

Compliance Intervention Panel Standard Operating Procedure:

Context

The Panel is not a hierarchical command and control body that has authority over resources and makes statutory decisions. Rather its aim is to support and enable the wider MNZ in its compliance activities by providing a consistent and proper operational decision making capability.

This SOP sets out how we do things to achieve our aim, rather than ensuring performance accountability. Everything we do should add value and we should only do the value work – nothing else. The measurement of our work should be related to our organisational purpose, not to activity targets or volume.

This SOP will be applied to take a more principles based approach rather than being a bureaucratic step by step process.

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 MTA or HSEA.
Complaint	A complaint made regarding our organisation
TAIC	The Transport Accident Investigation Commission
Compliance action	Any of the tools available to MNZ to encourage or require compliance.
KFA	Key Focus Area

Purpose

The Compliance Intervention Panel (CIP) is a collaborative group of third tier managers and technical specialists from across MNZ.

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 Panel 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, following proper processes.

This document sets out how the CIP shall operate.

The CIP members and Chair

The CIP shall ensure it maintains a diverse range of technical skills and experiences from across MNZ. Participants shall come from the following groups:

- Legal
- Compliance Systems Delivery
- Maritime Systems Assurance
- Regulatory Systems Design
- Communication and Stakeholder Engagement
- Safety and Response Systems
- Organisational Strategy and Systems

The Manager of the Investigations team shall chair the CIP and provide an administrator.

Mode of Operation

The CIP will operate as set out below, and will meet as and when necessary to complete its business.

The Investigation Team will vet matters that are to be considered by the CIP which may arise from

- Complaints or information received about incidents in the maritime sector, and
- Any other information that indicates non-compliance, either by individuals, sub sectors or sectors of the maritime community, however that information come to MNZ's attention

The CIP will consider all matters arising from

- Preliminary TAIC reports for comment
- TAIC recommendations
- Recommendations from Coroners

Matters that are not considered by the CIP will still be addressed according to the MNZ Compliance Strategy and Compliance Intervention Guidelines wherever they are dealt with in MNZ.

Key Focus Areas (KFAs)

Many of the more serious accidents, incidents and mishaps are only briefly discussed at CIP as there is a very clear need for them to go for evidential sufficiency. Therefore, in 2020, Maritime New Zealand is adopting an enforcement strategy that will see the more serious accidents, incidents and mishaps bypassing CIP and going straight for evidential sufficiency. These are termed 'Key Focus Areas' (KFAs).

The KFAs will be reviewed every 6 months to ensure the key areas are still relevant. This review will be done by the CIP and agreed to by DD CSD.

2020 KFAs:

- Commercial fatalities (not including medical events or suicides)
- Commercial serious harm (HSWA)
- SOLAS vessel groundings

Having KFAs will free the CIP up to spend more time discussing the less immediately obvious cases and also identify themes and patterns in accidents, incidents and mishaps, and determine if there are other actions MNZ can do to minimize these. A summary of the KFA matters will be provided to the CIP and included in the papers and meeting record. This will assist the panel's awareness of any trending incidents or similar.

Matters that are not KFAs will still be investigated properly and if brought to CIP they will be discussed.

In accordance with MNZ's Compliance Strategy, collective experience, knowledge and available intelligence, the CIP shall lead and promote a consistent approach to MNZ's compliance activities across all the matters it considers.

With additional recreational boating funding we will be looking at these accidents, incidents and mishaps with a closer lens, and after review consideration will be given to recreational fatalities becoming a KFA. For the time being those matters will continue to come to CIP so the panel can benefit from discussing them.

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

In addition, the Panel 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 Guidelines

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

The specific purpose of the CIP consideration is to:

- 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 processes.

- Discuss themes and patterns and look at pro-active ways to prevent these common occurrences from happening.

The CIP will be available to:

- Provide guidance to on-call or after hours managers.

The CIP will

- Table and review on a regular basis the Compliance Intervention Guidelines and especially the framework that determines courses of action for some types of common complaints and incidents 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.

Levels of Authority

The CIP delegation of authority to allocate work packages to operational teams or individuals is established through the Maritime New Zealand 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 Maritime NZ's Records Management Policy. All investigations brought to CIP will be tracked to allow for matters to be brought back to CIP for discussion, or other compliance options checked after a period of time.