

Position Description

Position title:	Independent Hearing Commissioner	Team:	Hearings
Division:	Governance	Reports to:	Regulatory Committee through the Principal Advisor Hearings
Department:	Democracy Services	Direct reports:	Nil
Unit:	Governance Unit	Indirect reports:	Nil

 Our Commitment to Te Ao Māori	<p>We honour te Tiriti o Waitangi, accord value to te Ao Māori (the Māori world), support kaitiakitanga and are responsive to the needs of the Māori community. You participate in initiatives to embed te Ao Māori into the way we do things. You are willing to develop and build your own confidence and capability to be responsive to Māori and recognise and display our commitments under te Tiriti.</p>
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 Purpose of the job (primary goal / objective)	<p>To act as a chairperson or as a member of a hearings panel to consider and decide (or recommend) matters in accordance with the Resource Management Act (1991), Local Government Act (2002), Reserves Act 1977 or any other relevant statutes, on behalf of Auckland Council. Matters to be considered may include;</p> <ul style="list-style-type: none"> ▪ resource consent applications ▪ plan changes ▪ notices of requirement ▪ bylaws and dispensations ▪ reserve management plans ▪ policies where the Special Consultative Procedure is used ▪ other hearings as determined by the Regulatory Committee. <p>Commissioners may also be appointed as duty commissioners, acting under delegated authority to consider and make decisions on resource consent applications (including notification determinations), notices of requirement and outline plan of works, section 125 applications, section 127 applications, and section 37 and other matters that do not require a hearing.</p> <p>Commissioners are employed as contractors to the council and should be prepared for flexible working hours and note that this is not a full-time role.</p>
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 Key responsibilities	<ul style="list-style-type: none"> • Exercise the council's powers and functions in accordance with relevant legislation and within the terms of the delegations manual and Regulatory Committee policy • Demonstrate an understanding of the principles of te Tiriti o Waitangi, their relevance in legislation, and their application to the decision(s) in question • Consider and apply te Ao Māori to hearings where relevant and appropriate • Maintain a comprehensive understanding of all relevant legislation and plans necessary to provide a quality service to the council and its customers • Adhere to accepted best practice for hearings • Demonstrate impartiality and integrity as well as an awareness and understanding of the principles of natural justice and a sense of fair play • Embrace diversity and use cultural competency to ensure that all members of Auckland's diverse communities are able to participate effectively in hearings
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	<ul style="list-style-type: none"> • Recognise common decision-making biases, including unconscious bias, and apply strategies to minimise their impact • Ensure that Making Good Decisions accreditation remains current • Panel members contribute to decision writing and review as instructed by the chairperson <p>Chairperson:</p> <ul style="list-style-type: none"> • Prepare directions and/or minutes on procedural matters as required • Allocate tasks among panel members, including drafting parts of the decision where appropriate • Engage with panel members to arrange and attend site visits
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 <p>Outcomes (what success looks like)</p>	<ul style="list-style-type: none"> • Ensure all parties feel that they have had a fair hearing • Ensure that decisions are completed within statutory timeframes • Ensure that decisions (or recommendations) are well reasoned, legally and technically correct, and reach a clear, impartial and logical decision in written form • Acquire an excellent knowledge of the application and issues by using all material provided prior to the hearing, and carry out a site visit where appropriate • Maintain confidentiality on all deliberations and decisions subsequent to the completion of the work • Disclose any potential conflict of interest, either actual or perceived, to the Hearings team, prior to the acceptance of work • Apply new legislation and case law to decisions where appropriate • Ensure that decisions stand up to appeal and judicial review
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 <p>Key skills (what you are great at)</p>	<ul style="list-style-type: none"> • Tertiary qualification and/or proven experience in one or more of the following disciplines: <ul style="list-style-type: none"> - 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 • Experience with relevant legislation particularly the Resource Management Act 1991, Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 • Proven expert in an area of specialty • A minimum of five years' experience as an independent commissioner or relevant knowledge in the hearings space • Listening, questioning and summarising skills are essential • Advanced written and verbal communication skills with ability to write clear and
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	<p>concise decisions</p> <ul style="list-style-type: none"> • Skilled in communicating with tact and diplomacy • Strong computer skills and use of technology, with ability to adapt to a paperless environment • Excellent customer service skills • Absence of conflict or bias (actual and perceived) • Ability to maintain neutrality and consider and assess applications without bias • Cultural competency – ability and the commitment required to effectively work with all of Auckland’s diverse communities
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 <p>Job requirements</p>	<ul style="list-style-type: none"> • The commissioner is a contractor to the council • Commissioners need to be available for flexible working hours and note that this is not a full-time role • Commissioners must refrain from behaviour that fosters the appearance of a conflict of interest. • Commissioners must declare any conflict of interest and take appropriate action to protect themselves and the Council. • Commissioners must disclose any financial or personal conflicts and are required to evaluate conflicts on an ongoing basis. • All commissioners participate in the quality practice programme to improve service delivery. • A current Making Good Decisions accreditation from the Ministry for the Environment is a mandatory requirement for all commissioners during their term of service.
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Disclaimer

The above statements are intended to describe the general nature and level of work being performed by incumbents in the assigned job. They are not construed as an exhaustive list of all responsibilities, duties, or skills required of the incumbent. From time to time, employees may be required to perform duties outside of their normal responsibilities as needed.

Approving manager:	Version date:
Jessica Carter, Principal Advisor Hearings	24 June 2020

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