

Maritime NZ Review Panel Terms of Reference

OWNER	Deputy Chief Executive, Regulatory Operations
AUTHORISED BY	Executive Leadership Team
EFFECTIVE DATE	May 2025
REVIEW DATE	October 2025
VERSION NUMBER	1

Purpose of the Panel

The Maritime New Zealand (Maritime NZ) Regulatory Licensing Review Panel (the Panel) provides advice and can make recommendations on Regulatory Licensing applications sent in for review.

Two types of applications may come before the Panel:

- **External applications** are sent in by an external applicant (or their authorised delegate) about a regulatory licensing decision made by Maritime NZ. If the Panel accepts the applicant's application for a review, the Panel will review the original application and make a recommendation to the Director of Maritime NZ to confirm the previous decision, rescind the previous decision or make a new decision.
- **Internal applications** are active regulatory licensing applications. Typically, the General Manager Regulatory Planning, Licensing and Notifications¹ will ask the Deputy Chief Executive (DCE) Regulatory Operations (Reg Ops) for a decision on whether they can submit the application to the Panel for a review. If approved by the DCE Reg Ops, the Panel will consider these applications and make a recommendation to the Panel Chair to issue a decision².

The Panel is authorised to review previous regulatory licensing decisions and active regulatory licensing applications where the original decision was, or pending decision will be, based on an interpretation or application of rules, regulations or conventions (collectively 'the rules') where the rules could be interpreted or applied differently while still maintaining safety.

Existing delegations remain in place. The Regulatory Licensing team will continue to use their delegated decision-making authority. The Panel Chair will hold the necessary delegations to be able to make decisions on internal applications.

Whether or not a review is available for a particular Regulatory Licensing decision, a review does not impact any other rights an applicant may have. (See 'Other legal rights of an applicant' section below)

Background

Maritime NZ is committed to providing a robust regulatory licensing and certification function that makes sure people who work in the maritime sector are deemed fit to operate, meet appropriate standards and have relevant knowledge and experience to do their roles effectively. Maritime NZ's decisions are informed by our risk-based regulatory approach with a focus on addressing harm or the risk of harm in the maritime sector.

Maritime NZ has established the Panel to support effective delivery of our regulatory licensing function. The Panel is able to review specific decisions where the interpretation or application of the rules are

¹ There may be some instances where an internal application is raised by a Panel Member to the DCE Reg Ops.

² A decision may be a decision on a specific application, a decision to instruct the Regulatory Licensing team, or the confirmation of Maritime NZ's position on a specific internal issue.

disputed by applicants, as well as provide extra support to Regulatory Licensing Advisors who are assessing applications where the rules could be interpreted in multiple ways.

Terms of Reference

The terms of reference set out how the Panel will perform its function. They will be effective from May 2025 and reviewed within 6 months of the effective date and then every 12 months after that.

Operating Principles

The Panel will provide fair, robust, transparent, timely and well-informed recommendations for:

- external applications to the Director for a decision
- internal applications to the Panel Chair for a decision.

Maritime NZ's principles guide how the Panel will execute its responsibilities.

Principles



Intentional | Takune

Intentional | Takune

- Maritime NZ's Regulatory Approach is at the forefront of Panel recommendations and Director or Panel Chair decision-making. Our recommendations and decisions reflect Maritime NZ's risk-based approach to preventing harm.
- Applications are prioritised for review according to the agreed criteria.
- Recommendations and decisions are evidence-based and take a wider system view of the maritime sector.



Trusted | Whakapono

Trusted | Whakapono

- The Panel process does not impact the existing rights of applicants to take other action, such as appeals.
- Where Panel Members have a conflict of interest (or perceived conflict of interest), this conflict is recorded and the Panel Members can excuse themselves from being part of the review.
- Applicants have enough time to send in their applications.
- Applicants are given the information they need to prepare and send in their applications for consideration. The information requested by the Panel should not be difficult but sufficient and appropriate to address the risks being considered.
- Relevant people are told the outcome and reasoning for the application review.
- If there are delays, relevant people are provided with the reasons for the delay and when they can expect a response.



Influential | Whakamana

Influential | Whakamana

- Membership of the Panel includes senior staff from across Maritime NZ, advisor staff who provide technical support, and administrative support. This shows Maritime NZ's commitment to having the right people in place.
- Lessons learned from the review of applications are sent to relevant people to support process improvements and to share outcomes.



Adaptive | Urutau

Adaptive | Urutau

- The Panel looks at each application in line with our Regulatory Approach.
- Each application is an opportunity to learn and improve.
- The Panel applies a system view and identifies any impacts of a decision on existing legislative settings, policies, practices and guidance.

Membership

The Panel membership includes:

Position	Panel Role
Chief Technical Advisor, Regulatory Frameworks and Technical Support	Panel Chair
Deputy Chief Executive, Regulatory Frameworks and Technical Support	Panel Member
Deputy Chief Executive, Partnerships	Panel Member
Chief Advisor, Regulatory Operations	Panel Member
Manager, Regulatory Frameworks and Technical Support, Legal Services Litigation and Operations	Panel Member / Advisor ³
Manager, Regulatory Frameworks and Technical Support, Operations and Ship Technical Support	Panel Member
Principal Advisor, Regulatory Operations, Regulatory Practice, Licensing and Notifications	Advisor
Manager, Regulatory Operations, Planning and Performance	Advisor
Senior Advisor, Regulatory Operations, Planning and Performance	Advisor
TBC	Secretariat

The Panel may engage additional advisors and subject matter experts (SME) as required. These advisors and SMEs will provide advice and opinion but will not be voting Panel Members.

Roles and responsibilities

Director of Maritime NZ

- The Director of Maritime NZ will receive and consider recommendations from the Panel Chair on external applications for review.
- The Director will use their existing statutory powers to make final decisions in relation to external applications for review.

DCE Regulatory Operations

- The DCE Regulatory Operations will decide which internal applications will be sent to the Panel for review.
- The DCE Regulatory Operations will receive regular reporting on Panel activities.

Panel Chair

- The Panel Chair calls for an official vote, from Panel Members, on the options presented, when they consider there has been enough discussion on an application.
- For external applications, the Panel Chair makes the decision on the recommendations sent to the Director for consideration. The Panel Chair also makes sure all relevant external people are aware of decisions issued by the Director. This is supported by the Secretariat and may be delegated to a Panel Member or Advisor.
- For internal applications, the Panel Chair is the decision maker and a Regulatory Licensing Manager or Team Member coordinates the administrative tasks associated with issuing a certificate (if applicable) on behalf of the Panel Chair.

³ The Manager, Regulatory Frameworks, Legal Services Litigation and Operations may abstain from voting and be considered an Advisor on certain matters, including where the central issues on review are matters of legal interpretation.

- The Panel Chair makes sure all relevant internal people are aware of recommendations and decisions issued by the Panel. This will be supported by the Secretariat and may be delegated to a Panel Member or Advisor.
- The Panel Chair may make decisions on administrative issues. The Panel Chair should ask for other Panel Members views when appropriate.

Panel Member

- Panel Members meet to review and discuss applications received.
- They actively engage in Panel discussions, read the information supplied and respectfully challenge advice in order to come to a view.
- They provide their opinion on what they believe the application outcomes should be based on the evidence provided.
- They vote on Panel recommendations.
- They contribute to a review of the Panel's terms of reference and processes at set periods with a view to improve processes.

Advisor

- Advisors review and make initial recommendations on the prioritisation of applications to be reviewed by the Panel.
- They provide advice or a professional opinion based on the advisor's area of expertise.
- They meet (as often as required) to review all applications received, and contribute to discussions where appropriate.
- For external applications, once the Panel Chair has decided on the recommendation and action, the Advisor drafts the recommendation memo for the Director. This memo is sent to the Panel Chair for approval and provision to the Director.
- For internal applications, once the Panel Chair has decided on the decision and action, an Advisor drafts a decision memo. This memo is sent to the Panel Chair for sign off.
- Advisors also support the Panel Chair to inform relevant people of decisions.

Secretariat

- The Secretariat considers review requests as they are received and provides a summary of requests to the Panel Chair.
- They organise the Panel meetings including preparation of application materials and agenda.
- They take minutes of the review panel decisions and update the official record with the decisions.
- They support the Panel Chair to inform relevant parties of decisions.

Quorum for decision-making

A quorum is required to vote on recommendations and decisions. The quorum is set at four voting Panel Members (refer to table in Membership section above).

The Panel Chair will seek consensus on a Panel recommendation, but a Panel recommendation can be made without a consensus.

Panel votes and reasons are documented in the meeting minutes and decision memos.

For external applications, the Panel Chair will provide the Director with their recommendation and the votes and views of the Panel Members.

For internal applications, the Panel Chair takes the views of the Panel into consideration and makes the decision on the application. In some cases, the Panel Chair may choose to provide the Panel's views to the Director for consideration or decision.

Delegation and member replacement

If a Panel Member is not able to attend a review meeting and is not able to provide their vote offline to the Panel Chair, the Panel Member may choose to appoint a delegate to act in their place.

Delegates must be approved by the Panel Chair and follow all Panel Member obligations.

The Panel Chair and Secretariat should be informed of the substitution as soon as possible (and no less than 1 week where possible) prior to the scheduled meeting.

It remains the responsibility of the Panel Member to make sure that their delegate is sufficiently briefed and fully prepared to participate in the meeting(s) and to execute their responsibilities under the Terms of Reference. This includes having the necessary skills and experience to carry out their role on the Panel.

Panel Members must ensure their delegates are independent and have no prior involvement in any review applications before the Panel at the relevant time.

Panel Meetings

The Panel generally meets fortnightly.

The agenda is developed and distributed to the Panel at least two working days before each meeting. It is expected that Panel Members will read the papers in advance of the meeting.

Out of cycle meetings can be arranged by the Panel Chair as needed, or on the request of any Panel Member with Panel Chair approval.

Actions are recorded by the Secretariat or agreed note taker, including how they will be communicated and by who.

Actions and previous meeting minutes are reviewed and agreed by the Panel at each meeting.

Reporting

The Panel will report to the DCE Reg Ops quarterly.

Other legal rights of an applicant

A review by the Panel does not prevent any other legal rights including appeal.

In addition to requesting a review of a regulatory licensing decision from the Panel, there are other ways for affected parties to have the decision looked at.

In most cases there will be a statutory right of appeal to the Court under the Maritime Transport Act.

Affected parties can also seek a judicial review of the decision by applying to the relevant Court, or may have other rights of claim or review.

Alternative avenues of claim

In addition to the court appeal processes, there may be other avenues for certain claims, depending on the circumstances of the decision.

This include the Office of the Ombudsman for an affected party that believes Maritime NZ has not treated them fairly. They can complain to the Ombudsman, who may review our decision-making.

How the Panel works with the Maritime NZ Service Charter

The Panel is complementary to our Service Charter and may be used in conjunction with the handling of a Service Charter complaint, if it resulted in, or was part of, a request for a regulatory licensing decision to be reviewed.

Amendment, Modification or Verification

The Terms of Reference may be amended, varied or modified at any time after consultation and agreement by a minimum of four Panel Members and with approval by the Panel Chair.

Version Control

Version no.	Date	Updated by	Update details
1.0	11 August 2025	Mya Nguyen (Panel Advisor)	Updates to Panel memberships post organisational changes
1.0	8 May 2025	Mya Nguyen	V.1 finalised and approved by Panel Chair