



APPENDICES MINUTES

**Risk and Assurance Committee
Meeting**

Thursday, 3 August 2023

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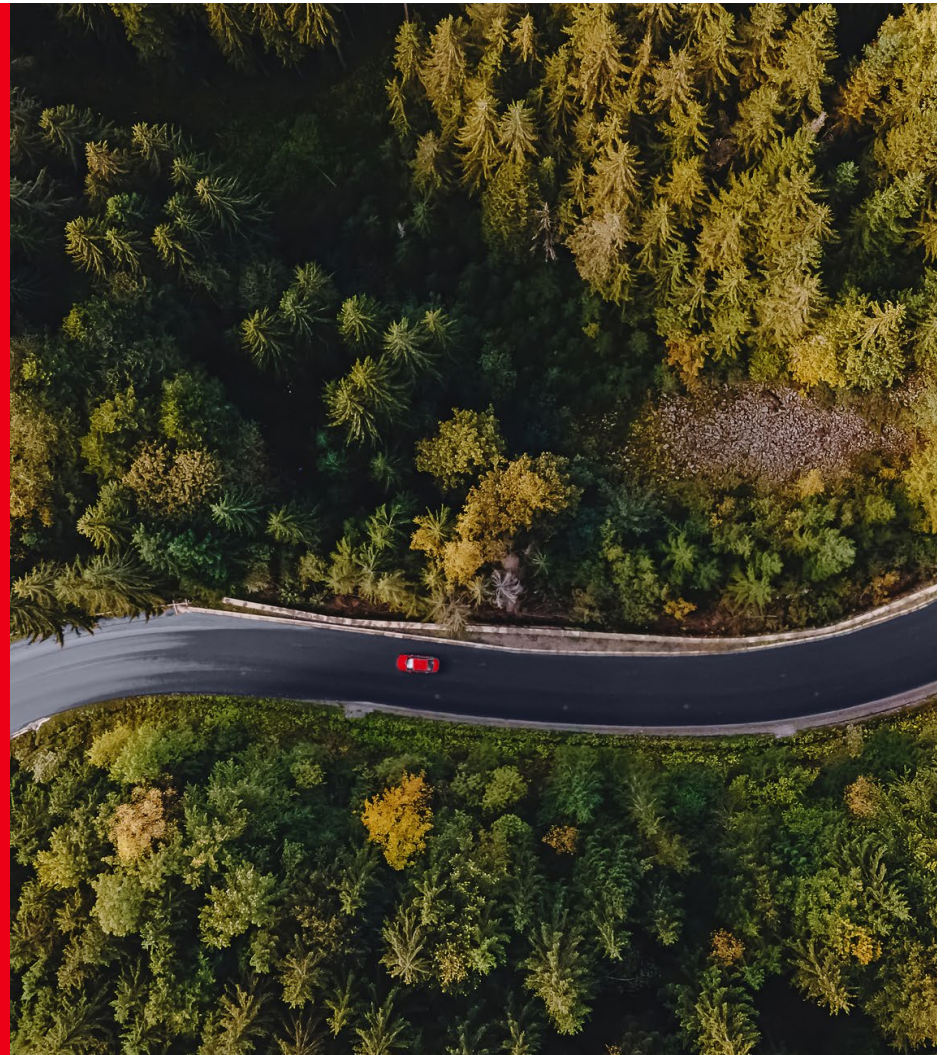
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KCDC Risk and Assurance Committee meeting

Council insurance update

Sam Ketley | August 2023





Agenda

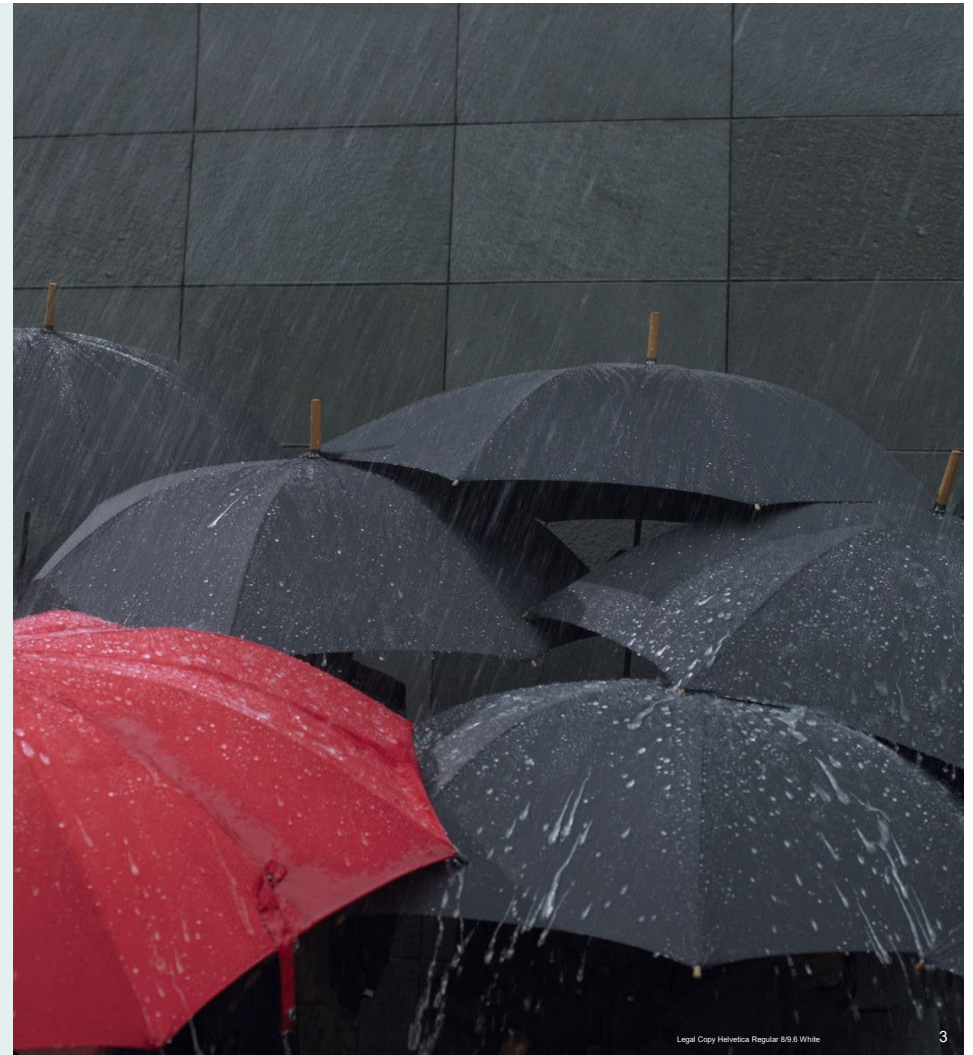
1. Insurance Market Update
2. Becoming a strategic buyer of risk transfer

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Markets

AON



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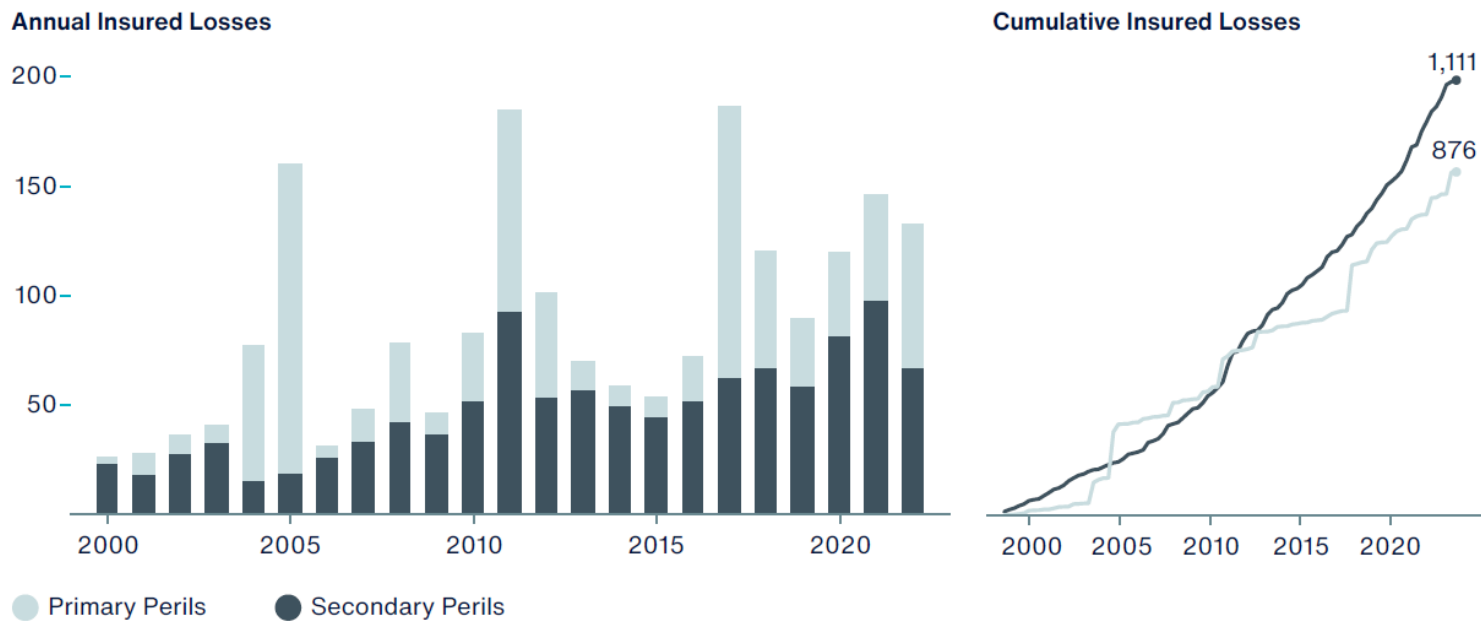
Markets

- Predominant premium spend for KCDC is Material Damage Business Interruption insurance – so that's the focus today
- Reinsurance update
 - Loss trends
 - Capacity shrinkage
- Inflation, increasing values at risk
- Estimated Impacts of Auckland Floods & Cyclone Gabrielle
- Future headwind

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Insured Losses from Primary/Secondary Perils (2022 \$bn)



Data: Catastrophe Insight, Aon

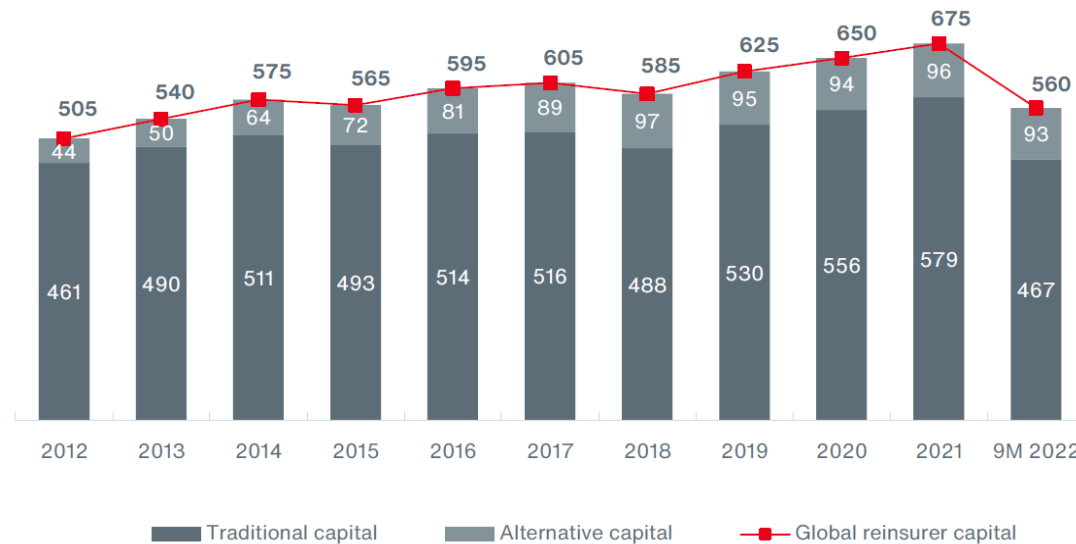


Reinsurance

“The January 2023 renewal marks a turning point for the reinsurance market, signalling a new reality for buyers. It was the most challenging January 1 renewal in a generation as the reinsurance market underwent a fundamental shift in pricing and risk appetite, especially for property catastrophe risk.”

Aon Reinsurance Market Dynamics report Jan 2023

Exhibit 1: Global Reinsurer Capital (\$ billions)





Auckland Floods & Cyclone Gabrielle

- Auckland Floods – yet another Secondary Nat Cat loss
- Current estimates of insured loss is >NZ\$3bn
- Market Shock event
- 1000s of Motor claims
- Major Impact to Domestic Insurers
- Major Impact to Commercial Property Insurers
- Flow-on effects to be calculated, such as
 - Business Interruption Losses
 - Alternative Accommodation expenses
- Damaging to New Zealand reputation in Global Property Markets and Re-insurance Markets



Future headwinds

- Update to the National Seismic Hazard Model (2022)
- Lack of new insurance capital for New Zealand

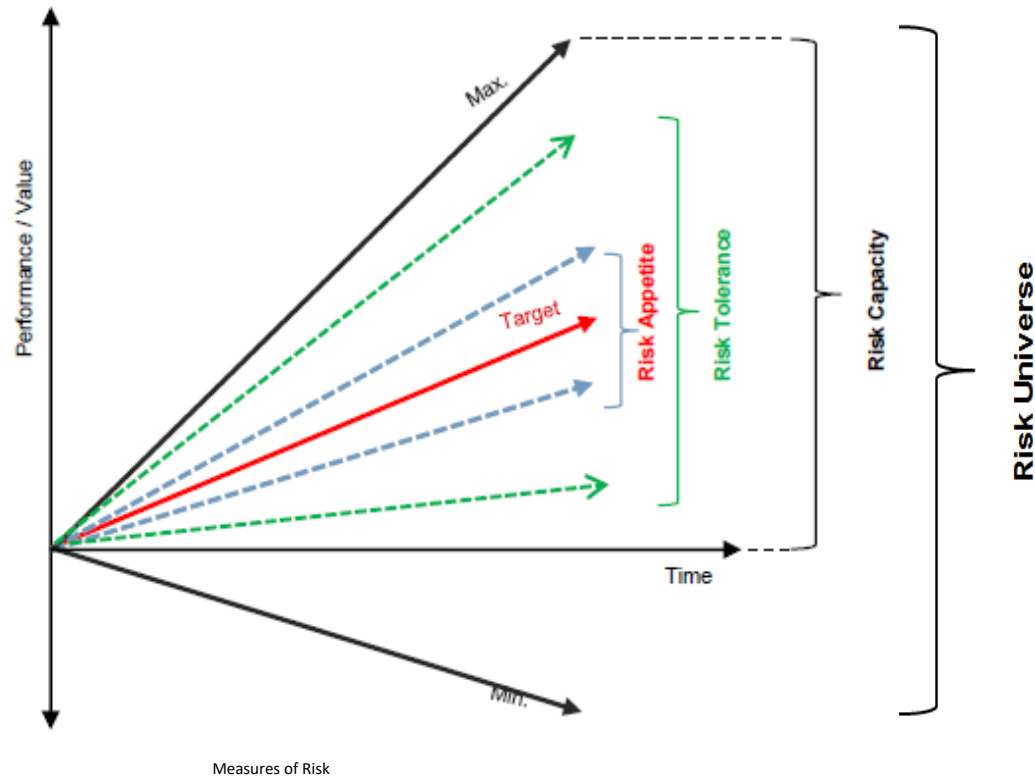
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Strategic risk transfer

AON



Risk Bearing Capacity and Risk Tolerance

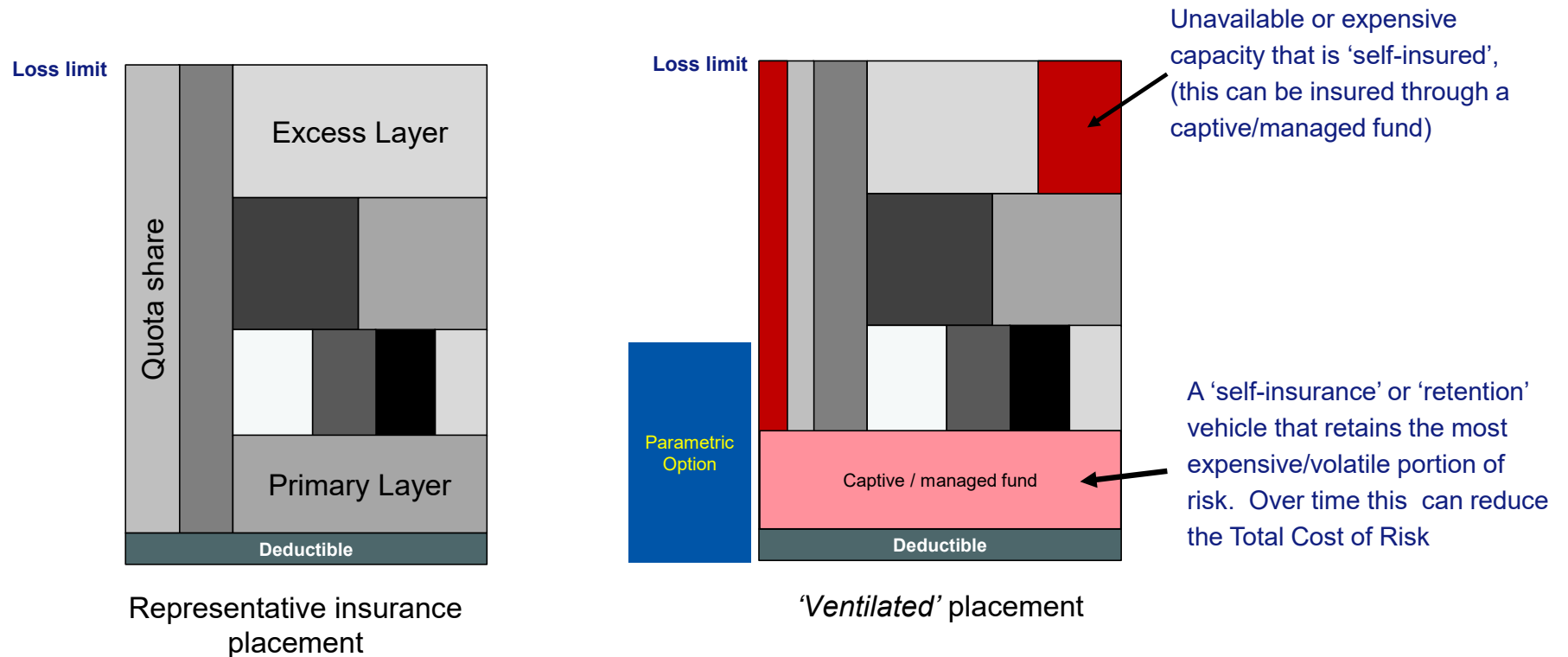


The level of risk an organization may be willing to retain (appetite) depends on a number of factors, including:

- *Financial position*
- *Culture*
- *Future plans*

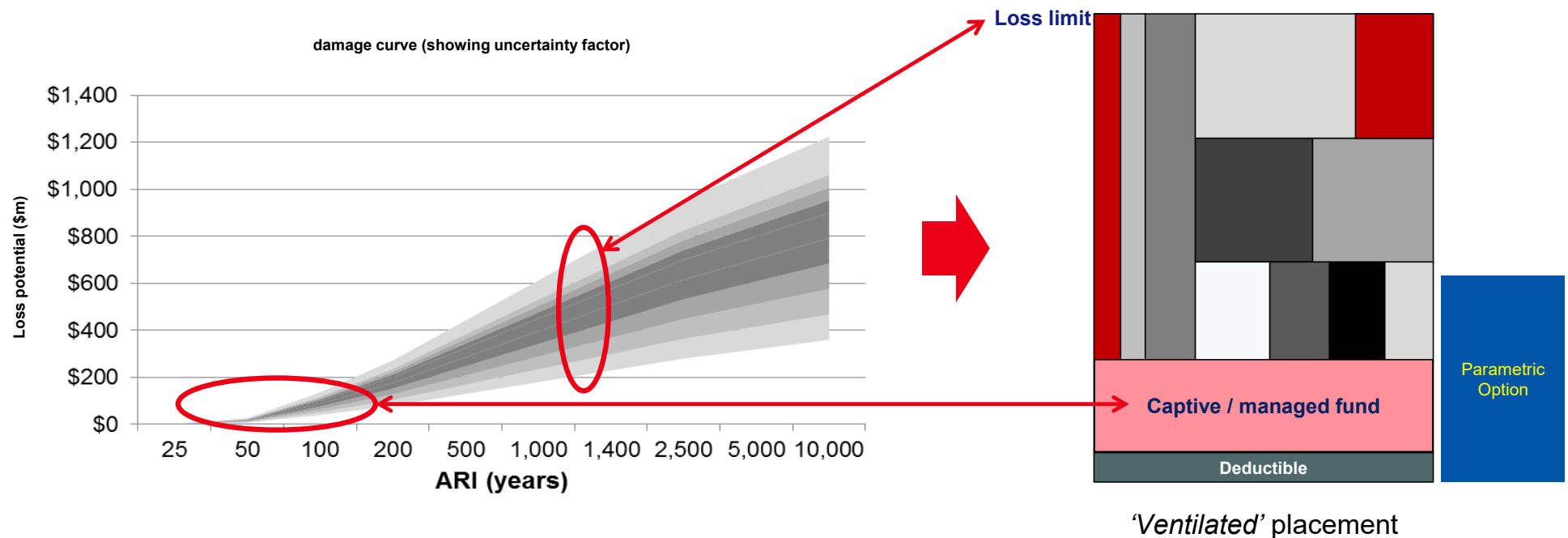
Risk Transfer

Where Risk Understanding helps drive decision making



Using data and risk understanding to transition to strategic risk transfer

Using traditional insurance and alternative risk transfer to mitigate financial risk



AON

Aon New Zealand | Global Risk Consulting | Data Analytics

Current state of play

- The Risk bearing capacity and risk tolerance study is complete
- We need the update to the loss modelling for latest values and hazard changes
- We need to review the best structure for KCDC, either standalone (with a self-retention vehicle) or remaining within the Outer Wellington group.



Wrap up

- The insurance market is tough, and is expected to remain so, for the foreseeable future
- Clients need to become more strategic in their approach to risk transfer
- Risk retention vehicles (captive, protected cell managed fund) are a good option to consider:
 - *They can reduce the Total Cost of Risk over time*
 - *They enable more options on how you structure your risk transfer programme*



11.1 LEGISLATIVE COMPLIANCE REPORT - 1 APRIL 2023 TO 30 JUNE 2023

Kaituhi | Author: **Sarah Wattie, Governance & Legal Services Manager**

Kaiwhakamana | Authoriser: **Janice McDougall, Group Manager People and Partnerships**

Section under the Act	The grounds on which part of the Council or Committee may be closed to the public are listed in Section 48(1)(a)(i) of the <i>Local Government Official Information and Meetings Act 1987</i> .
Sub-clause and Reason:	Section 7(2)(c)(i) and Section 7(2)(f)(ii) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied and the withholding of the information is necessary to maintain the effective conduct of public affairs through the protection of Council members, officers, employees, and persons from improper pressure or harassment.

TE PŪTAKE | PURPOSE

- 1 The purpose of this report is to notify the committee of legislative non-compliance identified in the fourth quarter of the financial year from 1 April 2023 to 30 June 2023.

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 2 An executive summary is not required.

TE TUKU HAEPAPA | DELEGATION

- 3 The Risk and Assurance Committee has the delegated authority to consider this report under section C 3 of the Governance Structure and Delegations document for the 2022-2025 triennium. These delegations include:
 - 3.1 Ensuring that Council has in place a current and comprehensive risk management framework and making recommendations to the Council on risk mitigation
 - 3.2 Assisting elected members in the discharge of their responsibilities by ensuring compliance procedures are in place for all statutory requirements relating to their role.

TAUNAKITANGA | RECOMMENDATIONS

- A. That the Committee:
 - A.1 notes legislative non-compliance identified in the last quarter of the financial year from 1 April 2023 to 30 June 2023;
 - A.2 agree that this report and resolutions and Attachment 1 be released from public excluded business; and
 - A.3 agree that Attachment 2 of this report be excluded from public release.

TŪĀPAPA | BACKGROUND

- 4 Local government is governed by a complex statutory framework with the Council responsible for a range of legislative requirements. Legislative compliance is important to Council carrying out its functions under the Local Government 2002 in a fair and effective manner that is accountable to the local community. Failure to achieve Council's legislative obligations has also been identified as one of Council's top 10 risks.
- 5 Each quarter key Council staff responsible for Council's compliance with legal obligations under different Acts are asked to complete a quarterly declaration of known non-compliance with legislative requirements and key assurance areas being privacy, procurement, authorised expenditure, cyber security and Local Government Official Information and Meetings Act 1987 (LGOIMA) requirements.
- 6 Council staff are asked to report against all applicable legislation. A legislative compliance schedule exists to assist staff in completing this declaration, which is set out in Attachment 1. Council's external auditors have identified the following legislation and regulations where non-compliance could have a fundamental effect on operations:
 - 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.

HE KŌRERORERO | DISCUSSION

- 7 This section sets out legislative compliance breaches for the fourth quarter of the financial year, 1 April 2023 to 30 June 2023, against all applicable legislative with risk ratings, corrective actions and status assigned for each breach. It also provides an assurance against key assurance areas outlined above being privacy, procurement, authorised expenditure, cyber security and LGOIMA.

Organisational Risk Levels

- 8 Organisational risks levels have been assigned to legislative compliance breaches reported to this Committee based on Council's organisational risk framework. The risk levels are set out below:

Organisational Risk Levels	
High	<ul style="list-style-type: none">• Matters and/or issues considered to be fundamental to the mitigation of material risk, maintenance of internal control or good corporate governance.
Moderate	<ul style="list-style-type: none">• Matters and/or issues considered to be of major importance to maintenance of internal control, good corporate governance, or best practice for processes.
Low	<ul style="list-style-type: none">• A weakness which does not seriously detract from the internal control framework.

Key Assurance Areas

- 9 The Risk and Assurance Committee has requested the following key assurance areas be reported on in addition to legislative compliance:

- Privacy breach: A privacy breach is not meeting the requirements of the Privacy Act 2020 which may include releasing personal information to someone not authorised to receive it or using personal information in an unauthorised way.
- Procurement breach: A procurement or probity breach is a failure to follow the requirements of Council's procurement policy, which sets out the requirements for our staff to ensure they carry out procurement in a way that is transparency, accountable, impartial and equitable.
- Unauthorised expenditure: Unauthorised expenditure is expenditure that breaches Council's finance and purchasing policies, such as a staff member spending money without the appropriate financial delegation.
- Cyber security breach: A cyber security breach is a breach of Council's information security systems which may result in the disclosure of sensitive, personal or commercial information to persons who are not authorised to receive the information or members of the public.
- Local Government Official Information and Meetings Act 1987 (LGOIMA): A breach of this act relates to failure to meet deadlines or requirements for official information requests or transparency and notification requirements relating to Council meetings.

10 **Table 1: Assurance against key risk areas**

RISK AREA	DESCRIPTION
PRIVACY	THERE WERE FIVE PRIVACY BREACHES REPORTED IN THE PERIOD, FOUR REPORTED TO THE PRIVACY OFFICER AND ONE BY THE ORGANISATIONAL DEVELOPMENT MANAGER. FOR THESE, FOUR HAVE A RISK RATING OF MINOR AND ONE MODERATE.
PROCUREMENT	THERE WERE NO REPORTED PROCUREMENT BREACHES IN THE PERIOD.
UNAUTHORISED EXPENDITURE	THERE WAS NO REPORTED UNAUTHORISED EXPENDITURE IN THE PERIOD.
CYBER SECURITY	THERE WERE NO REPORTED CYBER SECURITY BREACHES IN THE PERIOD.
LGOIMA	THERE WERE NO BREACHES OF REQUIREMENTS UNDER THE LGOIMA (OFFICIAL INFORMATION AND MEETING REQUIREMENTS) IN THE PERIOD.

Legislative Compliance Breaches

- 11 Legislative compliance breaches for the fourth quarter of the financial year are set out in Attachment 2. These include ongoing breaches previously reported to this Committee.

He take | Issues

- 12 There are no issues for this report.

Ngā kōwhiringa | Options

- 13 There are no options required for this report.

Mana whenua

- 14 Council has a partnership with local iwi and hapū on the Kāpiti Coast District represented by Te Rūnanga O Toa Rangātira, Ngā Hapū o Ōtaki and Āti Awa ki Whakarongotai Charitable Trust.
- 15 Council's accountability to the community on legislative compliance extends to its partnership with iwi and commitments made to reflect the obligations under Te Tiriti o Waitangi, as well as other obligations to Māori, mana whenua and tangata whenua under the Local Government Act 2002, Resource Management Act 1987 and other legislation.

Panonitanga āhuarangi | Climate change

- 16 There are no climate change implications.

Ahumoni me ngā rawa | Financial and resourcing

- 17 There are no financial implications.

Tūraru ā-Ture me te Whakahaere | Legal and Organisational Risk

- 18 Organisational risk levels have been assigned to legislative compliance breaches reported in accordance with Council's organisational risk framework.
- 19 Except for the issues noted in this report, there are no other legal or risk implications.

Ngā pānga ki ngā kaupapa here | Policy impact

- 20 There are no policy implications.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

- 21 This report is for the purpose of providing information only and does not trigger the Council's Significance and Engagement policy.

Te mahere tūhono | Engagement planning

- 22 There is no requirement for engagement planning.

Whakatairanga | Publicity

- 23 There are no additional publicity considerations.

NGĀ ĀPITI HANGA | ATTACHMENTS

1. Attachment 1 - Legislative Compliance Schedule
2. Attachment 2 - Legislative Compliance Breaches 1 April 2023 - 30 June 2023

LEGISLATION	PART OR Section/ REGULATION	AREA OF RESPONSIBILITY
Accident Compensation Act 2001	All Sections	Maintain a system of Accident and Hazard reporting. Administration of internal systems in compliance with the Act and the requirements of the Accident Compensation Corporation. Administration of claims.
Amusement Devices Regulations 1978	All Regulations	Process applications for permits. Administering permits for amusement devices pursuant to Regulation 11.
Animal Welfare Act 1999	All Sections	Ensure compliance with all relevant provisions.
Arts Council of New Zealand Toi Aotearoa Act 2014	Section 24	No current Community Arts Council. Administration for Community Arts Council. Reporting to and between the Council and the Community Arts Council.
Biosecurity Act 1993	All Sections	Ensure Council carries out all such functions as the Act requires to the standard required by the Act.
Building (Accreditation of Building Consent Authorities) Regulations 2006	All Regulations	Ensure compliance with the standards as an accredited building consent authority.
Building Act 2004	All Sections and Regulations particularly Regulation 3 Schedule 1	Ensure that the Building Code is complied with. Administration of Act including: 1. Administration of Building Consents. 2. Issuing PIMs, Code Compliance certificates, compliance schedules and warrants of fitness. 3. Keeping records. 4. Monitoring and compliance. 5. Fixing charges. 6. Dealing with Dangerous and Insanitary buildings. s17 - Ensure all building work done to a Council building complies with the building code where a building consent is not required. S108 - Annually supply the Building Team with a building warrant of fitness for all Council buildings that have a compliance schedule. s114 - Give notice to the Building Team of any change of use of a Council building. s116B - Do not allow a Council building to be used if it is insanitary or has inadequate means of escape from fire. s120 - Display notices or signs visible from outside Council building(s) that access provision is made for persons with disabilities, if this is required. s128A - Comply with notice requiring work or restricting entry to a "dangerous" or "insanitary" Council building. s133AI - Provide engineering assessment to the Building Team if requested for Council building(s). s133AM - Comply with deadline for seismic work in respect of Council building(s).
Building Research Levy Act 1969	Relevant Sections	Ensure compliance with provisions relating to levies.
Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967	All Regulations particularly Regulations 3-5	Ensure compliance with regulations. Ensure monuments are only removed after regulated notice given.
Burial and Cremation Act 1964	All Sections	Administration and management of Cemeteries.
Bylaws Act 1910	Section 12 - Section 23	Ensure all bylaws adopted by the Council comply with the requirements of this Act.
Camping Grounds Regulations 1985	All Regulations	Ensure that all camping grounds are conducted in compliance with the regulations. Regularly inspect all camping grounds in the District.
Child Support Act 1991	Section 154	Administration of deductions for child support.
Children's Act 2014	Part 3	Obligations, regulations and requirements for safety checks of staff working with children.

Civil Defence Emergency Management Act 2002	All of Act, Section 64 specific to Council roles, Section 12, Section 17	Together with the Regional Council, establish a Civil Defence Emergency Management Group. Duty to plan and provide for civil defence emergency management within the district, and ensure it is able to function to the fullest extent during and after an emergency. Member of Civil Defence Emergency Management Group (CDEM), and undertake the roles of these groups as set out in Act.
COVID-19 Recovery (Fast-track Consenting) Act 2020		Acting as a Requiring Authority. Giving advice as a Nominated Person.
Criminal Procedure Act 2011	All Sections	Ensure compliance with all relevant provisions.
Dog Control Act 1996	Relevant Sections	Ensure bylaws and policies enacted under an Act complies with the legislative requirements of that Act. Administration of Act, including: 1. Formulation and review of policy on dogs and bylaws. 2. Licensing of dogs. 3. Fees. 4. Enforcement action via the
Electricity Act 1992	Section 24, Section 24A, Section 32	Ensure that where works are to be carried out by an electricity operator, Council imposes any necessary conditions on the work having regard to the matters in Section 24A of the Act. Ensure that where an application is made to carry out works in the road, Council recovers its reasonable costs and expenses for work done including processing the notice of works and supervising the work undertaken. Administration of the act to require works of electricity operator to be moved if required.
Employment Relations Act 2000	All Sections	Ensure correct breaks. Ensure correct wages/salary information supplied to Payroll. Allow staff who are union delegates to take reasonable time to represent employees in accordance with the Act. Ensure compliance with whistleblower provisions, must not retaliate against a whistleblower (Sections 110B and 103(1)(k)) Preparation and administration of contracts of employment. Ensure correct breaks. Ensure correct wages/salary information supplied to Payroll.
Environmental Health Officers Qualifications Regulations 1993	All Regulations	Ensure Environmental Health Officers hold appropriate qualifications.
Family Violence Regulations 2019	All Regulations	To restrict applicants name from public registers, namely, Rating and Valuation rolls, Electoral Roll, Dog Register, Building Records (as set out in Schedule 3). To promptly and helpfully dispose of applications. To promptly and helpfully decide applications for public registers to ensure identifying information relating to a protected person is not published.
Fees and Travelling Allowances Act 1951	All Sections	Administration and payment of travelling expenses for members.
Fencing Act 1978	All Sections - particularly Section 16	Administration of claims for a contribution to boundary fences in accordance with the Act.
Fencing of Swimming Pools Act 1987	All Sections	Administration of Building Consents for swimming pools. Investigation and enforcement.
Fire and Emergency Act 2017	Relevant Sections	Ensure bylaws and policies enacted under an Act complies with the legislative requirements of that Act.

Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018	All Regulations	Ensure compliance with the Act in regards to Council property. Check to ensure compliance with the requirements when processing building consents before issuing Code Compliance Certificates. Investigate complaints and take enforcement action if necessary.
Food Act 2014	Section 19, Section 33, Section 35 - Section 72, Section 137, Section 173 - Section 197, Section 200, Section 205,	Undertake territorial authority role in food safety Undertake any additional functions delegated to territorial authorities by Chief Executive Registration authority for food control plans Verification functions and activities Collection and setting of fees for registration, verification and compliance and monitoring activities. Carrying out enforcement and regulatory responsibilities
Food Hygiene Regulations 2015	All Regulations	Process applications for exemption from registration and monitoring of exemption premises. Exercise powers of local authority inspectors. Ensure that all premises required to be registered are. Conduct all necessary inspections for the purpose of registration. Investigate complaints and, where necessary, take enforcement action. Check food handling, food safety, condition of premises and conduct of workers.
Food Regulations 2015	Regulation 13	Ensure Plunge Café in compliance with OSH legislation.
Food Regulations 2015	Regulation 42 - 44, Regulation 13	Process applications for exemption from registration and monitoring of exemption premises. Exercise powers of recognized evaluators. Ensure that all premises required to be registered are. Conduct all necessary evaluations for the purpose of registration. Investigate complaints and, where necessary, take enforcement action. Check food handling, food safety, condition of premises and conduct of workers. Note amendment where new businesses can now request extension of time to fulfil verification obligations (Reg 94A). Ensure Plunge Café in compliance with OSH legislation.
Freedom Camping Act 2011	Relevant Sections Part 2, Section 32 - 41	Ensure bylaws and policies enacted under an Act complies with the legislative requirements of that Act. No Bylaw at present. 1. Power to make freedom camping bylaws restricting or prohibiting areas of freedom camping in district with approval by Council. 2. If a Bylaw is made, review bylaws no later than 5 years after made, and review within 10 years after initial review. 3. Appoint enforcement officers to enforce bylaws under the Act.
Fringe Benefit Tax Act	All Sections	Ensure compliance with all relevant provisions.
Gambling Act 2003	All Sections, particularly Sections 100 to 103.	Ensure the Council has a class 4 venue policy and ensure compliance with requirements regarding the adoption and review of the class 4 venue policy. Ensure compliance with requirements when considering and determining application for territorial authority consent.
Gas Act 1992	All Sections	Ensure compliance with all relevant provisions relating to works.

Goods and Services Tax Act 1985	All Sections	1. Accounting for GST to IRD in accordance with the requirements of the Act. 2. Ensure the administration of GST returns
Government Rooding Powers Act 1989	All Sections	Ensure compliance with all relevant provisions.
Hazardous Substances and New Organisms Act 1996	All Sections - Section 97, Section 100	Licensing of premises used for the storage of dangerous goods. Administration of enforcement: 1. Ensure provisions of the Act are enforced in the district. 2. Appoint enforcement officers.
Health (Burial) Regulations 1946	All Sections	Administer and maintain register of Funeral Directors in compliance with these regulations. Administer and maintain register of Funeral Directors in compliance with these regulations. If mortuary is re-erected/repared/alterd then ensure it is not used as a mortuary until a certificate of fitness has been granted and produced to Council
Health (Hairdressers) Regulations 1980	All Regulations	Process applications for exemption from registration and monitoring of exemption premises. Exercise powers of local authority inspectors. Ensure that all premises required to be registered are. Conduct all necessary inspections for the purpose of registration. Investigate complaints and, where necessary, take enforcement action
Health (Infectious and Notifiable Diseases) Regulations 2016	All Regulations	Ensure compliance with reporting provisions.
Health (Registration of Premises) Regulations 1966	All Regulations	Maintain an adequate system for administration of licences.
Health Act 1956	Section 23 Section 25 Section 69S Section 116I	Appoint Environmental Health Officer. Do inspections of district to identify nuisances, conditions likely to be injurious to health or offensive and arrange abatement or removal of such. In accordance with Director General enforce Health Regulations Promote bylaws for purposes of Health Act and for the protection of public health Provide Medical Officer of Health with reports as required. Provide sanitary swimming pools and dressing sheds. To provide sanitary waterworks, drainage works, wastewater works and works for the disposal of wastewater, and works for the collection and disposal of refuse, soil and other offensive matter, including sanitary conveniences for the use of the public if requisitioned by the Director General under the Health Act 1956. To comply with a direction from the Director General of Health regarding fluoridation of drinking water.
Health Act 1956	Section 25	Provide sanitary swimming pools and dressing sheds.

Health and Safety at Work 2015	All Sections and Regulations	<p>Ensure compliance with the Act and Regulations..</p> <p>Ensure adequate system in place for the recording and notification of accidents or hazards. Keep a register of accidents.</p> <p>Ensure that Council's duty as employer, principal and/or controller of workplace is satisfied.</p> <p>Duty to engage with workers - see Sections 58-60.</p> <p>Encourage worker participation in improving work health and safety.</p> <p>Ensure managers are aware of and must not be involved in adverse, coercive or misleading conduct as defined in the Health and Safety at Work Act 2015 Sections 88 and 92.</p> <p>The following are the responsibility of all managers:</p> <ol style="list-style-type: none"> 1. To ensure safety of employees (including contractors, subcontractors, their employees, volunteers and the public generally) in the workplace you control. 2. To identify hazards in all of Council's workplaces. 3. To eliminate, isolate or minimize significant hazards in the workplace you control. 4. To monitor in the workplace you control. 5. To keep your staff informed and to train and supervise them. 6. To ensure that Council's duty as an employer, as a controller of a place of work and as a principal are fulfilled in the workplace you control. 7. To ensure accidents and serious harm are recorded and notified wherever they are if you know about them.
Health and Safety in Employment (Prescribed Matters) Regulations 1993	All Sections	Ensure adequate system in place for the recording and notification of accidents or hazards. Keep a register of accidents.
Heavy Motor Vehicle Regulations 1974	All Sections	<p>Vehicles must comply with regulations including obtaining Certificate of Fitness.</p> <p>Drivers of vehicles must have a heavy traffic licence.</p>
Heritage New Zealand Pouhere Taonga Act 2014	Section 74,76 and 97	<p>Administration of the Act in respect of any heritage buildings owned by Council.</p> <p>Administer the payment of any contributions to Heritage New Zealand Pouhere Taonga.</p> <p>Ensure that action is taken to assist in the conservation and protection of a heritage area in accordance with any recommendation received.</p> <p>Ensure a list of historic places, historic areas, wāhi tūpuna, wāhi tapu, and wāhi tapu areas entered on the New Zealand Heritage List is available for public inspection during business hours.</p>
Holidays Act 2003	All Sections	Ensure that employees receive the holidays they are entitled to and ensure that employees are paid for the holidays they are entitled to.
Housing Improvement Regulations 1947	All Sections	Ensure compliance with all relevant provisions.

Human Rights Act 1993	All Sections - particularly Section 21, Section 66, Section 62A	Any complaints are dealt with under the appropriate policy. Ensure that no discriminatory practices arise. 1. Do not discriminate on the following grounds: - sex - pregnancy - childbirth - marital status - surviving spouse or partner - party to a dissolved marriage or civil union - religious belief - ethical belief which includes religious belief (lack of a religious belief) - colour - race - ethnic or national origins - disability (including psychiatric illness, reliance on a disability assist dog, wheelchair or other remedial means) - age (person 16 years or more) - political opinion - employment status (unemployed, or on a benefit of ACC entitlement) - family status - sexual orientation. 2. Victimisation of whistleblowers prohibited. 3. Unlawful to treat adversely any person suspected or assumed to be a person affected by domestic violence.
Impounding Act 1955	All Sections	Establishment and maintenance of a public Pound Appointment of Pound Keeper Administration of Pound including recording and setting of fees and charges Dealing with trespassing stock, straying or wandering stock
Income Tax (Fringe Benefit Tax, Interest on Loans) Regulations 1995	All Regulations	All regulations as employer.
Income Tax Act 2007	All Sections	Administration of PAYE tax including calculation, deduction from wages/salaries and accounting to IRD. Accounting for Fringe Benefit Tax to IRD in accordance with requirements of the Act.
Infrastructure Funding and Financing Act 2020	Sections relating to levies.	Ensure compliance with provisions relating to levies.
Injury Prevention, Rehabilitation and Compensation Act 2001	All Sections	Administration of internal systems in compliance with the Act and the requirements of the Accident Compensation Corporation. Administration of claims. Maintain a system of Accident and Hazard reporting.
Juries Act 1981	Section 30 Section 32A	Administration of wages whilst on jury service. Ensuring employee is not prejudiced for attending jury service.
Kiwisaver Act 2006	All Sections	Administration of Kiwisaver in regards to payroll.
Land Act 1948	Section 168	Expenditure of funds on the maintenance or embellishment of any public reserve (whether owned by the Council or not) for the benefit of the residents.
Land Drainage Act 1908	All Sections	Ensure compliance with all relevant provisions relating to maintenance of drains and watercourses and drainage works.

Land Transport (Road User) Rule 2004	All Regulations	Ensure all parking restrictions are adopted by resolution of Council. All parking restrictions under the Land Transport Act 1998 and referred to in the Council's Traffic Bylaw must, in accordance with Section 22(AB) of the Land Transport Act 1998 be adopted by Council resolution. Ensure that any new parking restrictions are adopted by Council resolution. The process includes notifying nearby residents. Maintain and review Traffic Bylaw
Land Transport (Road User) Rule 2004 Traffic Regulations 1976	All Regulations	Enforcement of parking restrictions and other stationary vehicle offences.
Land Transport Act 1998	Part 10 Sections 138-141 Section 42A Section 72 Sections 128D and 128E, Sections 251 and 253	Administer infringement offence system for parking offences. Ensure compliance with functions in relation to the appointment of parking wardens, and the exercise of parking warden powers. Ensure compliance with functions relating to the storage and disposal of motor vehicles. Keep Council's bylaws as to the use of roads under review and arrange for amendment when new bylaws required.
Land Transport Act 1998	Section 72	Keep Council's bylaws as to the use of roads under review and arrange for amendment when new bylaws required.
Land Transport Management Act 2003	Section 7B, Section 27	Administer any responsibilities transferred to the Council from the Regional Council under this Act. Ensure any interest that a local authority has in a public transport service to which this Section applies must be held in a CCO
Land Transport Rule: Setting of Speed Limits 2022	All Sections	Record speed limits in national speed limit register and revoke Bylaws that previously set speed limits. Prepare speed management plan and ensure it is reviewed ever three years.
Litter Act 1979	All Sections	Supervision of litter control officers (Section 5) Investigation and enforcement of litter offences. Provide and maintain rubbish bins as is necessary to keep areas free from litter
Local Authorities (Members Interests) Act 1968	All Sections	To ensure that contracts entered into by Council with members do not exceed the maximum without prior Audit approval. Ensure there is a register of pecuniary interests of members that complies with the requirements in Section 54A and that a summary of the information in the register is publicly available. Appoint a Registrar to compile the register and provide advice and guidance to elected members on their obligations.
Local Electoral Act 2001	All Sections	Administration of Act including compilation of roll and conduct of elections. Review membership on basis of election three yearly. Conduct elections three yearly.
Local Electoral Regulations 2001	All Sections	Ensure that local elections are conducted in accordance with these requirements
Local Government (Elected Members) Determination 2003	All Sections	Ensure that salaries and allowances are paid to members in accordance with this determination.
Local Government (Financial Reporting and Prudence Regulations) 2014	All Sections	Administration of financial reporting.

Local Government (Rating) Act 2002	All Sections	Ensure that the administration of rates is in accordance with this Act.
Local Government Act 1974	All Sections including Part 21 (Roads) Part 39 (Prevention of fires), Sections 647, 648	Ensure compliance with all relevant provisions. Maintain Council roading system in compliance with part 21. Ensure fire hydrants and water pipes maintained so water is available for firefighting.
Local Government Act 2002	All Sections	Ensure compliance with all relevant provisions. Ensure compliance with Council requirements to make assessments of drinking water, wastewater, and sanitary services and to ensure communities have safe drinking water. Ensure that the Council provides opportunities for Māori to contribute to its decision-making processes. Ensure compliance and preparation of: 1. Long Term Plan 2. Annual Plan 3. Annual Report 4. Corporate Policies 5. Statutory Policies including Significance and Engagement Policy Ensure that the Council provides opportunities for Māori to contribute to its decision-making processes. Ensure compliance with requirements relating to development contributions, including: 1. limitations applying to requirement for development contributions (Section 200). 2. the requirement for a schedule of assets for which development contributions will be used (Section 201A). Ensure compliance with all relevant provisions including ensuring all required financial policies are in place. Ensure compliance with requirements relating to development agreements.
Local Government Members (2022/23) Determination 2022	All Sections	Ensure that salaries and allowances are paid to members in accordance with this determination.
Local Government Official Information and Meetings Act 1987	All Sections	Providing information in a timely manner when requested, to enable responses to LGOIMA requests within the required timeframes. Satisfying requests for information (except if good reason for withholding the information exists). Ensure requirements for Council meetings are met, including requirements for public notification of meetings, agendas and conduct of meetings. Ensure Land Information Memorandum include the information required under Section 44A.
Machinery Act 1950	Section 21A	Administering permits for amusement devices.
Minimum Wage Act 1983	All Sections	Compliance with requirements for minimum wages.
National Animal Identification and Tracing Act 2012	Relevant Sections	Ensure compliance with all relevant provisions.
New Zealand Bill of Rights Act 1990	All Sections	Ensure compliance with NZBORA, including - 1. Rights relating to the life and security of the person; 2. Democratic and civil rights; 3. Non-discrimination and minority rights; 4. search, arrest and detention rights
New Zealand Library Association Act 1939	All Sections	Administer the requirements of the Act if member of the association.
Ombudsman Act 1975	All Sections	Ensure compliance with all relevant provisions.
Parental leave and Employment Protection Act 1987	All Sections	Administration of payroll parental leave. Ensure Council's obligations as employer are met in respect of all applications made for parental leave.

Privacy Act 2020	All Sections	Ensure Council's compliance with Act in respect of: 1. Observance of information privacy principals and public register privacy principals. 2. That staff have privacy training. 3. Satisfying requests for personal information (except if good reason for withholding such information exists) and for correcting personal information.
Privacy Act 2020	All Sections	Ensure Council's compliance with Act in respect of: 1. Observance of information privacy principals and public register privacy principals. 2. That a privacy officer is appointed and trained. 3. Satisfying requests for personal information (except if good reason for withholding such information exists) and for correcting personal information. 4. All privacy breaches are reported and appropriate action taken. 5. That staff have privacy training.
Property Law Act	All Sections	Ensure compliance with all relevant provisions.
Prostitution Reform Act 2003	All Sections	Ensure compliance with this Act, including inspect premises as and when appropriate.
Protected Disclosures (Protection of Whistleblowers) Act 2022	All Sections	Ensure compliance as a Receiver under the Act.
Psychoactive Substances Act 2013	Relevant Sections	Ensure bylaws and policies enacted under an Act complies with the legislative requirements of that Act.
Public Records Act 2005	All Sections, particularly Sections 17 and 18.	Ensure that the classes of materials listed are not destroyed except with the prior approval of Chief Archivist. Maintain full and accurate records of the Council's affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor.
Public Works Act 1981	All Sections including Sections 17-39 Section 40-42	Ensure compliance with all relevant provisions. Ensure compliance with Act when acquiring land under the Act. Ensure compliance with this Act when disposing of land no longer required for a public work.
Racing Industry Act 2020	Relevant Sections	Ensure bylaws and policies enacted under an Act complies with the legislative requirements of that Act.
Railways Act 2005	All Sections	Railway crossings are to be maintained by Council and/or Kiwi Rail in accordance with their respective obligations under this Act.
Rates Rebate Act 1973	All Sections	Process applications for rebate and grant all qualifying applications. Give information about the rebate to those who may be entitled to make an application.
Rating Valuations Act 1998	All Sections	Ensure that valuation and rating rolls are maintained in compliance with the Act.
Reserves Act 1977	All Sections	Ensure that all land that is subject to this Act is administered in compliance with the Acts requirements.
Residential Tenancies Act 1986	All Sections	Ensure that requirements of the Act are complied with.

Resource Management Act 1991	All Sections including Sections 6(e), 7(a) and 8, subpart 2 of Part 5	Administration of Act, including: Administration of District Plan, including processing of all Resource Consent applications except private plan changes (particularly Part 6 and Part 10). Fix fees and charges (Section 36 to 36AA). Maintain records, gather information and monitor (particularly Sections 35 to 35A). Investigation of complaints and where appropriate, enforcement action (particularly Section 84, and Part 12). Ensure that the Council provides opportunities for Māori to contribute to its decision-making processes. Ensure compliance with resource consents. Reviews of District Plan and preparation of resulting plan changes (particularly Sections 73 to 77M, Section 77T, Section 79, Schedule 1 and Schedule 3A). Carrying out procedures for making plan changes operative (Clause 20, Schedule 1). Fix fees and charges (Section 36 to 36AA). Maintain records, gather information and monitor (particularly, Sections 35 to 35A). Processing of private plan change applications (particularly, Part 2 of Schedule 1). Carrying out process in relation to notices of requirement for designations (Part 8). Ensure that the Council provides opportunities for Māori to contribute to its decision-making processes. Enforcement and infringements under relevant provisions of the Act.
Sale and Supply of Alcohol Act 2012	All Sections	Administration of hearings for the Kapiti District Licensing Committee. Performance the functions and exercise the powers of Secretary of the Kapiti District Licensing Committee. Administration of the Act for Kapiti's District Licensing Committee, including: 1. Process applications for licenses and managers certificates. 2. Conducting inspections and making reports. 3. Maintaining records. 4. Investigating complaints and liaising with Police over enforcement.
Secret Commissions Act 1910	All Sections	Advise members at least three yearly, of their personal obligations and the Auditor-General's ability to surcharge them personally in some circumstances.
Shop Trading Hours Act 1990	Relevant Sections	Ensure bylaws and policies enacted under an Act complies with the legislative requirements of that Act.
Smokefree Environments and Regulated Products Act 1990	Part 1	Ensure no Council employee smokes or vapes in a Council workplace or vehicle.
Statutory Land Charges Registration Act 1928	All Sections	Ensure compliance with all relevant provisions.
Summary Proceeding Act 1957	Section 87, 88, 103	Ensure compliance with all relevant provisions. Administration of attachment order for unpaid fines.
Telecommunications Act 2001	All Sections	Ensure compliance with all relevant provisions relating to works.
Traffic Regulations 1976	All Sections	Enforcement of parking restrictions and other stationary vehicle offences. Maintenance and review of traffic bylaws.
Trespass Act 1980	All Sections	Ensure compliance with the Act.
Unit Titles Act 2010	All Sections	Ensure compliance with all relevant provisions.
Urban Development Act 2020	Sections relating to levies.	Ensure compliance with provisions relating to levies.
Utilities Access Act 2010	All Sections	Ensure compliance with Code established under this Act..
Volunteers Employment Protection Act 1973	All Sections	Administration of voluntary and military service in regards to payroll.
Wages Protection Act 1983	All Sections	Ensure payroll system operates without infringing the requirements and obligations imposed by this Act.

11.2 LITIGATION AND EXTERNAL INVESTIGATIONS REPORT

Kaituhi | Author: **Sarah Wattie, Governance & Legal Services Manager**

Kaiwhakamana | Authoriser: **Janice McDougall, Group Manager People and Partnerships**

Section under the Act	The grounds on which part of the Council or Committee may be closed to the public are listed in Section 48(1)(a)(i) of the <i>Local Government Official Information and Meetings Act 1987</i> .
Sub-clause and Reason:	Section 7(2)(c)(ii) and Section 7(2)(g) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest and the withholding of the information is necessary to maintain legal professional privilege.

TE PŪTAKE | PURPOSE

- 1 The purpose of this report is to notify the committee of current litigation and external investigations involving Council.

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 2 An executive summary is not required.

TE TUKU HAEPAPA | DELEGATION

- 3 The Risk and Assurance Committee has the delegated authority to consider this report under section C 3 of the Governance Structure and Delegations document for the 2022-2025 triennium. These delegations include:
 - 3.1 Assisting elected members in the discharge of their responsibilities by ensuring compliance procedures are in place for all statutory requirements relating to their role
 - 3.2 Considering regular reports on the status of investigations by the Office of the Ombudsman, Privacy Commission, Office of the Auditor General and other external oversight bodies into decisions and actions by the Council.

TAUNAKITANGA | RECOMMENDATIONS

- A. That the Committee:
 - A.1 note the status of litigation and external investigations;
 - A.2 agree that this report and resolutions only be released from public excluded business; and
- B. A.4 agree that Attachment 1 of this report be excluded from public release.

TŪĀPAPA | BACKGROUND

- 4 Council's legal function is responsible for managing litigation and external investigations from oversight bodies such as the Ombudsman, Privacy Commission and Office of the Auditor-General.
- 5 Legal risks levels have been assigned to litigation and external investigations in this report. Legal risk is measured by a combination of significance, impact and the likelihood of legal

risks occurring. Significance is determined by strategic alignment and importance to organisational objectives.

- 6 The risk levels are set out below:

Level Risk Levels	
Extreme	<ul style="list-style-type: none">Material impact to impact to financial, legal, commercial, operational outcomes or reputation at an organisational level. Exposure to be resolved at Group Manager or Governance level with input from Legal.
High	<ul style="list-style-type: none">Moderate or material impact to financial, legal, commercial, operational outcomes at activity or group level. Likely reputational impact. Exposure to be resolved at Group Manager level with input from Legal.
Moderate	<ul style="list-style-type: none">Moderate impact to financial, legal, commercial, operational outcomes at an activity or functional level. Possible reputational impact. Exposure likely to be resolved at Tier 3 Manager level with input from Legal.
Low	<ul style="list-style-type: none">No or minimal impact to financial, legal, commercial, operational outcomes at an activity or functional level. No reputation impact. Exposure likely to be resolved at Manager or Tier 3 level with input from Legal where required.

HE KŌRERORERO | DISCUSSION

Litigation and confidential external investigations

- 7 A summary of current litigation and external investigations involving the Council is set out at Attachment 1.

He take | Issues

- 8 There are no issues for this report.

Ngā kōwhiringa | Options

- 9 There are no options required for this report.

Mana whenua

- 10 Council has a partnership with local iwi and hapū on the Kāpiti Coast District represented by Te Rūnanga O Toa Rangātira, Ngā Hapū o Ōtaki and Āti Awa ki Whakarongotai Charitable Trust.
- 11 Council's accountability to the community extends to its partnership with iwi and commitments made to reflect the obligations under Te Tiriti o Waitangi, as well as other obligations to Māori, mana whenua and tangata whenua under the Local Government Act 2002, Resource Management Act 1987 and other legislation.

Panonitanga āhuarangi | Climate change

- 12 There are no climate change implications.

Ahumoni me ngā rawa | Financial and resourcing

- 13 There are no financial implications.

Tūraru ā-Ture me te Whakahaere | Legal and Organisational Risk

- 14 Except for the issues noted in this report, there are no other legal or risk implications.

Ngā pānga ki ngā kaupapa here | Policy impact

- 15 There are no policy implications.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

- 16 This report is for the purpose of providing information only and does not trigger the Council's Significance and Engagement policy.

Te mahere tūhono | Engagement planning

- 17 There is no requirement for engagement planning.

Whakatairanga | Publicity

- 18 There are no additional publicity considerations.

NGĀ ĀPITI HANGA | ATTACHMENTS

1. Attachment 1 - Litigation & External Investigations