

Legislative Compliance Report

Survey period: 1 July 2020 – 30 June 2021

September 2021

Prepared by: Emily Moxon

Reviewed by: Phil Knipe

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Released under the Official Information Act 1982

1. Executive Summary

A legislative compliance survey has been run for the Ministry of Health (the Ministry) for the period 1 July 2020 – 30 June 2021. The survey focussed on the core government and specific legislative requirements of the Ministry. Managers with key oversight roles and tier 4 managers and above were required to complete legislative compliance questions applicable to their roles. 179 out of 224 people requested completed the survey (79.9%).

Non-compliance of note has been declared in the following areas:

- Official Information Act 1982
- Public Records Act 2005
- Civil Defence Emergency Management Act 2002

All non-compliances have been reviewed, but no others are considered to be of significance.

Many of the non-compliances are the same as those reported in the last survey period (1 July 2019 – 30 June 2020) but with a reduced risk due to the mitigating actions being taken. None of these has been assessed as representing major or extreme risks to the Ministry and actions are being taken to address the non-compliances (Appendix 1).

The next survey will be run in July 2022 for the period 1 July 2021 – 30 June 2022.

2. Legislative Compliance Programme

The Ministry has an obligation to ensure that all legislative and regulatory requirements are complied with. The public, the government, the Minister of Health, and Ministry employees all have an expectation that the Ministry will take all appropriate measures to ensure that this expectation is adequately met. The

monitoring of compliance through the ComplyWith survey tool is just one aspect of the legislative compliance programme, through which the Director-General is provided assurance that the Ministry is meeting its legislative responsibilities. Audit NZ is required to review the Ministry's legislative compliance framework as part of their Annual Audit.

Legislative compliance is a continual process and is a critical part of the Ministry's overall Risk Management Framework. This includes the analysis and measurement of risks, including legislative risks, to ensure the Ministry is managing these risks appropriately.

3. Legislative Compliance Survey

The legislative compliance survey asked managers legislative compliance questions specific to their role and responsibilities in the Ministry. This was determined by mapping core government and Ministry specific legislative responsibilities applicable to the Ministry and identifying accountabilities for these.

Organisational compliance questions

Organisational Ministry compliance questions were asked of managers whose roles include or enable oversight of Ministry compliance with particular legislation. Examples of these include:

- The Chief Financial Officer with aspects of the Public Finance Act.
- The Group Manager People and Capability with aspects of the Employment Relations Act.

'All managers' questions

A group of questions was developed for 'all managers' and assesses compliance in relation to themselves and their direct reports. These questions have been developed specifically for the Ministry to link in with HR and financial delegations. These questions were asked of tier 4 managers and above.

These questions were also designed to educate and reinforce Ministry policy.

Catch all question

A catch all question was included to provide managers the opportunity to report any other instances of non-compliance that are not captured under the survey questions assigned to them.

Survey completion rate

179 out of 224 participants completed the survey (79.9%). Some of those persons departed the Ministry during the period of survey, and some senior leaders were unavailable due to priorities relating to the COVID-19 response. The proportion of non-completion is higher than the past three annual surveys, which may also reflect the number of new managers and current pressures arising from the COVID-19 response. The completion rate was 85% for (2017/18), 88% (for 2018/19) and 87% (for 2019/2020).

Reported non-compliance

A small number of instances of legislative non-compliance have been reported. All of the declared non-compliances were assessed as representing minor or moderate risks to the Ministry; action is being taken to remedy non-compliance (Appendix 1).

Appendix 1: Reported Legislative Non-Compliances

Managing Information

Official Information Act 1982 (OIA) Oversight: Sarah Turner, Deputy Director-General, Office of the Director-General Responsibility: Managers and all staff			
<p>When a request for official information is made, the Ministry is required to issue a decision in respect of that request as soon as reasonably practicable and no later than 20 working days of receiving the request. (Section 15, OIA)</p> <p>The Ministry may request an extension of the 20 day time limit if it anticipates that responding to the information request will involve processing a large quantity of information; or if undertaking consultations necessary to making a decision on the request are going to prevent the Ministry from meeting the statutory time limit (Section 15A, OIA)</p> <p>If the Ministry does not hold the information requested, it is required to transfer the request to the appropriate agency no later than 10 working days after receiving the request. (Section 14, OIA)</p>	<p>Overall, most managers (97.6%) indicated <i>full compliance</i> in meeting the requirements of the OIA. However, a few managers have noted a small number of occasions where the Ministry has exceeded the OIA's timeframes. All reasonable endeavours are made to respond to requests for information within legislative timeframes. The Ministry has vastly improved its timeliness for response from previous years. Information about our obligations is made available to all staff and training is provided to promote the Official Information Act. Common reasons for non-compliance in this area are:</p> <ul style="list-style-type: none"> • a large volume of requests; • resourcing pressures; • competing priorities; • lack of comprehensive document management system; • internal consultation; and • the lengthy sign-off process required in some cases. 	<p>Moderate risk</p> <p>In the event that an OIA response from the Ministry is late, a request is declined, or the Ministry requests an extension of the mandatory timeframe, the requester can lodge a complaint with the Office of the Ombudsman.</p> <p>An investigation by the Ombudsman could result in an adverse finding against the Ministry.</p> <p>Any negative publicity surrounding a failure on the part of the Ministry to comply with the OIA might result in a loss of public confidence or reputational risk.</p>	<p>Managers who have noted occasional delays in responding to OIA requests have adopted procedures to mitigate the risk of unforeseen delays, for example, by staying in close contact with the Minister's office. The OIA team is working across all directorates to rectify.</p> <p>The Ministry is implementing an Enterprise Search functionality to enhance search capability on the Ministry's systems for identifying and capturing information. Additionally, the current roll-out of migration to Outlook (which is mostly complete) may reduce delays in identifying relevant correspondence.</p>

Public Records Act 2005 (PR Act)

Oversight: Celia Wellington – Acting Deputy Director-General, Corporate Services

Responsibility: Managers and all staff

The Ministry is required to create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor. Records must be in an accessible form, so as to be able to be used for subsequent reference, until their disposal is authorised under the PR Act. (Section 17, PR Act)

Overall, most managers (77%) indicated *full compliance* in meeting the Ministry's requirements under the PR Act.

Some managers have noted that there are staff who are in the habit of saving documents to their computer hard drive or email system, but that education is taking place to ensure that documents are stored on Lotus Notes.

Moderate risk

It is an offence under the PR Act to contravene or fail to comply with any provision of this Act or any regulations made under it. The penalties for committing an offence under the Act are:

- in the case of an individual, to a fine not exceeding \$5,000;
- in every other case, to a fine not exceeding \$10,000.

Further to this the operational implications for the Ministry are as follows:

- Documents cannot be located when required.
- Incorrect versions of documents are used.
- Information is reworked because the original document cannot be located.
- Multiple repositories are used but are not actively managed.

Work towards ensuring increased compliance with the PR Act is an ongoing process. However, further progress is dependent on decisions to move to a new Electronic Content Management System.

Released under the Official Information Act 1982

Civil Defence

Civil Defence Emergency Management Act 2020 Oversight: Deborah Woodley – Deputy Director-General, Population Health and Prevention Responsibility: Director Emergency Management			
<ul style="list-style-type: none"> All necessary steps to undertake civil defence emergency management or to perform those functions and duties under the Civil Defence Emergency Management Act, regulations made under the Act, or a civil defence emergency management plan. 	<p>No specific incidents were identified but it was noted that issues had been identified with the Ministry's Emergency Management Team and Structure.</p>	<p>Moderate risk</p> <p>An investigation by the Office of the Auditor General could result in an adverse finding against the Ministry.</p> <p>Any negative publicity surrounding a failure on the part of the Ministry to meet its obligations under the Civil Defence Emergency Management Act might result in a loss of public confidence or reputational risk.</p>	<p>A review of the Emergency Management Team structure and capability is underway, with a new framework due to be implemented. This is underway and currently on track.</p>

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Appendix 2: Core Government and Ministry Specific Legislation Surveyed

GOVERNANCE & ACCOUNTABILITY

Ombudsmen Act 1975
Public Audit Act 2001
Public Finance Act 1989
Human Rights Act 1993
New Zealand Bill of Rights Act 1990
State Sector Act 1988
Protected Disclosures Act 2000

INFORMATION MANAGEMENT

Privacy Act 2020
Official Information Act 1982
Public Records Act 2005
Statistics Act 1975
Copyright Act 1994
National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003

Criminal Disclosure Act 2008
Coroners Act 2006
Electronic Transactions Act 2002
Defamation Act 1992

EMPLOYMENT RELATIONS

KiwiSaver Act 2006
Employment Relations Act 2000
Holidays Act 2003
Parental Leave and Employment Protection Act 1987
Wages Protection Act 1983
Minimum Wage Act 1983
State Sector Act 1988
Equal Pay Act 1972
Fair Trading Act 1986
Minimum Wage Order 2010
Minimum Wage Order 2011
Volunteers Employment Protection Act 1973

HEALTH AND SAFETY

Health and Safety at Work Act 2015
Health and Safety in Employment Regulations 1995
Accident Compensation Act 2001

ENVIRONMENT

Civil Defence Emergency Management Act 2002
Occupiers' Liability Act 1962
Fire Service Act 1975
Building Act 2004
Fire Safety and Evacuation of Buildings Regulations 2006
Hazardous Substances and New Organisms Act 1996
New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008
Electricity Act 1992 & Electricity (Safety) Regulations 2010
Gas Act 1992

Plumbers, Gasfitters, and Drainlayers Act
2006

FINANCE

Public Finance Act 1989

Accident Compensation Act 2001

Social Security Act 1964 / 2018

Child Support Act 1991

Student Loan Scheme Act 1992

MISCELLANEOUS

Commerce Act 1986

Crimes Act 1961

Secret Commissions Act 1910

Patents Act 1953

Trade Marks Act 2002

Consumer Guarantees Act 1993

TAX

Income Tax Act 2007

Tax Administration Act 1994

Goods and Services Tax Act 1985

MINISTRY SPECIFIC LEGISLATION

Cancer Registry Act 1993

Epidemic Preparedness Act 2006

Health Act 1956

Health and Disability Services (Safety) Act
2001

Health Sector (Transfers) Act 1993

Intellectual Disability (Compulsory Care and
Rehabilitation) Act 2003

Medicines Act 1981

Misuse of Drugs Act 1975

New Zealand Public Health and Disability
Act 2000

Radiation Safety Act 2016

Human Tissue Act 2008

Legislative Compliance Report

Survey period: 1 July 2019 – 30 June 2020

August 2020

Prepared by: Nicole Scully

Reviewed by: Phil Knipe

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A legislative compliance survey has been run for the Ministry of Health for the period 1 July 2019 – 30 June 2020. The survey focussed on the core government and specific legislative requirements of the Ministry. Managers with key oversight roles and tier 4 managers and above were required to complete legislative compliance questions applicable to their roles. 150 out of 171 people requested completed the survey (87%).

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The next survey will be run in July 2021 or the period 1 July 2021 – 30 June 2022.

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These questions were also designed to educate and reinforce Ministry policy.

Catch all question

A catch all question was included to provide managers the opportunity to report any other instances of non-compliance that are not captured under the survey questions assigned to them.

Survey completion rate

150 out of 171 participants completed the survey (87%). Some of those persons departed the Ministry during the period of survey, and some senior leaders were unavailable due to priorities relating to the COVID-19 response. The level of non-completion is about the same as over the past two annual surveys (completion rate was 85% (for 2017/18) and 88% (for 2018/19).

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Some managers have noted that there are staff who are in the habit of saving documents to their computer hard drive or email system, but that education is taking place to ensure that documents are stored on Lotus Notes.

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Human Tissue Act 2008

Legislative Compliance Report

Survey period: 1 July 2018 – 30 June 2019

September 2019

Prepared by: Elizabeth Armstrong

Reviewed by: Phil Knipe

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1. Executive Summary

A legislative compliance survey has been run for the Ministry of Health for the period 1 July 2018 – 30 June 2019. The survey focussed on the core government and specific legislative requirements of the Ministry. Managers with key oversight roles and tier 4 managers and above were required to complete legislative compliance questions applicable to their roles. 119 out of 135 people requested completed the survey (88%).

Non-compliance of note has been declared in the following areas:

- Official Information Act 1982
- Public Records Act 2005
- Health and Safety at Work Act 2015
- Fire and Emergency New Zealand Act 2017 and associated regulations

All non-compliances have been reviewed, but no others are considered to be of significance.

Many of the non-compliances are the same as those reported in the last survey period (1 July 2017 – 30 June 2018) but with a reduced risk due to the mitigating actions being taken. None of these has been assessed as representing major or extreme risks to the Ministry and actions are being taken to address the non-compliances (Appendix 1).

The next survey will be run in July 2020 for the period 1 July 2019 – 30 June 2020.

2. Legislative Compliance Programme

The Ministry has an obligation to ensure that all legislative and regulatory requirements are complied with. The public, the government, the Minister of Health, and Ministry employees all have an expectation that the Ministry will take

all appropriate measures to ensure that this expectation is adequately met. The monitoring of compliance through the ComplyWith survey tool is just one aspect of the legislative compliance programme, through which the Director-General is provided assurance that the Ministry is meeting its legislative responsibilities. Audit NZ is required to review the Ministry's legislative compliance framework as part of their Annual Audit.

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Examples of these include:

- The Chief Financial Officer with aspects of the Public Finance Act.
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These questions were also designed to educate and reinforce Ministry policy.

Catch all question

A catch all question was included to provide managers the opportunity to report any other instances of non-compliance that are not captured under the survey questions assigned to them.

Survey completion rate

119 out of 135 participants completed the survey (88%). While one member of staff's non-completion was due to them being on annual leave, 15 staff-members provided no explanation for their failure to complete the survey. There has been a higher level of non-completion over the past two annual surveys than in previous years, despite regular follow-ups (last year's completion rate was 85%). This matter will be taken up with the Risk and Assurance team.

Reported non-compliance

A small number of instances of legislative non-compliance have been reported. All of the declared non-compliances were assessed as representing minor or moderate risks to the Ministry; action is being taken to remedy non-compliance (Appendix 1).

The instances of material non-compliance declared by staff are set out in Appendix 1.

Appendix 1: Reported Legislative Non-Compliances

Managing Information

Official Information Act 1982 (OIA) Oversight: Sarah Turner, Deputy Director-General, Office of the Director-General Responsibility: Managers and all staff			
<p>When a request for official information is made, the Ministry is required to issue a decision in respect of that request as soon as reasonably practicable and no later than 20 working days of receiving the request. (Section 15, OIA)</p> <p>The Ministry may request an extension of the 20 day time limit if it anticipates that responding to the information request will involve processing a large quantity of information; or if undertaking consultations necessary to making a decision on the request are going to prevent the Ministry from meeting the statutory time limit (Section 15A, OIA)</p> <p>If the Ministry does not hold the information requested, it is required to transfer the request to the appropriate agency no later than 10 working days after receiving the request. (Section 14, OIA)</p>	<p>Overall, most managers (around 95%) indicated <i>full compliance</i> in meeting the requirements of the OIA. However, a few managers have noted a small number of occasions where the Ministry has exceeded the OIA's timeframes. Common reasons for non-compliance in this area are:</p> <ul style="list-style-type: none"> • a large volume of requests; • resourcing pressures; • competing priorities; • lack of comprehensive document management system; • internal consultation; and • the lengthy sign-off process required in some cases. 	<p>Moderate risk</p> <p>In the event that an OIA response from the Ministry is late, a request is declined, or the Ministry requests an extension of the mandatory timeframe, the requester can lodge a complaint with the Office of the Ombudsman.</p> <p>An investigation by the Ombudsman could result in an adverse finding against the Ministry.</p> <p>Any negative publicity surrounding a failure on the part of the Ministry to comply with the OIA might result in a loss of public confidence or reputational risk.</p>	<p>Managers who have noted occasional delays in responding to OIA requests have adopted procedures to mitigate the risk of unforeseen delays, for example, by staying in close contact with the Minister's office.</p> <p>The Ministry has recently implemented a new process for responding to Official Information Act requests, including establishing a dedicated Official Information Act team within the Government Relations Team, to enhance compliance with timeframes. This change programme includes an education campaign and tools for staff. The Ministry's compliance with timeframes has increased since the change programme was implemented in July 2018. Over the period of 1 January 2019 to 30 June 2019, the Ministry's on-time completion rate for OIAs increased to 96.4%.</p>

			<p>The Ministry is currently in the process of implementing an Enterprise Search functionality to enhance search capability on the Ministry's systems for identifying and capturing information. Additionally, the current roll-out of migration to Outlook Express may reduce delays in identifying relevant correspondence.</p> <p>The Ministerial Executive and Government Services team in the Office of the Director-General is currently reviewing the Ministry's OIA processes in coordination with the Records and IT teams.</p>
<p>Public Records Act 2005 (PR Act) Oversight: Sue Gordon – Deputy Director-General, Corporate Services Responsibility: Managers and all staff</p>			
<p>The Ministry is required to create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor. Records must be in an accessible form, so as to be able to be used for subsequent reference, until their disposal is authorised under the PR Act. (Section 17, PR Act)</p>	<p>Overall, most managers (84%) indicated <i>full compliance</i> in meeting the Ministry's requirements under the PR Act.</p> <p>Some managers have noted that there are staff who are in the habit of saving documents to their computer hard drive or email system, but that education is taking place to ensure that documents are stored on Lotus Notes.</p>	<p>Moderate risk</p> <p>It is an offence under the PR Act to contravene or fail to comply with any provision of this Act or any regulations made under it. The penalties for committing an offence under the Act are:</p> <ul style="list-style-type: none"> • in the case of an individual, to a fine not exceeding \$5,000; • in every other case, to a fine not exceeding \$10,000. <p>Further to this the operational implications for the Ministry are as follows:</p>	<p>Work towards ensuring increased compliance with the PR Act is underway through the Knowledge Services Project being undertaken. However, further progress is dependent on decisions to move to a new Electronic Content Management System.</p>

	<p>Due to its history as a separate entity from the Ministry, Audit and Compliance uses some databases that are incompatible with Lotus Notes (preventing that information from being stored there). Finance has also noted that certain documents are held in a shared drive rather than Lotus Notes due to complications with linked spreadsheets.</p>	<ul style="list-style-type: none"> • Documents cannot be located when required. • Incorrect versions of documents are used. • Information is reworked because the original document cannot be located. • Multiple repositories are used but are not actively managed. 	
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Health and Safety

<p>Health and Safety at Work Act 2015 Oversight: Sue Gordon – Deputy Director-General, Corporate Services Responsibility: Managers and all staff</p>			
<p>As an officer (as defined in the Act), the Director-General must take reasonable steps to make sure that (among other duties):</p> <ul style="list-style-type: none"> • the Ministry has available, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work it carries out (s 44(4)(c) Health and Safety at Work Act); • the Ministry implements processes for complying with all its duties and obligations under the Health and Safety at Work 	<p>Overall, most managers (97%) indicated full compliance in meeting the requirements of the Health and Safety at Work Act. However, one manager noted that due to a lack of resources in the facilities space, they considered:</p> <ul style="list-style-type: none"> • obligations may not be met, particularly in relation to the management of contractors and the risks associated with them; and • many processes relating to the facilities function of the Ministry are outdated and have not been reviewed for some time. 	<p>Moderate risk</p> <p>A conviction for the offence of failure to comply with a duty under the Act attracts a fine of up to \$500,000, depending on the person's role. (Section 49 Health and Safety at Work Act 2015) Heavier penalties are attached to the more serious offences of reckless conduct in respect of a duty (section 47) and failing to comply with a duty that exposes an individual to risk of death, serious injury, or serious illness (section 48).</p>	<p>The corrective action planned in this area of non-compliance is for the Manager of Facilities and Health, Safety and Wellbeing Manager to identify a Contractor Management System that would alleviate many of the identified issues. This has been identified in the workplan to begin scoping in early 2020.</p>

<p>Act. (Section 44(4)(e), Health and Safety at Work Act); and</p> <ul style="list-style-type: none"> the Ministry is providing and using the resources and processes required by section 44(4)(c)-(e) of the Health and Safety at Work Act (s 44(4)(f) Health and Safety at Work Act) 	<p>The manager in question considered that this has meant that it would not be possible to produce evidence of the Ministry's compliance in this area.</p>		
<p>Fire and Emergency New Zealand Act 2017 & (Fire Safety, Evacuation Procedures & Evacuation Schemes) Regulations 2018 Oversight: Sue Gordon – Deputy Director-General, Corporate Services Responsibility: Managers and all staff</p>			
<p>In its capacity as an owner and/or tenant of buildings, the Ministry must ensure escape routes are kept clear, exit doors kept unlocked and unobstructed, and smoke-control and fire-stop doors kept closed (unless an exception applies).</p> <p>(Regulation 5 Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018)</p>	<p>All but one manager indicated <i>full compliance</i> in meeting the Ministry's requirements under the Fire and Emergency New Zealand Act 2017 & (Fire Safety, Evacuation Procedures & Evacuation Schemes) Regulations 2018. The manager noted that they consider that while the Ministry likely complies with its obligations, it has no systems for recording this compliance.</p>	<p>Moderate risk Failure by an owner or tenant of a building to maintain a means of escape from a fire in a building is an infringement offence which attracts a maximum fee of \$3,750; or a maximum fine of \$11,250. (Regulation 5 and Schedule 2 of the Fire and Emergency New Zealand (Offences) Regulations 2018)</p>	<p>The corrective action planned in this area of non-compliance is to investigate areas of non-compliance within the Facilities space and address processes to enable accurate capture of data. One project will involve working closely with People and Capability and Finance to capture non-employee headcount.</p>

Appendix 2: Core Government and Ministry Specific Legislation Surveyed

GOVERNANCE & ACCOUNTABILITY

Ombudsmen Act 1975
Public Audit Act 2001
Public Finance Act 1989
Human Rights Act 1993
New Zealand Bill of Rights Act 1990
State Sector Act 1988
Protected Disclosures Act 2000

INFORMATION MANAGEMENT

Privacy Act 1993
Official Information Act 1982
Public Records Act 2005
Statistics Act 1975
Copyright Act 1994
National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003

Criminal Disclosure Act 2008
Coroners Act 2006
Electronic Transactions Act 2002
Defamation Act 1992

EMPLOYMENT RELATIONS

KiwiSaver Act 2006
Employment Relations Act 2000
Holidays Act 2003
Parental Leave and Employment Protection Act 1987
Wages Protection Act 1983
Minimum Wage Act 1983
State Sector Act 1988
Equal Pay Act 1972
Fair Trading Act 1986
Minimum Wage Order 2010
Minimum Wage Order 2011
Volunteers Employment Protection Act 1973

HEALTH AND SAFETY

Health and Safety at Work Act 2015
Health and Safety in Employment Regulations 1995
Accident Compensation Act 2001

ENVIRONMENT

Civil Defence Emergency Management Act 2002
Occupiers' Liability Act 1962
Fire Service Act 1975
Building Act 2004
Fire Safety and Evacuation of Buildings Regulations 2006
Hazardous Substances and New Organisms Act 1996
New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008
Electricity Act 1992 & Electricity (Safety) Regulations 2010
Gas Act 1992

Plumbers, Gasfitters, and Drainlayers Act
2006

FINANCE

Public Finance Act 1989

Accident Compensation Act 2001

Social Security Act 1964 / 2018

Child Support Act 1991

Student Loan Scheme Act 1992

MISCELLANEOUS

Commerce Act 1986

Crimes Act 1961

Secret Commissions Act 1910

Patents Act 1953

Trade Marks Act 2002

Consumer Guarantees Act 1993

TAX

Income Tax Act 2007

Tax Administration Act 1994

Goods and Services Tax Act 1985

MINISTRY SPECIFIC LEGISLATION

Cancer Registry Act 1993

Epidemic Preparedness Act 2006

Health Act 1956

Health and Disability Services (Safety) Act
2001

Health Sector (Transfers) Act 1993

Intellectual Disability (Compulsory Care and
Rehabilitation) Act 2003

Medicines Act 1981

Misuse of Drugs Act 1975

New Zealand Public Health and Disability
Act 2000

Radiation Safety Act 2016

Human Tissue Act 2008

Legislative Compliance Report

Survey period: 1 July 2017 – 30 June 2018

August 2018

Prepared by: Olivia Payne

Reviewed by: Phil Knipe

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1. Executive Summary

A legislative compliance survey has been run for the Ministry of Health for the period 1 July 2017 – 30 June 2018. The survey focussed on the core government and specific legislative requirements of the Ministry. Managers with key oversight roles and tier 4 managers and above were required to complete legislative compliance questions applicable to their roles. 114 out of 134 people requested completed the survey (85%).

Non-compliance of note has been declared in the following areas:

- Official Information Act 1982
- Public Records Act 2005

All non-compliances have been reviewed, but no others are considered to be of significance.

Many of the non-compliances are the same as those reported in the last survey period (1 July 2016 – 30 June 2017) but with a reduced risk due to the mitigating actions being taken. None of these has been assessed as representing major or extreme risks to the Ministry and actions are being taken to address the non-compliances (Appendix 1).

The next survey will be run in July 2019 for the period 1 July 2018 – 30 June 2019.

2. Legislative Compliance Programme

The Ministry has an obligation to ensure that all legislative and regulatory requirements are complied with. The public, the government, the Minister of Health, and Ministry employees all have an expectation that the Ministry will take all appropriate measures to ensure that this expectation is adequately met. The monitoring of compliance through the ComplyWith survey tool is just one aspect

of the legislative compliance programme through which the Director-General is provided assurance that the Ministry is meeting its legislative responsibilities. Audit NZ is required to review the Ministry's legislative compliance framework as part of their Annual Audit.

Legislative compliance is a continual process and is a critical part of the Ministry's overall Risk Management Framework. This includes the analysis and measurement of risks, including legislative risks, to ensure the Ministry is managing these risks appropriately.

3. Legislative Compliance Survey

The legislative compliance survey asked managers legislative compliance questions specific to their role and responsibilities in the Ministry. This was determined by mapping core government and Ministry specific legislative responsibilities applicable to the Ministry and identifying accountabilities for these.

Organisational compliance questions

Organisational Ministry compliance questions were asked of managers whose roles include or enable oversight of Ministry compliance with particular legislation. Examples of these include:

- The Chief Financial Officer with aspects of the Public Finance Act.
- The Group Manager People and Capability with aspects of the Employment Relations Act.

'All managers' questions

A group of questions was developed for 'all managers' and assesses compliance in relation to themselves and their direct reports. These questions have been

developed specifically for the Ministry to link in with HR and financial delegations. These questions were asked of tier 4 managers and above.

These questions were also designed to educate and reinforce Ministry policy.

Catch all question

A catch all question was included to provide managers the opportunity to report any other instances of non-compliance that are not captured under the survey questions assigned to them.

Survey completion rate

114 out of 134 participants completed the survey (85%). While legitimate reasons were given by a number of staff for non-completion (including absence or very short-duration in their role), there was a significantly higher level of non-completion than in previous years, despite regular follow ups.

Reported non-compliance

A small number of instances of legislative non-compliance have been reported. All of the declared non-compliances were assessed as representing minor or moderate risks to the Ministry; action is being taken to remedy all non-compliance (Appendix 1).

The instances of material non-compliance declared by staff are set out in Appendix 1.

Appendix 1: Reported legislative non-compliances

Official Information Act 1982 (OIA) Oversight: Monique Burrows, Acting Executive Director, Office of the Director-General Responsibility: Managers and all staff			
<p>When a request for official information is made, the Ministry is required to issue a decision in respect of that request as soon as reasonably practicable and no later than 20 working days of receiving the request. (Section 15, OIA)</p> <p>The Ministry may request an extension of the 20 day time limit if it anticipates delay will involve processing a large quantity of information or if (Section 15A, OIA)</p> <p>If the Ministry does not hold the information requested, it is required to transfer the request to the appropriate agency no later than 10 working days after receiving the request. (Section 14, OIA)</p>	<p>Overall, most managers indicated <i>full compliance</i> in meeting the requirements of the OIA. However, a few managers have noted a small number of occasions where the Ministry has exceeded the OIA's timeframes. These managers cited the following reasons for non-compliance in this area:</p> <ul style="list-style-type: none"> • a large volume of requests; • resourcing pressures; • competing priorities; • lack of comprehensive document management system; • internal consultation; and • the lengthy sign-off process required in some cases. 	<p>Moderate risk</p> <p>In the event that an OIA response from the Ministry is late, a request is declined, or the Ministry requests an extension of the mandatory timeframe, the requester can lodge a complaint with the Office of the Ombudsman.</p> <p>An investigation by the Ombudsman could result in an adverse finding against the Ministry.</p> <p>Any negative publicity surrounding a failure on the part of the Ministry to comply with the OIA might result in a loss of public confidence or reputational risk.</p>	<p>Managers who have noted occasional delays in responding to OIA requests have adopted procedures to mitigate the risk of unforeseen delays, for example, by staying in close contact with the Minister's office.</p> <p>The Ministry has recently implemented a new process for responding to Official Information Act requests, including establishing a dedicated Official Information Act team within the Government Relations Team, to enhance compliance with timeframes. This change programme includes an education campaign and tools for staff. For July 2018, on-time completion rate for OIAs had increased to over 95%.</p> <p>The Ministry is currently in the process of implementing an Enterprise Search functionality to enhance search capability on the Ministry's systems for identifying and capturing information. Additionally, migration to Outlook Express may</p>

			<p>reduce delays in identifying relevant correspondence.</p> <p>The Ministerial Executive and Government Services team in the Office of the Director-General is currently reviewing the Ministry's OIA processes in coordination with the Records and IT teams.</p>
<p>Public Records Act 2005 (PR Act) Oversight: Stewart Jessamine – Director, Protection Regulation and Assurance Responsibility: Managers and all staff</p>			
<p>The Ministry is required to create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor.</p> <p>Records must be in an accessible form, so as to be able to be used for subsequent reference, until their disposal is authorised under the PR Act.</p> <p>(Section 17, PR Act)</p>	<p>Overall, most managers indicated <i>full compliance</i> in meeting the Ministry's requirements under the PR Act. Some managers have noted that there are staff who are in the habit of saving documents to their computer hard drive or email system but that education is taking place to ensure that documents are stored on Lotus Notes.</p> <p>Due to its history as a separate entity from the Ministry, Audit and Compliance uses some databases that are incompatible with Lotus Notes (preventing that information from being stored there).</p>	<p>Moderate risk</p> <p>It is an offence under the PR Act to contravene or fail to comply with any provision of this Act or any regulations made under it. The penalties for committing an offence under the Act are:</p> <ul style="list-style-type: none"> • in the case of an individual, to a fine not exceeding \$5,000; • in every other case, to a fine not exceeding \$10,000. <p>Further to this the operational implications for the Ministry are as follows:</p> <ul style="list-style-type: none"> • Documents cannot be located when required. 	<p>Work towards ensuring increased compliance with the PR Act is underway through the Knowledge Services Project being undertaken. However, further progress is dependent on decisions to move to a new Electronic Content Management System.</p>

		<ul style="list-style-type: none">• Incorrect versions of documents are used.• Information is reworked because the original document cannot be located.• Multiple repositories are used but are not actively managed.	
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**Appendix 2: Core government and Ministry
Specific legislation surveyed**

GOVERNANCE & ACCOUNTABILITY

Ombudsmen Act 1975
Public Audit Act 2001
Public Finance Act 1989
Human Rights Act 1993
New Zealand Bill of Rights Act 1990
State Sector Act 1988
Protected Disclosures Act 2000

INFORMATION MANAGEMENT

Privacy Act 1993
Official Information Act 1982
Public Records Act 2005
Statistics Act 1975
Copyright Act 1994
National Library of New Zealand (Te Puna
Mātauranga o Aotearoa) Act 2003
Criminal Disclosure Act 2008

Coroners Act 2006
Electronic Transactions Act 2002
Defamation Act 1992

EMPLOYMENT RELATIONS

KiwiSaver Act 2006
Employment Relations Act 2000
Holidays Act 2003
Parental Leave and Employment Protection
Act 1987
Wages Protection Act 1983
Minimum Wage Act 1983
State Sector Act 1988
Equal Pay Act 1972
Fair Trading Act 1986
Minimum Wage Order 2010
Minimum Wage Order 2011
Volunteers Employment Protection Act
1973

HEALTH AND SAFETY

Health and Safety at Work Act 2015
Health and Safety in Employment
Regulations 1995
Accident Compensation Act 2001

ENVIRONMENT

Civil Defence Emergency Management Act
2002
Occupiers' Liability Act 1962
Fire Service Act 1975
Building Act 2004
Fire Safety and Evacuation of Buildings
Regulations 2006
Hazardous Substances and New
Organisms Act 1996
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Taunaha o Aotearoa) Act 2008
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Plumbers, Gasfitters, and Drainlayers Act
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FINANCE

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Social Security Act 1964

Child Support Act 1991

Student Loan Scheme Act 1992

MISCELLANEOUS

Commerce Act 1986

Crimes Act 1961

Secret Commissions Act 1910

Patents Act 1953

Trade Marks Act 2002

Consumer Guarantees Act 1993

TAX

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Tax Administration Act 1994

Goods and Services Tax Act 1985

MINISTRY SPECIFIC LEGISLATION

Cancer Registry Act 1993

Epidemic Preparedness Act 2006

Health Act 1956

Health and Disability Services (Safety) Act
2001

Health Sector (Transfers) Act 1993

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Rehabilitation) Act 2003

Medicines Act 1981

Misuse of Drugs Act 1975

New Zealand Public Health and Disability
Act 2000

Radiation Protection Act 1965

Human Tissue Act 2008



MINISTRY OF
HEALTH

MANATŪ HAUORA

Legislative Compliance Report

Survey period: 1 July 2016 – 30 June 2017

August 2017

Prepared by: Grace Abbott

Reviewed by: Phil Knipe

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1. Executive Summary

A legislative compliance survey has been run for the Ministry of Health for the period 1 July 2016 – 30 June 2017. The survey focussed on the core government and specific legislative requirements of the Ministry. Managers with key oversight roles and tier 4 managers and above were required to complete legislative compliance questions applicable to their roles. 134 out of 141 people requested completed the survey (95.35%).

Non-compliance of note has been declared in the following areas:

- Official Information Act 1982
- Public Records Act 2005

Many of the non-compliances are the same as those reported in the last survey period (1 July 2015 – 30 June 2016) but with a reduced risk due to the mitigating actions being taken. None of these has been assessed as representing major or extreme risks to the Ministry and actions are being taken to address the non-compliances (Appendix 1).

The next survey will be run in July 2018 for the period 1 July 2017 – 30 June 2018.

2. Legislative Compliance Programme

The Ministry has an obligation to ensure that all legislative and regulatory requirements are complied with. The public, the government, the Minister of Health, and Ministry employees all have an expectation that the Ministry will take all appropriate measures to ensure that this expectation is adequately met.

The monitoring of compliance through the ComplyWith survey tool is just one aspect of the legislative compliance programme, through which the Director-General is provided assurance that the Ministry is meeting its legislative responsibilities. Audit NZ is required to review the Ministry's legislative compliance framework as part of their Annual Audit.

Legislative compliance is a continual process and is a critical part of the Ministry's overall Risk Management Framework. This includes the analysis and measurement of risks, including legislative risks, to ensure the Ministry is managing these risks appropriately.

3. Legislative Compliance Survey

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- The Chief Financial Officer with aspects of the Public Finance Act.
- The Group Manager HR with aspects of the Employment Relations Act.

'All managers' questions

A group of questions was developed for 'all managers' and assesses compliance in relation to themselves and their direct reports. These

questions have been developed specifically for the Ministry to link in with HR and financial delegations. These questions were asked of tier 4 managers and above.

These questions were also designed to educate and reinforce Ministry policy.

Catch all question

A catch all question was included to provide managers the opportunity to report any other instances of non-compliance that are not captured under the survey questions assigned to them.

Survey completion rate

134 out of 141 participants completed the survey (95.35%). This was down from 100% completion rate for the 2015/16 report, and despite the survey being run for 6 weeks (from 1 July to 15 August) and multiple reminders to staff. A list of staff who did not complete the survey is attached at Appendix 3 for follow-up action.

Reported non-compliance

A small number of instances of legislative non-compliance have been reported. All of the declared non-compliances were assessed as representing minor or moderate risks to the Ministry; action is being taken to remedy all non-compliance (Appendix 1).

The instances of material non-compliance declared by staff are set out in Appendix 1.

Appendix 1: Reported legislative non-compliances

Official Information Act 1982 (OIA) Oversight: Jill Bond - Executive Director, Office of the Director-General Responsibility: Managers and all staff			
<p>When a request for official information is made, the Ministry is required to issue a decision in respect of that request as soon as reasonably practicable and no later than 20 working days of receiving the request. (Section 15, OIA)</p> <p>The Ministry may request an extension of the 20 day time limit if it anticipates delay will involve processing a large quantity of information or if (Section 15A, OIA)</p> <p>If the Ministry does not hold the information requested, it is required to transfer the request to the appropriate agency no later than 10 working days after receiving the request. (Section 14, OIA)</p> <p>Where an Ombudsman requests information, it shall be provided within no later than 20 working days (Section 29A, OIA).</p>	<p>Overall, most managers indicated <i>full compliance</i> in meeting the requirements of the OIA. However, a few managers have noted a small number of occasions where the Ministry has exceeded the OIA's timeframes. These managers cited the following reasons for non-compliance in this area:</p> <ul style="list-style-type: none"> • a large volume of requests; • resourcing pressures; • competing priorities; • lack of comprehensive document management system; • internal consultation; and • the lengthy sign-off process required in some cases. <p>There have also been a small number of occasions where information has not been provided to the Ombudsman within 20 working days.</p>	<p>Moderate risk</p> <p>In the event that an OIA response from the Ministry is late, a request is declined, or the Ministry requests an extension of the mandatory timeframe, the requester can lodge a complaint with the Office of the Ombudsman.</p> <p>An investigation by the Ombudsman could result in an adverse finding against the Ministry.</p> <p>Any negative publicity surrounding a failure on the part of the Ministry to comply with the OIA might result in a loss of public confidence or reputational risk.</p>	<p>Managers who have noted occasional delays in responding to OIA requests have adopted procedures to mitigate the risk of unforeseen delays, for example, by staying in close contact with the Minister's office.</p> <p>Government Relations and Health Legal are commencing a project to improve compliance with the OIA, including timeliness of requests, which will also include timeliness in responding to Ombudsman requests.</p>

Public Records Act 2005 (PR Act)

Oversight: Stewart Jessamine - Director of Protection, Regulation and Assurance

Responsibility: Managers and all staff

The Ministry is required to create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor.

Records must be in an accessible form, so as to be able to be used for subsequent reference, until their disposal is authorised under the PR Act.

(Section 17, PR Act)

Overall, most managers indicated *full compliance* in meeting the Ministry's requirements under the PR Act. Some managers have noted that there are staff who are in the habit of saving documents to their computer hard drive or email system but that education is taking place to ensure that documents are stored on Lotus Notes.

Due to its history as a separate entity from the Ministry, Audit and Compliance uses some databases that are incompatible with Lotus Notes (preventing that information from being stored there).

The National Screening Unit also noted that it had an older version of Lotus Notes which impacted its compliance with the PR Act.

Moderate risk

It is an offence under the PR Act to contravene or fail to comply with any provision of this Act or any regulations made under it. The penalties for committing an offence under the Act are:

- in the case of an individual, to a fine not exceeding \$5,000;
- in every other case, to a fine not exceeding \$10,000.

Further to this the operational implications for the Ministry are as follows:

- Documents cannot be located when required.
- Incorrect versions of documents are used.
- Information is reworked because the original document cannot be located.
- Multiple repositories are used but are not actively managed.

Significant work has been undertaken towards ensuring increased compliance with the PR Act is underway through the Corporate Knowledge Services Project undertaken in 2016/17, but work on reminding staff about their obligations will continue.

**Appendix 2: Core government and
Ministry Specific legislation surveyed**

GOVERNANCE & ACCOUNTABILITY

Ombudsmen Act 1975

Public Audit Act 2001

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New Zealand Bill of Rights Act 1990

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Volunteers Employment Protection Act
1973

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Health and Safety at Work Act 2015

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Intellectual Disability (Compulsory Care and
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Medicines Act 1981

Misuse of Drugs Act 1975

New Zealand Public Health and Disability
Act 2000

Radiation Protection Act 1965/Radiation
Safety Act 2016

Human Tissue Act 2008

Legislative Compliance Report

Survey period: 1 July 2015 – 30 June 2016

September 2016

Prepared by: Elizabeth Armstrong

Reviewed by: Phil Knipe

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1. Executive Summary

A legislative compliance survey has been run for the Ministry of Health for the period 1 July 2015 – 30 June 2016. The survey focussed on the core government and specific legislative requirements of the Ministry. Managers with key oversight roles and tier 4 managers and above were required to complete legislative compliance questions applicable to their roles. There was a 100% completion rate for the 109 required to complete the survey.

Non-compliance of note has been declared in the following areas:

- Official Information Act 1982
- Public Records Act 2005

Many of the non-compliances are the same as those reported in the last survey period (1 July 2014 – 30 June 2015) but with a reduced risk due to the mitigating actions being taken. None of these has been assessed as representing major or extreme risks to the Ministry and actions are being taken to address the non-compliances (Appendix 1).

The next survey will be run in July 2017 for the period 1 July 2016 – 30 June 2017.

2. Legislative Compliance Programme

The Ministry has an obligation to ensure that all legislative and regulatory requirements are complied with. The public, the government, the Minister of Health, and Ministry employees all have an expectation that the Ministry will take all appropriate measures to ensure that this expectation is adequately met.

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questions have been developed specifically for the Ministry to link in with HR and financial delegations. These questions were asked of tier 4 managers and above.

These questions were also designed to educate and reinforce Ministry policy.

Catch all question

A catch all question was included to provide managers the opportunity to report any other instances of non-compliance that are not captured under the survey questions assigned to them.

Survey completion rate

A 100% completion rate (of 109 respondents) was achieved, however, it took more than two weeks from the initial close off date to get to the number of final responses to that level.

4. Reported non-compliance

A small number of instances of legislative non-compliance have been reported. All of the declared non-compliances were assessed as representing minor or moderate risks to the Ministry; action is being taken to remedy all non-compliance (Appendix 1).

The instances of material non-compliance declared by staff are set out in Appendix 1.

Released under the Official Information Act 1982

Appendix 1: Reported legislative non-compliances

Official Information Act 1982 (OIA) Oversight: Jill Bond - Executive Director, Office of the Director-General Responsibility: Managers and all staff			
<p>When a request for official information is made, the Ministry is required to issue a decision in respect of that request as soon as reasonably practicable and no later than 20 working days of receiving the request. (Section 15, OIA)</p> <p>The Ministry may request an extension of the 20 day time limit if it anticipates delay will involve processing a large quantity of information or if (Section 15A, OIA)</p> <p>If the Ministry does not hold the information requested, it is required to transfer the request to the appropriate agency no later than 10 working days after receiving the request. (Section 14, OIA)</p>	<p>Overall, most managers indicated <i>full compliance</i> in meeting the requirements of the OIA. However, a few managers have noted a small number of occasions where the Ministry has exceeded the OIA's timeframes. These managers cited the following reasons for non-compliance in this area:</p> <ul style="list-style-type: none"> • a large volume of requests; • resourcing pressures; • competing priorities; • some requests not being sent directly to the central OIA inbox – resulting in delays if not forwarded immediately; and • the lengthy sign-off process required in some cases. <p>One respondent also cited the limited capability of the existing records management system to identify and capture all information within the scope of a request as an issue that</p>	<p>Moderate risk</p> <p>In the event that an OIA response from the Ministry is late, a request is declined, or the Ministry requests an extension of the mandatory timeframe, the requester can lodge a complaint with the Office of the Ombudsman.</p> <p>An investigation by the Ombudsman could result in an adverse finding against the Ministry.</p> <p>Any negative publicity surrounding a failure on the part of the Ministry to comply with the OIA might result in a loss of public confidence or reputational risk.</p>	<p>Managers who have noted occasional delays in responding to OIA requests have adopted procedures to mitigate the risk of unforeseen delays, for example, by staying in close contact with the Minister's office.</p> <p>The Ministry has implemented a programme, through the Government Relations Team, to enhance compliance with timeframes. This programme includes an education campaign and tools for staff.</p> <p>The Ministry is currently in the process of implementing an Enterprise Search functionality to enhance search capability on the Ministry's systems for identifying and capturing information.</p> <p>The Ministerial Executive and Government Services team in the Office of the Director-General is currently reviewing the Ministry's</p>

	might reduce the Ministry's compliance.		OIA processes in coordination with the Records and IT teams.
Public Records Act 2005 (PR Act) Oversight: Stewart Jessamine - Director of Protection, Regulation and Assurance Responsibility: Managers and all staff			
<p>The Ministry is required to create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor.</p> <p>Records must be in an accessible form, so as to be able to be used for subsequent reference, until their disposal is authorised under the PR Act.</p> <p>(Section 17, PR Act)</p>	<p>Overall, most managers indicated <i>full compliance</i> in meeting the Ministry's requirements under the PR Act. Some managers have noted that there are staff who are in the habit of saving documents to their computer hard drive or email system but that education is taking place to ensure that documents are stored on Lotus Notes.</p> <p>Due to its history as a separate entity from the Ministry, Audit and Compliance uses some databases that are incompatible with Lotus Notes (preventing that information from being stored there).</p>	<p>Moderate risk</p> <p>It is an offence under the PR Act to contravene or fail to comply with any provision of this Act or any regulations made under it. The penalties for committing an offence under the Act are:</p> <ul style="list-style-type: none"> • in the case of an individual, to a fine not exceeding \$5,000; • in every other case, to a fine not exceeding \$10,000. <p>Further to this the operational implications for the Ministry are as follows:</p> <ul style="list-style-type: none"> • Documents cannot be located when required. • Incorrect versions of documents are used. • Information is reworked because the original 	<p>Work towards ensuring increased compliance with the PR Act is underway through the Corporate Knowledge Services Project being undertaken in 2016/17, including seeking decisions to move to a new Electronic Content Management System.</p>

		<p>document cannot be located.</p> <ul style="list-style-type: none">• Multiple repositories are used but are not actively managed.	
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Released under the Official Information Act 1982

**Appendix 2: Core government and
Ministry Specific legislation surveyed**

GOVERNANCE & ACCOUNTABILITY

Ombudsmen Act 1975
Public Audit Act 2001
Public Finance Act 1989
Human Rights Act 1993
New Zealand Bill of Rights Act 1990
State Sector Act 1988
Protected Disclosures Act 2000

INFORMATION MANAGEMENT

Privacy Act 1993
Official Information Act 1982
Public Records Act 2005
Statistics Act 1975
Copyright Act 1994
National Library of New Zealand (Te Puna
Mātauranga o Aotearoa) Act 2003
Criminal Disclosure Act 2008

Coroners Act 2006
Electronic Transactions Act 2002
Defamation Act 1992

EMPLOYMENT RELATIONS

KiwiSaver Act 2006
Employment Relations Act 2000
Holidays Act 2003
Parental Leave and Employment Protection
Act 1987
Wages Protection Act 1983
Minimum Wage Act 1983
State Sector Act 1988
Equal Pay Act 1972
Fair Trading Act 1986
Minimum Wage Order 2010
Minimum Wage Order 2011
Volunteers Employment Protection Act
1973

HEALTH AND SAFETY

Health and Safety at Work Act 2015
Health and Safety in Employment
Regulations 1995
Health and Safety in Employment Act 1992
[repealed 4 April 2016]
Accident Compensation Act 2001

ENVIRONMENT

Civil Defence Emergency Management Act
2002
Occupiers' Liability Act 1962
Fire Service Act 1975
Building Act 2004
Fire Safety and Evacuation of Buildings
Regulations 2006
Hazardous Substances and New
Organisms Act 1996
New Zealand Geographic Board (Ngā Pou
Taunaha o Aotearoa) Act 2008
Electricity Act 1992 & Electricity (Safety)
Regulations 2010

Gas Act 1992

Plumbers, Gasfitters, and Drainlayers Act
2006

FINANCE

Public Finance Act 1989

Accident Compensation Act 2001

Social Security Act 1964

Child Support Act 1991

Student Loan Scheme Act 1992

MISCELLANEOUS

Commerce Act 1986

Crimes Act 1961

Secret Commissions Act 1910

Patents Act 1953

Trade Marks Act 2002

Consumer Guarantees Act 1993

TAX

Income Tax Act 2007

Tax Administration Act 1994

Goods and Services Tax Act 1985

MINISTRY SPECIFIC LEGISLATION

Cancer Registry Act 1993

Epidemic Preparedness Act 2006

Health Act 1956

Health and Disability Services (Safety) Act
2001

Health Sector (Transfers) Act 1993

Intellectual Disability (Compulsory Care and
Rehabilitation) Act 2003

Medicines Act 1981

Misuse of Drugs Act 1975

New Zealand Public Health and Disability
Act 2000

Radiation Protection Act 1965

Human Tissue Act 2008

Legislative Compliance Report

Survey period: 1 July 2014 – 30 June 2015

August 2015

Prepared by: Elizabeth Armstrong

Reviewed by: Phil Knipe

Released under the Official Information Act 1982

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Released under the Official Information Act 1982

1. Executive Summary

A legislative compliance survey has been run for the Ministry of Health for the period 1 July 2014 – 30 June 2015. The survey focussed on the core government and specific legislative requirements of the Ministry. Managers with key oversight roles and tier 4 managers and above were required to complete legislative compliance questions applicable to their roles. The completion rate for those required to complete the survey was 99% (91 out of 92).

Non-compliance of note has been declared in the following areas:

- Official Information Act 1982
- Public Records Act 2005

Many of the non-compliances are the same as those reported in the last survey period (1 January 2014 – 30 June 2014) but with a reduced risk due to the mitigating actions being taken. None of these has been assessed as representing major or extreme risks to the Ministry and actions are being taken to address the non-compliances (Appendix 1).

The next survey will be run in July 2016 for the period 1 July 2015 – 30 June 2016.

2. Legislative Compliance Programme

The Ministry has an obligation to ensure that all legislative and regulatory requirements are complied with. The public, the government, the Minister of Health, and Ministry employees all have an expectation that the Ministry will take all appropriate measures to ensure that this expectation is adequately met.

The monitoring of compliance through the ComplyWith survey tool is just one aspect of the legislative compliance programme, through which the Director-General is provided assurance that the Ministry is meeting its legislative responsibilities. Audit NZ is required to review the Ministry's legislative compliance framework as part of their Annual Audit.

Legislative compliance is a continual process and is a critical part of the Ministry's overall Risk Management Framework. This includes the analysis and measurement of risks, including legislative risks, to ensure the Ministry is managing these risks appropriately.

3. Legislative Compliance Survey

The legislative compliance survey asked managers legislative compliance questions specific to their role and responsibilities in the Ministry. This was determined by mapping core government and Ministry specific legislative responsibilities applicable to the Ministry and identifying accountabilities for these.

Organisational compliance questions

Organisational Ministry compliance questions were asked of managers whose roles include or enable oversight of Ministry compliance with particular legislation. Examples of these include:

- The Chief Financial Officer with aspects of the Public Finance Act.
- The Group Manager HR with aspects of the Employment Relations Act.

'All managers' questions

A group of questions was developed for 'all managers' and assesses compliance in relation to themselves and their direct reports. These questions have been developed specifically for the Ministry to link in with HR and financial delegations. These questions were asked of tier 4 managers and above.

These questions were also designed to educate and reinforce Ministry policy.

Catch all question

A catch all question was included to provide managers the opportunity to report any other instances of non-compliance that are not captured under the survey questions assigned to them.

Survey completion rate

A 99% completion rate (91 out of 92) was achieved, however, it took nearly two weeks from the initial close off date to get to the number of final responses to that level. One manager, Stuart Powell (NHB), did not complete the survey and no explanation has been provided. This is a repeated instance of non-compliance by Mr Powell.

4. Reported non-compliance

A small number of instances of legislative non-compliance have been reported. All of the declared non-compliances were assessed as representing minor or moderate risks to the Ministry; action is being taken to remedy all non-compliance (Appendix 1).

The instances of material non-compliance declared by staff are set out in Appendix 1.

Appendix 1: Reported legislative non-compliances

<p>Official Information Act 1982 (OIA) Oversight: Barbara Phillips Responsibility: Managers and all staff</p>			
<p>When a request for official information is made, the Ministry is required to issue a decision in respect of that request as soon as reasonably practicable and no later than 20 working days of receiving the request. (Section 15, OIA)</p> <p>The Ministry may request an extension of the 20 day time limit if it anticipates delay will involve processing a large quantity of information or if (Section 15A, OIA)</p> <p>If the Ministry does not hold the information requested, it is required to transfer the request to the appropriate agency no later than 10 working days after receiving the request. (Section 14, OIA)</p>	<p>Overall, most managers indicated <i>high to full compliance</i> in meeting the requirements of the OIA. However, a few managers have noted a small number of occasions where the Ministry has exceeded the OIA’s timeframes. These managers cited the following reasons for non-compliance in this area:</p> <ul style="list-style-type: none"> • competing priorities; and • the lengthy sign-off process required in some cases. 	<p>Moderate risk</p> <p>In the event that an OIA response from the Ministry is late, a request is declined, or the Ministry requests an extension of the mandatory timeframe, the requester can lodge a complaint with the Office of the Ombudsman.</p> <p>An investigation by the Ombudsman could result in an adverse finding against the Ministry.</p> <p>Any negative publicity surrounding a failure on the part of the Ministry to comply with the OIA might result in a loss of public confidence or reputational risk.</p>	<p>Managers who have noted occasional delays in responding to OIA requests have adopted procedures to mitigate the risk of unforeseen delays, for example, by staying in close contact with the Minister’s office.</p> <p>The Ministry has implemented a programme, through the Government Relations Team, to enhance compliance with timeframes. This programme includes an education campaign and tools for staff.</p> <p>Some business units have also put specific measures in place to improve performance, such as the Policy Business Unit’s Rapid Response Team.</p>

Public Records Act 2005 (PR Act) Oversight: Manager Corporate Knowledge Services, Corporate Services Business Unit Responsibility: Managers and all staff			
<p>The Ministry is required to create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor.</p> <p>Records must be in an accessible form, so as to be able to be used for subsequent reference, until their disposal is authorised under the PR Act.</p> <p>(Section 17, PR Act)</p>	<p>Overall, most managers indicated <i>high to full compliance</i> in meeting the Ministry's requirements under the PR Act. Some managers have noted that there are staff who are in the habit of saving documents to their computer hard drive but that education is taking place to ensure that documents are stored on Lotus Notes.</p>	<p>Moderate risk</p> <p>It is an offence under the PR Act to contravene or fail to comply with any provision of this Act or any regulations made under it. The penalties for committing an offence under the Act are:</p> <ul style="list-style-type: none"> • in the case of an individual, to a fine not exceeding \$5,000: • in every other case, to a fine not exceeding \$10,000. <p>Further to this the operational implications for the Ministry are as follows:</p> <ul style="list-style-type: none"> • Documents cannot be located when required. • Incorrect versions of documents are used. 	<p>Work towards ensuring increased compliance with the PR Act is underway through the Corporate Knowledge Services Project being undertaken in 2015, including seeking decisions to move to a new Electronic Content Management System.</p>

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		<ul style="list-style-type: none">• Information is reworked because the original document cannot be located.• Multiple repositories are used but are not actively managed.	

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Specific legislation surveyed**

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Public Finance Act 1989
Human Rights Act 1993
New Zealand Bill of Rights Act 1990
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Protected Disclosures Act 2000

INFORMATION MANAGEMENT

Privacy Act 1993
Official Information Act 1982
Public Records Act 2005
Statistics Act 1975
Copyright Act 1994
National Library of New Zealand (Te Puna
Matauranga o Aotearoa) Act 2003
Criminal Disclosure Act 2008

Coroners Act 2006
Electronic Transactions Act 2002
Defamation Act 1992

EMPLOYMENT RELATIONS

KiwiSaver Act 2006
Employment Relations Act 2000
Holidays Act 2003
Parental Leave and Employment
Protection Act 1987
Wages Protection Act 1983
Minimum Wage Act 1983
State Sector Act 1988
Equal Pay Act 1972
Fair Trading Act 1986
Minimum Wage Order 2010
Minimum Wage Order 2011
Volunteers Employment Protection Act
1973

HEALTH AND SAFETY

Health and Safety in Employment
Regulations 1995
Health and Safety in Employment Act 1992
Health and Safety in Employment
(Prescribed Matters) Regulations 2003
Accident Compensation Act 2001

ENVIRONMENT

Civil Defence Emergency Management Act
2002
Occupiers' Liability Act 1962
Fire Service Act 1975
Building Act 2004
Fire Safety and Evacuation of Buildings
Regulations 2006
Hazardous Substances and New
Organisms Act 1996
New Zealand Geographic Board (Nga Pou
Taunaha o Aotearoa) Act 2008
Electricity Act 1992 & Electricity (Safety)
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Gas Act 1992

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2006

FINANCE

Public Finance Act 1989

Accident Compensation Act 2001

Social Security Act 1964

Child Support Act 1991

Student Loan Scheme Act 1992

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Commerce Act 1986

Crimes Act 1961

Secret Commissions Act 1910

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Tax Administration Act 1994

Goods and Services Tax Act 1985

MINISTRY SPECIFIC LEGISLATION

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Health Act 1956

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2001

Health Sector (Transfers) Act 1993

Intellectual Disability (Compulsory Care
and Rehabilitation) Act 2003

Medicines Act 1981

Misuse of Drugs Act 1975

NZPHDA New Zealand Public Health and
Disability Act 2000

Radiation Protection Act 1965

Human Tissues Act 2008

Legislative Compliance Report

Survey period: 1 January 2014 – 30 June 2014

August 2014

Prepared by: Elizabeth Armstrong

Reviewed by: Phil Knipe

Released under the Official Information Act 1982

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Non-compliance of note has been declared in the following areas:

- Official Information Act 1982
- Public Records Act 2005
- Income Tax Act 2007
- Tax Administration Act 1994

Many of the non-compliances are the same as those reported in the last survey period (1 July 2013 – 31 December 2013) but with a reduced risk due to the mitigating actions being taken. None of these has been assessed as representing major or extreme risks to the Ministry and actions are being taken to address the non-compliances (Appendix 1).

The next survey will be run in July 2015 for the period 1 July 2014 – 30 June 2015.

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The Ministry has an obligation to ensure that all legislative and regulatory requirements are complied with. The public, the government, the Minister of Health, and Ministry employees all have an expectation that the Ministry will take all appropriate measures to ensure that this expectation is adequately met.

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A group of questions was developed for 'all managers' and assesses compliance in relation to themselves and their direct reports. These questions have been developed specifically for the Ministry to link in with HR and financial delegations. These questions were asked of tier 4 managers and above.

These questions were also designed to educate and reinforce Ministry policy.

Catch all question

A catch all question was included to provide managers the opportunity to report any other instances of non-compliance that are not captured under the survey questions assigned to them.

Survey completion rate

A 98% completion rate (95 out of 97) was achieved, however, it took nearly two weeks from the initial close off date to get to the number of final responses to that level. One manager who did not complete the survey was on secondment outside the Ministry during the survey period, while the other manager, Stuart Powell (NHB), did not complete the survey and no explanation has been provided.

4. Reported non-compliance

A small number of instances of legislative non-compliance have been reported. All of the declared non-compliances were assessed as representing minor or moderate risks to the Ministry; action is being taken to remedy all non-compliance (Appendix 1).

The instances of material non-compliance declared by staff are set out in Appendix 1.

Appendix 1: Reported legislative non-compliances

Legislative requirement	Reported non-compliance	Implication of non-compliance	Action taken to address non-compliance
Official Information Act 1982 (OIA) Oversight: Barbara Phillips Responsibility: Managers and all staff			
<p>When a request for official information is made, the Ministry is required to issue a decision in respect of that request as soon as reasonably practicable and no later than 20 working days of receiving the request. (Section 15, OIA)</p> <p>The Ministry may request an extension of the 20 day time limit if it anticipates delay will involve processing a large quantity of information or if (Section 15A, OIA)</p> <p>If the Ministry does not hold the information requested, it is required to transfer the request to the appropriate agency no later than 10 working days after receiving the request. (Section 14, OIA)</p>	<p>Overall, most managers indicated <i>high to full compliance</i> in meeting the requirements of the OIA. However, a number of managers have noted occasions where the Ministry has exceeded the OIA's timeframes. These managers cited the following reasons for non-compliance in this area:</p> <ul style="list-style-type: none"> • Competing priorities; • High volume of requests received; • High complexity of certain requests which took longer to process than anticipated; and • The lengthy sign-off process required in some cases. 	<p>Moderate risk</p> <p>In the event that an OIA response from the Ministry is late, a request is declined, or the Ministry requests an extension of the mandatory timeframe, the requester can lodge a complaint with the Office of the Ombudsman.</p> <p>An investigation by the Ombudsman could result in an adverse finding against the Ministry.</p> <p>Any negative publicity surrounding a failure on the part of the Ministry to comply with the OIA might result in a loss of public confidence or reputational risk.</p>	<p>Managers who have noted occasional delays in responding to OIA requests have adopted procedures to mitigate the risk of unforeseen delays, for example, by initiating the sign-off process early.</p> <p>The Ministry has initiated a programme, through the Government Relations Team, to enhance compliance with timeframes. This programme includes an education campaign and tools for staff.</p>

Legislative requirement	Reported non-compliance	Implication of non-compliance	Action taken to address non-compliance
Public Records Act 2005 (PR Act) Oversight: Manager Corporate Knowledge Services, Corporate Services Business Unit Responsibility: Managers and all staff			
<p>The Ministry is required to create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor.</p> <p>Records must be in an accessible form, so as to be able to be used for subsequent reference, until their disposal is authorised under the PR Act.</p> <p>(Section 17, PR Act)</p>	<p>Overall, most managers indicated <i>high to full compliance</i> in meeting the Ministry's requirements under the PR Act. Some managers have noted that there some filing backlogs among staff, but that these are being addressed.</p> <p>The Manager of Corporate Knowledge Services also noted some non-compliance with storage standards in Wellington, this is being addressed and work is currently underway to give the Records Team access to securely held information to enable electronic records to be assessed for retention and disposal</p>	<p>Moderate risk</p> <p>It is an offence under the PR Act to contravene or fail to comply with any provision of this Act or any regulations made under it. The penalties for committing an offence under the Act are:</p> <ul style="list-style-type: none"> • in the case of an individual, to a fine not exceeding \$5,000; • in every other case, to a fine not exceeding \$10,000. <p>Further to this the operational implications for the Ministry are as follows:</p> <ul style="list-style-type: none"> • Documents cannot be located when required. • Incorrect versions of documents are used. • Information is reworked because the original document cannot be located. • Multiple repositories are used but are not actively managed. 	<p>Archives New Zealand conducted an audit of the Ministry's compliance with the PR Act and reported back in August 2014.</p> <p>The findings of the audit were:</p> <ul style="list-style-type: none"> • that the Ministry is making good progress with developing its recordkeeping capability; • that overall awareness within the Ministry of the requirements of the PR Act is good; and • that the Ministry is taking positive steps to update its systems to ensure the dissemination of accurate information and improve management of both physical and electronic data. <p>In closing, the audit report stated:</p> <p><i>The Ministry of Health's stakeholders can therefore have a measure of</i></p>

Legislative requirement	Reported non-compliance	Implication of non-compliance	Action taken to address non-compliance
			<p><i>assurance that its recordkeeping is consistent with good practice, and contributing to broader organisational and governmental goals.</i></p> <p>Work towards ensuring increased compliance with the PR Act is underway through the Corporate Knowledge Services Project being undertaken in 2014 and 2015.</p>

Legislative requirement	Reported non-compliance	Implication of non-compliance	Action taken to address non-compliance
<p>Income Tax Act 2007 Tax Administration Act 1994 Goods and Services Tax Act 1985 Responsibility: Managers and all staff</p>			
<p>The Ministry's tax liability is governed by the Income Tax Act 2007, the Tax Administration Act 1994 and the Goods and Services Tax Act 1985.</p>	<p>Inland Revenue recently completed an audit on the Ministry, after which it advised that the Ministry's eye care benefits are taxable income and that Fringe Benefit Tax (FBT) should be applied to them.</p> <p>The Ministry has taken ameliorative action and the discrepancies are being</p>	<p>Moderate risk</p> <p>Failure by the Ministry to meet its tax obligations could result in the imposition of penalties by Inland Revenue.</p>	<p>Led by the Finance team, work towards ensuring compliance is almost complete.</p>

Legislative requirement	Reported non-compliance	Implication of non-compliance	Action taken to address non-compliance
	corrected with Inland Revenue.		

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Hazardous Substances and New
Organisms Act 1996
New Zealand Geographic Board (Nga Pou
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April 2014

Prepared by: Elizabeth Armstrong

Reviewed by: Phil Knipe

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Health, and Ministry employees all have an expectation that the Ministry will take all appropriate measures to ensure that this expectation is adequately met.

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- The Group Manager HR with aspects of the Employment Relations Act.

'All managers' questions

A group of questions was developed for 'all managers' and asks compliance in relation to themselves and their direct reports. These questions have been developed specifically for the Ministry linking with HR and financial delegations. These questions were asked of tier 4 managers and above.

These questions were also designed to educate and reinforce Ministry policy.

Catch all question

A catch all question was included to provide managers the opportunity to report any other instances of non-compliance that are not captured under the survey questions assigned to them.

Survey completion rate

A 99% completion rate (89 out of 90) was achieved, however, it took 4 weeks from the initial close off date to get to the number of final responses to that level. The only manager who did not complete the survey was reportedly on leave during the survey period.

4. Reported non-compliance

A small number of instances of legislative non-compliance have been reported. All of the declared non-compliances were assessed as representing minor or moderate risks to the Ministry; action is being taken to remedy all non-compliance (Appendix 1).

The instances of material non-compliance declared by staff are set out in Appendix 1.

Appendix 1: Reported legislative non-compliances

Legislative requirement	Reported non-compliance	Implication of non-compliance	Action taken to address non-compliance
Privacy Act 1993 (Privacy Act) Responsibility: Managers and all staff			
<p>The Ministry is required to adhere to the Privacy Act's Information Privacy Principles (IPP).</p> <p>(Sections 6 and 8 of the Privacy Act)</p>	<p>Non-compliance has been reported in relation to a small number of privacy breaches involving the inadvertent disclosure of personal information to third parties.</p> <p>For example, an error by a supplier (New Zealand Post), who sent letters containing personal information to the wrong individuals.</p> <p>In another instance, an historic privacy breach was discovered during the reporting period, which dated back to between 2007 and 2010. During this time, identifiable data about 12 individuals was used in a training manual. Upon discovery of this privacy breach, the Ministry informed and apologised to the affected parties.</p> <p>(IPP 5 and 11)</p>	<p>Moderate risk</p> <p>In the event of a privacy breach, the affected party (or parties) could lodge a complaint with the Office of the Privacy Commissioner (OPC) or the OPC could launch an investigation of its own motion, depending on the severity of the breach.</p> <p>An investigation by the OPC could result in an adverse finding against the Ministry and/or a referral to the Human Rights Review Tribunal.</p> <p>Any negative publicity surrounding a breach might result in a loss of public confidence or reputational risk.</p>	<p>Consultation took place with the Privacy Officer and agreed actions were taken to remedy the breaches, including informing the OPC. Where appropriate, service users were informed of breaches and apologies were issued.</p> <p>New breach notification and remedy processes have been introduced in addition to the ongoing work already being done to raise awareness of privacy obligations and the breach reporting process.</p>

Legislative requirement	Reported non-compliance	Implication of non-compliance	Action taken to address non-compliance
Official Information Act 1982 (OIA) Oversight: Barbara Phillips Responsibility: Managers and all staff			
<p>When a request for official information is made, the Ministry is required to issue a decision in respect of that request as soon as reasonably practicable and no later than 20 working days of receiving the request.</p> <p>(Section 15, OIA)</p> <p>The Ministry may request an extension of the 20 day time limit if it anticipates delay will involve processing a large quantity of information or if</p> <p>(Section 15A, OIA)</p> <p>If the Ministry does not hold the information requested, it is required to transfer the request to the appropriate agency no later than 10 working days after receiving the request.</p> <p>(Section 14, OIA)</p>	<p>Overall, most managers indicated <i>high to full compliance</i> in meeting the requirements of the OIA. However, a number of managers have noted occasions where the Ministry has exceeded the OIA's timeframes. These managers cited the following reasons for non-compliance in this area:</p> <ul style="list-style-type: none"> • Competing priorities; • High volume of requests received; • High complexity of certain requests which took longer to process than anticipated; and • The added encumbrance of a health report being required in some cases. 	<p>Moderate risk</p> <p>In the event that an OIA response from the Ministry is late, a request is declined, or the Ministry requests an extension of the mandatory timeframe, the requester can lodge a complaint with the Office of the Ombudsman.</p> <p>An investigation by the Ombudsman could result in an adverse finding against the Ministry.</p> <p>Any negative publicity surrounding a failure on the part of the Ministry to comply with the OIA might result in a loss of public confidence or reputational risk.</p>	<p>The Government Relations team is in the process of providing advice to the Executive Leadership Team about compliance with the OIA and options for improving the quality and timeliness of responses. This advice is expected to be provided by the end of April 2014.</p>

Legislative requirement	Reported non-compliance	Implication of non-compliance	Action taken to address non-compliance
Public Records Act 2005 (PR Act) Oversight: Manager Corporate Knowledge Services, Corporate Services Business Unit Responsibility: Managers and all staff			
<p>The Ministry is required to create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor.</p> <p>Records must be in an accessible form, so as to be able to be used for subsequent reference, until their disposal is authorised under the PR Act.</p> <p>(Section 17, PR Act)</p>	<p>Overall, most managers indicated <i>high to full compliance</i> in meeting the Ministry's requirements under the PR Act. Some managers have noted that there some filing backlogs among staff, but that these are being addressed.</p> <p>The Manager of Corporate Knowledge Services also noted some non-compliance with storage standards in Wellington. A plan to address these issues is going to be implemented in 2014 and 2015.</p>	<p>Moderate risk</p> <p>It is an offence under the PR Act to contravene or fail to comply with any provision of this Act or any regulations made under it. The penalties for committing an offence under the Act are:</p> <ul style="list-style-type: none"> • in the case of an individual, to a fine not exceeding \$5,000; • in every other case, to a fine not exceeding \$10,000. <p>The Chief Archivist commenced audits of Government Departments to ensure compliance with the PR Act from June 2010. The Ministry will receive six months notification prior to the audit commencing.</p> <p>Further to this the operational implications for the Ministry are as follows:</p> <ul style="list-style-type: none"> • Documents cannot be located 	<p>Work towards ensuring compliance is underway through the Corporate Knowledge Services Project being undertaken in 2014 and 2015..</p>

Legislative requirement	Reported non-compliance	Implication of non-compliance	Action taken to address non-compliance
		<p>when required.</p> <ul style="list-style-type: none"> • Incorrect versions of documents are used. • Information is reworked because the original document cannot be located. • Multiple repositories are used but are not actively managed. 	

Legislative requirement	Reported non-compliance	Implication of non-compliance	Action taken to address non-compliance
Income Tax Act 2007 Tax Administration Act 1994 Goods and Services Tax Act 1985 Responsibility: Managers and all staff			
<p>The Ministry's tax liability is governed by the Income Tax Act 2007, the Tax Administration Act 1994 and the Goods and Services Tax Act 1985.</p>	<p>Inland Revenue recently completed a comprehensive audit on the Ministry, during which it discovered some errors, such as Fringe Benefit Tax (FBT) not being paid in a small number of cases.</p> <p>The Ministry has taken ameliorative action and the discrepancies are being corrected with Inland Revenue.</p>	<p>Moderate risk</p> <p>Failure by the Ministry to meet its tax obligations could result in the imposition of penalties by Inland Revenue.</p>	<p>Led by the Finance team, work towards ensuring compliance is almost complete.</p>

**Appendix 2: Core government and Ministry
Specific legislation surveyed**

GOVERNANCE & ACCOUNTABILITY

Ombudsmen Act 1975
Public Audit Act 2001
Public Finance Act 1989
Human Rights Act 1993
New Zealand Bill of Rights Act 1990
State Sector Act 1988
Protected Disclosures Act 2000

INFORMATION MANAGEMENT

Privacy Act 1993
Official Information Act 1982
Public Records Act 2005
Statistics Act 1975
Copyright Act 1994
National Library of New Zealand (Te Puna
Matauranga o Aotearoa) Act 2003
Criminal Disclosure Act 2008

Coroners Act 2006
Electronic Transactions Act 2002
Defamation Act 1992

EMPLOYMENT RELATIONS

KiwiSaver Act 2006
Employment Relations Act 2000
Holidays Act 2003
Parental Leave and Employment
Protection Act 1987
Wages Protection Act 1983
Minimum Wage Act 1983
State Sector Act 1988
Equal Pay Act 1972
Fair Trading Act 1986
Minimum Wage Order 2010
Minimum Wage Order 2011
Volunteers Employment Protection Act
1973

HEALTH AND SAFETY

Health and Safety in Employment
Regulations 1995
Health and Safety in Employment Act 1992
Health and Safety in Employment
(Prescribed Matters) Regulations 2003
Accident Compensation Act 2001

ENVIRONMENT

Civil Defence Emergency Management Act
2002
Occupiers' Liability Act 1962
Fire Service Act 1975
Building Act 2004
Fire Safety and Evacuation of Buildings
Regulations 2006
Hazardous Substances and New
Organisms Act 1996
New Zealand Geographic Board (Nga Pou
Taunaha o Aotearoa) Act 2008
Electricity Act 1992 & Electricity (Safety)
Regulations 2010

Gas Act 1992

Plumbers, Gasfitters, and Drainlayers Act
2006

FINANCE

Public Finance Act 1989

Accident Compensation Act 2001

Social Security Act 1964

Child Support Act 1991

Student Loan Scheme Act 1992

MISCELLANEOUS

Commerce Act 1986

Crimes Act 1961

Secret Commissions Act 1910

Patents Act 1953

Trade Marks Act 2002

Consumer Guarantees Act 1993

TAX

Income Tax Act 2007

Tax Administration Act 1994

Goods and Services Tax Act 1985

MINISTRY SPECIFIC LEGISLATION

Cancer Registry Act 1993

Epidemic Preparedness Act 2006

Health Act 1956

Health and Disability Services (Safety) Act
2001

Health Sector (Transfers) Act 1993

Intellectual Disability (Compulsory Care
and Rehabilitation) Act 2003

Medicines Act 1981

Misuse of Drugs Act 1975

NZPHDA New Zealand Public Health and
Disability Act 2000

Radiation Protection Act 1965

Human Tissues Act 2008