

Finance

Summary – Companies Act 1993

This Act provides the basic requirements for incorporation and operation of companies and defines the relationship between the company, directors, shareholders and creditors.

It provides for the business of the company to be managed by the directors and for shareholder protection against abuse of management power.

Compliance Checklist		Yes / No
1.	For the compliance period does the company continue to satisfy the “solvency test”? (s 4)	
2.	Is the company name clearly stated in every written communication and documentation? (s 25)	
3.	Do the company directors understand their obligations as directors? (s 131 & 138)	
4.	Do the company directors understand the “major transactions” provisions? (s 129)	
5.	Are the required registers up to date? i. Share Register (s 87) ii. Interests Register (s 140)	
6.	Directors have provided certificates where required? i. Remuneration of directors (s 161) ii. Insurance of directors (s 162)	
7.	Have the company records have been properly kept? (s 189)	
8.	Have accounting records been properly kept? (s 194)	
9.	Has the company appointed an auditor and provided all relevant information to the auditor? (s 196 & 206)	
10.	Have the directors ensured that an auditor of the company (s 207): i. Is permitted to attend a meeting of shareholders? ii. Receives notices and communications? iii. May be heard at any meeting of shareholders?	
11.	Has the Annual Meeting of shareholders been held not later than six months after the balance date of the company and not later than 15 months after the previous annual meeting? (s 4 Companies Amendment Act 1998 No. 31)	
12.	Was the Annual Meeting held on the date on which it was called?	

Compliance Checklist		Yes / No
13.	The Annual Report and financial statements have been prepared and sent to shareholders within the specified times? (ss 208, 209, 210 & 211)	
14.	Has the company sent all necessary documents for filing in the Companies Office? <ul style="list-style-type: none"> i. Annual Return (s 214) ii. Change of Registered Office (s 187) iii. Notice of Share Issue (s 43) iv. Notice of Change of Directors (s 159) v. Alteration to Constitution (ss 32, 176) 	
15.	Has the company, within five months after the balance date of the company, prepared an Annual Report on the affairs of the company during the accounting period ending on that date? (s 5, Companies Amendment Act 1996 No. 115)	

Summary – Financial Reporting Act 1993

This Act provides obligations for companies with total assets exceeding \$450,000 and turnover exceeding \$1 million to prepare financial statements regularly within the terms of standards established by the Act.

Compliance Checklist		Yes / No
16.	Has the company appointed a manager who is responsible for ensuring that, within five months after the balance date, financial statements are prepared and dated and signed by two directors? (s 10) Name of Manager:	
17.	Does the content and form of the company financial statements comply with generally accepted "accounting practice"? (s 11 and s 3)	
18.	Has the company Auditors Report indicated that the company has failed to comply with any of the requirements of the Financial Reporting Act 1993? If yes: Has the auditor within seven working days after signing the report, sent a copy of the report and financial statements and any group financial statements to which it relates to the Registrar of Companies? Further: Has the board received copies of the documents from the Registrar of Companies?	

Summary – Income Tax Act 2007

This Act governs the company's liabilities and obligations for income tax, withholding tax and fringe benefit tax.

Compliance Checklist		Yes / No
19.	Has the company correctly calculated and satisfied its liability for income tax for the compliance period? (s BB2).	
20.	Has the company paid the due provisional tax for the compliance period? (s BB2).	
21.	Has the company made source deduction payments in accordance with the PAYE rules for the compliance period? (s BE 1).	
22.	Has the company paid fringe benefit tax [FBT] in accordance with the FBT rules for the compliance period? (ss BE 1 & RD 26).	
23.	Has the company paid other tax obligations for the compliance period?(s BF1)	
24.	Has the company established and maintained an imputation credit account for each imputation year? (s OB 1).	
25.	For the compliance period has the company made tax deductions from employees in accordance with the PAYE rules? (s RD).	
26.	For the compliance period has the company made tax deductions from employees that are calculated in accordance with the basic tax deductions specified in Schedule 19 of the Act? (s RD 10).	
27.	For the compliance period has the company paid the amount of tax deductions from employees to the Commissioner by the date specified? (s RD 22).	
28.	For the compliance period has the company deducted from employees and paid to the Commissioner any amount of tax owing in respect of superannuation contributions [ESCT] by the date specified? (s RD 65).	

Summary – Tax Administration Act 1994

This Act governs the obligations to provide information and keep records and returns for both employers and employees.

Compliance Checklist		Yes / No
29.	Has the company ensured that, for the compliance period: <ul style="list-style-type: none"> i. The amount of tax payable is correctly determined? (s 15B(a)) ii. Tax is deducted from payments or receipts? (s 15B(b)) iii. Tax is paid on time? (s 15B(c)) iv. All necessary information including books and records is kept? (s 15B(d)) v. Information required by the Commissioner is disclosed? (s 15B(e)) 	
30.	Has the company provided information as requested by the Commissioner? (s 17)	
31.	Has the company kept business records for a period of seven years? (s 22)	
32.	Has the company kept PAYE records for a period of seven years? (s 24)	
33.	Has the company completed resident withholding tax deduction certificates and maintain records these for seven years? (s 25 & 26)	
34.	Has the company provided tax file numbers? (s 27 & 28)	
35.	Has the company provided a dividend statement in the form approved by the Commissioner? (ss 29 & s 30)	
36.	Has the company retained and provided records on request in respect of superannuation schemes? (ss 32A & 32B)	
37.	Has the company provided returns by the means and in the format approved by the Commissioner? (ss 36 & 40)	
38.	Has the company filed its annual returns within the dates required? (s 37)	
39.	Has the company filed monthly PAYE statements and ACC information?(s 46)	
40.	Has the company filed regular superannuation withholding tax statements and statement of payments of deductions? (ss 47 & 50)	

Compliance Checklist		Yes / No
41.	Has the company provided annual withholding tax deduction reconciliation statements? (s 51)	
42.	Has the company filed annual dividend withholding payment account returns? (s 71)	

Summary – Goods and Services Tax Act 1985

This Act provides for the imposition and collection of goods and services tax

The tax involved is substantial and requires regular confirmation that the required returns have been completed and tax paid.

Compliance Checklist		Yes / No
43.	Have all returns required by the Act been duly completed and lodged with the Commissioner of Inland Revenue? (s 16)	
44.	Has tax been correctly calculated and paid to the Commissioner of Inland Revenue? (ss 20 & 23)	

Summary – Kiwi Saver Act 2006

This Act introduces a voluntary work based savings scheme for employees. Kiwi Saver is administered by Inland Revenue through the PAYE tax system. The Act will take effect from 1 July 2007.

Compliance Checklist		Yes / No
45.	<p>Does the company operate a superannuation scheme that is approved and listed on the register of exempt employers (ss 4, 25, 27, 28 & 30)?</p> <p>If yes: The company is exempt from Kiwi Saver's automatic enrolment requirements for employees. No Kiwi Saver rules apply.</p> <p><u>For the compliance period:</u></p>	
46.	<p>The company has, within the specified time period; provided the Commissioner of the details of persons starting new employment where the company is satisfied that the employee is subject to the automatic enrolment rules (Sections 22, 23 and Section NC 15 of the Income Tax Act 2004)?</p>	
47.	<p>The company has, within the specified time period, notified the Commissioner of any employee opting out of Kiwi Saver? (s 17(5))</p>	
48.	<p>The company has stopped deduction of contributions for any employee(s) where the company has received notification from the Commissioner that the employee has opted out of Kiwi Saver? (s 19)</p>	
49.	<p>The company has stopped deduction of contributions for any employee(s) where the company has received notification from the Commissioner that the employee has opted for a contribution holiday? (s 105(1)(b)(i) and (ii))</p>	
50.	<p>The company has, within 7 days, supplied an information pack to:</p> <ol style="list-style-type: none"> 1 New employees. 2 Employees who have opted in. 3 Employees who have requested an information pack. <p>(s 42).</p> <p><u>For the company's chosen Kiwi Saver scheme:</u></p> <ol style="list-style-type: none"> 1 The company has supplied an investment statement to the employee? 2 The company has stated to the employee that, if he / she does not choose their own scheme, they will be allocated to the company's scheme? <p>(s 43).</p>	
51.	<p>The company has made deductions of contributions from each payment of the employee's salary or wages and in compliance with the requirements of the PAYE rules? (ss 66 & 67(2))</p>	

Compliance Checklist		Yes / No
52.	Employer contributions to an employee's scheme that are paid via the Commissioner are accompanied by a remittance certificate and are made within the time prescribed? (ss 93(1),(2),(3))	
53.	Details of employer contributions, for each employee, are included in the employer monthly schedule sent to the Commissioner? (ss 93(4))	
54.	The company has given notice to the provider of a Kiwi Saver scheme, and to the employee, of contributions to be paid via the Commissioner? (s 94)	

Local Government Act 2002

Compliance Checklist		Yes / No
	Annual Report Disclosures	
55.	<p>GAAP</p> <p>All information that is required by Schedule 10 or part 6 of the Local Government Act (LGA) is to be prepared in accordance with generally accepted accounting practice.</p>	
56.	<p>Annual Report</p> <ol style="list-style-type: none"> 1. A local authority must prepare and adopt in respect of each financial year an annual report containing in respect of that year the information required by part 3 of schedule 10, made up of clauses 15 – 21 (refer below). 2. The purposes of an annual report are: <ol style="list-style-type: none"> a) to compare the actual activities and the actual performance of the local authority in the year with the intended activities and the intended level of performance as set out in respect of the year in the long-term council community plan and the annual plan and b) to promote the local authority's accountability to the community for the decisions made throughout the year by the local authority. 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. 4. A local authority must, within 1 month after the adoption of its annual report, make publicly available: <ol style="list-style-type: none"> a) its annual report and b) a summary of the information contained in its annual report. 5. The summary of the annual report must represent, fairly and consistently, the information regarding the major matters dealt with in the annual report. 	
57.	<p>Financial statements</p> <p>An annual report must include:</p> <ol style="list-style-type: none"> a) audited financial statements for the financial year for the local authority; and b) audited consolidated financial statements for the financial year; and c) such other information as is necessary to enable an informed assessment of the operations of each entity reported on. 	
58.	Do we have triennial agreements in place? (s 15)	

Compliance Checklist		Yes / No
59.	<p>Have we undertaken any significant new activities?</p> <p>If yes, have we complied with Section 16?</p>	
60.	<p>Has every decision complied with Sections 76, 77, 78, 80, 81, 82 and 83?</p>	
61.	<p>Have we complied with s 100, re a balanced budget?</p> <p>If no, have we complied with Section 101?</p>	
62.	<p>Have we policies on:</p> <ul style="list-style-type: none"> – Liability management? – Investments? – Development contributions? – Partnerships with the private sector? – Remission and postponement of rates on Maori land? – Rates remission? – Rates postponement? – Revenue and financing? – Significance? 	
63.	<p>Groups of activities</p> <p>The Annual Report, Annual Plan and LTCCP must, in relation to each group of activities of the local authority:</p> <ol style="list-style-type: none"> a) identify the activities within the group of activities; b) identify the community outcomes to which the group primarily contributes; c) report the results of any measurement undertaken during the year of progress towards achievement of those outcomes; d) describe the identified effects that any activity has had on the social, economic, environmental or cultural well-being of the community; e) include an audited statement in respect of the Annual Report: <ol style="list-style-type: none"> i setting out a comparison between actual levels of service of that group of activities and the intended levels of service (as set out in the LTCCP in respect of that year) of that group of activities; and ii give the reasons for any significant variance between the actual service provision and the expected service provision: and f) include an audited statement in respect of the Annual Report: <ol style="list-style-type: none"> i describing any significant acquisitions or replacements of assets undertaken by the LA in the year to which the report relates (NB significant is determined by Council's significance policy); and ii giving reasons why the LA acquired or replaced those assets; and iii giving reasons for any significant variation between acquisitions and replacements projected in the LTCCP and those actually made. 	

Compliance Checklist		Yes / No
64.	<p>Council Controlled Organisations</p> <p><i>(A full checklist in relation to CCO issues is in SGD and should be complete as part of the audit where CCOs exist. These are the disclosures that are to be included in Council's Annual Report)</i></p> <p>An annual report must include, in relation to each council-controlled organisation:</p> <ul style="list-style-type: none"> a) a report on the extent to which the local authority's significant policies and objectives in regard to ownership and control of the organisation (as set out in the relevant long-term council community plan or annual plan) have been implemented or attained in the year to which the report relates; and b) a comparison between the nature and scope of the activities intended to be provided by the organisation in the year to which the report relates (as set out in the relevant long-term council community plan or annual plan) and the nature and scope of the activities actually provided by the organisation in that year; and c) a comparison between actual performance and the key performance targets and other measures set out in the relevant long-term council community plan or annual plan 	
65.	<p>Remuneration issues</p> <ul style="list-style-type: none"> 1. An annual report must include a report on the total remuneration that, in the year to which the report relates, was received by, or payable to, each of the following persons: <ul style="list-style-type: none"> a) The mayor or chairperson of the local authority; b) Each of the other members of the local authority; c) The chief executive of the local authority. 2. For the avoidance of doubt total remuneration includes financial and the value of any non-financial benefits that, during the year, was paid to the person, or was payable to the person, by the local authority and any council organisation of the local authority. 	

Compliance Checklist		Yes / No
66.	<p>Severance payments</p> <p>1. An annual report must:</p> <ul style="list-style-type: none"> a) state the amount of any severance payments made in the year to any person who vacated office as the chief executive of the local authority; and b) the number of employees of the local authority to whom, in the year, severance payments were made; and c) the amount of every such severance payment. <p>2. In this section, severance payment means any consideration that a local authority has agreed to provide to an employee in respect of that employee's agreement to the termination of his or her employment, being consideration, whether of a monetary nature or otherwise, additional to any entitlement of that employee to:</p> <ul style="list-style-type: none"> a) any final payment of salary; or b) any holiday pay; or c) any superannuation contributions. 	
67.	<p>Statement of Compliance</p> <p>1. An annual report must include a statement that all statutory requirements in relation to the annual report have been complied with.</p> <p>2. The statement must be signed:</p> <ul style="list-style-type: none"> a) by the mayor or chairperson of the local authority; and b) by the chief executive of the local authority. 	
68.	<p>General</p> <p>An annual report must include a report on the activities that the local authority has undertaken in the year to establish and maintain processes to provide for opportunities for Maori to contribute to the decision-making processes of the local authority.</p>	

Compliance Checklist		Yes / No
69.	<p>Certain decisions to be taken only if provided for in long-term council community plan:</p> <p>Ensure that the local authority does not make any of the following decisions unless the decision is explicitly provided for in the LTCCP, and the proposal for the decision was included in a statement of proposal prepared under section 84:</p> <p>a) A decision to alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the local authority, including a decision to commence or cease any such activity.</p> <p>b) A decision to transfer the ownership or control of a strategic asset to or from the local authority.</p> <p>c) A decision to construct, replace, or abandon a strategic asset.</p> <p>d) A decision that will, directly or indirectly, significantly affect the capacity of the local authority, or the cost to the local authority, in relation to any activity identified in the long-term council community plan.</p> <p><i>(If not provided for in the LTCCP the LA will need to completed an amendment to the LTCCP and go through a Special Consultative Procedure,)</i></p> <p>Nothing in this section applies to a decision of a local authority to fund a capital project by lump sum contributions if the local authority has complied with section 117B(3)(c)(i) of the Local Government (Rating) Act 2002.</p>	
70.	<p>Prohibition on borrowing in foreign currency:</p> <p>1. No local authority may borrow or enter into incidental arrangements, within or outside New Zealand, in currency other than New Zealand currency.</p> <p>2. Subsection (1) does not apply to an incidental arrangement in relation to an investment in currency other than New Zealand currency.</p>	
71.	<p>Establishment</p> <p>Ensure a proposal to establish a new CCO has been adopted in accordance with special consultative procedure.</p> <p>The consultation required may be undertaken as part of another proposal, or as part of an LTCCP.</p> <p>Directors</p> <p>Ensure that the LA has adopted a policy that sets out an objective and transparent process for:</p> <ul style="list-style-type: none"> • identification and consideration of the skills, knowledge and experience required of directors; • the appointment of directors; • the remuneration of directors. 	

Compliance Checklist		Yes / No
72.	<p>Principal objective</p> <p>The principal objective of a CCO is to: achieve the objectives of its shareholders, as specified in the SOI; and be a good employer; and exhibit a sense of social and environmental responsibility by having regard to the interests of the community in which it operates; and if the CCO is also a CCTO, conduct its affairs in accordance with sound business practice.</p>	
73.	<p>Decisions</p> <p>All decisions relating to the operation of CCO must be made by, or under authority of, the Board in accordance with:</p> <ul style="list-style-type: none"> • its Stmt of Intent (SOI); • its constitution. 	
74.	<p>Purchase contracts</p> <p>A LA obtaining goods or services from a CCO must do so under a contract for supply of goods and services if the supply of goods & services is an activity specified in the SOI as an activity to be undertaken by the CCO.</p>	
75.	<p>Prohibition on guarantees</p> <p>A LA must not give any guarantee, indemnity, or security in respect of the performance of any obligation by a CCTO.</p>	
76.	<p>Restrictions on lending</p> <p>A LA must not lend money or provide any other financial accommodation to a CCTO on terms and conditions more favourable to the CCTO than those that would apply if the LA was borrowing the money.</p>	
77.	<p>Statement of Intent</p> <p>A CCO must have a Stmt of Intent (SOI) that complies with clause 9 of schedule 8.</p>	

Compliance Checklist	Yes / No
<p>78. Clause 9 states the SOI must include, as appropriate given the organisational form of the CCO (ie, whether a trust, company or other form of entity) for the financial year immediately following the financial year in which it is required to be delivered, and each of the immediately following two financial years the following information:</p> <ul style="list-style-type: none"> – The objectives of the group (comprising the CCO and any subsidiaries). – A statement of the Board’s approach to governance. – The nature and scope of activities. – The ratio of consolidated shareholder funds to total assets and the definitions of those terms. – The accounting policies of the group. – The performance targets and other measures by which performance may be judged. – An estimate of the amount or proportion of accumulated profits and capital reserves intended to be distributed to shareholders. – The kind of information to be provided to the shareholder during those financial years, including information to be included in half yearly reports and in particular, what prospective financial information is required. – The procedures to be followed before any member or the group subscribes for or purchases or otherwise acquires shares in another company or other organisation. – Any activities which the Board seeks compensation from any LA. Any other matters that are agreed by the shareholders and the Board. – The Board’ estimate of commercial value of the shareholders investment in the group and the manner in which and times in which that value is to be assess. – Any other matters agreed by the shareholders and Directors. 	
<p>79. If a CCO has undertaken to obtain or has obtained compensation from its shareholder this undertaking must be recorded in:</p> <ul style="list-style-type: none"> – the annual report of the CCO. – the annual report of the LA. 	
<p>80. Any financial information including, (but not limited to) forecast financial information must be prepared in accordance with GAAP.</p>	
<p>81. An SOI must not be inconsistent with the constitution of the CCO.</p>	

Compliance Checklist		Yes / No
82.	The Board must deliver the draft SOI to the shareholder on or before 1 March each year.	
83.	The Board must consider any comments on the draft SOI that are made to it within two months of 1 March by the shareholders or by any of them.	
84.	Deliver completed SOI to the shareholders on or before 30 June each year.	
85.	Has written notice been given to the shareholder?	
86.	Exempt entities Has council exempted any entities?	
87.	<p>Monitoring</p> <p>LA must, as soon as practicable after an SOI of a CCO is delivered to it:</p> <ul style="list-style-type: none"> • agree to the SOI; or • if it does not agree, take all practicable steps per clause 5 of Sch 8 to require the SOI to be modified (ie, resolution required and Board consulted.) 	
88.	<p>Reporting</p> <p>Within two months after the end of the first half of each financial year, the Board of a CCO must deliver to its shareholders a report on the organisation's operations during that half year.</p> <p>The report above, must include the information required to be included by the CCO's SOI</p>	
89.	<p>Within three months after the end of the financial year, the Board of a CCO must deliver to the shareholders, and make available to the public, an annual report on the CCO's operations during that year.</p> <p>The annual report must include:</p> <ul style="list-style-type: none"> – The information required to be included by its SOI. – A comparison of performance of the CCO with its SOI. – An explanation of any material variances between the performance and the SOI. 	

Compliance Checklist		Yes / No
90.	State the dividend if any, authorised to be paid or the maximum dividend proposed to be paid by that organisation for its equity securities (other than fixed interest securities) for the financial year to which the report relates.	
91.	<p>Annual report must include:</p> <ul style="list-style-type: none"> – audited consolidated financial statements for that financial year; and – an auditor’s report on: – those financial statements; and – the performance targets and other measures. 	
92.	<p>Financial statements must comply with GAAP.</p> <p>Protection from disclosure of sensitive information: Nothing in the Act requires the inclusion of any information that may be properly withheld if a request for that information were made under the Local Govt Official Information Act (LGOIMA)</p>	
93.	<p>Related and associated companies</p> <p>Sections 57 to 71 are to apply to a company as if it were a CCO if that company is:</p> <ul style="list-style-type: none"> • a related company (within the meaning of the Companies Act 1993 section 2(3) & (4)) of a CCO; or • a company that consists substantially of the same shareholders as the CCO or that is under the control of the same persons. 	

Compliance Checklist	Yes / No
<p>94. Obligation to maintain water services:</p> <ol style="list-style-type: none"> 1. This subpart applies to a local government organisation that provides water services to communities within its district or region: 2. A local government organisation to which this section applies must continue to provide water services and maintain its capacity to meet its obligations under this subpart. 3. In order to fulfil the obligations under this subpart, a local government organisation must: <ol style="list-style-type: none"> a) not use assets of its water services as security for any purpose; b) not divest its ownership or other interest in a water service except to another local government organisation; c) not lose control of, sell, or otherwise dispose of, the significant infrastructure necessary for providing water services in its region or district, unless, in doing so, it retains its capacity to meet its obligations; d) not, in relation to a property to which it supplies water: <ol style="list-style-type: none"> i restrict the water supply unless section 193 applies (see below); or ii stop the water supply unless section 194 (see below) applies. 4. This section: <ol style="list-style-type: none"> a) does not prevent a local government organisation from transferring a water service to another local government organisation <i>and</i> b) does not override sections 131 to 137. <p><i>NB Council can shut down or transfer small water services, if that is the case refer specifically to sections 131 to 137 of the LGA</i></p>	
<p>95. Power to restrict water supply</p> <ol style="list-style-type: none"> 1 The water supply to a person's land or building may be restricted by a local government organisation in any manner it thinks fit if the person: <ol style="list-style-type: none"> a commits an offence against this subpart; or b fails or refuses to do anything required by this Part in respect of water, water pipes, waterworks, or water races; or [(ba) fails to comply with any bylaw of a local authority that relates— <ol style="list-style-type: none"> i to water, water pipes, waterworks, water races, or water supply; and iii to the person's land or building; or] c fails or refuses to do anything that he or she has undertaken or agreed to do in respect of the water supply to his or her land or building; or d refuses entry to, or obstructs, an enforcement officer under section 182. 2 Restriction of the water supply under subsection (1) must not create unsanitary conditions in, or associated with, the land or building. 	

Compliance Checklist		Yes / No
96.	<p>Power to stop water services</p> <p>A local government organisation may stop water services temporarily if that is necessary to enable the local government organisation—</p> <p>a to undertake repairs to any part of a water service:</p> <p>b to respond appropriately to a situation or an event that is or may become a nuisance or danger to public health.</p>	
97.	<p>Restrictions on disposal of parks:</p> <p>1 In this subpart, "park":</p> <p>a means land acquired or used principally for community, recreational, environmental, cultural, or spiritual purposes; but</p> <p>b does not include land that is held as a reserve, or part of a reserve, under the Reserves Act 1977.</p> <p>2 A local authority proposing to sell or otherwise dispose of a park or part of it must consult on the proposal before it sells or agrees to sell the park or part of it.</p> <p>"Dispose of", in relation to a park, includes the granting of a lease for more than 6 months that has the effect of excluding or substantially interfering with the public's access to the park</p>	
98.	<p>Restrictions on disposal of endowment property:</p> <p>1 In this section, property:</p> <p>a means real property of every type; and</p> <p>b includes every type of estate and interest in property.</p> <p>2 This section applies to property or part of a property vested in a local authority in trust or as an endowment.</p> <p>3 The property must be retained by the local authority for the purpose for which the property was vested in the local authority.</p> <p>4 However:</p> <p>a the Minister may approve in writing additional or different purposes:</p> <p>i for which the property may be used; or</p> <p>ii for which income derived from the property may be used; or</p> <p>b unless expressly prohibited by the instrument that vested the property in the local authority, the local authority may sell or exchange the property and use the proceeds of the sale or exchange for a purpose identified by the local authority in accordance with section 141.</p>	

Health and Safety in Employment Act 1992

This Act imposes specific duties on employers in relation to protecting contractors and visitors from harm.

Compliance Checklist		Yes / No
99.	For the compliance period has the organisation taken all practicable steps to ensure that no action or inaction of an employee at work harms any other person? (s 15)	
100.	For the compliance period has the organisation taken all practicable steps to prevent harm to: <ul style="list-style-type: none"> i. People in the vicinity of the workplace [including recreation and leisure]. ii. Contractors, sub-contractors and their employees on site? iii. Visitors [s 16] 	
101.	For the compliance period has the organisation engaged persons who are volunteers, on training, or for work experience? If yes: The provisions of Section 3C – 3F apply.	
102.	Does the organisation provide a structured safety induction programme for contractors, sub-contractors and their employees who are required to carry out work? Note: This is not a statutory requirement.	
103.	Does the organisation have methods in place for: <ul style="list-style-type: none"> i. The systematic identification of hazards to employees? (s 7(a)). ii. Assessing each hazard and determining whether or not it is significant hazard? (s 7(c)). iii. Identifying stress as a hazard in the work place? (pursuant to definition of “harm” contained in s.2) 	
104.	For the compliance period has the organisation identified any significant hazards that can't be eliminated or employees isolated? (s 10) If yes: Has the organisation taken all practicable steps to minimise the hazard and provided protective clothing and equipment and monitored the employee's exposure to the hazard? (s 10(2))	
105.	If an accident occurs, does the organisation have an investigation procedure in place to determine whether it was caused by a significant hazard? (s 7(2))	
106.	Has the organisation undertaken any health monitoring? (s 11) If yes: Has the organisation provided the results to employees?	

Compliance Checklist		Yes / No
107.	Has the organisation provided information to employees about emergencies, minimisation of hazards and where safety equipment is kept? (s 12)	
108.	Since the last compliance check have there been any incidents or accidents causing harm to employees or others resulting from the lack of adequate training or supervision? (s 13)	
109.	Does the organisation have an employee participation system? (s 19C)	
110.	Does the organisation maintain an accidents register? (s 25)	
111.	Who is responsible to maintain the accidents register? Name:	
112.	Is the Accident Register complete and up to date? (s 25)	
113.	Since the last compliance check have there been any accidents or serious harm incidents that are required to be reported to OSH? (s 25)	
114.	Has the investigation been completed? (s 25)	
115.	Have the reports been completed and submitted to OSH? (s 25)	
116.	Since the last compliance check has there been any instance of any employee refusing to work because of the likelihood of harm? (s 28A) If yes: Has the issue been satisfactorily resolved?	
117.	Does the organisation employ “trained health and safety representatives”? (s 46A)	
118.	Since the last compliance check has the health and safety representative issued any Hazard Notices? (s 46A (3)) If yes: Has the issue for which the Hazard Notice was issued been resolved?	

Summary – Resource Management Act 1991

The purpose of this Act is to promote the sustainable management of natural and physical resources.

The Act sets guidelines as to what natural and physical resources may be used, procedures to be adopted for the prospective use of natural and physical resources and the procedures to be adopted for the hearing and termination of such matters.

Compliance Checklist		Yes / No
119.	<p>For the compliance period does the manner in which the organisation is using its land comply with either the relevant District or Regional Plan? (s 9)</p> <p>If no:</p> <ul style="list-style-type: none"> i. Is this use protected by way of an existing use? (s 10) ii. Have you taken the required action to either comply with the District or Regional Scheme or taken action to seek an exemption? 	
120.	<p>Has the organisation subdivided land in the last compliance period? (s 11)</p> <p>If yes: Have the necessary consents been obtained?</p>	
121.	<p>Does the organisation intend to develop or deal with any coastal marine area? (s 12)</p> <p>If yes: Is the intended development expressly allowed under the relevant Regional Coastal Plan and has the organisation obtained a Resource Consent?</p>	
122.	<p>Is the organisation intending to use, dam or divert any water or heat or energy from any water or coastal water? (s 14)</p> <p>If yes, does the proposed development contravene the applicable Regional Coastal Plan?</p> <p>If yes: Have you obtained a Resource Consent?</p>	
123.	<p>Does the organisation discharge any contaminants into the environment? (s 15)</p> <p>If yes: Is the discharge expressly allowed within the applicable plan?</p>	
124.	<p>Does the organisation incinerate any waster or other matter in any marine incineration facility? (s 15A)</p> <p>If yes: Is the discharge expressly allowed by a resource consent?</p>	
125.	<p>For the compliance period is the organisation satisfied that noise emissions have not exceeded a reasonable level? (s 16)</p>	

Compliance Checklist		Yes / No
126.	<p>Regional Policy Statement (s 60)</p> <ul style="list-style-type: none"> - Has it been prepared in the manner set out in Schedule 1? - Does it list matters we are required to consider? (s 61) - Do the contents of an RPS include - 'must state' ? (s 62) - Does it cover the requirement to consider alternatives, benefits and costs, and prepare a report? (s 32) 	
127.	<p>Regional Coastal Plan (s 64)</p> <ul style="list-style-type: none"> - Has it been prepared in the manner set out in Schedule 1? - Does it consider a coastal occupation charging regime, and include a statement about coastal occupation charging in the plan? (s 64A) - Does it list matters we are required to consider? (s 66) - Do the contents of a regional plan include - 'must state'? (s 67) - Does it cover the requirement to consider alternatives, benefits and costs, and prepare a report? (s 32) 	
128.	<p>Other regional plans <u>not</u> mandatory, but <u>if</u> we prepare them, then requirements are:</p> <ul style="list-style-type: none"> - Has it been prepared in the manner set out in Schedule 1? - Does it list matters we are required to consider? (s 66) - Do the contents of a regional plan include - 'must state'? (s 67) - Does it cover the requirement to consider alternatives, benefits and costs, and prepare a report? (s 32) 	
129.	Have we reviewed our Regional Policy Statement and each regional plan not later than 10 years after they become operative (s79)?	
130.	<p>Duty to gather information, monitor and keep records. (s 35)</p> <ul style="list-style-type: none"> - Environmental policy is responsible for s 35(2(b)), s 35(2A), and s 35(5)(j). 	
131.	Is there Local Authority recognition of national policy statements? (s 55(2) and (2A))	
132.	Are hearings public and without unnecessary formality? (s 39)	

Compliance Checklist		Yes / No
133.	Duty to gather information, monitor and keep records. (s 35)	
134.	Have we complied with the general requirements of the Resource Management Act? (s 17)	
135.	Have we complied with permitted activities within the relevant regional and district plans?	
136.	Have resource consents been gained for all activities requiring resource consents under relevant regional and district plans?	
137.	Have we complied with all regional and district resource consents held by Greater Wellington?	
138.	Have we processed all consents within statutory timeframes? (s 115)	
139.	Have we complied with all requirements of Section 37 and 37A in extending processing timeframes?	
140.	Have all resource consents been processed in accordance with the RMA?	
141.	Have we monitored resource consents in accordance with Section 35(2)?	
142.	Have we taken significant enforcement action when required?	

Water Board Act 1972

Compliance Checklist		Yes / No
143.	<p>Forestry Provisions</p> <p>Working Plans</p> <p>(1) Have working plans been prepared?</p> <p>(2) Has the working plan been approved by the Minister?</p> <p>(3) Does the plan regulate the management of the forest area and does not exceed 10 years?</p> <p>(4) Does the working plan specify the following?:</p> <p>(a) The maximum area of the land affected from which forest produce may be taken annually;</p> <p>(b) The maximum quantity of forest produce that may be disposed of annually;</p> <p>(c) Forestry operations proposed to be carried out during the currency of the plan;</p> <p>(d) The protection and development operations to be carried out; and</p> <p>(e) Such other matters as the Board thinks fit.</p> <p>(5) If there is no working plan, have we carried out any forestry operations?</p> <p>(6) Has a report been sent to the Minister in respect of forestry operations for the year?</p>	
144.	<p>Financial Provisions</p> <p>Financial records</p> <p>(1) Have proper financial records been kept in accordance with the Act, in particular:</p> <p>(a) A water supply account relating to all receipts and payments in respect of waterworks as defined in section 25 of this Act, and of all general activities in connection with waterworks:</p> <p>(b) An underground water account, including all receipts and payments relating to the Board's activities under Part 4 of this Act:</p> <p>(c) A forestry account, including all receipts and payments relating to the Board's forestry activities:</p> <p>(d) A soil conservation and rivers control account, including all receipts and payments relating to the Board's soil conservation and rivers control activities:</p> <p>(e) A pleasure ground account, including all receipts and payments relating to the Board's activities under sections 56 and 109 of this Act:</p>	

Compliance Checklist		Yes / No
	<p>(3) Have the financial statements been audited?</p> <p>(4) Has a copy of the audited financial statements been sent to the relevant authorities?</p>	
145.	<p>Water supply</p> <p>(1) Have the relevant constituent authorities been charged a uniform charge for water?</p>	
146.	<p>Assessment of contributions</p> <p>(1) Has a meeting been held with the constituent authorities regarding the charges for the following year?</p> <p>(2) Have written notices been sent to each of the constituent authorities showing:</p> <p>(a) The amounts for which the constituent authority is assessed for the current financial year; and</p> <p>(b) A copy of the estimates of the expenditure of the Board for the current financial year; and</p> <p>(c) A statement showing the receipts and expenditure of the Board for the preceding financial year.</p>	

Local Government Rating Act 2002

Compliance Checklist		Yes / No
147.	Have the rates been set in accordance with Sections 23, 24?	
148.	Has the calculation for setting targeted rates been set in accordance with Section 18?	
149.	Are there any uniform annual charges or targeted rates set on a uniform basis? If so, are they below 30% of total rates revenue?	
150.	Is Defence land rated in accordance with Section 22?	
151.	Does Greater Wellington keep and maintain a rating information database and complete rating information database in accordance with Sections 27, 28A and 28B?	
152.	Has Greater Wellington arranged for a public notice advertising RIC – to be published in month of May (done by each TA on our behalf) Section 28?	
153.	Does Greater Wellington keep and maintain a rates record in accordance with Section 37?	
154.	Are rates assessed in accordance with Section 43?	
155.	Are assessment and invoices sent out, Section 44, 45, 46?	
156.	Does Greater Wellington allow payment of rates at its office, Section 52?	
157.	Have the requirements of Section 53, (appointment of a third person to collect rates) been complied with?	
158.	Has Greater Wellington adopted rates remission and postponement policies to allow the remission or postponement of rates, Sections 85 and 87?	

Land Transport Management Act 2003

(as amended by the Land Transport Management Amendment Act 2008)

Compliance Checklist		Yes / No
159.	Has the Council prepared and approved a Regional Land Transport Programme in accordance with Sections 12-18?	
160.	Has the Council prepare a Regional Fuel Tax proposal?	
161.	Has the proposed a Regional Land Transport Strategy? (s 73-81)	
162.	Have reports been prepared on the Regional Land Transport Strategy?	
163.	Has a Regional Transport Committee been established?	
164.	Have documents been made available to the public and give notice of such?	
165.	Is public transport infrastructure held by a CCTO?	

Transport Services Licensing Act 1989

Compliance Checklist		Yes / No
166.	Has the Council prepared a Regional Passenger Transport Plan which includes the functions, powers and duties of the Council under the Act; and specifies the passenger services that the Council proposes to provide in the region?	
167.	Has the Council made publicly available any, reasons for declining a registration of a service?	
168.	Has the Council maintained and made available to the public a current register of all services registered by it?	

Land Transport Act 1998

Compliance Checklist		Yes / No
169.	Has the Council prepared a land transport strategy for the region?	
170.	Has the land transport strategy taken into account various strategies and views and included any regional passenger transport plan?	

Civil Defence Emergency Management Act 2002

Compliance Checklist		Yes / No
171.	Has Greater Wellington taken all necessary steps to undertake CDEM or to perform those functions and duties? (s 59 and s 17)	
172.	Has Greater Wellington planned and provided for civil defence emergency management within its district? (s 64) Has it ensured that it is able to function to the fullest possible extent, even though this may be at a reduced level, during and after an emergency? (s 64)	
173.	Has the Wellington CDEM Group appointed at least one person as a person authorised to: <ul style="list-style-type: none"> – Declare a state of local emergency for its area (s 25) – A suitably qualified and experienced person to be Group Controller for its area (s 26) 	

Holidays Act 2003

Compliance Checklist		Yes / No
174.	Do our employment agreements comply with the minimal requirements of the Act (s 6)?	
175.	Do all eligible employees receive an entitlement to not less than 4 weeks paid annual holidays?	
176.	Have we complied with S18, the taking of annual holidays?	
177.	Have we calculated holiday pay in accordance with Sections 21-25?	
178.	Have we complied with the requirements re the public holidays Sections 43-55, and the Holidays Amendment Act 2004 Section 5?	

Summary – Employment Relations Act 2000

The Employment Relations Act establishes a duty of good faith upon parties to an employment relationship. Unions have access to the workplace and are bargaining agents in collective employment agreements. Mediation is used for dispute resolution.

Compliance Checklist		Yes / No
179.	Have all employment contracts and agreements been reviewed for form and content and approved by the organisation's legal adviser? (s 54)	
180.	Does the organisation ensure that when dealing with parties to the employment relationship, the organisation acts in good faith with mutual obligations of trust and confidence and not in a manner that will or is likely to mislead or deceive the other parties? (s 4)	
181.	Do the organisation employment policies cover the commencement of employment: <ul style="list-style-type: none"> i. Of non-union members? (s 62-63) ii. Of people where there is no collective agreement? (s 65) iii. Of people employed for a fixed term? (s 66) iv. To prevent unfair bargaining? (s 68) 	
182.	Do the organisation employment policies clearly express the rules regarding: <ul style="list-style-type: none"> i. Ratification, commencement and expiry of collective agreements? (s 51-53) ii. The application of collective agreements, including the consequences of employees resigning from unions or unions disbanding? (s 56-58) 	
183.	Has the organisation sent copies of all collective agreements to the Chief Executive of the Department of Labour? (s 59)	

Compliance Checklist		Yes / No
184.	<p>Have any terms and conditions of employment been added to any collective agreements since the last compliance check? (s 61)</p> <p>(If yes: The organisation must ensure that additional terms and conditions are not inconsistent with the terms and conditions of the collective agreement).</p>	
185.	<p>Do any employment agreements contain trial periods? (s 67)</p> <p>If yes:</p> <ul style="list-style-type: none"> i. Is this specified in writing; and ii. Do responsible managers understand that the law applying to unjustifiable dismissal applies? 	
186.	<p>Does the organisation have continuity of employment provisions in Employment Agreements? (s 69A-69O)</p>	
187.	<p>For the compliance period has any employee pursued a personal grievance against the organisation because of a claim of: (s 103)</p> <ul style="list-style-type: none"> i. Unjustifiable dismissal. ii. Disadvantage in employment. iii. Discrimination in employment. iv. Sexual harassment. v. Duress. <p>If yes: Has the personal grievance claim been satisfactorily resolved?</p>	
188.	<p>Does the organisation keep a Wages and Time Record prescribed under this Act or any other Act? (s 130)</p> <p>If yes: The organisation must provide immediate access or a relevant copy to any employee or authorised representative upon request.</p>	
189.	<p>For the compliance period has the organisation engaged persons who are volunteers, on training, or for work experience?</p> <p>If yes: The provisions of Section 3C – 3F apply.</p>	
190.	<p>Has the organisation received a written request from any employee seeking a variation to the working arrangements?</p> <p>If yes:</p> <ul style="list-style-type: none"> i. Does the employee have the care of another person; and ii. Has the employee been employed by the Council for the previous six months? <p>If so, the employee has the right to have their request dealt with in accordance with new Part 6AA.</p>	

Compliance Checklist		Yes / No
191.	<p>Has the employee been notified of the Council's decision within three months of the date of the request?</p> <p>If the request has been refused, has the employee been notified as to what legitimate ground this request has been refused on? (s 69AAF).</p> <p>Note if:</p> <ul style="list-style-type: none"> i. The employee is bound by a collective employment agreement (CEA) and; ii. The request relates to the working arrangements to which the CEA applies and; iii. The new working arrangements (if approved) would be inconsistent with that CEA; <p>Their request must be refused.</p>	

Summary – Injury Prevention Rehabilitation and Compensation Act 2001

This Act sets out the code of ACC claimant's rights and entitlements. The Accident Compensation Incorporation established by the 1998 Act is continued, and the majority of the Act sets out a new regime for ACC entitlements of employees. There are a few minor compliance requirements.

Compliance Checklist		Yes / No
192.	<p>For the compliance period has ACC notified the organisation in writing regarding any employee suffering an incapacity that it wishes to return the employee to employment with the organisation? (s 71)</p> <p>If yes: has the organisation taken all practicable steps to assist in the rehabilitation plan for that employee? (s 71)</p>	
193.	<p>Has the organisation had an employee suffer a work related injury or motor vehicle injury from which a claim for compensation has been made within the last twelve months?</p> <p>If yes: Has the organisation paid to the employee the first week's compensation to which he or she is entitled? (s 98)</p>	
194.	<p>For the compliance period has the organisation paid the levies due to ACC by the date specified? (s 168)</p>	
195.	<p>For the compliance period has the organisation completed a self-assessment as required under the ACC Workplace Safety Management Practices programme? (s 189)</p> <p>If yes: Has the declaration been sent to ACC?</p>	
196.	<p>Has the organisation been required to pay any residual claims or levies to the Accident Compensation Corporation? (s 193)</p>	
197.	<p>Has the organisation made the correct deductions from employee payments and paid such levy to the ACC Corporation? (s 221)</p>	

Summary – Human Rights Act 1993

This Act regulates against discrimination in employment.

Compliance Checklist		Yes / No
198.	<p>For the compliance period has any employee or applicant for employment complained or taken action against the organisation for discrimination on any of the following grounds:</p> <p>sex, marital status, religious beliefs, ethical beliefs, colour, race, ethnicity, disability, age, political opinion, employment status, family status or sexual orientation? (ss 21 – 22)</p> <p>If yes: Has the complaint or action been satisfactorily resolved?</p>	
199.	<p>For the compliance period has any employee or applicant for employment complained or taken action against the organisation for “other forms of discrimination” such as:</p> <p>sexual harassment, racial harassment, indirect discrimination or victimisation? (ss 61 – 69)</p> <p>If yes: Has the complaint or action been satisfactorily resolved?</p>	

Summary – Privacy Act 1993

The Act governs the collection, use, and disclosure of private information.

Compliance Checklist		Yes / No
200.	<p>For the compliance period has Human Resources collected private information regarding individuals? (s 6, Principles 1 – 4)</p> <p>If yes:</p> <ul style="list-style-type: none"> i. Was the information collected for a lawful purpose directly related to the organisation's activities? ii. Was the information collected directly from the individuals concerned? iii. Has the organisation made those individuals aware of the purposes for which the information is collected? iv. Has the information been collected by lawful means? 	
201.	<p>Does the organisation have security safeguards that protect private information? (s 6, Principle 5 & s 45)</p> <ul style="list-style-type: none"> i. From loss? ii. From unauthorised access, use, modification or disclosure? iii. From any other misuse? 	
202.	<p>Does the organisation have systems to ensure that individuals, about whom information is held are entitled to access, confirm and where necessary correct the information? (s 6, Principle 6 & 7)</p>	
203.	<p>Does the organisation have systems to ensure that they do not use the information without taking reasonable steps to ensure that the information is accurate, up to date, complete, relevant and not misleading? (s 6, Principle 8)</p>	
204.	<p>Does the organisation have systems to ensure that private information is not kept for longer than is required? (s 6, Principle 9)</p>	
205.	<p>Does the organisation have systems to ensure that personal information is not used or disclosed except if authorised by the individual concerned or for good reason? (s 6, Principle 10 & 11)</p>	
206.	<p>Has the organisation appointed a person responsible for encouraging compliance with and dealing with requests made under the Act? (s 23)</p>	
207.	<p>Does the organisation have systems to ensure that private information that is commercially secret or sensitive is not disclosed? (s 28)</p>	
208.	<p>For the compliance period has the organisation received any complaints from the Privacy Commissioner regarding the use of private information that it holds? (s 67)</p> <p>If yes: Has the complaint been satisfactorily resolved?</p>	

Biosecurity Act 1993

Compliance Checklist		Yes / No
209.	Has Greater Wellington, as landowner, met the minimum requirements of the Regional Pest Management Strategy (RPMS)?	
210.	Are Greater Wellington staff approved as Authorised Persons under the Act to enforce landowner / occupier compliance with the RPMS?	
211.	Have Greater Wellington staff been delegated appropriate powers by the CEO to enable action under the Act?	
212.	Contracted Vector Managers under the National Pest Management Strategy (NPMS) must be approved Authorised Persons by MAF.	
213.	Has MAF delegated powers for the implementation of the National Pest Plant Accord?	

Hazardous Substances & New Organisms Act 1996 & Agricultural Compounds and Veterinary Medicines Act 1997

Compliance Checklist		Yes / No
214.	Do Greater Wellington staff have the appropriate qualifications (Controlled Substance Licences) for Vertebrate Toxic Agents to apply for pest animal control?	
215.	Do Greater Wellington staff have the appropriate qualifications (Growsafe Certs) to apply pesticides for pest plant control?	
216.	Does Greater Wellington have the appropriate signage for all pesticide usage?	

Arms Act 1983

Compliance Checklist		Yes / No
217.	Do Greater Wellington staff have gun licences (where required) for pest animal control?	

Transport Regulations

Compliance Checklist		Yes / No
218.	Do Greater Wellington staff have license endorsements to carry firearms in vehicles?	

Transport Act 1962

Compliance Checklist		Yes / No
219.	Do Greater Wellington staff have Dangerous Goods endorsement to carry VTA?	

Animal Welfare Act 1999

Compliance Checklist		Yes / No
220.	Have Greater Wellington staff abided by the AWA in terms of using traps for capturing animals?	

Resource Management Act 1991

Compliance Checklist		Yes / No
221.	Have Greater Wellington staff gained all necessary approvals for application of VTA and other hazardous substances?	