Version
as at 1 July 2023

Local Government Members (2022/23) Amendment Determination (No 2) 2022

(SL 2022/238)

Local Government Members (2022/23) Amendment Determination (No 2) 2022: revoked, on 1 July 2023, pursuant to clause 16 of the Local Government Members (2023/24) Determination 2023 (SL 2023/142).

This determination (to which is appended an explanatory memorandum) is made by the Remuneration Authority under the Remuneration Authority Act 1977 and clause 6 of Schedule 7 of the Local Government Act 2002, after having regard to the matters specified in clause 7 of that schedule.

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Determination

1 Title

This determination is the Local Government Members (2022/23) Amendment Determination (No 2) 2022.

2 Commencement

This determination is deemed to have come into force on 1 July 2022.

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

3 Principal determination

This determination amends the Local Government Members (2022/23) Determination 2022.

4 Clause 11 amended (Vehicle-kilometre allowance)

After clause 11(4), insert:

(5) Subclause (4) does not apply to the payment of a vehicle-kilometre allowance by a local authority to a member who permanently or temporarily resides outside the local authority area if—

(a) the member's primary place of residence was outside the local authority area at the time of the local election, or an exceptional circumstance beyond the member's control requires them to move outside the local authority area; and

(b) the Remuneration Authority determines, on an application from the member and having considered the recommendation of the mayor or regional council chairperson, that subclause (4) does not apply.

5 Clause 12 amended (Travel-time allowance)

After clause 12(4), insert:

(4A) Subclause (4) does not apply to the payment of a travel-time allowance by a local authority to a member who permanently or temporarily resides outside the local authority area if—

(a) the member's primary place of residence was outside the local authority area at the time of the local election, or an exceptional circumstance beyond the member's control requires them to move outside the local authority area; and

(b) the Remuneration Authority determines, on an application from the member and having considered the recommendation of the mayor or regional council chairperson, that subclause (4) does not apply.

Dated at Wellington this 18th day of August 2022.

Geoff Summers,
Chairperson.

Dallas Welch,
Member.

Vern Walsh,
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 2022, amends the Local Government Members (2022/23) Determination 2022 (the **principal determination**).

Clauses 4 and 5 amend clauses 11 and 12 of the principal determination, which set out the vehicle-kilometre allowance and travel-time allowance (the **allowances**) payable by a local authority to a member for costs incurred for eligible travel.

Clauses 11(4) and 12(4) of the principal determination state that if a member resides outside a local authority area and travels to the local authority area, the member's eligibility for the allowances begins after they cross the boundary of the local authority area. The amendments enable a member to apply to the Remuneration Authority for an exemption from clauses 11(4) and 12(4) if—

- the member's primary place of residence was outside the local authority area at the time of the local election; or
- an exceptional circumstance beyond the member's control requires them to move outside the local authority area.

Because the payment of allowances within the limits of the principal determination is discretionary, any decision to provide for members to apply for an extension of those allowances under *new clauses 11(5) and 12(4A)* is also discretionary. A council that pays allowances to elected members may choose not to include in its expenses and reimbursement policy provision for members to apply for an extension.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 25 August 2022.

Notes

1 General

This is a consolidation of the Local Government Members (2022/23) Amendment Determination (No 2) 2022 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Local Government Members (2023/24) Determination 2023 (SL 2023/142): clause 16

Wellington, New Zealand:
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