

22 August 2023

Howard Coates

fyi-request-23629-cbe4bb87@requests.fyi.org.nz

Kia ora Howard,

Legislative Compliance

Thank you for your request made under the Local Government Official Information and Meetings Act 1987 (the Act), received on 29 July 2023. You requested the following information:

- Has the Council conducted a legislative compliance survey? If so, can you please provide me with the results since 2018.

Wellington City Council has granted your request for information.

The Council's Assurance & Business Integrity team facilitate annual legislative compliance attestation. The attestation process is carried out as one of the methods in place to assure that the Council has adequate systems to manage compliance with required legislation.

Please find below a summary of the annual legislative compliance attestations since 2018:

Year Ended	Summary of Findings	Full Report
30-Jun-18	Six Legislative Acts (of a total of fifty seven Key Acts) have been identified as being breached in the current year. Five of the six breaches are consistent with breaches in prior year.	Appendix 1
30-Jun-19	Five (10%) Legislative Acts (of a total of forty eight Key Acts assessed) have been identified as being breached in the current year. All breaches identified have been dealt with and closed at the time of this report. The breaches identified are consistent with breaches identified in prior year.	Appendix 2
30-Jun-20	Six Legislative Acts of a total of forty four Key Acts assessed have been identified as being breached in the current year.	Appendix 3
30-Jun-21	18 with a reported partial or non-compliance.	Appendix 4
30-Jun-22	14 Acts with a reported non-compliance.	Appendix 5
30-Jun-23	One non-compliance and eight partial non-compliances reported.	Appendix 6

Further to this, please find attached to this response copies of the annual legislative compliance attestation undertaken by the Council's Assurance & Business Integrity team referred to in the table above.

Please note, we may proactively release our response to your request with your personal information removed.

Thank you again for your request.

Kind regards

Ollie Marchant
Official Information

Report on Legislative Compliance for the year ended 30 June 2018

Purpose of this Report

The Legal and Risk team is responsible for the development, facilitation and monitoring of the Council's annual legislative attestation assessment process that covers Key Acts identified (enclosed in Appendix 1). The assessment process forms part of Council's legislative compliance framework, which provides the Council with an opportunity to assess and strengthen compliance. This report provides a summary of legislative compliance for the Council for the financial period **1 July 2017 to 30 June 2018**.

Internal audit has assessed and provided assurance over the effectiveness of the annual attestation process as part of their 2017/2018 work programme. This report will be provided to Audit New Zealand for their information and consideration, as part of their annual financial audit for the year ending 30 June 2018.

Summary of findings

- Six Legislative Acts (of a total of fifty seven Key Acts) have been identified as being breached in the current year. Five of the six breaches are consistent with breaches in prior year (refer to **Appendix 2**).
- All breaches have been dealt with and closed at the time except two cases under LGOIMA which are still in progress as at 15 June 2018.
- One of the breaches is considered to have had a moderate regulatory compliance and /or reputational impact on the Council (refer to below) for the financial year ended 30 June 2018.
- Improvements in processes and compliance have been noted across 3 of the prior year breaches (refer to **Appendix 3**). All FY2018 breaches have actions plans to identify and improve legislative compliance as identified by managers.

Breaches

Managers have advised that to the best of their knowledge, systems are in place for legislative compliance and that they are unaware of any breaches as at 30 June 2018 with the following exceptions noted below.

Note that these findings are not indicative of future implications or risk of breaches. Rather, this is a reflection of the 2018 financial year.

Legislation	Breach	2018 Financial year Consequence Rating *	Financial Year 19 Action plan
Resource Management Act 1991	<p>1. Resource consent applications were not issued within the statutory timeframes (20 working days from request).</p> <p>2. Failure to undertake chapter reviews of the District Plan within the 10 year timeframe.</p>	Moderate	<p><u>Meeting resource consent applications</u> Consultants have since been used to backfill current capacity requirement and the team is in the process of recruiting.</p> <p><u>Failure to undertake chapter reviews</u> This does not result in any actual or enforcement risk from central government as there are no penalties specified in the RMA. The Council has agreed as part of the review of the Long term Plan (2018/2028) to undertake a full review of the District Plan. On current programming it is expected to be notified in 2021/2022. This will make the Council fully compliant with the RMA, and reduce this risk.</p>
Local Government Official Information and Meeting Act 1987 (LGOIMA).	Known breaches have been noted within the CIA team related to requests being responded to outside the 20 working days timeframe.	Minor	<p>Requests are currently managed at an individual, decentralised team level with serious claims being raised to the CIA and LGOIMA team. The reliance on third party is deemed sufficient to monitor and control performance of these teams.</p> <p>No breaches have been noted within the LIM and Democratic Services team.</p>
Privacy Act 1993	Low level breaches of privacy principles (aligned to the Act).	Minor	<p>Implementation of the Privacy Work Programme (currently in its final stage of implementation).</p> <p>A high-level Business Unit risk assessment will be conducted to identify Business Units that would</p>

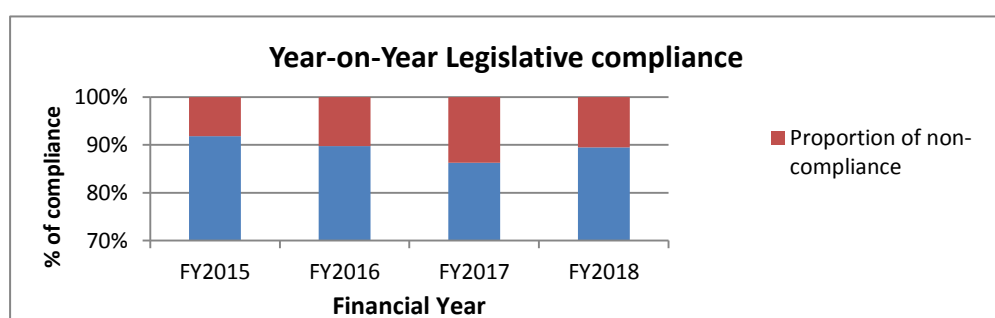
Legislation	Breach	2018 Financial year Consequence Rating *	Financial Year 19 Action plan
			benefit from a targeted programme of privacy training and engagement.
Building Act 2004 (regulatory)	Issuing Building Consents and Code Compliance Certificates outside of the 20 working days.	Minor	Daily monitoring and management processes have been implemented during the financial year which resulted in an increase in the level of compliance year on year. The daily monitoring continues with plans for additional engineering support to strengthen management and monitoring. Changes to the Quality Management System (QMS) continue to be made as required. These are recorded in the quality improvement proposals and document change request registers as appropriate. Currently, system inadequacies noted in the receiving, processing and completion of electronic building consents is communicated via the new online portal and GoGet.
Food Act 2014	Partial compliance noted with respect to Part 3A Subpart 2 – <i>Verification</i> where a number of food businesses have not been verified within the prescribed timescales.	Minor	Recruitment of an additional Environmental Health Officer for a 2 year fixed term appointment to assist with managing compliance to assist with the team workload. The start date of the new fixed term employee is being negotiated.
Local Government Act 2002 (as they relate to CCO's)	Submission of the 2017/2018 SOI and annual reports have been filed outside of the agreed timeframe. This is <i>not</i> considered to be technical breaches of the Act which results in risk to the Council.	Minor	No further action is required. In the instance where a CCO has any issue with meeting the timetable as agreed by Council and the LGA 1 March date, they advise the Council in advance providing the Council discretion in setting an extension on the date through assessing the impact.

*Refer to Consequence Rating Table below for further detail.

Management have advised that these exceptions were considered, reported and matters dealt with at the time (with some cases ongoing). Where necessary, plans to implement changes are being considered (refer to Appendix 2).

Retrospective review

In FY2017, six Acts had been noted as breached and action plans to improve the occurrence of these breaches were noted for all of the breached Acts. Five of the six Acts identified as breached in FY2017 have reported a breach in FY2018. However, improvements in processes and compliance statistics have been noted from prior year in response to improving the Council's compliance (refer to Appendix 3).



Based on the attestations provided we identified that, overall, Business Units with lead responsibility for the Act across Council have identified minor to moderate breaches in FY2018 and overall, sufficient processes are in place for meeting legislative compliance requirements.

Consequence Rating Table

This table has is based on the Strategic Risk Matrix Consequence table as presented to ELT and FARMS.

Category	Minor	Moderate	Major	Severe
Financial	Financial exposure up to \$500k	\$500k to \$5m	\$5m to \$20m	Financial exposure greater than \$20m
Reputation	Damage to (or perception) of WCC reputation within a localised community or group of. One-off adverse local media coverage	Damage to (or perception) of WCC reputation that while has no immediate impact, if repeated over time will adversely affect the Council. Sustained adverse local media coverage (in excess of 2 weeks) One-off adverse national media coverage Local lobby groups forming	Damage to (or perception) of WCC reputation that will take significant time to repair. Sustained cumulative adverse local media coverage (2-6 weeks) Up to 2 weeks of adverse national media coverage Major changes to operations/projects as a result of reputational damage Regional lobby groups forming	Irreversible damage to (or perception) of WCC reputation and significant loss of confidence in governing body Sustained cumulative adverse local media coverage (in excess of 8 weeks) Sustained adverse national media coverage (in excess of 2 weeks) Ceasing of operations/projects as a result of reputational damage National lobby groups forming
Regulatory / Legal Compliance				
Civil	Minor litigation	Single moderate litigation or numerous minor litigations	Single major litigation or numerous moderate litigations	Numerous major litigations
Compliance as a regulator	Minor breaches with no direct consequences	Judicial review undertaken on our decisions Proceedings issued Compliance breach that leads to fine of less than 50k	Decisions related to strategic projects quashed by court Compensation paid Accreditation agencies requesting corrective action Compliance breach that leads to fines of \$50k+	Losing accreditation to perform any regulated work
Regulatory compliance	Minor breaches with no direct consequences	Compliance advice received from a regulator An event that requires a worker(s) and/or other person(s) to seek medical treatment – physical or emotional	Compliance breach that leads to fines of \$50k+ Notifiable event(s) that cause illness, injury or distress to worker(s) or person(s)	Compliance breach that leads to an investigation and jail of an officer
Health and Safety Note: Risk events only relate to WCC's sphere of control	An event that requires a worker and/or other person to seek first aid and/or debrief	An event that requires a worker(s) and/or other person(s) to seek medical treatment – physical or emotional Environmental damage at a localised level	Notifiable event(s) that cause illness, injury or distress to worker(s) or person(s) Significant environmental damage	An event that causes death or permanent impairment to a worker(s) and/or other person(s)
Environmental	Localised environmental damage that can be remediated within 7 days	Environmental damage with a medium term-effect Offsite release contained or immediately reportable event. Offsite release contained or immediately reportable event.	Widespread environmental damage Any environmental damage with long-term effects Major off site release.	Irreversible and widespread environmental damage Irreparable damage to significant site or landmark

Appendix 1

Key Acts and Lead managers list for the year ended 30 June 2018.

Lead Business Unit/Area	Key Corporate Legislation	Key Legislation Contact(s) - Lead managers	ELT responsible
Build Wellington	Marine Coastal Area Act 2011 (with respect to holding of Waterfront coastal land)	Ian Pike	David Chick
	Wellington Harbour Board and Wellington City Council Vesting and Empowering Act 1987 (<i>'dormant' legislation</i>)		
Assurance	Local Government Official Information and Meeting Act 1987 (LGOIMA)	Deborah Howse, Sarah Pearson-Coats (CIA), Penny Langley (Dem Services), Mark Pattemore (Building compliance and Consents - <i>LIM reports</i>)	Kane Patena
	Privacy Act 1993		
Legal and Risk	Weathertight Homes Resolution Services Act 2006	Hayley Evans	Kane Patena
Business, Information and Technology	Copyright Act 1994	Toni Thompson, Channa Jayasinha	Andy Matthews
	Public Records Act 2005		
City Consenting and compliance	Building Act 2004 (regulatory)	Mark Pattemore, Chris Scott	David Chick
	Building (Pools) Amendment Act 2016		
City Growth & Partnerships	Companies Act 1993	Danny McComb	Kevin Lavery
	Local Government Act 2002 (as it relates to CCO's)		
	Trustee Act 1956		
City Housing	Residential Tenancies Act 1986 (as amended in 2016)	Michelle Riwai	Barbara McKerrow
City Design and Place Planning	Housing Accord and Special Housing Areas Act 2013	Anna Harley, John McSweeney	David Chick
	Resource Management Act 1991	Anna Harley, Mark Pattemore	
Democracy Services	Local Authority (Members' Interests) Act 1968	Anusha Guler	Kane Patena
	Local Electoral Act 2001		
	Local Electoral Regulations 2001		
Finance	Goods and Services Tax Act 1985	Richard Marshall, Martin Read	Andy Matthews
	Income Tax (Withholding Payments) Regulations (under the Income Tax Act 2007)		
	Income Tax Act 2007		
	Limitation Act 2010		
	Local Government (Financial Reporting and Prudence) Regulations 2014		
	Local Government (Rating) Act 2002		
	Public Audit Act 2001		
	Rates Rebate Act 1973		
Human Resources (HR)	Employment Relations Act 2000	Anita Yee	Nicola Brown
Human Resources (HR)	Health and Safety at Work Act 2015	Deborah Hammond	Nicola Brown
Human Resources (HR)	Holidays Act 2003	Anita Yee	Nicola Brown
	Human Rights Act 1993		

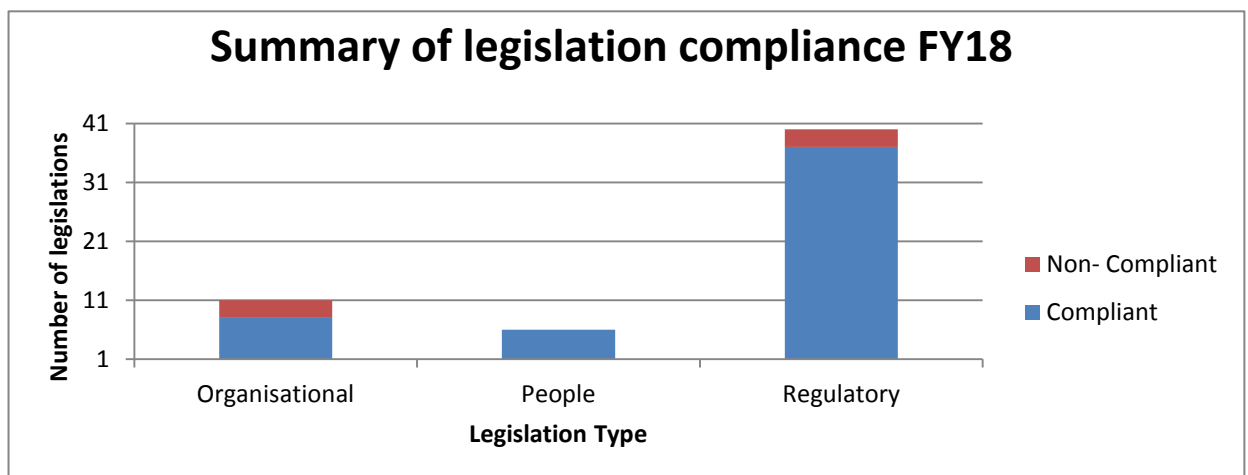
Lead Business Unit/Area	Key Corporate Legislation	Key Legislation Contact(s) - Lead managers	ELT responsible
	Wages Protection Act 1983		
Internal Audit	Protected Disclosures Act 2000	Deborah Howse	Kane Patena Nicola Brown
Land Customer & Property Information	Rating Valuation Act 1998	Michael Brownie	Andy Matthews
Parking Services	Criminal Procedures Act 2011	Peter McLellan, Siobhan Procter	Barbara Mckerrow
	Road Use Rule 2004		
	Summary Proceedings Act 1957		
Parking Services, Transport network and asset maintenance Infrastructure	Land Transport Act 1998	Peter McLellan, Siobhan Procter/ Deven Singh, (Transport and infrastructure)	Barbara Mckerrow
	Land Transport Management Act 2003		David Chick
Parks , Sports & Recreation	Biosecurity Act 1993 (relating to the management of pests and animals)	Paul Andrews, Bec Ramsay	Barbara Mckerrow
	Burial and Cremation Act 1964		
	Town Belt Act 2016		
	Freedom Camping Act 2011		
	Litter Act 1979		
	Reserves Act 1977		
Property	Public Works Act 1981 Property Law Act 2007	Peter Brennan	Andy Matthews
Public Health	Dog Control Act 1996	Mark Pattemore	David Chick
	Food Act 1981/2014		
	Sale and Supply of Alcohol Act 2012		
	Hazardous Substances and New Organisms Act 1996 (HSNO)		
	Health Act 1956		
Resilience, Parks, sport and Recreation	Climate Change Response Act 2002	Waste Operations: Mike Mendonca PSR: Paul Andrews	David Chick
Tira Poutama: Iwi Partnerships	Treaty of Waitangi Act 1975	Nicky Karu	Kane Patena
Strategy and Governance	Local Government Act 2002	Kane Patena	Kane Patena
Wellington Regional Emergency Management Office (WREMO) and Legal and Risk	Civil Defence Emergency Act 2002	Hayley Evans	Kane Patena
Resilience and Sustainability	Waste Management Act	Emily Taylor- Hall, Mike Mendonca	David Chick

Appendix 2 - Summary of Legislative Non-Compliance

Legislation	Breach	FY18 Impact	Current controls/ Reporting
Privacy Act 1993	<p>Minor breaches of privacy principles (aligned to the Act) noted for the financial year include:</p> <p>6 instances of IPP 11: Personal information disclosed</p> <p>1 instance of IPP 10: Use of information collected for one purpose used for another unrelated purpose.</p> <p>3 instances of IPP 5: Failure to keep personal information safe and secure.</p> <p>1 instance of IPP2: Collection of personal information not collected directly from the individual concerned.</p> <p><i>IPP: Information Privacy Principle set out in s6 of Privacy Act 1993.</i></p>	Potential or accrual harm to the individual(s) is minor.	Quarterly reporting of Privacy Act breaches, incidents and complaints.
Building Act 2004 (regulatory)	Issuing Building Consents and Code Compliance Certificates outside of the 20 working days.	None noted – internally managed. Minor impact on WCC noted.	<ul style="list-style-type: none"> • An independent audit undertaken by International Accreditation New Zealand performed every 2 years. Last audit undertaken 24th -26th May 2017). • Quality Management System • Annual competency assessments for technical staff. • BCC undertake annual audits of its complete Quality Management System and continually sample completed work. • Compliance to statutory timeframes is reviewed monthly with a comprehensive report measuring metrics from within the business.
Resource Management Act 1991	<p>Resource consent applications were not issued within the statutory timeframes (20 working days from request).</p> <p>Failure to undertake chapter reviews of the District Plan within the 10 year timeframe.</p>	Discount regulations applied (s36AA/s36AAB of the Act - <i>administrative charges</i>).	<ul style="list-style-type: none"> • Weekly application status discussions catch-ups with leaders and staff. • Annual reporting provided and published to the Ministry for the Environment.
Food Act 2014	Partial compliance noted with respect to Part 3A Subpart 2 – <i>Verification</i> where A number of food businesses have not been verified within the prescribed timescales.	A number of food businesses have not been verified within the prescribed timescales (loss of reputation).	<ul style="list-style-type: none"> • Fortnightly team meetings reviewing non-compliance issues. • IANZ assess the Council's competency through annual surveillance visits to ensure the QMS is being maintained to verify national programme businesses.

Legislation	Breach	FY18 Impact	Current controls/ Reporting
			Monthly, quarterly and annual statistics and reports to both WCC Managers and MPI.
Local Government Official Information and Meeting Act 1987 (LGOIMA).	Requests being responded to outside the 20 working days timeframe.	8 complaints have been raised with the ombudsman and closed within the financial period. 2 complaints have been opened with the ombudsman and remain ongoing as at 30 June 2018. The consequence being a Public comment from the Ombudsman.	A review of LGOIMA was completed by the Council's Research and Evaluation team in 2017. This review made a number of recommendations to improve WCC's compliance with LGOIMA.
Local Government Act 2002 (as they relate to CCO's)	Submission of the 2017/2018 SOI and annual reports have been filed outside of the agreed timeframe.	BAU	Annual reporting, Statement of Intent and annual Letter of Expectation.

The responsibilities of Key Act compliance across the Council can be mapped to the following legislation categories.



Other opportunities identified

Managers have completed an attestation form confirming:




- The lead manager's acknowledgement of responsibility for key legislation
- Information the lead manager holds on each piece of key legislation is complete and up to date, and that systems, processes, training programmes and manuals are adequate for all staff to know their compliance responsibilities
- That to the best of their knowledge their key legislation has been complied with and they are unaware of any legislative breaches to 30 June 2018.




Through the attestation process management have advised that systems are in place for legislative compliance. The below Acts have been noted as not having sufficient systems, policies or training in place during FY2018. For inconsistencies in training and systems noted, further assurance in the identification of breaches has been linked to communication and reporting to external parties.

Process/ category opportunity	Legislation	No. breaches noted	BU	External reporting	Action
Systems, policies, procedures and controls, to monitor and report on legislative compliance may not be effective in managing compliance.	<ol style="list-style-type: none"> 1. Marine Coastal Area Act 2011 (with respect to holding of Waterfront coastal land). 2. Wellington Harbour Board and Wellington City Council Vesting and Empowering Act 1987. 3. Criminal Procedures Act 2011 	None	City Planner	Audit NZ	<ol style="list-style-type: none"> 1-2. Per discussion with ELT, these Acts are not deemed to be Key to the Council as they relate to specific circumstances related to the development of Wellington Harbour. No breaches to this Act have been noted in the current year. Given the nature of the Act (being applied when changes to the Harbour occurs), no instances of non-compliance is presumed to occur in the next financial year. As such, no action is deemed appropriate. 3. More experienced Council staff continues to monitor and review systems and policies whilst the new Community Networks Managers completes training.
Not all training has been completed by all officers OR No training scheduled.	<ol style="list-style-type: none"> 1. Local Government Official Information and Meeting Act 1987 (LGOIMA) 2. Criminal Procedures Act 2011 3. Road Use Rule 2004 4. Summary Proceedings Act 1957 	1	Strategy and Governance	<ol style="list-style-type: none"> 1. LGOIMA: Office of the Ombudsman provides for right of redress on decisions reached on requests i.e. delays and refusals to provide information. 2-4. Various external parties including NZTA and Audit NZ. 	<ol style="list-style-type: none"> 1. Training has been rolled out through Whare Kura and forms part of required training for LGOIMA. A Performance measure around responses has been discussed and approved with a target of 90% official information requests handled within LGOIMA legislative timeframe.* 2-4. A specific briefing is to be completed by 30 June 2018. Lead is currently working



					<p>closely with experienced manager.</p> <p>*Context statement: Please note, not all requests for official information are centrally processed, with many requests directly managed by business units as part of BAU. Central processing of requests is limited to requests coordinated by the Assurance team. Accordingly, performance against this KPI will be measured using statistics from this team.</p>
--	--	--	--	--	--

Appendix 3 – Legislative compliance retrospective action plan review

	Financial year 2017 legislation breach	Financial year 2017 issue noted	Financial year 2018 Action plan (as identified in financial year 2017)	Financial year 2018 Actual response	Financial year 2018 breach?	Financial year 2018 issue	Direction of compliance
1	Building Act 2004	Statutory timeframes for the issuing of building consents within the 20 working day requirement.	<p>1. Staff will continue to be put through annual competency assessments to ensure that they have knowledge of the legislative requirements.</p> <p>2. Changes have been made to the QMS.</p> <p>3. New processes and procedures, applications for funding, the recruitment of staff and the purchase of appropriate equipment have been developed and implemented over the last year.</p> <p>4. Amalgamation of BCC, Resource Consents and the Public Health Teams, to enhance and strengthen processes procedures and customer service across these regulatory functions.</p>	<p>1. Current resourcing was reviewed with a wider contractor base established.</p> <p>2. Monitoring of criteria for compliance showed corresponding improvement in timeliness.</p> <p>3. Daily monitoring and management has helped keep any slippage to a minimum with 94% of building consents issued within the 20 day statutory time frame (FY17: 90% compliances).</p> <p>4. 96% of Code Compliance Certificate's have been issued in the statutory time frame (20 working days requirement) (FY17: 97%).</p>	Yes	Issuing Building Consents and Code Compliance Certificates outside of the 20 working days.	
2	Civil Defence Emergency Act 2002 (including the National CDEM Plan Order 2015)	Council's capability and capacity to manage emergency recovery operations.	Review & Update EOC SOPs & tools.	Tools and EOC SOPs updated (and continual review currently occurring).	No	N/A- No non-compliance noted in the CY.	
3	Local Government Official Information and Meetings Act 1987	Known breaches of legislative time frames (outside the 20 working days timeframe).	<p>Review information request guideline. Reintroduce weekly Case summary.</p> <p>Review of tool for improving workflow management system on reporting numbers/ patterns and learnings on request.</p> <p>Allocate compliance for LIM and Meetings to correct BU's (as LGOIMA sections fall within in various BU responsibilities.)</p> <p>Working on an e-learning tool to be implemented by HR.</p>	<p><i>Note that during the prior financial year, one attestation was provided for this Legislation.</i></p> <p>1. Implementation and use of the visual management board, clear inbox policy, clearer expectations on business units and closer end to end management of requests to ensure all requests are acknowledged ASAP and then responded to within 20 days.</p> <p>2. E-Learning tool has been made available via Whare Kura.</p> <p>3. JIRA (the tool CIA uses for tracking requests) has been updated to ensure key information is tracked (e.g. date of decision versus date of information provision).</p> <p>4. An in house legal function has been established at WCC which</p>	Yes	In the current year, LGOIMA has been split in 3 teams. 2 of teams including Democratic Services and LIMs have not recorded breaches in the current financial year. Some concern was noted regarding a gap in the LIM process during the transfer of functions to the legal team. This risk was mitigated through a review of the	

	Financial year 2017 legislation breach	Financial year 2017 issue noted	Financial year 2018 Action plan (as identified in financial year 2017)	Financial year 2018 Actual response	Financial year 2018 breach?	Financial year 2018 issue	Direction of compliance
				supports the CIA team in statutory interpretation and reinforces the advice from CIA. 5. Since October 2017, 96% of information requests were responded to within statutory timeframes.		requests over the period of transition. No issues were noted within this review. The CIA team noted known breaches of legislative time frames (outside the 20 working days timeframe).	
4	Resource Management Act 1991	Time frames for one resource consent.	Submitting on changes to the resource management act 1991.	The Council has agreed as part of the review of the Long term Plan (2018/2028) to undertake a full review of the District Plan	Yes	Time frames for one resource consent.	
5	Privacy Act 1993	Low level privacy breaches.	Review and update high risk business unit systems, policies and procedure whilst a privacy E-Learning module has been implemented across Council. Complete a Privacy Maturity Assessment.	1. New PPO joined team and met with key internal and external stakeholders to understand the Council and its legislative and regulatory landscape. 2. E- learning module launched on Totara (Council approved LMS). 3. Privacy Work Programme in progress. 4. Privacy week held during 7-11 May 2018.	Yes	Minor privacy breaches.	
6	Food Act 2014	Time frames for undertaking and completing food business verifications.	Recruitment of additional staff in order to comply with legislative timescales for verification visits.	This year we have appointed a dedicated QMS manager whose role is to ensure that the QMS is current and compliant with MPI guidelines. Our legal team have advised that it will be best practice to invoice the operator in advance. Unfortunately Teamwork is not really fit for purpose in terms of providing adequate reporting functionality. Currently excel spreadsheets are being used to keep track of what operators should be billed and subsequently visited for verification. This situation is not likely to change until the Regulatory function of Tech One comes into use.	Yes	Partial compliance noted with respect to Part 3A Subpart 2 – <i>Verification</i> where A number of food businesses have not been verified within the prescribed timescales.	

Direction of compliance key

	Comparative to the prior financial year, improvement in the level of compliance noted through: <ol style="list-style-type: none">1. A decrease in breach occurrence and/or,2. The nature and resulting consequence of non-compliance for the Council has improved
	Some changes and improvements in processes and systems have been noted. The consequence of the breach for the Council is reasonably unchanged from the prior financial year.

Report on Legislative Compliance for the year ended 30 June 2019

Purpose of this Report

The Legal and Risk team is responsible for the development, facilitation and monitoring of the Council's annual legislative attestation assessment process that covers Key Acts identified (enclosed in **Appendix 2**). The assessment process forms part of Council's legislative compliance framework, which provides the Council with an opportunity to assess and strengthen compliance. This report provides a summary of legislative compliance for the Council for the financial period **1 July 2018 to 30 June 2019**.

This report will be provided to Audit New Zealand for their information and consideration, as part of their annual financial audit for the year ending 30 June 2019 (the period of this report is 1 July 2018 to 17 May 2019).

Our process

Bow tie and deep dive of our Top 5 Acts

While we must comply with all relevant legislation there are some particular Acts that carry greater risk for Council or are particularly important to achieving our strategic priorities. We assessed and prioritised the list of key Acts using Council's Enterprise Risk Matrix. A list of the top five Acts was selected and presented to ELT for approval. A risk bow-tie and deep dive assessment was performed for each of the top five Acts (as included in **Appendix 1**) to gain a better understanding of how we manage these Acts within Council. These assessments provide insights into the challenges and opportunities in meeting our obligations for the financial year ended 30 June 2019 and for the financial period to come (next 12 months).

Annual attestations

In addition to our top five Act assessments, we have performed our annual attestation process for the key Acts (44 Acts) using an online tool. Attestation forms were allocated to and completed by our Tier 3 managers with 98% completion rate (1 Act (2%) Act (Marine Coastal Area Act 2011- with respect to holding of Waterfront coastal land) could not be allocated to a team within Council). The use of the online tool provided access to improved analytics and monitoring throughout the review process. The results of the responses to the 6 attestation questions for each directorate can be found on page 4 of this report.

Summary of findings

- Five (10%) Legislative Acts (of a total of forty eight Key Acts assessed) have been identified as being breached in the current year. All breaches identified have been dealt with and closed at the time of this report. The breaches identified are consistent with breaches identified in prior year.
- Two of the breaches identified (LGOIMA 1987 and Building Act 2004) are considered to have had a moderate regulatory compliance and /or reputational impact on the Council (refer below) for the financial year ended 30 June 2019.
- A deep dive assessment of the 2018/2019 top five Key Acts for Council has been performed to understand the critical causes of non-compliance and controls in place to manage these Acts. (Refer below and to **Appendix 1**). Some common causes of non-compliance include adapting to legislative changes (some imposing tighter requirements), time taken to meet staff competency requirements and staff capacity constraints.
- 2 ongoing matters (Ratings Valuation Act 1998 and Town Belt Act 2016) are pending at the time of this report. A technical breach has not been noted in these areas, but full compliance for the period is dependent on the outcome of these matters.
- All FY2019 breaches noted have action plans to identify, monitor and improve (where appropriate) legislative compliance as identified by managers.

Based on the attestations provided we identified that, overall, Business Units with lead responsibility for the Act across Council have identified minor to moderate breaches in FY2019 and overall, sufficient processes are in place for meeting legislative compliance requirements.

FY2018/2019 Breaches and further analysis

Managers have advised that to the best of their knowledge, systems are in place for legislative compliance and that they are unaware of any breaches as at 30 June 2019 with the following exceptions noted below.

Note that these findings are not indicative of future implications or risk of breaches. Rather, this is a reflection of the 2019 financial year.

Please refer to Consequence Rating Table in **Appendix 3** for further detail of the consequence rating.

Legislation	Breach	2019 Financial year Consequence Rating	Financial Year 2019/2020 Action plan
Local Government Official Information and Meeting Act 1987 (LGOIMA).	<p>1. Known breaches have been noted within the CIA team related to request decisions being communicated outside the 20 working days timeframe.</p> <p>2. Issuing LIM reports outside of 10 working days statutory timeframe</p>	Medium	<p><u>LIMS</u> (Consequence rating: Medium) We note that meeting LIM statutory timeframes has been challenging in the current year (overall of 59% compliance for the period to April 2019). This is due to changes in staffing and resources to perform the required processes within the statutory timeframe. There is now a more stable team (as more staff has now received required training). A dedicated manager resource has been allocated to address and monitor LIMs reporting. Weekly updates are held with Tier 3 on the progress within this area to monitor compliance going forward.</p> <p><u>CIA/ LGOIMA Requests</u> (Consequence rating: Minor) 8 breaches of the legislation have been noted (instances where a decision has been provided to the requester outside of the 20 day timeframe). Requests are currently managed at an individual, decentralised team level with complex requests being raised to the CIA and LGOIMA team. The CIA team is regularly engaging across Council to ensure requests that require input are dealt with as soon as possible. Weekly team “stand-ups”, calendars and Jira are also being used to track/remind of request due dates to keep them front of mind.</p> <p><u>Democratic Services</u> (Consequence rating: None) No breaches have been noted within the Democratic Services team.</p>
Building Act 2004 (regulatory)	Issuing Building Consents and Code Compliance Certificates outside of the 20 working days.	Medium	<p>Staffing (training, retaining and recruiting) has been a challenge in the current year. The changes in required competency levels by MBIE have added to the complexity of experience for completion of tasks. The option for recruiting experienced staff from the market is limited and highly competitive.</p> <p>Some actions taken to assist with this pressure includes a salary uplift initiative (during 2018) and contracting work where possible.</p> <p>Daily monitoring and management processes remain in place to monitor compliance.</p>
Resource Management Act 1991	Resource consent applications were not issued within the statutory timeframes (20 working days from request)	Minor	<p>94.54% of resource consent applications were processed within statutory timeframes in the current year (as at April 2019).</p> <p>We note that a new pre-application pilot project is underway to improve customer experience and assist in the application processing process in future. Additional staff have been recruited to alleviate some staffing capacity challenges as this pilot is underway.</p>
Privacy Act 1993	These are considered Low – Medium level breaches of privacy principles (aligned to the Act).	Minor	<p><u>Nature if breaches include:</u> 15 Breaches have been noted including (note that multiple IPP non-compliance can be noted in 1 breach instance): 11 (FY18:6) instances of IPP 11: Personal information disclosed 2 (FY18:none) instances of IPP 8: Accuracy and relevance of information not checked prior to use 7 instances of IPP 5 (FY18:3): Failure to keep personal information safe and secure. 1 instance of IPP3 (FY18: none): Failure to advise the</p>

Legislation	Breach	2019 Financial year Consequence Rating	Financial Year 2019/2020 Action plan
			intended use and disclosure of personal information. <i>IPP: Information Privacy Principle set out in s6 of Privacy Act 1993.</i> A Privacy work Plan is in place to direct proactive support to the areas across Council that have been identified as holding the greatest privacy risk.
Food Act 2014	Partial compliance noted – Issuing food business verification outside of prescribed timescales	Minor	Recently, a role of Environmental Health Officer Technical support has been created and filled. This staff member will be responsible for booking all verification visits for the EHO's and also manage data input arising from those verifications.

Other matters

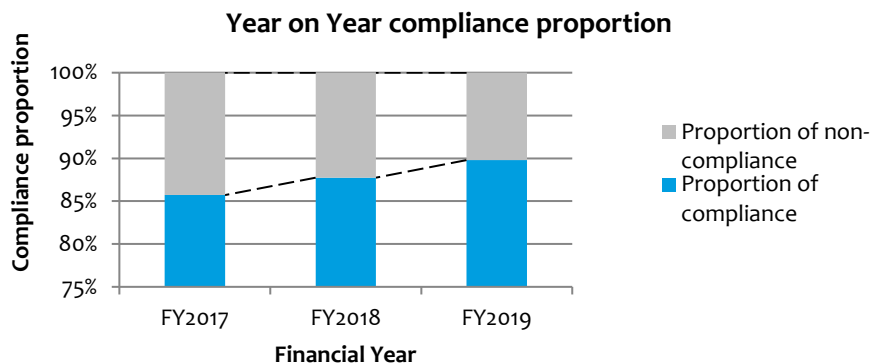
Partial compliance has been noted for:

- a) **Rating Valuation Act 1998:** Clarification is being sought from the Office of the Valuer General around rules for leases. The Valuer General is proposing to change the Rules to make them practical.
- b) **Town Belt Act 2016:** There is a case pending as at the time of this report. There are a number of encroachments on the Wellington Town Belt reserves that have not been progressed for removal/resolution. There are also a number of leases and subleases that will need review to determine compliance and resolution at the time of removal. In-house legal has been working with PSR to resolve open matters as necessary.

Management have advised that these exceptions were considered, reported and matters dealt with at the time (with some cases ongoing). Where necessary, plans to implement changes are being considered (refer to Appendix 2). Refer to Appendix 2 for a complete list of Acts attested for the period 1 Jul 2018- 31 April 2019.

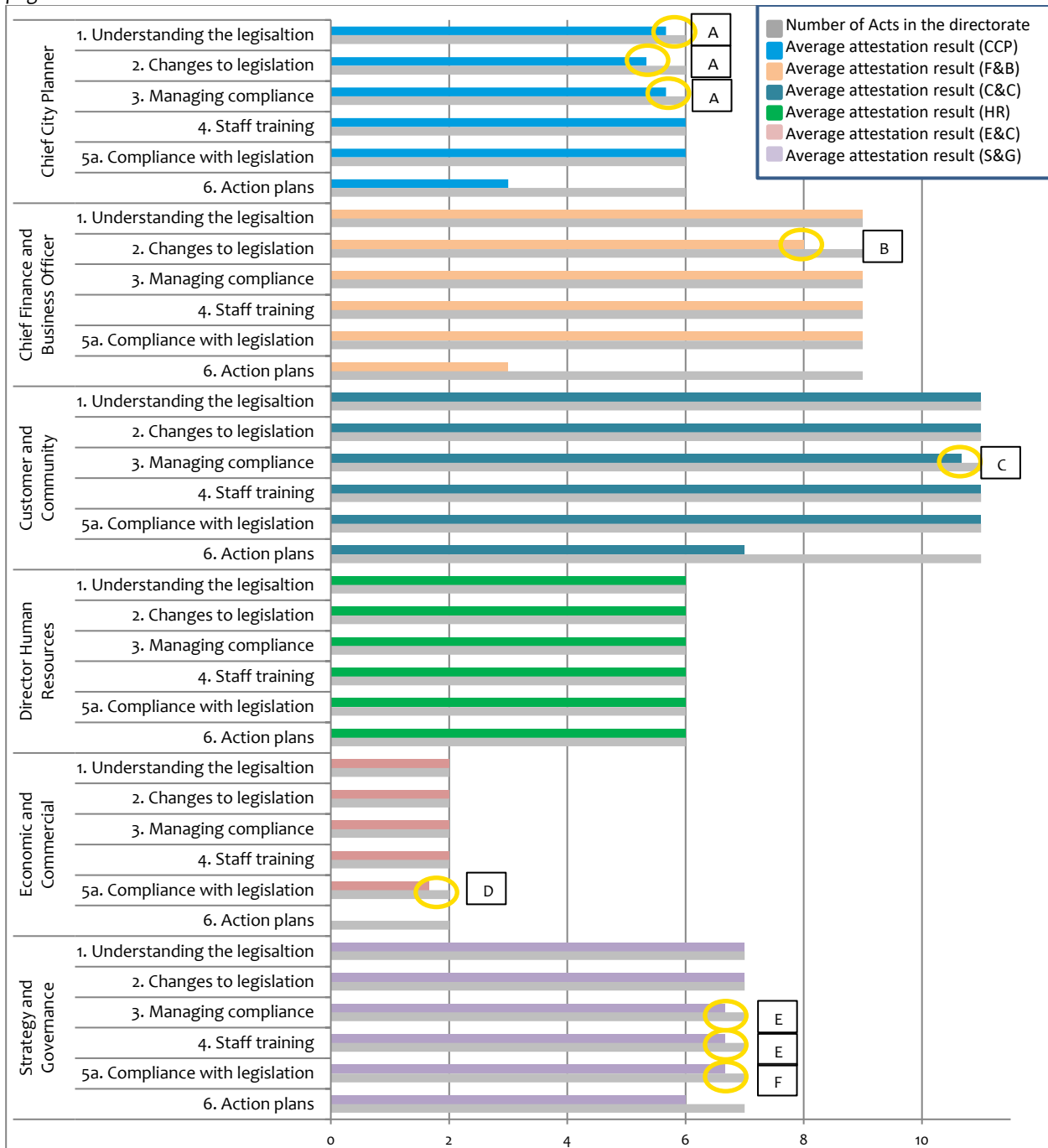
Retrospective review

In FY2018, six Acts had been noted as breached and action plans to improve the occurrence of these breaches were noted for all of the breached Acts. Five of the six Acts identified as breached in FY2018 have reported a breach in FY2019. Most areas have noted improvements in processes and compliance statistics from prior year in response to improving the Council's compliance. There are improvements in the year on year level of compliance across Council. However, the extent of breaches (i.e. number of breaches to a single Act) has increased for some of the Acts (notably to the Building Act 2004, LGOIMA 1987 (for LIMS) and Privacy Act 1993). These statistics have been included in the summary on page 2.



Summary of findings by Directorate

A series of 6 questions (please refer to the questions below the graph) were asked and attested to by Tier 3 managers. Below is a summary of average scoring by directorate. This graph shows the number of Acts allocated to a directorate and the average response. Highlighted are areas where managers indicated areas of improvements or non-compliance. These results exclude the Top 5 key Acts. Action plans to improve compliance environment are optional. Where non-compliance has been noted, action improvements were requested and included in the table on page 2.



A Partial attestation was provided for Climate Change Response Act attestation for WCC landfills. We note that processes, understanding of changes Act and training cannot be confirmed for the Spicer landfill (Porirua landfill). Under the Waste Management Act 2008, processes to adapt to the plastic ban change is still being ironed out.

B Occasionally, Council received some advice from PWC regarding interpretation rulings issued by IRD around Income Tax Act and GST. Every year DIA issue new information requirements for the completion of the rates rebate forms. These changes are worked through with the team responsible for managing this Act.

C City Housing is currently working with WCC’s Principal Privacy Officer on information sharing processes relating to privacy to ensure full/ improved compliance with the Residential Tenancies Act 1986.

D Confirmation for WWL was not provided. Other CCO’s are confirmed to have been compliant for the period.

E Some improvements are required in the recovery plans, policies and procedures under the CDEM Act. Some controllers also require response training which is planned for the year ahead.

F Please refer to the non-compliance noted for the LGOIMA and Privacy Act.

Out attestation form statements

Our Tier 3 management have provided attestation to the follow set of comments for each key legislation allocated to their business unit. The response options were: Agree, Somewhat agree (for partial compliance), or Disagree (for non-compliance). In some areas where no action plans were planned (question 6) or no breaches noted, (question 5a) a 'N/A' option was provided. All responses were reviewed by Risk and further clarification sought on some responses deemed insufficient or unclear.



1. I understand the identified legislation, its key risks and how the legislation applies to Council
2. I understand the impacts of changes in legislation that have been made or proposed since 01 July 2018
3. The systems, policies, procedures and controls, to monitor and report on legislative compliance are effective in managing compliance
4. Key staff have received training, in order to acquire knowledge and develop competence to meet legislative responsibilities (including understanding of legal functions, delegated powers and duties)
5. 5a. To the best of my knowledge Council has complied with legislation for the financial year ended 30 June 2019
5b. Known breaches that have come to my attention have been appropriately reported where necessary and dealt with during the year.
6. Where necessary, action plans to strengthen legislative compliance have been developed, and implemented.


Top five Key Acts

This year, we have chosen to focus on the top 5 key Acts for Council and have completed a Risk bow- tie assessment in **Appendix 1** to better understand the:




- a) Cause and effects of a significant breach to the key Act
- b) The controls in place to manage our responsibilities under the Act
- c) Upcoming events and changes to the Act

The 5 key legislations are:

Key Act	Compliance 1 July 2018 -31 June 2019	Upcoming changes	Direction of compliance from FY2017/2018	Current year consequence rating	Current Controls rating	Expected consequence rating (FY2019/2020)
Local Government Act 2002	No non-compliance noted.	<ol style="list-style-type: none"> 1. Delegation to CCO's under LGA 2. 3 waters review (in progress by Central government) 3. Local Government (Community Well-being) Amendment Bill proposed by Central Government (currently at "Royal Assent") 4. Funding infrastructure for growth (ongoing) 5. Proposed Building Act 2004 Consultation changes consequential impacts for LGA 6. Online voting and Local election 2019 	N/A	None	Good	No change
Resource Management Act 1991	Non-compliance noted in meeting the statutory timeframes (within 20 days & extension periods for Resource Consents and 10 days for survey plans under s223). 94.54% of resource consent applications were processed within statutory timeframes.	<ol style="list-style-type: none"> 1. District Plan review 2. Pre- app appointments (currently in pilot) 3. Initiation of the Mana Whakahono-a-Rohe provision 		Minor	Good	No change
Building Act 2004	Non- compliance noted in meeting Statutory timeframes for the issuing of building consents (within 20 working day requirement). 88% of Code Compliance Certificates have been issued in the statutory time frame (FY18: 96%).	<ol style="list-style-type: none"> 1. MBIE proposed changes to the Building Act (currently in consultation) including changes to Building products and methods, Occupational regulation, Risk and liability and Building levy 2. IANZ accreditation audit (May 2019) 3. Earthquake prone building programme 		Moderate	Improvements recommended - Good	Decrease in rating expected. However, no change to the current rating is possible (given complexity of remedial response) (Moderate- Minor)

Key Act	Compliance 1 July 2018 -31 June 2019	Upcoming changes	Direction of compliance from FY2017/2018	Current year consequence rating	Current Controls rating	Expected consequence rating (FY2019/2020)
Public Health Acts (Health 1956, Sale and Supply of Alcohol 2012 and Food Act 2004)	Food Act 2014: Non- compliance noted in meeting statutory timeframes for food verification periods. Health 1956, Sale and Supply of Alcohol 2012: No Non-compliance noted.	1. Proposal for including the beauty industry as part of the Public Health Bylaw (currently being reviewed). 2. Food Accreditation (Food safety officers) - 2020		Minor	Good	No change (Minor)
Land Transport Management Act 2003 and Land Transport Act 1998	No non-compliance noted.	1. LGWM (ongoing) 2. Cycle Ways (ongoing)	N/A	None	Good- Excellent	No change

Assessment Rating	Description
Excellent	The controls are well designed and are operating effectively to manage risks. No cost beneficial scope for improvements has been identified.
Good	The controls are effective and key risks are managed. Some improvement would be beneficial to improve efficiency or effectiveness of internal controls.
Improvements Recommended	The controls are mostly effective to manage key risks. Attention is required to strengthen the control environment and/or improve process efficiency.
Improvements Required	The controls are not effective to manage risks. Immediate attention is required to reduce current risks to meet Council's risk appetite.

Compliance direction key	
	Comparative to the prior financial year, improvement in the level of compliance noted through: <ol style="list-style-type: none"> A decrease in breach occurrence and/or, The nature and resulting consequence of non- compliance for the Council has improved
	Some changes and improvements in processes and systems have been noted. The consequence of the breach for the Council is reasonably unchanged from the prior financial year.
	Comparative to the prior financial year, a decrease in the level of compliance noted through: <ol style="list-style-type: none"> An increase in the breach occurring and/ or, The nature and resulting consequence of non- compliance for the Council has a negative impact.

Appendix 1- Top 5 Bow- ties (please refer to the attachment)

Appendix 2 – Key Acts for 2018-2019

Key Acts and Lead managers list for the year ended 30 June 2019. Please note that this Key Act list excludes the top 5 Key Acts including Local Government Act 2002, Building Act 2004, Resource Management Act 1991, Public Health Acts (please refer to the attachment 1 for the Acts included) and Land Transport Management Act 1998/2003. *This list excludes Regulation as these provide further context to the associated Act.*

Directorate Names	Key Act
City Planning	Climate Change Response Act 2002
	Dog Control Act 1996
	Hazardous Substances and New Organisms Act 1996
	Litter Act 1979
	Marine Coastal Area Act 2011 (hold coastal land)
	Waste Management Act 2008
Finance and Business	Goods and Services Tax Act 1985
	Income Tax Act 2007
	LG Regulations 2014 (Financial Reporting & Prudence)
	Limitations Act 1950/2010
	Local Government (Rating) Act 2002
	Property Law Act 2007
	Public Audit Act 2001
	Public Works Act 1981
	Rates Rebate Act 1973
Customer and Community	Biosecurity Act 1993 (management of animals & pests)
	Burial and Cremation Act 1964
	Copyright Act 1994
	Criminal Procedures Act 2011
	Freedom Camping Act 2011
	Housing Accord and Special Housing Areas Act 2013
	Public Records Act 2005
	Rating Valuation Act 1998
	Reserves Act 1977
	Residential Tenancies Act 1986
	Road Use Rule 2004
	Summary Proceedings Act 1957
	Town Belt Act 2016
	Human Resources
Health and Safety at Work Act 2015	
Holidays Act 2003	
Human Rights Act 1993	
Protected Disclosures Act 2000	
Wages Protection Act 1983	
Economic and Commercial	Companies Act 1993
	Trustee Act 1956
Strategy and Governance	Civil Defence Emergency Act 2002
	LGOIMA 1987
	Local Authority (Members' interests) Act 1968
	Local Electoral 2001
	Privacy Act 1993
	Treaty of Waitangi Act 1975
	Weathertight Homes Resolution Services Act 2006

Appendix 3 - Consequence Rating Table

This table has is based on the Strategic Risk Matrix Consequence table as presented to ELT and FARMS.

Category	Minor	Moderate	Major	Severe
Financial	Financial exposure up to \$500k	\$500k to \$5m	\$5m to \$20m	Financial exposure greater than \$20m
Reputation	Damage to (or perception) of WCC reputation within a localised community or group of.	Damage to (or perception) of WCC reputation that while has no immediate impact, if repeated over time will adversely affect the Council.	Damage to (or perception) of WCC reputation that will take significant time to repair.	Irreversible damage to (or perception) of WCC reputation and significant loss of confidence in governing body
	One-off adverse local media coverage	Sustained adverse local media coverage (in excess of 2 weeks)	Sustained cumulative adverse local media coverage (2-6 weeks)	Sustained cumulative adverse local media coverage (in excess of 8 weeks)
		One-off adverse national media coverage	Up to 2 weeks of adverse national media coverage	Sustained adverse national media coverage (in excess of 2 weeks)
		Local lobby groups forming	Major changes to operations/projects as a result of reputational damage Regional lobby groups forming	Ceasing of operations/projects as a result of reputational damage National lobby groups forming
Regulatory / Legal Compliance				
Civil	Minor litigation	Single moderate litigation or numerous minor litigations	Single major litigation or numerous moderate litigations	Numerous major litigations
Compliance as a regulator	Minor breaches with no direct consequences	Judicial review undertaken on our decisions Proceedings issued	Decisions related to strategic projects quashed by court Compensation paid Accreditation agencies requesting corrective action	Losing accreditation to perform any regulated work
		Compliance breach that leads to fine of less than 50k	Compliance breach that leads to fines of \$50k+	
Regulatory compliance	Minor breaches with no direct consequences	Compliance advice received from a regulator An event that requires a worker(s) and/or other person(s) to seek medical treatment – physical or emotional	Compliance breach that leads to fines of \$50k+ Notifiable event(s) that cause illness, injury or distress to worker(s) or person(s)	Compliance breach that leads to an investigation and jail of an officer
Health and Safety	An event that requires a worker and/or other person to seek first aid and/or debrief Note: Risk events only relate to WCC's sphere of control	An event that requires a worker(s) and/or other person(s) to seek medical treatment – physical or emotional Environmental damage at a localised level	Notifiable event(s) that cause illness, injury or distress to worker(s) or person(s) Significant environmental damage	An event that causes death or permanent impairment to a worker(s) and/or other person(s)
Environmental		Localised environmental damage that can be remediated within 7 days	Environmental damage with a medium term-effect Offsite release contained or immediately reportable event. Offsite release contained or immediately reportable event.	Widespread environmental damage Any environmental damage with long-term effects Major off site release.

Report on Legislative Compliance

For the year ended 30 June 2020

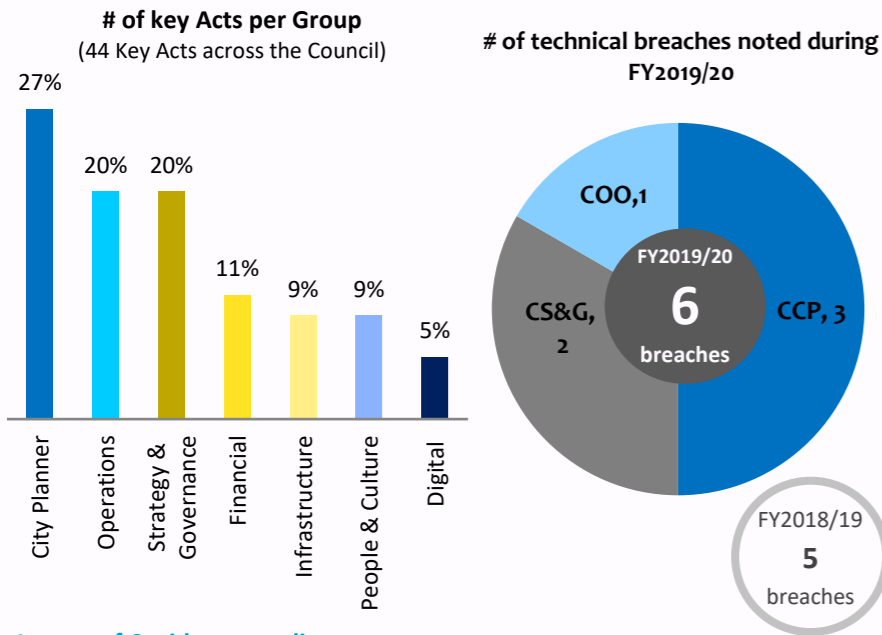


Purpose of this Report

The purpose of this report is to provide ELT with the results of the Annual Legislative Compliance Attestation process run during 15 -29 June 2020 with our Business Unit managers. This process excludes compliance of CCO's.

Summary of findings (refer alongside for further detail)

- Six (14% FY19: 10%) Legislative Acts (of a total of forty four Key Acts assessed (Appendix A) have been identified as being breached in the current year.
- There are seven legislative and upcoming compliance changes noted (see pg2).



Impact of Covid on compliance

Covid has had minor impacts (i.e. there have been no judicial reviews, proceedings filed or fines paid as a result) on compliance in the short term (i.e. up to 12 months).

City Consents and Compliance:

A backlog of unprocessed Building Act consents, Food Act verifications and a partial loss of internal certified resource (managing Hazardous Substance and New Organisms Act) to MoH to support Covid related response.

Strategy and Policy:

Per LGA 2002, Council is required to adopt its Annual Plan before the year it relates to. Due to Covid-19 impacts, the 2020/21 Annual Plan is being formally adopted on July 21 2020 at the same time that the new rates are struck.

Economic Development:

LGA 2002 has requirements for the setting of CCO Statement of Intents (SOI's) to be agreed or modified as soon as practicable once received. Due to Covid19, CCO SOI's have not been finalised and accepted by the Council. It is expected that these SOI's will be confirmed in the first quarter of the 2021 financial year.



Key Act breaches for the period 1 July 2019 – 30 June 2020

FY2019/20 Act breached	Group	Breach description	Status at year end
Building Act 2004	City Planning	Compliance with the 20 day statutory clock for the issuing of building consents was 77% and 93% for code compliance on average over the year. Key challenges for the year included a lack of Engineering resource and C3 competent Officers, IT system issues and loss of structure engineers who withdrew services. Non-compliance is consistent with prior year with some further impacts from Covid (please refer to comments on Covid alongside). Target Performance LTP target: 80% consents and code compliance provided in 18 days. 100% compliance target for 20 days (statutory timeframe)	Ongoing There will be continued non-compliance with the 20 day clock issuing building consents while newly contracted engineering firms and Officer clear the consents backlog that occurred during Covid lockdown, that are on high demand days or have gone over 20 working days.
LGOIMA 1987 (s.44A LIMS)	City Planning	Over the year there have been 7 months where LIMS responses have exceeded statutory timeframes. This was due to significant turnover of staff. Compliance rate at year end was 85% and an average of 7 days response rate (legislative timeframe is 10 days). Non-compliance is consistent with prior year. Target Performance LIMS target response rate within 10 days: 100% compliance (response within 10 days).	Ongoing High turnover of staff remains an issue that is being managed by the team. This is expected to continue to impact on the Council's ability to meet statutory timeframes.
Food Act 2014	City Planner	At the end of this reporting year, there was a backlog of approximately 350 verifications which have therefore not been conducted within the timeframes prescribed by the legislation/ MPI standards (which is 6 weeks for new businesses and between 3 months o 3 years (for national entities such as early childhood centers). The increased backlog at year end is as a result of Covid. Non-compliance is consistent with prior year with some further impacts from Covid (please refer to comments on Covid alongside). On average, there is a backlog of circa 30 – 40 verifications which takes approximately a week to clear. The backlog at year end is estimated to take circa 5 months to clear (provided there are no further increases to Covid alert levels)	Ongoing Clearing the backlog is still ongoing. MPI have formally recognised that every Council will be behind and are currently expecting everyone to have caught up within 6 months.
Local Government Act 2002	Strategy and Governance & Operations	Strategy and Governance: Strategy and Policy The 2020/21 Annual Plan is being formally adopted on July 21 2020 at the same time that the new rates will be struck. These should technically be adopted before the year to what it relates, but due to Covid-19, the timing has been extended. Sector (SOLGM) and Audit NZ are aware of timing between Annual Plan adoption and new rates and support Councils in NZ taking the time to get it right. Operations: Economic Development Delays noted in agreeing the CCO's statement of intent prior to the 2020/21 financial year.	Strategy and Governance Resolved Legal advice has been sought to confirm the approach taken by the Council is appropriate The risk of a review is considered to be very low. Operations Ongoing It is expected that these SOI's will be confirmed in the first quarter of the 2021 financial year.
Privacy Act 1993	Strategy and Governance	Low-Medium level breaches of privacy principles as per the Act (FY19: Low- medium breaches). Non-compliance is consistent with prior year.	Resolved All instances related to the 2019/20 financial year have been closed.
Residential Tenancies Act 1986	Customer & Community	MBIE has provided a notification that tenancy agreements for current tenants that were signed between 2016 and 2019 are not fully compliant as they did not include insulation statements. An internal review highlighted that this issue is not systematic. City Housing has been working through updating the relevant tenancy agreements that do not currently comply with regard to the most current insulation statement required under the RTA and Healthy Homes legislation (which the Council does comply with in its properties).	Ongoing (matter closed by MBIE) City Housing continues to work through updating the relevant tenancy agreements. MBIE has closed the matter off on this basis.

Upcoming bills and legislative changes

Changes to legislations still to be implemented

Reserves Act 1977	Recent changes to the legislation still need to be discussed and understood before adjusting the Council's processes. Legal Services advice is being sought.
Privacy Act 2020	A new Privacy Act will take effect from 1 December 2020, replacing the Privacy Act 1993. Key changes includes mandatory reporting of privacy breaches that is likely to cause serious harm. The Council will need to define the process for assessing and reporting 'serious harm'.

Bills and other legislative changes to come (please see Appendix B for full commentary)

Covid 19	The COVID-19 Response (Further Management Measures) Legislation Bill (No 2) was passed. This extends certain statutory deadlines relating to the 2019/20 financial year, including completing and adopting the Annual Report (by 31 Dec 2020) and auditing by public sector entities, local authorities (by 20 Nov 2020), and CCOs (30 Nov 2020).
Infrastructure and Urban Development Authority	To alleviate the issues around coordinating the use of land, building infrastructure and funding and financing projects, the Government is setting up a national Urban Development Authority (Kāinga Ora) and Special Purpose Vehicles. The powers to assemble land, build infrastructure and access targeted funding mechanism for significant urban development projects can affect the Council in having the Government play a more active role in the city housing development.
Building Reforms	Through several pieces of legislation the government is progressing reforms to the building regulatory system with the aims of improving the efficiency of the building sector, and the quality of buildings and the products they're made from. The Council will continue to contribute throughout this longer process.
RMA reforms:	<p>a. The Government has released the results and proposals from the Ministry for the Environment's system level reform of the Resource Management Act 1991 (RMA). Both major political parties have said the RMA should be replaced by two Bills.</p> <p>b. The Covid fast-tracking consents initiative is linked to infrastructure and the COVID-19 Recovery. New processes for fast-tracking resource consenting and designation for infrastructure and development projects have been introduced.</p>
Three waters reforms	<p>The Government is reviewing how to improve the regulation and supply arrangements of drinking water, wastewater and stormwater (three waters) to better support New Zealand's prosperity, health, safety and environment, and setting up Taumata Arowai – the Water Services Regulator.</p> <p>A Memorandum of Understanding with the Crown must be signed by 31 August 2020. The Council is working through this process, with a paper at SPC next week (18 August).</p>
Housing – Residential Tenancies	<p>The Residential Tenancies Amendment Bill was passed in August 2020. This has implications for our City Housing including:</p> <p>a. <u>Limiting rent increases to once per year</u>: We review rents and tenants' financial circumstances annually so that rent discounts are applied to those that are eligible, and so the discounts applied overall are fair and equitable. We also ask tenants to advise us through the year if their circumstances change so we can adjust their rent discount accordingly.</p> <p>b. <u>Changes to 90 day notices</u>: to support security of tenure these have been limited to particular circumstances. It does not include or allow the Council to issue 90-day notices to tenants who are out of policy in order to provide the limited housing available to those most in need.</p>
Burials and Cremations review	The Ministry of Health is consulting on options to update the Burials and Cremation Act 1964. Submissions are due 31 October 2020. This has been delayed four times this year. The Council is also reviewing the Cemeteries Management Plan. Officers are working together to ensure both align.

Our compliance environment

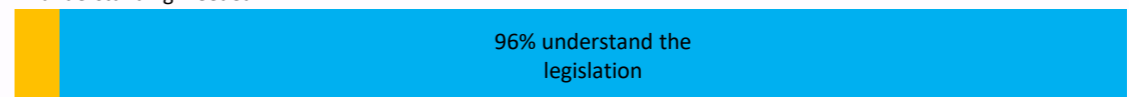
Key learnings and comments from T3 managers

- LGA 2002: s.17A requires the Council to 'review the cost-effectiveness of current arrangements for meeting the needs of communities within its district or region for good-quality local infrastructure, local public services, and performance of regulatory functions'. The current processes have been noted as needing improvement so that all aspects of duties are considered and reviewed consistently.
- CDEM 2002: There are some issues around land use planning and sea level rise. Per the Act, CDEM Groups are responsible for identifying, assessing and managing hazards and risks...'. WREMO, who manages the obligations on the Council's behalf, report to the CDEM Group Joint Committee (which includes the Mayor and CE as Council's representatives) and are responsible for managing the risks and hazards identified in this area. Although there is no direct impact noted to the Council in the 2019/2020 financial year, we note that the Council do not have full control of the extent to which WREMO responds to and manages risks.
- Building Act 2004, LGOIMA (LIMS): during November and December 2019, there was a drop in LIMs compliance rate to well below target (the lowest compliance rate being below 20% in a month) due to Teamwork system issues. The Teamwork system, used by City Consenting and Compliance team, is complex and needs to be well supported. As our organisation makes a transition through the Right Foundation Programme, a loss of service by Teamwork remains a potential risk for our City Consenting and Compliance team in managing compliance.

Our compliance environment analytics

1. Level of understanding of the relevant legislation

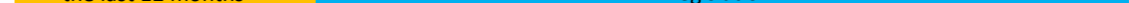
4% some improvements in understanding needed



2. % of legislative changes noted in the 2019/20 financial year

27% response indicate a change in legislation in the last 12 months

73% of responders indicate no change to legislation



3. Effective systems, policies, procedures and controls to monitor and report on legislative compliance in place

33% note process improvements

67% are satisfied with processes

4. Effective legislative compliance training

47% note some training improvements

53% note training is adequate

5. Understanding and using of legal, delegated powers

20% note improvements needed in understanding of powers

80% fully understand legal powers

Appendix A: Key Acts List 2020

	Key Act	BU	Lead
1	Residential Tenancies Act 1986	City Housing	Angela Hewitt
2	Weathertight Homes Resolution Services Act 2006	General Counsel	Beth Keightley
3	Wellington Town Belt Act 2016	General Counsel	Paul Andrews
4	Employment Relations Act 2000	HR services	Carla Flynn
5	Holidays Act 2003	HR services	Carla Flynn
6	Human Rights Act 1993	HR services	Carla Flynn
7	Wages Protection Act 1983	HR services	Carla Flynn
8	Trustee Act 1956	Economic & Commercial	Danny McComb
9	Companies Act 1993	Finance/Economic & Commercial	Danny McComb
10	Privacy Act 1993	Assurance	Deborah Howse
11	Protected Disclosures Act 2000	Assurance	Deborah Howse
12	Local Government Official Information and Meeting Act 1987 (LGOIMA)	Assurance (Information requests)/CCC (LIMs)/Democratic Services (Meetings)	Deborah Howse, Mark Pattemore, Jennifer Parker
13	Local Authorities (Members' Interests) Act 1968	Democracy Services	Jennifer Parker
14	Local Electoral Act 2001	Democracy Services	Jennifer Parker
15	Summary Proceedings Act 1957	Transport and infrastructure	Kevin Black
16	Building Act 2004	City Consenting & Compliance	Mark Pattemore
17	Dog Control Act 1996	City Consenting & Compliance	Mark Pattemore
18	Food Act 1983/2014	City Consenting & Compliance	Mark Pattemore
19	Hazardous Substances and New Organisms Act 1996	City Consenting & Compliance	Mark Pattemore
20	Health Act 1956	City Consenting & Compliance	Mark Pattemore
21	Litter Act 1979	City Consenting & Compliance	Mark Pattemore
22	Sale and Supply of Alcohol Act 2012	City Consenting & Compliance	Mark Pattemore
23	Local Government (Rating) Act 2002	Financial Strategy and Treasury	Martin Read
24	Civil Defence Emergency Act 2002	Resilience	Mike Mendonca
25	Climate Change Response Act 2002	Resilience	Mike Mendonca
26	Waste Management Act 2008	Resilience	Mike Mendonca
27	Treaty of Waitangi Act 1975	Tira Poutama	Nicky Karu
28	Health and Safety at work 2015	Safety, Security & Wellbeing	Paku Edwards
29	Biosecurity Act 1993	PSR	Paul Andrews
30	Burial and cremation 1964	PSR	Paul Andrews
31	Reserves Act 1977	PSR	Paul Andrews
32	Construction Contracts Act 2002	Build Wellington	Phil Becker
33	Public Works Act 1981	Build Wellington	Phil Becker
34	Local Government Act 2002/1974	Governance	<i>Multiple leads across Council</i>
35	Goods and Services Tax Act 1985	Financial Accounting & Transactional Services	Richard Marshall
36	Income Tax Act 2007	Financial Accounting & Transactional Services	Richard Marshall
37	Rates Rebate Act 1973	Financial Accounting & Transactional Services	Richard Marshall
38	Land Transport Management Act 2003/1998	Transport and infrastructure	Siobhan Procter
39	Utilities Access Act 2010	Transport and infrastructure	Siobhan Procter
40	Copyright Act 1994	Information Centre	Toni Thompson
41	Public Records Act 2005	Information Centre	Toni Thompson
42	Rating Valuations Act 1998	Information Centre	Toni Thompson
43	Heritage NZ Pouhere Taonga Act 2014	City Design and Place Planning	Vida Christeller
44	Resource Management Act 1991	City Design and Place Planning	Vida Christeller & Mark Pattemore

Appendix B: Legislative outlook

The direction and pace of legislative change will be driven by the scale of the COVID-19 Resurgence and the General Election. The Election has been re-scheduled for 17 October 2020.

The following is based on the policies and programme of the current government identified and progressed before the Resurgence. This will be updated if there is a change of government and/or direction.

COVID-19

In the Covid-19 Recovery, the focus has been rebuilding the New Zealand economy.

The [COVID-19 Public Health Response Amendment Bill](#) and legislation enabling restrictions on air and sea borders have been extended.

The [COVID-19 Response \(Further Management Measures\) Legislation Bill \(No 2\)](#) was passed. This extends certain statutory deadlines relating to the 2019/20 financial year, including completing and adopting the Annual Report (by 31 Dec 2020) and auditing by public sector entities, local authorities (by 20 Nov 2020), and CCOs (30 Nov 2020).

Infrastructure

Stimulating the economy and employment levels through infrastructure projects were a key component of the government's economic package and a key part of the recovery. In Wellington city, the Te Ara Tūpua – Ngauranga to Pētone Cycleway and Walkway and the Wellington Metro Upgrade Programme are included in the first tranche of shovel-ready projects to get the green light.

The Government has recognised there are a number of barriers to delivering complex urban development projects, including challenges in coordinating the use of land, building infrastructure and funding and financing projects.

Urban Development Authority: To mitigate these issues, the Government is setting up a national Urban Development Authority (Kāinga Ora) and Special Purpose Vehicles, which will have powers to assemble land, build infrastructure and access targeted funding mechanism for significant urban development projects. Legislation passed in August 2020.

The Council is particularly interested in how these powers can be applied at the local level and sees them as an opportunity to play a more active role in housing development in the city and a means to deliver other important infrastructure projects that will support our growing population and the city's resilience in the long term. We proposed an amended process which would clarify council's role to deliver such developments in partnership with Kāinga Ora and any Special Purpose Vehicle that is established, but this was not adopted.

Building reforms

Through several pieces of legislation the government is progressing reforms to the building regulatory system with the aims of improving the efficiency of the building sector, and the quality of buildings and the products they're made from. While we supported the general direction of the Building System Reform proposals, they do not go far enough, stopping short of the changes needed to improve sector performance and accountability. We'll continue to contribute throughout this longer process.

RMA reforms

There are two parts to this.

Legislative reform: The Government has released the results and proposals from the Ministry for the Environment's system level reform of the Resource Management Act 1991 (RMA). The Council welcomed this comprehensive review. Both major parties have said the RMA should be replaced by two Bills. The Labour-led Government's proposal is for a Natural and Build Environments Act and a Strategic Planning Act.

Covid Fast-tracking consents: The second is linked to infrastructure and the COVID-19 Recovery. New processes for fast-tracking resource consenting and designation for infrastructure and development projects have been introduced. The aim is to 'urgently promote employment growth to support New Zealand's recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand while continuing to promote the sustainable management of natural and physical resources.' The Council supports this approach, as it provides opportunity to not only provide thousands of jobs to stimulate the economy, but also to progress important infrastructure and development projects that will support Wellingtonians now and in the future.

Three water reforms

The Government is reviewing how to improve the regulation and supply arrangements of drinking water, wastewater and stormwater (three waters) to better support New Zealand's prosperity, health, safety and environment, and setting up Taumata Arowai – the Water Services Regulator. Most three waters assets and services, but not all, are owned and delivered by local councils. The reforms here consider broader questions about the effectiveness of the regulatory regime for the three waters, and the capability and sustainability of water service providers.

A Memorandum of Understanding with the Crown must be signed by 31 August 2020. The Council is working through this process, with a paper at SPC next week (18 August).

Housing – Residential Tenancies

The [Residential Tenancies Amendment Bill](#) was passed in August 2020. This has implications for our City Housing including:

- **Limiting rent increases to once per year:** We review rents and tenants' financial circumstances annually so that rent discounts are applied to those that are eligible, and so the discounts applied overall are fair and equitable. We also ask tenants to advise us through the year if their circumstances change so we can adjust their rent discount accordingly. We wanted to retain the ability to amend rents as required by removing discounts as and when tenant circumstances change, as is the case for other social housing providers who are currently defined in the Act, and who will have this ability under the latest changes.
- **Changes to 90-day notices:** to support security of tenure these have been limited to particular circumstances. It does not include or allow the Council to issue 90-day notices to tenants who are out of policy in order to provide the limited housing available to those most in need.

Burials and Cremations review

The Ministry of Health is consulting on options to update the Burials and Cremation Act 1964. Submissions are due 31 October 2020. This has been delayed four times this year. The Council is also reviewing the Cemeteries Management Plan. Officers are working together to ensure both align.

Purpose

This report provides the Executive Leadership team with:

- results of the annual legislative compliance attestation for the financial year July 2020 to June 2021
- an overview of the legislative compliance control environment

What we found

The overall legislative compliance control environment is effective. Business Units with lead responsibility for key Acts have processes in place for meeting legislative compliance. We rate the impacts of reported non-compliances as minor to moderate.

There is improvement in the reporting of non-compliances. We felt that responses from lead managers were more thoughtful and open. We want to continue encouraging that.

Next steps

Business Unit Managers have identified actions to strengthen compliance. We encourage that these actions be included in their business unit plan for 2021-22, currently being developed.

We will have follow-up conversations with lead managers in approximately six months to encourage completion of actions before the next annual attestation.

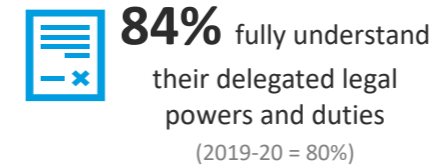
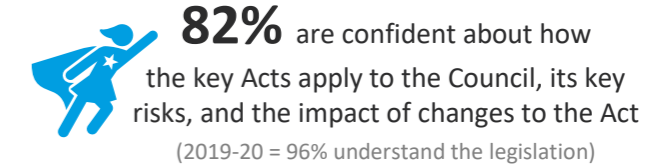
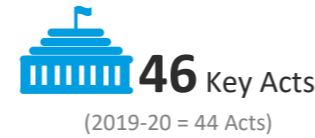
During 2021-22, in preparation for the next legislative compliance attestation, we will work with teams to understand how business units can demonstrate and confidently attest to the specific provisions for Māori outcomes. The relevant Acts includes the Treaty of Waitangi Act 1975, the Ngati Toa Rangatira Claims Settlement Act and Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act, as well as the specific provisions under the Local Government Act, Resource Management Act, Reserves Act, Land Transport Management Act, and Public Works Act.

Key themes from the 18 non-compliance or partial non-compliance reported across 14 Acts

- **Not meeting statutory timeframes** – Non-compliances to meet statutory timeframes were reported for issuing resource and building consents, responding to official information requests, and completing the backlog of verifications for food businesses delayed by the COVID-19 response. Improvements in statutory timeframes are expected as more staff vacancies are filled, and backlogs are fully cleared. These breaches were reported as part of the Council's KPI reporting framework. The overall consequences rating is moderate.
- **Process improvements to meet legislative requirements** – Lead Managers have identified process improvements to improve compliance. These include work on payroll system configuration, administrative tenancy documentation, three yearly safety re-check requirements for children's workers, better monitoring of organisational record keeping, and performing cost-effectiveness review of services for meeting the needs of communities. The overall consequences rating is minor.
- **Clearer assignment of responsibilities** – Lead Managers have indicated that assignment of business unit responsibilities is not fully clear for a small number of acts. The overall consequences rating is minor.

Legislative compliance attestation for 1 July 2020 to 30 June 2021

Lead T3 Managers were asked to attest compliance with key Acts and whether the Council has adequate systems in place to manage compliance.



Our legislative compliance control environment

Understanding of legal powers and duties delegated to their team

- 84% fully understand the delegated legal powers and duties that are applicable to them and their teams
- 14% generally understand the delegated legal powers and duties that are applicable to them and their teams
- 2% not applicable – no legal powers conferred by the Act

I fully understand the delegated legal powers and duties that are applicable to me and my team, 84%

14% 2%

Understanding of the Acts and the degree of confidence about sharing their knowledge of how the Act applies to the Council, its key risks, and the impact of changes made or proposed to the Act

- 82% understand the Act and can confidently share how the Act applies to the Council, its key risks, and the impact of changes made or proposed to the Act since 1 July 2020
- 16% understand the Act but are not fully confident about sharing their knowledge with others
- 2% cannot confirm that they fully understand the Act

I understand the Act and can confidently share my knowledge with others, 82%

16% 2%

We have a good understanding about how the Climate Change Response Act is allocated to our Southern Landfill Operations. However, more work is required to clarify wider business units' responsibilities and including carbon trading and what business units are doing to meet requirements.

Effectiveness of systems in place to monitor and report on legislative compliance

- 67% confirmed that systems, policies, procedures and controls to monitor and report on legislative compliance are effective
- 19% confirmed that the monitoring and reporting system is somewhat effective
- 9% cannot confirm and 5% don't know

I confirm that the systems, policies, procedures and controls to monitor and report on legislative compliance are effective, 67%

19% 9% 5%

Key Acts where compliance monitoring systems can be improved: Local Government Act (relating to provision of water services), Public Records Act, Civil Defence Emergency Management Act, Climate Change Response Act, and Vulnerable Children Act

Effectiveness of tools and training for key staff to develop competency in legislative responsibilities

- 48% confirmed that the tools and training for key staff are appropriate and adequate
- 38% confirmed that the tools and training for key staff are mostly appropriate and adequate
- 10% cannot confirm and 3% don't know

I confirm that our tools and training for key staff are appropriate and adequate, 48%

38% 10% 3%

Managers identified opportunities to improve the tools and training for the following: Local Government Act, Public Records Act, Civil Defence Emergency Management Act, Climate Change Response Act, Rating Valuations Act, Vulnerable Children Act and Heritage NZ Pouhere Taonga Act

Non-compliances reported for the period 1 July 2020 to 30 June 2021

18 non-compliance or partial non-compliance were reported for 2020/21 across 14 Acts.

Act	Group	Description	Management Actions	Key
LGOIMA 1987	Planning & Environment	Non-compliance with the statutory time frames for issuing LIMS. For several months LIMS were not issued within timeframes where additional staff were employed to help with workloads.	In progress – Statutory timeframes are impacted by a contract agreement with an external Vendor on the supply of archive information. There have been ongoing discussions between teams and the vendor.	
	Strategy and Governance	Partial compliance with decision making within 20 working day statutory timeframes .	In progress – The Official Information team will publicise its processes to strengthen expertise across Council to enable Business Units to respond to requests that aren't high risk or complex.	
		Partial compliance - No formal delegation exists as to who can make a decision about the release of information. Some decisions have also been overturned following investigation by the Ombudsman.	In progress – Decision making will be considered as part of a review of Quality Decision Making to be carried out by the Legal Services team.	
Resource Management Act 1991	Planning & Environment	Non-compliance with the statutory time frames for issuing resource consents. The resource consents team received over 100 applications and with five staff vacancies this has impacted processing times.	In progress – Recruitment to fill vacancies has been successful with one vacancy remaining. Improvements in timeframes are anticipated once training is embedded.	
Building Act 2004	Planning & Environment	Partial compliance with the 20-day clock and statutory timeframes for issuing building consents has improved since last year. It now sits at 93% for issuing building consents and 96% for issuing Code Compliance Certificates. Target – 100% of building consents issued within 20 days.	In progress – Recruitment to fill vacancies is continuing as is the work to ensure all Officers have a relevant competency so that less supervision is required, freeing up time for processing of consents. The current compliance level did not receive a General Non-Compliance (GNC) from IANZ at a recent accreditation assessment. The availability of engineering contractors continues to be a risk but is being actively managed.	
Food Act 2014	Planning & Environment	Partial compliance with undertaking and completing food business verifications within statutory timeframes . Management has been dealing with a backlog of verifications following the Covid-19 response. Short term contractors have been appointed which has nearly cleared the backlog.	In progress – A Quality Management Systems (QMS) Manager has been appointed for the City Consenting and Compliance team who will monitor and maintain our Food Act QMS in line with Ministry of Primary Industry requirements.	
Holidays Act 2003	People & Culture	Non-compliance issues with complex rules, configurations and payments types for leave codes existing in the Payroll system.	In progress – Management is currently working through phase 1 of a project which is the system correction phase before we move into a remediation phase.	
Residential Tenancies Act 1986	Customer & Community	Partial compliance – a small number of administrative oversights were identified relating to tenancy documentation and tenancy related processes following a voluntary audit. These were quickly remedied. Overall compliance levels were reported as high.	Resolved – Matters were dealt with at the time and no further actions are required.	
Rating Valuations Act 1998	Smart Council	Partial compliance – current Valuer-General rules for leases are not practical.	The Valuer-General has agreed to review the rules.	
Public Records Act 2005	Smart Council	Partial compliance - Exceptions related to adequate monitoring and reporting on organisational recordkeeping .	In progress – We are moving to a new system that has better monitoring and reporting functionality.	

Act	Group	Description	Management Actions	Key
Vulnerable Children Act 2014	People & Culture	Partial compliance – the three yearly safety re-check requirements for children's workers were not completed. This was fundamentally due to a lack of system generated notification process.	In progress – The Council has completed a review of the existing policy. Re-checks will be prompted by an action from the Risk Manager Health and Safety Management System.	
Local Government Acts 1974 & 2002	Strategy and Governance + All service delivery areas	Partial compliance with Section 17A to review the cost-effectiveness of services delivered for meeting the needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions.	Section 17A of the Act remains an area where further work is required. This requirement will be built into either business planning or activity service plans to achieve greater consistency and compliance in the organisation.	
	Infrastructure & Delivery	Obligations and restrictions relating to provision of water services Partial compliance – The challenges with our water infrastructure were well traversed in the Mayor's Taskforce.	The Council is working through the Government's proposal for Three Waters Reforms Programme.	
	Customer & Community	Restrictions on disposal of parks, reserves, and endowment properties No compliance attestation for Part 7 Subpart 3 relating to disposal of parks.	Legal and property advice is obtained on matters relating to application of the LGA to any leasing or land disposal decision making and process.	
Civil Defence Emergency Management Act 2002	Infrastructure & Delivery	Partial compliance – We must plan and provide for civil defence emergency management within Wellington City. Some of the responsibility for this has been passed to WREMO, however the separation of respective duties is not always clear.	More clarity is needed about which duties fall under WCC and which are WREMO. Specifically, in relation to relevant hazards and risks, the respective responsibilities to: <ul style="list-style-type: none"> • identify, assess, and manage those hazards and risks • consult and communicate about risks: • identify and implement cost-effective risk reduction 	
Climate Change Response Act 2002	Planning & Environment	Partial compliance – Compliance is met with respect to the Southern Landfill. Further changes came into effect in Jan 21 that introduced operational and technical changes to the Emissions Trading Scheme. Requirements including financial and forestry obligations are not currently attested to.	Responsibilities of business unit managers under this Act need to be clarified. A new Manager has been appointed as Co-Lead.	
Heritage NZ Pouhere Taonga Act 2014	Planning & Environment	Partial compliance – Reported instances of non-compliance during the attestation period.	No specific actions to strengthen compliance were reported.	
Treaty of Waitangi Act 1975	Strategy & Governance	No compliance attestation. Specific provisions for Māori and recognition of the Treaty of Waitangi are included in other Acts, in particular: Local Government Act, Reserves Act, Land Transport Management Act, and Public Works Act.	Further work to understand how business units can demonstrate and confidently attest to the specific provisions for Māori outcomes.	

Key: Timeframe Process improvements Roles & responsibilities Other

Attachment 1: Key Acts for 2020-21

List of key Acts and the Lead Manager responsible for completing the annual legislative attestation form:

#	Key Act	Lead ELT	Lead T3 Manager
1.	Residential Tenancies Act 1986	Chief Customer and Community Officer	Angelique Jackson & Paul Davies
2.	Summary Proceedings Act 1957	Chief Customer and Community Officer	Kevin Black
3.	Biosecurity Act 1993	Chief Customer and Community Officer	Paul Andrews
4.	Burial and Cremation Act 1964	Chief Customer and Community Officer	Paul Andrews
5.	Reserves Act 1977	Chief Customer and Community Officer	Paul Andrews
6.	Wellington Town Belt Act 2016	Chief Customer and Community Officer	Paul Andrews
7.	Companies Act 1993	Chief Customer and Community Officer	Warwick Hayes
8.	Trusts Act 2019	Chief Customer and Community Officer	Warwick Hayes
9.	Public Records Act 2005	Chief Digital Officer	Gordon Hurst
10.	Rating Valuations Act 1998	Chief Digital Officer	Gordon Hurst
11.	Local Government (Rating) Act 2002	Chief Financial Officer	Martin Read
12.	Goods and Services Tax Act 1985	Chief Financial Officer	Richard Marshall
13.	Income Tax Act 2007	Chief Financial Officer	Richard Marshall
14.	Rates Rebate Act 1973	Chief Financial Officer	Richard Marshall
15.	Land Transport Management Act 2003	Chief Infrastructure Officer	Brad Singh & Vida Christeller
16.	Land Transport Act 1998	Chief Infrastructure Officer	Brad Singh & Vida Christeller
17.	Utilities Access Act 2010	Chief Infrastructure Officer	Brad Singh
18.	Civil Defence Emergency Management Act 2002	Chief Infrastructure Officer	Mike Mendonca
19.	Climate Change Response Act 2002	Chief Infrastructure Officer	Mike Mendonca & Alison Howard
20.	Waste Management Act 2008	Chief Infrastructure Officer	Mike Mendonca
21.	Employment Relations Act 2000	Chief People & Culture Officer	Carla Flynn
22.	Holidays Act 2003	Chief People & Culture Officer	Carla Flynn
23.	Human Rights Act 1993	Chief People & Culture Officer	Carla Flynn
24.	Wages Protection Act 1983	Chief People & Culture Officer	Carla Flynn
25.	Health and Safety at Work Act 2015	Chief People & Culture Officer	Jase Yorston
26.	Vulnerable Children Act 2014	Chief People & Culture Officer	Jase Yorston
27.	Building Act 2004	Chief Planning Officer	Mark Pattemore
28.	Dog Control Act 1996	Chief Planning Officer	Mark Pattemore
29.	Food Act 2014	Chief Planning Officer	Mark Pattemore
30.	Hazardous Substances and New Organisms Act 1996	Chief Planning Officer	Mark Pattemore
31.	Health Act 1956	Chief Planning Officer	Mark Pattemore
32.	Litter Act 1979	Chief Planning Officer	Mark Pattemore
33.	Resource Management Act 1991	Chief Planning Officer	Mark Pattemore & Vida Christeller
34.	Sale and Supply of Alcohol Act 2012	Chief Planning Officer	Mark Pattemore
35.	Construction Contracts Act 2002	Chief Planning Officer	Phil Becker
36.	Public Works Act 1981	Chief Planning Officer	Phil Becker
37.	Heritage NZ Pouhere Taonga Act 2014	Chief Planning Officer	Vida Christeller
38.	Weathertight Homes Resolution Services Act 2006	Chief Strategy and Governance Officer	Beth Keightley
39.	Copyright Act 1994	Chief Strategy and Governance Officer	Jennifer Parker
40.	Local Authorities (Members' Interests) Act 1968	Chief Strategy and Governance Officer	Jennifer Parker
41.	Local Electoral Act 2001	Chief Strategy and Governance Officer	Jennifer Parker
42.	Local Government Acts 1974 & 2002	Chief Strategy and Governance Officer	Multiple managers – see LGA* table
43.	Local Government Official Information and Meetings Act 1987 (LGOIMA)	Chief Strategy and Governance Officer	Richard Leverington, Jennifer Parker, Mark Pattemore
44.	Privacy Act 2020	Chief Strategy and Governance Officer	Richard Leverington
45.	Protected Disclosures Act 2000	Chief Strategy and Governance Officer	Richard Leverington
46.	Treaty of Waitangi Act 1975	Chief Strategy and Governance Officer	Jennifer Parker

Note: This list of Acts is not exhaustive. All managers are responsible for ensuring that they have systems in place to ensure that the work completed by their teams complies with all relevant legislation.

*Local Government Act 2002

Key Sections of the LGA	Lead ELT	T3 Managers
Part 2 Purpose of local government, and role and powers of local authorities	Chief Strategy and Governance Officer	Baz Kaufman
Part 4 Governance and management of local authorities and community boards	Chief Strategy and Governance Officer	Jennifer Parker
Part 5 Council-controlled organisations and council organisations	Chief Customer and Community Officer	Warwick Hayes
Part 6 Planning, decision-making, and accountability	Chief Strategy and Governance Officer	Baz Kaufman
Subpart 2 Reporting Subpart 3 Financial management Subpart 4 Borrowing & Security	Chief Financial Officer	Richard Marshall Martin Read
Part 7 Specific obligations and restrictions on local authorities & other persons Subpart 1 Specific obligations to make assessments of water and sanitary services Subpart 2 Obligations and restrictions relating to provision of water services	Chief Infrastructure Officer	Mike Mendonca
Subpart 3 Restrictions on disposal of parks, reserves, and endowment properties	Chief Customer and Community Officer	Paul Andrews
Subpart 4 Public libraries	Chief Customer and Community Officer	Gisella Carr
Part 8 Regulatory, enforcement & coercive powers of local authorities Subpart 1 Powers of local authorities to make bylaws Subpart 2 Enforcement powers Subpart 3 Powers in relation to private land Subpart 4 Powers in relation to water services and trade waste Subpart 5 Development contributions Subpart 6 Removal orders	Chief Strategy and Governance Officer Chief Planning Officer Chief Infrastructure Officer Chief Financial Officer	Baz Kaufman Mark Pattemore Mike Mendonca Brad Singh Martin Read

Criteria for key Acts

The list of Key Acts for inclusion in the attestation process were identified with management. The list is based on judgement and guided by the following:

- scope of the Act can be applied to the Council (has specific TA powers & responsibilities)
- have implications for the Council as a regulator
- are important to achieving our strategic priorities
- have specific responsibilities and/or consequences for elected members
- policies, systems, and training are expected to be in place to manage compliance
- compliance is monitored and reported
- risk of non-compliance may lead to significant consequences
- require active management and plans to address compliance improvements

Purpose

This report provides the Executive Leadership team with:

- a summary of results for the legislative compliance attestation process for the financial year July 2021 to June 2022
- an overview of the legislative compliance control environment
- an understanding of key acts that are important to Council business.

What we found

The overall legislative compliance attestation control environment is **effective**. There are adequate systems in place for managing compliance. Business Units with lead responsibility for key Acts have appropriate controls and processes in place for meeting legislative compliance.

Overall, 12 of the 48 Key Acts reported partial or non-compliances. The causes and/or actions to improve compliance were identified by Lead Managers. The non-compliance with the Vulnerable Children Act to complete 3-yearly safety checks was rated high. These checks are now in progress. We rate the consequences of the non-compliances for all other Acts as minor to moderate.

Key themes from the reported non-compliances

Managers identified that recruiting and retaining staff remain challenges to maintaining compliance. Non-compliances and causes are consistent with previous attestations. These include:

- **Meeting statutory timeframes** – issuing resource and building consents, dealing with official information requests, and completing verifications for food businesses. Improvements in statutory timeframes have not all been fully realised because of engineer, staff vacancies and interruptions with Covid-19. These breaches were reported as part of the Council’s KPI reporting framework.
- **Process refinement** – refined processes and more information needed to meet legislative requirements. This includes Holiday Act and Vulnerable Children Act processes for compliance, system fixes and liability for payroll. Process refinements to meet the Local Government Rating Act, monitoring of organisational record keeping and performing cost effectiveness review of services for meeting the needs of communities.
- **Privacy breaches** – Inadvertent releases of information which have resulted in complaints and corrective action.

There was good progress made by some Lead Managers to carry out planned actions to strengthen compliance. This includes the Local Government and Official Information and Meetings Act 1987 Section 44A Land information Memoranda, following a process review and training for new staff which saw improvements in the statutory timeframes for issuing land information memoranda.

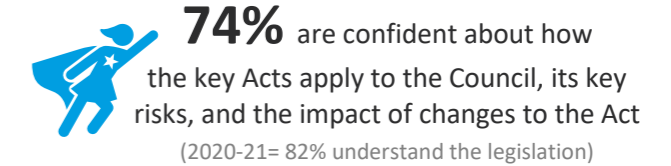
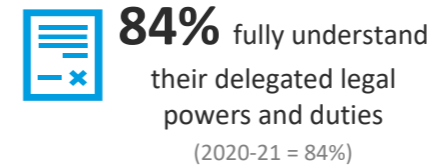
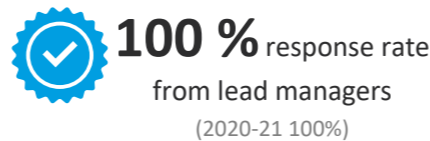
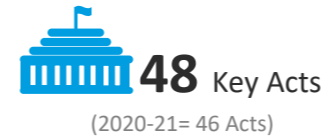
Next steps

There is more work to do to improve the effectiveness of some policies and procedures, implementing training and tools. This includes Locosoft software, a collaboration tool that once fully implemented will assist with managing and understanding organisational delegations.

The Assurance & Business Integrity team is working with Lead Managers and Legal over the next three months to resolve questions identified during the attestation about specific roles and responsibilities under the various Acts. We will also be following up with Lead Managers on the improvement actions identified, particularly where the consequence for non-compliances is rated high.

Legislative compliance attestation for 1 July 2021 to 30 June 2022

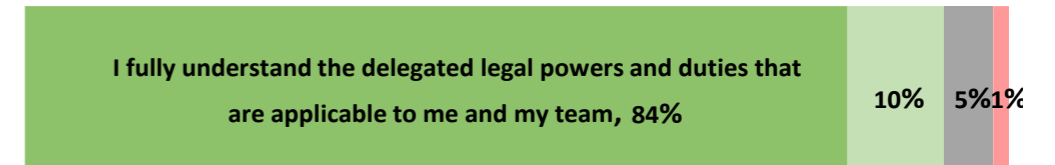
Lead T3 Managers were asked to attest compliance with key Acts and whether the Council has adequate systems in place to manage compliance.



Our legislative compliance control environment

Understanding of legal powers and duties delegated to their team

- 84% fully understand the delegated legal powers and duties that are applicable to them and their teams
- 10 % generally, understand the delegated legal powers and duties that are applicable to them and their teams
- 5% no legal powers conferred by the Act – not applicable
- 1% not yet clear about delegations conferred by the Act



Understanding of the Acts and the degree of confidence about sharing their knowledge of how the Act applies to the Council, its key risks, and the impact of changes made or proposed to the Act

- 74% understand the Act and can confidently share how the Act applies to the Council, its key risks, and the impact of changes made or proposed to the Act since 1 July 2020
- 21% understand the Act but are not fully confident about sharing their knowledge with others
- 3% did not complete the question
- 2% cannot confirm that they fully understand the Act yet



We have a solid understanding about some Acts. More work is required to clarify wider business units’ responsibilities including LGA, Climate Change, Urban Development and Construction Contracts Acts and what business units are doing to meet Treaty of Waitangi requirements.

Effectiveness of systems in place to monitor and report on legislative compliance

- 66% confirmed that systems, policies, procedures and controls to monitor and report on legislative compliance are effective
- 26% confirmed that the monitoring and reporting system is somewhat effective
- 5% cannot confirm the systems, policies and procedures are fully effective
- 3% don’t yet know if the systems, policies are fully effective



Complex resource applications and rules in the RMA, processes and checks to support the Local Government Rating Act, remediation work with Holidays Act, policies and processes for Vulnerable Children Act and Crimes Act-involving Computers.

Effectiveness of tools and training for key staff to develop competency in legislative responsibilities

- 54% confirmed that the tools and training for key staff are effective
- 39% confirmed that the tools and training for key staff are mostly effective
- 5% cannot yet confirm tools and training are fully effective
- 2% don’t yet know if tools and training are effective



Managers identified opportunities to improve the tools and training including the following: Local Government Act, Utilities Act, Public Records Act, Land Transport Management Act, Reserves Act, Climate Change and RMA.

Non-compliances reported for the period 1 July 2021 to 30 June 2022

1 Non-compliance, 11 Partial non-compliances and 3 Don't know/No compliance attestations were reported across 48 Acts.

Act	Group	Description	Management Actions	Key
LGOIMA 1987	Planning & Environment	Partial compliance with the statutory time frames for issuing LIMS. LIMS were not issued within the 10-day timeframes during the year where additional staff and a review of processes were deployed to help with workloads.	Resolved – Management has made timely progress with actions and in the remaining four months of the year has achieved full compliance.	
	Strategy and Governance	Partial compliance with decision making. 94% of decisions were within 20 working day statutory timeframes .	In progress – The Official Information team has updated its internal procedures and publishes LGOIMA responses to those of wide public interest. Training for business units and senior leaders will encourage greater transparency. The Ombudsman will report following its investigation into two complaints.	
Resource Management Act 1991	Planning & Environment	Non-compliance with the statutory time frames for issuing resource consents. Delays have arisen due to complex applications, staff vacancies and advisors being short-staffed.	In progress – Staff appointments will assist with improving timeframes. Complexity is about to increase with District Planning and new standards being introduced.	
Building Act 2004	Planning & Environment	Partial compliance with the 20-day clock and statutory timeframes for issuing building consents has improved since last year. It now sits at 75% for issuing building consents and 91% for issuing Code Compliance Certificates. Target – 100% of building consents issued within 20 days.	In progress – Significant work has been undertaken to address issues. Additional engineering firms have been engaged however liability settings and the ability to purchase insurance to assist council is proving to be a challenge. Recruitment to fill vacancies is continuing as is the work to ensure all Officers have a relevant competency so that less supervision by competent Officers is required, freeing up time for processing of consents. The Business Unit has proactively been working with Wellington Water to address, manage and mitigate the impacts on Code Compliance Certificate (CCC) timeliness, however this is a continued risk to the 20-day time frame. This will continue to be a risk to timelessness compliance as the risk of issuing CCC without collecting the appropriate documentation in establishing compliance with the building code or the approved building consent could open the council to other liability and claims.	
	Planning & Environment	Partial compliance with undertaking and completing food business verifications within statutory timeframes . Management has been dealing with a backlog of verifications due to closure of businesses, sickness of operators and staff.	In progress – Due to the current backlog of verifications, the Public Health team is prioritising verifications of operators that produce high risk food and also those that have attracted low scores in previous verification visits.	
	People & Culture	Partial compliance - issues with complex rules, configurations and payment types for leave codes existing in the payroll system.	In progress – Management is currently working through the project remediation phase to meet holiday act compliance. The team is exploring options of a new payroll system.	
Public Records Act 2005	Smart Council	Partial compliance - Exceptions related to adequate monitoring and reporting on organisational recordkeeping .	In progress – We have moved into a new system that has better monitoring and reporting, and we plan to develop in this in 2022/23.	

Act	Group	Description	Management Actions	Key
Privacy Act 2020	Strategy & Governance	Partial compliance – inadvertent releases of information which have resulted in complaints and corrective action.	In progress – A Privacy Maturity Assessment was conducted by the Business Assurance & Integrity team in late 2021. The recommendations will help identify where and how to focus efforts to strengthen compliance.	
Sale and Supply of Alcohol Act 2012	Planning & Environment	Partial compliance – relating to collection of unpaid alcohol licensing fees to assist the hospitality area.	In progress – Discussions over debt management have taken place. The business unit is also introducing a new QMS for alcohol processes.	
Vulnerable Children Act 2014	People & Culture	Partial compliance – the three yearly safety re-check requirements for children's workers were not all completed.	In progress – The Council has completed an initial review of the existing policy. Re-checks are in progress.	
Local Government Acts 1974 & 2002	Strategy and Governance + All service delivery areas	Partial compliance with Section 17A to review the cost-effectiveness of services delivered for meeting the needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions.	In progress – Section 17A of the Act remains an area where further work is required. This requirement is being built into either business planning activity service plans to achieve greater consistency and compliance in the organisation.	
	Infrastructure & Delivery	Obligations and restrictions relating to provision of water services	In progress – More work is needed to understand the Act and its requirements. A new lead manager was appointed during the year.	
	Finance & Business	Part 6 Subpart 4 - borrowing, along with clause 104 and 105 Partial compliance attestation. A new lead manager has been appointed during the year.	In progress – Actions to enhance team capability and upskilling on relevant sections of the Act. Ensuring we are continuously monitoring for compliance against policies.	
Climate Change Response Act 2002	Planning & Environment	Partial compliance – Requirements including financial and forestry obligations are not currently attested to.	In progress – Responsibilities of business unit managers under this Act need to be clarified.	
Land Transport Act 1998	Planning & Environment	Partial compliance attestation. A new lead manager has been appointed for the act during the year.	In progress – Additional training for compliance with the Act.	
Trusts Act 2019	Strategy & Governance	Partial compliance attestation. A new lead manager has been appointed during the year.	No actions were reported.	
Te Tiriti o Waitangi	Strategy & Governance	No compliance attestation. The embodiment of Te Tiriti o Waitangi, its principles and specific provisions for Māori are included in other Acts, in particular: Local Government, Reserves, Land Transport Management, and Public Works Acts.	In progress – Work in progress to understand how business units can demonstrate and confidently attest to the specific provisions for Māori outcomes. Tupiki Ora Māori Strategy has been adopted and development of the action plan is in progress.	
Civil Defence Emergency Management Act 2002	Infrastructure & Delivery	Breaches to act conditions are unlikely. A new lead manager has been appointed for the act during the year.	In progress – There is a continued focus on developing systems and processes.	

Key: Timeframe Process improvements Roles & responsibilities Other

Attachment 1: Key Acts for 2021-22

List of key Acts and the Lead Manager responsible for completing the annual legislative attestation form:

#	Key Act	Lead ELT	Lead T3 Manager
1.	Residential Tenancies Act 1986	Chief Customer and Community Officer	Angelique Jackson
2.	Summary Proceedings Act 1957	Chief Customer and Community Officer	Kevin Black
3.	Biosecurity Act 1993	Chief Customer and Community Officer	Paul Andrews
4.	Burial and Cremation Act 1964	Chief Customer and Community Officer	Paul Andrews
5.	Reserves Act 1977	Chief Customer and Community Officer	Paul Andrews
6.	Wellington Town Belt Act 2016	Chief Customer and Community Officer	Paul Andrews
7.	Freedom Camping Act 2011	Chief Customer and Community Officer	Paul Andrews
8.	Companies Act 1993	Chief Strategy and Governance Officer	Anna Calver
9.	Trusts Act 2019	Chief Strategy and Governance Officer	Anna Calver
10.	Public Records Act 2005	Chief Digital Officer	Nadia Webster
11.	Rating Valuations Act 1998	Chief Digital Officer	Nadia Webster
12.	Crimes Act 1961 – involving computers	Chief Digital Officer	Hein Beukes
13.	Local Government (Rating) Act 2002	Chief Financial Officer	Richard Marshall
14.	Goods and Services Tax Act 1985	Chief Financial Officer	Raina Kereama
15.	Income Tax Act 2007	Chief Financial Officer	Raina Kereama
16.	Rates Rebate Act 1973	Chief Financial Officer	Michael Nyamudeza
17.	Land Transport Management Act 2003	Chief Infrastructure Officer	Brad Singh / Vida Christeller
18.	Land Transport Act 1998	Chief Infrastructure Officer	Brad Singh / Vida Christeller
19.	Utilities Access Act 2010	Chief Infrastructure Officer	Brad Singh
20.	Civil Defence Emergency Management Act 2002	Chief Infrastructure Officer	Chris Mathews
21.	Climate Change Response Act 2002	Chief Planning Officer	Alison Howard
22.	Waste Minimisation Act 2008	Chief Infrastructure Officer	Chris Mathews
23.	Employment Relations Act 2000	Chief People & Culture Officer	Carla Flynn
24.	Holidays Act 2003	Chief People & Culture Officer	Carla Flynn
25.	Human Rights Act 1993	Chief People & Culture Officer	Carla Flynn
26.	Wages Protection Act 1983	Chief People & Culture Officer	Carla Flynn
27.	Health and Safety at Work Act 2015	Chief People & Culture Officer	Wendi Henderson
28.	Vulnerable Children Act 2014	Chief People & Culture Officer	Wendi Henderson
29.	Building Act 2004	Chief Planning Officer	Mark Pattemore
30.	Dog Control Act 1996	Chief Planning Officer	Mark Pattemore
31.	Food Act 2014	Chief Planning Officer	Mark Pattemore
32.	Hazardous Substances and New Organisms Act 1996	Chief Planning Officer	Mark Pattemore
33.	Health Act 1956	Chief Planning Officer	Mark Pattemore
34.	Litter Act 1979	Chief Planning Officer	Mark Pattemore
35.	Resource Management Act 1991	Chief Planning Officer	Mark Pattemore / Vida Christeller
36.	Sale and Supply of Alcohol Act 2012	Chief Planning Officer	Mark Pattemore
37.	Construction Contracts Act 2002	Chief Planning Officer	Phil Becker
38.	Public Works Act 1981	Chief Planning Officer	Phil Becker
39.	Urban Development Act 2020	Chief Planning Officer	Phil Becker
40.	Heritage NZ Pouhere Taonga Act 2014	Chief Planning Officer	Sean Audain
41.	Weather-tight Homes Resolution Services Act 2006	Chief Strategy and Governance Officer	Beth Keightley
42.	Copyright Act 1994	Chief Strategy and Governance Officer	Jennifer Parker
43.	Local Authorities (Members' Interests) Act 1968	Chief Strategy and Governance Officer	Jennifer Parker
44.	Local Electoral Act 2001	Chief Strategy and Governance Officer	Jennifer Parker
45.	Local Government Acts 1974 & 2002	Chief Strategy and Governance Officer	Multiple managers – see LGA* table
46.	Local Government Official Information and Meetings Act 1987 (LGOIMA)	Chief Strategy and Governance Officer	Richard Leverington, Jennifer Parker, Mark Pattemore
47.	Privacy Act 2020	Chief Strategy and Governance Officer	Richard Leverington
48.	Protected Disclosures Act 2000	Chief Strategy and Governance Officer	Richard Leverington

*Local Government Act 2002

Key Sections of the LGA	Lead ELT	T3 Managers
Part 2 Purpose of local government, and role and powers of local authorities	Chief Strategy and Governance Officer	Baz Kaufman
Part 4 Governance and management of local authorities and community boards	Chief Strategy and Governance Officer	Jennifer Parker
Part 5 Council-controlled organisations and council organisations	Chief Strategy and Governance Officer	Anna Calver
Part 6 Planning, decision-making, and accountability	Chief Strategy and Governance Officer	Baz Kaufman
Subpart 2 Reporting Subpart 3 Financial management Subpart 4 Borrowing & Security	Chief Financial Officer	Richard Marshall Sarah Houston-Eastergaard
Part 7 Specific obligations and restrictions on local authorities & other persons	Chief Infrastructure Officer	Chris Mathews
Subpart 1 Specific obligations to make assessments of water and sanitary services Subpart 2 Obligations and restrictions relating to provision of water services	Chief Infrastructure Officer	Chris Mathews
Subpart 3 Restrictions on disposal of parks, reserves, and endowment properties	Chief Customer and Community Officer	Paul Andrews
Subpart 4 Public libraries	Chief Customer and Community Officer	Laurinda Thomas
Part 8 Regulatory, enforcement & coercive powers of local authorities	Chief Strategy and Governance Officer Chief Infrastructure Officer Chief Financial Officer	Baz Kaufman Chris Mathews Brad Singh Richard Marshall
Subpart 1 Powers of local authorities to make bylaws Subpart 2 Enforcement powers Subpart 3 Powers in relation to private land Subpart 4 Powers in relation to water services and trade waste Subpart 5 Development contributions Subpart 6 Removal orders	Chief Strategy and Governance Officer Chief Infrastructure Officer Chief Financial Officer	Baz Kaufman Chris Mathews Brad Singh Richard Marshall

Note: This list of Acts is not exhaustive. All managers are responsible for ensuring that they have systems in place to ensure that the work completed by their teams complies with all relevant legislation.

Criteria for key Acts

The list of Key Acts for inclusion in the attestation process were identified with management. The list is based on judgement and guided by the following:

- scope of the Act can be applied to the Council (has specific TA powers & responsibilities)
- have implications for the Council as a regulator
- are important to achieving our strategic priorities
- have specific responsibilities and/or consequences for elected members
- policies, systems, and training are expected to be in place to manage compliance
- compliance is monitored and reported
- risk of non-compliance may lead to significant consequences
- require active management and plans to address compliance improvements.

Purpose

This report provides the Executive Leadership team with:

- a summary of results for the legislative compliance attestation process for the financial year July 2022 to June 2023
- an overview of the legislative compliance control environment
- an understanding of key acts that are important to Council business.

What we found

The overall legislative compliance attestation control environment is **effective**. There are adequate systems in place for managing compliance. Business Units with lead responsibility for key Acts have appropriate controls and processes in place for meeting legislative compliance.

Overall, 9 of the 56 key Acts reported partial or non-compliances. The causes and/or actions to improve compliance were identified by Lead Managers. We rate the consequences of the non-compliances for all other Acts as minor to moderate.

Key themes from the reported non-compliances

Managers identified that recruiting and retaining staff remain challenges to maintaining compliance. Non-compliances and causes are consistent with previous attestations. These include:

- **Meeting statutory timeframes** – issuing resource and building consents, dealing with official information requests, and completing verifications for food businesses. Improvements in statutory timeframes have not all been fully realised because of engineer, staff vacancies and interruptions from Covid-19.
- **Process refinement** – refined processes and more information needed to meet legislative requirements.

There was good progress made by some Lead Managers to carry out planned actions to strengthen compliance. This includes the Holidays Act project that is well underway, and non-compliance issues identified in 2021/2022 report have been progressed and improvements made. There have also been improvements made to policy and procedures so that we are now compliant with the Vulnerable Childrens Act.

The Locosoft software, a collaboration tool that assists with managing and understanding organisational delegations has been implemented and is available for all staff to use.

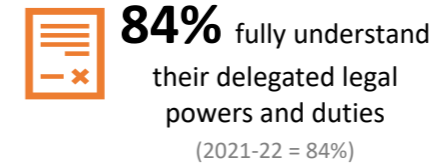
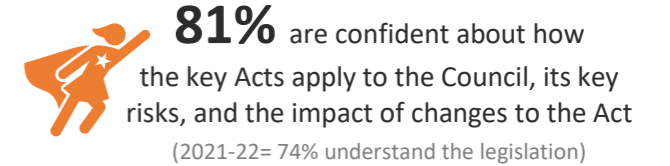
Next steps

There is more work to do to improve the effectiveness of some policies and procedures, implementing training and tools. Some Lead Managers have noted that it would be beneficial to receive more training regarding the Acts they are responsible for to improve understanding and compliance.

The Assurance & Business Integrity team will work with Lead Managers and Legal to resolve questions identified during the attestation about specific roles and responsibilities under the various Acts. We will follow up with Lead Managers on the improvement actions identified.

Legislative compliance attestation for 1 July 2022 to 30 June 2023

Lead T3 Managers were asked to attest compliance with key Acts and whether the Council has adequate systems in place to manage compliance.



Our legislative compliance control environment

I understand the Act and can confidently share how the Act applies to the Council, its key risks, and the impacts of changes made or proposed since 1 July 2022

- **81% Agree** – I understand the Act and can confidently share my knowledge with others
- **4% Disagree** - I cannot confirm that I understand the Act
- **15% Somewhat Agree** – I confirm that I understand the Act, but I am not confident about sharing my knowledge with others



Managing compliance - I am satisfied that the systems, policies, procedures, and controls to identify, monitor and report on legislative compliance are effective

- **77% Agree** – I confirm that the systems, policies, procedures, and controls in place are effective
- **1% Disagree** – I cannot confirm that systems, policies, procedures, and controls in place are effective
- **21% Somewhat Agree** – I confirm that systems, policies, procedures, and controls in place are somewhat effective
- **1% no response**



Effectiveness of tools and training for key staff to develop competency in legislative responsibilities

- **53% Agree** - I confirm that our tools and training for key staff are appropriate and adequate
- **1% Disagree** – I cannot confirm that tools and training for key staff are appropriate or adequate
- **1% Don't Know** - I don't know if tools & training for key staff are appropriate or adequate.
- **45% Somewhat agree** - I confirm that our tools & training for key staff are mostly appropriate and adequate



Delegated powers and duties – I understand the delegated powers and duties applicable to me and my team

- **84% Agree** – I fully understand the delegated legal powers and duties that are applicable to me and my team
- **3% Not applicable** – The Act does not delegate any legal powers or duties that are applicable to me or my team
- **13% Somewhat agree** – I generally understand the delegated legal powers and duties that are applicable to me and my team



Compliance with the Act – The Council has complied with the Act for the period 1 July 2022 to 30 June 2023

- **87% Agree** – To the best of my knowledge, the Council has complied with the Act. I am satisfied my team has taken all practical steps to ensure compliance with our legal obligations.
- **1% Agree** – To the best of my knowledge, the Council has complied with the Act. I am satisfied my team has taken all practical steps to ensure compliance with our legal obligations.
- **12% Somewhat agree** – The Council has partially complied with the Act. During the year, there has been instances of non-compliance and actions are in place to address these



Non-compliances reported for the period 1 July 2022 to 30 June 2023

1 Non-compliance, 8 Partial non-compliances attestations were reported across 56 Acts.

Act	Group	Description	Management Actions
Resource Management Act 1991	Chief Planning Officer	Non-Compliance - Delays in receiving advisor comments on applications and subdivision certifications is the main reason for the non-compliance. We do have Service Level Agreements with each team but using WWL as an example, they do not have the resource to adequately support us currently.	In progress - Work is underway with WWL in terms of getting some traction at ELT level.
Building Act 2004	Chief Planning Officer	Partial compliance with the 20-day clock and statutory timeframes for issuing building consents. Issuing of building consents has decreased from 75% in 2021/2022 to 64% in 2022/2023. CCC has decreased from 91% in 2021/2022 to 85% in 2022/2023. Target – 100% of building consents issued within 20 days.	In progress – Work is underway to rectify the CCC (City Consenting Compliance) non-compliance issues. The Business Unit is continuing to recruit for an internal Engineer and engaging of additional engineering firms as contractors to assist in engineering reviews of building consents.
Food Act 2014	Chief Planning Officer	Partial compliance – The team have been unable to verify several food businesses within the specified timeframes due to the impacts of COVID. They are currently working on reducing the backlog which is significantly smaller than this time last year.	In progress – The team have been working on attracting and retaining appropriate levels of resourcing within the team. Their aim is to be fully compliant (in terms of verifications being completed within specified timeframes) within the next couple months.
Hazardous Substances and New Organisms Act 1996	Chief Planning Officer	Partial compliance – The team does not actively promote or monitor awareness of the adverse effects of hazardous substances.	In progress – A staff member who is experienced in HSNO has been identified and she is now warranted under the Act. A HSNO working group has been setup to identify and discuss the approach to a range of HSNO related issues across Council. Training options for existing and future officers have been identified.
Local Government Acts 1974 & 2002	Chief Strategy and Governance Officer	Partial compliance – Council is not fully compliant with section 17A of the Local Government 2002 Act.	In progress – In regard to section 17A, it requires an owner within the organisation.

Act	Group	Description	Management Actions
LGOIMA 1987	Chief Strategy and Governance Officer	Partial compliance – Compliance is generally good. There had been an instance where a meeting started later than what was publicly notified which meant the council was in breach of Section 46 of the act.	In progress – New team members are trained in applying the legislation correctly and ensuring they understand that Act so they can work independently when needed. When issues or new scenarios arise, they are discussed at the committee meeting debrief sessions and followed up with discussion at team meeting.
	Chief Strategy and Governance Officer	Partial compliance – There have been some instances of non-compliance these mostly relate to the timeframes for decisions. For the last quarter compliance has been 97%. The Ombudsman has proceeded to fully investigate three complaints. We have reviewed our formal delegations for staff to respond to a LGOIMA to ensure that they comply with the Act.	In progress – The Official Information team has updated its internal procedures and publishes LGOIMA responses to those of wide public interest. Training for business units and senior leaders will encourage greater transparency and maturity. Simpson Grierson has completed an online presentation to staff to remind them of the purpose of the Act.
Public Records Act 2005	Chief Digital Officer	Partial compliance - Exceptions related to adequate monitoring and reporting on organisational recordkeeping.	In progress - Adequate monitoring and reporting on recordkeeping in the organisation. We have moved into a new system that has better monitoring and reporting, and we plan to develop in this space 2023/24. Taking results from Archives NZ Self-Assessment completed early 2023, we are looking for potential gaps and areas for improvement. Information Management induction updated to be more user-friendly and linked in with new M365 technology. Reviewed and updated of Information and Data Asset Management Policy.
Sale and Supply of Alcohol Act 2012	Chief Planning Officer	Partial compliance – relating to collection of unpaid alcohol licensing fees to assist the hospitality area. All unpaid fees have now been paid.	In progress – We have appointed a Chief Licensing Inspector whose focus is outward facing with the hospitality industry, upskilling existing inspectors and introducing a quality management system for the alcohol licensing process.

Attachment 1: Key Acts for 2022-2023

List of key Acts and the Lead Manager responsible for completing the annual legislative attestation form:

#	Key Act	Group	Lead T3 Manager
1	Residential Tenancies Act 1986	Chief Customer and Community Officer	Daniel Tai
2	Land Transport (Infringement and Reminder Notices) Regulations 2012	Chief Customer and Community Officer	Kevin Black
3	Summary Proceedings Act 1957	Chief Customer and Community Officer	Kevin Black
4	Biosecurity Act 1993	Chief Customer and Community Officer	Paul Andrews
5	Burial and Cremation Act 1964	Chief Customer and Community Officer	Paul Andrews
6	Freedom Camping Act 2011	Chief Customer and Community Officer	Paul Andrews
7	Reserves Act 1977	Chief Customer and Community Officer	Paul Andrews
8	Wellington Town Belt Act 2016	Chief Customer and Community Officer	Paul Andrews
9	Crimes Act 1961 – involving computers	Chief Digital Officer	Hein Beukes
10	Public Records Act 2005	Chief Digital Officer	Nadia Webster
11	Rating Valuations Act 1998	Chief Digital Officer	Nadia Webster
12	Goods and Services Tax Act 1985	Chief Financial Officer	Karina Young
13	Income Tax Act 2007	Chief Financial Officer	Karina Young
14	Rates Rebate Act 1973	Chief Financial Officer	Michael Nyamudeza
15	Local Government (Rating) Act 2002	Chief Financial Officer	Raina Kereama
16	Local Government Borrowing Act 2011	Chief Financial Officer	Sarah Houston Eastergaard
17	Land Drainage Act 1908	Chief Infrastructure Officer	Brad Singh
18	National Code of Practice for Utility Operators' Access to Transport Corridors 2019	Chief Infrastructure Officer	Brad Singh
19	Utilities Access Act 2010	Chief Infrastructure Officer	Brad Singh
20	Land Transport Act 1998	Chief Infrastructure Officer	Brad Singh Vida Christeller
21	Land Transport Management Act 2003	Chief Infrastructure Officer	Brad Singh Vida Christeller
22	Civil Defence Emergency Management Act 2002	Chief Infrastructure Officer	Chris Mathews
23	Water Services Entities Act 2022	Chief Infrastructure Officer	Chris Mathews
24	Waste Minimisation Act 2008	Chief Infrastructure Officer	Chris Mathews
25	Employment Relations Act 2000	Chief People & Culture Officer	Carla Flynn
26	Fair Pay Agreements Act 2022	Chief People & Culture Officer	Carla Flynn
27	Health and Safety at Work Act 2015	Chief People & Culture Officer	Wendi Henderson
28	Holidays Act 2003	Chief People & Culture Officer	Carla Flynn
29	Human Rights Act 1993	Chief People & Culture Officer	Carla Flynn
30	Vulnerable Children Act 2014	Chief People & Culture Officer	Wendi Henderson
31	Wages Protection Act 1983	Chief People & Culture Officer	Carla Flynn
32	Building Act 2004	Chief Planning Officer	Mark Pattemore
33	Climate Change Response Act 2002	Chief Planning Officer	Alison Howard
34	Construction Contracts Act 2002	Chief Planning Officer	Phil Becker
35	COVID-19 Recovery (Fast-track Consenting) Act 2020	Chief Planning Officer	Mark Pattemore
36	Dog Control Act 1996	Chief Planning Officer	Mark Pattemore
37	Food Act 2014	Chief Planning Officer	Mark Pattemore
38	Hazardous Substances and New Organisms Act 1996	Chief Planning Officer	Mark Pattemore
39	Health Act 1956	Chief Planning Officer	Mark Pattemore
40	Heritage NZ Pouhere Taonga Act 2014	Chief Planning Officer	Sean Audain
41	Litter Act 1979	Chief Planning Officer	Mark Pattemore
42	Public Works Act 1981	Chief Planning Officer	Phil Becker
43	Resource Management Act 1991	Chief Planning Officer	Mark Pattemore Sean Audain
44	Sale and Supply of Alcohol Act 2012	Chief Planning Officer	Mark Pattemore
45	Urban Development Act 2020	Chief Planning Officer	Phil Becker
46	Bylaws Act 1910	Chief Strategy and Governance Officer	Baz Kaufman
47	Companies Act 1993	Chief Strategy and Governance Officer	Anna Calver
48	Copyright Act 1994	Chief Strategy and Governance Officer	Jennifer Parker
49	Local Authorities (Members' Interests) Act 1968	Chief Strategy and Governance Officer	Jennifer Parker
50	Local Electoral Act 2001	Chief Strategy and Governance Officer	Jennifer Parker
51	Local Government Acts 1974 & 2002	Chief Strategy and Governance Officer	Multiple managers – see LGA* table
52	Local Government Official Information and Meetings Act 1987 (LGOIMA)	Chief Strategy and Governance Officer	Richard Leverington Jennifer Parker
53	Privacy Act 2020	Chief Strategy and Governance Officer	Richard Leverington
54	Protected Disclosures (Protection of Whistleblowers) Act 2022	Chief Strategy and Governance Officer	Richard Leverington
55	Trusts Act 2019	Chief Strategy and Governance Officer	Anna Calver
56	Weathertight Homes Resolution Services Act 2006	Chief Strategy and Governance Officer	Beth Keightley

*Local Government Act 2002

Key Sections of the LGA	Lead ELT	T3 Managers
Part 2 Purpose of local government, and role and powers of local authorities	Chief Strategy and Governance Officer	Baz Kaufman
Part 4 Governance and management of local authorities and community boards	Chief Strategy and Governance Officer	Jennifer Parker
Part 5 Council-controlled organisations and council organisations	Chief Strategy and Governance Officer	Anna Calver
Part 6 Planning, decision-making, and accountability	Chief Strategy and Governance Officer	Baz Kaufman
Subpart 2 Reporting Subpart 3 Financial management Subpart 4 Borrowing & Security	Chief Financial Officer	Raina Kereama Sarah Houston- Eastergaard
Part 7 Specific obligations and restrictions on local authorities & other persons Subpart 1 Specific obligations to make assessments of water and sanitary services Subpart 2 Obligations and restrictions relating to provision of water services	Chief Infrastructure Officer	Chris Mathews
Subpart 3 Restrictions on disposal of parks, reserves, and endowment properties	Chief Customer and Community Officer	Paul Andrews
Subpart 4 Public libraries	Chief Customer and Community Officer	Laurinda Thomas
Part 8 Regulatory, enforcement & coercive powers of local authorities Subpart 1 Powers of local authorities to make bylaws Subpart 2 Enforcement powers Subpart 3 Powers in relation to private land Subpart 4 Powers in relation to water services and trade waste Subpart 5 Development contributions Subpart 6 Removal orders	Chief Strategy and Governance Officer Chief Infrastructure Officer Chief Financial Officer	Baz Kaufman Chris Mathews Brad Singh

Note: This list of Acts is not exhaustive. All managers are responsible for ensuring that they have systems in place to ensure that the work completed by their teams complies with all relevant legislation.

Criteria for key Acts

The list of Key Acts for inclusion in the attestation process were identified with management. The list is based on judgement and guided by the following:

- scope of the Act can be applied to the Council (has specific TA powers & responsibilities)
- have implications for the Council as a regulator
- are important to achieving our strategic priorities
- have specific responsibilities and/or consequences for elected members
- policies, systems, and training are expected to be in place to manage compliance
- compliance is monitored and reported
- risk of non-compliance may lead to significant consequences
- require active management and plans to address compliance improvements.