

**Reprint
as at 1 July 2012**



**Local Government Elected
Members (2011/12) (Certain Local
Authorities) Determination (No 2)
2011**

(SR 2011/358)

Local Government Elected Members (2011/12) (Certain Local Authorities)
Determination (No 2) 2011: expired, on 1 July 2012, 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 (2011/12) (Certain Local Authorities) Determination (No 2) 2011.
- 2 Commencement**
This determination is deemed to have come into force on 1 July 2011.
- 3 Expiry**
This determination expires on the close of 30 June 2012.

Interpretation

4 Interpretation

In this determination, unless the context requires another meaning,—

2010 Determination means the Local Government Elected Members (2010/11) (Certain Local Authorities) Determination 2011

2010 (No 2) Determination means the Local Government Elected Members (2010/11) (Certain Local Authorities) Determination (No 2) 2011

community board means a community board of a territorial authority

hearing time has the meaning given by clause 6

local authority means a regional council or a territorial authority

member,—

- (a) in relation to a regional council, means—
 - (i) a person who has been declared to be elected under the Local Electoral Act 2001 as a member of the regional council; and
 - (ii) a person who, as the result of further election or appointment under that Act or the Local Government Act 2002, is an office holder in relation to the regional council (for example, as chairperson of the council or chairperson of a committee of the council):
- (b) in relation to a territorial authority, means—
 - (i) a person who has been declared to be elected under the Local Electoral Act 2001 as the mayor or any other member of the territorial authority; and
 - (ii) a person who, as the result of further election or appointment under that Act or the Local Government Act 2002, is an office holder in relation to the territorial council (for example, as chairperson of a committee of the territorial authority):
- (c) in relation to a community board, means—

- (i) a person who has been declared to be elected under the Local Electoral Act 2001 as a member of the community board; and
- (ii) a person who, as the result of further election or appointment under that Act or the Local Government Act 2002, is an office holder in relation to the community board (for example, as chairperson of the community board)

regional council means the Otago Regional Council

resource consent hearing has the meaning given by clause 5

resource consent hearing fee means a fee payable in accordance with clause 12 for attending a resource consent hearing

RMA means the Resource Management Act 1991

territorial authority means the following territorial authorities:

- (a) Buller District Council:
- (b) Grey District Council:
- (c) Hamilton City Council:
- (d) Invercargill City Council:
- (e) New Plymouth District Council:
- (f) Queenstown Lakes District Council:
- (g) South Wairarapa District Council:
- (h) Stratford District Council:
- (i) Taupo District Council:
- (j) Thames–Coromandel District Council:
- (k) Waimakariri District Council:
- (l) Westland District Council.

5 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 RMA; or
 - (b) a hearing arising from a notice of requirement given under section 168 of the RMA; or
 - (c) a pre-hearing meeting held under section 99 of the RMA in relation to a hearing referred to in paragraph (a) or (b); or

- (d) a hearing relating to a private change to a district or regional plan or policy statement requested under clause 21 of Schedule 1 of the RMA; 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 a local authority under section 36 of the RMA.
- (2) To avoid doubt, in this determination, **resource consent hearing** does not mean—
- (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 to 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).

6 Meaning of hearing time

- (1) In this determination, **hearing time**—
- (a) means the time spent by a member hearing a matter referred to in clause 5(1); and
 - (b) includes the time spent by a member—
 - (i) at any formal committee deliberations in relation to a resource consent hearing; and
 - (ii) at a formal site inspection as part of a group inspection or as part of a pre-hearing meeting described in clause 5(1)(c); and
 - (iii) determining a notified resource consent application where a formal hearing does not take place.
- (2) In this determination, **hearing time** does not include the time spent by a member—
- (a) preparing for a resource consent hearing; or
 - (b) inspecting a site, except where subclause (1)(b)(ii) applies.

*Otago Regional Council***7 Remuneration and allowances payable to members of Otago Regional Council**

- (1) The remuneration and allowances payable to the members of the Otago Regional Council are—
 - (a) the remuneration set out in Schedule 1; and
 - (b) the allowances payable in accordance with clauses 9 to 11; and
 - (c) the resource consent hearing fees payable in accordance with clause 12.
- (2) Meeting fees payable as remuneration to members of the Council in accordance with Schedule 1 are payable subject to any conditions set out in that schedule.
- (3) Despite subclause (2), meeting fees are not payable to the chairperson of the Council.

*Territorial authorities and community boards***8 Remuneration and allowances payable to members of territorial authorities and community boards**

- (1) The remuneration and allowances payable to the members of a territorial authority and its community boards are—
 - (a) the remuneration set out in Schedule 2; and
 - (b) the allowances payable in accordance with clauses 9 to 11; and
 - (c) the resource consent hearing fees payable in accordance with clause 12.
- (2) Meeting fees payable as remuneration to members of a territorial authority and its community boards in accordance with Schedule 2 are payable subject to any conditions set out in that schedule.
- (3) Despite subclause (1), a member of a territorial authority who is appointed to a community board is not entitled to be remunerated for both positions. Instead, the remuneration for the member set out in Schedule 2 includes both the salary and meeting fees payable to the member for holding both offices.
- (4) Despite subclause (2), meeting fees are not payable to the mayor of a territorial authority.

Allowances

9 Vehicle mileage allowance

- (1) A local authority may pay a member or a member of a community board a vehicle mileage allowance for travel by the member on a day, but only if—
 - (a) the member is not otherwise provided with a vehicle by the local authority; and
 - (b) the distance travelled by the member on the day exceeds the threshold distance; and
 - (c) the travel is—
 - (i) in a private vehicle; and
 - (ii) on the local authority's business; and
 - (iii) by the most direct route that is reasonable in the circumstances.
- (2) The vehicle mileage allowance payable to a member in respect of a day is payable only for that part of the member's travel that exceeds the threshold distance.
- (3) The maximum vehicle mileage allowance payable to a member for the period of this determination is—
 - (a) \$0.74 per kilometre for the first 5 000 kilometres;
 - (b) \$0.35 per kilometre for any distance over 5 000 kilometres.
- (4) In this clause,—

on the local authority's business includes—

 - (a) on the business of any community board of the local authority; and
 - (b) travel to and from a member's residence to the offices of the local authority or a community board

threshold distance means the distance set by the local authority, which must not be less than 30 kilometres.

10 Travel time allowance

- (1) A local authority may pay a member or a member of a community board a travel time allowance for travel by the member on a day, but only if—
 - (a) the travel time of the member on the day exceeds the threshold time; and
 - (b) the travel is on the local authority's business; and

- (c) the travel is by the quickest form of transport reasonable in the circumstances; and
 - (d) the office of the member cannot be properly regarded as a full-time position.
- (2) The travel time allowance payable to a member in respect of a day is payable only for that part of the member's travel that exceeds the threshold time.
- (3) The maximum amount payable is \$15 per hour.
- (4) In this clause,—
- on the local authority's business** includes—
- (a) on the business of any community board or the local authority; and
 - (b) travel to and from a member's residence to the offices of the local authority or a community board
- threshold time** means the time set by the local authority, which must not be less than 2 hours.

11 Communications allowance

- (1) A local authority may pay a communications allowance to members and members of its community boards for expenses relating to 1 or more 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 \$750 for each member for the period of this determination.
- (3) However, the allowance is not payable to a member to the extent that the local authority provides him or her with—
- (a) the use of a mobile telephone; or
 - (b) the use of a computer and ancillary equipment; or
 - (c) an Internet connection.

Resource consent hearing fees

12 Fees for attending resource consent hearing

- (1) A member of a local authority or one of its community boards who acts as the chairperson of a resource consent hearing is entitled to be paid a fee of \$100 per hour of hearing time.

- (2) A member of a local authority or one of its community boards who is not the chairperson of a resource consent hearing is entitled to be paid a fee of \$80 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 pre-hearing meeting held under section 99 of the RMA is payable to only 1 member.
- (5) Despite subclauses (1) and (2), resource consent hearing fees are not payable to the chairperson of the Otago Regional Council or the mayor of a territorial authority.

*Payment of certain expenses and allowances
under 2010 Determination or 2010 (No 2)
Determination continued*

**13 Payment of certain expenses and allowances under 2010
Determination or 2010 (No 2) Determination continued**

- (1) This determination does not supersede clauses 9 and 13 of the 2010 Determination or clauses 9 and 13 of the 2010 (No 2) Determination, as the case may be.
- (2) Therefore, in accordance with section 19(3) of the Remuneration Authority Act 1977, a local authority may also reimburse a member or a member of a community board for expenses, or pay a member or a member of a community board allowances (other than allowances determined in clauses 9 to 11 of this determination), under those clauses.

Schedule 1
**Remuneration of members of Otago
Regional Council**

cl 7

Office	Annual salary (\$)
Chair	112,326
Deputy Chair	54,582
Committee Chair (4)	47,879
Chair, Objections Committee	42,133
Councillor	38,303

Meeting fees

\$100 up to 4 hours per day

\$150 over 4 hours per day

Conditions

For RMA hearings only. Total maximum amount payable for all councillors for period beginning 1 July 2011 and ending 30 June 2012 must not exceed \$9,193.

Schedule 2
**Remuneration of members of territorial
authorities and their community boards**

cl 8

Buller District Council

Office	Annual salary (\$)
Mayor	64,800
Deputy Mayor	17,908
Councillor	13,000

Meeting fees	Conditions
\$100 per hour for committee chair	Total maximum amount payable for all councillors for period beginning 1 July 2011 and ending 30 June 2012 must not exceed \$15,000.
\$80 per hour for committee members	

Mayoral car
N/A

Inangahua Community Board

Office	Annual salary (\$)
Chair	2,691
Member	2,691

Grey District Council

Office	Annual salary (\$)
Mayor	67,500
Deputy Mayor	22,831
Councillor	16,691

Meeting fees	Conditions
\$145 per day	Total maximum amount payable for all councillors for period beginning 1 July 2011 and ending 30 June 2012 must not exceed \$29,000.

Mayoral car
N/A

Hamilton City Council

Office	Annual salary (\$)
Mayor	138,634
Deputy Mayor	77,714
Committee Chair, Major (4)	77,714
Councillor	70,714

Meeting fees

N/A

Mayoral car

Full private use

Invercargill City Council

Office	Annual salary (\$)
Mayor	94,137
Deputy Mayor	42,975
Committee Chair (3)	39,895
Chair, Audit Committee	32,229
Venture Southland Representative	32,229
Councillor	24,564

Meeting fees

N/A

Mayoral car

Full private use

Bluff Community Board

Office	Annual salary (\$)
Chair	10,540
Member	3,875

New Plymouth District Council

Office	Annual salary (\$)
Mayor	117,700
Deputy Mayor	49,560

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**Local Government Elected Members
(2011/12) (Certain Local Authorities)
Determination (No 2) 2011**

Schedule 2

Office	Annual salary (\$)
Committee Chair (3)	45,747
Councillor	32,251

Meeting fees

N/A

Mayoral car

N/A

*Clifton Community Board
Inglewood Community Board
Kaitake Community Board
Waitara Community Board*

Office	Annual salary (\$)
Chair	13,151
Member	6,290

Queenstown Lakes District Council

Office	Annual salary (\$)
Mayor	96,700
Deputy Mayor/Chair, Committee/Chair, Wanaka Community Board	48,997
Committee Chair (3)	40,102
Councillor	29,165

Meeting fees

N/A

Mayoral car

N/A

Wanaka Community Board

Office	Annual salary (\$)
Chair	Nil*
Member	12,249

*Position filled by councillor, no additional remuneration is payable.

South Wairarapa District Council

Office	Annual salary (\$)
Mayor	61,800
Deputy Mayor	24,805
Councillor	13,522

Meeting fees
N/A

Mayoral car
Mayoral use only

*Featherston Community Board
Greytown Community Board
Martinborough Community Board*

Office	Annual salary (\$)
Chair	4,255
Member	1,315

Stratford District Council

Office	Annual salary (\$)
Mayor	60,300
Deputy Mayor	27,382
Councillor	13,691

Meeting fees
N/A

Mayoral car
N/A

Taupo District Council

Office	Annual salary (\$)
Mayor	89,189
Deputy Mayor	37,206
Councillor/Chair, Turangi/Tongariro Community Board	33,904
Councillor	32,583

Meeting fees

N/A

Mayoral car

Full private use

Turangi/Tongariro Community Board

Office	Annual salary (\$)
Chair	Nil*
Member	8,365

*Position filled by councillor, no additional remuneration is payable.

Thames–Coromandel District Council

Office	Annual salary (\$)
Mayor	87,177
Deputy Mayor/Chair, Committee	34,553
Committee Chair (3)	32,593
Councillor	28,213

Meeting fees

N/A

Mayoral car

Full private use

*Coromandel/Colville Community Board
Mercury Bay Community Board
Tairua/Pauanui Community Board
Thames Community Board
Whangamata Community Board*

Office	Annual salary (\$)
Chair	15,000
Member	6,075

Waimakariri District Council

Office	Annual salary (\$)
Mayor	97,800
Deputy Mayor	33,800
Councillor	30,000

Meeting fees	Conditions
\$150 per day	Total maximum amount payable for all councillors for period beginning 1 July 2011 and ending 30 June 2012 must not exceed \$30,000.
\$75 per half day	

Mayoral car
N/A

*Kaiapoi Community Board
Rangiora Community Board
Woodend–Ashley Community Board*

Office	Annual salary (\$)
Chair	7,000
Member	6,000

Westland District Council

Office	Annual salary (\$)
Mayor	62,500
Deputy Mayor	21,526
Committee Chair (2)	14,971
Councillor	13,971

Meeting fees
N/A

Mayoral car
N/A

Schedule 2 **Invercargill City Council**: amended (with effect on 23 August 2011), on 10 February 2012, by clause 4 of the Local Government Elected Members (2011/12) (Certain Local Authorities Determination (No 2) 2011 Amendment Determination 2012 (SR 2012/2).

Schedule 2 **Waimakariri District Council**: amended (with effect on 1 July 2011), on 10 February 2012, by clause 5 of the Local Government Elected Members (2011/12) (Certain Local Authorities Determination (No 2) 2011 Amendment Determination 2012 (SR 2012/2).

Dated at Wellington this 3rd day of October 2011.

Reprinted as at
1 July 2012

**Local Government Elected Members
(2011/12) (Certain Local Authorities)
Determination (No 2) 2011**

Schedule 2

John Errington,
Chairman.

D Morcom,
Member.

Explanatory memorandum

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

- Local Government Elected Members (2011/12) (Certain Local Authorities) Determination (No 2) 2011 Amendment Determination 2012

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 2011 and expires on the close of 30 June 2012, covers those local authorities not included in the Local Government Elected Members (2011/12) (Certain Local Authorities) Determination 2011 issued in July 2011.

The determination has been developed by 3 distinct processes. The Remuneration Authority (the **Authority**) separately fixes the remuneration of mayors of territorial authorities and chairpersons of regional councils, the pool of funds allocated to each regional and territorial authority, and the maximum allowances payable in respect of certain activities undertaken by members.

Mayoral and chairperson remuneration was established using the approach developed in 2010 after an independent job evaluation exercise. Weights of Population, Expenses, and Assets were established, which were used to derive points for each local authority. These weights are those that give a good representation of the relative size of sample mayoral and chairperson positions as determined by the job sizing. The weights were Population 50%, Expenses 45%, and Assets 5%. Those weights were then used to develop remuneration levels that reflected the Authority's pay line for the 2010 year. As the Authority's 2011 pay line will not be available until later in the year, the remuneration levels were then increased by 1.5% to reflect general wage growth and adverse economic conditions. For unitary authorities, a 12.5% loading was also applied. Finally, the mayoral and chairperson remuneration was set to the same as last year's for those cases where this year's calculation gave a lower remuneration than last year.

The balance of the pool for council and community board remuneration was then established by applying a 2% increase to the amount established using the pool system that has been in place since 2003.

The differential between adjustments for mayors and chairpersons and the pool reflected the nil general movement applied to the pool in 2010, as set against the mayors' and chairpersons' movement that flowed from the Authority's pay line. Councils were then invited to recommend the distribution of the pool among elected members.

Allowances have been adjusted by increasing the maximum mileage rate payable from \$0.70 to \$0.74 to compensate for increases in petrol costs that have occurred recently.

The determination also includes the full-year allowance payable to members who utilise their home communications systems for council business of \$750, this allowance having previously been set for an 8-month period at \$500.

Finally, the determination provides an increase to the maximum hourly rates payable to members sitting on resource consent hearings. These rates were last reviewed in 2006, and the Authority has increased the maximum hourly rate to \$100 for those chairing a hearing and \$80 for those sitting on a hearing.

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

- Local Government Elected Members (2011/12) (Certain Local Authorities) Determination (No 2) 2011 Amendment Determination 2012

Contents

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 - 2 Status of reprints
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Notes

1 *General*

This is a reprint of the Local Government Elected Members (2011/12) (Certain Local Authorities) Determination (No 2) 2011. The reprint incorporates all the amendments to the determination as at 1 July 2012, 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 (2011/12) (Certain Local Authorities) Determination (No 2) 2011 Amendment Determination 2012 (SR 2012/2)

Local Government Elected Members (2011/12) (Certain Local Authorities) Determination (No 2) 2011 (SR 2011/358): clause 3
