

Compliance Intervention Panel - standard operating procedures

Glossary

CIP	Compliance Intervention Panel
MNZ	Maritime New Zealand
Triage	The application of a risk based methodology to information received which then helps to determine the action to be taken by the organisation in relation to the information
Notification	A notification received pursuant to the statutory requirements of the Maritime Transport Act (MTA) or the Health and Safety in Employment (HSE) Act.
Complaint	A complaint made about an incident or behaviour in the maritime sector
TAIC	Transport Accident Investigation Commission
Compliance action	Action by Maritime NZ to support, encourage and require compliance

Purpose

The purpose of the CIP is to support and enable MNZ in its compliance activities by providing guidance, direction, advice, and decisions regarding courses of action to be followed in responding to compliance issues.

The CIP supports a robust, consistent and proper operational decision-making capability. It does not replace the need for statutory decisions that require formal delegations to be made by the holders of those delegations.

This document sets out how the CIP operates.

CIP members and Chair

The CIP is a collaborative group of third-tier managers and technical specialists from across MNZ. The CIP will ensure it maintains a diverse range of technical skills and experiences from across MNZ. Participants will come from the following teams;

- Legal
- Regional compliance teams
- The Intelligence and Planning team
- Technical Services
- Maritime Security (MIRT)
- Policy and Regulatory

The Manager of Intelligence and Planning will chair the CIP and provide an administrator.

Mode of operation

MNZ's Compliance Operating Model, including the Compliance Strategy and Compliance Intervention Guidelines, provides the framework for the CIP.

The CIP will operate as set out below, ordinarily meeting fortnightly to consider matters arising from:

- preliminary TAIC reports for comment
- TAIC recommendations
- recommendations from Coroners.

In addition, the CIP will make decisions and/or recommendations on:

- principles to be applied when considering responses to common safety, security and environmental issues
- specific cases
- systemic and/or challenging compliance issues
- administrative matters, including records management
- coordination of responses to recommendations from TAIC and Coroners
- possible regulatory changes.

The Intelligence and Planning Team will vet other matters that are to be considered by the CIP¹ arising from:

- notifications, complaints or information received about incidents in the maritime sector
- any other information coming to MNZ's attention indicates non-compliance, either by individuals, sub-sectors or sectors of the maritime community.

Matters not considered by the CIP, but considered elsewhere in MNZ, will still be addressed according to the MNZ Compliance Strategy and Compliance Intervention Guidelines, no matter where they are dealt with in MNZ.

In accordance with MNZ's Compliance Strategy, and using collective experience, knowledge and available intelligence, the CIP will lead and promote a consistent approach to MNZ's compliance activities. The panel will make decisions by consensus.

Decision-making framework

MNZ's Compliance Intervention Guidelines will provide the primary decision-making guidance when considering what kind of action/interventions are required.

In addition, the CIP will, from time to time, identify common compliance issues and provide advice to all staff as to how they might be dealt with in a way that is consistent with these Guidelines².

The CIP may take account of any additional factors it considers relevant to a matter under consideration.

The CIP will:

- advise on the best course of action and provide recommendations on how that may be achieved
- direct those recommendations for action
- provide guidance at the various relevant stages of ongoing or complex matters in support of the exercise of appropriate delegations and applicable statutory processes³.

The CIP will review the Compliance Intervention Guidelines on a regular basis to ensure they are appropriate, giving account to harm, accident and compliance behavior trends.

The CIP will endeavor to be available for any member of MNZ seeking a steer, guidance or opinion on a compliance-related matter.

¹ There is no need for the CIP to review each and every piece of information that comes to MNZ. A "quality over quantity approach" should be taken.

² This is based on the premise that we know the types of accidents/incidents that occur. In the interests of ensuring a timely response, it is better to determine how we will respond to something before it arises rather reactively. These principles can be used by the Intelligence & Planning team to vet the quantity of items considered by the CIP.

³ For example, this will include investigations undertaken with a view towards prosecution. Following initial inquiries, the CIP will advise whether or not an investigation with that purpose in mind should continue. They should again review the matter following evidential sufficiency and prior to it going to the GM Compliance for the final decision.

Levels of authority

The CIP delegation of authority to allocate work packages to operational teams or individuals is established through the M NZ Executive Leadership Team's agreement to this SOP, which will be reviewed on an annual basis.

It isn't intended that delegations will be required by the CIP or its Chair, given the nature of the CIP's function, but this can be reassessed as required.

Quality assurance

A review of this SOP and its effective implementation will be undertaken on an annual basis.

Records management and administration

The administrator will ensure that all the guidance, direction, advice and decisions made by the CIP is recorded on the relevant file(s), in accordance with MNZ's Records Management Policy.