

LEGISLATIVE COMPLIANCE REGISTER

HEALTH HAWKE'S BAY LIMITED

LEGISLATION	RESPONSIBILITY	Impact of not complying	Existing Controls	Compliant	Additional actions required
KEY BUSINESS LEGISLATION					
Charities Act 2005	Directors, CEO, CSM	Non-compliance - company no longer being a not-for-profit entity resulting in breach of PHO Services Agreement; required to pay tax.	Constitution and Trust Deed. Annual returns completed by CSM.	✓	Nil noted
Commerce Act 1986	n/a	Not relevant to organisation - pricing and competition not objective due to not-for-profit focus	n/a		n/a
Companies Act 1993	Directors, CEO, CSM	Non-compliance may result in company struck-off the Companies Office Register. Non-compliance may result in penalties for companies and directors. See below for minimum requirements (to be held for minimum of 7 years:	Ensure maintenance of company records as required (to be held for minimum of 7 years) as follows:	✓	Nil noted
	Directors, FAR committee, CEO, CSM	1. Company records: Constitution, minutes, register of directors interest, full names and addresses of Directors, annual reports, financial statements, share register	Any changes to constitution filed with Companies Office; conflicts register for Directors held and updated regularly; annual reports approved at AGM. Annual return completed each year and any changes to directors updated in Companies Office; Share register updated as and when required.	✓	Nil noted
	Directors, FAR committee, CEO, CSM	2 Accounting: Correctly record and explain the company's transactions; Enable the directors to ensure that the company's financial statements comply with the Financial Reporting Act 1993, Enable the company's financial statements to be readily and properly audited.	Monthly financial reporting to FAR and Board; Annual financial statements audited and approved by Board. Records are maintained electronically for minimum of 7 years. Backup of IT systems.	✓	Nil noted
Consumer Guarantees Act 1993	n/a	Not relevant to organisation	n/a		n/a
Financial Reporting Act 2013	Directors, CEO, CSM	Non-compliance may result in qualified audit opinion.	Independent auditors. CSM is a Chartered Accountant and responsibilities include keeping up with all changes to the Financial Reporting Standards impacting on company and updating risk register	✓	Upcoming changes in Financial Reporting Standards regarding not-for-profit entities will impact on Company for year ending 30 June 2016. CSM to assess these changes and report to FAR on a regular basis
Income Tax Act 2007/Tax Administration Act 1994, Gst Act 1985	Directors, CSM	GST calculations incorrect or not paid resulting in penalties and interest. (Income Tax Act n/a as not a taxpayer)	Accounting Assistant responsible for preparation of GST, reviewed by CSM. Financial accounts audited by independent auditor.	✓	Nil
HUMAN RESOURCES					
Criminal Records (Clean Slate) Act 2004	Management	It is an offence for any person, without lawful authority, to require or request that an individual disclose their criminal record, when he/she is lawfully entitled not to. The maximum penalty for this offence is a fine not exceeding \$10,000.	Current application for employment policy asks application to complete questionnaire regarding if they have had any court conviction in last 10 years and are they currently waiting on the hearing of any charges. However, unlikely to insist on requesting this disclosure if individual is lawfully entitled not to.	✓	Nil
Employment Relations Amendment Act 2014	CEO, CSM	Non-compliance with Act may result in employment dispute with employee/s resulting in penalties, media attention	Employment agreement template provided by company's legal advisors used for all employees. Use of Human Resource Consultancy company for any potential disputes. Employee policies in Management Manual regularly reviewed	✓	Nil
Equal Pay Act 1972	Management	Non-compliance with Act may result in employment dispute with employee/s resulting in penalties, media attention	Remuneration policy in place for level of skills required for job description.	✓	Nil
Holidays Act 2003	Management and Contracted to AMS	Non-compliance may result in penalties (not exceeding \$20,000)	Payroll provision outsourced (AMS). Payroll oversight by CSM. All employees have online access to holidays owing etc.	✓	
Human Rights Act 1993	Management	Non-compliance may result in legal proceedings/unwanted media attention	Recruitment policy and Harassment policy in place. Standard employment contracts in place.	✓	

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Kiwi Saver Act 2006	Contracted to AMS	Non-compliance may result in penalties	Payroll provision outsourced (AMS). Payroll oversight by CSM.	✓	
Minimum Wage Act 1983 & Regulations	Management and Contracted to AMS	Non-compliance may result in penalties.	Payroll provision outsourced (AMS). All employees have individual contracts (no current employees on minimum wage)	✓	
Parental Leave and Employment Protection Act 1987	CEO, CSM and Contracted to AMS	Non-compliance may result in penalties.	Payroll provision outsourced (AMS). Payroll oversight by CSM. Parental leave policy in place	✓	
Smoke-free Environments Act 1990	Health & Safety Officer	Non-compliance may result in a fine (not exceeding \$4,000)	Policy in place: Smoke Free/Auahai Lore Policy	✓	
Wages Protection Act 1983	Management and Contracted to AMS	Non-compliance may result in penalties.	Payroll provision outsourced (AMS). Payroll oversight by CSM.	✓	

HEALTH AND SAFETY

Fire Safety and Evacuation of Buildings Regulations 2006	Directors, CSM, Health & Safety Officer	Non-compliance may result in penalties	Health & Safety policies in place. Nearest exits clearly identified. Fire extinguishers in office with training given on use. Regular check of fire alarm conducted by building owner. Fire drills undertaken.	✓	Nil
Health and Safety in Employment Act 1992	Directors, CSM, Health & Safety Officer	Non-compliance may result in injury; penalties	Health & Safety policies in place. Regular reporting of Health & Safety to Board.	✓	Upcoming changes to Health and Safety Reform Bill Legislation - expected to be in place by 1 July 2015.
Injury Prevention, Rehabilitation and Compensation Act 2001	Directors, CSM, Health & Safety Officer	Non-compliance may result in injury; penalties	Health & Safety policies in place. Regular reporting of Health & Safety to Board.	✓	

OTHER

Copyright Act 1994	Management	Minimal	Awareness of copyright material being used for promotional material.	✓	Nil
Electronic Transactions Act 2002	IT/ CSM	The Act clarifies that an electronic transaction or communication cannot be denied legal effect solely because it is in electronic form. Risk is losing electronic records of emails that may confirm offer and acceptance of contracts.	IT systems are maintained and backed up daily.	✓	Nil
Privacy Act 1993	Management and IT	Non-compliance can result in severe penalties, media attention	Privacy Act Policy in place outlining that all staff and members of HHB and those working as a contractor for HHB will adhere to New Zealand legislation as it applies to the Privacy Act	✓	
Health Information Privacy Code 1994	Management and all staff	Non-compliance can result in severe penalties, media attention	Privacy Act Policy in place outlining that all staff and members of HHB and those working as a contractor for HHB will adhere to New Zealand legislation as it applies to the Privacy Act	✓	Nil
Official Information Act 1982	CEO, Directors	Non-compliance can result in investigation by Ombudsman (note: only State Sector agencies which does not include HHB, but does include DHBs)	This would be overseen by the DHB	✓	Nil
Patents Act 2013	n/a	n/a - no patents	n/a	✓	
Personal Property Securities Act 1999	n/a	N/a - no lending undertaken.	n/a	✓	
Protected Disclosures Act 2000	CEO, Directors	Potentially personal grievance claim (An employee who suffers retaliatory action by their employer for making a protected disclosure)	Complaints policy procedures (nb: This does not cover employees directly, only complaints received from clients of HHB); Performance and misconduct manual available for performance management	✗	The purpose of the Act is to encourage people to report serious wrongdoing in the workplace by providing protection for employees who want to 'blow the whistle'. This applies to public and private sector workplaces. No specific policy as such. To consider if this is required.
Resource Management Act 1991	CSM	Minimal. The purpose of this Act is to promote the sustainable management of natural and physical resources	Encourage sustainability by less use of natural resources, such as reduce printing, use of IT systems, etc	✓	Nil
Trade Marks Act 2002	n/a	n/a - no trademarks	n/a	✓	Nil