

Komiti o te Mōrearea me te Tūmaru | Risk & Assurance Committee



Kaupapataka Wātea | Open Agenda



Notice is hereby given that an ordinary meeting of Komiti o te Mōrearea me te Tūmaru | Risk & Assurance Committee will be held on:

Ko te rā | Date: Tuesday 24 October 2023
Wā | Time: 9.00 am
Wāhi | Venue: Council Chambers
35 Kenrick Street
TE AROHA

Ngā Mema | Membership

Tiamana | Chairperson

Jaydene Kana

Independent Member

Joanne Aoake

Koromatua | Mayor

Adrienne Wilcock, JP

Koromatua Tautoko | Deputy Mayor

James Thomas

Kaunihera ā-Rohe | District Councillors

Bruce Dewhurst

Kevin Tappin

Gary Thompson

Waea | Phone: 07-884-0060
Wāhitau | Address: PO Box 266, Te Aroha 3342
Īmēra | Email: governance@mpdc.govt.nz
Kāinga Ipuranga | Website: www.mpdc.govt.nz

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1 Whakatūwheratanga o te hui | Meeting Opening

Chairperson to welcome members and open the meeting.

2 Karakia

The opening karakia is to be performed.

3 Ngā whakapāha/Tono whakawātea | Apologies/Leave of Absence

At the close of the agenda no apologies had been received.

4 Pānui i Ngā Take Ohore Anō | Notification of Urgent/Additional Business

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“An item that is not on the agenda for a meeting may be dealt with at that meeting if-

- (a) The local authority by resolution so decides; and
- (b) The presiding member explains at the meeting, at a time when it is open to the public,-
 - (i) The reason why the item is not on the agenda; and
 - (ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting.”

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“Where an item is not on the agenda for a meeting,-

- (a) That item may be discussed at that meeting if-
 - (i) That item is a minor matter relating to the general business of the local authority; and
 - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- (b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.”

5 Whākī pānga | Declaration of Interest

Members are reminded of their obligation to declare any conflicts of interest they might have in respect of the items on this Agenda.

6 Whakaaetanga mēneti | Confirmation of Minutes

Minutes, as circulated, of the Ordinary meeting of Komiti o te Mōrearea me te Tūmaru | Risk & Assurance Committee, held on 12 September 2023

7 Pūrongo me whakatau | Decision Reports

7.1 Chair's Update

CM No.: 2782873

Te Kaupapa | Purpose

The purpose of this report is for the Chairperson to update the committee on activities following the last committee meeting.

Rāpopotonga Matua | Executive Summary

Risk and Assurance Committee Chairperson, Jaydene Kana, in attendance to present the Chair's Update report (attached).

Tūtohunga | Recommendation

That:

1. The information to be received.

Ngā Tāpiritanga | Attachments

[A↓](#). MPDC - RAC - Chairperson Report - October 2023



Ngā waitohu | Signatories

Author(s)	Stephanie Hutchins Governance Support Officer	
Approved by	Sandra Harris Placemaking and Governance Team Leader	

TE KAUNIHERA AA-ROHE O MATAMATA-PIAKO DISTRICT COUNCIL

KOMITI O TE MOOREAREA ME TE TUUMARU/RISK AND ASSURANCE COMMITTEE

CHAIR REPORT

Kia ora koutou,

On the 13th of October, I attended the “Audit and Risk Committee Chairs Forum” facilitated by the Office of the Auditor-General and joined by **Peter Boshier** (Chief Ombudsman for New Zealand), who provided insights and observations about the work of the Office of the Ombudsman. The Office of the Ombudsman is focused on ‘fairness for all’, and takeaway points included:

- Risk and Assurance Committees play an important role in supporting agencies from ending up at the Ombudsman.
- **Local Government Official Information and Meetings Act 1987** – A report is scheduled for release on the 24th of October 2023, supporting agencies on LGOIMA matters including the use/misuse of going into public excluded in meetings, and when workshops should/should not be used.
- **Official Information Act 1982** – Balancing the freedom to ask and obtain information and vexatious requests, and relevant guidance: [Frivolous, vexatious or trivial August 2019.pdf \(ombudsman.parliament.nz\)](https://www.ombudsman.parliament.nz/frivolous-vexatious-or-trivial-august-2019.pdf).
- **Protected Disclosures (Protection of Whistleblowers) Act 2022** – Risk and Assurance Committees’ role in ensuring a policy exists, includes who and how to disclose concerns (including to the Ombudsman), how confidentiality will be maintained, and relevant guidance [Protected disclosures - internal policies and procedures - July 2022 0.pdf \(ombudsman.parliament.nz\)](https://www.ombudsman.parliament.nz/protected-disclosures-internal-policies-and-procedures-july-2022-0.pdf). Also, how fraud may be detected if people feel safe to raise concerns, and that action will be taken on disclosure.

The next Forum is scheduled for 17 November 2023 and focussed on climate risk and reporting.

With central government election polls closing on the 14 October 2023, preliminary results indicate that Aotearoa New Zealand will have a National Party led government. Some local government impacts, based on the published National Party policies include¹:

- Repeal the Water Services Entities Act 2022 within its first 100 days of forming a government and restore council ownership and control of water infrastructure.
- Repeal the Natural and Built Environment Act and the Spatial Planning Act by the end of 2023. Begin work on a longer-term programme to repeal and replace the Resource Management Act.
- Look to create a standard consenting process across all councils.
- Negotiate long-term partnership agreements with local and regional governments called City and Regional Deals that could encompass transport, housing (including public housing), and environmental resilience investments. Negotiations for the deals would begin shortly after the election, with councils and regions urged to begin identifying priority projects immediately.
- Reform infrastructure funding tools for councils at their debt limits by standardising the process for getting a project approved under the Infrastructure Funding and Financing Act. There would be a standard-form agreement and the project approval process would be shifted to Crown Infrastructure Partners, which this party plans to make a national infrastructure agency.

The Risk and Assurance Committee will be mindful of the continued change impacting local government and the MPDC Team, whilst continuing to meet its responsibilities outlined in its Charter.

Recommendation

That the Risk and Assurance Committee receives the report.

Jaydene Kana
Chair, Risk and Assurance Committee
15 October 2023

¹ <https://policy.nz/2023>

7 Pūrongo me whakatau | Decision Reports

7.2 Insurance changes

CM No.: 2774806

Te Kaupapa | Purpose

The purpose of this report is two-fold.

To advise the Risk and Assurance Committee of an officer operational decision between the Colab members of the Waikato Insurance Advisory Group.

To request consideration of a proposal to reduce premium paid for Material Damage insurance.

Rāpopotonga Matua | Executive Summary

A number of the member Councils of the WaiLASS insurance group (Colab) have previously held a “side-car” top up policy for infrastructure cover should central government not be able to meet its 60% contribution for rebuilding after an event.

Premiums for this cover are expected to rise approx 25% to maintain this cover (1 November 2023). Further, discussion amongst council officers agree that the perceived risk has abated and have agreed to cancel this policy.

Approximately 60% of MPDC insurance premiums is for Material Damage cover. (\$590,000 for 2022/23 year). As a way of reducing this, relatively lower value buildings could be removed from the schedule. If this was set at around \$1.0 million, the overall insured value of the portfolio would reduce by approximately 25% from \$206mill to \$158mill.

A prorate reduction on premium would be approximately \$140,000. If there were significant damage or total loss of an uninsured asset then discussions would be held to determine if it should be replaced. A schedule of these buildings is attached as an appendix.

Tūtohunga | Recommendation

That:

1. **The information be received**
 2. **Maintain current Material Damage Insurance Cover**
- or
3. **Remove Material Damage Insurance cover for all MPDC owned buildings whose value is less than \$1.0mill or close to but is of similar use to those that are under the suggested threshold**

Horopaki | Background

For a number of years MPDC has carried a “Sidecar” Infrastructure Insurance Policy. Central Government had indicated that they would fund 60% of the cost of remedial work on infrastructure following a major event, with District and City Councils funding the remaining 40%. A number of councils had minimal confidence in this arrangement (especially for smaller amounts) so an additional cover (\$10m) cover was taken out.

Recent discussions between the Waikato Councils and AON (Broker) have resulted in greater confidence that Central Government will honour this arrangement, further the expected increase in premium for the new insurance year (1 November 2023) is in the order of 25%. The overall cost of insurance premiums for MPDC is likely to increase to over \$1.0mill.

Material Damage cover for all Council buildings accounts for over 50% of total premiums. Staff have looked at ways of reducing this but in a balanced way in respect to age of buildings, use by the community, requirement for core services and potential risks of not insuring.

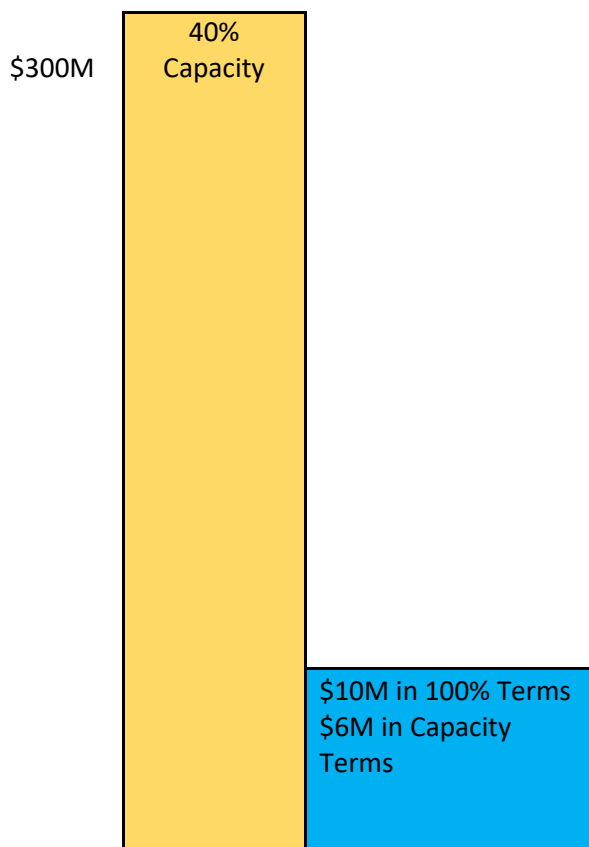
Ngā Take/Kōrerorero | Issues/Discussion

AON NZ (Waikato LASS Insurance Broker) have previously spoken with Ken Morris (Waipa District Council) who is the Chair of the Insurance Advisory Group (IAG) and raised a question in regards to the continued viability of the Infrastructure “sidecar cover”. Subsequent to this it was discussed with IAG. Ken Morris agrees that this cover does need to be reviewed.

Historically we have had a placement for the Waikato Councils for an Infrastructure “side car” cover. This is a unique placement for the Waikato Councils and no other Council group that AON acts for takes this cover.

The cover was designed to provide limited cover for the 60% Central government contribution under the cost sharing arrangement. The cover afforded under this policy is for a maximum amount of \$10M (in 100% terms) so for the 60% this becomes \$6M, and is a shared limit across the Councils.

The diagram below shows this arrangement.





The existing infrastructure placement is shown for the 40% cover up to a limit of \$300M in yellow, with the “side car” cover being shown in blue.

At the time this was incepted, there were question marks over the 60/40 arrangement and whether Central Government would respond to small losses. However, there has been for other Council groups a number of smaller losses, and whilst there has been a process to go through, they seem to have received monies from Central Government.

The table below shows the increase in cost of this placement and an estimated price for this year has been added, although there are not confirmed figures for this yet.
(renewal is 1 November 2023).

MPDC figures and total for Waikato participating Councils have been shown.

	2019		2020		2021		2022		2023	
	TDV	Prem	TDV	Prem	TDV	Prem	TDV	Prem	TDV	Prem
MPDC	\$229m	\$32k	\$238m	\$26k	\$293m	\$32k	\$304m	\$34k	\$349m	\$43k
Total	\$2,546m	\$476k	\$2,821m	\$404k	\$3,054m	\$498k	\$3,506m	\$549k	\$4,180m	\$690k

(Note: TDC = Total Declared Value; Prem = Premium paid)

The increase in values and the premium rating impacts have slowly put the cost of this “side car” up significantly and given the current pressures on Councils AON felt it prudent to raise whether this was still offering value for money. *“This was a nice to have cover, but given the increasing costs this is looking to be less and less of an affordable option, and we would recommend that serious consideration is given as to the continued viability.”*

The cost per million dollars of cover is now becoming very expensive when compared to the standard infrastructure programme, and the thought is that Councils would be better off not purchasing this cover and rely on the Central Government contribution for the 60% and or other methods of debt financing should it be required.

The process of negotiating with the markets on this placement has just started and AON wanted to discuss if this should be continued. The removal of this cover and the flow on premium savings would go some way to mitigating the impacts in premiums that we are likely to see for the other core placements on the Councils insurance programmes.

A majority of Councils have made an operational decision to withdraw from this cover.

The second item the subject of this report relates to the Material Damage Insurance Cover.

On reviewing premiums paid against Building Stock Values the following option could be available. (I have excluded any changes to 3W buildings).

For the year 1 Nov 22-23 the replacement value is \$206,071,000 with a premium of \$590,421. This is for our buildings insurance.

If all the assets with a value of under \$1,000,000 are removed, the total value reduces to \$157,591,000.

On a prorate basis this would reduce the premium to \$451,520 - a \$139,000 “saving” however from previous conversations with AON there is no direct correlation between premiums and value of cover so the saving is likely to be nearer to \$115,000.

The potential buildings to become uninsured are attached as appendix A. This spreadsheet is extracted from the comprehensive MDBI insurance database.

Firth Tower Complex and 3 Waters buildings are not subject to this report.

Mōrearea | Risk

The risk of Central Government not honouring the 60% infrastructure cover is minimal when measured against historic claims made by other Councils.

Averaged out over the last 10 years it is estimated that the MD claims paid out on buildings under a value of \$1,000,000 is approximately \$350k (\$35k pa).

This could be considered a low risk if the decision to remove buildings under \$1,000,000 is made.

The rider is however, if there is a major event that affects a number of buildings the cost could be significant – is this an acceptable risk to MPDC?

Ngā Whiringa | Options

Options

Option	
Description of option	
Remove Material Damage Insurance cover for all MPDC owned buildings whose value is less than \$1.0mill or slightly above but is of similar use to those that are under the suggested threshold.	
Advantages	Disadvantages
Mitigates increasing Insurance premiums	Uninsured buildings that Council may determine not to replace
A potential saving of \$115k per annum (current year) against an average cost of \$35k per year based on last 10 years history	Major event involving multiple buildings could affect the wider community

Recommended option

Preferred option is to remove lower value buildings from MPDC portfolio, noting that there could be a year on year financial risk but unlikely over a longer period.

Ngā take ā-ture, ā-Kaupapahere hoki | Legal and policy considerations

No identified Legal or Policy considerations

Local Government Act 2002 (LGA 2002) Decision-making requirements

Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is assessed as having a low level of significance.

All Council decisions, whether made by the Council itself or under delegated authority, are subject to the decision-making requirements in sections 76 to 82 of the LGA 2002. This includes any decision not to take any action.

Local Government Act 2002 decision making requirements	Staff/officer comment
Section 77 – Council needs to give consideration to the reasonable practicable options available.	Options are addressed above in this report.
Section 78 – requires consideration of the views of Interested/affected people	It is considered Interested parties are internal only
Section 79 – how to achieve compliance with sections 77 and 78 is in proportion to the significance of the issue	The Significance and Engagement Policy is considered above. This issue is assessed as having a low level of significance.
Section 82 – this sets out principles of consultation.	None required

Policy Considerations

1. To the best of the writer's knowledge, this recommendation is not significantly inconsistent with nor is anticipated to have consequences that will be significantly inconsistent with any policy adopted by this local authority or any plan required by the Local Government Act 2002 or any other enactment.

Ngā Pāpāhonga me ngā Whakawhitiwhitinga | Communications and engagement

This is an operational internal decision

Timeframes

Key Task	Dates
N/A	N/A

Ngā take ā-lhinga | Consent issues

None

Te Tākoha ki ngā Hua mō te Hapori me te here ki te whakakitenga o te Kaunihera | Contribution to Community Outcomes

The relevant Community Outcomes are set out below:

Pānga ki te pūtea, me te puna pūtea | Financial Cost and Funding Source

No funding is requested. This report is aimed at reducing budget requirements.

Ngā Tāpiritanga | Attachments

A↓. Property Assets below \$1.0mill



Ngā waitohu | Signatories

Author(s)	Roger Lamberth Property and Community Projects Manager	
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Approved by	Manaia Te Wiata Group Manager Business Support	
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**Matamata-Piako District Council
2022-23 Material Damage & Business Interruption Schedule**

Council Ref	Situation	Location	Description of Activity	Buildings / Structures Reinstatement Value
	Non-Residential			
	Hohaia Street	Matamata	Matamata Sports Centre Gymnasium	\$ 1,294,440
	Hohaia Street	Matamata	Matamata Sports Centre Squash courts/complex, Aerobics, Creche, etc	\$ 992,251
	Hohaia Street	Matamata	Matamata Domain Netball & Tennis Pavilion, Upper level & Verandah	\$ 872,660
	Morrinsville-Tahuna Road, RD 3	Morrinsville	Community Hall - Tahuna War Memorial Hall	\$ 840,727
	Hohaia Street	Matamata	Mtrn Sports Centre Pool Office/Shop	\$ 798,218
	1022 No 1 Road, RD 1	Waitoa	Community Hall - Springdale Hall	\$ 708,923
	Arawa/Hetana Street	Matamata	Matamata Railway Station (Citizens Advice Bureau)	\$ 689,633
	18 Shaftesbury Road, RD 1	Te Aroha	Community Hall - Manawaru Hall	\$ 650,084
	Buildings- sundry- all sites not already listed	Various		\$ 603,750
	State Highway 27, RD 1	Waharoa	Matamata Aerodrome - Kitchen/Ablution Block	\$ 600,591
	Te Poi Road RD 3	Matamata	Community Hall - Te Poi Hall- Old part of Hall	\$ 570,669
	Stanley Avenue	Te Aroha	Boyd Park - Memorial Stand (Grandstand)	\$ 624,881
	Ngutumanga Road, RD 3	Te Aroha	Community Hall - Elstow Hall	\$ 559,652
	854 Tauhei Road, RD 5	Morrinsville	Community Hall - Tauhei Memorial Hall	\$ 531,300
	Stanley Avenue	Te Aroha	Boyd Park - Recreational Hall (AR Johns Rec Hall)	\$ 665,635
	375 Okauia Springs Road, RD 1	Matamata	Community Hall - Okauia Hall	\$ 495,176
	51 Hetana Street	Matamata	Hetana Street Toilets	\$ 507,150
	512 Wardville Road, RD 1	Waharoa	Community Hall - Wardville Hall	\$ 460,009
	809 Morrinsville-Tahuna Road, RD 3	Mangataparau	Community Hall - Mangataparau Hall	\$ 455,510
	282 Walton Road, RD 1	Walton	Community Hall - Walton Hall	\$ 430,161
	State Highway 26, RD 3	Te Aroha	Waihou Depot - Mechanic Workshop	\$ 422,625
	42 Cureton Street	Morrinsville	Mov Sports Centre Changing Shed	\$ 607,493
	State Highway 26, RD 3	Te Aroha	Community Hall - Waihou Community Hall	\$ 412,714
	16 Mills Street	Waharoa	Waharoa Domain - Community Centre (Old Bowling Club rooms)	\$ 394,949
	43 Rewi Street	Te Aroha	Te Aroha Depot - Storeshed (Long shed)	\$ 378,818
	102 Whitaker Street	Te Aroha	TA Domain Wyborn Pool Office/Shop/Changing rooms	\$ 395,879
	State Highway 26, RD 3	Te Aroha	Dogpound - District Dog Pound Block- Waihou Depot	\$ 362,250
	959 Morrinsville-Walton Road, RD 1	Morrinsville	Community Hall - Kiwitahi Hall	\$ 352,349
	5920 State Highway 29, RD 1	Tirau	Community Hall - Piarere Hall	\$ 349,632
	42 Cureton Street	Morrinsville	Morrinsville Recreation Grounds- Tennis Pavilion	\$ 346,538

	761 Hutchinson Road, RD 1	Morrinsville	Community Hall - Kereone Hall	\$	332,486
	42 Cureton Street	Morrinsville	Morrinsville Recreational Reserve - Campground Toilets/ Showers - External	\$	350,990
	4800 State Highway 29, RD 2,	Hinuera	Community Hall - Hinuera Hall	\$	324,141
	State Highway 26, RD 3	Te Aroha	Waihou Depot Office 1 - Od Office	\$	312,831
	Tahuna-Ohinewai Road, RD 3	Morrinsville	Community Hall - Hoe-O-Tainui Hall	\$	309,482
	90 Tower Road	Matamata	90 Tower Rd Farm - Main House	\$	302,570
	State Highway 26, RD 3	Te Aroha	Waihou Depot- New Office & training room	\$	301,875
	Hohaia Street	Matamata	Matamata Domain Soccer/Football Pavilion & Toilet Block	\$	255,266
	Kenrick Street	Te Aroha	Te Aroha Town Clock	\$	269,876
	43 Rewi Street	Te Aroha	Civil Defence Building- locker room & toilet	\$	222,180
	Studholme Street	Morrinsville	Studholme Street ExcelooToilets	\$	409,934
	Thames Street	Morrinsville	Exceloo Toilets adj I-site	\$	230,000
	Lawrence Avenue	Te Aroha	Lawrence Avenue Toilets	\$	227,010
	220A & 222 Tauranga Road, RD 3	Matamata	Matamata Refuse Transfer Station - Refuse Collection Shed	\$	586,845
	State Highway 26, RD 3	Te Aroha	Waihou Depot Store Shed	\$	189,542
	102 Whitaker Street	Te Aroha	TA Domain - Art Gallery (Old Bowling Pavillion)	\$	187,642
	Stanley Avenue	Te Aroha	Boyd Park Toilets	\$	193,200
	39A Rushton Road	Morrinsville	Wiseley Reserve - Changing Room and Toilets	\$	183,412
	102 Whitaker Street	Te Aroha	TA Domain - Band Rotunda	\$	200,445
	Tahuna Domain	Tahuna	Tahuna Domain- Northern Rugby Club	\$	181,125
	Broadway	Matamata	Matamata Town Clock	\$	188,370
	Studholme Street	Morrinsville	Studholme Street Toilets- Old block	\$	177,503
	43 Rewi Street	Te Aroha	Te Aroha Depot - Storeshed (Short shed)	\$	164,099
	Hohaia Street	Matamata	Matamata Sports Centre Swimming Clubrooms	\$	172,500
	Hohaia Street	Matamata	Matamata Sports Centre Ladies Changing Rooms- Old	\$	259,613
	Hohaia Street	Matamata	Matamata Sports Centre Mens Changing Rooms	\$	153,172
	102 Whitaker Street	Te Aroha	TA Domain - Workshop	\$	132,825
	128 Armadale Road, RD 1	Te Aroha	Community Hall - Gordon Hall	\$	128,840
	102 Whitaker Street	Te Aroha	TA Domain No7 Maori Bath House	\$	134,818
	Seddon Street	Waharoa	Waharoa Main Street ExcelooToilets	\$	402,500
	Goodwin Road	Matamata	Wairere Falls Car Park PermalooToilets	\$	345,000
	220 Tauranga Road, RD 3	Matamata	New Depot Building - Matamata Depot (RTS)	\$	111,935
	245 Thames Street	Morrinsville	Morrinsville Public Relations Kiosk (Info Centre)	\$	109,263
	Hohaia Street	Matamata	Matamata Sports Centre Ladies Changing Rooms	\$	124,614
	42 Cureton Street	Morrinsville	Morrinsville Sports Centre Olympic Pool Shop	\$	110,849
	Hohaia Street	Matamata	Matamata Domain Public Toilets	\$	130,289
	49 Moorhouse Street	Morrinsville	Thomas Park Toilet Block	\$	97,739

Spur Street	Te Aroha	Te Aroha Pedestrian Walkway- rail bridge	\$	96,600
35 Kenrick Street	Te Aroha	Te Aroha Area Office - Garages 1-4	\$	96,275
Stanley Road South, RD 1	Te Aroha	Te Aroha Cemetery - Caretakers Shed & Public Toilet	\$	98,476
State Highway 26, RD 3	Te Aroha	Waihou Depot - Utilities Shed	\$	86,940
90 Tower Road	Matamata	90 Tower Rd Farm - Sleepout/Wash house	\$	70,438
Seales Road	Morrinsville	Morrinsville Cemetery - Seales Rd Toilets/Toolshed	\$	84,042
168 Roache Road, RD 4	Morrinsville	Morrinsville Refuse Transfer Station - Kiosk	\$	72,487
220A & 222 Tauranga Road, RD 3	Matamata	Matamata Refuse Transfer Station - Weighbridge Office/kiosk	\$	70,035
102 Whitaker Street	Te Aroha	TA Domain Wyborn Filtration/ Heat Shed	\$	71,677
168 Roache Road, RD 4	Morrinsville	Morrinsville Refuse Transfer Station - Greenwaste Shed	\$	62,235
State Highway 26, RD 3	Te Aroha	Waihou Refuse Transfer Station - Canopy	\$	55,062
Thames Street	Morrinsville	Morrinsville Town Clock- Centenary Clock	\$	60,617
35 Tahuna-Ohinewai Road, RD 3	Tahuna	Tahuna Public Toilets	\$	63,575
State Highway 26, RD 3	Te Aroha	Waihou Refuse Transfer Station - Storeshed	\$	47,771
State Highway 26, RD 3	Te Aroha	Waihou Depot Store Room	\$	39,848
Hohaia Street	Matamata	Matamata Sports Centre Pool Plant Shed	\$	67,620
State Highway 26, RD 3	Te Aroha	Waihou Depot - Noxious Weed Shed	\$	37,212
Kuranui Road, RD 2	Morrinsville	Kuranui Rec Reserve - Implement Shed (Pony Club)	\$	39,029
State Highway 26, RD 3	Te Aroha	Waihou Depot- Workshop- 2nd 1/2 round shed	\$	38,181
Arawa/Hetana Street	Matamata	Matamata Railway Station - new meeting room	\$	36,225
Arawa/Hetana Street	Matamata	Matamata Railway Station - New ambulance garage	\$	36,225
90 Tower Road	Matamata	90 Tower Rd Farm - Garage & Extension/carport	\$	35,924
State Highway 26, RD 3	Te Aroha	Waihou Depot- Workshop- 1st 1/2 round shed	\$	34,486
State Highway 27, RD 1	Waharoa	Matamata Aerodrome - Implement Shed	\$	33,388
Hohaia Street	Matamata	Matamata Sports Centre Bore Shed	\$	61,281
42 Cureton Street	Morrinsville	Morrinsville Recreational Reserve - Old Polo Ground Toilets/conveniences	\$	30,067
102 Whitaker Street	Te Aroha	TA Domain - Lawnmower Shed/cycle shack	\$	29,825
Hohaia Street	Matamata	Matamata Sports Centre BBQ Area - Site Feature 1	\$	35,199
102 Whitaker Street	Te Aroha	TA Domain - Gazebo over no15 Spring	\$	30,188
41 Rewi Street	Te Aroha	Herries Park Permaloo Toilets	\$	138,000
Hohaia Street	Matamata	Matamata Sports Centre Pool Filtration Shed	\$	32,603
102 Whitaker Street	Te Aroha	Te Aroha Domain - Garden/Toolshed	\$	24,132
Hohaia Street	Matamata	Matamata Sports Centre Covered Seating Area - Site Feature 2	\$	25,237

	220A & 222 Tauranga Road, RD 3	Matamata	Matamata Refuse Transfer Station - Hazardous Waste shed	\$	23,871
	State Highway 27, RD 1	Waharoa	Matamata Aerodrome - Pump Shed	\$	21,735
	Peria Road, RD 2	Matamata	Matamata Cemetery - Peria Rd Toilet	\$	28,739
	Seales Road	Morrinsville	Morrinsville Cemetery - Seales Rd Toolshed/Storeshed	\$	23,546
	Morrinsville-Walton Road, RD 1	Morrinsville	Roy Scott Reserve - Toilets	\$	20,528
	16 Mills Street	Waharoa	Waharoa Domain Toilets	\$	18,113
	102 Whitaker Street Te Aroha 3320	Te Aroha	Te Aroha Domain - Gazebo No. 8 (April Fountain)	\$	20,286
	State Highway 26, RD 3	Te Aroha	Dogpound - District Dog Pound Block Outside Pens 1-5- Waihou Depot	\$	115,000
	Hohaia Street	Matamata	Matamata Sports Centre Pool Chemical Shed	\$	25,358
	Peria Road, RD 2	Matamata	Matamata Cemetery - Peria Rd Toolshed	\$	15,456
	Peria Road, RD 2	Matamata	Matamata Cemetery - Peria Rd Storeshed	\$	12,679
	State Highway 26, RD 3	Te Aroha	Waihou Refuse Transfer Station - Dangerous Goods Shed	\$	12,064
	168 Roache Road, RD 4	Morrinsville	Morrinsville Refuse Transfer Station - Dangerous Goods Shed	\$	13,947
	35 Kenrick Street	Te Aroha	Te Aroha Area Office - Bike Shed/rack-Open fronted	\$	6,038
	State Highway 26, RD 3	Te Aroha	Waihou Depot - Fuel Shed	\$	3,623
	42 Cureton Street	Morrinsville	Morrinsville Recreational Reserve - ExcelooToilets - Pool carpark/caravan dump site	\$	191,791
	42 Cureton Street	Morrinsville	Morrinsville Sports Centre Intermediate Pool (Learners)	\$	348,666
	42 Cureton Street	Morrinsville	Morrinsville Sports Centre Toddler Pool (Paddling)	\$	63,394
	102 Whitaker Street	Te Aroha	Te Aroha Domain Wyborn Pool Spa Pool	\$	69,734
	102 Whitaker Street	Te Aroha	Te Aroha Domain - Top Bowling Pavilion	\$	164,220
	102 Whitaker Street	Te Aroha	Te Aroha Domain - Croquet Pavilion	\$	62,100
	102 Whitaker Street	Te Aroha	Te Aroha Domain -Carport	\$	-
	47 Smith Street	Matamata	Garage/Storeshed (Pohlen Park)	\$	-
	56 Canada Street	Morrinsville	Morrinsville Library - Specialised contents	\$	-
	State Highway 26, RD 3	Te Aroha	Waihou Depot - Carport	\$	-
Water Plant Assets					
					\$ 28,991,229

7 Pūrongo me whakatau | Decision Reports

7.3 Legislative Compliance Framework

CM No.: 2766465

Te Kaupapa | Purpose

The purpose of this report is to seek feedback from the Committee on the annual legislative 'warrant of fitness'.

Rāpopotonga Matua | Executive Summary

The legislative compliance 'warrant of fitness' (WOF) is completed annually by staff alongside the Annual Report, for review by the Risk and Assurance Committee. The WOF has been circulated separately.

Tūtohunga | Recommendation

That:

1. The information be received; and
2. The Committee provide comment on the legislative compliance 'warrant of fitness' for Council.

Horopaki | Background

Committee members should note that all changes from the 2021/22 year to the 2022/23 year have been left tracked in the document (circulated separately). The key points for 2022/23 have been noted below.

What is the legislative compliance framework?

The Council's legislative compliance framework describes how the Council ensures its activities are undertaken within the law. In line with other Council frameworks (e.g. Delegations, Risk Management and Procurement) managers (Legislation Owners) have been assigned responsibilities to ensure Council compliance with relevant New Zealand legislation and associated regulations.

Why do we need a legislative compliance framework?

The Council could face severe penalties for failing to comply with legislation. Consequences can include:

- loss of reputation
- loss of accreditation
- civil and criminal proceedings
- investigation and censure from monitoring bodies
- breaches of banking and other key covenants

Who is a Legislation Owner?

A 'Legislation Owner':

- is usually a member of the Management Team
- is accountable for ensuring that requirements under legislation are met
- reviews changes to legislation and informs staff of any impact of these changes

- is responsible for reporting to Executive Team on an annual basis or when a serious breach is identified
- is someone who ensures that, on a day to day basis, compliance is achieved and has processes in place that enables regular monitoring to occur by, for example,
- providing access to training for key staff
- ensuring that inspections have been conducted and situations assessed as appropriate
- reports of instances of breaches including the outcomes of any such instance, what steps have been taken to prevent further breaches, and where there are on-going compliance issues

The WOF sets out:

- The key Acts and other legal obligations or requirements
- The general elements which have a duty or compliance requirement
- The member of staff responsible for each element, any delegations under legislation.
- What the Promapp process is to make sure Council is in compliance.
- Whether Council complies with the requirements or not and comments on this are provided.

For reporting on compliance, legislation has been grouped per the major functions of the Council. The reference to any Statute includes all relevant amendments.

Every effort has been made to identify the legislation which staff and others are likely to encounter in the normal course of their employment. It is imperative to note the requirements that the Council, its staff, agents and contractors must comply with all New Zealand statute law and common law obligations.

The list of statutes and other obligations set out in this Legislative Compliance policy cannot hope to be exhaustive. If staff and others learn of legislation (including new statutes or regulations) or relevance to their roles within the Council, such legislation should be referred to the Legal Counsel, for review and possible inclusion in this document.

Ngā Take/Kōrerorero | Issues/Discussion

New legislation

Changes to the Resource Management Act 1991 are underway with the recent adoption of the Spatial Planning Act 2023 and Natural and Built Environments Act 2023. There are currently no responsibilities for Council in the policy space.

The Construction Contracts Act 2002 has been added. This act provides additional rules around retentions held by contracts for Contracts. Council is now required check any special conditions regarding the holding of retentions against the act, to ensure it complies. The finance department was required to set up a trust account and process for regular is currently being put in place.

Under Review/Underway

Council is in the process of obtaining compliance or reviewing the process to see if/how it can be better addressed.

- Resource Management Act – The District Plan has been operative since 2005 and Council operates a rolling review of the Plan.
- Hazardous Substances and New Organisms Act 1996 - Some sites are operating under a Provisional Improvement Notice while Location Compliance issues are resolved.
- Health Act 1956, Search and Surveillance Act 2012 and Council Bylaws - Council are currently in the process of developing an enforcement policy which will sit alongside the

requirements for these pieces of legislation. A recent update has been circulated to staff for comment.

- Walking Access Act 2008 - There are numerous paper roads within the district. There is currently no enforcement of the compliance in place and council deals with compliance on a one off basis where complaints have been received.

Not Compliant

There are other areas where Council is aware they are:

(a) not compliant and due to certain situations this may not change, OR

(b) are majority compliant for the reasons outlined below.

The areas where Council are non-compliant are:

- Public Bodies Leases Act 1969 - as a significant remainder of the land Council owns is not put out for public tender every time a lease ends as section 8 requires. This is mostly due to the costly process that would be involved for each piece of land.
- Biosecurity (National PA Pest Management Plan) Order 2022 – Staff are working on gathering the required data on where there are kauri trees on Council managed land. Once this is completed an action plan will be developed in order to comply.
- Building Act – in 2022/23 832 building consents were processed, 758 (91.10%) were completed within the statutory timeframe.
- Local Government Official Information and Meetings Act 1987 - in the 2022/23 year 95 LGOIMAs were received. 8 LGOIMA were responded to past the 20 day deadline.
- Public Records Act 2005 - Council are working towards complying with this Act by capturing logs on the MPDC website of who made changes, when, and what the change was. Council storage of hardcopy documentation onsite does not comply (this is the situation for most councils across the country). In a step towards compliance there is now an archiving solution that manages our social media and Council website.
- Resource Management Act 1991 – Resource Consent Applications - Due to the number and complexity of consents and current resources over the 2022/23 financial year a number of consents were processed outside of the statutory timeframe.

Please see the compliance document (circulate separately) detailing the remaining legislative requirements that are either under review or not compliant and the corresponding comments.

Mōrearea | Risk

The key risk is legislative non-compliance which could have an impact(s) of:

- loss of reputation
- loss of accreditation
- civil and criminal proceedings
- investigation and censure from monitoring bodies
- breaches of banking and other key covenants

Ngā Whiringa | Options

The Committee is invited to provide comment on the legislative compliance 'warrant of fitness' for Council.

Ngā take ā-ture, ā-Kaupapahere hoki | Legal and policy considerations

For reporting on compliance, legislation has been grouped per the major functions of the Council.
The reference to any statute includes all relevant amendments.

Ngā Pāpāhonga me ngā Whakawhitiwhitinga | Communications and engagement

The framework is updated on an annual basis.

Ngā take ā-lhinga | Consent issues

There are no consent issues.

Pānga ki te pūtea, me te puna pūtea | Financial Cost and Funding Source

There are no costs, other than staff time.

Ngā Tāpiritanga | Attachments

[A↓](#). Legislative Warrant of Fitness Compliance (WOF) 2023 - With Tracked Changes



Ngā waitohu | Signatories

Author(s)	Ellie Mackintosh Legal Counsel	
Approved by	Erin Bates Strategic Partnerships and Governance Manager	

Legislative Warrant of Fitness – July 2022-2023

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Council as a good employer

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

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature	Responsible Staff Member
				the legislation.	Collective and Individual Employment Agreements Partnership for Quality Agreement with the Unions, Bargaining Process Agreements Processes – creating an individual employment agreement, Employee opts to join Union, Employee opts out of Union, Staff request for flexible hours, MPDC info security and control		Policy, Flexible Ways of Working Policy, Storage of Employee Records Policy.	
5	Equal Pay Act 1972 This Act enables the elimination and prevention of gender discrimination in remuneration rates in all sectors of paid employment.	Rates paid to women are to be based on the rates paid to male employees with the same (or substantially similar) skills, responsibilities and service.	People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under the legislation.	Equal Opportunities policy Remuneration Policy SP5 Job Sizing system	Yes	The SP5 Job Sizing system is used to evaluate most positions at Council. This system has been proven to meet the Standard for Gender Inclusive Job Evaluation. This system then determines what rates are paid for positions. Note this system is only used for some positions at KVS but we will be looking into this further in the future. We have previously investigated whether to undertake a PAEE review but we determined it was not required as we use the SP5 system and staff views on pay equality at MPDC at the time.	Kelly
6	Fees and Travelling Allowances Act 1951 This Act sets out the payment of remuneration and travelling allowances and expenses to members of statutory Boards and of travelling allowances and expenses to members of local authorities	Where, under any enactment, a member of a local authority is entitled to receive payment of travelling allowances or travelling expenses, the provisions of this Act, as far as they are applicable and with the necessary modifications, shall apply to that member as if the local authority were a statutory Board.	People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under	Mileage claim form	Yes	To the best of staff's knowledge this legislation has been complied with. Council removed the IRD travel Allowance, now only mileage is paid.	Kelly

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature	Responsible Staff Member
				the legislation.				
7	Health and Safety at Work Act 2015 An Act relating to the health and safety of employees and other people at work, to promote health and safety management by employers.	Compliance with the requirements of a person conducting a business or undertaking under the Health and Safety at Work Act 2015.	People, Safety and Wellness Manager Safety and Wellness Team Leader	Yes - Power to undertake all the duties and functions of a person conducting a business or undertaking under the Health and Safety at Work Act 2015	Multiple processes included: Risk Management - Health and Safety, Staff Occupational Health Monitoring, Planning Safety & Wellness Training for Staff, Council H&S Charter H&S Policy Vault Database for managing safety and wellness information	Yes	Objectives have been set for 2022/2023 Financial Year and a strategic plan is in place.	Kelly/Kate
8	Holiday Act 2003 The purpose of this Act is to promote balance between work and other aspects of employees' lives and, to that end, to provide employees with minimum entitlements to annual holidays, public holidays, sick leave and bereavement leave.	The Act provides to enforce several days for the worker as holidays. As an employer, the Council must ensure that its employment contracts comply with the legislation and employees and allowed leave accordingly. All required records are kept of this.	People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under legislation.	Leave Policy Individual and Collective Employment agreements Promapp process - MPDC info security and control, Average and Ordinary hourly rate calculation, Pay MPDC and KVS Employees	Yes	People and Wellness ensures compliance with the Holidays Act and Individual and Collective Employment Agreements	Kelly
9	Human Rights Act 1993 This Act governs the protection of human rights in New Zealand. It is applicable for Council in employment and the provision of access for the disabled.	Compliance with requirement not to discriminate based on a prohibited ground * <i>*Prohibited Grounds:</i> Discrimination on the basis of gender, pregnancy and childbirth, marital status, religious ethical belief, colour, race, ethnic or national origins, disability, age, political opinion, employment or family status, sexual orientation.	People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under legislation.	Employment Relations Policy, Equal Employment Opportunities Policy, Harassment (including bullying and discrimination) policy, Recruitment and Selection Policy, Substandard Performance, Misconduct and Disciplinary Policy	Yes	People and Wellness ensures compliance with the Human Rights Act. Various policies are in place. Our previous application for employment form had been checked by an Employment Lawyer for compliance and our new application process is based on the same information. <u>The pre-employment medical form has also been reviewed by an Employment Lawyer to ensure there are no discriminatory questions.</u>	Kelly
10	Injury Prevention, Rehabilitation and Compensation Act 2001	Comply with obligations as an employer for the payment of levies and premiums.	People, Safety and	No delegation required as	Calculating lost time injury frequency rates	Yes	Annual report includes Lost Time Injury Frequency rates.	Kelly/Kate

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature	Responsible Staff Member
	This Act regulates the area of accident compensation coverage.		Wellness Manager Safety and Wellness Team Leader	Council is not exercising a power under legislation.	Information is supplied to ACC as required for the calculation of levies and premiums. Payments are made within required timeframes. Payroll information is also supplied to ACC for the calculation of earnings for injured employees.		Number of Lost Time Injuries are reported each quarter. Injuries monitored on ACC website. Return to work (RTW) programme in place.	
11	Kiwi Saver Act 2006 This Act is to encourage a long-term savings habit and asset accumulation by individuals for retirement. The Act aims to increase individuals' well-being and financial independence, particularly in retirement, and to provide retirement benefits.	Provision of employees with information packs Information provided to new employees, meet enrolment requirements for employees, compulsory contributions and tax credit entitlements etc.	People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under legislation.	Employee payroll start form Kiwisaver employee information sheet (including the investment statement from our preferred provider) Kiwisaver information – existing staff wanting to join Cease KiwiSaver Compulsory Employer Contribution	Yes	A number of processes are in place to ensure the requirements of the KiwiSaver Act are met (as outlined in the promapp processes column)	Kelly
12	Local Government Act 2002 This Act sets out the requirements of Council to be a good employer, and certain disclosure requirements regarding employee salaries in its Annual Reporting.	Compliance with requirement to be a good employer and other reporting requirements under this legislation. <i>42 Chief executive A chief executive appointed under subsection (1) is responsible to his or her local authority for— (c)ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed or exercised; and (g)employing, on behalf of the local authority, the staff of the local authority (in accordance with any remuneration and employment policy); and (h) negotiating the terms of employment of the staff of the local authority (in accordance with any remuneration and employment policy).</i>	People, Safety and Wellness Manager	Council has delegations under the LGA but not specifically in relation to employment. The Local Government Act 2002 specifically identifies the CE as the employer of Council staff. S42 of the Act provides authority for the CE to comply with legislation.	There are a number of policies that relate to Council being a good employer such as: Staff Occupational Health Monitoring, Leave policy, Flexible ways of working policy, Employment relations policy, Remuneration Policy, Equal Employment Opportunities Policy, Harassment (including bullying and discrimination) policy, Recruitment and Selection Policy, Substandard	Yes	The People, Safety and Wellness Manager is responsible for meeting the reporting requirements under the Local Government Act 2002 in relation to employee salaries and the number of employees	Kelly

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature	Responsible Staff Member
					Performance, Misconduct and Disciplinary Policy, Training and Development Policy, Workplace Support Policy and Domestic-Family Violence Policy. Appointment Approval – signed off by CEO The annual staff climate survey is undertaken to monitor staff culture.			
13	Minimum Wage Act 1983 The Act provides for minimum wage rates for adults and for youth workers to be paid. The Minister has discretion to set the minimum wage order.	Compliance with minimum wage rates.	People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under the legislation	Process - Process payroll end of tax year Individual and Collective Employment Agreements	Yes	People and Wellness ensures compliance with the Minimum Wage Act and Individual and Collective Employment Agreements. MPDC has agreed to pay at least the living wage for all staff.	Kelly
14	Parental Leave and Employment Protection Act 1987 Prescribes the minimum entitlement with respect to parental leave for male and female employees and protects employees during pregnancy and parental leave.	Comply with the requirements regarding parental leave under this legislation	People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under the legislation	Leave Policy, Employment Relations Policy, Harassment (including bullying and discrimination) policy Process – Employee Parental Leave, HR Parental Leave process	Yes	Requirements are met as outlined in Council's employee parental leave process	Kelly
15	Protected Disclosures (Protection of Whistleblowers) Act 2022 An employee of the Council (including a former employee and a person working under contract of services) may disclose information about serious wrongdoing in or by the organisation which the employee believes on reasonable grounds to be true or likely to be true and the purpose is to enable investigation of the allegations and the employee wishes the disclosure to be protected.	Compliance with the requirements regarding protection of employees, advising staff of Council's protected disclosures policy as required by legislation.	People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under the legislation	Protected Disclosures – Whistleblowers policy Protected Disclosures procedure Fraud and Corruption, Conflicts of Interest and Protected Disclosures brochure	Yes	There have been no protected disclosures in the 2024/22 2022/2023+ financial year.	Kelly

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature	Responsible Staff Member
16	Smoke Free Environments Act 1990 The Act is intended to protect persons from cigarette smoke within all premises other than private homes. Another part limits sponsorship by tobacco companies.	Hold a written policy on smoking in the workplace and maintain a smoke free work environment.	People, Safety and Wellness Manager Safety and Wellness Team Leader	No delegation required as Council is not exercising a power under the legislation	Designated smoking areas.	Yes	Designated smoking areas in place.	Kelly/Kate
17	Te Kahui o Matariki Public Holiday Act 2022 The Act prescribes the observance of Matariki Day as a public holiday.	Observance of Matariki day as a public holiday.	People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under the legislation	Leave Policy Individual and Collective Employment Agreements	Yes	People and Wellness ensures compliance with the Holidays Act and Individual and Collective Employment Agreements	Kelly
18	Waitangi Day Act 1978 The Act prescribes the observance of Waitangi Day as a public holiday.	Observance of Waitangi day as a public holiday.	People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under the legislation	Leave Policy Individual and Collective Employment Agreements	Yes	People and Wellness ensures compliance with the Holidays Act and Individual and Collective Employment Agreements	Kelly
19	Wages Protection Act 1983 This legislation restricts the ability of an employer to deduct money from an employee's wages.	Comply with restrictions on making deductions from employee wages.	People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under the legislation	Individual and Collective Employment Agreements COSACS deduction authority form Staff member wants to change payroll deductions including Maintenance Form Induction packs for new staff	Yes	People and Wellness ensure compliance with legislation and Individual and Collective Employment Agreements	Kelly
20	Vulnerable Children Act 2014 One of the purposes of this Act is to reduce the risk of harm to children by requiring people employed or engaged in work that involves regular or overnight contact with children to be safety checked.	Compliance with the requirements to carry out checks on any staff who are classified as working with children under this Act.	People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under the legislation	Promapp process - Criminal conviction and police vetting checks.	Review Underway A training programme is underway. A policy is still in review and will be finished soon. Child Protection Policy drafted and being	'Children's workers' are safety checked as per legislative requirements. No consideration given at this time to volunteers doing H&S work i.e. tracks, parks, gardens etc. (unless working with children). Also no consideration of work undertaken by Contractors on Council facilities i.e. pools, libraries where there are children.	Kelly

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature	Responsible Staff Member
						worked through with a focus group. Internal policy for staff that work with children is also being developed. Training for staff will then take place.		
21	The Domestic Violence – Victim's Protection Act 2018 Adds legal protections in the workplace for people affected by family violence	Compliance with employees' rights to take 10 days of paid family violence leave, ask for short term flexible working arrangements and not be treated adversely in the workplace because they might have experienced family violence.	People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under the legislation	Domestic /Family Violence Policy Request for flexible working hours form Leave application process	Yes	Workplace support also available.	Kelly

Council as a landlord and land owner

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

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature	Responsible Staff Member
26	Public Bodies Leases Act 1969 This Act relates to the powers of certain public bodies to lease land. There is an interface between the Reserves Act 1977 and the Public Bodies Leasing Act 1969 with regard to Local Purpose Reserves.	<u>Compliance with Council's obligations under the legislation as a property owner.</u>	Asset Manager Strategy and Policy Property and Community Projects Manager	N	Review to be undertaken	No	Council staff are reviewing this Act to check what (if any processes are affected) and whether delegations are required. However a significant remainder of the land Council owns is not put out for public tender every time a lease ends as s8 requires. <u>Only large and commercial leases are publically advertised.</u> This is mostly due to the costly process that would be involved for each piece of land. There are certain sections (such as the floodplain in Te Aroha) that are advertised every time they come up for renewal. Compliance with this legislation will require further work by staff. <u>The PBLA does not apply to Recreation Reserves leased under s.54, Reserves Act 1977. Staff need to determine whether s61(2A) means that you do not have to comply with the PBLA for local purpose reserves i.e. you can either lease them under the provisions of the PBLA (s61(2)) or lease them under s.61(2A) for the purposes specified under s.61(2A)(a-b).</u>	Susanne Roger
27	Biosecurity (National PA Pest Management Plan) Order 2022 <u>This order relates to the duties required by landowners who have public tracks in areas where kauri grow, for the protection of kauri forests</u>	<u>Compliance with Council's obligations under the legislation as a property owner that has kauri on MPDC managed lands.</u>	<u>Asset Manager Strategy and Policy</u>	N	No	No	<u>Not currently fully compliant but are working through the requirements and gathering data on kauri on MPDC managed lands in order to develop an action plan to comply. See Mark's report to Council in August 2023 for info.</u>	<u>Susanne/Mark</u>

Council as an information holder and provider

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature	Responsible Staff Member
26	Copyright Act 1994 The Copyright Act protects the property right associated with ownership of original works. The Council has compliance risks in relation to the use of original works by the Commission's staff in conducting their work, for example in communications and outreach.	The Council must not copy, or allow to be copied, original works for which it does not have this right.	Communications Manager	No delegation required as Council is not exercising a power under the legislation	No processes	Yes	How this could be reflected in Promapp needs to be reviewed further. Council's agreements regarding intellectual property/dasharing etc cover the position on copyright. Council has copyright disclaimers for Council information supplied through the website and how people are to use this information.	Jenni
27	Local Government Official Information and Meetings Act 1987 The intent of this Act is to make official information more freely available, to provide for proper access by each person to official information relating to that person, to protect official information to the extent consistent with public interest and the preservation of personal privacy. Where the Council makes official information available in good faith no civil or criminal proceedings should lie against it.	Compliance with the requirements to release information under LGOIMA	Strategic Partnerships and Governance Manager Legal Counsel	Y	LGOIMA or OIA request management overview	No	Promapp process and guidelines for staff are documented, and new staff required to respond to LGOIMA requests are provided with training. There is a Promapp process for Staff to follow when responding to LGOIMA requests. There are four staff members that respond to LGOIMA requests, one from the communications department, <u>one from records department</u> and two from the SPAG team. The Legal Counsel oversees the other SPAG member to ensure the messaging is correct and consistent. The limited number keeps the process consistent and ensures that all requests are responded to. It provides better accountability and measures to ensure LGOIMAs are responded to on time. In the <u>2022/23 year there were ninety five (95) requests of these 91.58% (87) were responded to within the 20-day timeframe. Six were missed due to human error and for two an extension of time was requested. 2021/22 year 71 LGOIMAs were received, one LGOIMA was responded to past the 20-day deadline, this was human error.</u>	Erin/Elle
	This act also provides for the provision of Land Information Memorandums, which can attract liability if incorrect information is provided.	Compliance with requirements to release information in LIMS	Customer Services Manager Information Team Leader Legal Counsel	Y	Public access requirements for information release	Yes	Council's customer services team have established processes and templates to ensure information is collected and checked. A revised template is currently being worked on to plain English the language and improve the document flow.	Sheree Jo Ellie
28	Privacy Act 2020 The New Zealand Privacy Act 2020 sets out the functions of the Office of the Privacy Commissioner. It sets out the principles of privacy the Council must adhere to and matters relating to the collection, use and storage of private information and response to requests/complaints regarding private information. From the 1993 Act to the updated 2020, Council is required to be more proactive with ensuring that the private data it holds is secure as well as notifying the Office of privacy breaches. The Commissioner now holds stronger powers to ensure businesses and organisations are protecting private information	Compliance with privacy principles and obligation to release/update private information.	Legal Counsel Information Team Leader (Privacy Officer)	Y	MPDC information security and control	Yes	To the best of knowledge this has been complied with, staff are given training as part of their induction on LGOIMA and Privacy Act requirements. In response to the changes - A register has been established in Authority to comply with the changes to the Privacy Act. Training is being given to staff handling personal information around the changes to the Act and the purpose of the register. All current forms, hardcopy & digital were reviewed Nov/Dec 2018 to check the personal information requested is required so we minimise what information we then need to maintain. The Information Manager has reviewed processes to ensure we are compliant with the new legislation.	Ellie Jo

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature	Responsible Staff Member
29	Public Records Act 2005 This Act establishes a recordkeeping framework, and focuses on supporting good recordkeeping in government. The Council is to create and maintain records and to dispose of them in accordance with the authority of the Chief Archivist.	The Council is required to create and maintain full and accurate records in accordance with normal, prudent business practice. These records must also be accessible over time. The Council must gain the Chief Archivist's authorisation before disposing of public records.	Information & Technology Manager Communications Manager	Y	Document management	Majority Compliance	<p>The Public Records Act also applies to our websites and Social Media. We are working towards complying with this Act by capturing logs on the MPDC website of who made changes, when, and what the change was. Our Disaster Recovery processes also provide the ability to restore old versions of the website, however, these do not comply with the requirements of the Records Act.</p> <p><u>We have implemented Archive Social, a social media archiving solution to improve compliance with the Public Records Act. This platform also archives the Council website. We have identified the need to manage records from Social Media. This is a known issue in our sector, with a limited number of suitable products available on the market at this time.</u></p> <p>The information held in Council's Content Manager system and at our offsite storage providers is compliant but our storage of hardcopies documentation onsite does not comply (this is the situation for most councils across the country).</p>	Steve Jenni

Council as a governance body

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature	Responsible Staff Member
31	Citizenship Act 1977 Provides for Councils to facilitate citizenship ceremonies on behalf of the government.	Undertaking citizenship ceremonies in accordance with legislation	Communications Manager	No delegation required as Council is not exercising a power under the legislation – specific staff members and the Mayor are appointed by the DIA to carry out ceremonies.	Citizenship ceremony Taking photos at citizenship ceremonies	Y	Citizenship ceremonies are carried out 6-8 times per year depending on demand, they have all been carried out in accordance with the Council's MOU with the DIA. The Department of Internal Affairs suspended citizenship ceremonies due to Covid-19, and waived the requirement for new citizens to attend a Citizenship Ceremony. The requirement to attend a ceremony will resume from 1 August 2022. Council will continue to carry out citizenship ceremonies based on demand and in accordance with the council's MOU with the DIA.	Jenni
32	Civil Defence Emergency Management Act 2002 The purpose of this Act is to improve and promote the sustainable management of hazards and provide for planning and preparation for emergencies and for response and recovery in the event of an emergency.	Compliance with Council's obligations to co-ordinate civil defence readiness and operations under the Act.	Group Manager Community Development	On 9 May 2018 Council approved Councillor Russell Smith, with delegated authority to act for the Mayor on behalf of MPDC. Council also appointed Julian Snowball, to act as a Local Controller for the Matamata-Piako District Council. All other appointments are made by the Civil Defence Emergency Management Group	Service level agreement with WRC to provide an emergency management officer. Staff training on-going. Incident Management team appointed and trained. Regular attendance at meetings. Various processes incl. Utilising the civil defence status board Civil defence brief form Managing a crisis/emergency What to do in a crisis / emergency	Y	Several staff are trained to a level where they can respond to events nationally. Civil Defence Emergency Management Group meets regularly for planning, exercises etc. The annual exercise assessed to measure the efficacy of training moved MPDC from 48% (late developing) in May 2022 to 64% (advancing) in 2023. COVID has given an opportunity for the incident management team to develop.	Dennis
33	Ngāti Hauā Claims Settlement Act 2014 The purpose of this Act is to record the acknowledgements and apology given by the Crown to Ngāti Hauā in the deed of settlement; and to give effect to certain provisions of the deed of settlement that settles the non-raupatu historical claims of Ngāti Hauā.	Compliance with the requirements to convene a committee for governance matters on the Waharoa (Matamata) Aerodrome. Compliance with the requirements to disclose certain matters in the district plan and implement them through resource consent processing.	Strategic Partnerships and Governance Manager District Planner	No delegation required as Council is not exercising a power under the legislation – Council has appointed members to the Committee To meet the requirements of the RMA we need to consider the NHCSA and there are delegations are under the RMA which are relevant.	Meeting processes in Promapp District Plan amendments processes This is assessed through the resource consent processes and is therefore included in the resource consent templates. There are promapp processes in regards to resource consents	Y	Waharoa Aerodrome Committee meetings are held three times per year. The District Plan has been updated to include the Ngati Haua Claims Settlement as a statutory acknowledgment. Council are complying with the settlement legislation requirements when processing Resource Consents and District Plan changes.	Erin Ally
34	Ngāti Hinerangi Claims Settlement Act 2021	Compliance with the requirements to disclose certain matters in the	District Planner	No delegation required as Council is not exercising a power under the	District Plan amendments processes	Y	Staff are aware of the legislation for Ngāti Hinerangi which they	Ally

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#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature	Responsible Staff Member
		<p>those houses with access to the Rates Rebate Scheme; and</p> <ul style="list-style-type: none">requiring some of our revenue and financing policies to support the principles of the Preamble to Te Ture Whenua Māori Act 1993.					<p>Policy on remission and postponement of rates on Maori freehold land (by 1 July 2022)</p> <p>Changes to general rates remission and postponement policy (if required) (by 1 July 2024 or next review date)</p> <p>Changes to Revenue and Financing Policy and DC Policy (if required) (by 1 July 2024 or next review date)</p>	
41	Ombudsmen Act 1975 The purpose of this Act is to create the Ombudsmen's office and set out its functions and powers.	Comply with obligations to respond to and assist ombudsmen's investigations under LGOIMA and the Ombudsmen Act 1975	Strategic Partnerships and Governance Manager Legal Counsel	No delegation required as Council is not exercising a power under the legislation	No Processes identified – Council would be expected to comply with Ombudsmen directions.	Y	The Ombudsman office has directed that Local Authorities should publish their LGOIMA requests; this is not a requirement only a direction, which staff will look at when capacity allows. A register has been created to allow for better reporting and publishing of LGOIMAs in due course. This just requires configuration with the website.	Erin/Elle
42	Raukawa Claims Settlement Act 2014 The purpose of this Act is to record the acknowledgements and apology given by the Crown to Raukawa in the deed of settlement; and to give effect to certain provisions of the deed of settlement that settles the historical claims of Raukawa.	Compliance with the requirements to disclose certain matters in the district plan and implement them through resource consent processing.	District Planner	<p>No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.</p> <p>To meet the requirements of the RMA we need to consider the NHCSA and there are delegations are under the RMA which are relevant.</p>	<p>District Plan amendments processes</p> <p>This is assessed through the resource consent processes and is therefore included in the resource consent templates.</p> <p>There are promapp processes in regards to resource consents</p>	Y	<p>The District Plan has been updated to include the Raukawa Claims Settlement as a statutory acknowledgment.</p> <p>Council are complying with the settlement legislation requirements when processing Resource Consents and District Plan changes.</p>	Ally

Council as a policy maker

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature	Responsible Staff Member
43	Building Act 2004 The purpose of this Act is to regulate the building of structures in New Zealand, and deal with dangerous, insanitary and earthquake prone buildings.	Dangerous, Affected and Insanitary buildings policy in place and reviewed in accordance with legislative requirements	Strategic Partnerships and Governance Manager	Y	Multiple processes sitting in the Building Accreditation module	Y	The Building (Earthquake-prone Buildings) Amendment Act 2016 commenced on 13 May 2018 which means all parts of the previous Policy relating to earthquake-prone buildings have been removed. References to dangerous and insanitary buildings will remain. The Policy has been renamed to the Dangerous, Affected and Insanitary Buildings Policy 2019 and adopted. Work to identify roads, footpath, or other thoroughfares where parts of an unreinforced masonry building could fall in an earthquake etc. has also been completed (including public consultation) and are available on the council website.	Erin
	Climate Change Adaptation Act (Is not yet active legislation)							Ally
44	Dog Control Act 1996 This act provides for the regulation of dog control , registrations, offences etc.	Policy on Dogs in place and reviewed in accordance with legislative requirements Dog Control Bylaw in place and reviewed in accordance with legislative requirements	Strategic Partnerships and Governance Manager	Y	Multiple processes in pro-map	Y	Policy on Dogs – due for review in 2026. Dog Control Bylaw – due for review in 2026. (see also Bylaws)	Erin
45	Gambling Act 2003 This act regulates the issuing of gambling licenses in New Zealand	Gambling Venue policy in place and reviewed in accordance with legislative requirements	Strategic Partnerships and Governance Manager	Y	Consultation processes in Promapp	Y	Gambling Venue Policy – has been reviewed in 2022.	Erin
46	Hauraki Gulf and Marine Park Act 2000 The purpose of this Act is to— <ul style="list-style-type: none">integrate the management of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments:establish the Hauraki Gulf Marine Park:establish objectives for the management of the Hauraki Gulf, its islands, and catchments:recognise the historic, traditional, cultural, and spiritual relationship of the tangata whenua with the Hauraki Gulf and its islands:establish the Hauraki Gulf Forum.	Compliance with the requirements of the Act in the District Plan	District Planner	A councillor is appointed each term to this body – no delegations are required.	There are District Plan review and update processes that are relevant to this act.	Y	This Act takes the role of an NPS under the RMA and therefore we are required to give effect to it when reviewing the District Plan and processing resource consents. In regards to the Hauraki Gulf Forum all updates and any decision sought are put on the Council or COC agenda.	Ally
47	Local Government Act 2002 The purpose of this Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities. The Act provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them; and promotes	The following documents in place and reviewed in accordance with legislative requirements: <ul style="list-style-type: none">Development Contributions PolicySignificance and Engagement PolicyPolicy on the Remission and Postponement of Rates	Strategic Partnerships and Governance Manager	Y	Consultation processes in Promapp Calculating Development contributions Determining if a project is	Y	Development Contributions Policy will be reviewed as part of the 2024-34 LTP process. <u>It was identified that the annual increase in our Development Contribution fees for 2019-2023 was not calculated in accordance with the provisions of section 106 of the Local Government Act. The arising error in DC revenue has been provided for in the 2023 financial year.</u>	Erin Larnia

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature	Responsible Staff Member
	<p>the accountability of local authorities to their communities; and provides for local authorities to play a broad role in meeting the current and future needs of their communities for good-quality local infrastructure, local public services, and performance of regulatory functions.</p> <p>(see also bylaws below)</p>	<ul style="list-style-type: none">• Rates Remission Policy• Revenue and Financing Policy• Investment Policy• Liability Management Policy• Infrastructure Strategy• Financial Strategy• Long Term Plan• Annual Plan• Annual Report• Code of Conduct• Governance Statement• Triennial Agreement• Representation review• Pre-election report			<p>significant and needs consultation</p> <p>New Investments</p> <p>Long term plan</p> <p>Annual Plan</p> <p>Annual report</p> <p>Triennial Update - Code of Conduct and Local Governance Statement</p> <p>Pre-Election Report as required by LGA Section 36</p>		<p>Significance and Engagement Policy – will be reviewed as part of the 2024-34 LTP process</p> <p>Development Contributions Policy –will be reviewed as part of the 2024-34 LTP process</p> <p>Significance and Engagement Policy –<i>will be reviewed as part of the 2024-34 LTP process</i></p> <p>Policy on the Remission and Postponement of Rates – reviewed and adopted as part of the LTP in 2021 with a revision in July 2022 due to the Local Government (Rating of Whenua Māori) Amendment Act 2021.</p> <p>Rates Remission Policy – will be reviewed as part of the 2024-34 LTP process</p> <p>Revenue and Financing Policy – will be reviewed as part of the 2024-34 LTP process</p> <p>Investment Policy <u>and Liability Management Policy – both</u> reviewed annually by the Audit and Risk and Assurance Committee. Reviewed in July 2021, with next due for review due in 2022 (review timeframe not prescribed by legislation)</p> <p>Liability Management Policy – reviewed annually by the Audit and Risk Committee. Reviewed in July 2021, with next due for review due in 2022.</p> <p>Both of these are reported to ARC. This was last done in July 2021, and aim to report to ARC for 13 September meeting.</p> <p>Infrastructure Strategy – will be reviewed as part of the 2024-34 LTP process due for review in 2024 – I have asked Michelle to add this into the register – it's done as part of the LTP.</p> <p>Financial Strategy – will be reviewed as part of the 2024-34 LTP process</p> <p>Code of Conduct – due for review <u>ed</u> in 2022 following triennial election.</p> <p>Governance Statement – due for review <u>ed</u> in 2022 following triennial election.</p> <p>Triennial Agreement – Facilitated after each local government election by WRC, due for review in 2022, WRC to facilitate following the Local Government Elections.</p> <p>Pre-election report- was released prior to the 2022 Local Government elections, will be released July 2022.</p>	
48	<p>Local Electoral Act 2001</p> <p>The purpose of this Act is to provide uniform rules in relation to the timing of local elections; and the right of individuals to vote, stand for election, and nominate candidates for election.</p>	Representation review	Strategic Partnerships and Governance Manager	Not required – Council decision process	Processes are being recorded as the current representation review is being undertaken	Y	Representation review - reviewed outside of usual cyclical review in 2021/22 due to the advent of a Maori Ward. Usually reviewed six-yearly.	Erin

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature	Responsible Staff Member
49	Psychoactive Substances Act 2013 The purpose of this act is to regulate the sale of psychoactive substances.	Local Approved Products Policy in place and reviewed in accordance with legislative requirements	Strategic Partnerships and Governance Manager	Not required – Council had adopted a policy which MoH must refer to when making a decision to grant a license.	Legal Highs Sensitive Site Map updates	Y	Local Approved Products Policy this was reviewed in 2019. Due for review in 2024.	Erin
50	Racing Act 2003 This act provides for the preparation of a TAB licensing policy by Council, and other functions regarding racing in NZ by other bodies.	TAB Board venue policy in place and reviewed in accordance with legislative requirements	Strategic Partnerships and Governance Manager	Not required – Council had adopted a policy	Consultation processes in Promapp	Y	TAB Board Venue Policy review was completed 2022.	Erin
51	Reserves Act 1977 This act provides for the classification and management of public reserves	Reserve Management Plans in place and reviewed in accordance with legislative requirements	Asset Manager Strategy and Policy	Y	Reserve Management Plan Process	Y	<p>General Policies RMP 2019 – Adopted. Effective 1 July 2019.</p> <p>Aerodrome RMP review underway. Outdoor Adventure Parks - planned for (e.g. Te Miro) - planned for 2021-22<u>2024-25</u></p> <p>Remaining RMPs plan to be reviewed over the next five years. <i>Note: Note these dates are aspirational and the time taken to complete RMPs is dependent on public consultation processes etc.</i></p> <p><u>Staff need to work within the two hats worn by Council i.e. as the Administering Body of Reserves (s.40, Reserves Act 1977) and as the Minister's Delegate for various sections as per the Instrument of Delegation 12 July 2013. Other Councils tend to deal with this by using hearings commissioners and/or delegating to staff.</u></p> <p><u>Staff to determine whether all revenue generated from reserves is in fact applied to reserves purposes (s.78).</u></p>	Susanne/Mark
52	Resource Management Act 1991 The purpose of this Act is to promote the sustainable management of natural and physical resources.	District Plan in place and reviewed in accordance with legislative requirements, including compliance with requirements in RPS, RP, NES and NPS documents.	District Planner	Y	Update District Plan Council district plan change process	Currently reviewingN	<p>District Plan Operative 25 July 2005 - A review of all provisions needs to be commenced no later than every 10 years. Council has committed to a rolling review of the District Plan. A number of reviews have been completed or are in progress however a complete list of all reviews has been established. There has been a new Act past that does not require Council's to undertake a full review if this is due.</p> <p>We have achieved the first year compliance with the National Planning Standards. However, given the limited capacity and resources, Council is focusing on priority plan changes for the district rather than investing in changes to the format and the electronic capability as required by the National Planning Standard.</p> <p><u>In addition given that the Natural and Built Environment Act and the Spatial Planning Act have</u></p>	Ally

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature	Responsible Staff Member
							achieved Royal accent Council will need to make a decision when they no longer invest money in achieving the RMA requirements in relation to plan review. This is solely due to the current reform which is on schedule to be enacted by November next year which will change the legislative framework.	
	Natural and Built Environments Act 2023 (is not yet active legislation)	This legislation was created to supersede the RMA and will be implemented over the next 10 years	District Planner	Y	Participation in Joint Committee establishment Development of Statement of Community Outcomes	Y (Transitional)	This Act will come in over the next 10 years and there are currently no responsibilities in the policy space.	Ally
53	Sale and Supply of Alcohol Act 2012 This act regulates the sale and supply of alcohol, including who can purchase it and where it can be sold and under what conditions – through licencing and inspection frameworks.	Local Alcohol Policy in place and reviewed in accordance with legislative requirements	Strategic Partnerships and Governance Manager	Y	Consultation processes in Promapp	NY	The Local Alcohol Policy has been adopted and came into force on 11 September 2023. Local Alcohol Policy – due for review by March 2023, this is unable to be completed on time. Legal advice has advised that we can still enforce the Local Alcohol Policy until the review is undertaken.	Erin
54	Shop Trading Hours Act 1990 This act regulates the days and times which particular categories of retail shops may be open.	Easter Trading Policy in place and reviewed in accordance with legislative requirements	Strategic Partnerships and Governance Manager	Not required – Council has adopted a policy which DoL(MBIE) must refer to.	Consultation processes in Promapp	Y	Easter Trading Policy – Review completed 2022.	Erin
	Strategic Planning Act 2023-Bill (is not yet active legislation)	This legislation was created to supersede the RMA and will be implemented over the next 10 years	District Planner	Y	Participation in Joint Committee establishment	Y (Transitional)	This Act will come in over the next 10 years and there are currently no responsibilities in the policy space.	Ally
55	Waste Minimisation Act 2008 The purpose of this Act is to encourage waste minimisation and a decrease in waste disposal in order to protect the environment from harm; and provide environmental, social, economic, and cultural benefits.	Waste Minimisation and Minimisation Plan in place and reviewed in accordance with legislative requirements	Strategic Partnerships and Governance Manager	Not required – Council has adopted a policy which DoL(MBIE) must refer to	Consultation processes in Promapp	Y	Waste management and minimisation plan (WMMP) –reviewed in 2017. The plans have to be reviewed every six years. This was due for review in 2022/23 but was reviewed in 2021 outside the usual cycle to align with the Long-Term Plan and expiry of the existing waste contract in 2023. Next review due in 2027.	Erin
56	Prostitution Reform Act 2003 Bylaws Act 1910 Local Government Act 2002 Council Bylaws The above acts have provisions regarding the creation of bylaws by local authorities.	The following documents in place and reviewed in accordance with legislative requirements: <ul style="list-style-type: none"> • Introductory Bylaw • Land Transport Bylaw • Public Amenities Bylaw • Public Safety Bylaw • Solid Waste Bylaw • Wastewater Bylaw 2008 • Water Supply Bylaw 2008 • Stormwater Management Bylaw 2009 • Trade Waste Bylaw • Dog Control Bylaw <p>Pending:</p> <ul style="list-style-type: none"> • Freedom Camping Bylaw 	Strategic Partnerships and Governance Manager	Not required – Council adopts the bylaws. Staff have appropriate warrants to enforce bylaws.	Consultation processes in Promapp	Y	Introductory Bylaw – reviewed in 2030 Land Transport Bylaw - due for review in 2027 Public Amenities Bylaw - due for review in 2024 Public Safety Bylaw - due for review in 2026 (alcohol bans due for review in 2026) Solid Waste Bylaw - will be reviewed 2022/23 to align with the new solid waste contract Wastewater Bylaw 2008 - due for review in 2027 Water Supply Bylaw 2008 - due for review in 2027 Stormwater Management Bylaw 2009 - due for review in 2027 Trade Waste Bylaw – due for review in 2030 Dog Control Bylaw - due for review in 2026 (alongside the Policy on Dogs – see above) Staff have plans to relook at a few bylaws we have including the Introductory and Trade Waste Bylaw. A bylaw review programme has been identified and is included in the policy register.	Erin

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature	Responsible Staff Member
							Freedom Camping Bylaw - draft has been approved by Council, withconsultation starting September 2023	

Council as a financially prudent public entity

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature	Responsible Staff Member
56	Construction Contracts Act 2002 Provides additional rules around retentions held by contracts for Contracts.	<u>Restrictions on what can be included in contract retention clauses.</u> <u>There are accounting requirements for the holding of retention funds (Council can no longer hold retention funds as just part of our general council funds)</u> <u>There are requirements for regular reporting by the Principal to each Contractor and internally within the Principal's organisation on the retention funds held.</u>	<u>Finance and Business Service Manager</u>	<u>No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.</u>	N	Y	<u>Contract retention clause requirement unlikely to be an issue for MPDC because we use the NZ Standard conditions.</u> <u>Staff made aware that special conditions regarding the holding of retentions needs to be checked against the act.</u> <u>Trust account set up by Council and process for regular reporting is currently being put in place.</u>	Larnia
57	Good and Services Tax 1985 This act provides the framework and rules for the payment of goods and services tax.	The Council must account for and pay GST	Finance and Business Service Manager	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.	GST – Invoice compliance	Y	To the best of staff's knowledge these matters have been complied with. Advice is sought from Tax Professionals as/when required (for more complex matters). An external review of Council's GST procedures was last undertaken in Feb 2015. Property transactions (or a sample thereof) are reviewed by our external auditors on an annual basis for compliance with GST requirements.	Larnia
58	Income Tax Act 1996 The main purposes of this Act are to define, and impose tax on, net income, to impose obligations concerning tax and to set out rules for calculating tax and for satisfying the obligations imposed.	The Council must deduct and pay to the Commissioner of Inland revenue the following taxes or levies: <ul style="list-style-type: none"> • ACC • PAYE • Fringe Benefit Tax • Withholding tax • Income tax (on dividends from CCOs) The Council must comply with disclosure and tax rules relating to the sale and purchase of land	Finance and Business Service Manager People, Safety and Wellness Manager	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.	FBT Return PAYE reporting and payment to IRD - mid month PAYE reporting and payment to IRD – end of month AP Withholding Tax Induction packs for new staff	Y	To the best of staff's knowledge these matters have been complied with. <u>Annual income tax return filed in respect of any dividends received from CCOs (eg Waikato Regional Airport)</u>	Larnia Kelly
59	Local Government Act 1974 The parts of the LGA 1974 which have not been repealed relate to fuel tax, roading powers and land drainage	Requirements for accounting of fuel tax are complied with under the act.	Finance and Business Service Manager	No delegation required in respect of these functions as Council is not exercising a power under the legislation – this is a compliance matter. Council has made other delegations for this Act.	No Processes	Y	To the best of staff's knowledge these matters have been complied with. An annual return is submitted to Hamilton City Council, the administrator for the Waikato Region's fuel tax pool.	Larnia
60	Local Government Act 2002 The purpose of this Act is to provide for democratic and effective local government that recognises the diversity of New Zealand	Compliance with the statutory disclosures required in the Long Term Plan, Annual Plan and Annual Report and associated regulations.	Finance and Business Service Manager	No delegation required as Council is not exercising a power under the	Consultation processes in promapp and AP,	Y	To the best of staff's knowledge these matters have been complied with.	Larnia Erin

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments and Signature	Responsible Staff Member
	communities. The Act provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them; and promotes the accountability of local authorities to their communities; and provides for local authorities to play a broad role in meeting the current and future needs of their communities for good-quality local infrastructure, local public services, and performance of regulatory functions.		Strategic Partnerships and Governance Manager	legislation in these instances – this is a compliance matter.	LTP and AR processes.			
61	Local Government Borrowing Act 2011 The purpose of this Act is to facilitate the operation of the New Zealand Local Government Funding Agency Limited. The Act authorises local authorities to deal with the Funding Agency in a manner in which they would otherwise not be authorised to do so; and authorises or requires local authorities, in certain situations, to act in a manner in which they would otherwise not be authorised or required to act.	Compliance with the requirements for Local Authorities under the Act	Finance and Business Service Manager	No delegation required as Council is not exercising a power under the legislation in these instances – this is a compliance matter following a Council decision to use the LGFA.	No Processes	Y	To the best of staff's knowledge these matters have been complied with.	Larnia
62	Local Government (Rating) Act 2002 This Act provides local authorities with flexible powers to set, assess, and collect rates to fund local government activities, ensures that rates are set in accordance with decisions that are made in a transparent and consultative manner and provides for processes and information to enable ratepayers to identify and understand their liability for rates.	Compliance with the processes for establishing rating structures and striking/collecting rates.	Finance and Business Service Manager	Y	No Processes	Y	To the best of staff's knowledge these matters have been complied with. <u>For the 2023/24 rating year, before adoption, Council obtained legal advice on the application of the remission in respect of kerbside collection targeted rates for those who would either no longer receive the service or would begin to receive the service part way through the rating year.</u>	Larnia

Council as a regulator and matters of compliance

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments	Responsible Staff Member
63	Airport Authorities Act 1966 Any local authority, with the prior consent of, and in accordance with any conditions prescribed by, the Governor-General by Order in Council, may establish, improve, maintain, operate, or manage airports (including the approaches, buildings, and other accommodation, and equipment and appurtenances for any such airports) and may acquire land for any such purpose either within or without its district or region. Any local authority empowered to carry out any undertaking under this section may carry on or cause to be carried on in connection therewith any subsidiary business or undertaking.	Compliance with requirements to operate as an airport authority under this Act. Section 6 of the Act enables airport authorities to grant leases and regulates matters concerning such leases.	Community Facilities Operations Manager	Y	Yes – several process relating to the management of the MM Aerodrome, mainly The Standard Operating Procedures for the aerodrome	Y	<u>MPDC coordinate a safety committee that includes representatives from the various user groups. These include aero club, gliding club, models, hangar owners, Walsh flying school, Sky Venture, parachuting clubs. This group meets quarterly to discuss health and safety and general operations. Council does not have many issues as a non-certificated aerodrome in the Airport Authorities Act, which has been confirmed by our consultant, Simon Lockie.</u>	Sharon
64	Building Act 2004 The purpose of this Act is to regulate the building of structures in New Zealand, and deal with dangerous, insanitary and earthquake prone buildings.	Compliance with functions as the building control authority, building consents, swimming pool inspections, building warrant of fitnesses, dangerous insanitary and earthquake prone buildings – and associated regulations.	Group Manager Community Development Building Control Manager	Y	Section 75 certificate building act 2004 Several processes under Building accreditation module	N	To the best of our knowledge the vast majority of work is in compliance with the legislation. During 1 July to 30 June 2022 2023 we processed 4424-832 building consents. 4028-758 of these were processed within statutory timeframes (91.4691.10%). Council has been assessed by IANZ and the BCA has been and confirmed that we are as compliant and can continue issuing consents as a BCA.	Dennis Daniel
65	Building Research Levy Act 1969 This act provides for the authority for the Crown to collect building research levies	Payment of research levies in accordance with the Act	Group Manager Community Development Building Control Manager	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.	Several processes under Building accreditation module	Y	The building levy is stated in Council's fees and charges and collected for every building consent over \$20,000, on behalf of the Crown.	Dennis Daniel
66	Burial and Cremations Act 1964 This act provides for the creation management and regulation of cemeteries by local authorities.	Management of Council cemeteries in accordance with the Act	Kaimai Valley Services Manager	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter. Appropriate staff have been warranted to manage cemeteries.	Cemeteries Policy and procedures	Y	To the best of staff's knowledge these matters have been complied with.	Lance
67	Civil Aviation Act 1990 This act sets out the functions, powers, and duties of participants in the civil aviation system	Compliance with duties under the act and co-operation with the CAA when required.	Community Facilities Operations Manager	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.	Yes – several process relating to the management of the MM Aerodrome	Y	Non certificated airport. Small part of Pt 139 only. 1. Identify obvious hazards on the aerodrome.	Sharon

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments	Responsible Staff Member
							2. Make sure that the landing plate on the AIP shows any local hazards for aircraft. 3. Able to provide the director of CAA with record of annual aircraft movements The review of the safety management plan is underway at present with the user groups	
68	Dog Control Act 1996 This act provides for the regulation of dog control , registrations, offences etc.	Compliance with processes and carrying out of functions as the Dog Control Authority.	Group Manager Community Development	Y	Adding in a dog Annual registration process Unregistered dog Maintain existing records	Y	We received 662-745 animal control complaints during the period 1 July to 30 June 2023. Of these 645-731 (97-4398.1 %) were responded to within the assigned timeframes. This includes dogs and stock control complaints. These timeframes are as per the Long-Term Plan (these timeframes are not statutory).	Dennis
69	Impounding Act 1955 This act provides for Council and individuals to impound stock and for Council to operate a stock pound.	Compliance with processes and carrying out of functions as the pound keeper.	Group Manager Community Development	Y	Barking dog Impounding of dog Impounding of stock	Y	To the best of staff's knowledge these matters have been complied with.	Dennis
70	Food Act 2014 The purpose of this Act is to achieve the safety and suitability of food for sale.	Carrying out the role of Council under section 19 of the act.	District Planner	Y	Food Act 2014 verification Food premises health licence renewal	Y	All food businesses are operating under the Food Act 2014. Amendment Acts have been past which have extended the time period in which audit must be carried out due to Covid. In accordance with these legislations we are slowly catching up on our audits. Council and a Council office have maintained their accreditation as an agency and Officer respectively, to process National Programmes.	Ally
71	Gambling Act 2003 This act regulates the issuing of gambling licenses in New Zealand	Carrying out Council functions in relation to gambling licences under the act and Council's policy	District Planner	Y	No Processes	Y	Council in 2022 have reviewed the Gambling Policy and as a result of this are in the process of generating an application form and website page. No applications have been received under this policy.	Ally
72	Hazardous Substances and New Organisms Act 1996	Carrying out the functions of the Council under the act.	District Planner Safety and Wellness Team Leader	Y	No processes in place Multiple processes relating to Hazardous Substances.	Underway	All sites have inventories. Staff are trained in managing and handling hazardous substances. Some sites are operating under a Provisional Improvement Notice while Location Compliance issues are resolved. Although the act sets out Council's requirements, in practice the fire and police are the first responders and therefore take control of the site.	Ally Kate/Kelly
73	Hauraki Gulf and Marine Park Act 2000 The purpose of this Act is to—	Compliance with the requirements of the Act requirements in the assessing resource consents	District Planner	No delegation required as Council is not exercising a power under the	Assessed as part of a resource consent and	Y	Councilor Arnold Sainsbury and a staff member regularly attend the forum meetings.	Ally

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments	Responsible Staff Member
	<ul style="list-style-type: none">integrate the management of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments:establish the Hauraki Gulf Marine Park:establish objectives for the management of the Hauraki Gulf, its islands, and catchments:recognise the historic, traditional, cultural, and spiritual relationship of the tangata whenua with the Hauraki Gulf and its islands:establish the Hauraki Gulf Forum.			legislation – this is a compliance matter. To meet the requirements of the RMA we need to consider the HGMPA and there are delegations under the RMA which are relevant.	included in the resource consent templates. There are promapp processes in regards to resource consents.		The Acts requirements are considered as part of the District Plan and applications for resource consent.	
74	Health Act 1956 This act regulates drinking water standards and reporting requirements, requires Councils to provide sanitary services, and provides powers to deal with nuisances and insanitary sites.	Compliance with drinking water standards/reporting	Asset Manager Strategy and Policy Water and Wastewater Manager	Y	Bacterial testing and result reporting for council water supplies	N	Council is taking a proactive stance towards full compliance with the drinking water standards for New Zealand (DWSNZ). MPDC's interim 2021/22 Annual report result shows 100% compliance with bacteriological standards (Part 4). There has been a lift in compliance protozoological standards (Part 5). Non-compliance against part 5 are technical in nature and should be address with ongoing plant upgrades. MPDC is non-compliant with 69Z of the health act for the Morrinsville Supply and are seeking advice from Taumata Arowai on an appropriate path to compliance. It is expected that the approach to compliance with 69Z will change significantly with the handover of regulatory control of drinking water to Taumata Arowai in November 2021.	Susanne Karl
		Carrying out functions as a local authority regarding nuisances and insanitary sites (Including health licences Hairdressers, Funeral Directors and Camping Grounds)	District Planner	Y	This is recorded through the CRM system which there are processes for. We are currently in the process of developing an enforcement policy which will sit alongside the CRM process.	Underway	We are currently in the process of developing an enforcement policy which will sit alongside the CRM process.	Ally
		Require local authorities to provide 'sanitary works' which includes services Council provides to the public (includes cemeteries and public toilets for example).	Asset Manager Strategy and Policy	N	No Processes	Y	Council has undertaken a sanitary services assessment of some of its 'sanitary works'.	Susanne

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments	Responsible Staff Member
							A report on these services was presented to Council at its COC meeting on 24 July 2019. Council has provided additional public toilets, ashes walls and burial space in response to the sanitary services assessment.	
75	Heritage New Zealand Pouhere Taonga Act 2014 This superseded the former Historic Places Act 1993. The purpose of the Act is to promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand.	Compliance with the requirements of the act in relation to historic sites/buildings	District Planner	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.	This is assessed through the resource consent processes. There are promapp processes in regards to resource consents.	Y	Heritage buildings and archeological sites are considered as part of the resource consent and District Plan review process.	Ally
76	Litter Act 1979 This act provides powers to Council to require the removal of litter.	Complying with the requirements of the act in carrying out powers as Litter Control Officers	Legal Counsel	Council staff have been warranted as litter control officers pursuant to the legislation.	No Processes	Y	In practice very little enforcement is carried out. Fly tipping in urban areas is often collected by KVS and by Fulton Hogan in rural areas. If and 'owner' can be identified they are sent a letter warning of consequences.	Ellie
77	Local Government Act 1974 The parts of the LGA 1974 which have not been repealed relate to fuel tax, roading powers and land drainage	Councils functions and powers in relation to roading and land drainage are carried out in accordance with the act.	Roading Manager Asset Manager Strategy and Policy	Y	Road stoppage procedure	Y	This is a PSO function in conjunction with AMS&P and generally applies to the sale of surplus land/acquisition of land for roads.	Mike van G Susanne
78	Local Government Act 2002 The purpose of this Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities. The Act provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them; and promotes the accountability of local authorities to their communities; and provides for local authorities to play a broad role in meeting the current and future needs of their communities for good-quality local infrastructure, local public services, and performance of regulatory functions. Council is required to consult if they are planning to sell or otherwise dispose of any parks.	Council's powers in relation to utilities and entry of land are performed in accordance with the act.	Property and Community Projects Manager Water and Waste Manager Asset Manager Strategy and Policy	Y	KVS interruption to services KVS – district utilities asset sign in	Y	Involvement here is mainly to do with powers to enter land to undertake survey and investigation work. It will also enable contractors engaged by the council to undertake physical work. No parks have been disposed of in the last year.	Roger Karl Susanne
79	Public Works Act 1981 This act provides the framework for Council to take land for the purposes of public works; it also provides the framework for the disposal of land no longer required for a public work.	Land is acquired for public works in accordance with the act Land no longer required for public works is disposed of in accordance with the act	Property and Community Projects Manager Legal Counsel	Y	Easements and covenants on reserve land Property disposal procedure	Y	To the best of staff's knowledge these matters have been complied with.	Roger/Ellie

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#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments	Responsible Staff Member
							are often technical and represent a low environmental risk. There has been a recent focus from Regional Council on stormwater and landfill consent performance, which has resulted in enforcement action against MPDC. MPDC is active in addressing these non-compliances particularly with regard to data and reporting.	
		Compliance with the Regional Plan and Regional Policy Statement	District Planner	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter. To meet the requirements of the RMA we need to consider the Regional Plan and RPS and there are delegations under the RMA which are relevant.	This is assessed through the resource consent processes and is therefore included in the resource consent templates. There are promapp processes in regards to resource consents	Y	Council works closely with the Regional Council on both the Regional Plan and the RPS. Council became a s274 party to Plan Change One – Healthy River which is currently in the appeal phase.	Ally
84	Reserves Act 1977 This act provides for the classification and management of public reserves	Management of reserves in accordance with the act	Asset Manager Strategy and Policy	Y	Reserve management plan process	Y	All of Councils reserves are subject to a Reserve Management Plan. There is a programme to have these reviewed over the next few years. The general reserve management plan was adopted by Council in 2019. Relevant staff are also warranted and appointed as Rangers under the provisions of the Act. There has been no enforcement action taken under this Act during the past year.	Susanne/Mark
85	Sale and Supply of Alcohol Act 2012 This act regulates the sale and supply of alcohol, including who can purchase it and where it can be sold and under what conditions – through licencing and inspection frameworks.	Compliance with requirements to issue licences and carry out inspections in accordance with the act.	District Planner	Y	Application for new on/off/club liquor licence Application for renewal of liquor licence <u>Liquor Alcohol</u> hearing preparation	Y	We have a number of alcohol licenses/certificates processes and delegations in place to ensure compliance <u>which are currently been reviewed</u> . All unopposed licenses and certificates are signed off on the papers by the Chair of the District Licensing Committee with all opposed applications heard by the full Committee. Council reports in accordance with section 19 every year on our website.	Ally

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments	Responsible Staff Member
					Undertaking annual inspections of licensed premises			
86	Search and Surveillance Act 2012 The purpose of this Act is to facilitate the monitoring of compliance with the law and the investigation and prosecution of offences in a manner that is consistent with human rights values by— <ul style="list-style-type: none">modernising the law of search, seizure, and surveillance to take into account advances in technologies and to regulate the use of those technologies; andproviding rules that recognise the importance of the rights and entitlements affirmed in other enactments, including the New Zealand Bill of Rights Act 1990, the Privacy Act 1993, and the Evidence Act 2006; andensuring investigative tools are effective and adequate for law enforcement needs.	Compliance with requirements to issue notices and record warrantless searches and otherwise obtain warrants in accordance with legislation.	District Planner Group Manager – Community Development	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.	No Processes	Underway	Currently reviewing the enforcement policy which will link into this.	Ally
87	Walking Access Act 2008 The purpose of this Act is to provide the New Zealand public with free, certain, enduring, and practical walking access to the outdoors (including around the coast and lakes, along rivers, and to public resources) so that the public can enjoy the outdoors; and to establish the New Zealand Walking Access Commission with responsibility for leading and supporting the negotiation, establishment, maintenance, and improvement of walking access (including walkways, which are one form of walking access) over public and private land; and types of access that may be associated with walking access, such as access with firearms, dogs, bicycles, or motor vehicles.	Compliance with the act where Council is the administering authority.	Asset Manager Strategy and Policy	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter. Other decisions around declaring land as walk ways would be considered by Council.	No Processes	Underway	There are numerous paper roads within the district. There is currently no enforcement of the compliance in place and council deals with compliance on a one off basis where complaints have been received. Council has not to date been appointed as the controlling authority of any public walkways under the provisions of the Act. This ties into the Biosecurity (National PA Pest Management Plan) Order 2022.	Susanne
88	Waste Minimisation Act 2008 The purpose of this Act is to encourage waste minimisation and a decrease in waste disposal in order to protect the environment from harm; and provide environmental, social, economic, and cultural benefits.	Carry out Council's functions to monitor waste disposal and administer the waste minimisation levy in accordance with the act	Solid Waste Lead	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter. Appropriate staff have warrants of appointment.	No Processes	Y	Council has employed a Solid Waste Lead to ensure requirements under this legislation are met such as the WMMP and waste levy spend.	Louisa
89	Weathertight Homes Resolution Services Act 2006 This act provides for an alternative process for home owners to resolve 'leaky building' claims	Disclosure of information as required under this act in LIMs Participation in the claims process under the act.	Customer Services Manager Strategic Partnerships and Governance Manager	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.	Handling Weathertight Homes Resolution Service (WHRS) Notifications Generate Lim report	Y	Documentation found on property files/council systems is included in the LIM Report and the Legal Counsel assess the information to provide a comment to be attached to the release of the file. Claim processes are managed by Council's Legal Counsel and assisted by the Group Manager Community Development and Building Manager.	Sheree Erin/Ellie

#	Legislation and Purpose	Area of compliance	Responsible Manager	Delegations Y/N	Promapp Processes	Compliance? Yes No N/A	Comments	Responsible Staff Member
			Legal Counsel					
90	Utilities Act 2010 The purpose of this Act is to require utility operators and corridor managers to comply with a national code of practice that regulates access to transport corridors; and provide for the making and administration of that code.	Compliance with the code as required under legislation.	Roading Manager	No delegation required as Council is not exercising a power under the legislation – this is a compliance matter.	Corridor Access Request processes in Promapp	Y	Roading Manager manages the CAR (Corridor Access Request) system. Under Section 2.7.1 of the Code of Practice Council is required to share works programmes with Utility Operators and also receiving planned works programmes from Utility Operators. Under 2.7.2 there is a requirement to participate in Liaison Meetings with all parties including internal departments to co-ordinate works programmes within the road corridor. The National Code of Practice for Utility Operators Access to Transport Corridors is currently out for review. Submissions close 29 September 2023. Under Section 2.7.1 of the Act Council was meant to be sharing works programmes with Utility Operators and also receiving planned works programmes from our Utility Operators. Under 2.7.2 there is also a requirement to participate in Liaison Meetings with all parties including internal departments to co-ordinate works programmes. It has been difficult to plan any meetings throughout the Covid event however we are currently planning a joint meeting with TCDC and HDC and all of our utility operators and internal departments.	Mike van G
91	Council Bylaws	Implementation and investigation of breaches of Council bylaws - <ul style="list-style-type: none">• Introductory Bylaw• Land Transport Bylaw• Public Amenities Bylaw• Public Safety Bylaw• Solid Waste Bylaw• Wastewater Bylaw 2008• Water Supply Bylaw 2008• Storm water Management Bylaw 2009• Trade Waste Bylaw• Dog Control Bylaw	District Planner – only Public Safety Bylaw Asset Manager Strategy and Policy	Y – under the LGA 2002 and warrants to various staff	This is recorded through the CRM system which there are processes for. We are currently in the process of developing an enforcement policy which will sit alongside the CRM process.	Underway	Currently reviewing enforcement policy which will link to this. <u>Council is developing a Freedom Camping Bylaw</u>	Ally Susanne Ellie

7 Pūrongo me whakatau | Decision Reports

7.4 Council Policy reviews

CM No.: 2766519

Te Kaupapa | Purpose

The purpose of this report is to inform the Risk and Assurance Committee of the status of Council's policy reviews.

Rāpopotonga Matua | Executive Summary

The Risk and Assurance Committee chair has requested a list of current Council and Management Policies for review.

Council staff have created a Policy Register in our corporate system. The records of this are circulated separately. The details of the list can be discussed at the Committee meeting.

Tūtohunga | Recommendation

That:

1. The information be received.

Ngā Tāpiritanga | Attachments

- A. Policy register data for Risk and Assurance (*Under Separate Cover*)

Ngā waitohu | Signatories

Author(s)	Niall Baker Policy Team Leader	
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Approved by	Erin Bates Strategic Partnerships and Governance Manager	
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7 Pūrongo me whakatau | Decision Reports

7.5 Review Annual Report 2022/23

CM No.: 2780551

Te Kaupapa | Purpose

The purpose of this report is to present the Annual Report 2022/23 and Annual Report Summary to the Risk and Assurance Committee for its consideration.

Rāpopotonga Matua | Executive Summary

The Local Government Act 2002 (LGA) requires Council to adopt its Annual Report and Summary by 31 October each year. The Annual Report and Summary 2022/23 are presented to Council for adoption on October 25th 2023.

This report covers the following items, all of which will be circulated separately to this report:

- a. Annual Report and Summary 2022/23
- b. Draft Audit Opinions for the Annual Report and Summary 2022/23
- c. Warrant of Fitness for the Annual Report and Summary 2022/23
- d. Letter of representation for the Annual Report and Summary 2022/23 and staff review of representations made
- e. Misstatement schedule from the Annual Report final audit

Rene Van Zyl and Claudia Brink from Audit New Zealand in attendance to discuss the audit opinion for the Annual Report.

Tūtohunga | Recommendation

That:

1. The following documents be received:
 - a. Annual Report and Summary 2022/23
 - b. Audit Opinions for the Annual Report and Summary 2022/23
 - c. Warrant of fitness for the Annual Report 2022/23
 - d. Letter of representation for the Annual Report and Summary 2022/23
 - e. Misstatement schedule from the Annual Report final audit

Horopaki | Background

Under the Local Government Act 2002 (LGA), Council is required to:

- Complete and adopt its Annual Report, containing audited financial statements, within four months after the end of the financial year ie by 31 October each year.
- Make its Annual Report publicly available within one month of adopting it; and
- Make an audited summary of the Annual Report publicly available within one month of adopting the Annual Report.

The Annual Report and Summary must be audited, and an opinion on the Annual Report and Summary provided to Council and the report's readers.

Ngā Take/Kōrerorero | Issues/Discussion

a. Annual Report and Summary 2022/23

Please refer to documents, which are circulated separately.

b. Warrant of Fitness for the Annual Report 2022/23

The WOF has proven to be a useful tool for staff to check that significant matters have been considered in the preparation of the Annual Report. It is intended to provide some assurance to Council in this regard.

The Warrant of Fitness section 13 is to be completed by elected members.

c. Draft Audit Opinions for the Annual Report and Summary 2022/23

Under the Local Government Act 2002 Council is required to obtain an audit of its Annual Report and Summary. Rene Van Zyl and Claudia Brink from Audit New Zealand in attendance to provide details about the Audit and the Audit Opinion.

d. Letter of representation for the Annual Report and Summary 2022/23 and staff review of representations made

The representation letter sets out the Council's responsibilities under the LGA to report on the Council's financial position and activities; and quality of information presented in the Annual Report and Annual Report Summary.

The letter provides assurances to Audit in relation to the following requirements, which to the best of their knowledge, Council are of the opinion have been met:

- General responsibilities relating to the Councils actions
- Responsibilities for the financial statements and the statement of service performance
- Responsibilities to provide information
- Confirmation that Council is a going concern
- Responsibilities for the information presented in the Annual Report Summary
- Publication of information on our website.

To assist the Council in gaining assurance that these requirements have been met, staff have provided responses on what steps have been taken to meet the responsibilities outlined.

e. Misstatement schedule from the Annual Report final audit

The schedule of misstatements sets out the errors noted by Audit and those changes identified by staff in their QA process. Staff will be in attendance to discuss these with Council. Council's auditors will also be able to provide their view on the nature of the misstatements.

Mōrearea | Risk

The risk is that if Council does not adopt the Annual Report and Annual Report Summary at the Council meeting on October 25th, Council will not meet its statutory timeframe to adopt its Annual Report by October 31st.

Recommended option

That the Committee receive the draft Annual Report 2022/23 and Summary.

Policy Considerations

1. To the best of the writer's knowledge, this recommendation is not significantly inconsistent with nor is anticipated to have consequences that will be significantly inconsistent with any policy adopted by this local authority or any plan required by the Local Government Act 2002 or any other enactment.

Ngā Pāpāhonga me ngā Whakawhitiwhitinga | Communications and engagement

The Annual Report and Summary are set to be adopted by Council on 25th October 2023. The adopted documents will be made public on the Council website within one month of adoption, and publicly notified in the local newspapers.

Te Tākoha ki ngā Hua mō te Hapori me te here ki te whakakitenga o te Kaunihera | Contribution to Community Outcomes

The Annual Report monitors progress towards all our community outcomes.

Pānga ki te pūtea, me te puna pūtea | Financial Cost and Funding Source


Budget

The production of the Annual Report and Summary has a budget of \$7,000. Annual Report audit fees have a budget of \$125,000.

Funding Source

The Annual Report cost is provided for within the Strategies and Plans activity budget. The Annual Report and audit are funded from general rates.

Ngā Tāpiritanga | Attachments

A.  Annual Report WOF for year ending 30 June 2023



B.  Draft Annual Report Summary 2022-23 (*Under Separate Cover*)

C.  Draft Annual Report 2022-23 (*Under Separate Cover*)

Ngā waitohu | Signatories

Author(s)	Anne Gummer Policy Advisor	
Approved by	Niall Baker Policy Team Leader	
	Larnia Rushbrooke Finance and Business Services Manager	
	Erin Bates Strategic Partnerships and Governance Manager	
	Manaia Te Wiata Group Manager Business Support	

Annual Report – Warrant of Fitness

Council meeting 25 October 2023

Completed by: Finance and Business Services Manager

Section 13 – to be completed by: Elected members

Matter	Y	N	NA
1 Compliance with the Local Government Act 2002 and the Financial Reporting Requirements			
Financial Reporting			
1.1 Are you satisfied that all applicable financial reporting standards which affect Council have been complied with?	✓		
1.2 Are you satisfied that the financial statements comply with generally accepted accounting practice?	✓		
Describe here how we have achieved this: <i>Kept abreast of potential changes arising from the accounting standards via review of monthly professional media</i> <i>Taituara and sector advice provided via webinars and Listserve</i> <i>Round-table discussions with accounting and other Council staff</i> <i>Check performed against key sections of legislation, eg the Financial Reporting Regulations.</i> <i>Discussed format, reporting and specific accounting issues with Audit NZ during the interim audit and final audit, as well as emailed correspondence with the Auditors and regular catch-up meetings with the Audit team.</i> <i>Reviewed and updated the financial statements and notes against the most recent version of the Audit New Zealand's model annual report particularly in respect of the new requirements for Financial Instruments disclosures PBE IPSAS 41 that Council has adopted this year.</i>			
1.3 Have statements of accounting policies, financial position, financial performance, cash flows, movements in equity, and notes to the financial statements been prepared?	✓		
1.4 Detail any amendments to existing financial reporting standards, or new financial reporting standards issued in the last year that affect the financial statements. <i>PBE IPSAS 41 Financial Instruments disclosures was adopted this year.</i> <i>The main effects of the new standard are outlined in the 'changes to accounting policies' section of the notes to the financial statements, and in</i>	✓		

Matter	Y	N	NA
<p>note 25. The overall impact is minimal, with the biggest change being how Council calculates the provision for doubtful debts.</p> <p>PBE FRS 48 Service Performance Reporting was also adopted this year, which covers the non-financial performance information. The main impact of the standard is the requirement for additional information to show what judgement was applied in the selection, measurement, aggregation and presentation of performance information.</p>			
1.5 If new standards and amendments to standards have been adopted, are you satisfied that these amendments have been disclosed adequately in the financial statements?	✓		
<p>1.6 Other than as impacted by 1.4 and 1.5, have the financial statements been prepared on a basis consistent with prior periods?</p> <p>There is a minor change from prior years in our Funding impact statements (FIS). Following the work we did with the 3 Waters National Transition Unit earlier this year, we identified that the finance costs in our FIS for each activity should reflect both internal and external interest costs. Previously the internal interest costs were reflected in the 'internal charges and overheads applied' line of the FIS. We've also tidied up and better linked the FIS reporting on movements in reserves with our reserves statement.</p> <p>Otherwise, the financial statements have been prepared on a consistent basis with previous periods.</p>	✓		
1.7 If there have been changes in accounting policies, have these been adequately disclosed in the financial statements?	✓		
1.8 Are you satisfied that any accounting issues can be reasonably defended?	✓		
<p>1.9 Have you determined that all statutory registers and records required by the legislation have been properly kept throughout the period and that they are up to date?</p> <p><input type="checkbox"/> Council minutes</p> <p><input type="checkbox"/> Contract, Complaints Registers</p> <p><input type="checkbox"/> Rating Information Database</p> <p><input type="checkbox"/> Weather tight Homes Resolution Service</p> <p><input type="checkbox"/> Health & Safety</p> <p><input type="checkbox"/> All Financial documentation</p>	✓		

Matter	Y	N	NA
1.11 Do you consider that the financial statements have been prepared using appropriate accounting policies, consistently applied and supported by reasonable judgements and estimates?	✓		
1.12 Do you believe that proper accounting records have been kept which enable, with reasonable accuracy, the financial statements to be prepared in compliance with the LGA, Accounting standards and Financial Reporting requirements?	✓		
1.13 In your opinion, are the financial statements drawn up so as to give a true and fair view of the financial position of the reporting entity at the end of the financial period, and of the financial performance and cash flows for the period ended on that date?	✓		
1.14 Has the external auditor had full access to all accounting records, other documents and all information and explanations required or requested by them?	✓		
2. ASSETS			
Current Assets			
2.1 Cash and Bank Balances			
2.1.1 Is the bank balance and other cash properly stated in the financial statements (correctly reflecting the reporting entity's ability to use such funds on an at call basis)	✓		
2.2 Receivables			
2.2.1 Are you satisfied that all known bad material debts have been written off? <i>Bad debts written off this year totalled \$13k for sundry debtors and \$16k for rates debts written off. Rates debts are only written off in line with rating legislation, or as they have become statute-barred as they have not been collected/no payments made towards these debts have been made for more than 6 years. The majority of these debts relate to land in multiple ownerships that do not qualify to be made non-rateable under the recent LG (Rating of Whenua Maori) amendment Act 2021.</i> <i>Some historic community loans totalling \$11.7k were written-off in 2022/23</i>	✓		
2.2.2 To the extent they are material does the estimated provision for doubtful debts fully cover amounts assessed as not likely to be recoverable? <i>PBE IPSAS 41 changed the way we estimate our provision for doubtful debts (now known as an allowance for expected credit losses ECL). ECL is calculated by grouping receivables with similar credit risk characteristics, and then reviewing the historical credit losses recognised for each grouping, and considering any forward looking factors that may affect collection. Under the new model, Council's provision for doubtful debt or ECL has</i>	✓		

Matter	Y	N	NA
<i>decreased from \$279k last year to \$27k for 30 June 2023. \$27k is much more in line with our usual annual level of write-off.</i>			
2.2.3 Have the amounts recognised as bad debts and doubtful debts been disclosed if material?	✓		
2.2.4 Are you satisfied that all material receivables have been reviewed at balance date and up to the date of signing the financial statements to ensure that the carrying value of receivables are recoverable in full?	✓		
2.2.5 Has the aggregate value of receivables been shown in the financial statements at (or below) the value expected to be realised?	✓		
2.2.6 Are you satisfied that receivables have been correctly classified between current and non current? <i>We have not identified any material non-current receivables.</i>	✓		
2.2.7 Have receivables from Elected members\Senior Management been assessed as acceptable and reported to the Audit & Risk Committee <i>There were no balances owing at 30 June for elected members or senior management</i>			✓
2.2.8 Are you satisfied that all prepayments and other charges carried forward have a future economic benefit? <i>Most prepayments relate to subscriptions, licences and insurance. Copy of all invoices held in Audit file.</i>	✓		
2.3 Other Current Assets			
2.3.1 Are you satisfied that all "other current assets" are likely to realise in the ordinary course of business, at least their value as shown in the financial statements? <i>Current assets this year includes \$1.4m non-current assets held for sale. This is the carrying value of land at 26 Rockford Street Matamata that was sold, with settlement in early August 2023.</i> <i>All other current assets are a part of Council's usual course of business</i>	✓		
Non-Current Assets			
2.4 Investments and Derivatives (Current and Non Current)			
2.4.1 Have we complied with Council's Investment Policy? <i>There have been no instances of non-compliance during the year</i>	✓		

Matter	Y	N	NA
<p>2.4.2 Are derivative financial instruments carried in the financial statements at fair value?</p> <p><i>Interest rate swaps have been valued using software available in-house.</i></p>	✓		
<p>2.4.3 Have all Council Controlled organisations (CCO) (including Special Purpose Entities), as defined in the appropriate financial reporting standard, been consolidated?</p> <p><i>The accounts for Waikato LASS have not been audited at the time of our annual report adoption, however the value of the investment is not material at \$28k.</i></p> <p><i>We have not equity accounted for the Hauraki Rail Trail Charitable Trust (HRTCT), as they did not provide us with completed financial statements in time to incorporate them in our tight Annual Report timeframe. The current carrying amount is \$20k and not material.</i></p> <p><i>Council account for our shareholding in the Waikato Regional Airport by increasing (or decreasing) the carrying amount of the investment to recognise our Council's share of the change in the net assets of the company. Considering PBE IPSAS 41, MPDC considers the proportion of ownership of the airports net assets as a proxy for fair value to be appropriate in determining the fair value for the following reasons:</i></p> <ul style="list-style-type: none"> <i>The standard states that cost is only appropriate in limited circumstances – and we believe there is sufficient information to obtain a better estimate than cost</i> <i>While the best evidence is quoted prices in an active market, there is no active market for the shares in WRAL.</i> <i>No independent valuation has been performed on WRAL's FV</i> <i>The standard states that where no active market exists, we can establish FV by using a valuation technique. The standard states that the chosen valuation technique should make maximum use of market inputs – we consider that using the company's net assets, which are largely derived from market inputs related to their PPE appears to best meet the requirements of the standard.</i> <p><i>Audit NZ have raised that Council will need to annually assess why we consider it is appropriate to determine FV for this investment in this manner against the requirements of PBE IPSAS 41.</i></p>	✓		
<p>2.4.4 Where CCOs have been incorporated, acquired or disposed of during the period, has adequate disclosure been made of the incorporation details, purchase price or sale proceeds and the effect on the individual components of the consolidated financial statements?</p> <p><i>There have been no such transactions during the period.</i></p>			✓

Matter	Y	N	NA
<p>2.4.5 If any subsidiaries or associates have been acquired during the period, are you satisfied with the allocation of the purchase price between the fair values of the identifiable assets, liabilities and goodwill?</p> <p><i>No subsidiaries or associates acquired during the period</i></p>			✓
<p>2.4.6 In the consolidated financial statements, have the principles of equity accounting been applied to investments in those entities over which the reporting entity exercise significant influence but does not control?</p>			✓
2.5 Property, Plant and Equipment			
<p>2.5.1 If any classes of property, plant and equipment were revalued in the current period, are you satisfied that the financial statements accurately reflect and disclose independent experts' valuations?</p> <p>Land</p> <p><i>Land was last revalued at 1 July 2020 by Curnow Tizard. A fair value assessment was completed at 30 June 2023, based on available property data from QV.</i></p> <p>Buildings</p> <p><i>Buildings were revalued at 30 June 2023. Under the advice of our external valuer Beca, Council moved to valuing all buildings at depreciated replacement cost this year (previously we used a mix of DRC and market value). Beca explains:</i></p> <p><i>"Beca was commissioned to assess the fair value of MPDC owned building assets exclusive of land value. When we assessed the non-specialised assets on a market approach, the resulting analysis returned a negative improvement value. Therefore, to reflect the fair value of the building we have adopted the Depreciated Replacement Cost approach. This has allowed us to provide a robust value for the improvements on site with a predictable life of the building structure and components. We understand that the majority, if not all, of the current buildings will remain in use as they are, and therefore hold inherent value to MPDC and its financial reporting responsibilities. Therefore, we believe the Depreciated Replacement Cost methodology is the most appropriate for the buildings within this portfolio."</i></p> <p><i>Staff confirm that the change in methodology applied by the valuer results in more relevant information for Council and the users of Council's financial statements. A negative or nil building value (if the valuer was to apply a highest and best use market valuation) would result in no depreciation expense or funding on these buildings, which, given Council plans to continue in the current use and future replacement of these assets, would not make sense. It would also not reflect the future economic benefit Council expects to receive from the continuing use of these buildings.</i></p>	✓		

Matter	Y	N	NA
<p><i>The revaluation resulted in an increased value of \$22.6m for buildings (that were last revalued in 2017).</i></p> <p>Roading</p> <p><i>Roading was revalued at 30 June 2023, resulting in an increased value of \$22.6m (last revalued 30 June 2022).</i></p> <p>Utilities</p> <p><i>Water, wastewater and stormwater assets were revalued at 30 June 2023, resulting in an increased value of \$16.2m (last revalued 30 June 2022).</i></p>			
<p>2.5.2 Has an asset register been properly maintained for all categories of property, plant and equipment during the year and has it been reconciled to the financial statements at period end?</p> <p><i>We acknowledge that there is some work still to be done to tidy up the reconciliation between our asset registers and the ledger for 30 June. There was a number of projects in WIP (particularly for 3 waters) that have been capitalised in our books reflecting the assets are technically available for use but they have not been capitalised in our asset register, as there has been a delay in finalising this aspect of these projects. Asset managers have been asked to formally review their WIP and capital work orders on a quarterly basis going forward to try to improve our performance in this area.</i></p>		✓	
<p>2.5.3 To the extent practical, are all items of property, plant and equipment physically verified on a regular basis?</p> <p><i>All vehicles have GPS fitted.</i></p> <p><i>High value IT equipment is located in two locations (Te Aroha office and Waihou Depot) and/or forms critical parts of the infrastructure. The removal of any of these components would trigger network alarms and be immediately noticeable. This is the same for Desktop PCs and printers. With respect to laptops and cellphone, we rely on individual staff members to ensure these devices are protected, and Management have recently directed staff to take portable devices home at the end of the day (or otherwise suitable secure) following a spate of office break-ins.</i></p> <p><i>There is no stock-take undertaken of furniture and fittings or small items of equipment.</i></p>		✓	
<p>2.5.4 Are there adequate safeguards over moveable assets?</p> <p><i>Improved safeguards for these assets still to be advanced.</i></p>		✓	

Matter	Y	N	NA
2.5.5 Are all significant assets which are owned, supported by satisfactory title?	✓		
2.5.6 Are you satisfied that there are no undisclosed indicators of impairment existing in regard to any items of property, plant and equipment? <i>Process in place to check with Asset Manager\Operational managers and document this for the audit file against the indicators for impairment set out in the accounting standard.</i> <i>There was no impairment noted for this period.</i>	✓		
2.5.7 Have purchases or disposals of property, plant and equipment been properly approved in accordance with the policies established by Council. <i>Reviews of key procurement projects have given us some assurance in this area including the use of external auditors in key contract procurement processes.</i>	✓		
2.5.8 Where financing costs have been capitalised, are they directly attributable to the purchase or construction of property, plant and equipment? <i>We do not capitalise any finance costs for assets prior to commissioning.</i>			✓
2.5.9 Has Management confirmed that depreciation rates used are appropriate; taking into consideration each asset's estimated useful life? <i>These are reviewed as part of the revaluation process; annually for infrastructural assets and every 3-5 years for buildings.</i>	✓		
2.5.10 If depreciation charges have changed because of changes of method or estimates, or as a result of revaluation, has there been adequate disclosure of the facts and the financial effect? <i>The revaluation of assets and it's effect is disclosed in note 12 and the depreciation per activity is required under the LGA to be separately disclosed – see note 14</i>	✓		
2.5.11 Are leasehold improvements being depreciated at a rate sufficient to write- off the assets over the period of the lease?			✓
2.5.12 Is the accounting for leased assets in accordance with the appropriate financial reporting standard? <i>Council does not enter into finance leases, so all leases are accounted for as operating leases and accounted for in line with the standard.</i>	✓		
2.5.13 Have investment properties been correctly accounted for in accordance with the appropriate financial reporting standard?			✓

Matter	Y	N	NA
<i>Council does not have investment properties</i>			
2.5.14 Are the disclosures on investment property adequate?			✓
2.6 Intangible Assets			
2.6.3 If they are included in the financial statements, are you satisfied that the carrying amount of these items has been reviewed to ensure that they do not exceed the recoverable amounts of these assets? <i>Intangible assets consist only of software</i>	✓		
2.7 Other Non Current Assets			
2.7.1 Are you satisfied that only items of expenditure with future benefits have been capitalised?	✓		
2.7.2 Is the basis of valuation accurately described in the notes to the financial statements?	✓		
2.7.3 Are you satisfied that recoverability is probable on booked future income bearing in mind that this is dependant upon future assessable income being derived? <i>Majority of accrued income is NZTA subsidy, government grants and trade waste income that has subsequently been received.</i>	✓		
3 Liabilities			
3.1 General			
3.1.1 Are you satisfied that all material known liabilities at balance date have been included in the financial statements, including accruals, interest and other costs owing, but not paid?	✓		
3.1.2 Are all liabilities (including bank overdrafts and other borrowings), properly stated as to term and security?	✓		
3.1.3 Are you satisfied that amounts classified as trade creditors and/or accruals in the financial statements exclude provisions which relate to events after balance date?	✓		
3.1.4 Have all borrowing covenants imposed by borrowing arrangements been satisfied during the period? <i>We report 6 monthly to the LGFA on compliance with their covenants, and also report to the Trustee of our Debenture Trust Deed that we have complied with the requirements of our deed. Audit NZ were unable to make the 31 October deadline for our DTD Trustee reporting. This has been</i>	✓		

Matter	Y	N	NA
<i>communicated to our Trustee in advance and a later date in November has been accepted. There is no consequential affect to Council of this.</i>			
3.1.5 Where liabilities are payable in foreign currency, has the effect of exchange rate fluctuations been taken into account where material?			✓
3.1.6 Are you satisfied that monetary assets and liabilities have only been offset where a legal right of set-off exists?			✓
3.2 Estimated Liabilities			
3.2.1 Are you satisfied that provision has been made in the financial statements to cover material: <input type="checkbox"/> legal actions taken, pending or threatened Council <input type="checkbox"/> any anticipated future losses from past, current or future committed contracts? <input type="checkbox"/> claims by customers? <input type="checkbox"/> employee entitlements? <i>We have obtained confirmations from our solicitors confirming the provisions made in our financial statements.</i>	✓		
3.2.2 Are you satisfied that all provisions are recognised when, and only when: <input type="checkbox"/> an obligation exists at balance date, as a result of a past event? <input type="checkbox"/> it is probable that an outflow of resources will be required to settle the obligation? <input type="checkbox"/> a reasonable estimate can be made of the amount of the obligation	✓		
3.2.3 Where the effect of the time value of money is material, has the future obligation been recorded at its present value?	✓		
3.2.4 Are you satisfied that provisions have only been used for the purpose of which they were originally recognised?	✓		
3.2.5 Have all contingency provisions been reviewed at balance date and adjusted to reflect the current best estimate? <i>Provisions are reviewed annually</i>	✓		
3.2.6 Have all the disclosure requirements for provisions, as per the appropriate financial reporting standard, been complied with?	✓		
3.3 Taxation			

Matter	Y	N	NA
3.3.1 Are you satisfied that the provision for taxes are adequate and includes amounts applicable to prior years not finally settled and paid?			✓
3.3.2 Are you satisfied that no offences have been committed through techniques for avoiding income tax, goods and services tax, fringe benefits tax and other taxes?	✓		
3.3.5 Are you satisfied that systems are in place to ensure withholding liabilities are properly satisfied, eg PAYE, resident withholding tax, non resident withholding tax, approved user levy and non resident contractors withholding tax?	✓		
3.3.6 Has the Council been made aware of any material matters currently under dispute with the taxation authorities?			✓
3.3.7 Are you satisfied that adequate provision has been made in the financial statements for all taxation liabilities?	✓		
3.3.8 Are you satisfied that appropriate consideration has been given to the implications of outstanding income tax assessments and tax audits?			✓
3.3.9 Are you satisfied that adequate consideration has been given to any proposed changes in the tax legislation and their impact on the reporting entity?			✓
3.3.10 Are you satisfied that there are appropriate systems in place to account for GST?	✓		
3.4 Contingent Liabilities and Contingent Assets			
3.4.1 Have all material contingent liabilities and contingent assets, of which you are aware, been disclosed in the notes to the financial statements?	✓		
4 Financial Performance			
4.1 Are you satisfied that adequate disclosure and correct classification has been given to continuing and discontinued activities?			✓
4.2 Are you satisfied that full disclosure of revenue and expense items, as required by financial reporting standards, has occurred?	✓		
4.3 Are you satisfied that no items of revenue or expense have been taken directly to reserves instead of through the statement of financial performance?	✓		
5 Other Reporting Disclosures			

Matter	Y	N	NA
5.1 Are you satisfied that there is adequate disclosure and correct classification in the statement of cash flows?	✓		
5.2 In identifying related parties, has consideration been given to key management personnel, including Elected Members and Executive Management, and close family members, or the friends of such individuals? <i>This information is obtained through the completion by Elected members, committee members and senior management of declarations of interests.</i>	✓		
5.3 Are you satisfied that all material transactions with related parties, including those with nil consideration, have been adequately disclosed in the financial statements? <i>Under the new PBE accounting standards, we now only disclose transactions with related parties where the transaction or the relationship is not at arm's length.</i>	✓		
6 Events After Balance Date			
6.1 Are you satisfied that all material events that occurred after balance date, but before the financial statements were authorised for issue, have been considered as to whether the effects of those events should have been recognised or disclosed, as appropriate? <i>An updated post balance date events disclosure has been added reflecting the current situation with the 3 waters reforms. It sets out that we haven't made any changes to how we account for our assets and liabilities at this point.</i>	✓		
6.2 Have the effects of all events that provide evidence of conditions that existed at balance date, been recognised in the financial statements?			✓
6.3 Have the effects of all events that are indicative of conditions that arose after balance date, been disclosed in the notes to the financial statements, provided they are of such importance that non disclosure would affect the ability of users of the financial report to make proper evaluations and decisions?	✓		
7 Off Balance Sheet Items			
7.1 Are you satisfied that the financial statements disclose all material unrecognised assets and all material liabilities which could reasonably arise from litigation, guarantees, and letters of comfort or other commitments existing at balance date not otherwise reflected in the financial statements?	✓		
7.2 Are you satisfied that the financial statements adequately disclose amounts committed for future capital expenditure?	✓		
7.3 Are you satisfied that the Investment & Borrowing Policies are being followed?	✓		

Matter	Y	N	NA
<i>Compliance with the borrowing policy is reported to Council on a monthly basis. Compliance with covenants set by LGFA is calculated and confirmed to the LGFA on an annual basis.</i>			
7.4 Are foreign currency transactions being adequately hedged in line with Council's policy or approvals?			✓
7.5 Are you satisfied that where speculative exchange transactions are forbidden, that there have been no speculative transactions during the period.	✓		
7.6 Do you consider the controls over foreign exchange transactions to be adequate including use of limits and authorised counterparties?	✓		
7.7 Are all unrealised foreign exchange gains/losses at year end properly reflected in the financial statements?			✓
7.8 Have foreign currency transactions been accounted for in accordance with the relevant financial reporting standard, particularly with regard to hedged transactions?			✓
7.9 Has there been adequate disclosure of the reporting entity's exposure to risk of foreign currency rate fluctuation and the nature and amount of exchange differences recorded in the statement of financial performance?			✓
8 Going Concern Assumption			
8.1 Are you satisfied that Council has the capacity to pay debts which it has incurred as at the date the financial statements are being signed and for at least the next twelve months?	✓		
8.2 In determining whether Council has capacity to pay its debts, have you given consideration to future debts to the extent that they will compete for payment with the debts existing at the date the financial statements are signed?	✓		
8.3 In determining whether Council has the capacity to pay its debts, have you given consideration to detailed budgets prepared by Management?	✓		
8.4 Are you satisfied with the major assumptions underlying the cash flow forecasts including: <ul style="list-style-type: none"> <input type="checkbox"/> the inclusion of loan repayments (with and without fixed repayment dates) and capital commitments? <input type="checkbox"/> the ability to realise current assets, particularly inventories and receivables? <input type="checkbox"/> the possibility of removal of financial support by major lenders? <input type="checkbox"/> the material effect of any contingent liability? <input type="checkbox"/> the ability to comply with normal terms of credit? 	✓		
8.5 Are you satisfied with the reliability of the cash flow forecast based on the past forecast compared with actual results, and the current forecast as	✓		

Matter	Y	N	NA
compared to actual financial information available to date on current period interim results?			
8.6 There is no prima facie problem regarding going concern (eg a deficiency of current assets to current liabilities)	✓		
8.7 Does Council have adequate levels of unused but committed borrowing facilities? <i>\$6m in available facilities at 30 June 2023, complying with 110% limit as set out in our borrowing policy.</i>	✓		
9 Compliance with Accounting Policies and Procedures			
9.1 Are you satisfied that adequate checks have been made to ensure that all accounting systems and procedures are properly adhered to? <i>Interim audit of major accounting systems and processes have confirmed systems are operating effectively.</i>	✓		
9.2 Have material account reconciliations, including suspense accounts, been prepared and appropriately reviewed for all financial statement components? <i>Material account reconciliations are prepared and independently reviewed monthly. Suspense account reconciliations for the 2022/23 year were prepared on an ad-hoc basis during the year, rather than on a regular, formal basis. We have made good progress on this in the new financial year and accounts were fully reconciled at 30 June 2023</i>	✓		
9.3 Are you satisfied that the systems of internal control are sufficient such that a material fraud, defalcation or misappropriation of funds, or misstatement of the accounting records, would be promptly detected? <i>Interim audit of major accounting systems and processes have confirmed key controls are operating effectively. Our financial system has robust controls including access and requiring segregation of duties and one-up approvals. Automated bank reconciliations are run daily.</i>	✓		
9.4 Have all known instances of material fraud or misappropriation during the period been reported to Council? <i>Formally reported to the Audit and Risk Committee and our external auditors</i>	✓		
9.5 Have reports produced by the auditors, either internal or external, on internal controls been reviewed and appropriate action taken or initiated? <i>Progress with internal and external audit reports is reported to the Risk and Assurance Committee at each meeting (from September 2023).</i>	✓		

Matter	Y	N	NA
9.6 Have any reports on major breakdowns in internal controls which may have a material effect on the financial statements, either now or in the future, been dealt with appropriately?			✓
9.7 Have the adopted accounting policies adopted been reviewed during the period to ensure the most appropriate ones are used?	✓		
9.8 Do the accounting records and all financial statements reflect a true and correct position and financial performance of Council in line with all statutory requirements?	✓		
10 Compliance with Government Regulations and Contractual Agreements			
10.1 Are you satisfied that the Council has complied with all relevant government regulations? <i>Council has areas where we are non-compliant with legislation but we are working towards compliance, this can be viewed in our legislative WOF.</i>		✓	
10.2 Is there a satisfactory system for monitoring compliance with government regulations? <i>Disclosure requirements are closely checked against the legislation. Staff have developed a legislative warrant of fitness to continue to improve Council's monitoring of compliance.</i>	✓		
10.3 Have reviews been conducted during the period to highlight any breaches of government regulations? <i>The legislative warrant of fitness is designed to continue to improve Council's monitoring of compliance.</i>	✓		
10.3.1 As a result of these reviews were no material breaches of government regulations detected?	✓		
10.3.2 Have any material breaches of government regulations been disclosed to Council? <i>None</i>			✓
10.4 Is there a function within Council that has a primary responsibility for compliance with government regulations <i>Not limited to one function, but many functions/departments throughout Council. See above comments relating to the legislative WOF.</i>	✓		
10.4.1 Does this function provide regular reports on the status of the compliance?		✓	

Matter	Y	N	NA
<i>Reporting is usually on an exception basis or as required in through the Annual Report. See above comments relating to the legislative WOF.</i>			
10.5 No legal action has been taken, or threatened to be taken, in relation to non-compliance with government regulations?	✓		
10.6 Have such actions or possible actions (if any) been adequately disclosed in the financial statements? <i>Some potential (minor) claims (mostly in regard to building matters) have been reported, with provisions made in the financial statements limited to the extent of any potential insurance excess</i>	✓		
10.7 Are you satisfied that Council has complied with all aspects of contractual agreements that would have an impact on the financial statements in the event of non-compliance?	✓		
11 Audit			
11.1 The external auditor has confirmed that there are no major problems in relation to the audit that Council has not been made fully aware of? <i>No major problems identified</i>	✓		
11.2 If so, have the matters been resolved satisfactorily?			✓
11.3 If the internal auditors raised any major problems in relation to internal audit examinations, has the Council been made fully aware of this information? <i>No major problems identified</i>			✓
11.4 If so, have the matters been resolved satisfactorily?			✓
11.5 Has all relevant correspondence with Council's external auditors been made available to elected members (including all reports or a summary thereof)?	✓		
12 Other Matters			
12.1 If the financial statements contain any contentions, items or problems on presentation, has external advice been obtained?			✓
12.2 Are you satisfied that no matter in the financial statements is misleading?	✓		
12.3 Are you satisfied that there are no material matters which have been left unresolved, or where significant uncertainty exists?	✓		
12.4 Are the formats of the financial statements consistent with the relevant financial reporting standards?	✓		

Matter	Y	N	NA
12.5 Have appropriate steps been taken to ensure that the financial statements disclose all information required by the relevant financial reporting standards? <i>Financial statement disclosure largely in line with previous year, and updated against Audit New Zealand's most recent model financial statements (Te Motu) and checked compliance with Financial Reporting Regulations.</i>	✓		
12.6 Has the Council been advised of all material outstanding matters involving: <input type="checkbox"/> Inland Revenue Department <input type="checkbox"/> trade creditors, <input type="checkbox"/> employee health and safety, and <input type="checkbox"/> environmental claims?	✓		
12.7 Is the insurance cover held appropriate, given the carrying value of the assets in the financial statements?	✓		
12.8 Do you consider that all risks relevant to Council are adequately covered	✓		
13 Final Review by Elected Members			
13.1 Are you satisfied that all major problems identified by the auditors have been resolved satisfactorily?			
13.2 Have the external auditors been requested to attend the Council meeting where their report and financial statements will be signed off?			
13.3 Have the external auditors been asked whether there are any matters to be brought to Council attention which will affect Councillors consideration of the financial statements?			
13.4 Have the external auditors been asked if there are any other matters about which the Council should be aware?			
13.5 Does internal audit report independently to the Audit Committee?			
13.6 Does the programme for internal audit identify areas of key risk to Council and then include these areas in their audit work?			
13.7 Is the programme for internal audit integrated and agreed with the external auditors?			
13.8 Are you provided with a summary of the operations which have been audited by internal audit and a summary of significant audit findings?			

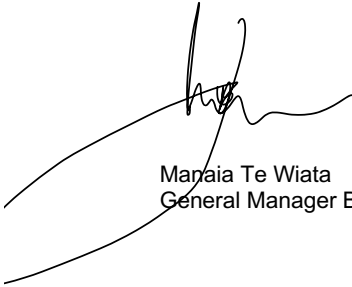
Matter	Y	N	NA
13.9 Is the "message" the financial statements provide to the reader, consistent with the state of affairs of Council, and what has been reported elsewhere in the Annual Report?			
13.10 Are you satisfied with the explanations given for any differences from the management accounts and reports submitted to Council throughout the year?			
13.11 Are you satisfied that Management have ensured that all business practices undertaken during the year were ethical?			
13.12 Are you aware of anything from your personal knowledge or warnings from outside sources that should be considered before signing the financial statements and the Annual Report?			
13.13 If so, if the financial effect is material, has it been brought to account in the financial statements and discussed with Council?			
13.14 Are you satisfied with the explanations provided in the financial statements			
Conclusion			
<p>Considering the financial statements as a whole, do you consider that they:</p> <ul style="list-style-type: none"> <input type="checkbox"/> give a true and fair view of the financial performance, financial position and cash flows of the entity and that all material factors including risks and uncertainties have been adequately disclosed? <input type="checkbox"/> From the financial statements, would the external user obtain a complete and unbiased understanding of the financial performance, financial position, and cash flows of Council? <p>If either of the above is answered in the negative, explain the additional disclosures or amendments that should be made.</p>			
14 Non-Financial Reporting			
Local Government Act			
<p>Schedule 10 23. Groups of activities</p> <p>An annual report must, in relation to each group of activities of the local authority,—</p> <p>(a) identify the activities within the group of activities; and</p> <p><i>Part 3: What we do</i></p> <p>(b) identify the community outcomes to which the group of activities primarily contributes; and</p> <p><i>Part 1: Introduction</i></p> <p>(c) report the results of any measurement undertaken during the year of progress towards the achievement of those outcomes; and</p>	✓		

Matter	Y	N	NA
<p><i>Part 1: Introduction</i></p> <p>(d) describe any identified effects that any activity within the group of activities has had on the community.</p> <p><i>Part 3: What we do</i></p> <p>Schedule 10 25. Statement of service provision An annual report must include an audited statement that— (a) compares the level of service achieved in relation to a group of activities with the performance target or targets for the group of activities; and (b) specifies whether any intended changes to the level of service have been achieved; and (c) gives the reasons for any significant variation between the level of service achieved and the intended level of service.</p> <p><i>All contained within Part 3: What we do</i></p>			
<p>98. (3) Each annual report must be completed and adopted, by resolution, within 4 months after the end of the financial year to which it relates. An extension of time limit for 2021/22 financial year annual reports has been included in legislation allowing a final adoption date of 31 December 2022. <i>This extended deadline was not met, in breach of the legislation</i></p> <p>(4) A local authority must, within 1 month after the adoption of its annual report, make publicly available— (a) its annual report; and (b) a summary of the information contained in its annual report.</p> <p><i>Annual Report and Summary will be made available on Councils website as soon as possible after adoption, well ahead of the 1 month deadline.</i></p> <p>(6) A local authority must, within 1 month after the adoption of its annual report, send copies of that report and of the summary prepared under subsection (4)(b) to— (a) the Secretary; and (b) the Auditor-General; and (c) the Parliamentary Library.</p> <p><i>Copies will be sent as soon as possible after adoption, well ahead of the 1 month deadline.</i></p>	✓		
		✓	

Signed:



Larnia Rushbrooke
Finance and Business Services Manager



Manaia Te Wiata
General Manager Business Support

Adrienne Wilcock
Mayor

7 Pūrongo me whakatau | Decision Reports

7.6 Non-Asset Activity Performance Management Framework

CM No.: 2782323

Te Kaupapa | Purpose

The purpose of this report is to seek feedback from the Risk and Assurance Committee (the Committee) regarding the proposed draft performance measures for the non-asset activities to be included in Council's Long Term Plan 2024-34. Additionally, the Committee is asked to provide feedback with regard to the rating scale for Council's Annual Community Views Survey.

Rāpopotonga Matua | Executive Summary

Council is required to prepare and adopt a Long Term Plan (LTP) under the Local Government Act 2002 (LGA) every three years. As part of this process, Council sets a Performance Framework. This Framework sets out what Council plans to do and why (what we are trying to achieve), and how Council plan to measure our progress.

The Committee is asked to provide feedback on the proposed performance measure framework for Council's non-asset activities as attached to this report. Additionally, the Committee is asked to provide feedback with regard to the rating scale for Council's Annual Community Views Survey.

Tūtohunga | Recommendation

That:

1. The report is received.
2. The Risk and Assurance Committee provide feedback with regard to the draft performance management framework for Council's 2024-34 Long Term Plan.
3. The Risk and Assurance Committee provide feedback with regard to the rating scale for Council's Annual Community Views Survey.

Horopaki | Background

Long Term Plan

Council is required to prepare and adopt a LTP under the LGA. The LTP sets out the activities, budgets, Financial Strategy and key financial policies of the Council for the next ten years, and the Infrastructure Strategy for the next 30 years. The LTP is updated every three years, with the last LTP approved in 2021 (available online at <https://www.mpdc.govt.nz/plans/long-term-plan>).

The LTP is an important and complex document covering all of Council's activities, major strategic documents, financial policies, auditing and a large consultation component with the community. The LTP 2024-34 must be adopted prior to 30 June 2024.

Performance Management Framework

As part of the LTP, Council is required to review its performance framework. Performance management is a process of determining objectives, measuring progress against those objectives

(Council does this through its Annual Report), and using the results to improve delivery of services to the community.

This is our 'contract' with the community and explains what we plan to do and why, and how we will measure our performance and determine progress towards our goals and objectives. It helps Council to 'tell the story' about what we want to achieve and what we have achieved for our community.

Some of the performance measures are qualitative and measured through an Annual Community Views Survey (Survey) that is currently undertaken by an external provider (Versus Research (Versus)). Other measures are quantitative and measured through internal records (recording of visitor numbers is an example of this).

Taituarā notes that when developing a performance management framework, the following nine principles should ensure that we are delivering useful information to Elected Members, managers and the public

1. *horses for courses* – a performance management framework is a tool that should be developed against the background of your local authority's circumstances
2. *organisation wide* – performance management has financial, service delivery and capability implications and therefore should be approached in a systematic and transparent way across your local authority
3. *alignment* – your performance management framework should have a coherent flow of logic from strategic priorities down through service level decisions, performance measures and targets
4. *line of sight* – a staff member can see how performance management contributes to the council and the community. This brings meaning to performance management
5. *relevance* – the information generated by your framework should be used as a basis for action, and measure what people care about
6. *effectiveness* – performance management frameworks reflect your council's desired results
7. *efficiency* – performance management frameworks should collect only the information which is necessary to enable an informed assessment of the overall performance of your local authority by the community, elected members and management
8. *clarity and transparency* – performance frameworks should be clearly understood by all and the methodologies used clearly documented and available to all
9. *simplicity* – performance management frameworks should be designed to be as simple to operate and understand as possible (including collecting the right information in a cost-effective way).

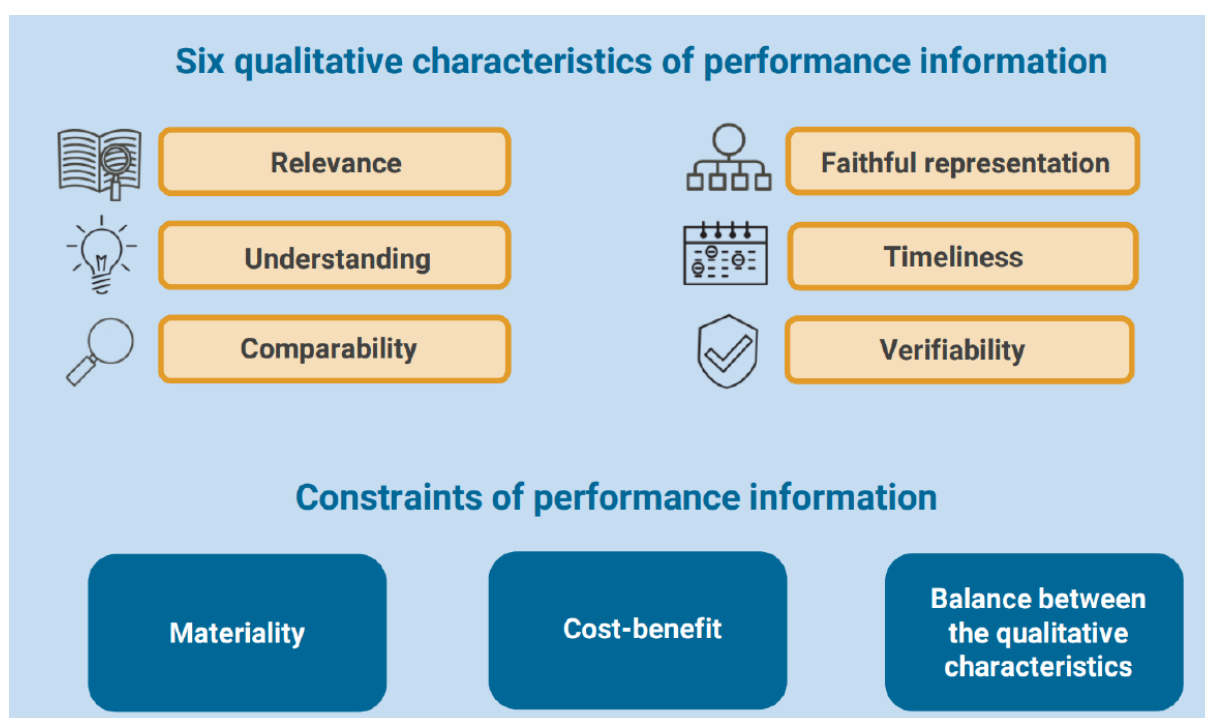
Additionally, Council needs to consider relevant auditing standards, including the standard issued by the New Zealand Accounting Standards Board (XRB) that applied from 1 January 2022. The standard (Public Benefit Entity Financial Reporting Standard 48 Service Performance Reporting (PBE FRS 48)) provides principles-based requirements to selecting and presenting service performance information so that is appropriate and meaningful to users.

When selecting performance measures, the auditing standard requires Council to apply the qualitative characteristics of information, and the pervasive constraints on information. The key qualitative characteristics to consider are:

- **Faithful representation** – performance information must be faithfully representative of Council’s service performance. To provide the public with confidence that the information is presented in an unbiased manner that reports both favourable and unfavourable aspects of performance, the public needs to understand how each measure will be measured, reported on and evaluated.
- **Understandability** – measures should be clear about what they mean and how they are measured.
- **Verifiability** – To support reliability and to ensure the measure is faithfully representative of performance, the performance measures must be able to be independently verified. The reporting mechanisms should be disclosed to understand how the measure will be reported on and therefore service performance disclosed.

These characteristics are balanced with the pervasive constraints of reporting on performance measures. The pervasive constraints on information describe the need to balance the above characteristics with the cost of providing the information and to apply materiality.

Application of the qualitative characteristics and appropriate balancing of the constraints on information results in service performance information that is appropriate and meaningful to the community in understanding Council’s performance. This is depicted in the graphic below:



The contextual information about Council’s objectives and how it intends to achieve them should be drawn from governance and accountability documents. As such, the proposed performance measures are aligned with Council’s Strategic Objectives and Community Outcomes as depicted below:



In summary, service performance information shall:

- Provide users with sufficient contextual information to understand why the entity exists, what it intends to achieve in broad terms over the medium to long term, and how it goes about this; and,
- Provide users with information about what the entity has done during the reporting period in working towards its broader aims and objectives, as described in (a) above..

Ngā Take/Kōrerorero | Issues/Discussion

Proposed Non-Asset Activity Performance Measures for the 2024-34 LTP

The performance measures for each activity have been reviewed by Activity Managers. A separate report is attached to this report with proposed changes indicated in red text.

Annual community views survey

Council's annual survey gauges residents' perceptions of, and attitudes towards, various Council services and facilities. An external provider (Versus Research) is commissioned to undertake the survey on Council's behalf and tenders for this contract every three years in line with the LTP.

400 randomly selected people from across the district are surveyed throughout the year using a mixed method approach (online interviewing and computer aided telephone interviewing using landlines and mobile phones). Measures are in place to ensure that respondents are representative of the overall district in relation to where they live, their sex, age, and ethnicity; therefore the results are not skewed by a particular demographic group.

The results from the survey are used to track performance against some of Council's performance measure targets set in the LTP. Activity Managers also use the results and verbatim comments from customers to target efforts and resources to service improvements, and to inform the prioritisation of work programmes.

Rating scale

The contract for the survey provider is due to be re-tendered with confirmation of the schedule of questions and rating scale required. The schedule of questions will be confirmed with Activity Managers shortly, with Elected Members asked to confirm direction in regards to the rating scale.

Currently, respondents are asked to rate their satisfaction with a range of Council services and facilities on a six-point scale. The options to select from are shown below with 5 being 'very satisfied', to 1 being 'very dissatisfied'. There is a sixth option of 'don't know'.

■ Very satisfied ■ Satisfied ■ Neither/nor ■ Dissatisfied ■ Very dissatisfied ■ Don't know

Council staff have held informal discussions with Elected Members regarding the current rating scale. Staff have explored options utilised by other councils, with some of the preferred options detailed below:

Council	Survey	Rating Scale
Hauraki District Council	Residents Satisfaction Survey	Very satisfied Satisfied Somewhat satisfied Somewhat dissatisfied Dissatisfied Very dissatisfied
Ōtorohanga District Council	Annual Resident Survey	Very satisfied Satisfied OK Don't know Unsatisfied Very unsatisfied
Rotorua Lakes District Council	Community Satisfaction Survey (discontinued in 2019)	Very satisfied Satisfied Neither satisfied nor dissatisfied Dissatisfied Very dissatisfied Don't know
Taupō District Council	Resident and Ratepayer Governance Survey	Very satisfied Satisfied Somewhat satisfied Dissatisfied Very dissatisfied Don't know

Elected Members have indicated they would like to explore exclusion of the 'neither/nor' option within the rating scale. Council would like to achieve a more realistic picture and understanding of community satisfaction:

Scale	Result
6 – Very satisfied	Scoring a 4-6 would be recorded as 'satisfied' for the purposes of performance measure reporting. Council would need to update its performance measured accordingly, for example: Performance measure: The percentage of users who are somewhat
5 – Satisfied	
4 – Somewhat satisfied	

	satisfied/satisfied/very satisfied or the percentage of user satisfaction. Target: 90% somewhat satisfied/satisfied/very satisfied
3 – Somewhat dissatisfied	
2 - Dissatisfied	
1 – Very dissatisfied	

Staff have requested further advice from our survey provider on the above scale, particularly around the consequences for the removal of the 'neither/nor' and 'don't know' options.

The following risks have been identified if Council decide to change the rating scale:

- Council will lose several years of comparable data. This means that Council's performance information will not be comparable and we will lose the ability to compare historic data and analyse performance trends. This is a key concern shared by Audit NZ and our current survey provider.
- Council has previously changed the rating scale which resulted in reduced satisfaction/performance.
- If there is no 'neither/nor' option for respondents to choose from, the answer provided may not accurately reflect their views.
- The number of people who select the 'neither/nor' option is historically a significant percentage of the overall response (an average of 27%) as demonstrated in the graphic below (satisfaction with Council overall. It is unknown as to how any changes will affect Council's performance. What rating will those who would have selected the 'neither/nor' option choose, and how might this reflect in our achievement of performance measures/targets?



- If the rating scale is changed, the next opportunity for amendment will be when the LTP is reviewed in 2026 for the 2027/28 year and beyond.

The Committee is asked to provide feedback on this proposed change, which will be provided to Council.

Mōrearea | Risk

Some general risks of setting a performance framework have been identified:

- Council may not meet the new auditing standards and could face a modified audit opinion.
- Targets set may not be appropriate or realistic and do not reflect the level of service Council are wanting to achieve.
- Performance framework may not accurately reflect Council's Strategic Direction and Community Outcomes.
- The internal visibility of performance reporting information to support an organisational-wide focus on service improvement.

To mitigate the above risks, Council must carefully consider its performance framework, regularly review and adjust the metrics as needed, and ensure transparency and accountability in the process.

Staff have identified specific risks relating to changing to the rating scale for Council's annual community views survey and these are detailed above in this report.

Ngā Whiringa | Options

The recommendation is for the Committee to provide feedback to Council on:

- a) The draft performance framework for its non-asset activities;
- b) Proposed changes to the rating scale for Council's Annual Community Views Survey.

Ngā take ā-ture, ā-Kaupapahere hoki | Legal and policy considerations

The LTP and the proposals within it are deemed to be of high significance. However, the decisions associated with this report are considered to be of low significance.

Local Government Act 2002 (LGA 2002) Decision-making requirements

All Council decisions, whether made by the Council itself or under delegated authority, are subject to the decision-making requirements in sections 76 to 82 of the LGA 2002. This includes any decision not to take any action.

Local Government Act 2002 decision making requirements	Staff/officer comment
Section 77 – Council needs to give consideration to the reasonable practicable options available.	Options are addressed above in this report.
Section 78 – requires consideration of the views of Interested/affected people	A full consultation process will be undertaken in accordance with the LGA.
Section 79 – how to achieve compliance with sections 77 and 78 is in proportion to	The LTP project is assessed as per Council's Significance and Engagement

the significance of the issue	Policy as having a high level of significance.
Section 82 – this sets out principles of consultation.	Consultation will be undertaken as per the legislative requirements using the special consultative procedure as prescribed in the LGA.

Policy Considerations

To the best of the writer's knowledge, this recommendation is not significantly inconsistent with nor is anticipated to have consequences that will be significantly inconsistent with any policy adopted by this local authority or any plan required by the Local Government Act 2002 or any other enactment.

Ngā Pāpāhonga me ngā Whakawhitiwhitinga | Communications and engagement

No engagement is required at this time (as the decisions as described in this report have been assessed as having low significance). Once the performance measures are adopted as supporting material alongside the LTP consultation document in December 2023, and following an audit process, it will be consulted on with the community in accordance with section 93A of the LGA (use of the special consultative procedure).

The LTP is subject to a communications and engagement plan and a full consultation process in early 2024.

Ngā take ā-lhinga | Consent issues

No consent issues have been identified.

Te Tākoha ki ngā Hua mō te Hapori me te here ki te whakakitenga o te Kaunihera | Contribution to Community Outcomes

The draft performance measures for non-asset activities reflect Council's updated Strategic Direction and Community Outcomes.

Pānga ki te pūtea, me te puna pūtea | Financial Cost and Funding Source

The costs involved in the LTP project are allocated for in existing budgets within the Strategies and Plans activity.

There is a cost to Council's Annual Community Views Survey, which is due to be re-tendered shortly. The current cost to undertaking the survey is 86,365.00 over three years.

Ngā Tāpiritanga | Attachments

[A↓](#). Non Asset Performance Measure Framework for Council



Ngā waitohu | Signatories

Author(s)	Laura Hopkins Policy Advisor	
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Approved by	Niall Baker Policy Team Leader	
	Erin Bates Strategic Partnerships and Governance Manager	



Proposed Performance Measures (2024-34 Long Term Plan)

Level of Service	Performance Measure	Reporting Year 2022/23		2023/24 Target	Proposed Targets LTP 2024-34				Notes
		Target	Result		2024/25	2025/26	2026/27	2027-34	
Activity - Libraries									
Our library services will be accessible to the community	Visitor numbers across the district's libraries and online user numbers will be within 5% of the five year average	Visitor numbers within 5% of 5 year average	Achieved	Visitor numbers within 5% of 5 year average	Within 5% of the 5 year average	Within 5% of the 5 year average	Within 5% of the 5 year average	Within 5% of the 5 year average	Slight amendment to the performance measure wording to assist in clarity.
Our library services will support community needs	The percentage of users who are satisfied/very satisfied with library services	90%	Achieved (93%)	90% satisfied/very satisfied	90% satisfied/very satisfied	90% satisfied/very satisfied	90% satisfied/very satisfied	90% satisfied/very satisfied	No change Target will need to change if survey rating scale is amended
Activity – Emergency Management									
We will be prepared to assist the community in the event of an emergency	The evaluation of annual exercise as a measure of effectiveness of training The assessment score of Council's annual exercise or emergency response as a measure of the effectiveness of training	Increasing trend	Achieved	Increasing trend	Increase in previous year's exercise or emergency response assessment score	Increase in previous year's exercise or emergency response assessment score	Increase in previous year's exercise or emergency response assessment score	Increase in previous year's exercise or emergency response assessment score	This is a joint measure with other councils. In discussion with CDEM group.
Activity – Communications and Events									
We will hold events and contribute to economic development, recognise volunteers, and remember our history We will hold and/or support events – providing opportunities for people to connect, learn and reflect on our history	We will hold one function annually to recognise volunteers, ANZAC Day commemorations and two functions to contribute to economic development The number of events held and/or supported by Council annually	1 function volunteer recognition and Anzac Day 2 functions economic development	Achieved	1 function volunteer recognition and Anzac Day 2 functions economic development	At least six community events annually	At least six community events annually	At least six community events annually	At least six community events annually	Amendment to level of service and performance measure to allow for flexibility to be able to deliver events in response to community needs and moving towards a more community development/place-making based approach.
We will continue developing online services so residents and ratepayers can access information and interact with Council at any time, from anywhere We will continue to invest in our digital strategy to improve online services to our customers, achieve greater organisational efficiency, and improve access to data	We will develop one new digital service per year to allow customer to exchange money or information with Council The number of digital enablement projects delivered as identified in the Digital Strategy	1 new transaction or service per year	Achieved	1 new transaction or service per year	Minimum of three digital enablement projects delivered	Minimum of three digital enablement projects delivered	Minimum of three digital enablement projects delivered	Minimum of three digital enablement projects delivered	Amendments made to reflect the focus areas of Council's Digital Strategy
We will make Council information easy for people to find and access	Percentage of residents who are satisfied/very satisfied with ease of access to Council information	65% or more of residents satisfied/very satisfied	Not Achieved 57%	65% or more of residents satisfied/very satisfied	-	-	-	-	Propose to remove this measure as Council will continue to progress its digital strategy to improve access to Council information. There is still a measure around the opportunity to contribute to consultation processes. Council could continue to measure this as part of our annual customer survey, but will consider the data alongside other measures of communication success



Proposed Performance Measures (2024-34 Long Term Plan)

Level of Service	Performance Measure	Reporting Year 2022/23		2023/24 Target	Proposed Targets LTP 2024-34				Notes
		Target	Result		2024/25	2025/26	2026/27	2027-34	
Activity – Community Leadership									
People will have confidence in their local elected members Our Mayor and Councillors demonstrate commitment to the democratic process	Percentage of the community satisfied with the leadership of the Councillors and Mayor Attendance rate of Mayor and Councillors at Council meetings	55%	Not Achieved (49%)	55%	At least 80% attendance rate	At least 80% attendance rate	At least 80% attendance rate	At least 80% attendance rate	Propose to update level of service and performance measure to support openness and transparency of Councillors and Mayor
We Council will involve Tangata Whenua with Mana whenua status in the decision making process	*OPTION 1 – Retain current PM: Percentage of Te Manawhenua Forum members who complete the survey are satisfied/very satisfied that Tangata Whenua with mana whenua status are recognised and have meaningful involvement in decision making OPTION 2 – Number of formal Te Manawhenua mō Matamata-Piako hui held annually	75% or more satisfied/very satisfied	Not Achieved (67%)	75% or more satisfied/very satisfied	OPTION 1 - 75% or more satisfied/very satisfied OPTION 2 At least five formal Te Manawhenua mō Matamata-Piako hui held annually	OPTION 1 - 75% or more satisfied/very satisfied OPTION 2 At least five formal Te Manawhenua mō Matamata-Piako hui held annually	OPTION 1 - 75% or more satisfied/very satisfied OPTION 2 At least five formal Te Manawhenua mō Matamata-Piako hui held annually	OPTION 1 - 75% or more satisfied/very satisfied OPTION 2 At least five formal Te Manawhenua mō Matamata-Piako hui held annually	Following informal discussions with Elected Members, there was no clear consensus as to this performance measure. Staff will seek feedback from Te Manawhenua Forum mō Matamata-Piako members.
We will provide a safe working environment with an aim to ensure that every person working on, near or visiting our sites goes home healthy and safe every day We have a system in place to create a healthy, safe workplace and to drive continuous improvement so that our people thrive	Monthly reporting to Council showing our progress towards health and safety targets	11 reports to Council per year	Achieved	11 reports to Council per year	11 reports to Council per year	11 reports to Council per year	11 reports to Council per year	11 reports to Council per year	Update to level of service to align with Council's Strategic Direction
We will provide timely responses to official information requests	Percentage of official information requests responded to within legislative timeframes	100% of official information requests responded to within legislative timeframes	Not Achieved (92%)	100% of official information requests responded to within legislative timeframes	100% of official information requests responded to within legislative timeframes	100% of official information requests responded to within legislative timeframes	100% of official information requests responded to within legislative timeframes	100% of official information requests responded to within legislative timeframes	In 2022/23 the average response time was 10 days. In response to informal discussions with Elected Members, additional disclosure can be provided in the Annual Report
Activity – Strategies and Plans									
Our community will have the opportunity to participate in Council consultation processes	Percentage of the community satisfied that they have been provided with an opportunity to be involved in consultation processes	52%	Not Achieved (42%)	52%	48% satisfied	49% satisfied	50% satisfied	51% satisfied	Propose to update targets to reflect a gradual increase over time. This will be achieved through improved consultation and communication processes. Target will need to change if survey rating scale is amended
We will provide an annual update on progress on land use and development, and the protection of natural and physical resources of the District	State of the Environment monitoring reports will be updated on Council's website each year	20 November each year	Achieved	20 November each year	20 November each year	20 November each year	20 November each year	20 November each year	No change



Proposed Performance Measures (2024-34 Long Term Plan)

Level of Service	Performance Measure	Reporting Year 2022/23		2023/24 Target	Proposed Targets LTP 2024-34				Notes
		Target	Result		2024/25	2025/26	2026/27	2027-34	
Activity – Animal Control									
Any disturbances caused by animals will be investigated quickly and efficiently	Complaints will be investigated within set timeframes	95% within adopted timeframes	Achieved (98.69%)	95% within adopted timeframes	95% within adopted timeframes*	95% within adopted timeframes*	95% within adopted timeframes*	95% within adopted timeframes*	No change
We will carry out regular property visits to ensure dog owners are responsible	Number of property visits per year	At least 600 property visits per year	Achieved (803)	At least 600 property visits per year	At least 600 property visits per year	At least 600 property visits per year	At least 600 property visits per year	At least 600 property visits per year	No change
We will carry out regular street patrols to keep the streets free from stray animals	Number of street patrols undertaken in each of the three main towns	At least an average of 10 per month per town	Achieved Matamata 35 Morrinsville 26 Te Aroha 23	At least an average of 10 per month per town	At least an average of 10 per month per town	At least an average of 10 per month per town	At least an average of 10 per month per town	At least an average of 10 per month per town	No change
Complaint Type		Notification Type		0800 – 1700 hours		1700 – 0800 weekend/holiday			
Dog bite person	Current incident	Phone		1 hour		1 hour			
	Reported incident	CRM		4 hours		Next working day			
Aggressive dog	Current incident	Phone		1 hour		1 hour			
	Reported incident	CRM		4 hours		Next working day			
Attacked Stock	Current incident	Phone		1 hour		1 hour			
	Reported incident	CRM		4 hours		Next working day			
Attacked other animal/bird	Current incident	Phone		1 hour		1 hour			
	Reported incident	CRM		4 hours		Next working day			
Barking dog	Current incident	Phone		1 hour		1 hour			
	Reported incident	CRM		4 hours		Next working day			
Wandering dog	Current incident	Phone		1 hour		1 hour			
	Caught in a trap	CRM		1 hour		1 hour			
	Reported incident	CRM		Next working day		Next working day			
Wandering stock	Current incident (on road)	Phone		1 hour		1 hour			
	Reported incident	CRM		Next working day		Next working day			
Unregistered dog		CRM		24 hours		Next working day			
Animal welfare		CRM		4 hours		Next working day			



Proposed Performance Measures (2024-34 Long Term Plan)

Level of Service	Performance Measure	Reporting Year 2022/23		2023/24	Proposed Targets LTP 2024-34				Notes
		Target	Result	Target	2024/25	2025/26	2026/27	2027-34	
Activity – Building Consents and Monitoring									
Building consents will be administered quickly and efficiently	Building consent processing timeframes	100% of building consents will be processed within statutory timeframes	Not Achieved (91%)	100% of building consents will be processed within statutory timeframes	100% of building consents will be processed within statutory timeframes	100% of building consents will be processed within statutory timeframes	100% of building consents will be processed within statutory timeframes	100% of building consents will be processed within statutory timeframes	No change
Code compliance certificates will be administered quickly and efficiently	Code compliance certificates will be issued within 20 working days	-	-	-	100% of code compliance certificates issued within 20 working days	100% of code compliance certificates issued within 20 working days	100% of code compliance certificates issued within 20 working days	100% of code compliance certificates issued within 20 working days	New measure
We will respond to complaints of alleged illegal unauthorised activity	Complaints to be responded to within 10 working days	100% of complaints to be responded to within 10 working days	Not Achieved (88%)	100% of complaints to be responded to within 10 working days	95% of complaints to be responded to within 10 working days	95% of complaints to be responded to within 10 working days	95% of complaints to be responded to within 10 working days	95% of complaints to be responded to within 10 working days	Propose to amend target to reflect resourcing.
Activity – Licensing and Enforcement									
We will inspect or audit all food premises, hairdressers, funeral directors and camping grounds in the District to ensure they are running in accordance with the Health Act and/or health regulations	Food premises, hairdressers, funeral directors and camping grounds will be inspected or audited in accordance with legislation	100% inspected or audited	Achieved (100%)	100% inspected or audited	100% inspected or audited annually	100% inspected or audited annually	100% inspected or audited annually	100% inspected or audited annually	No change
We will ensure that all premises in the District with alcohol licences are operating responsibly	On, Off and Club* alcohol licenced premises will be inspected annually to ensure they comply with alcohol licensing standards	100% inspected annually	Achieved (100%)	100% inspected annually	100% inspected annually	100% inspected annually	100% inspected annually	100% inspected annually	No change **Note that club alcohol licenced premises excludes those Clubs that have been assessed as a 'very low' risk rating by Council.
We will act on all noise complaints we receive	Percentage of after-hours (between 5pm and 8am, weekends and public holidays) noise complaints responded to within two hours	100% responded to within two hours	Not Achieved (99%)	100% responded to within two hours	100% responded to within two hours	100% responded to within two hours	100% responded to within two hours	100% responded to within two hours	No change
Activity – Resource Consents and Monitoring									
Resource consents will be administered quickly and efficiently	Percentage of resource consents processed within statutory timeframes	100%	Not Achieved (69%)	100%	100%	100%	100%	100%	No change
We will monitor land use consent compliance	Percentage of land use consents monitored within four months of being granted	100%	Achieved (100%)	100%	100%	100%	100%	100%	No change

7 Pūrongo me whakatau | Decision Reports

7.7 Risk and Assurance Self-Assessment 2023 - Chair's Report on Results

CM No.: 2783007

Te Kaupapa | Purpose

The purpose of this report is to provide the results of committee member's self-assessment, to enable the Matamata-Piako District Council's Risk and Assurance Committee to fulfil Section 7.5 of its Charter. Chairperson Jaydene Kana will provide a summary of results and comments in relation to them.

Rāpopotonga Matua | Executive Summary

In line with the establishment of the new Risk and Assurance Committee on 9 November 2022 for the 2022-2025 triennium and subsequent revised Charter, the self-assessment was revised and updated at the previous meeting (12 September) of the Risk and Assurance Committee.

The self-assessment is to be undertaken annually by the committee and includes a questionnaire followed by a rating system with comments. A survey monkey link was distributed to all members and requested to be completed by 6 October 2023.

Tūtohunga | Recommendation

That:

1. The information be received.

Horopaki | Background

Each year as part of its work programme the Risk and Assurance Committee completes a self-assessment of its performance during the calendar year.

All members of the Risk and Assurance Committee were asked to complete the assessment.

The assessment was circulated through a Survey Monkey link, the results will be reviewed by the Committee Chair, who will provide further comments and recommendations as part of the assessment process.

The results from the self-assessment are attached.

Ngā Tāpiritanga | Attachments

A. RAC - Self-assessment results 2023



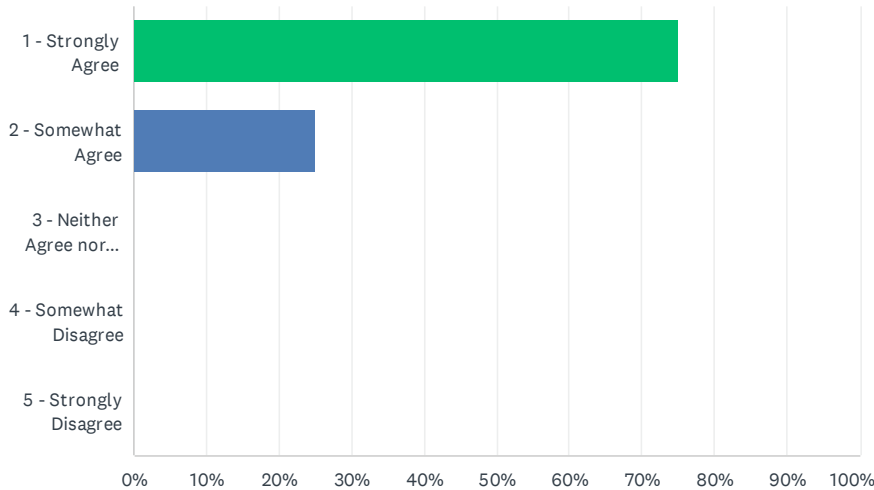
Ngā waitohu | Signatories

Author(s)	Stephanie Hutchins Governance Support Officer	
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Approved by	Sandra Harris Placemaking and Governance Team Leader	
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Q1 The Risk and Assurance Committee (RAC) Charter is clear in articulating the Committee's responsibilities.

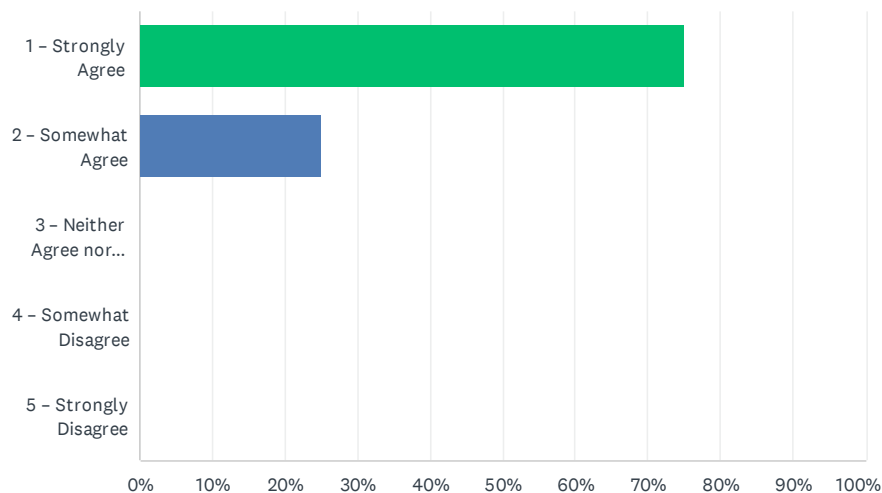
Answered: 4 Skipped: 0



ANSWER CHOICES	RESPONSES	
1 - Strongly Agree	75.00%	3
2 - Somewhat Agree	25.00%	1
3 - Neither Agree nor Disagree	0.00%	0
4 - Somewhat Disagree	0.00%	0
5 - Strongly Disagree	0.00%	0
TOTAL		4

Q2 The RAC Annual Work plan ensures the Committee can meet its responsibilities outlined in the Charter

Answered: 4 Skipped: 0



ANSWER CHOICES	RESPONSES	
1 – Strongly Agree	75.00%	3
2 – Somewhat Agree	25.00%	1
3 – Neither Agree nor Disagree	0.00%	0
4 – Somewhat Disagree	0.00%	0
5 – Strongly Disagree	0.00%	0
TOTAL		4

Q3 Please share any comments on improving the RAC Charter or Annual Work plan:

Answered: 4 Skipped: 0

#	RESPONSES	DATE
1	Charter - Currently fit for purpose. RAC need to ensure the regular Charter review remains on the RAC work programme and is flexible to incorporate any increase in scope from Council. Annual Work Plan - Concerns that reports are not being submitted to the frequency expected in the work plan e.g. Procurement, reports not being delivered to the deadline expected in the work plan (e.g. Annual financial WoF, Weathertight Buildings, Annual review of delegations, Annual review of legislative compliance, Policies raised in interim management report) the risk to RAC and Council of the report deadline not being achieved. Also, the process to add items or remove items from the work plan could be more robust e.g. Project Management Compliance Report appeared in the September Agenda but is not on the work plan.	10/10/2023 5:04 PM
2	The Charter has undergone a comprehensive review/rewrite. It is fit for purpose.	10/10/2023 3:26 PM
3	The new charter aligns well with the work plan	10/4/2023 10:34 PM
4	Shorter and more concise. The information is good but there are places that it need not be repetitive i.e. the use of refer to pg? for an example	10/4/2023 10:29 AM

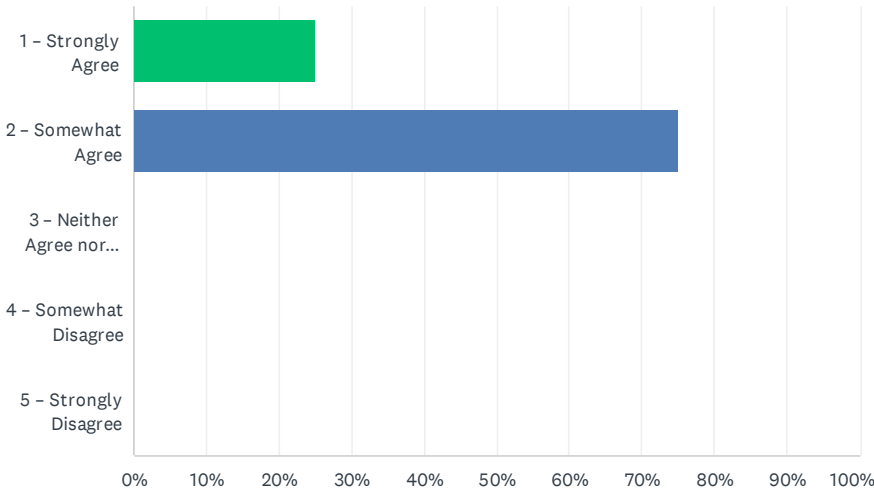
Q4 Please share any comments on improving the RAC composition:

Answered: 4 Skipped: 0

#	RESPONSES	DATE
1	On composition, the Charter states "The Committee size will be determined by Council and must include members who have appropriate skills and experience [and] may include a second independent member. RAC, and Council could consider taking a risk-based approach to the composition, i.e. If the significant risks to Council (based on the strategic risk register) are not within the skill set of the elected members and the independent Chairperson, then the second independent member could be selected to cover that skill set e.g., Experience relevant to local government - Resource Management Act (NBA/SPA), Water, Te Ao Maaori, Planning, IT - especially transformational projects or cybersecurity, Change Management, Law.	10/10/2023 5:04 PM
2	Fine as is with the ability to access external legal opinion as and when required. I have confidence that the highly experienced Chair can provide the Committee with the necessary guidance.	10/10/2023 3:26 PM
3	There was a piece in the tax payers union study of councils including Risk and Assurance. This mentioned having a lawyer on the committee. I am not convinced this is necessary, but we do cover off all other aspects.	10/4/2023 10:34 PM
4	Refer question 3	10/4/2023 10:29 AM

Q5 The RAC Committee composition enables the Committee to meet its responsibilities outlined in the Charter

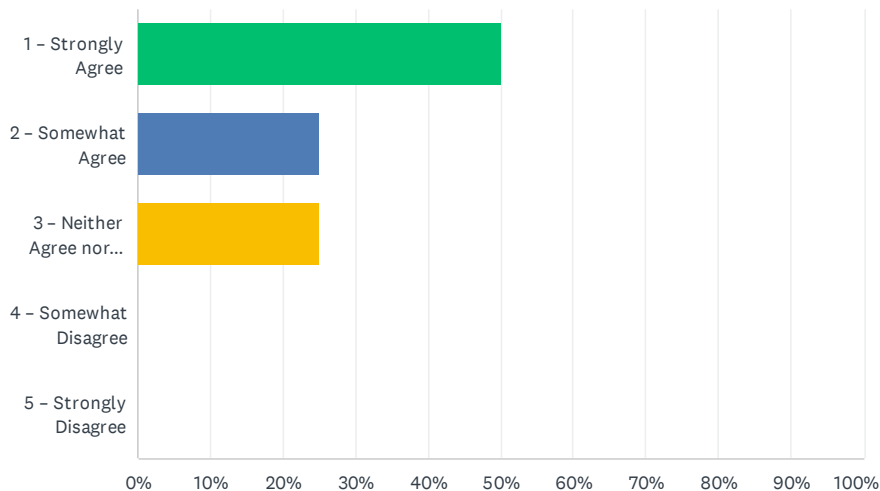
Answered: 4 Skipped: 0



ANSWER CHOICES	RESPONSES	
1 – Strongly Agree	25.00%	1
2 – Somewhat Agree	75.00%	3
3 – Neither Agree nor Disagree	0.00%	0
4 – Somewhat Disagree	0.00%	0
5 – Strongly Disagree	0.00%	0
TOTAL		4

Q6 The RAC papers are received with sufficient time for members to prepare for Committee meetings

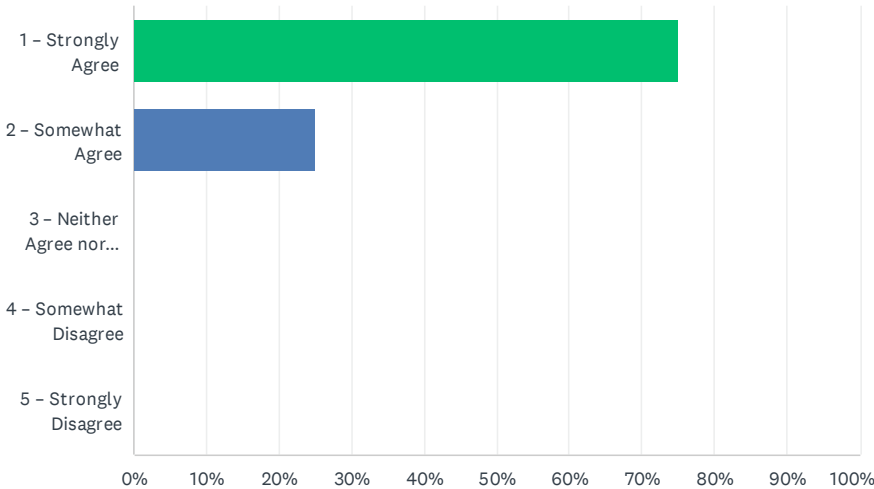
Answered: 4 Skipped: 0



ANSWER CHOICES	RESPONSES	
1 – Strongly Agree	50.00%	2
2 – Somewhat Agree	25.00%	1
3 – Neither Agree nor Disagree	25.00%	1
4 – Somewhat Disagree	0.00%	0
5 – Strongly Disagree	0.00%	0
TOTAL		4

Q7 The RAC papers contain the right amount and quality of information for members to make decisions and meet its responsibilities outlined in the Charter

Answered: 4 Skipped: 0



ANSWER CHOICES	RESPONSES	
1 – Strongly Agree	75.00%	3
2 – Somewhat Agree	25.00%	1
3 – Neither Agree nor Disagree	0.00%	0
4 – Somewhat Disagree	0.00%	0
5 – Strongly Disagree	0.00%	0
TOTAL		4

Q8 Please share any comments on improving the RAC papers timeframe or content:

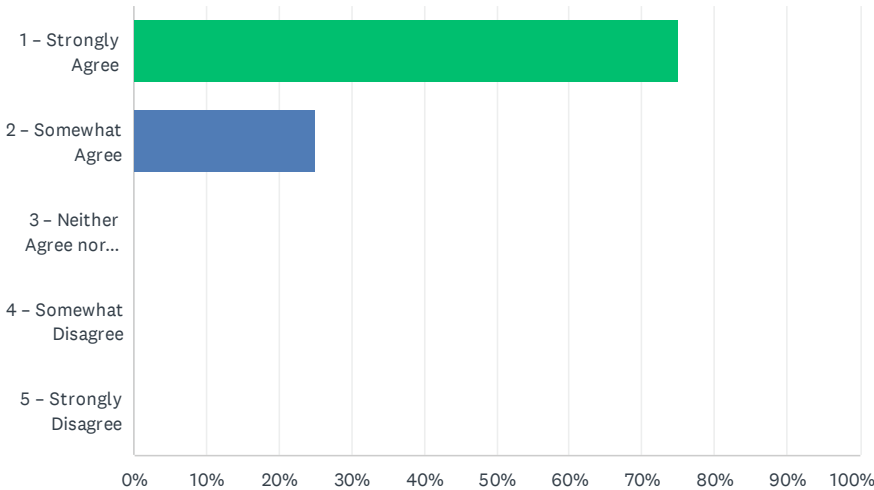
Answered: 4 Skipped: 0

#	RESPONSES	DATE
1	Timeframe - There are lessons learned from the 30 June 2022 annual report adoption, to ensure RAC is included in the process to recommend adoption to Council. Timeframe - Governance Team enabling an automated process for the RAC agenda closure times being transparent and communicated. Content: - H&S - An unfortunate need for more reporting, given the RAC hui don't align with the quarterly reports which are out of date once received by the Committee for consideration. - Risk - Despite Leslie's hard work, there's significant room for embedding the risk management framework @ MPDC and timely reporting on risk management for RAC to provide assurance to Council on strategic risk identification, rating and mitigation. - Policies - Looking forward to an overarching view of policies, which Committee receives for review/approval, and whether any are significantly overdue. - Audit recommendations - Great to see this addition to provide transparency for future RAC's. - Report template - Some refer to "Local Government Act 2002 decision making requirements", some refer to "Contribution to Community Outcomes" - should all reports refer to these are if not, which reports MUST refer to these.	10/10/2023 5:04 PM
2	I have no issue with timing or content.	10/10/2023 3:26 PM
3	Nothing to note	10/4/2023 10:34 PM
4	It is always good to receive papers early especially when the agenda is full. Some information might not be so relevant and can be considered at the meeting. In the hope to supply the committee all the information sometimes it maybe too much	10/4/2023 10:29 AM

KOMITI O TE MŌREAREA ME TE TŪMARU | RISK & ASSURANCE COMMITTEE

Q9 The frequency of RAC meetings is appropriate

Answered: 4 Skipped: 0



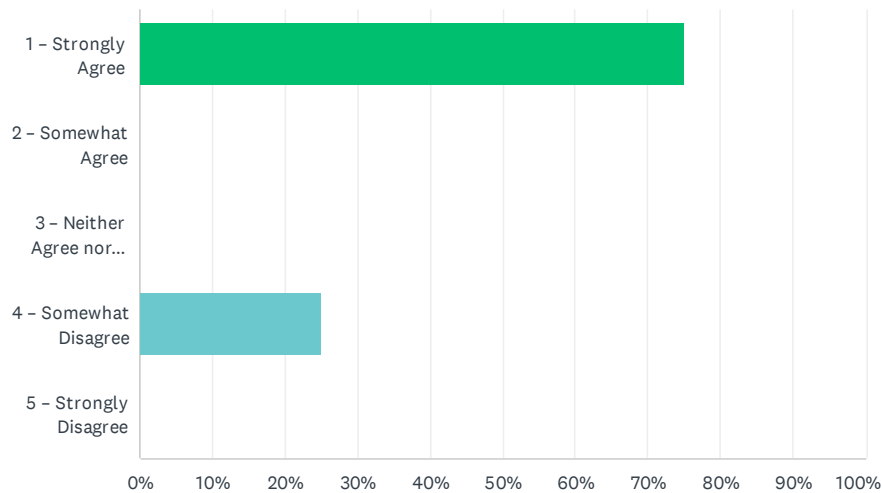
ANSWER CHOICES	RESPONSES	
1 – Strongly Agree	75.00%	3
2 – Somewhat Agree	25.00%	1
3 – Neither Agree nor Disagree	0.00%	0
4 – Somewhat Disagree	0.00%	0
5 – Strongly Disagree	0.00%	0
TOTAL		4

Item 7.7

Attachment A

Q10 The duration of RAC meetings is sufficient for members to discuss and conclude the agenda without undue pressure

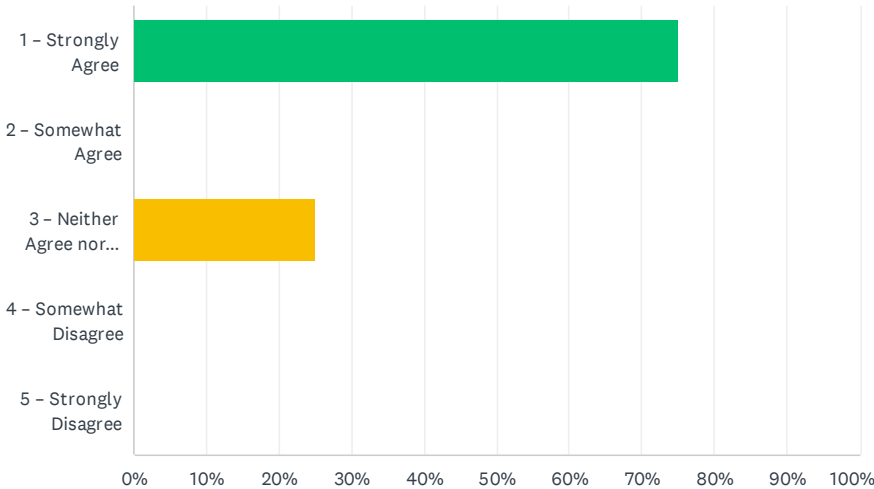
Answered: 4 Skipped: 0



ANSWER CHOICES	RESPONSES	
1 – Strongly Agree	75.00%	3
2 – Somewhat Agree	0.00%	0
3 – Neither Agree nor Disagree	0.00%	0
4 – Somewhat Disagree	25.00%	1
5 – Strongly Disagree	0.00%	0
TOTAL		4

Q11 The RAC Chair enables and environment where members are given the opportunity to voice their comments before recommendations presented in the papers are voted on

Answered: 4 Skipped: 0



ANSWER CHOICES	RESPONSES	
1 – Strongly Agree	75.00%	3
2 – Somewhat Agree	0.00%	0
3 – Neither Agree nor Disagree	25.00%	1
4 – Somewhat Disagree	0.00%	0
5 – Strongly Disagree	0.00%	0
TOTAL		4

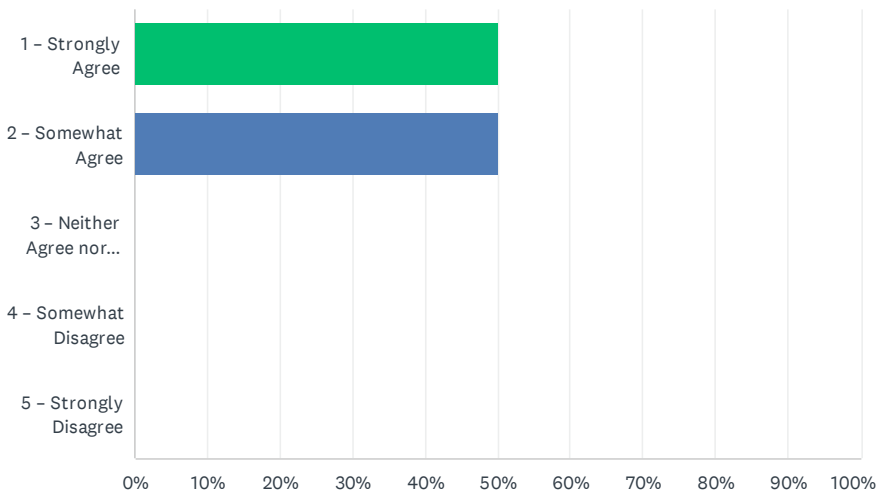
Q12 Please share any comments on improving RAC meetings, including improvements in chairing RAC meetings:

Answered: 4 Skipped: 0

#	RESPONSES	DATE
1	Frequency - Automating RAC in the annual report adoption process. Duration - Prefer 4 hours to enable diving deep into reports, especially when the reporting on strategic risks improves. RAC Chair - Remembering the administration e.g., moving, seconding, all in favour. Targeted discussion about papers when there's a tight timeframe and a full agenda.	10/10/2023 5:04 PM
2	I am happy with the improvements made.	10/10/2023 3:26 PM
3	I think our new chair is leading the committee very well.	10/4/2023 10:34 PM
4	I am happy with the meetng frequency, time, and content	10/4/2023 10:29 AM

Q13 The RAC is effective in reviewing: The integrity of Council's financial management and reporting processes

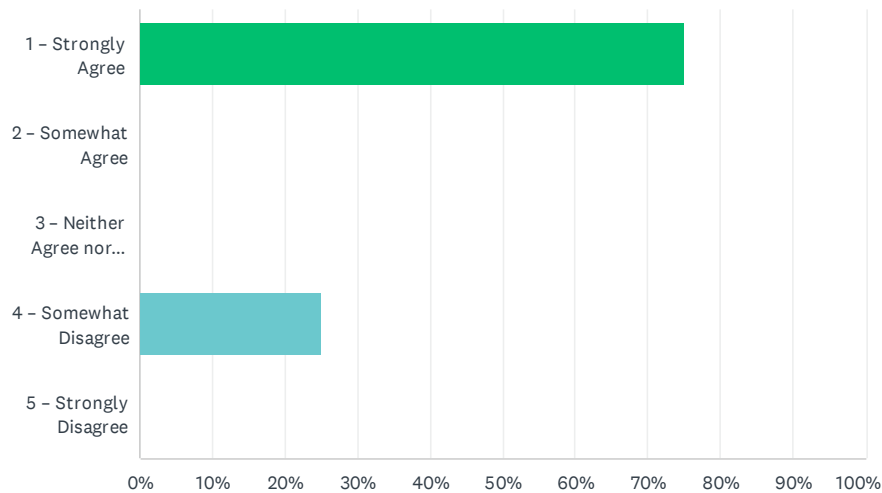
Answered: 4 Skipped: 0



ANSWER CHOICES	RESPONSES	
1 – Strongly Agree	50.00%	2
2 – Somewhat Agree	50.00%	2
3 – Neither Agree nor Disagree	0.00%	0
4 – Somewhat Disagree	0.00%	0
5 – Strongly Disagree	0.00%	0
TOTAL		4

Q14 The RAC is effective in reviewing: The scope, time and effectiveness of Council's internal audit programme

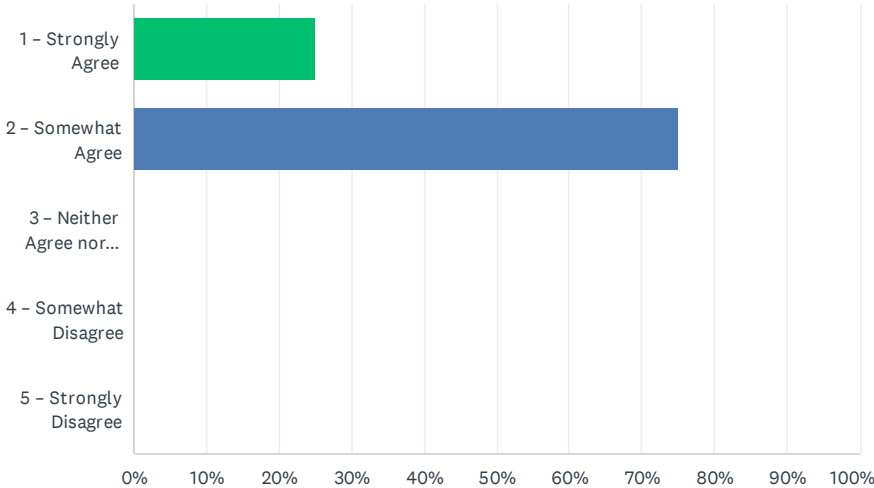
Answered: 4 Skipped: 0



ANSWER CHOICES	RESPONSES	
1 – Strongly Agree	75.00%	3
2 – Somewhat Agree	0.00%	0
3 – Neither Agree nor Disagree	0.00%	0
4 – Somewhat Disagree	25.00%	1
5 – Strongly Disagree	0.00%	0
TOTAL		4

Q15 The RAC is effective in reviewing: The scope and timeliness of Council's external audit activity

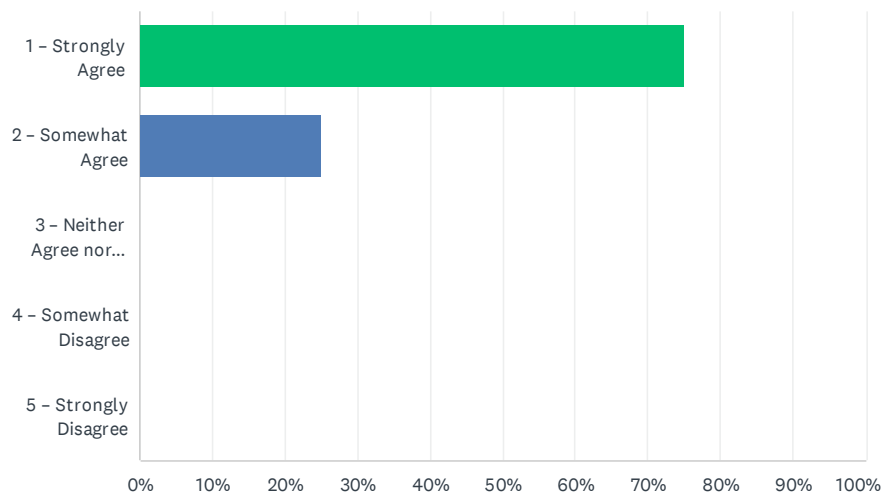
Answered: 4 Skipped: 0



ANSWER CHOICES	RESPONSES	
1 – Strongly Agree	25.00%	1
2 – Somewhat Agree	75.00%	3
3 – Neither Agree nor Disagree	0.00%	0
4 – Somewhat Disagree	0.00%	0
5 – Strongly Disagree	0.00%	0
TOTAL		4

Q16 The RAC is effective in reviewing: Council's process for monitoring compliance with laws and regulations.

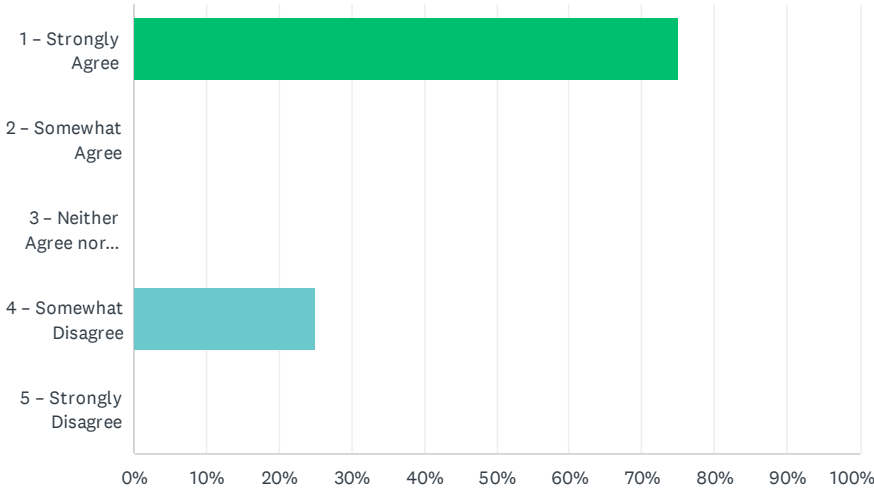
Answered: 4 Skipped: 0



ANSWER CHOICES	RESPONSES	
1 – Strongly Agree	75.00%	3
2 – Somewhat Agree	25.00%	1
3 – Neither Agree nor Disagree	0.00%	0
4 – Somewhat Disagree	0.00%	0
5 – Strongly Disagree	0.00%	0
TOTAL		4

Q17 The RAC is effective in reviewing: Council's risk management activities and their effectiveness

Answered: 4 Skipped: 0



ANSWER CHOICES	RESPONSES	
1 – Strongly Agree	75.00%	3
2 – Somewhat Agree	0.00%	0
3 – Neither Agree nor Disagree	0.00%	0
4 – Somewhat Disagree	25.00%	1
5 – Strongly Disagree	0.00%	0
TOTAL		4

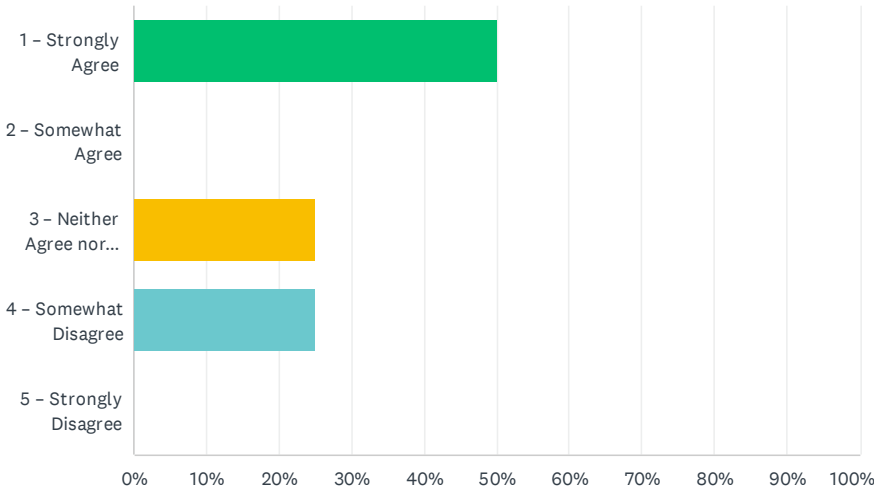
Q18 Please share any comments on improving the RAC's performance

Answered: 4 Skipped: 0

#	RESPONSES	DATE
1	Financial management and reporting - This is difficult for RAC to fully achieve, given financials are not provided regularly, rather as part of the annual report process. Internal audit - Council's internal audit plan is adhoc, making it difficult for RAC to assess scope, timeliness and effectiveness. External audit - This will be stronger once RAC inclusion in the annual report adoption process is automated. Compliance with laws and regulations - RAC will improve in this space once the strategic risk framework is embedded and there's room to consider more regular compliance reporting to RAC. Risk - RAC is not in a strong position to review risk activities and their effectiveness to Council.	10/10/2023 5:04 PM
2	If only we could get external parties to meet their obligations to take pressure off Council resources.	10/10/2023 3:26 PM
3	Nothing to add, council has improved its risk practices significantly in the past few years.	10/4/2023 10:34 PM
4	Happy with the performance	10/4/2023 10:29 AM

Q19 Information sessions are provided to RAC members to support their understanding of Council's Finance, Internal Audit, External Audit, Compliance and Risk Management activities

Answered: 4 Skipped: 0



ANSWER CHOICES	RESPONSES	
1 – Strongly Agree	50.00%	2
2 – Somewhat Agree	0.00%	0
3 – Neither Agree nor Disagree	25.00%	1
4 – Somewhat Disagree	25.00%	1
5 – Strongly Disagree	0.00%	0
TOTAL		4

Q20 Please share any comments on support needed to improve the RAC's performance:

Answered: 4 Skipped: 0

#	RESPONSES	DATE
1	Would be great for RAC members to be included in workshops, information sessions alongside elected members of direct relevance to RAC, e.g. risk management framework, significant projects creating risk to Council, Three waters, RMA reform, H&S.	10/10/2023 5:04 PM
2	You will have seen that I am more than happy with RAC activities. I also believe the Council staff understand the need for accountability and transparency and will provide the support and information required by the RAC to function.	10/10/2023 3:26 PM
3	Is there an opportunity or need to undertake this more formally?	10/4/2023 10:34 PM
4	Sometimes further explanation might be required and that is the advantage of have staff members responsible in our meetings	10/4/2023 10:29 AM

Q21 Please share any other comments not previously shared above:

Answered: 2 Skipped: 2

#	RESPONSES	DATE
1	I am feeling assured that the committee is performing at an adequate level. A massive thanks to our new Chair.	10/4/2023 10:34 PM
2	Staff are approachable, knowledgeable and helpful if I need further information or understanding . They provide great service when requested over and above what maybe already available.	10/4/2023 10:29 AM

7 Pūrongo me whakatau | Decision Reports

7.8 Schedule of Meetings 2024

CM No.: 2782998

Te Kaupapa | Purpose

The purpose of this report is to provide the Committee with meeting dates for 2024.

Rāpopotonga Matua | Executive Summary

Annually, Council and Committees are required to confirm dates for meetings for the following year. This report outlines the established committees and their identified dates for confirmation. The full proposed Meeting Planner for 2024 is attached (Attachment A).

Tūtohunga | Recommendation

That:

1. The information be received.
2. The Committee confirms the meeting dates for 2024.

Horopaki | Background

At the first ordinary meeting (9 November 2022) of the 2022-2025 triennium, Council confirmed its meeting structure. As a result the frequency of Council and Committee meetings is proposed as:

Council

- Meet monthly, every fourth Wednesday with extra meetings for hearings and adoption of documents as required.

Risk and Assurance Committee

- Meet quarterly on Tuesday, based on Council meeting dates.

Te Manawhenua Forum Mo Matamata-Piako

- Meet every two months, on the first Tuesday of the relevant month.

Waharoa (Matamata) Aerodrome Committee

- Meet two or three times a year, on the third or fourth Thursday of a month.

Workshops

- All are indicative dates – first and second Wednesday of the month are scheduled and the third Wednesday if needed in addition. Workshops will be confirmed closer to each identified date.

Using the above frequency as a guide, the meeting dates for 2024 are proposed as:

Name of Committee	Frequency	Dates
Council	4 th Wednesday of every month.	14 Feb 6 March 27 March 24 April 8 May (<i>Council Hearing</i>) 9 May (<i>Council Hearing</i>) 29 May 26 June (LTP) 24 July 28 August 25 September 30 October 27 November 11 December
Risk and Assurance Committee	Tuesday, quarterly per annum.	5 March 18 June 10 September 29 October 10 December
Te Manawhenua Forum mo Matamata-Piako	1 st Tuesday, bi-monthly per annum.	13 February <i>*20 March – joint Council and TMF workshop</i> 9 April 11 June 6 August 1 October 3 December
Waharoa (Matamata) Aerodrome Committee	2-3 per annum.	4 April 24 October

The committees identified above will have a similar report to consider at their respective meetings.

Ngā Tāpiritanga | Attachments

[A↓](#). 2024 Meeting Planner



Ngā waitohu | Signatories

Author(s)	Stephanie Hutchins Governance Support Officer	
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Approved by	Sandra Harris Placemaking and Governance Team Leader	
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Item 4.8

Attachment A

MPDC Meetings Planner - 2024

		JANUARY		FEBRUARY		MARCH		APRIL		MAY		JUNE		JULY		AUGUST		SEPTEMBER		OCTOBER		NOVEMBER		DECEMBER			
MON	1	New Year's Day				1	Easter Monday					1												MON			
TUE	2	Day after New Year's				2						2						1						TUE			
WED	3					3	Workshop	1	Workshop			3	Workshop					2	Workshop					WED			
THU	4		1	14/02 agenda closes		4	WMAC	2				4			1			3	1/10 agenda closes					THU			
FRI	5		2		1	5		3				5	17/07 agenda closes	2				4		1				FRI			
SAT	6		3		2	6		4		1		6			3			5		2				SAT			
SUN	7		4		3	7		5		2		7			4		1	6		3		1		SUN			
MON	8		5		4	8		6		3	King's Birthday	8			5		2	7		4		2		MON			
TUE	9		6	Waitangi Day	5	RAC	9	TMF	7		4	9			6	TMF	3		8		5		3	TMF	TUE		
WED	10		7	Workshop	6	Council	10	Workshop	8	Council Hearing Council Hearing	5	Workshop	10	Workshop	7	Workshop	4	Workshop	9	Workshop	6	Workshop	4	Workshop	WED		
THU	11		8		7	11		9		6	18/6 agenda closes	11			8		5	10		7		5		THU			
FRI	12		9		8	12	24/4 agenda closes	10		7		12	24/7 agenda closes	9		6		11	24/10 agenda closes	8		6		FRI			
SAT	13		10		9	13		11		8		13		10		7		12		9		7		SAT			
SUN	14		11		10	14		12		9		14		11		8		13		10		8		SUN			
MON	15		12		11	15		13		10		15		12		9		14		11		9		MON			
TUE	16		13	TMF	12	16		14		11	TMF	16		13		10	RAC	15	TMF	12		10	RAC	TUE			
WED	17		14	Council	13	Workshop	17	Workshop (TBC)	15	Workshop	12	Workshop	17	Workshop (TBC)	CEPC	14	Workshop	11	Workshop	16	Workshop (TBC)	CEPC	13	Workshop	11	Council	WED
THU	18		15		14	18		16		13		18		15		12		17	29/10 agenda closes	14		12		THU			
FRI	19		16		15	19	27/3 agenda closes	17	29/05 agenda closes	14	26/6 agenda closes	19		16	28/8 agenda closes	13	25/9 agenda closes	18	30/10 agenda closes	15	27/11 agenda closes	13		FRI			
SAT	20		17		16	20		18		15		20		17		14		19		16		14		SAT			
SUN	21		18		17	21		19		16		21		18		15		20		17		15		SUN			
MON	22		19		18	22		20		17		22		19		16		21		18		16		MON			
TUE	23		20		19	23		21		18	RAC	23		20		17		22		19		17		TUE			
WED	24		21	Workshop (TBC)	CEPC	20	Workshop TMF+Council	24	Council	22		19	Workshop (TBC)	24	Council	21	Workshop (TBC)	18	Workshop (TBC)	23		20	Workshop (TBC)	18		WED	
THU	25		22	05/03 agenda closes	21	04/04 agenda closes	25	Anzac Day	23		20	25		22		19		24	WMAC	21	03/12 agenda closes	19		THU			
FRI	26		23	6/03 agenda closes	22		26	08/5 agenda closes	24		21	26	06/8 agenda closes	23		20		25		22		20		FRI			
SAT	27		24		23	27		25		22		27		24		21		26		23		21		SAT			
SUN	28		25		24	28		26		23		28		25		22		27		24		22		SUN			
MON	29	Auckland Anniversary Day	26		25	29		27		24		29		26		23		28	Labour Day	25		23		MON			
TUE	30		27		26	30	09/4 agenda closes	28		25		30		27		24		29	RAC	26		24		TUE			
WED	31	Workshop 13/02 agenda closes	28	Workshop	27	Council		29	Council 11/6 agenda closes	26	Council (LTP)	31		28	Council	25	Council	30	Council	27	Council	25	Christmas Day	WED			
THU			29	12/03 agenda closes	28			30		27				29	10/9 agenda closes	26		31		28	03/12 agenda closes	26	Boxing Day	THU			
FRI					29	Good Friday		31		28	Matariki			30		27				29	11/12 agenda closes	27		FRI			
SAT					30					29				31		28				30		28		SAT			
SUN					31	Easter Sunday				30						29						29		SUN			
MON																30						30		MON			
TUE																						31		TUE			

Key	Public Holidays	WORKSHOP Frequency: 1st and 2nd Wednesday per month *3rd Wednesday is TBC	COUNCIL Frequency: 4th Wednesday of every month	CEPC Chief Executive Performance Committee Frequency: Annual *Informal as required	TMF Te Manawhenua Forum Frequency: bi-monthly per annum	RAC Risk and Assurance Committee Frequency: Quarterly per annum	WMAC Waharoa (Matamata) Aerodrome Committee Frequency: 2-3 meetings per annum
Working days before agenda close (does not include public holidays)		5 All agendas close on Wednesday prior	8	8	8	8	8

8 Ngā Pūrongo Whakamārama | Information Reports

8.1 Review Delegation Policy and Delegation Register

CM No.: 2777944

Te Kaupapa | Purpose

The purpose of this report is to seek Committee feedback on the Delegation Policy and Delegation Register 2022/23 prior to being provided to Council for approval.

Rāpopotonga Matua | Executive Summary

Under the Local Government Act 2002, Council may delegate its statutory powers and its functions to Council officers. The Delegation Policy and Delegation Register provide the framework for this.

Tūtohunga | Recommendation

That:

1. The information be received.
2. The Committee provide feedback, if any, to Council on the delegations prior to the delegations being submitted to Council.

Horopaki | Background

The Local Government Act 2002

Section 48 of the Local Government Act 2002 (LGA) provides that delegations must be carried out in accordance with Part 1 of Schedule 7 of the LGA. Clause 32(1) of Part 1 to Schedule 7 of the LGA provides that, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, or member or officer of the local authority any of its responsibilities, duties, or powers excepting the powers specified under paragraphs (a)-(f) of that sub-clause.

These delegated powers fall broadly in to three categories:

- Financial
- Warranted powers
- Statutory

Ngā Take/Kōrerorero | Issues/Discussion

Delegations Policy

The Policy focuses on two policy issues:

- Efficient and effective decision making - good management practice is to encourage delegation of decision making to the lowest competent level.
- Managing risk - Council has identified the 'top five risks' which are to be considered by Council and staff when making a delegation.

The Policy contains information on:

- Powers retained by Council
- Mayoral Powers under the LGA
- Powers delegated to Council committee's under its governance structure
- Powers delegated to Council's hearing commission under its governance structure
- Financial delegations (held by finance)

- Warranted Power appointments
- Statutory delegations (delegations where the highest risk has been initially assessed have been highlighted throughout the delegations document)

Amendments made to Delegations Policy and Register 2023 include:

- Delegation Policy - wording/legislation/replacement updates. Reflect up to staff changes.
- Committee delegations - updated to reflect the change in the Waharoa Aerodrome delegations.
- Financial delegations – (held and managed by the finance department)
- Statutory delegations – reviewed alongside the legislative compliance checklist. The building department had an external audit for their IANZ accreditation and some changes were made to reflect the feedback from that audit.

Options considered

The Committee has the option of recommending to Council further amendments to the delegations.

Legal and statutory requirements

Details of the legislative framework have been set out above in this report.

Impact on Significance and Engagement Policy

This matter is not considered significant.

Timeframes

There are no timeframes, the delegations are expected to be updated as and when legislation is introduced or amended by central government.

Mōrearea | Risk


This is a high risk activity, due to the fact that if there is a mistake it could mean that duties undertaken by staff are not valid and potentially illegal.

This risk is mitigated through the continuous ongoing review and yearly item to this committee.

Policy Considerations

1. To the best of the writer's knowledge, this recommendation is not significantly inconsistent with nor is anticipated to have consequences that will be significantly inconsistent with any policy adopted by this local authority or any plan required by the Local Government Act 2002 or any other enactment.

Ngā Tāpiritanga | Attachments

- A.  Delegation Policy and Delegation Register 2023 - Tracked Changes Included (*Under Separate Cover*)

Ngā waitohu | Signatories

Author(s)	Ellie Mackintosh Legal Counsel	
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Approved by	Erin Bates Strategic Partnerships and Governance Manager	
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8 Ngā Pūrongo Whakamārama | Information Reports

8.2 Long-Term Plan 2024-34 Update

CM No.: 2782653

Te Kaupapa | Purpose

The purpose of this report is to provide the Committee with an update on the Long Term Plan 2024-34 (LTP) project to Council.

Rāpopotonga Matua | Executive Summary

The LTP outlines the Council's plans including major projects, levels of service and forecast budgets for the next ten years. The current LTP covers the period 2021 – 2031. The next LTP, which this Council is underway with, is the 2024 – 2034 LTP.

The first elements which were completed were review of the strategic statements which express the Council's vision and areas of the focus: the vision, mission, strategic priorities and community outcomes. These are intended to inform the development of the Infrastructure Strategy, Financial Strategy, Levels of Service and Performance Framework, and Asset and Activity Plans amongst other components.

During October 2023, Council will discuss the budget issues which are part of the LTP. Council's decisions on these matters will be incorporated into the draft LTP Consultation document and plan itself.

The timeline for the project centres on key dates for completion of the draft documents in December 2023, auditing in January / February 2024 and consultation in March / April 2024.

Tūtohunga | Recommendation

That:

1. The information be received.
2. The Committee provide feedback on the Long-Term Plan 2024-34 project, including the external review process.

Horopaki | Background

Council is required to prepare and adopt a LTP under the Local Government Act 2002 (LGA). The Long Term Plan sets out the activities, budgets, Financial Strategy and key financial policies of the Council for the next 10 years and the Infrastructure Strategy for the next 30 years. The LTP is required to be updated every three years, with the last LTP being approved in 2021 (available online <https://www.mpdc.govt.nz/plans/long-term-plan>).

The LTP:

- describes the type of district our communities have told us they want – our community outcomes
- identifies the key projects to take place over the next 10 years
- provides an overview of each activity we will carry out and the services we will provide for the next ten years determines how much this will cost and how it will be funded.

It also provides communities the opportunity to have a say on where Council are heading and to ensure planning is robust. In completing the plan Council are required to do a number of things, including:

- take a sustainable development approach and promote community interests
- carry out our business in a clear, transparent and accountable manner
- operate in an efficient and effective manner, using sound business practices
- take into account community views by offering clear information and the opportunity to present views
- provide opportunities for Māori to contribute to decision making
- collaborate and co-operate with other agencies and councils to achieve desired outcomes.

The LTP is a complex document covering all activities of Council, major strategic documents, financial policies, auditing and a large consultation component with the community.

The LTP must be adopted prior to 30 June 2024. The project timeline for LTP is typically 18 months or more, and involves staff across the whole organisation, elected members and the community. A high level overview of the timeline is set out under Communication and Timeline heading below.

Ngā Take/Kōrerorero | Issues/Discussion

Council workshops are scheduled on a weekly basis on a Wednesday (other than when formal Council meetings occur) through to December 2023 to provide adequate opportunities for members to discuss and consider issues relevant to the project.

Quality review

For the 2021-31 LTP, Council commissioned an independent review of the LTP as a quality review mechanism. Consideration is being given to the most appropriate quality review process for the 2024 LTP.

If similar exercise is undertaken, it is suggested the goals of an independent review of the LTP consultation document and supporting material (also referred to as the draft LTP) would be to:

1. Consider the continuity and consistency of the strategy and key messages throughout the LTP as a whole, providing an external and independent assessment of how well the LTP package hangs together. For example, have the assumptions been applied consistently?
2. Assess completeness against legislative requirements.
3. Assess the LTP against Local Government sector best practice guidance.

This would specifically include:

- Compliance cross check with the requirements of Part 6 and Schedule 10 of the Local Government Act 2002, to assess completeness of component parts.
- Assessment against the most recent Taituara LTP guidance.
- Review of the Office of the Auditor General, *Matters arising from our audits of the 2021-31 long-term plans*, and assessment of MPDC LTP against matters arising report.
- If supplied, a review of the MPDC LTP project plan (*i.e.* if it identifies areas for improvement) and/or any internal debrief or reporting from the MPDC 2021 LTP, to cross check whether improvement items have been carried into the 2024 LTP.
- A light review of the 2021 LTP and most recent Annual Plan to check on continuity of direction of travel and any commitments made in those documents to the 2024 LTP.
- If supplied, a review of the Audit NZ Management Report from the 2021 LTP audit to cross check whether improvement items have been carried into the 2024 LTP.
- If supplied, any pertinent internal working documents and/or Council reports (and new Strategic Direction for Council adopted in early 2023) which outline the strategic direction

of Council for this coming LTP, and a cross check to identify consistency of strategy and direction.

Feedback is sought from the Committee on this process.

Audit

The following are the proposed audit dates (to be confirmed):





Steps	Proposed Timetable
Self-assessment provided to MPDC	<i>To be confirmed</i>
Self-assessment returned to audit team for consideration	<i>To be confirmed</i>
First interim visit (initial assessment)	11 December 2023
Proposed consultation document available	29 January 2024
Second interim visit	30 January to 13 February 2024
Audit and Risk Committee	5 March 2023
Audit opinion on consultation document	6 March 2024
Draft management report on consultation document engagement	<i>To be confirmed</i>
Finalised management report on consultation document engagement	<i>To be confirmed</i>
Final LTP visit	6 June to 13 June 2024 Draft LTP Available for audit
Proposed LTP for adoption available	14 June 2024
Audit opinion on adopted LTP	26 June 2024
Draft management report on LTP engagement	29 August 2024
Finalised management report on LTP engagement	<i>To be confirmed</i>

Overall timeline

The timeline for the project centres on key dates for completion of the draft documents in December 2023, auditing in January / February 2024 and consultation in March / April 2024.

The Project on a Page (attached) provides an overview of the different building blocks and the associated timelines for the project. The below table provides a summary of key milestones and timelines.

Key

	= in progress / on track
	= completed
	= completion delayed / some issues
	= not on track / not started

Description	Start	Finish	Comments	Status
Briefing Papers	Mid-2022	January/ February 2023	Completed and distributed to elected members	
Demographic/Growth/Economic/Assumptions - NIDEA/ - FutureProof	Oct 2021	May 2023	Completed - Workshop with technical experts held on 9 August.	

Description	Start	Finish	Comments	Status
(demographic projections) - Infometrics (economics)			Te Ngira: Institute for Population Research Prof. Michael Cameron (demographic projections) Alchemists: Tony Fenton (for land use projections)	
Revaluation of Assets	Jan 2023	September 2023	Completed.	
Community Outcomes/Vision Review	February 2023	June 2023	Completed – new strategic direction has been formally adopted by Council	
Rates Structure	April 2023	June 2023	Council has indicated it does not wish to make any changes to the rating structure. To be formally confirmed.	
Activity Plan review	April 2023	Aug/Sep 2023	This process is almost completed. Performance framework to be confirmed.	
Asset Management Plans	Feb 2023	Oct 2023	Work underway. Council has workshopped key issues, and capital project list.	
Budgets	August 2023	November 2023	Council budget workshop scheduled for 18 October 2023.	
Right Debate (pre engagement – possible level of service review)	April 2023	Aug 2023	No longer planned	
Infrastructure and Financial Strategy	April 2023	Oct 2023	Work underway, process on hold pending budget discussions.	
Policy Review	April 2023	Oct 2023	Significance and engagement policy has been adopted. Workshops on revenue and financing policy workshops took place in September 2023. Some updates needed to the Policy and Fees and Charges schedule to align.	
Council controlled organisation section	July 2023	Nov 2023	Not yet commenced.	
Māori participation in decision making	July 2023	Oct 2023	Iwi aspirations have been discussed with Te Mana Whenua Forum and	

Description	Start	Finish	Comments	Status
			Council – further engagement between Council and Forum to occur. Staff will commence work on this section of the LTP shortly.	
Document development	July 2023	Dec 2023	Work underway, preparing draft LTP. Internal discussions on the Consultation Document are also underway with elected members having provided some direction on potential topics.	
Quality checks and administration	July 2023	Dec 2023	Not yet commenced.	
Communications Strategy and implementation	Feb 2024	Dec 2024	The engagement approach will be determined by the topics of the Consultation Document.	
External Audit Process	Jan 2024	June 2024	Refer schedule of audit dates above.	
Special Consultative Procedure	Jan 2024	June 2024	Engagement will be undertaken in early 2024. Consultation is scheduled to commence mid-March through to mid-April. Hearings and deliberations in May, with final plan adoption in June 2023.	

Three Waters

The Government's Water Services Reform (previously known as Three Waters) aims to improve the safety, affordability and reliability of drinking water, wastewater and stormwater services. It involves a new service delivery model, and quality, economic and consumer protection regulation for the sector.

The Water Services Entities Act 2022 established the Water Services Entities and their functions, objectives and accountability arrangements. It also sets transitional oversight arrangements with the Department of Internal Affairs (DIA) to review and where applicable confirm local government decisions if these will prejudice the water services reform, or have a negative impact on assets or liabilities that will be transferred to the new entities. These oversight arrangements have now taken effect.

The Government announced a reset of the reform in April 2023. The changes include increasing the number of water services entities from four to ten and establishing them in a staged approach from 2024 to 2026 (i.e. 'go live' between 1 July 2024 and 1 July 2026).

The new water services entity that will serve Matamata-Piako District are scheduled to transfer to a new entity on 1 July 2025.

Three other Bills to implement the reform and incorporate the reset have now completed the Parliamentary process: The Water Services Entities Amendment Bill, the Water Services Legislation Bill and the Water Services Economic Efficiency and Consumer Protection Bill.

The key features of the transitional arrangements with respect to the LTP are:

- The transitional provisions include planning and reporting obligations reflect that council responsibilities for water services will continue for part of the period covered by the 2024-34 LTP, and detailed information would only be required for the first two financial years.
- The 2024-34 LTP, and associated consultation document, must explain to communities that water services are to be transferred to a water services entity during the 2024/25 or 2025/26 financial years; the implications of, and any significant risks associated with, the transfer; and how the council is planning to deal with these implications and risks.
- The transitional provisions set out the minimum information that needs to be included about water services in the LTP, for up to two years, only – ensuring there is continued transparency and accountability to communities about things like proposed levels of service and expenditure.
- Transitional provisions inserted into the Local Government (Rating) Act clarify that local authorities should set and that local authorities should set and collect rates for water services the whole financial year. If responsibilities are transferred to a entity part-way way through that year, any unapplied rates revenues would also be transferred to entity.

Provisions affecting the 2024-34 LTP

- Must plan to at least maintain existing levels of service
- The LTP must include information in Schedule 10 for groups of activities –for the first two years:
 - capital expenditure for groups of activities (Schedule 10 of the Local Government Act 2002, clause 3)
 - statement of intended levels of service provision (Schedule 10, clause 4)
 - funding impact statement for groups of activities (Schedule 10, clause 5)
 - forecast financial statements (Schedule 10, clause 12)
 - funding impact statement (Schedule 10, clause 15)

[This information is not required for 2025/26 if responsibilities are being transferred on/before 1 July 2025].

Councils are not required to:

- include information on DIA non-financial performance measures for water services (though still need to comply with PBE FRS48 Service Performance Reporting)
- include information on water services in infrastructure strategies

- estimate the effects of any uncertainty relating to water services reforms

In addition, Councils are not required to amend an adopted LTP to deal with any change or decision on entity establishment dates.

Mōrearea | Risk

Risk management involves the identification and assessment, then avoidance, mitigation or elimination of risks. An LTP risk register has been developed, and will be monitored and updated throughout the project.

The Project Team is also maintaining an Issues Register to capture issues as they arise and ensure issues are considered and reviewed in a timely manner as they relate to the project.

A key risk for the LTP remains the transition phase for the water reform. Also, the Water Services Reform may be repealed or significantly changed if there is a change in government following the general election.

Ngā Whiringa | Options

Council may wish to consider providing any feedback or comments on the Project Plan and timeline.

Ngā take ā-ture, ā-Kaupapahere hoki | Legal and policy considerations

Requirement for a Long Term Plan

The preparation of the LTP is a requirement under the Local Government Act 2002. [Schedule 10](#) of the LGA sets out the requirements for a LTP. The LTP must include information about;

- Community Outcomes
- Implementation of regional spatial strategy *[note: new addition following passage of the Spatial Planning Act 2023]*
- Groups of Activities
- Capital Expenditure for groups of activities
- Statement of service provision
- Funding impact statement for groups of activities
- Variation between territorial authority's longer term plan and assessment of water and sanitary services and waste management plans
- Council controlled organisations
- Development of Māori capacity to contribute to decision-making processes
- Financial strategy and Infrastructure Strategy
- Revenue and financing policy
- Significant and engagement policy
- Forecast financial statements
- Financial statements for previous year
- Statement concerning balancing of budget
- Funding impact statement
- Rating base information
- Reserve funds
- Significant forecasting assumption

Mayoral Powers

Under LGA [s41A](#), "it is the role of a mayor to lead the development of the territorial authority's plans (including the long-term plan and the annual plan), policies, and budgets for consideration by the members of the territorial authority."

Council policies and strategies

As part of the preparation of the LTP, Activity and Asset Management Plans will be checked against Council's key strategic and policy documents and wider regional and national documents for strategic fit. The preparation of the Long Term Plan may lead to the review of some Council policy documents.

Local Government Act 2002 (LGA 2002) Decision-making requirements

Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations is assessed as having a low level of significance.

All Council decisions, whether made by the Council itself or under delegated authority, are subject to the decision-making requirements in sections 76 to 82 of the LGA 2002. This includes any decision not to take any action.

Local Government Act 2002 decision making requirements	Staff/officer comment
Section 77 – Council needs to give consideration to the reasonable practicable options available.	This report provides the Committee with an update; there are no options to consider at this stage.
Section 78 – requires consideration of the views of Interested/affected people	The LTP is subject to a consultative process
Section 79 – how to achieve compliance with sections 77 and 78 is in proportion to the significance of the issue	The Significance and Engagement Policy is considered above. This issue is assessed as having a Low level of significance, as this report is an information update. The LTP overall has higher significance
Section 82 – this sets out principles of consultation.	<Insert text> The LTP is subject to a consultative process and these principles will be considered as part of the consultation/communications plan.

Policy Considerations

To the best of the writer's knowledge, this recommendation is not significantly inconsistent with nor is anticipated to have consequences that will be significantly inconsistent with any policy adopted by this local authority or any plan required by the Local Government Act 2002 or any other enactment.

Ngā Pāpāhonga me ngā Whakawhitiwhitinga | Communications and engagement

Views of residents are sought via the resident's survey every quarter and have been utilised in preparing the LTP alongside other information.

The LTP project is one of Council's key opportunities to engage with our communities to find out what their aspirations and priorities are.

The LTP is subject to the special consultative process under the LGA ([s83](#)). The special consultative process is a structured one month submission process with a hearing for those who have submitted and wish to speak to their submission.

Further detailed plans on engagement for the LTP consultation period will be brought to Council for consideration early in the New Year.

Formal consultation for the LTP will take place in March-April 2024.

Ngā take ā-lhinga | Consent issues

There are no consent issues.

Te Tākoha ki ngā Hua mō te Hapori me te here ki te whakakitenga o te Kaunihera | Contribution to Community Outcomes

The relevant Community Outcomes are set out below:

Connected Infrastructure	Infrastructure and services are fit for purpose and affordable, now and in the future.	Quality infrastructure is provided to support community wellbeing.	We have positive partnerships with external providers of infrastructure to our communities.
Economic opportunities	We are a business friendly Council	Our future planning enables sustainable growth in our District.	We provide leadership and advocacy is provided to enable our communities to grow.
Healthy communities	Our community is safe, healthy and connected.	We encourage the use and development of our facilities.	We encourage community engagement and provide sound and visionary decision making.
Environmental Sustainability	We support environmentally friendly practices and technologies.	Development occurs in a sustainable and respectful manner considering kawa/protocol and tikanga/customs	We engage with our regional and national partners to ensure positive environmental outcomes for our community.
Vibrant Cultural values	We promote and protect our arts, culture, historic, and natural resources	We value and encourage strong relationships with Iwi and other cultures, recognising wāhi tapu and taonga/significant and treasured sites and whakapapa/ ancestral heritage.	Tangata Whenua with Mana whenua status (those with authority over the land under Māori lore) have meaningful involvement in decision making.

Pānga ki te pūtea, me te puna pūtea | Financial Cost and Funding Source

The development of and consultation on the LTP is funded from the Strategy and Engagement Activity Operating budget.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Niall Baker Policy Team Leader	
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Approved by	Erin Bates Strategic Partnerships and Governance Manager	
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8 Ngā Pūrongo Whakamārama | Information Reports

8.3 Review of progress with external and internal audit recommendations

CM No.: 2782867

Te Kaupapa | Purpose

To update the Committee on progress with recent external and internal audit recommendations

Rāpopotonga Matua | Executive Summary

There have been no additional internal or external audit reports received since the last update to this committee.

Progress is reviewed against the following reports;

- Audit New Zealand's Report to the Council on the audit of Matamata-Piako District Council for the year ended 30 June 2022 (issued August 2023), and
- KPMG's internal audit report on cash handling and non-cash refund processes (issued May 2023).


Progress with the recommendations made in these reports is presented in the attached document. Changes since the last report are updated in blue. Items previously noted to the committee as resolved have been dropped off the list.

Tūtohunga | Recommendation

That:

1. The information is received.

Ngā Tāpiritanga | Attachments

 Update on progress with recommendations made by external and internal audit reviews – as at 13 October 2023

Ngā waitohu | Signatories

Author(s)	Larnia Rushbrooke Finance and Business Services Manager	
Approved by	Don McLeod Chief Executive Officer	

Update on progress with recommendations made by external and internal audit reviews – as at 13 October 2023

NOTE: Changes since the last update to the Risk and Assurance Committee are shown in blue. Matters previously noted as resolved have been dropped off the list.

Focus area/issue	Reference to report	Recommendations	Priority	Status	Comments
Matters raised in Audit NZ Management report for the year ended 30 June 2022					
Quality of performance information and financial statements	2.8.1 2.8.2	That a quality review process of the performance reporting and the financial statements be undertaken prior to submission for audit.	Urgent – due to the imminent commencement of the 2023 audit	In progress	The 2023 Annual Report is substantially complete at the time of writing. Although the process has been hurried towards the end in order to meet tight deadlines (as is usually the case), the draft versions of the document have been subject to QA review before being submitted for audit. Staff have worked closely with Auditors to ensure we are on track reporting against the new accounting standards for performance measures.
Fraud risk assessment	3.1	That Council updates its fraud risk assessment, which was last reviewed in 2018, to gain a better understanding of the fraud risks that may impact the District Council.	Necessary	Not yet progressed	Some work has been undertaken during 2023 in the area of assessing the fraud risks associated with cash-handling in preparation for the internal audit that was completed over cash-handling in May 2023. It is unlikely that we will be able to complete a full review of the fraud risk assessment in 2023/24 due to other priorities. This will be placed on the schedule of corporate priorities to be timetabled.
Payroll Controls - Timely review of Masterfile changes	3.2	Management should ensure that the Masterfile changes are reviewed on a regular basis or at least once every month to prevent any unauthorised changes to the Masterfile not being detected and corrected in a timely manner. This should be an independent review by	Urgent - Due to the risk that the Council should mitigate.	In progress	As set out in the management comments to the Audit Report, we have a differing opinion on the potential for risk in our existing procedures, and are comfortable that our processes are robust. We have however identified opportunities to further refine our process and will look to implement these during the 2023/24 year.

		someone who does not have access to make Masterfile changes.			
Impairment assessment	4	That management completes a formal impairment assessment which considers property, plant and equipment and intangible assets.	Urgent – due to the imminent commencement of the 2023 audit	In progress	A formal impairment assessment is has been completed for the year ended 30 June 2023 – we await confirmation from Audit NZ that they were satisfied with this assessment.
Detailed asset registers and reconciliation	5.2.1	That other than the continuity schedule, the District Council should have up to date asset registers available for audit. The District Council should also perform a reconciliation between the asset registers and the general ledger.	Urgent – due to the imminent commencement of the 2023 audit	In progress	Monthly reconciliations have been prepared. We will work with the Auditors during the current audit to ensure they are provided with information they require from the asset registers
Variances in PPE WIP and additions listings	5.2.2	That management perform reconciliations of the PPE WIP and additions listings to the general ledgers on a regular basis. Variances should be investigated and resolved timeously.	Urgent – due to the imminent commencement of the 2023 audit	In progress	Reconciliations between the final listing of WIP and the general ledger have been prepared for 30 June 2023. We have planned to implement a detailed quarterly review of capital work orders for 2023/24 to improve the financial monitoring of capital projects and timeliness of capitalisations. We've also updated the process for employee exits to ensure that when an employee leaves that there is a formal process to ensure any capital work orders they have been managing are either capitalised or transferred to an appropriate person to take-over.
Assets under construction	5.2.3	That Assets under construction should be reviewed at year end and be reflected within the appropriate Property, Plant and	Urgent – due to the imminent commencement of the 2023 audit	In progress	It is most efficient for asset staff to capitalise assets in the asset management systems when they are finally complete with all costs captured, which may come after the point at which the asset is actually in use.

		Equipment line item to the financial statements when it is available for use			We have reviewed any such projects for 30 June 2023 and have capitalised these 'on the books' to ensure that they are accounted for in the correct line of the PPE note to the financial statements, and depreciated from the correct date.
Sensitive expenditure - approval delegations	6.2	We recommend the District Council ensures it has evidence to support one up approval for sensitive expenditure as required by its policy.	Necessary	Disagree with recommendation	<p>While our policy has not been reviewed for some time, staff are confident that the existing policy, it's principles and overriding intent, and processes are sufficiently robust to prevent the mis-management of sensitive expenditure.</p> <p>We may have some differing views from Audit NZ on the practical application of the policy. For example, one of the principles of our policy is that 'expenditure incurred should be reviewed and approved on a 'one-up' basis. At the same time, our policy sets some very specific limits on what is an acceptable level of expenditure for specific situations – eg amount that can be spent on catering for internal meetings, including Council meetings.</p> <p>Our current process is that Governance staff responsible for organising catering for Council meetings, do so within the policy limits. Approval of this expenditure follows our purchasing system rules, and goes to the Governance Team leader for approval. In approving the purchase, they check that the purchase is in line with policy limits, and within overall budget limits. As a secondary control, Accounts Payable staff also check catering costs to ensure policy limits are not breached at the time of</p>

					<p>entering invoices. Staff feel that this is an appropriate level of control.</p> <p>Audit NZ's expectation is that there is still one-up approval for this expenditure– ie that the Mayor approve the expenditure for catering of Council meetings (noting that this could be retrospective).</p> <p>Staff will of course take instruction from Risk and Assurance Committee and/or Council to implement the controls as recommended by Audit NZ if they feel this additional step is necessary. They should be guided by the expectation that all Council expenditure should be reasonable and subject to a standard that would be expected of a local authority and be able to withstand public scrutiny, (the “front page of the newspaper” test).</p> <p>In the future review of Council's Sensitive Expenditure Policy, we may wish to be more explicit about the expected lines of approval for specific items of expenditure, so that we are striking a balance between policy that is practical to administer and leads to appropriate safe-guards and outcomes.</p>
Status of previous recommendations (from Audit NZ Management report 30 June 2022)					
Valuation of property, plant, and equipment – valuers' recommendations for improvement	Appendix 1	The District Council should: <ul style="list-style-type: none"> Implement the external roading valuer's recommendations to improve the overall completeness and 	Necessary	In progress	For the 2023 valuations that are currently in progress, staff will ensure that they confirm the importance of the recommendations made by the valuers before the valuation is finalised.

		<p>accuracy of data used for valuations.</p> <ul style="list-style-type: none"> Consider the recommendations included in the peer review of Three Waters infrastructure and implement an action plan to address these. <p>Consider applying these recommendations to other asset classes held on a revaluation basis.</p>			
Roading valuation process	Appendix 1	<p>The District Council should review the data within the RAMM database before each valuation to provide greater assurance over assumptions used for the asset revaluation. Various assets in the Council's RAMM database did not have construction dates. The valuer stated in their report that where asset age is unknown and engineering judgement and local knowledge had to be used to assign a construction date. The data supporting valuations needs to be improved by MPDC.</p>	Necessary	Disagree with recommendation	We are confident that the extensive condition rating process for our roading assets negates any risk to the valuation from missing construction data.
Fair value assessments	Appendix 1	<p>Management should consider factors beyond national cost</p>	Necessary	Resolved	Staff have utilised publicly available market information on property sales and applied it in the

		indices when completing fair value assessments. For example, information from recent construction contracts and construction estimates should be used to understand whether there could be a significant change in the base unit rates used in the previous valuation.			assessment of the fair value of our land assets for 30 June 2023. Roading, utilities and buildings are being revalued.
Property, plant, and equipment – Depreciation	Appendix 1	We recommend management consult with other local authority users of AssetFinda, or the software company itself, to better understand the rationale for the AssetFinda approach to depreciation and confirm this remains appropriate.	Necessary	Disagree with recommendation	We do not agree that the current calculation would result in a material error in the financial statements.
Capital works programme	Appendix 1	Continuous monitoring should be carried out to ensure levels of service are maintained.	Necessary	In progress	Historically Council achieves around 73% of the annual capital programme, which is in line with the LG sector in NZ. Council completed 69% of the capital works programme for the year ended 30 June 2023. This included spending of \$28.2m on capital work (our highest level of annual spend to date) against a budget of \$41m.
Suspense account reconciliations not prepared and reviewed monthly	Appendix 1	Monthly reconciliations of suspense accounts should be prepared and independently reviewed.	Necessary	In progress	Significant progress has been made during 2022/23. This has included significant work to resolve a backlog of unreconciled transactions, and there has been improved control and follow-up of items put to suspense throughout the year. A formalised

					reconciliation and independent review process will commence from October 2023 .
Test organisational business continuity and disaster recovery plans	Appendix 1	The District Council should document and test its organisational business continuity and IT disaster recovery plans. IT has developed an IT Disaster Recovery Plan (DRP) and we understand that Council has started work to develop a (BCP). Neither the BCP nor DRP have been tested.	Necessary	In progress	Major IT infrastructure upgrades are underway with other improvements planned for 2023/24. We expect that this will allow us to be in a position to more thoroughly/fully test the IT disaster recovery plan in 2024/25.
Sensitive expenditure policies	Appendix 1	We recommend management update sensitive expenditure policies to include recent guidance	Necessary	Not yet progressed	The review of the Sensitive Expenditure Policy has been delayed due to competing priorities. With the LTP and other projects currently underway, the most realistic timing for the work to undertake this review is April-May 2024, unless other resourcing options are identified.
Asset, project, and contract management	Appendix 1	The District Council should review processes and controls to align with good practice.	Beneficial	In progress	The new Project Management framework is being rolled out across the organisation. It will take time to bed in.
Policies to update	Appendix 1	The following policies should be updated to ensure they align with current practice: <ul style="list-style-type: none"> Capitalisation Policy (updated in 2012). 	Beneficial	Not yet progressed	The review of the Capitalisation Policy has not progressed due to competing priorities. We have not yet earmarked a date for this review.

Matters raised in KMPG's Internal audit of Cash-handling report May 2023					
Physical security of cash	3	Increase the frequency the Morrinsville library deposits cash into the office safe to reduce cash held in the locked cupboard	High	Not yet progressed	No immediate resolution has been identified for the Morrinsville Library at this point. Regularly moving cash from the library to the available office safe requires staff to pass through public access areas, which staff feel would pose more risk to the staffs' physical security than the current risk of loss from a locked cupboard. The same issue applies to the Te Aroha library. We note that the amount of cash is low and will continue to reduce as fines for overdue items were removed from 1 July. Staff will investigate practical options to improve the security of the cash but these will need to be balanced with the risks of staff safety and financial loss at these sites.
Physical security of cash	4	Investigate opportunity to install a security camera in the Swim Zone Te Aroha office	High	In progress	A business case has been submitted for review and approval covering the installation of cameras at all Swimzone facilities
Point of sale transaction processing	1	Investigate the opportunity and costs for an updated POS system like the one in use at Swim Zone Te Aroha to be installed and used across sites.	High	Not yet progressed	<p>The Customer Service offices receipt directly into Authority. Camera footage is available over all tills. There is currently not a function in Authority to have an integrated till, however we will keep a watch for any future updates to Authority that may offer this functionality.</p> <p>For the libraries, the issue is one of practicality and cost. The cash drawers are currently operated through the Library Management System, WorkFlows. Due to the length of time it takes to log into the MPDC system, and then into WorkFlows, individual sign-ons for each transaction are not practical, as staff</p>

					are often moving around the library and are not stationed at a single desk for extended periods of time. All of the libraries have self-service kiosks which are utilised for the majority of transactions using Eftpos. The majority of cash-handling at the library counters is for printing, and is very low value. Staff will consider these factors in determining whether an improved POS system would be beneficial or what other controls could be put in place to minimise risk.
Increase monitoring of cash handling processes	1	Develop a formal QA methodology which provides guidance and clarity on responsibilities, coverage, reporting and other expectations regarding the 'Cash Handling Audit'.	Medium	Not yet progressed	An initial focus for the Finance team will be to work with the offices and facilities to standardise the cash-handling processes across Council. Once this is established, we will look to develop the QA methodology as recommended, and implement the QA framework across the offices and facilities. As the process will be standardised across facilities, we will look to use facility staff to undertake the QA review of other facilities. Reviewing, reporting and monitoring of progress with matters raised would be assigned to a central overseeing role, most likely with in the Finance team.
Increase monitoring of cash handling processes	2	Implement the updated 'Cash Handling Audit' QA framework across sites ensuring adequate reporting and action completion to address issues which arise.	Medium		
Cash-handling process inefficiencies	1	Update cash up processes and process guidance across sites to incorporate the following: - All sites are to use the same cash up form and clarifying which form this is to be.	Medium	Not yet progressed	The Finance team will work with the offices and facilities to standardise the cash-handling processes and forms across Council. This will include guidance on where and how to store required information. As discussed earlier, we will also look to make improvements in how staff are trained in these processes, both initially and possibly including an

		- Provide direction for what is to be saved on CM, where, and how.			induction for new staff with the Finance team focussed on the cash up and receipting process.
Cash-handling process inefficiencies	2	For sites which do not currently use CM, provide training on how to use CM based on updated guidance as a point of reference.	Medium		

8 Ngā Pūrongo Whakamārama | Information Reports

8.4 Risk and Assurance Work Programme 2023 - Update October 2023

CM No.: 2782875

Te Kaupapa | Purpose

The purpose of this report is to provide an update to the committee on the work programme as confirmed for 2023.

Rāpopotonga Matua | Executive Summary This is an additional meeting not originally scheduled. Staff have developed an update on the Work Programme for the Committee using reports previously scheduled and standing items. It is intended this is a standing item for each Committee meeting.

Tūtohunga | Recommendation

That:

1. The information be received.

Horopaki | Background

Prior to the commencement of each calendar year the Committee sets a work programme.

While priorities can shift during the year as unexpected issues arise, the work programme is a useful tool to enable Committee members to set their direction and to allow staff to understand the work priorities that need to be achieved.

Ngā Tāpiritanga | Attachments

[A↓](#). Risk and Assurance Committee Work Programme 2023 - Update October 2023



Ngā waitohu | Signatories

Author(s)	Stephanie Hutchins Governance Support Officer	
Approved by	Sandra Harris Placemaking and Governance Team Leader	

Risk and Assurance Committee Work Programme 2023



Meeting Date	Scheduled Reports	Status – included in agenda	Comment
24 October 2023	• Annual Report	✓	Attachment circulated separately
	• Annual financial warrant of fitness assessment	✓	
	• Weathertight Buildings Update	X	No updates – nothing to report
	• Annual review of delegations	✓	
	• Annual review of legislative compliance assessment	✓	
	• Self-assessment of committee results	✓	
	• Policies raised in interim management report	X	This report will be addressed at the next available meeting
	<u>Standing Items</u>		
	• Specific Project Risk Management Review (<i>if required</i>)	X	Nothing to report
	• Chair's Report	✓	
	• Review of any audit reports that have been completed (<i>if required</i>)	X	Nothing to report
	• Policy review (<i>if required</i>)	X	Nothing to report
	• Quarterly procurement report	X	Reported at previous meeting
	• Review of progress with external and internal audit recommendations	✓	