

**Reprint
as at 1 July 2014**



**Local Government Elected
Members (2013/14) (Auckland
Council and Local Boards)
Determination 2013**

(SR 2013/389)

Local Government Elected Members (2013/14) (Auckland Council and Local Boards) Determination 2013: revoked, on 1 July 2014, by clause 13 of the Local Government Elected Members (2014/15) (Auckland Council and Local Boards) Determination 2014 (LI 2014/143).

Pursuant to 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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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

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Determination

- 1 Title**
This determination is the Local Government Elected Members (2013/14) (Auckland Council and Local Boards) Determination 2013.
- 2 Commencement**
This determination comes into force on 13 October 2013.
- 3 Expiry**
This determination expires on the close of 30 June 2014.

Interpretation

4 Interpretation

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

Auckland Council or **Council** means the Auckland Council established by section 6 of the Local Government (Auckland Council) Act 2009

hearing time has the meaning given by clause 6

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

member,—

- (a) in relation to the Auckland Council, means—
 - (i) a person who has been declared to be elected under the Local Electoral Act 2001 as the Mayor of Auckland or as any other member of the governing body of the Auckland Council; and
 - (ii) a person who, as the result of further election or appointment under that Act, the Local Government Act 2002, or the Local Government (Auckland Council) Act 2009, is an office holder in relation to the Auckland Council (for example, as chairperson of a committee of the Council):
- (b) in relation to a local board, means—
 - (i) a person who has been declared to be elected as a member of that local board under the Local Electoral Act 2001; and
 - (ii) a person who, as the result of further election or appointment under that Act, the Local Government Act 2002, or the Local Government (Auckland Council) Act 2009, is an office holder in relation to the board (for example, as chairperson of the board)

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.

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 request for a 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 the Auckland Council; or
 - (f) a hearing on an objection against a charge fixed by the Council under section 36 of the RMA.
- (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 Council or a local board; or
 - (c) a hearing relating to a notice of requirement initiated by the Council or a local board; 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**—
- (a) also includes the time spent by a member—
 - (i) preparing for a resource consent hearing; or
 - (ii) inspecting a site, not being a formal site inspection under subclause (1)(b)(ii); but
 - (b) does not include the time referred to in paragraph (a) to the extent that it exceeds the time spent by the member on the formal deliberations referred to in subclause (1)(b)(i).

Auckland Council members

7 Remuneration and allowances payable to members of Auckland Council

The remuneration and allowances payable to the members of the Auckland Council are—

- (a) the remuneration set out in Schedule 1; and
- (b) the allowances payable in accordance with clauses 9 to 11.

Local board members

8 Remuneration and allowances payable to members of local boards

(1) The remuneration and allowances payable to the members of local 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) A member of a local board is not entitled to be paid a meeting fee other than a resource consent hearing fee.

(3) Despite subclause (2), the chairperson of a local board is not entitled to be paid a resource consent hearing fee.

*Allowances***9 Vehicle mileage allowance**

- (1) The Auckland Council may pay a member or a member of a local board a vehicle mileage allowance for travel by the member.
- (2) An allowance may be paid to a member under subclause (1) for each day within the period of this determination that—
 - (a) the member is not provided with a vehicle by the Council; and
 - (b) the distance travelled by the member on the day exceeds the threshold distance; and
 - (c) the member is travelling—
 - (i) in a private vehicle; and
 - (ii) on the Council's business; and
 - (iii) by the most direct route that is reasonable in the circumstances.
- (3) The allowance is payable, in relation to each day for which the member qualifies under subclause (2),—
 - (a) in accordance with subclause (4); but
 - (b) only for the distance travelled on the day that exceeds the threshold distance.
- (4) The vehicle mileage allowance payable to a member is—
 - (a) no more than \$0.77 per kilometre for the first 3 548 kilometres travelled within the period of this determination for which the allowance is payable;
 - (b) no more than \$0.37 per kilometre for any distance over 3 548 kilometres travelled within the period of this determination for which the allowance is payable.
- (5) If a member is not a member for the whole of the period of this determination, subclause (4) applies as if the reference to 3 548 kilometres were replaced by a reference to the number of kilometres calculated in accordance with the following formula:

$$\frac{a}{b} \times 3\,548$$

where—

- a is the number of days during the period of this determination that the member held office
 - b is the number of days in the period of this determination.
- (6) In this clause,—
- on the Council's business** includes—
- (a) on the business of any local board; and
 - (b) travel to and from a member's residence to an office of the Auckland Council or a local board
- threshold distance** means the shorter of the following distances:
- (a) the distance equivalent to a round trip between the member's residence and the nearest office of the Auckland Council by the most direct route that is reasonable in the circumstances; and
 - (b) 30 kilometres, if the distance equivalent to a round trip between the member's residence and the nearest office of the Auckland Council is greater than 30 kilometres by the most direct route that is reasonable in the circumstances.

10 Travel time allowance

- (1) The Auckland Council may pay a member of a local board (other than the chairperson of a local board) a travel time allowance if the office of the member cannot be properly regarded as a full-time position.
- (2) An allowance may be paid to a member under subclause (1) for each day within the period of this determination that—
 - (a) the member is travelling—
 - (i) on the Council's business; and
 - (ii) by the quickest form of transport reasonable in the circumstances; and
 - (b) the travel time of the member exceeds 1 hour.
- (3) The allowance is payable, in relation to each day for which the member qualifies under subclause (2),—
 - (a) at no more than \$35 per hour; but
 - (b) only in respect of the travel for that day that exceeds 1 hour.
- (4) In this clause, **on the Council's business** includes—

- (a) on the business of any local board; and
- (b) travel between a member's residence and an office of the Auckland Council or a local board.

11 Communications allowance

- (1) If the Auckland Council determines that particular communications equipment and services are required by members to perform their functions and members choose or are required to use their own equipment and communication services, the Council may pay an allowance for the period of this determination in accordance with this clause.
- (2) The amounts and matters in respect of which the allowance is payable are as follows:
 - (a) for the use of a personal computer, \$110:
 - (b) for the use of an electronic tablet, \$110:
 - (c) for the use of a printer (with or without a scanner), \$30:
 - (d) for use of a mobile phone, \$45:
 - (e) for an Internet connection (with or without a telephone connection), \$185:
 - (f) for council-related toll and mobile phone charges, \$295.
- (3) The total amount payable to a member under subclause (2) must not exceed \$775.
- (4) If the member is not a member for the whole of the period of this determination, subclause (2) applies as if the reference to an amount were replaced by a reference to an amount calculated in accordance with the following formula:

$$\frac{a}{b} \times c$$

where—

- a is the number of days during the period of this determination that the member held office
 - b is the number of days in the period of this determination
 - c is the relevant amount specified in subclause (2).
- (5) The Remuneration Authority may approve rules proposed by the Auckland Council to meet the costs of installing and running special equipment or connections where, because of dis-

tance or restricted access, normal communications connections are not available.

Resource consent hearing fees

12 Fees for attending resource consent hearing

- (1) A member of a local board 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 board 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 a local board.

Miscellaneous matters

13 Application of certain allowances if determination continues after expiry

- (1) This clause applies if this determination continues in force after its expiry under clause 7A(4) of Schedule 7 of the Local Government Act 2002.
- (2) Clauses 9(4) and (5) and 11(2) to (4) apply—
 - (a) as if this determination—
 - (i) had come into force on the day after its expiry; and
 - (ii) were to expire on 30 June 2015; and
 - (b) with the modifications specified in subclauses (3) to (5).
- (3) Clause 9(4) and (5) applies as if the reference to 3 548 were replaced by 5 000.
- (4) Clause 11(2)(a) to (f) applies as if the references to \$110, \$110, \$30, \$45, \$185, and \$295 were replaced by \$150, \$150, \$40, \$60, \$250, and \$400 respectively.

- (5) Clause 11(3) applies as if the reference to \$775 were replaced by \$1,050.

14 Revocation

The Local Government Elected Members (2012/13) (Auckland Council and Local Boards) Determination 2012 (SR 2012/218) is revoked.

cl 7(a)

Schedule 1
**Remuneration of members of Auckland
Council**

Office	Annual salary (\$)
Mayor of Auckland	251,010
Deputy Mayor of Auckland	141,337
Chair of committee of the whole (3)	116,762
Councillor (16)	98,672
Mayoral car	
Full private use	

cl 8(1)(a)

Schedule 2
Remuneration of members of local boards
Albert–Eden Local Board

Office	Annual salary (\$)
Chairperson	80,842
Member	39,498

Devonport–Takapuna Local Board

Office	Annual salary (\$)
Chairperson	71,002
Member	38,345

Franklin Local Board

Office	Annual salary (\$)
Chairperson	71,310
Member	37,423

Great Barrier Local Board

Office	Annual salary (\$)
Chairperson	45,211
Member	21,713

Henderson–Massey Local Board

Office	Annual salary (\$)
Chairperson	84,225
Member	40,113

Hibiscus and Bays Local Board

Office	Annual salary (\$)
Chairperson	78,306
Member	39,037

Howick Local Board

Office	Annual salary (\$)
Chairperson	88,222
Member	40,344

Kaipatiki Local Board

Office	Annual salary (\$)
Chairperson	77,460
Member	38,883

Mangere–Otahuhu Local Board

Office	Annual salary (\$)
Chairperson	75,692
Member	38,960

Manurewa Local Board

Office	Annual salary (\$)
Chairperson	77,998
Member	38,960

Maungakiekie–Tamaki Local Board

Office	Annual salary (\$)
Chairperson	74,846
Member	38,729

Orakei Local Board

Office	Annual salary (\$)
Chairperson	77,076
Member	39,191

Otara–Papatoetoe Local Board

Office	Annual salary (\$)
Chairperson	76,768
Member	39,191

Papakura Local Board

Office	Annual salary (\$)
Chairperson	67,620
Member	37,576

Puketapapa Local Board

Office	Annual salary (\$)
Chairperson	70,772
Member	38,268

Rodney Local Board

Office	Annual salary (\$)
Chairperson	68,773
Member	36,961

Upper Harbour Local Board

Office	Annual salary (\$)
Chairperson	68,927
Member	37,884

Waiheke Local Board

Office	Annual salary (\$)
Chairperson	54,192
Member	22,879

Waitakere Ranges Local Board

Office	Annual salary (\$)
Chairperson	68,696
Member	37,807

Waitemata Local Board

Office	Annual salary (\$)
Chairperson	73,770
Member	38,499

Whau Local Board

Office	Annual salary (\$)
Chairperson	75,692
Member	38,960

Dated at Wellington this 4th day of September 2013.

A Foulkes,
Deputy Chair.

D Morcom,
Member.

Explanatory memorandum

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

This determination comes into force on 13 October 2013 and expires on the close of 30 June 2014.

In 2012, the Remuneration Authority undertook a work programme to establish new baseline remuneration for elected members in Auckland.

The Authority has twice in the past year sought advice on the job size of the various elected positions in Auckland.

On the first occasion, the Authority had concerns that the final shape of the new governance arrangements had not been bedded in. The Authority did not make any changes to the structure of the Auckland remuneration in 2012, but undertook a re-evaluation towards the end of that year.

On the second occasion, although some doubts were still expressed as to the long-term work levels of some positions, and as to the time commitment that will be a continuing requirement of members, there are some matters that appear clear going forward.

Based on the information reviewed, the Authority is of the opinion that councillor positions are very close to full-time and will be into the future. Additionally, we have accepted that the chairpersons of local boards are also moving close to full-time.

This change of approach, which is based on our investigations on hours of work and job size, revealed that significant increases in remuneration could be justified for councillors and local board chairpersons. If these had been fully implemented, increases for councillors and local board chairpersons would have been considerable.

The Authority remains of the view that local board member positions are not full-time, and that differing time commitments apply to the mainland boards and the 2 gulf boards. Based on our assessment of workload, increases for members of local boards will be modest, but will vary among boards.

In undertaking the job-sizing exercise, it also became clear that the identifiable additional duties of deputy chairpersons of local boards were not at a level that justified additional remuneration for these positions and therefore such positions do not form part of the determination.

Having established what might be deemed the appropriate rate for the positions, the Authority is also required to look closely at other elements of the Authority's legal mandate, the criteria we must take into account in determining remuneration, and discretions to determine the extent to which it is appropriate to provide for such increases.

New Zealand, like the rest of the world, is going through a period of restricted growth and restricted income movements as economies adjust to the global financial crisis. Households across the country are experiencing little or no increase in income, and balancing the books has come sharply into focus, particularly in our larger cities where accommodation and transport costs place a significant burden on those on restricted incomes.

We are aware that elected members' remuneration represents only a fragment of the average rate bill. Yet to individual ratepayers, already beset by other costs, any increases may seem unfair and arbitrary. Equally, in times when all employers and employees are being asked to exercise restraint, significant one-off increases can undermine the effectiveness of the institutions involved. The Authority does not wish to undermine support for the process of local government in Auckland.

In most countries, the decision making on remuneration is separated from the development of remuneration proposals. The developing authority has the luxury of generosity, and the deciding authority the luxury of public support for frugality. In New Zealand, the Remuneration Authority serves both roles and must therefore balance recognition of the adverse economic environment against fairness to elected members and fairness to ratepayers.

The Authority's determination therefore moderates the increases in remuneration. We will begin the process of recognising a full-time regime in the years ahead.

While the time commitment is substantial, neither councillors nor local board chairpersons are employees and their availability for council business is effectively at their own discretion. For this reason also, it seems appropriate that careful steps are taken to establish clear expectations of such positions that include the appropriate expectations of workload and availability, and the relationships with other commercial interests of elected members before full implementation is achieved. The Authority will engage with the Auckland Mayor, Council, and local boards over the coming period to progress such steps.

The determination does not allow flexibility for the Mayor or the Council to adjust remuneration independently in any way. If, however, the structure of council activities were to change, the Authority would be happy to give consideration to recognising new roles and duties based on robust position identification.

The Authority will undertake another sizing exercise prior to the 2016 election.

This determination also expands the meaning of hearing times for resource consent hearings to include some preparation time and excludes, on the basis of the full-time nature of the positions, the Mayor, councillors, and local board chairpersons from receiving payment for such hearings.

Finally, the determination makes changes to the levels and conditions of allowances.

The mileage allowance increases the rate of mileage payable to 77 cents per kilometre to reflect changes in the cost of running a motor vehicle. The expectation is that the standard annual usage of 5 000 kilometres for the higher level of reimbursement is reduced to 3 548 kilometres for members elected in October and would be further pro-rated if members served for a shorter period.

The travel time allowance increases the rate payable for each applicable period from \$15 to \$35 per hour.

The communications allowance is amended to provide greater clarity on the components for which the allowance can be paid. Such an allowance is payable only where a member uses their personal

equipment or service provider instead of the Council providing these items. It is intended to leave to each council the decision as to what appropriate technologies are required to support the work of members.

The communications allowance is prorated from that which would apply for a 12-month period, and also requires payment to be further prorated if members do not serve for the full period of the determination. The determination also provides an ability for the Council to approach the Authority to approve rules under which additional assistance can be provided where unique circumstances apply for geographic reasons.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 12 September 2013.

Reprints notes

1 *General*

This is a reprint of the Local Government Elected Members (2013/14) (Auckland Council and Local Boards) Determination 2013 that incorporates all the amendments to that determination as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Local Government Elected Members (2014/15) (Auckland Council and Local Boards) Determination 2014 (LI 2014/143): clause 13
