



Maritime New Zealand Compliance Strategy

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Maritime New Zealand Compliance Strategy

Purpose

This strategy outlines Maritime NZ's compliance strategy for the maritime sector, i.e. anyone operating in the marine environment, whether commercially or recreationally.

Maritime transport system and marine environment

Activities that take place in the maritime transport system and marine environment involve safety, security, and environmental hazards. In the ideal world, everyone operating in the maritime sector would operate safely and responsibly, ensuring they complied with applicable rules and that they were fully aware of any hazards, the risks they posed, and how to eliminate or reduce those risks. In reality, some form of intervention is necessary to ensure that members of the maritime community take account of all hazards and risks.

Our Vision – “Safe, secure, clean.”

Maritime NZ's vision is: “A maritime community that works and plays safely and securely on clean waters”.

Maritime NZ's regulatory and other activities, aim to achieve this vision by:

- promoting a safety culture
- encouraging the adoption and operation of effective safety planning and systems
- taking action to eliminate or minimise behaviours that are unsafe, pose threats to security, or endanger the maritime environment
- responding when accidents and incidents occur, such as vessel groundings, oil spills or the release of hazardous substances
- taking appropriate compliance action using the right tool at the right time (refer *Maritime NZ Compliance Intervention Guidelines*).

Legislation

Maritime NZ is empowered by the following legislation in carrying out its activities:

- Maritime Transport Act 1994
- Health and Safety at Work Act 2015
- Hazardous Substances and New Organisms Act 1996
- Maritime Security Act 2004

What we are trying to achieve – our outcomes

Overview

The government is seeking a transport system that maximises economic and social benefits for New Zealand and minimises harm. The Ministry of Transport has defined four system outcomes that guide the work of transport sector agencies and Crown entities, including Maritime NZ:

- Safe and responsible: Reduces the harms from transport
- Effective: Moves people and freight where they need to go in a timely manner
- Efficient: Delivers the right infrastructure and services to the right level at the best cost
- Resilient: Meets future needs and endures shocks

(Maritime NZ Statement of Intent)

New Zealand is part of an international maritime community that has a number of conventions in place establishing obligations for:

- the safety of life at sea

- seafarer competency standards
- prevention of pollution.

These international obligations, and government policies, are reflected in New Zealand's maritime policy and legislative framework ("the regulatory framework").

The Ministry of Transport is responsible for advising the government on the regulatory framework. Maritime NZ is a Crown agency and the regulator for the maritime sector.

Maritime NZ's responsibilities include promoting maritime safety and security, and protection of the marine environment in New Zealand

The Director is charged with a range of responsibilities, including

- exercising control over entry to the maritime transport system through granting maritime documents and marine protection documents
- taking appropriate action to enforce relevant legislation, including the MTA and HSW Act
- monitoring compliance with regulatory requirements within the maritime transport system.

Our approach

Maritime NZ's approach to compliance intervention is consistent with the publication *Achieving Compliance - A Guide for Compliance Agencies in New Zealand*, June 2011, which notes:

"A successful and cost-effective compliance strategy will draw on a range of options for responding to non-compliance. Responses can range from encouraging and assisting an individual or business to comply where the risk presented is minor, to revoking an operating license and bringing criminal or civil court action in cases of serious risk and deliberate non-compliance.

*"Having a toolkit of graduated responses enables the compliance agency to impose a response that is **proportionate to the risk** posed by the non-compliance.*

"This flexibility also enables the compliance agency:

- *To target the most serious and highest-priority risks presented by the non-compliance*
- *To minimize the costs associated with the agency's response*
- *To take account of the willingness and capacity of the non-compliant entity to return to compliance*
- *To signal to the non-compliant entity concerned, and to the wider regulated sector, the level of seriousness with which the agency views the non-compliance and the risks it poses*
- *To adjust its response in an individual case by escalating or de-escalating the level of its approach as necessary."*

Our responsibilities

Health and Safety

The maritime sector is a high-risk environment. That makes a focus on health and safety particularly important for work on board ships, commercial operators and recreational users. Maritime NZ is concerned about the harmful effects that a lack of safe practices and unhealthy working conditions can have.

In particular, we are concerned about practices that:

- cause death or injury
- increase the likelihood of death or injury
- cause damage to property.

Security

The maritime sector is potentially vulnerable to security threats such as terrorist activities. While these risks may seem remote, terrorist incidents occur around the world and the consequences of a single incident can be extreme. Accordingly, we are concerned about the harm that security threats pose to New Zealanders, to port facilities and to vessels.

Clean marine environments

Maritime NZ is concerned about the harm that maritime operations can have on the marine environment.

Operator responsibilities

Operators have responsibilities for the way they operate, including to navigate safely and to ensure vessel safety and the health and safety of the people on board their vessels. They also have responsibilities for maritime security and protecting the marine environment. These responsibilities may vary depending on whether the operator is commercial or recreational. They also depend on the size and type of vessel, and where vessels are operating.

Operator responsibility for health and safety

Complying with the law rules and taking all practical steps

Commercial operators and other participants (e.g. PCBU's, workers and others) in the maritime transport sector must:

1. Comply with all relevant laws regarding vessels and operations aboard vessels. The main pieces of legislation are the Health and Safety at Work Act 2015 (HSWA) and the Maritime Transport Act 1994 (MTA).
2. Where a ship is a place of work, PCBU's must ensure so far as is reasonably practicable, the health and safety of workers and other people on board their vessels. This means identifying risks and putting in place controls to eliminate or minimise those risks so far as is reasonably practicable. Workers also have responsibilities including ensuring that their actions do not harm themselves or others. This is a continuous and on-going responsibility - not a 'once a year' type of concern at time of audit. It is about having a safety culture embedded in the operation.

Health and safety is about more than the safety of vessels – it is also about workplaces and health

Traditionally, the regulatory system and commercial operators have focused their efforts on the safety of vessels.

But vessels are also floating workplaces, and these workplaces need to be kept healthy and safe. The traditional approach to maritime safety has not always considered worker health. There is a need to consider wider health and safety issues, such as working in the sun, preventing slips and falls in the fish factory that is part of a vessel, handling hazardous substances, hygiene, fatigue and dehydration.

A safety system and the realities it must deal with

It is the responsibility of commercial operators (and recreational water users) to carry out their activities safely. This means having a vessel and equipment that is in good working order, and having an effective system in place to ensure these are operated safely. A safety system is a systematic, explicit and complete process for identifying and managing risks.

Adverse circumstances and poor decision-making by commercial operators and workers can undermine a safety system and how it works. Maritime NZ recognises that commercial operators may be subject to financial, timing, or other pressures. These commercial considerations can create a temptation to cut corners.

Making a safety system work in practice means having processes in place to continuously monitor and review the safety system – both to ensure that safety processes are actually being followed and that those processes are effective in what may be changing circumstances.

Any safety system must be designed so that there is minimal incentive to opt out of the system. Operators will, of course, respond to financial pressures, but they must not do so at the expense of safety.

Workers face similar pressures. Doing things safely may, in the short term, slow things down, or be inconvenient, or impact financially (e.g. through the loss of a production bonus). Operators need to take this into account and deal with it appropriately.

Safety culture

Operators need to examine their organisational culture. Are workers properly trained in safety? Do they understand the safety system? Do they routinely look to identify risks and potential hazards? Are there incentives (e.g. production bonuses, timing pressures) that potentially push staff to cut corners? If so, how does the operator prevent an incentive from undermining safety? Is there a strong safety culture in the organisation?¹

Preventing hazards and responding to problems

Safety systems need to cover how to eliminate or minimise risks and prevent incidents happening and what to do if they occur. For example, vessel design and other arrangements should prevent people falling overboard, but plans need to include how to rescue someone if they do fall overboard, and drills undertaken to practise what to do in this situation.

Reading the signs to identify systemic problems

Safety systems need to be set up so that they alert the operator and Maritime NZ to wider problems. For example, if a fire extinguisher is not working or a lifeboat will not launch properly due to corrosion, then those problems need to be fixed. But, more importantly, these are signs that the maintenance plan is not working. The maintenance plan should result in regular checks, and the repair or replacement of safety equipment before it becomes defective (whether by corrosion or deterioration). The maintenance plan may also need review, if defective equipment is being found.

Passengers and others working on board the ship

Safety systems need to be appropriate for the specific operation. Where the operation transports passengers, the systems will need to be set up with this in mind and cover such things as safety briefings, communication and emergency management. Where other businesses are working on board, the safety system will need to take this into account. This will involve communication and co-operation to ensure the safety of all on board.

International shipping

International shipping is subject to a number of specific requirements that are set by international conventions relating to vessel construction, safe and clean operation and crewing – all of which are driven by a desire for safe, secure and clean maritime operations.

Recreational boating

While not subject to all the same legislative requirements as commercial operators, recreational boaties are encouraged to operate in the same way. Skippers have a responsibility under the law for ensuring safety practices are followed.

To be safe, they must maintain their vessels and equipment in good working order, understand navigation and the maritime 'rules of the road'. There are four key risk factors for recreational boaties which can be minimised by:

- wearing lifejackets

¹ While safety culture is not given specific statutory expression, the concept is entirely consistent with the legislative instruction of ensuring so far as is reasonably practicable the health and safety of workers and others (HSW Act) and being responsible for the safe operation of a ship (MTA). When we refer to safety culture, we mean the product of individual and group values, attitudes, competencies and patterns of behaviour that determine the commitment to, and the style and proficiency of, an organisation's safety management system.

- having at least two ways of calling for help (VHF radio, distress beacon, cell phone and flares) that are waterproof
- checking the marine weather before deciding whether to go out
- avoiding alcohol.

Boaties should also make a simple trip pre-report that tells someone on shore where they are going, who they are with, and when they will return. This can also be provided to Coastguard.

Operator responsibility regarding security

Ports and New Zealand-flagged ships are required by law to complete a security risk assessment and to develop security plans to manage security risks from terrorist activities. Those plans are subject to Maritime NZ approval. Ports must also conduct annual exercises to test the effectiveness of those plans, and are subject to annual audits and unannounced inspections by Maritime NZ.

New Zealand-registered international ships must have a security plan approved by Maritime NZ before they depart New Zealand.

Operator responsibility to protect the marine environment

Pollution prevention

Operators must prevent their ships from polluting the sea. To do so, operators must comply with restrictions on areas of operation (such as “areas to be avoided”) and prohibitions and limits on the discharge of harmful substances. Operators of ships must also ensure that their ships have the right equipment and structural features that the law prescribes to prevent pollution. They also need to have the right systems, plans and recording arrangements in place.

The law identifies various categories of harmful substances, including:

- oil of various types
- garbage,
- marine pollutants in packaged form
- sewage
- a range of so-called noxious liquid substances.

These categories are spelt out in prescriptive requirements in rules made under the MTA and in regulations made under the Resource Management Act.

Large vessels

The law requires operators of large vessels (greater than 24m in length) to have special equipment to prevent pollution, e.g. filtering equipment for oily wastes that ensure only very small concentrations of oil go into the sea. Large vessels must be designed with structural features to prevent pollution, e.g. double hulls around the cargo area of oil tankers, and, in all ships, also around the tanks carrying large quantities of oil fuel. There are also restrictions on carrying oil forward of the collision bulkhead – the area of a ship most at risk in the event of a collision.

Restrictions on discharges

The law identifies where and in what circumstances small operational discharges of harmful substances may take place. For example, an operator may discharge bilge water containing not more than 15 parts of oil per million parts of water when underway, provided the waste is going through an approved filtering arrangement, or may discharge food waste at sea more than three miles from the nearest land, provided the scraps fit through a 25 mm screen. Under the Resource Management Act regulations, there are restrictions on discharging sewage close to marine farms and seafood gathering areas. Except where the law allows, harmful substances must be retained on board and discharged to shore.

Having a proper system

As with safety, operators need a system, plan and processes to ensure they meet their legal obligations. For ships of a certain size, there are prescribed recording requirements to account for

their oily wastes and garbage, and directions to have plans setting out how the crew will manage the garbage of the ship, and how they will respond to an actual or probable oil spill, including notifying the appropriate authorities.

Systems for preventing pollution and for health and safety overlap in some respects. Oil, for example, is harmful to the marine environment, but in some circumstances it can be a hazard to the safety of a ship, e.g. create a fire hazard and therefore threaten the health and safety of the crew.

Safety of life takes precedence over preventing pollution. The law recognises that the obligation on operators to safeguard life is the first priority.

Certain types of ship – such as chemical carriers – have large quantities of harmful substances on board that will require careful hazard management.

Recreational vessels

Pollution prevention obligations apply equally to commercial and recreational ships. While most recreational craft will fall below the size requirements to have equipment, and design and construction features to prevent pollution, their operators still need to comply with the restrictions on the discharge of harmful substances.

International shipping

Operators of New Zealand ships, and foreign ships operating in waters under New Zealand jurisdiction, must comply with pollution prevention requirements. The compliance programme for New Zealand ships involves a range of inspection, audit, survey and certification functions called 'flag state control'. For foreign vessels, compliance is focused on 'port state control', a system of inspections mandated by New Zealand law, in line with an international treaty that sets minimum standards for the prevention of pollution by ships.

Maritime NZ's Compliance Operating Model

Our responsibility

Maritime NZ is responsible for maximising operator compliance with the regulatory framework. To achieve this, we will focus our efforts and tailor our interventions in line with the levels of risk, the actual or potential consequences, and the behaviour, attitude and capability of operators.

Maritime NZ will also seek to draw lessons from incidents and publicise these to the maritime community.

Our areas of focus

Safety:

- All persons conducting work on board ships must comply with their duties under the Health and Safety at Work Act 2015.
- All commercial operators must have a safety system in place before commencing operations. Maritime NZ will audit and monitor safety systems to ensure that they are effective.
- Masters and crew must hold certificates of competency appropriate to their operation, and be considered fit and proper persons.
- Commercial vessels are subject to regular surveys and Maritime NZ monitoring and checks.
- Maritime NZ will monitor accidents, incidents, near misses, and breaches of the law, and take action as appropriate.
- Maritime NZ will respond, through the Rescue Coordination Centre New Zealand (RCCNZ), when lives or vessels are at risk.

Security:

- Maritime NZ assists and advises ports to develop security plans and approves those plans.
- Maritime NZ monitors ports' annual security exercises and performs random inspections to check how security plans are working in practice.

- Maritime NZ works with other agencies to protect New Zealand from dangerous and illegal goods entering the country, as well as providing the government with intelligence regarding security.

Marine environment protection:

- Maritime NZ oversees commercial and large recreational ships' compliance with required construction features and shipboard equipment, garbage management and oil spill emergency plans, recording of operations involving oil and garbage, and pollution prevention certification.
- Maritime NZ coordinates the training and preparedness of regional councils and other agencies for responding to oil spills. It maintains equipment and resources at various locations to deal with oil spills.
- Maritime NZ coordinates the response to significant oil spills (Tier 3 level), with regional councils handling lesser impact oil spills (Tier 1 and Tier 2 level oil spill).
- Maritime NZ will monitor accidents, incidents, near misses, and breaches of the law and take action as appropriate, regarding oil, other harmful substances, and other activities harmful to the environment.

Focus on risk

We think it is important that everyone operates safely, securely, and protects the environment but we also believe we need to focus on the biggest risks.

By risk we mean two things:

- the magnitude of the consequences that would eventuate should an event occur
- the likelihood of that event occurring.

In the past, we have had a focus on reactive activities – responding to accidents and incidents when they occurred. While this continues to be important, we believe focusing on preventing accidents and incidents is a better approach – in other words, proactive activities.

To do this, we will concentrate our activities where we see a pattern of problems or issues. These patterns might occur in particular parts of the maritime sector, with types of vessels, types of equipment, or practices, or in particular geographic areas. They might also occur with particular operators.

Intelligence-led

To identify these patterns, we will draw together and use all of the information sources available to us, including:

- our audits
- our inspections
- our investigations
- our knowledge of oil spills and security issues.

We will combine this with information we access from other compliance agencies, maritime sector participants, members of the public and others. All of these information sources will help build a picture – showing patterns of risk, attitude, behaviour, and capability.

This is known as an intelligence-led process.

Risk, attitude, behaviour and capability

We expect vessel operators, commercial and recreational, to operate safely, securely, and to protect the environment. Research across a variety of compliance areas suggests that most individuals and organisations want to do so. But we also know that:

- barriers such as a lack of awareness, or understanding, or capability may prevent some people from operating in a safe, secure or environmentally responsible manner
- some will make efforts in these areas only because they see a risk of not making an effort resulting in attention from Maritime NZ or other agencies
- some people will not comply at all.

The numbers of organisations and people in these different categories varies in different parts of the maritime sector. Even within organisations, different staff will have different attitudes to compliance.

To a large extent, the relationship between Maritime NZ and regulated organisations and individuals will depend on perceived attitudes and capability in contributing to a safe, secure and clean marine environment.

We aim to:

- make compliance as easy as possible for those that are capable and want to comply
- assist those who are trying to comply but not succeeding
- deter, through surveillance and detection, those who are reluctant to comply
- use the full force of the law for those who do not want to comply or are wilfully negligent.

Sometimes attitude and risk coincide. A pattern of problems or issues with an operator is likely to indicate issues with that operator's attitude to compliance, and vice versa. A pattern of problems or issues in a particular part of the maritime sector, or in a particular geographic area, is likely to indicate issues generally with the attitude of operators within that sector or area.

Where risk and attitude issues coincide, we will be more likely to take action and that response is more likely to be at the higher end of the enforcement spectrum. Where there are low risks and good attitudes, we are more likely to focus on providing information, education and encouragement.

Sometimes there will be high risks irrespective of attitudes, particularly where the consequences of an incident are potentially very serious. We will be focusing our efforts in these areas too.

In some cases, even where there are positive attitudes, the nature or level of the risk taken may require enforcement action to hold an operator to account.

Our approach to compliance

What we mean by compliance

Compliance means meeting or exceeding the requirements of the regulatory framework that is designed to ensure health and safety, security, and environmental protection in the maritime sector. Voluntary compliance means that operators are choosing to comply (for whatever reason).

We seek the highest possible levels of voluntary compliance.

In terms of Maritime NZ activity, "compliance interventions" refers to the full range of actions aimed at achieving health and safety, security, and environmental protection in the maritime sector.

Guiding principles to decision-making on compliance interventions

Decisions regarding Maritime NZ compliance interventions will take into account the attitude towards compliance and be:

- logical, timely and considered
- evidence-based
- made impartially and without fear, favour, bias, prejudice or improper motive
- sufficiently robust and well documented, to withstand judicial review
- proportionate to the risk posed by the non-complaint behaviour
- consistent with the law, the public interest, Maritime NZ's policies and values, and any applicable international treaties.

Outcomes-focused

Our compliance activities are aimed at having maximum impact on Maritime NZ outcomes: safety, security and environmental protection in the maritime sector. Our priority is achieving these outcomes rather than prosecuting sector participants for every technical breach of the law.

The main question Maritime NZ asks is: “Is this operator acting safely?”, rather than whether or not they have breached a minor rule. That is not to say that Maritime NZ won’t require the operator to fix even a minor breach in a timely manner.

The right tool for the job

Maritime NZ has a range of interventions and tools available – some are designed to assist maritime sector participants to get things right, and others are about using enforcement where necessary.

Our approach will be tailored to the circumstances. We will select the intervention/s that we think will have the most impact on achieving our outcomes, taking into account risk, attitude and capability, plus the likely consequences of an incident or harm occurring.

We will take whatever action we consider will have the greatest impact in achieving our safety outcomes. Maritime NZ *Compliance Intervention Guidelines* set out criteria for decision-making on the appropriate intervention.

In some compliance agencies, interventions form a sequence or a hierarchy – starting with low-level activity, and moving to more severe measures.

Maritime NZ does not operate in this way, focusing instead on selecting the right tool for the right job. Sometimes more severe interventions will be justified as the first action Maritime NZ takes.

Proactive problem-solving

We take a proactive problem-solving approach to addressing risks. Sometimes, a pattern of non-compliance will have an underlying cause and addressing that cause will solve the problem of non-compliance. We are open to exploring ways of addressing the underlying issues.

Working with and through others

Maritime NZ works with a number of key government agencies to achieve its outcomes. These include the Accident Compensation Corporation (ACC), the Ministry of Foreign Affairs and Trade, WorkSafe New Zealand, the Ministry for the Environment, the Environmental Protection Authority, and the Department of Conservation.

There are other organisations that operate in maritime safety/security/environmental areas, including regional councils, ship surveyors, maritime unions and Coastguard. We will work with these organisations to ensure sharing of information, efficient use of resources and raising of standards.

Engagement with the sector

We will look to engage with the relevant parts of the maritime sector and other stakeholders to access their thinking on what strategies and information would be most effective in promoting our safe, secure and clean outcomes.

Our approach to our relationships

We will develop relationships appropriate to the circumstances:

- **partners and collaborators:** we will work together where we share long-term common goals, and will consider setting up formal arrangements where appropriate²
- **stakeholders:** we will seek the views of those affected by our activities
- **the sector:** we will engage with sector participants based on our assessment of risk, their attitude, behaviour, and capability.

² We will work collaboratively with WorkSafe NZ, including by sharing resources and working to align our approaches

Fairness

We expect our people to act with the highest levels of integrity, as set out in our code of conduct.

Our interventions will be fair, reasonable, and taken without fear, favour, bias, prejudice or improper motive.

We believe that our compliance activities should assist in creating a level playing field for commercial operators, i.e. a commercial operator should not be able to secure a competitive advantage over a competitor by cutting corners on health and safety, security, or environmental protection arrangements.

Consistency

We aim to be consistent. This means we will generally take similar approaches in similar circumstances. This does not mean uniformity of decision-making. Each case is unique and must be handled as such.

We may apply specific strategies for a specified period. For example, we might issue a general caution about a particular safety issue and subsequently follow it with a zero-tolerance approach.

There are, however, a range of common complaints and incidents for which a more standardised approach is both appropriate and efficient. Staff are guided to recognise these and to act accordingly.

Public interest

Our response to non-compliance, while consistent and fair, will take account of public interest. Considerations include responsibility to victims, the need to clarify the law, and whether the matter at hand reflects a widespread problem that can be usefully addressed by highlighting the need for compliance.

Transparency and openness

We are clear about our approach to compliance and how we make our decisions. Those affected by our decisions can ask questions and ask us to review our decisions. We will always be in a position to explain our actions and reconsider them in the light of new information.

Targeted strategies for particular sub-sectors or types of vessels/practices/equipment

From time to time, we will develop specific plans or programmes for specific parts of the maritime sector, possibly in conjunction with other agencies and/or with sector organisations and participants.

Typically, these will be driven by our understanding of changes in risk profiles and the need to respond to particular problems with a more targeted approach than is provided by our general regulatory and compliance activities.

Tailored strategies for particular operators

Where Maritime NZ perceives patterns of risks and/or a negative attitude to safety, security or environmental protection relating to a particular operator, Maritime NZ may decide to adopt an ongoing surveillance and zero-tolerance approach to that operator. In other words, Maritime NZ will actively monitor that operator's operations and may apply the full force of the law on all aspects of non-compliance, until it is satisfied that the operator is meeting its responsibilities.

In general terms, operators showing patterns of risk can expect higher levels of surveillance, more regular audits and inspections, and more directive and, at times, punitive interventions from Maritime NZ.

Operators operating in higher risk parts of the maritime sector can expect their activities to attract greater attention from Maritime NZ, though the nature of that attention will generally be influenced by the attitude of the operator and/or patterns of problems or issues relating to that operator.

Supporting good practice

Maritime NZ's priority is to get the basics in place, and to focus on eliminating problems. It will, however, always be looking to explore ways of recognising excellence and promoting good practice.

Our compliance interventions

Maritime NZ will select the right intervention for the job, based on the circumstances of the case, and having regard to Maritime NZ *Compliance Intervention Guidelines*.

A detailed overview of Maritime NZ compliance interventions is available in the appendix to the *Compliance Intervention Guidelines*.

International shipping

Under international conventions and domestic legislation, New Zealand has the power to inspect foreign ships entering New Zealand ports. Inspections are conducted in line with requirements and procedures outlined in the Tokyo Memorandum of Understanding on Port State Control in the Asia/Pacific Region, and other New Zealand domestic requirements.

In these cases, Maritime NZ has a range of interventions at its disposal. These include: information and advice on safety matters (guidance notices, safety bulletins and advisory circulars); imposing conditions on the operation of ships; and detaining ships.

Domestic commercial operators and businesses that work on board ships

Various pieces of legislation provide Maritime NZ with a range of interventions for promoting a safe, secure, and clean maritime environment.

Domestic commercial operators must have an accepted or approved safety plan in place prior to commencing operations. Maritime NZ will conduct formal audits of those safety plans periodically. In addition, vessels must be surveyed regularly, and skippers and crew members must have recognised qualifications and be licensed.

All maritime operators and businesses that work on ships must comply with their duties under the Health and Safety at Work Act 2015.

The range of interventions available enables Maritime NZ to:

- provide information and educational materials to operators and maritime businesses
- give advice and suggest improvements in safety and marine environment protection
- issue safety bulletins and advisory circulars
- issue notices requiring corrective action on deficiencies or improvements to be made
- impose conditions investigate and issue warnings
- detain vessels
- prohibit operations
- suspend and revoke a seafarer's licence
- prosecute.

Maritime NZ will determine the appropriate intervention/s, based on consideration risk, attitude, behaviour, and capability. For details see the Maritime NZ *Compliance Intervention Guidelines*.

Recreational boating

While there is less regulation covering recreational boating, there are still important legal requirements for recreational boaties. Every boat, of whatever size, must have a 'skipper', and this person is legally responsible for the safety of the boat and the people on board. There is a duty to operate safely.

Skippers must have an understanding of maritime rules. This includes insuring there is a lifejacket of suitable size for everyone on board.

As part of operating safely, Maritime NZ encourages skippers to:

- check the weather
- have at least two means of calling for help (VHF radio, distress beacon cell phone and flares) that are waterproof
- avoid or limit alcohol
- provide a trip report to someone on shore – outlining the proposed route, who is on board, and an estimated time of return.

Maritime NZ may take action to enforce legal requirements and may prosecute where skippers fail to discharge their duties and/or operate dangerously.

The major thrust of Maritime NZ's efforts on recreational boating is to promote safe practices through education and mass advertising campaigns, through its network of Maritime Officers and Volunteer Safe Boating Advisors, and through the New Zealand Safer Boating Forum (which includes members from the Coastguard, Water Safety New Zealand, regional councils, New Zealand Police, and ACC).

Selection of the right intervention

The selection of the right compliance intervention is elaborated in the *Maritime NZ Compliance Intervention Guidelines*. They also provide details of the intervention options across all the statutes that Maritime NZ works with and outlines the operational activities supporting compliance, such as entry control, and audit and inspection.