

## **Appendix C: Background to the Report**

### Legislative Compliance Declarations – Statutory Compliance Issues

- 1 Each quarter Group Managers complete a legislative compliance declaration setting out the significant legislative requirements and declaring whether or not, to the best of their knowledge, they are aware of any compliance issues or breaches of legislation during the previous three-month period in respect of the acts determined as 'key' by the council's external auditors.
- 2 Those 'key acts' are:
  - Local Government Act 2002
  - Local Authorities (Members' Interests) Act 1968
  - Local Government (Rating) Act 2002
  - Local Government (Financial Reporting and Prudence) Regulations 2014
  - Building Act 2004
  - Resource Management Act 1991
- 3 The declaration does not include instances when the Council has exceeded statutory time frames for processing resource and building consent applications as reported to the Council's Operations and Finance Committee in regular quarterly reports.

### Ombudsman and Privacy Commissioner Investigations

- 4 Council staff also track the receipt and management of investigations being carried out by the Ombudsman or Privacy Commissioner in relation to any complaints received about the actions of the Council.
- 5 Under the Ombudsmen Act 1975 the Ombudsman can investigate complaints about the administrative acts and decisions of central and local government agencies. Under the Official Information Act 1982 and LGOIMA the Ombudsman can also handle complaints and investigate the administrative conduct of these agencies in relation to official information requests. Official information requests received by the Council fall under LGOIMA.
- 6 The Privacy Commissioner administers the Privacy Act 1993. The Privacy Act governs how individuals, organisations and businesses collect, use, disclose, store and give access to personal information. The Privacy Commissioner can investigate complaints about actions that may breach the provisions of the Privacy Act.

### Official Information Requests

- 7 The Council monitors official information requests to ensure pertinent and timely responses are supplied. Staff provide a regular update on the number of official information requests received by the Council and provide an indication of the impact of multiple requesters.

### Bylaw Monitoring

- 8 In 2015, work was undertaken to strengthen the processes supporting the Council's management of its bylaws. This included a legal review undertaken to confirm the status of each bylaw and the introduction of updated processes to ensure effective bylaw management across the Council.
- 9 The Council currently has 12 bylaws. The Council monitors the status of these bylaws and Corporate Services report on them to the Committee.

### Additional Investigations/Mediations or Other Compliance Matters

- 10 Staff will also report on any additional investigations or mediations carried out by other external agencies as well as informing the Committee of any other relevant compliance matters including an update on the current litigation status.

Restricted