2010/11) (Auckland Council and Local Boards) Determination 2010.

The remuneration of mayors and regional council chairs will remain as set out in this determination until 30 June 2011. The remuneration of councillors and community board members, for the same period, will be no less than the amounts specified in this determination. Therefore, those standing for elected office in this year's local authority elections can do so with certainty about the minimum remuneration they will receive if elected.

The remuneration of councillors and community board members is set at around 80% of the pre-election remuneration for the same positions. This is the practice adopted by the Remuneration Authority (the **Authority**) in previous election years, for 2 main reasons.

First, it would be problematic to reduce the remuneration of councillors or community board members once the organisational structure of a local authority had been decided after the election. An elected member so affected could reasonably claim to have been unfairly

treated, having stood for election on the basis of one rate of remuneration and, after the election, being faced with a 3-year term on a lower rate.

Secondly, in some councils, elected members are paid in part through fixed remuneration, and in part through meeting fees. Setting the fixed component of elected members' remuneration at a low initial rate provides councils with the opportunity to recommend a meeting fee regime to the Authority, without the consequence of reducing the fixed component of their remuneration.

For these reasons a conservative initial level of remuneration has been set by the Authority in this determination.

Another advantage of this approach is that it provides an incentive for councils to address and finalise their structures soon after the election. Prior to that process, the Authority will notify each local authority of the sum of money available (the **governance pool**) to fund the remuneration of the appointees to the new structures. After receiving and considering recommendations from each local authority on the allocation of this pool, the Authority will issue an amending determination for 2010/2011. This will set the remuneration for each position in the new structure.

That amending determination will also provide an increase in the remuneration for those in basic councillor and community board positions, in most cases close to the pre-election levels, provided that there are neither radical changes in councils' structures, nor changes in the mix of fixed remuneration and meeting fees.

This determination attempts to strike a balance between recognising the increasing demands on, and expectations of, the mayors and regional council chairs over the last 5 or more years, and being fair to the ratepayers who meet the cost of their elected members' pay.

In 2009 and 2010, the Authority conducted an in-depth review of the setting of mayors' and regional council chairs' remuneration. This included independent assessment of the job sizes for selected mayor and chair positions, as well as of the time involved in carrying out the responsibilities of their offices. The review confirmed that the responsibilities and time commitment of mayors and regional council chairs have grown disproportionately to those of other local government elected members, particularly since the Local Government Act 2002 came into effect. The results of this review are reflected in the

levels of mayors' and chairs' remuneration contained in this determination.

At the same time, many local authorities are struggling to hold rates increases to a manageable size, and many of those paying the rates are themselves under financial pressure.

Furthermore, an amendment made to the Remuneration Authority Act 1977 in 2009 requires the Authority to take account of countervailing economic conditions, and also provides that, in taking account of those conditions, it may set remuneration at a rate lower than it might otherwise have done.

For these reasons, the level of remuneration for mayors and regional council chairs has been set lower than the Authority might otherwise have determined. It is also unlikely that the governance pools for the remuneration of local government elected members, from the establishment of the new structures following the election until 30 June 2011, will provide for any increase in the remuneration of elected representatives over 2009/10, other than for mayors and regional council chairs.

Note: The preceding explanatory memorandum should be read in conjunction with the explanatory memorandum(s) appended to the:

- **Local Government Elected Members (2010/11) (Except Auckland) Determination 2010 Amendment Determination (No 2) 2011**
- **Local Government Elected Members (2010/11) (Except Auckland) Determination 2010 Amendment Determination 2011**

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 *General*

This is a reprint of the Local Government Elected Members (2010/11) (Except Auckland) Determination 2010. The reprint incorporates all the amendments to the determination as at 1 July 2011, 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 (2010/11) (Except Auckland) Determination 2010 Amendment Determination (No 2) 2011 (SR 2011/206)

Local Government Elected Members (2010/11) (Except Auckland) Determination 2010 Amendment Determination 2011 (SR 2011/30)

Local Government Elected Members (2010/11) (Except Auckland) Determination 2010 (SR 2010/245): clause 3