

Independent hearing commissioner

Frequently asked questions

1. Who are independent commissioners?

Independent commissioners are expert decision makers who consider and determine (or recommend) matters under various statutes including the Resource Management Act (1991), Local Government Act (2002), Reserves Act 1977 and others, on behalf of Auckland Council. Matters to be heard will include:

- Plan modifications such as plan changes and Notices of Requirement
- resource consent applications
- other hearings as determined by the Regulatory Committee.

Generally, decisions are heard by a panel of commissioners made up of a chair and members. Some chairs will also sit alone as a duty commissioner to make decisions 'on the papers'.

Independent commissioners are appointed as a 'pool' of commissioners. At the time of selecting each hearing panel from the pool, one commissioner will be appointed as the chair for that hearing.

2. What is the chairperson's role?

Chairs will preside over the hearing, manage proceedings and ensuring that all parties are given equal opportunity to have their say. To be considered for a chair's role, you will need to demonstrate your skills in the following areas:

- decision writing experience and competency
- understanding the legislation and applicable case law
- listening, questioning and summarising
- negotiation and dealing with difficult people and situations
- understanding of te Ao Māori.

The Making Good Decisions Chairing endorsement is preferred but not essential.

3. How many independent commissioners will be contracted?

Auckland Council will be recruiting approximately 60 independent commissioners across a range of specialist areas.

4. What qualifications do I need to be an independent commissioner?

Independent commissioners are required to hold the Ministry for the Environment's [Making Good Decisions](#) accreditation, or show they have enrolled to attend a training course for this qualification at the time of submitting an application.

Independent commissioners must have qualifications and/or relevant experience in one or more of the following areas:

- planning
- resource management law
- engineering (transport and infrastructure)
- landscape architecture
- ecology, biodiversity and environmental management
- freshwater management
- te Tiriti o Waitangi and te Ao Māori
- coastal management
- heritage and conservation management
- urban design
- air quality
- rural planning and land management
- waste management.

5. What are the eligibility requirements?

Independent commissioners are appointed based on individual qualifications, competencies and skill sets required for each hearing.

Each applicant must be a New Zealand citizen or a New Zealand permanent resident and preference will be given to applicants that reside within the Auckland region.

6. What is the recruitment process?

Auckland Council will advertise for applications from Monday, 29 June 2020.

Existing commissioners are to submit an expression of interest. New candidates must submit an application which is to be received by midnight on Sunday, 19 July 2020. Both forms of application must be submitted via council's website www.aucklandcouncil.govt.nz/careers.

A selection panel will interview shortlisted applicants during August/September 2020. The Regulatory Committee will appoint the pool of independent commissioners at their September or October meeting, with the commissioners' contracts starting on 1 January 2021.

7. What is the term of the contract?

The independent commissioner contract will be for a period of three years, from 1 January 2021 to 31 December 2023.

8. How much time is an independent commissioner expected to commit to?

Work will be on an 'as required' basis and hearing panels are selected depending on the skills and expertise required for each hearing. Auckland Council holds approximately 80 resource management hearings per year. Commissioners may be appointed for any number of hearings from 0-10 per year, noting that planners are generally appointed to more hearings than other specialists.

Commissioners are expected to be available if required, and are provided approximately four weeks' notice of their appointment prior to a hearing and have the opportunity to decline if they have prearranged commitments or a conflict of interest.

Auckland Council also hosts a quarterly forum for independent commissioners and accredited elected members, which commissioners are expected to attend and contribute to.

9. Do independent commissioners get paid?

Yes, independent commissioners are paid at a set remuneration rate. The current rate is \$187 per hour for the chair and \$165 per hour for panel members.

Independent commissioner invoices are subject to withholding tax.

10. Why does the council website application form refer to 'employee' and asks for a salary range when this role is for a contractor with a set remuneration rate?

To manage the expected volume of applications, we are requiring applications for the independent commissioner role to be submitted through council's careers web page and therefore refers to successful candidates as being employees. Salary range responses will not be taken into consideration as part of this recruitment process.

To clarify, independent commissioners will be contractors to council.

11. Would I report to a council manager?

Independent commissioners are contractors of the council, not employees, and are accountable to the Regulatory Committee through the Principal Advisor Hearings, Democracy Services.

12. What if I have a conflict of interest?

As independent commissioners are leaders in their own professions, they will find they have a conflict of interest from time to time and these can be discussed with the Hearings team as they arise.

All commissioners are required to submit a declaration of interest form prior to each hearing.

Further questions

Please contact Jessica Carter, Principal Advisor Hearings, at jessica.carter@aucklandcouncil.govt.nz or 021 520 418 if you would like to know more about the role.