

Legislative Warrant of Fitness – July 2021

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Council as a good employer

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature
1	<p>Anzac Day Act 1966 The Act regulates the observance of Anzac Day and commercial activities after noon.</p> <p>Where Anzac Day falls on a Sunday it shall be observed as a Sunday. Where Anzac Day does not fall on a Sunday, it is observed up to 1 o'clock in the afternoon as if it were a Sunday, and after that hour on that day such activities shall be permitted as may lawfully take place after noon on a Saturday. The Act is subject to section 45A of the Holidays Act 2003 (which concerns the transfer of the public holiday for the purposes of Part 2, subpart 3 of that Act when Anzac Day falls on a Saturday or a Sunday).</p>	Compliance with the requirements to observe Anzac Day and limit commercial activities.	People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under the legislation.	<p>Leave Policy</p> <p>Individual and Collective Employment Agreements</p>	Yes	<p>Council offices and Libraries close on ANZAC Day, office and Library staff are not required to attend work. Staff that are required to work on ANZAC Day for the celebration events are paid in accordance with the Holidays Act 2003</p> <p>Pool facilities are open after 1pm. KVS staff not required to work except those that are on call/standby or undertaking work for the ANZAC Day celebration events.</p>
2	<p>New Zealand Bill of Rights Act 1990 (NZBORA) The NZBORA protects the rights of peoples in New Zealand – freedom of thought, conscience, religion, expression, peaceful assembly, discrimination etc.</p>	Maintenance of the rights and freedoms as set out in the NZBORA.	People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under the legislation.	<p>Equal Employment Opportunities Policy, Harassment (including bullying and discrimination) policy, Recruitment and Selection Policy, Substandard Performance, Misconduct and Disciplinary Policy, Employment Relations Policy</p>	Yes	Council is an equal opportunity employer and undertakes a number of steps to ensure the workplace is free from harassment (including bullying and discrimination)
3	<p>Criminal Records (Clean Slate) Act 2004 The Criminal Records (Clean Slate) Act establishes a clean slate regime that enables eligible individuals to conceal their criminal record in some circumstances. As a part of the state sector and an employer there are implications for the questions that can be asked of people.</p>	Compliance with the prohibition to ask or require a person to disregard the effect of the clean slate scheme when answering a question about their criminal records. It is also an offence to require or request an individual to disregard the effect of the clean slate and disclose, or give consent to the disclosure of, his or her criminal record.	People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under the legislation.	<p>Application for employment process</p> <p>Ministry of Justice Criminal Conviction checks undertaken on all new staff.</p> <p>Promapp process - Criminal conviction and police vetting checks</p>	Yes	The requirements of the Act are met in Council's application process and during Criminal Conviction checks
4	<p>Employment Relations Act 2000 This Act covers the negotiation of employment agreements and procedures for employment relations problems. It is integral to the function of the Council as an employer.</p>	Compliance with legislative requirements regarding employment agreements, bargaining, union membership, personal grievance processes, record keeping etc.	People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under	<p>Policies - Employment Relations Policy, Hours of Work Policy, Storage of Employee Records Policy</p>	Yes	The requirements of this act are met and People and Wellness ensures compliance with all Individual and Collective Employment Agreements. Various policies are in place such as: Employment Relations Policy,

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				the legislation.	Collective and Individual Employment Agreements Partnership for Quality Agreement with the Unions, Bargaining Process Agreements Processes – creating an individual employment agreement, Employee opts to join Union, Employee opts out of Union, Staff request for flexible hours, review process, MPDC info security and control		Flexible Ways of Working Policy, Hours of Work Policy, Storage of Employee Records Policy. Following the Employment Relations Amendment Act 2018, MPDC met with the PSA to discuss including pay rates in the Collective Agreement and this is now being formalised through Collective Negotiations.
5	Equal Pay Act 1972 This Act enables the elimination and prevention of gender discrimination in remuneration rates in all sectors of paid employment.	Rates paid to women are to be based on the rates paid to male employees with the same (or substantially similar) skills, responsibilities and service.	People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under the legislation.	Equal Opportunities policy Remuneration Policy SP5 Job Sizing system	Yes	The SP5 Job Sizing system is used to evaluate most positions at Council. This system has been proven to meet the Standard for Gender Inclusive Job Evaluation. This system then determines what rates are paid for positions. Note this system is only used for some positions at KVS but we will be looking into this further in the future. We have previously investigated whether to undertake a PAEE review but we determined it was not required based on the SP5 system and staff views on pay equality at MPDC.
6	Fees and Travelling Allowances Act 1951 This Act sets out the payment of remuneration and travelling allowances and expenses to members of statutory Boards and of travelling allowances and expenses to members of local authorities framework for members of statutory boards to any remuneration by way of salary, fees, or otherwise for his services as a member of	Where, under any enactment, a member of a local authority is entitled to receive payment of travelling allowances or travelling expenses, the provisions of this Act, as far as they are applicable and with the necessary modifications, shall apply to that member as if the local authority were a statutory Board.	People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under	Calculate employee travel allowance Travel Allowance Form Mileage claim form	Under review Yes	We are about to get formal advice on this matter. To the best of staff's knowledge this legislation has been complied with.

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	the Board, the remuneration shall, subject to any determination of the Remuneration Authority, be paid at such rate as the Minister from time to time approves in that behalf.			the legislation.			<u>Council removed the IRD travel Allowance, now only milage is paid.</u>
7	Health and Safety at Work Act 2015 An Act relating to the health and safety of employees and other people at work, to promote health and safety management by employers.	Compliance with the requirements of a person conducting a business or undertaking under the Health and Safety at Work Act 2015.	People, Safety and Wellness Manager Safety and Wellness Team Leader	Yes - Power to undertake all the duties and functions of a person conducting a business or undertaking under the Health and Safety at Work Act 2015	Multiple processes included: Risk Management - Health and Safety, training resources Internal audit of health and safety procedures by H&S Reps & H&S team Staff Occupational Health Monitoring, Planning Safety & Wellness Training for Staff. Council H&S Charter Operational H&S Policy H&S management system The Vault Database for managing safety and wellness information Various policies & procedures.	Have not had an opportunity to update due to Civil Defence and COVID-19. Update will be provided after end of year. Yes	The 2021 Work plan & objectives are being prepared now based on discussions with Council, H&S Committee & E-Team. This also takes into account the H&S Climate survey results. 2019 objectives were reviewed and a fresh set were put in place for 2020 calendar year. Reviewing the priorities due to the restructure. KPMG have audited in August 2020 Objectives have been set for 2021/2022 Financial Year and a strategic plan is in place.
8	Holiday Act 2003 The purpose of this Act is to promote balance between work and other aspects of employees' lives and, to that end, to provide employees with minimum entitlements to annual holidays, public holidays, sick leave and bereavement leave.	The Act provides to enforce several days for the worker as holidays. As an employer, the Council must ensure that its employment contracts comply with the legislation and employees and allowed leave accordingly. All required records are kept of this.	People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under legislation.	Leave Policy Individual and Collective Employment agreements Promapp process - MPDC info security and control, Average and Ordinary hourly rate calculation, Pay MPDC and KVS Employees	Yes	People and Wellness ensures compliance with the Holidays Act and Individual and Collective Employment Agreements
9	Human Rights Act 1993 This Act governs the protection of human rights in New Zealand. It is applicable for Council in employment and the provision of access for the disabled.	Compliance with requirement not to discriminate based on a prohibited ground * <i>*Prohibited Grounds:</i> Discrimination on the basis of gender, pregnancy and childbirth, marital status, religious ethical belief, colour, race, ethnic or national origins, disability, age, political opinion, employment or family status, sexual orientation.	People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under legislation.	Employment Relations Policy, Equal Employment Opportunities Policy, Harassment (including bullying and discrimination) policy, Recruitment and Selection Policy, Substandard	Yes	People and Wellness ensures compliance with the Human Rights Act. Various policies are in place. Our previous application for employment form had been checked by an Employment Lawyer for compliance and our new application process is based on the same information

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					Performance, Misconduct and Disciplinary Policy		
10	Injury Prevention, Rehabilitation and Compensation Act 2001 This Act regulates the area of accident compensation coverage.	Comply with obligations as an employer for the payment of levies and premiums.	People, Safety and Wellness Manager Safety and Wellness Team Leader	No delegation required as Council is not exercising a power under legislation.	Calculating lost time injury frequency rates Information is supplied to ACC as required for the calculation of levies and premiums. Payments are made within required timeframes. Payroll information is also supplied to ACC for the calculation of earnings for injured employees.	Yes	Calculating the lost time of LTIs (lost time injuries). Injuries monitored on ACC website. Return to work (RTW) programme in place. LTI's are reported to Council monthly <u>annually</u> in the <u>H&SS&W</u> report.
11	Kiwi Saver Act 2006 This Act is to encourage a long-term savings habit and asset accumulation by individuals for retirement. The Act aims to increase individuals' well-being and financial independence, particularly in retirement, and to provide retirement benefits.	Provision of employees with information packs, meet enrolment requirements for employees, compulsory contributions and tax credit entitlements etc.	People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under legislation.	Employee payroll start form Kiwisaver employee information sheet (including the investment statement from our preferred provider) Kiwisaver information – existing staff wanting to join Cease KiwiSaver Compulsory Employer Contribution	Yes	A number of processes are in place to ensure the requirements of the KiwiSaver Act are met (as outlined in the promapp processes column)
12	Local Government Act 2002 This Act sets out the requirements of Council to be a good employer, and certain disclosure requirements regarding employee salaries in its Annual Reporting.	Compliance with requirement to be a good employer and other reporting requirements under this legislation. <i>42 Chief executive A chief executive appointed under subsection (1) is responsible to his or her local authority for— (c)ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed or exercised; and (g)employing, on behalf of the local authority, the staff of the local authority (in accordance with any remuneration and employment policy); and</i>	People, Safety and Wellness Manager	Council has delegations under the LGA but not specifically in relation to employment. The Local Government Act 2002 specifically identifies the CE as the employer of Council staff. S42 of	There are a number of policies that relate to Council being a good employer such as: Staff Occupational Health Monitoring, Leave policy, <u>Flexible ways of working policy</u> , Employment relations policy, Remuneration Policy, Equal Employment Opportunities	Yes	The People and Wellness Manager is responsible for meeting the reporting requirements under the Local Government Act 2002 in relation to employee salaries and the number of employees

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		<i>(h) negotiating the terms of employment of the staff of the local authority (in accordance with any remuneration and employment policy).</i>		the Act provides authority for the CE to comply with legislation.	Policy, Harassment (including bullying and discrimination) policy, Recruitment and Selection Policy, Substandard Performance, Misconduct and Disciplinary Policy, Training and Development Policy, Workplace Support Policy and Domestic Violence Policy. Appointment Approval form – signed off by CEO The annual staff climate survey is undertaken along with pulse checks to monitor staff culture.		
13	Minimum Wage Act 1983 The Act provides for minimum wage rates for adults and for youth workers to be paid. The Minister has discretion to set the minimum wage order.	Compliance with minimum wage rates.	People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under the legislation	Process - Process payroll end of tax year Individual and Collective Employment Agreements	Yes	People and Wellness ensures compliance with the Minimum Wage Act and Individual and Collective Employment Agreements. MPDC has agreed to pay the at least the living wage as the 100% rate for all positions for all staff.
14	Parental Leave and Employment Protection Act 1987 Prescribes the minimum entitlement with respect to parental leave for male and female employees and protects employees during pregnancy and parental leave.	Comply with the requirements regarding parental leave under this legislation	People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under the legislation	Leave Policy, Employment Relations Policy, Harassment (including bullying and discrimination) policy Process – Employee Parental Leave, HR Parental Leave process	Yes	Requirements are met as outlined in Council's employee parental leave process
15	Protected Disclosures Act 2000 An employee of the Council (including a former employee and a person working under contract of services) may disclose information about serious wrongdoing in or by the organisation which the employee believes on reasonable grounds to be true or likely to be true and the purpose is to enable investigation of the allegations and the employee wishes the disclosure to be protected.	Compliance with the requirements regarding protection of employees, advising staff of Council's protected disclosures policy as required by legislation.	People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under the legislation	Protected Disclosures – Whistleblowers policy Protected Disclosures procedure	Yes	There have been no protected disclosures in the 2019/2020 2020/21 financial year.

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					Fraud and Corruption, Conflicts of Interest and Protected Disclosures brochure		
16	Smoke Free Environments Act 1990 The Act is intended to protect persons from cigarette smoke within all premises other than private homes. Another part limits sponsorship by tobacco companies.	Hold a written policy on smoking in the workplace and maintain a smoke free work environment.	People, Safety and Wellness Manager Safety and Wellness Team Leader	No delegation required as Council is not exercising a power under the legislation	Designated smoking areas policy. No smoking in vehicles policy.	Yes	Designated smoking areas policy and No smoking in vehicles policy in place.
17	Waitangi Day Act 1978 The Act prescribes the observance of Waitangi Day as a public holiday.	Observance of Waitangi day as a public holiday.	People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under the legislation	Leave Policy Individual and Collective Employment Agreements	Yes	People and Wellness ensures compliance with the Holidays Act and Individual and Collective Employment Agreements
18	Wages Protection Act 1983 This legislation restricts the ability of an employer to deduct money from an employee's wages.	Comply with restrictions on making deductions from employee wages.	People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under the legislation	Individual and Collective Employment Agreements COSACS deduction authority form Staff member wants to change payroll deductions including Maintenance Form Induction packs for new staff	Yes	People and Wellness ensure compliance with legislation and Individual and Collective Employment Agreements
19	Vulnerable Children Act 2014 One of the purposes of this Act is to reduce the risk of harm to children by requiring people employed or engaged in work that involves regular or overnight contact with children to be safety checked.	Compliance with the requirements to carry out checks on any staff who are classified as working with children under this Act.	People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under the legislation	Promapp process - Criminal conviction and police vetting checks.	Underway – Child Protection Policy and training for staff	Staff are working on developing a policy around this. We are safety checking 'children's workers' as per legislative requirements. A 'Children's worker' is defined in the Act as meaning a person who works in, or provides, a regulated service, and the person's work— (a) may or does involve regular or overnight contact with a child or children (other than with children who are co-workers); and (b) takes place without a parent or guardian of the

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							<p>child, or of each child, being present.</p> <p>There are various 'regulated services' defined in the Act such as services provided at community facilities, including (but not limited to) sports and recreation centres, libraries, swimming pools, galleries, and community centres.</p> <p>No consideration given at this time to volunteers doing H&S work i.e. tracks, parks, gardens etc.</p> <p>Also no consideration of work undertaken by Contractors on Council facilities i.e. pools, libraries where there are children.</p>
20	<p>The Domestic Violence – Victim’s Protection Act Adds legal protections in the workplace for people affected by domestic violence</p>	Compliance with employees' rights to take 10 days of paid domestic violence leave, ask for short term flexible working arrangements and not be treated adversely in the workplace because they might have experienced domestic violence.	People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under the legislation	<p>Domestic Violence Policy</p> <p>Request for flexible working hours form</p> <p>Leave application process</p>	Yes	<p>Workplace support also available.</p>

Council as a landlord and land owner

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature
21	Fencing Act 1978 This Act sets out the rights and obligations of property owners when fencing common boundaries.	Compliance with Council's obligations under the legislation as a property owner.	Property and Community Projects Manager	Y	Boundary Fencing Procedure	Yes	Council as an Authority has no obligation under the Fencing Act to contribute to the cost of boundary fences on roads. All modern Reserves acquired by Council as part of subdivisions in the past decade have covenants on them that exclude Council from contributing to a boundary fence, older reserves and general Council owned property still require Council to make a contribution. When asked to contribute Council checks that no covenant exists.
22	Property Law Act 2007 This act sets out various laws regarding leases (other than residential), easements and mortgages etc.	Compliance with obligations under the Act – the area most commonly dealt with is obligations around commercial leases.	Property and Community Projects Manager Strategic Partnerships and Governance Manager	Y	Leasing procedure/ guidelines Sale/purchase of Own your own and other properties	Yes	Council staff follow set processes for the leasing of land, and the sale/purchase of property. These include controls such as obtaining valuations and using external legal firms for conveyancing. Other legislative requirements – such as residential tenancies, public works act and reserves act requirements are also considered on a case by case basis depending on the nature of the land and transaction.
23	Residential Tenancies Act 1986 This Act regulates the relationship between tenant and landlord in residential tenancies.	Compliance with the requirements of the act regarding tenancy agreements, bonds, notices etc.	Property and Community Projects Manager	Y	Elderly persons housing rent reviews- policy Selection of own your own housing and elderly persons housing occupants	Yes	Staff follow promapp processes for the leasing of residential property as well as accessing resources/guidance provided by the Tribunal services. Council also undertakes a survey of residents annually to gauge their satisfaction with Council as a land lord – these results are available on request. Council has not been taken to the tenancy tribunal by a resident. Council has not taken any tenant to the service for any reason this financial year.
24	Trespass Act 1980 This act sets out the ability of person/entity to warn and trespass persons from land that they occupy or own	Compliance with processes regarding trespassing person from Council property. Persons who are trespassed have been done so on a sound legal basis.	District Librarian Strategic Partnerships and Governance Manager Community Facilities Operations Manager	Y	Issuing a Trespass Notice	Yes	A small number of trespass notices have been issued for aggressive and antisocial behavior.
25	Public Bodies Leases Act 1969		Asset Manager Strategy and Policy	N	Review to be undertaken	No	Council staff are reviewing this Act to check what (if any processes are

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	This Act relates to the powers of certain public bodies to lease land. There is an interface between the Reserves Act 1977 and the Public Bodies Leasing Act 1969 with regard to Local Purpose Reserves.						<p>affected) and whether delegations are required.</p> <p>Reserve land is compliant with this act and requiring that it is put to the public.</p> <p>However a significant remainder of the land Council owns is not put out for public tender every time a lease ends as s8 requires. This is mostly due to the costly process that would be involved for each piece of land. There are certain sections (such as the wetlands floodplain in Te Aroha) that are advertised every time they come up for renewal. Compliance with this legislation will require further work by staff.</p>

Council as an information holder and provider

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature
26	Copyright Act 1994 The Copyright Act protects the property right associated with ownership of original works. The Council has compliance risks in relation to the use of original works by the Commission's staff in conducting their work, for example in communications and outreach.	The Council must not copy, or allow to be copied, original works for which it does not have this right.	Communications Manager	No delegation required as Council is not exercising a power under the legislation	No processes	Yes	How this could be reflected in Promapp needs to be reviewed further. Council's agreements regarding intellectual property/datasharing etc cover the position on copyright. Council has copyright disclaimers for Council information supplied through the website and how people are to use this information.
27	Local Government Official Information and Meetings Act 1987 The intent of this Act is to make official information more freely available, to provide for proper access by each person to official information relating to that person, to protect official information to the extent consistent with public interest and the preservation of personal privacy. Where the Council makes official information available in good faith no civil or criminal proceedings should lie against it.	Compliance with the requirements to release information under LGOIMA	Strategic Partnerships and Governance Manager	Y	LGOIMA or OIA request management overview	No	Promapp process and guidelines for staff are documented, and new staff required to respond to LGOIMA requests are provided with training. There is a Promapp process for Staff to follow when responding to LGOIMA requests. There are four staff members that respond to LGOIMA requests, one from the communications department and three from the SPAG team. Two of the SPAG members are overseen by the Legal Counsel to ensure the messaging is correct and consistent. The limit number keeps the process consistent and ensures that all requests are responded to. It provides better accountability and measures to ensure LGOIMAs are responded to on time. In the 2019/20-2020/21 year 108 <u>LGOIMAs were received</u> , three LGOIMAs were responded to past the 20 day deadline. Two were One was <u>accidental and took 21 days, the third the other two were mistakes where they did not go through the correct system and the LGOIMA team was not notified of them. was responded to within 20 days but an extension was sought for part of the requested information as we needed a third party's input.</u>
	This act also provides for the provision of Land Information Memorandums, which can attract liability if incorrect information is provided.	Compliance with requirements to release information in LIMS	Customer Services Manager	Y	Public access requirements for information release	Yes	Council's customer services team have established processes and templates to ensure information is collected and checked. <u>A revised template is currently being worked on to plain English the language and improve the document flow.</u>
28	Privacy Act 1993-2020 The New Zealand Privacy Act 1993 2020 established the Office of the Privacy Commissioner and sets out the functions of the Office of the Privacy Commissioner its functions. It sets out the principles of privacy the Council must adhere to and matters relating to the collection, use and storage of private information and response to requests/complaints regarding private information. From the 1993 Act to the updated 2020, Council is required to be more proactive with ensuring that the private data it holds is secure as well as notifying the Office of privacy breaches. The Commissioner now holds stronger powers to	Compliance with privacy principles and obligation to release/update private information.	Legal Counsel Information Team Leader (Privacy Officer)	Y	MPDC information security and control	Yes	To the best of knowledge this has been complied with, staff are given training as part of their induction on LGOIMA and Privacy Act requirements. The Government is currently in the process of making changes to the Privacy Act. The Minister of Justice introduced a Bill amending the current Act on 20 March 2018. Reform proposals include stronger powers for the Privacy Commissioner, mandatory reporting of privacy breaches, new offences and increased fines. In particular, the reforms aim to encourage private and public sector agencies to identify risks and prevent incidents that could cause harm.

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	<u>ensure businesses and organisations are protecting private information</u>						<p>In response to the upcoming changes - A register has been established in Authority to comply with the changes to the Privacy Act. Training is being given to staff handling personal information around the changes to the Act and the purpose of the register.</p> <p>All current forms, hardcopy & digital were reviewed Nov/Dec 2018 to check the personal information requested is required so we minimise what information we then need to maintain.</p> <p>The Information Manager <u>has reviewed is currently reviewing</u> processes to ensure we are compliant with the new legislation. when it comes in to effect in December 2020.</p>
29	<p>Public Records Act 2005</p> <p>This Act establishes a recordkeeping framework, and focuses on supporting good recordkeeping in government. The Council is to create and maintain records and to dispose of them in accordance with the authority of the Chief Archivist.</p>	<p>The Council is required to create and maintain full and accurate records in accordance with normal, prudent business practice. These records must also be accessible over time. The Council must gain the Chief Archivist's authorisation before disposing of public records.</p>	<p>Information & Technology Manager</p> <p>Communications Manager</p>	Y	Document management	<p>YesMajority Compliance</p>	<p>The Public Records Act also applies to our websites and Social Media.</p> <p>We are working towards complying with this Act by capturing logs on the MPDC website of who made changes, when, and what the change was. Our Disaster Recovery processes also provide the ability to restore old versions of the website, however, these do not comply with the requirements of the Records Act.</p> <p>We have identified the need to manage records from Social Media. This is a known issue in our sector, with a limited number of suitable products available on the market at this time.</p> <p><u>The information held in Council's Content Manager system and at our offsite storage providers is compliant but our storage of hardcopies documentation onsite does not comply (this is the situation for most councils across the country).</u></p>

Council as a governance body

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature
31	Citizenship Act 1977 Provides for Councils to facilitate citizenship ceremonies on behalf of the government.	Undertaking citizenship ceremonies in accordance with legislation	Communications Manager	No delegation required as Council is not exercising a power under the legislation – specific staff members and the Mayor are appointed by the DIA to carry out ceremonies.	Citizenship ceremony Taking photos at citizenship ceremonies	Y	Citizenship ceremonies are carried out 6-8 times per year depending on demand, they have all been carried out in accordance with the Council's MOU with the DIA.
32	Civil Defence Emergency Management Act 2002 The purpose of this Act is to improve and promote the sustainable management of hazards and provide for planning and preparation for emergencies and for response and recovery in the event of an emergency.	Compliance with Council's obligations to co-ordinate civil defence readiness and operations under the Act.	Group Manager Community Development	On 9 May 2018 Council approved Councillor Brian Hunter Russell Smith , with delegated authority to act for the Mayor <u>on behalf of MPDC, and Councillor Kevin Tappin be appointed as members of the Thames Valley Civil Defence and Emergency Management Joint Committee.</u> Council also appointed Julian Snowball, Manager/Controller of the Thames Valley Emergency Operating Area , to act as a Local Controller for the Matamata-Piako District Council. All other appointments are made by the Civil Defence Emergency Management Group	Joint Council approach (HDC/TCDC/MPDC). Service level agreement with WRC to provide an emergency management officer. Staff training on-going. Incident Management team appointed and trained. Regular attendance at meetings. Various processes incl. Utilising the civil defence status board Civil defence brief form Managing a crisis/emergency What to do in a crisis / emergency	Y	Several staff are trained to a level where they can respond to events nationally. Civil Defence Emergency Management Group meets regularly for planning, exercises etc. <u>COVID has given an opportunity for the incident management team to develop.</u>
33	Ngāti Hauā Claims Settlement Act 2014 The purpose of this Act is to record the acknowledgements and apology given by the Crown to Ngāti Hauā in the deed of settlement; and to give effect to certain provisions of the deed of settlement that settles the non-raupatu historical claims of Ngāti Hauā.	Compliance with the requirements to convene a committee for governance matters on the Waharoa (Matamata) Aerodrome. Compliance with the requirements to disclose certain matters in the district plan and implement them through resource consent processing.	Strategic Partnerships and Governance Manager District Planner	No delegation required as Council is not exercising a power under the legislation – Council has appointed members to the Committee To meet the requirements of the RMA we need to consider the NHCSA and there are delegations are under the RMA which are relevant.	Meeting processes in Promapp District Plan amendments processes This is assessed through the resource consent processes and is therefore included in the resource consent templates. There are promapp processes in regards to resource consents	Y	Waharoa Aerodrome Committee meetings are held three times per year. The District Plan has been updated to include the Ngati Haua Claims Settlement as a statutory acknowledgment.
34	Ngāti Hinerangi Claims Settlement Act 2021 Ngāti Hinerangi Settlement (legislation pending) Ngāti Hinerangi and the Crown signed a Deed of Settlement on 4 May 2019.	Compliance with the requirements to disclose certain matters in the district plan and implement them through resource consent processing.	District Planner	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter. To meet the requirements of the RMA we need to consider the NHCSA and there are delegations are under the RMA which are relevant.	District Plan amendments processes This is assessed through the resource consent processes and is therefore included in the resource consent templates. There are promapp processes in regards to resource consents	Legislation Pending Y	Staff are aware of the pending legislation for Ngāti Hinerangi this iwi which will be they are monitored and to ensure <u>Council is compliant</u> with legislative requirements complied with once enacted. <u>Council are complying with the settlement legislation requirements when processing Resource Consents and District Plan changes.</u>
35		Compliance with the requirements to disclose certain matters in the	District Planner	No delegation required as Council is not exercising a power under the	District Plan amendments processes		

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature
	Ngāti Koroki Kahukura Claims Settlement Act 2014 The purpose of this Act is to record the acknowledgements and apology given by the Crown to Ngāti Koroki Kahukura in the deed of settlement; and to give effect to certain provisions of the deed of settlement that settles the historical claims of Ngāti Koroki Kahukura.	district plan and implement them through resource consent processing.		legislation – this is a compliance matter. To meet the requirements of the RMA we need to consider the act and there are delegations are under the RMA which are relevant.	This is assessed through the resource consent processes and is therefore included in the resource consent templates. There are promapp processes in regards to resource consents	Yes	The District Plan has been updated to include the Ngāti Koroki Kahukura settlement as a statutory acknowledgment.
36	Local Authorities (Members' Interests) Act 1968 This Act sets limits on the total of all payments made or to be made by or on behalf of the local authority in respect of all contracts made by it to elected members , and restrictions regarding voting where the elected member has a pecuniary interest	Compliance with limits for contract payments, voting restrictions and disclosures to Auditor General	Finance and Business Service Manager	Y	Members Interests process in Promapp	Y	To the best of staff's knowledge this legislation has been complied with. This year to date there have been no For the 2020/21 financial year there was one retrospective applications to the OAG to exceed the \$25k contract limit for elected members, <u>this was granted.</u>
37	Local Electoral Act 2001 The purpose of this Act is to provide uniform rules in relation to the timing of local elections; and the right of individuals to vote, stand for election, and nominate candidates for election.	Compliance with the obligations to undertake local body elections every three years	Strategic Partnerships and Governance Manager	Y – Council delegates directly to the EO to carry out functions. Taitatura Electoral Working party calendar and handbook for EO's EO/DEO training provided. EO appointed via Council resolution. Service provider contracts signed.	Issuing special votes process. SOLGM Electoral Working party calendar and handbook for EO's EO/DEO training provided. EO appointed via Council resolution. Service provider contracts signed.	Y	Warwick Lampp is the chief returning officer for Electionz.com Following a procurement process he has been appointed Council's external Electoral Officer by Council resolution. A staff member will act as the DEO & as a point of contact for the external EO. Delegation added to the Delegations Register (Statutory Delegations).
38	Local Government Act 2002 The purpose of this Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities. The Act provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them; and promotes the accountability of local authorities to their communities; and provides for local authorities to play a broad role in meeting the current and future needs of their communities for good-quality local infrastructure, local public services, and performance of regulatory functions.	Compliance with the obligations of local authorities relating to community out comes, the purpose of local government, Maori decision making and decision making/consultation processes under the Act.	Strategic Partnerships and Governance Manager	No delegation required as Council is not exercising a power under the legislation	Policy Making Guide and Information for Council Policies Determining if a project is significant and needs consultation (no processes on Maori decision) Council has documented in the LTP (as required under the LGA) how we will engage Maori e.g. Waharoa Committee, TMF. There are also engagement processes in Promapp	Y	To the best of staff's knowledge these matters have been complied with.

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature
39	Local Government Official Information and Meetings Act 1987 This act provides for the public notification of meeting to ensure the community has reasonable knowledge of when they will be held.	Compliance with obligations to publicly notify meetings and agendas/minutes.	Strategic Partnerships and Governance Manager	No delegation required as Council is not exercising a power under the legislation	Adding minutes and agendas to the website How to place a notice of meetings advertisement Advertising notice of meetings deadlines Adding minutes and agendas to the website	Y	Meetings have all been notified in accordance with legislation this year. Agendas and minutes have been provided as required.
40	Local Government (Rating of Whenua Maori) Amendment Act 2021 <u>The purpose of this Act is to provide local authorities with flexible powers to set, assess, and collect rates to fund local government activities, ensuring that rates are set in accordance with decisions that are made in a transparent and consultative manner, and providing for processes and information to enable ratepayers to identify and understand their liability for rates and facilitate the administration of rates in a manner that supports the principles set out in the Preamble to Te Ture Whenua Maori Act 1993.</u>	<u>The Act has six key provisions which support the development of, and provision for housing on, Māori land. These are:</u> <ul style="list-style-type: none"> ▪ <u>allowing, and in certain instances requiring, a local authority chief executive to write off rates arrears;</u> ▪ <u>a statutory rates remission process for Māori land under development;</u> ▪ <u>making unused Māori land and land subject to Ngā Whenua Rāhui kawenata non-rateable;</u> ▪ <u>treating multiple blocks of Māori land that are used together 'as one' for rating purposes;</u> ▪ <u>allowing individual houses on Māori land to be rated separately from other houses and land uses on the same block, which provides low income occupants of those houses with access to the Rates Rebate Scheme; and</u> ▪ <u>requiring some of our revenue and financing policies to support the principles of the Preamble to Te Ture Whenua Māori Act 1993.</u> 	Finance and Business Service Manager	<u>Y - In line with section 90C of the Act, the CE delegated exercise of powers under 90A and 90B to the Finance and Business Services Manager (at Council meeting of 30/6/21)</u>	<u>No Processes</u>	<u>Y</u>	<u>To the best of staff's knowledge these matters have been complied with.</u> <u>There are further requirements of the Act to be complied with as follows:</u> <u>Policy on remission and postponement of rates on Maori freehold land (by 1 July 2022)</u> <u>Changes to general rates remission and postponement policy (if required) (by 1 July 2024 or next review date)</u> <u>Changes to Revenue and Financing Policy and DC Policy (if required) (by 1 July 2024 or next review date)</u>
41	Ombudsmen Act 1975 The purpose of this Act is to create the Ombudsmen's office and set out its functions and powers.	Comply with obligations to respond to and assist ombudsmen's investigations under LGOIMA and the Ombudsmen Act 1975	Strategic Partnerships and Governance Manager	No delegation required as Council is not exercising a power under the legislation	No Processes identified – Council would be expected to comply with Ombudsmen directions.	Yes	The Ombudsman office has directed that Local Authorities should publish their LGOIMA requests; this is not a requirement only a direction, which staff will look at when

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature
							capacity allows. A register has been created to allow for better reporting and publishing of LGOIMAs in due course. This just requires configuration with the website.
42	Raukawa Claims Settlement Act 2014 The purpose of this Act is to record the acknowledgements and apology given by the Crown to Raukawa in the deed of settlement; and to give effect to certain provisions of the deed of settlement that settles the historical claims of Raukawa.	Compliance with the requirements to disclose certain matters in the district plan and implement them through resource consent processing.	District Planner	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter. To meet the requirements of the RMA we need to consider the NHCSA and there are delegations are under the RMA which are relevant.	District Plan amendments processes This is assessed through the resource consent processes and is therefore included in the resource consent templates. There are promapp processes in regards to resource consents	Y	The District Plan has been updated to include the Raukawa Claims Settlement as a statutory acknowledgment.

Council as a policy maker

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature
43	Building Act 2004 The purpose of this Act is to regulate the building of structures in New Zealand, and deal with dangerous, insanitary and earthquake prone buildings.	Earthquake-prone , Dangerous, <u>Affected</u> and Insanitary buildings policy in place and reviewed in accordance with legislative requirements	Strategic Partnerships and Governance Manager	Y	Multiple processes sitting in the Building Accreditation module	Y	The Building (Earthquake-prone Buildings) Amendment Act 2016 commenced on 13 May 2018 which means all parts of the previous Policy relating to earthquake-prone buildings has been removed. References to dangerous and insanitary buildings will remain. The Policy has been renamed to the Dangerous, <u>Affected</u> and Insanitary Buildings Policy 2019 and adopted. Work to identify roads, footpath, or other thoroughfares where parts of an unreinforced masonry building could fall in an earthquake etc. has also been completed (including public consultation) and are available on the council website.
44	Dog Control Act 1996 This act provides for the regulation of dog control , registrations, offences etc.	Policy on Dogs in place and reviewed in accordance with legislative requirements Dog Control Bylaw in place and reviewed in accordance with legislative requirements	Strategic Partnerships and Governance Manager	Y	Multiple processes in pro-map	Y	Policy on Dogs – due for review in 2026. Dog Control Bylaw – due for review in 2026. (see also <i>Bylaws</i>)
45	Gambling Act 2003 This act regulates the issuing of gambling licenses in New Zealand	Gambling Venue policy in place and reviewed in accordance with legislative requirements	Strategic Partnerships and Governance Manager	Y	Consultation processes in Promapp	Y	Gambling Venue Policy – reviewed in 2019. Next review is due in 2022
46	Hauraki Gulf and Marine Park Act 2000 The purpose of this Act is to— <ul style="list-style-type: none"> integrate the management of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments: establish the Hauraki Gulf Marine Park: establish objectives for the management of the Hauraki Gulf, its islands, and catchments: recognise the historic, traditional, cultural, and spiritual relationship of the tangata whenua with the Hauraki Gulf and its islands: establish the Hauraki Gulf Forum. 	Compliance with the requirements of the Act in the District Plan	District Planner	A councillor is appointed each term to this body – no delegations are required.	There are District Plan review and update processes that are relevant to this act.	Y	This Act takes the role of an NPS under the RMA and therefore we are required to give effect to it when reviewing the District Plan and processing resource consents. In regards to the Hauraki Gulf Forum all updates and any decision sought are put on the Council or COC agenda.
47	Local Government Act 2002 The purpose of this Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities. The Act provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them; and promotes the accountability of local authorities to their communities; and provides for local authorities	The following documents in place and reviewed in accordance with legislative requirements: <ul style="list-style-type: none"> Development Contributions Policy Significance and Engagement Policy Policy on the Remission and Postponement of Rates Rates Remission Policy Revenue and Financing Policy 	Strategic Partnerships and Governance Manager	Y	Consultation processes in Promapp Calculating Development contributions Determining if a project is significant and needs consultation	Y	Development Contributions Policy – due for review in 2021 Significance and Engagement Policy – <u>due for was reviewed in 2021-2020 as part of LTP process (review timeframe not prescribed by legislation)</u> Policy on the Remission and Postponement of Rates – <u>due for review in 2021 reviewed and adopted as part of the LTP in 2021.</u> Rates Remission Policy – <u>reviewed and adopted as part of the LTP in 2021, due for review in 2021</u>

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature
	to play a broad role in meeting the current and future needs of their communities for good-quality local infrastructure, local public services, and performance of regulatory functions. (see also bylaws below)	<ul style="list-style-type: none"> Investment Policy Liability Management Policy Infrastructure Strategy Financial Strategy Long Term Plan Annual Plan Annual Report Code of Conduct Governance Statement Triennial Agreement Representation review Pre-election report 			New Investments Long term plan Annual Plan Annual report Triennial Update - Code of Conduct and Local Governance Statement Pre-Election Report as required by LGA Section 36		Revenue and Financing Policy -- <u>reviewed and adopted as part of the LTP in 2021, due for review in 2024 (review timeframe not prescribed by legislation)</u> Investment Policy -- <u>due for review in 2024 reviewed annually by the Audit and Risk Committee. Reviewed in July 2021, with next due for review due in 2022 (review timeframe not prescribed by legislation)</u> Liability Management Policy -- <u>reviewed annually by the Audit and Risk Committee. Reviewed in July 2021, with next due for review due in 2022 due for review in 2024 (review timeframe not prescribed by legislation)</u> Infrastructure Strategy – due for review in 2021 Financial Strategy -- <u>reviewed and adopted as part of the LTP in 2021, due for review in 2024</u> Code of Conduct -- due for review in <u>2019/2022 following triennial election.</u> Governance Statement -- due for review in <u>2019/2022 following triennial election. This is underway and will be ready for consideration by Council in November 2019.</u> Triennial Agreement – due for review in <u>2019/2022</u> , WRC to facilitate following the Local Government Elections. Pre-election report- due in <u>2019/2022</u> – this <u>has been completed and published to Council's website. will be undertaken alongside the 2022 election work programme.</u>
48	Local Electoral Act 2001 The purpose of this Act is to provide uniform rules in relation to the timing of local elections; and the right of individuals to vote, stand for election, and nominate candidates for election.	Representation review	Strategic Partnerships and Governance Manager	Not required – Council decision process	Processes are being recorded as the current representation review is being undertaken	Y	Representation review - <u>completed in 2018/2019. Due for review in six years' time. reviewed outside of usual cyclical review in 2021/22 due to the advent of a Maori Ward. Usually reviewed six-yearly.</u>
49	Psychoactive Substances Act 2013 The purpose of this act is to regulate the sale of psychoactive substances.	Local Approved Products Policy in place and reviewed in accordance with legislative requirements	Strategic Partnerships and Governance Manager	Not required – Council had adopted a policy which MoH must refer to when making a decision to grant a license.	Legal Highs Sensitive Site Map updates	Y	Local Approved Products Policy this was reviewed in 2018/19. Due for review in 2022.
50	Racing Act 2003 This act provides for the preparation of a TAB licensing policy by Council, and other functions regarding racing in NZ by other bodies.	TAB Board venue policy in place and reviewed in accordance with legislative requirements	Strategic Partnerships and Governance Manager	Not required – Council had adopted a policy	Consultation processes in Promapp	Y	TAB Board Venue Policy was reviewed in 2018/19, <u>the review process is currently underway.</u>
51	Reserves Act 1977 This act provides for the classification and management of public reserves	Reserve Management Plans in place and reviewed in accordance with legislative requirements	Asset Manager Strategy and Policy	Y	Reserve Management Plan Process	Y	General Policies RMP 2019 – Adopted. Effective 1 July 2019. <u>Aerodrome RMP review underway. Special Purpose Parks (e.g. Aerodrome RMP) – aerodrome underway; Aim to complete 2020-21 Sports Parks – planned for 2019-20</u>

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature
							<p>Natural Parks – planned for 2020-21 Linkage Parks – planned for 2023-24 Outdoor Adventure Parks - planned for (e.g. Te Miro) - planned for 2019-2021-22 Neighbourhood Parks – planned for 2020-21 Amenity Parks – planned for 2020-21 Premier Parks (e.g. Te Aroha Domain, Hotana St, Firth Tower, Howie Park) – planned for 2020-2023 Remaining RMPs plan to be reviewed over the next five years. <i>Note: Note these dates are aspirational and the time taken to complete RMPs is dependent on public consultation processes etc.</i></p>
52	Resource Management Act 1991 The purpose of this Act is to promote the sustainable management of natural and physical resources.	District Plan in place and reviewed in accordance with legislative requirements, including compliance with requirements in RPS, RP, NES and NPS documents.	District Planner	Y	Update District Plan Council district plan change process	Currently reviewing	District Plan Operative 25 July 2005 - A review of all provisions needs to be commenced no later than every 10 years. Council has committed to a rolling review of the District Plan. A number of reviews have been completed or are in progress however a complete list of all reviews has been established. We have achieved the first year compliance with the National Planning Standards and have a work programme to achieve the formatting requirements. <u>There is a new bill before Government which may negate this requirement in light of the new RMA reform.</u>
53	Sale and Supply of Alcohol Act 2012 This act regulates the sale and supply of alcohol, including who can purchase it and where it can be sold and under what conditions – through licencing and inspection frameworks.	Local Alcohol Policy in place and reviewed in accordance with legislative requirements	Strategic Partnerships and Governance Manager	Y	Consultation processes in Promapp	Y	Local Alcohol Policy – due for review in 2023
54	Shop Trading Hours Act 1990 This act regulates the days and times which particular categories of retail shops may be open.	Easter Trading Policy in place and reviewed in accordance with legislative requirements	Strategic Partnerships and Governance Manager	Not required – Council has adopted a policy which DoL(MBIE) must refer to.	Consultation processes in Promapp	Y	Easter Trading Policy – due for review in 2022, <u>the review process is currently underway.</u>
55	Waste Minimisation Act 2008 The purpose of this Act is to encourage waste minimisation and a decrease in waste disposal in order to protect the environment from harm; and provide environmental, social, economic, and cultural benefits.	Waste Minimisation and Minimisation Plan in place and reviewed in accordance with legislative requirements	Strategic Partnerships and Governance Manager	Not required – Council has adopted a policy which DoL(MBIE) must refer to	Consultation processes in Promapp	Y	Waste management and minimisation plan (<u>WMMP</u>) –reviewed in 2017. The plans have to be reviewed every six years. This is was due for review in 2022/23- <u>but was reviewed in 2021 outside the usual cycle to align with the Long-Term Plan and expiry of the existing waste contract in 2023. Next review due in 2027.</u>
56	Prostitution Reform Act 2003 Bylaws Act 1910 Local Government Act 2002	The following documents in place and reviewed in accordance with legislative requirements: <ul style="list-style-type: none"> • Introductory Bylaw • Land Transport Bylaw • Public Amenities Bylaw 	Strategic Partnerships and Governance Manager	Not required – Council adopts the bylaws.	Consultation processes in Promapp	Y	Introductory Bylaw – reviewed in 2030 Land Transport Bylaw - due for review in 2027 Public Amenities Bylaw - due for review in 2024 Public Safety Bylaw - due for review in 2026 (alcohol bans due for review in 2026) Solid Waste Bylaw - due for review in 2027

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature
	<p>Council Bylaws</p> <p>The above acts have provisions regarding the creation of bylaws by local authorities.</p>	<ul style="list-style-type: none"> • Public Safety Bylaw • Solid Waste Bylaw • Wastewater Bylaw 2008 • Water Supply Bylaw 2008 • Stormwater Management Bylaw 2009 • Trade Waste Bylaw • Dog Control Bylaw 		<p>Staff have appropriate warrants to enforce bylaws.</p>			<p>Wastewater Bylaw 2008 - due for review in 2027 Water Supply Bylaw 2008 - due for review in 2027 Stormwater Management Bylaw 2009 - due for review in 2027 Trade Waste Bylaw – <u>due for review</u> in 2030 Dog Control Bylaw - due for review in 2026 (alongside the Policy on Dogs – see above) <u>Staff have plans to relook at a few bylaws we have including the Introductory and Trade Waste Bylaw. There is also the broader suggestion to streamline to be easier to read.</u> <u>Staff are currently considering a programme to proactively review the above bylaws and to address emerging issues.</u></p> <p><u>A consultation process is currently underway to amend the Dog Control Bylaw to provide for new dog exercise areas.</u></p>

Council as a financially prudent public entity

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature
57	Good and Services Tax 1985 This act provides the framework and rules for the payment of goods and services tax.	The Council must account for and pay GST	Finance and Business Service Manager	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.	GST – Invoice compliance	Y	To the best of staff's knowledge these matters have been complied with. Advice is sought from Tax Professionals as/when required (for more complex matters). An external review of Council's GST procedures was last undertaken in Feb 2015. Property transactions (or a sample thereof) are reviewed by our external auditors on an annual basis for compliance with GST requirements.
58	Income Tax Act 1996 The main purposes of this Act are to define, and impose tax on, net income, to impose obligations concerning tax and to set out rules for calculating tax and for satisfying the obligations imposed.	The Council must deduct and pay to the Commissioner of Inland revenue the following taxes or levies: <ul style="list-style-type: none"> • ACC • PAYE • Fringe Benefit Tax • <u>Withholding tax</u> • <u>Income tax (on dividends from CCOs)</u> The Council must comply with disclosure and tax rules relating to the sale and purchase of land	Finance and Business Service Manager People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.	FBT Return PAYE reporting and payment to IRD - mid month PAYE reporting and payment to IRD – end of month AP Withholding Tax Induction packs for new staff	Y	<u>From time to time, Council receives dividends from its CCOs, namely WRAL and Civic Financial Services. An income tax return is required to be filed in respect of these dividends, but no tax is payable as the dividends are received fully imputed. The 2019 return was filed late but the IRD have accepted the reason for this without any further consequence.</u> <u>Otherwise, to the best of staff's knowledge these matters have been complied with.</u>
59	Local Government Act 1974 The parts of the LGA 1974 which have not been repealed relate to fuel tax, roading powers and land drainage	Requirements for accounting of fuel tax are complied with under the act.	Finance and Business Service Manager	No delegation required in respect of these functions as Council is not exercising a power under the legislation – this is a compliance matter. Council has made other delegations for this Act.	No Processes	Y	To the best of staff's knowledge these matters have been complied with. An annual return is submitted to Hamilton City Council, the administrator for the Waikato Region's fuel tax pool.
60	Local Government Act 2002 The purpose of this Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities. The Act provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them; and promotes the accountability of local authorities to their communities; and provides for local authorities to play a broad role in meeting the current and future needs of their communities for good-quality local infrastructure, local public services, and performance of regulatory functions.	Compliance with the statutory disclosures required in the Long Term Plan, Annual Plan and Annual Report and associated regulations.	Finance and Business Service Manager Strategic Partnerships and Governance Manager	No delegation required as Council is not exercising a power under the legislation in these instances – this is a compliance matter.	Consultation processes in promapp and AP, LTP and AR processes.	Y	To the best of staff's knowledge these matters have been complied with.

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature
61	<p>Local Government Borrowing Act 2011 The purpose of this Act is to facilitate the operation of the New Zealand Local Government Funding Agency Limited. The Act authorises local authorities to deal with the Funding Agency in a manner in which they would otherwise not be authorised to do so; and authorises or requires local authorities, in certain situations, to act in a manner in which they would otherwise not be authorised or required to act.</p>	Compliance with the requirements for Local Authorities under the Act	Finance and Business Service Manager	No delegation required as Council is not exercising a power under the legislation in these instances – this is a compliance matter following a Council decision to use the LGFA.	No Processes	Y	To the best of staff's knowledge these matters have been complied with.
62	<p>Local Government (Rating) Act 2002 This Act provides local authorities with flexible powers to set, assess, and collect rates to fund local government activities, ensures that rates are set in accordance with decisions that are made in a transparent and consultative manner and provides for processes and information to enable ratepayers to identify and understand their liability for rates.</p>	Compliance with the processes for establishing rating structures and striking/collecting rates.	Finance and Business Service Manager	Y	No Processes	Y	To the best of staff's knowledge these matters have been complied with.

Council as a regulator and matters of compliance

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments
63	Airport Authorities Act 1966 Any local authority, with the prior consent of, and in accordance with any conditions prescribed by, the Governor-General by Order in Council, may establish, improve, maintain, operate, or manage airports (including the approaches, buildings, and other accommodation, and equipment and appurtenances for any such airports) and may acquire land for any such purpose either within or without its district or region. Any local authority empowered to carry out any undertaking under this section may carry on or cause to be carried on in connection therewith any subsidiary business or undertaking.	Compliance with requirements to operate as an airport authority under this Act. Section 6 of the Act enables airport authorities to grant leases and regulates matters concerning such leases.	Community Facilities Operations Manager	Y	Yes – several process relating to the management of the MM Aerodrome	Y	Council does not have many issues as a non-certificated aerodrome in the Airport Authorities Act, which has been confirmed by our consultant, Simon Lockie.
64	Building Act 2004 The purpose of this Act is to regulate the building of structures in New Zealand, and deal with dangerous, insanitary and earthquake prone buildings.	Compliance with functions as the building control authority, building consents, swimming pool inspections, building warrant of fitnesses, dangerous insanitary and earthquake prone buildings – and associated regulations.	Group Manager Community Development Building Control Manager	Y	Section 75 certificate building act 2004 Several processes under Building accreditation module	Majority compliance N	To the best of our knowledge the vast majority of work is in compliance with the legislation. During 1 July to 30 June 2020 <u>2021</u> we processed <u>804-748</u> building consents. <u>797-519</u> of these were processed within statutory timeframes (<u>99.556%</u>). <u>Compliance level was due to the heavy extent of work and loss of staff. Council has been assessed IANZ and BCA? And confirmed that we are compliant and can continue issuing consent as a BCA.</u>
65	Building Research Levy Act 1969 This act provides for the authority for the Crown to collect building research levies	Payment of research levies in accordance with the Act	Group Manager Community Development Building Control Manager	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.	Several processes under Building accreditation module	Y	The building levy is stated in Council's fees and charges and collected for every building consent over \$20,000, on behalf of the Crown.
66	Burial and Cremations Act 1964 This act provides for the creation management and regulation of cemeteries by local authorities.	Management of Council cemeteries in accordance with the Act	Kaimai Valley Services Manager	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter. Appropriate staff have been warranted to manage cemeteries.	Cemeteries Policy and procedures	Y	To the best of staff's knowledge these matters have been complied with.
67	Civil Aviation Act 1990 This act sets out the functions, powers, and duties of participants in the civil aviation system	Compliance with duties under the act and co-operation with the CAA when required.	Community Facilities Operations Manager	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.	Yes – several process relating to the management of the MM Aerodrome	Yes	Non certificated airport. Small part of Pt 139 only. 1. Identify obvious hazards on the aerodrome. 2. Make sure that the landing plate on the AIP shows any local hazards for aircraft.

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments
							3. Able to provide the director of CAA with record of annual aircraft movements
68	Dog Control Act 1996 This act provides for the regulation of dog control , registrations, offences etc.	Compliance with processes and carrying out of functions as the Dog Control Authority.	Group Manager Community Development	Y	Adding in a dog Annual registration process Unregistered dog Maintain existing records	Y	We received 622-620 animal control complaints during the period 1 July to 30 June 2020 2021. Of these 604 610 (96.698.39%) were responded to within the assigned timeframes. This includes dogs and stock control complaints. These timeframes are as per the Long-Term Plan (these timeframes are not statutory).
69	Impounding Act 1955 This act provides for Council and individuals to impound stock and for Council to operate a stock pound.	Compliance with processes and carrying out of functions as the pound keeper.	Group Manager Community Development	Y	Barking dog Impounding of dog Impounding of stock	Y	To the best of staff's knowledge these matters have been complied with.
70	Food Act 2014 The purpose of this Act is to achieve the safety and suitability of food for sale.	Carrying out the role of Council under section 19 of the act.	District Planner	Y	Food Act 2014 verification Food premises health licence renewal	Y	We have established processes to achieve the Food Act 2014 requirements and are working with all business to have transition. We Council and a Council office also past our the accreditation as an agency and Officer to process National Programmes.
71	Gambling Act 2003 This act regulates the issuing of gambling licenses in New Zealand	Carrying out Council functions in relation to gambling licences under the act and Council's policy	District Planner	Y	No Processes	Y	In the last 10 years w We have not just received an application under the Gambling Act. Subsequently will write a process as we go through the steps of the application. It was intended that we would write a process when the first application came in.
72	Hazardous Substances and New Organisms Act 1996	Carrying out the functions of the Council under the act.	District Planner Safety and Wellness Team Leader	Y	No processes in place Numerous but all require review to reflect new Reg. Purchasing new hazardous substances Chemical spill emergency procedure Obtaining specialist advice for managing hazards Determining safety sensitive roles Multiple processes relating to	Underway	All sites have inventories. Staff are trained in managing and handling hazardous substances. Some sites are operating under a Provisional Improvement Notice while Location Compliance issues are resolved. Although the act sets out Council's requirements, in practice the fire and police are the first responders and therefore take control of the site. Although the act sets out Council's requirements, in practice this is overridden by the fire and police as they have always been the first responder and therefore take charge of the incident under the Act. This issue has been raised at a national level and our current practices are consistent with other small Councils. Has been updated with Health and Safety at Work (Hazardous Substances) Regulations 2017 which became effective 1 December 2017.

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments
					<p><u>Hazardous Substances.</u></p> <p><u>ERP's require review—some still not started.</u></p> <p><u>Working party set up to consider new Reg and a way forward.</u></p>		
73	<p>Hauraki Gulf and Marine Park Act 2000 The purpose of this Act is to—</p> <ul style="list-style-type: none"> integrate the management of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments: establish the Hauraki Gulf Marine Park: establish objectives for the management of the Hauraki Gulf, its islands, and catchments: recognise the historic, traditional, cultural, and spiritual relationship of the tangata whenua with the Hauraki Gulf and its islands: establish the Hauraki Gulf Forum. 	Compliance with the requirements of the Act requirements in the assessing resource consents	District Planner	<p>No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.</p> <p>To meet the requirements of the RMA we need to consider the HGMPA and there are delegations under the RMA which are relevant.</p>	<p>Assessed as part of a resource consent and included in the resource consent templates.</p> <p>There are promapp processes in regards to resource consents.</p>	Y	<p>Councilor Arnold and a staff member regularly attend the forum meetings.</p> <p>The Acts requirements are considered as part of the District Plan and applications for resource consent.</p>
74	<p>Health Act 1956 This act regulates drinking water standards and reporting requirements, requires Councils to provide sanitary services, and provides powers to deal with nuisances and insanitary sites.</p>	Compliance with drinking water standards/reporting	<p>Asset Manager Strategy and Policy</p> <p>Water and Wastewater Manager</p>	Y	Bacterial testing and result reporting for council water supplies	N	<p>Council is taking a proactive stance towards full compliance with the drinking water standards for New Zealand (DWSNZ).</p> <p><u>The initial outcome of reporting show us to be non-compliant, the final results from the DHB will be disclosed in our Annual Report 19/20</u></p> <p><u>MPDC's interim 2020/21 Annual report result shows 100% compliance with bacteriological standards (Part 4). There has been a lift in compliance protozoological standards (Part 5). Non-compliance against part 5 are technical in nature and should be address with ongoing plant upgrades.</u></p> <p><u>MPDC is non-compliant with 69Z of the health act for the Morrinsville Supply and are seeking advice from the drinking water assessor on an appropriate path to compliance. It is expected that the approach to compliance with 69Z will change significantly with the handover of</u></p>

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							regulatory control of drinking water to Taumata Arowai in November 2021.
		Carrying out functions as a local authority regarding nuisances and insanitary sites	District Planner	Y	This is recorded through the CRM system which there are processes for. We are currently in the process of developing an enforcement policy which will sit alongside the CRM process.	Underway	We are currently in the process of developing an enforcement policy which will sit alongside the CRM process.
		Require local authorities to provide 'sanitary works' which includes services Council provides to the public (includes cemeteries and public toilets for example).	Asset Manager Strategy and Policy	N	No Processes	Y	Council has undertaken a sanitary services assessment of some of its 'sanitary works'. A report on these services was presented to Council at its COC meeting on 24 July 2019.
75	Heritage New Zealand Pouhere Taonga Act 2014 This superseded the former Historic Places Act 1993. The purpose of the Act is to promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand.	Compliance with the requirements of the act in relation to historic sites/buildings	District Planner	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.	This is assessed through the resource consent processes. There are promapp processes in regards to resource consents.	Y	Heritage buildings and archeological sites are considered as part of the resource consent and District Plan review process.
76	Litter Act 1979 This act provides powers to Council to require the removal of litter.	Complying with the requirements of the act in carrying out powers as Litter Control Officers	Property and Community Projects Manager	Council staff have been warranted as litter control officers pursuant to the legislation.	No Processes	Y	In practice very little enforcement is carried out. Fly tipping in urban areas is often collected by KVS and by Fulton Hogan in rural areas. If and 'owner' can be identified they are sent a letter warning of consequences.
77	Local Government Act 1974 The parts of the LGA 1974 which have not been repealed relate to fuel tax, roading powers and land drainage	Councils functions and powers in relation to roading and land drainage are carried out in accordance with the act.	Roading Manager Asset Manager Strategy and Policy	Y	Road stoppage procedure	Y	This is a PSO function in conjunction with AMS&P and generally applies to the sale of surplus land/acquisition of land for roads.
78	Local Government Act 2002 The purpose of this Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities. The Act provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them; and promotes the accountability of local authorities to their communities;	Council's powers in relation to utilities and entry of land are performed in accordance with the act.	Property and Community Projects Manager Water and Waste Manager	Y	KVS interruption to services KVS – district utilities asset sign in	Y	Involvement here is mainly to do with powers to enter land to undertake survey and investigation work. It will also enable contractors engaged by the council to undertake physical work.

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	and provides for local authorities to play a broad role in meeting the current and future needs of their communities for good-quality local infrastructure, local public services, and performance of regulatory functions. <u>Council is required to consult if they are planning to sell or otherwise dispose of any parks.</u>		Asset Manager Strategy and Policy				<u>No parks have been disposed of in the last year.</u>
79	Public Works Act 1981 This act provides the framework for Council to take land for the purposes of public works; it also provides the framework for the disposal of land no longer required for a public work.	Land is acquired for public works in accordance with the act Land no longer required for public works is disposed of in accordance with the act	Property and Community Projects Manager Strategic Partnerships and Governance Manager	Y	Easements and covenants on reserve land Property disposal procedure Esplanade reserve deferral bond preparation	Y	To the best of staff's knowledge these matters have been complied with.
80	Racing Act 2003 This act provides for the preparation of a TAB licensing policy by Council, and other functions regarding racing in NZ by other bodies.	Carrying out Council functions in relation to TAB licences under the act and Council's policy	District Planner	No delegations – only power is to consent to a Board venue, which can be undertaken as a Council decision.	No Processes	Y	In the last 10 years we have not received an application under the Racing Act. It was intended that we would write a process when the first application came in.
81	Railways Act 2005 The purpose of this Act is to promote the safety of rail operations by stating the duty of rail participants to ensure safety; and authorising the Minister to make rules relating to rail activities; and clarifying the nature of approved safety systems established by rail participants restate and amend the law relating to the management of the railway corridor consolidate legislation relating to railways.	Complying with the requirements of Kiwirail in relation to railway corridors as provided for in the act.	Property and Community Projects Manager	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.	No Processes	Y	Any council work in the rail corridor has a kiwi rail staff member "watching over"
82	Resource Management Act 1991 The purpose of this Act is to promote the sustainable management of natural and physical resources.	Implementation of the District Plan, processing of resource and other consents within statutory timeframes, investigation on breached of the District Plan and Act, including unreasonable and excessive noise complaints. Compliance with NES and NPS	District Planner	Y	Noise complaints (office hours) Entering after hours noise complaints Alert staff to a district plan or bylaw non-compliance relating to a property CRM process Resource Consent processes	Majority Compliance	We have a number of resource consent processes and delegations in place to ensure compliance. From 1 July to 30 June we received <u>246</u> <u>285</u> resource consent applications, <u>99.597%</u> (<u>245/246</u> <u>277/285</u>) of these were processed within the specified timeframes.

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		Compliance with resource consents issued to Council	Asset Manager Strategy and Policy Water and Wastewater Manager	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.	N	N	<p>Council has a number of wastewater discharge consents, water takes and stormwater comprehensive discharge consents issued from the Regional Council.</p> <p>WRC has completed enforcement action (prosecution) over a wastewater spill in Morrinsville that occurred in December 2018. This decision has recently been issued by the Courts – while not a breach of the Resource Consents Council holds it was a breach of the Regional Plan.</p> <p><u>Compliance with regional consents is monitored annually. Overall, MPDC maintains a high level of compliance (low risk non-compliances). Non-compliances are often technical and represent a low environmental risk.</u></p> <p><u>MPDC is active in addressing these non-compliances particularly with regard to data and reporting.</u></p>
		Compliance with the Regional Plan and Regional Policy Statement	District Planner	<p>No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.</p> <p>To meet the requirements of the RMA we need to consider the Regional Plan and RPS and there are delegations are under the RMA which are relevant.</p>	<p>This is assessed through the resource consent processes and is therefore included in the resource consent templates.</p> <p>There are promapp processes in regards to resource consents</p>	Y	Council works closely with the Regional Council on both the Regional Plan and the RPS.
84	Reserves Act 1977 This act provides for the classification and management of public reserves	Management of reserves in accordance with the act	Asset Manager Strategy and Policy	Y	Reserve management plan process	Y	<p>All of Councils reserves have <u>are subject to a Reserve Management Plan, and</u> there is a programme to have these reviewed over the next few years. The general reserve management plan was <u>has recently been reviewed and</u> adopted by Council <u>in 2019</u>.</p> <p>Relevant staff are also warranted and appointed as Rangers under the provisions of the Act. There has been no enforcement action taken under this Act during the past year.</p>

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85	Sale and Supply of Alcohol Act 2012 This act regulates the sale and supply of alcohol, including who can purchase it and where it can be sold and under what conditions – through licencing and inspection frameworks.	Compliance with requirements to issue licences and carry out inspections in accordance with the act.	District Planner	Y	Application for new on/off/club liquor licence Application for renewal of liquor licence Liquor hearing preparation Undertaking annual inspections of licensed premises	Y	District Licensing Committee hears opposed applications. Council processes and inspects applications, this is reported in the Annual Report.
86	Search and Surveillance Act 2012 The purpose of this Act is to facilitate the monitoring of compliance with the law and the investigation and prosecution of offences in a manner that is consistent with human rights values by— <ul style="list-style-type: none"> modernising the law of search, seizure, and surveillance to take into account advances in technologies and to regulate the use of those technologies; and providing rules that recognise the importance of the rights and entitlements affirmed in other enactments, including the New Zealand Bill of Rights Act 1990, the Privacy Act 1993, and the Evidence Act 2006; and ensuring investigative tools are effective and adequate for law enforcement needs. 	Compliance with requirements to issue notices and record warrantless searches and otherwise obtain warrants in accordance with legislation.	District Planner Group Manager – Community Development	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.	No Processes	Underway	Currently reviewing the enforcement policy which will link into this.
87	Walking Access Act 2008 The purpose of this Act is to provide the New Zealand public with free, certain, enduring, and practical walking access to the outdoors (including around the coast and lakes, along rivers, and to public resources) so that the public can enjoy the outdoors; and to establish the New Zealand Walking Access Commission with responsibility for leading and supporting the negotiation, establishment, maintenance, and improvement of walking access (including walkways, which are one form of walking access) over public and private land; and types of access that may be associated with walking access, such as access with firearms, dogs, bicycles, or motor vehicles.	Compliance with the act where Council is the administering authority.	Asset Manager Strategy and Policy	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter. Other decisions around declaring land as walk ways would be considered by Council.	No Processes	Underway	There are numerous paper roads within the district. There is currently no enforcement of the compliance in place and council deals with compliance on a one off basis where complaints have been received. Council has not to date been appointed as the controlling authority of any public walkways under the provisions of the Act.
88	Waste Minimisation Act 2008 The purpose of this Act is to encourage waste minimisation and a decrease in waste disposal in order to protect the environment from harm; and provide environmental, social, economic, and cultural benefits.	Carry out Council's functions to monitor waste disposal and administer the waste minimisation levy in accordance with the act	Solid Waste Officer Lead	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter. Appropriate staff	No Processes	Y	Council has employed a Solid Waste Officer Lead to ensure requirements under this legislation are met such as the WMMP and waste levy spend.

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				have warrants of appointment.			
89	Weathertight Homes Resolution Services Act 2006 This act provides for an alternative process for home owners to resolve 'leaky building' claims	Disclosure of information as required under this act in LIMs Participation in the claims process under the act.	Customer Services Manager Strategic Partnerships and Governance Manager	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.	Handling Weathertight Homes Resolution Service (WHRS) Notifications Generate Lim report	Y	Documentation found on property files/council systems is included in the LIM Report and the Legal Counsel assess the information to provide a comment to be attached to the release of the file.
90	Utilities Act 2010 The purpose of this Act is to require utility operators and corridor managers to comply with a national code of practice that regulates access to transport corridors; and provide for the making and administration of that code.	Compliance with the code as required under legislation.	Roading Manager	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.	Corridor Access Request processes in Promapp	Y	Roading Manager manages the CAR (Corridor Access Request) system.
91	Council Bylaws	Implementation and investigation of breaches of Council bylaws - <ul style="list-style-type: none"> • Introductory Bylaw • Land Transport Bylaw • Public Amenities Bylaw • Public Safety Bylaw • Solid Waste Bylaw • Wastewater Bylaw 2008 • Water Supply Bylaw 2008 • Storm water Management Bylaw 2009 • Trade Waste Bylaw • Dog Control Bylaw 	District Planner – only Public Safety Bylaw Asset Manager Strategy and Policy	Y – under the LGA 2002 and warrants to various staff	This is recorded through the CRM system which there are processes for. We are currently in the process of developing an enforcement policy which will sit alongside the CRM process.	Underway	Currently reviewing enforcement policy which will link to this.