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The Quality Planning Resource

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USE OF COUNCILLORS AS INTERNAL COMMISSIONERS

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A council may appoint elected members or community board members, from within that council or from another council, to be internal commissioners. Appointing councillors as internal commissioners may be useful where a resource consent application requires a joint hearing (where councils combine to hear an application), or where a consent hearing is likely to span a local authority election and continuity of service on the hearing panel is required.

However, if an independent commissioner is requested under section 100A or 357AB, the council must appoint at least one commissioner who is not a member (councillor or staff) of the council. The intent of s100A is that the council delegation would be exclusive to independent commissioners.

BEST PRACTICE IN APPOINTING COUNCILLORS AS INTERNAL COMMISSIONERS:

Councillors will usually decide who among them will be appointed to internal commissioner roles. In the interests of good practice they should be guided by the following principles (whether or not they form part of a council policy or set of guidelines):

- elected members or councillors should have training and experience as chairs or hearing panel members or both, and be able to demonstrate fulfilling the accreditation requirements of the RMA by holding a current certificate under the Making Good Decisions programme
- councillors nominated to be appointed as internal commissioners should have no actual or perceived conflict of interest (refer to [Guidance for members of local authorities about the local authorities \(Members' Interests\) Act 1968](http://www.oag.govt.nz/2010/lamia) (<http://www.oag.govt.nz/2010/lamia>)).
- where councillors or other elected members are regularly called upon to act as internal commissioners, they need to be made fully aware of the potential workload involved and be available as required.
- any appointment of internal commissioners and delegation of functions made under s34A of the RMA should be formally recorded as a resolution of the council. This appointment may be recorded on documentation related to a hearing (such as correspondence and order papers) to ensure that no confusion exists in regard to the authority of those persons to act as commissioners.

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