

Compliance Intervention Guidelines

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Compliance Intervention Guidelines

Introduction

Maritime NZ has developed a *Compliance Strategy* to guide its approach to compliance interventions – the range of actions available to ensure compliance with maritime laws, regulations, rules, and standards that are in place to maintain health and safety, security, and environmental protection in the maritime environment.

These Guidelines are designed to be used in conjunction with the *Strategy* to ensure a risk-based, transparent, consistent, fair, and robust decision-making process is followed in addressing compliance issues.

Maritime NZ's approach 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.”*

Application of the Guidelines

General

These *Guidelines* will be used by individual staff, and the Compliance Intervention Panel (see below), when considering the best way to address compliance issues ranging from single, one-off breaches of a rule identified in the course of day-to-day work through to systemic, proactively identified non-compliance problems.

Compliance Intervention Panel (CIP)

As part of implementing the Compliance Strategy, Maritime NZ has put in place a Compliance Intervention Panel (CIP).

The CIP is a collaborative group of third-tier managers and technical specialists from across Maritime NZ, chaired by the Manager, Intelligence and Planning, and ordinarily meeting fortnightly to consider matters arising from:

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

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 Maritime NZ's attention indicates non-compliance, either by individuals, sub-sectors or sectors of the maritime community.

The CIP is also available to provide guidance to individual staff dealing with compliance issues, and maintains an overview of the Compliance Strategy and Guidelines to ensure they remain current and effective in assisting Maritime NZ to achieve safety and health, security and environmental protection outcomes.

For more information about the Compliance Intervention Panel, refer to its *Standard Operating Procedures*.

Applying the Guidelines

The Guidelines are intended to assist in decisions about how to respond to compliance issues and must be applied in a considered manner, rather than being seen as a "tick box" framework. However, the CIP will, from time-to-time, identify common compliance issues and provide advice to all staff on how these might be dealt with in a way that is consistent with these Guidelines.

In practice the Guidelines will be applied in various ways, for example:

- In cases where staff need to make immediate decisions in the field (for example, on whether to detain a vessel) then the application of the Guidelines will essentially involve "real time" consideration and weighing up of relevant factors
- Where a compliance issue has been identified but doesn't require an immediate response, the Guidelines will assist in determining the nature of the follow-up action required – whether to investigate with a view to prosecution, trigger a process to identify whether a person is "fit and proper", or take steps to educate and inform. More than one response may be appropriate and applied as a package.
- During the course of an investigation or work that is underway to address a compliance issue in some other way, the Guidelines can be applied, as more

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

information is gathered, to check whether the originally identified course of action remains appropriate.

Separate application of Solicitor General’s Prosecution Guidelines

These Guidelines do not replace the need, at the time of a making a decision on whether or not to prosecute, to apply the *Solicitor General’s Prosecution Guidelines*.

Effective application of these Guidelines, from the initiation of an investigation and throughout its progress, should support effective final assessment against the Solicitor General’s Prosecution Guidelines.

Statutory decision-making delegations and the Guidelines

While these Guidelines support the Compliance Intervention Panel and staff to provide guidance, direction, advice, and decisions regarding courses of action to be followed in responding to compliance issues, they do not replace the need for *statutory decisions* that require formal delegations to be made by the holders of those delegations, following proper processes.

Records of decisions made according to the Guidelines

All staff, and the Compliance Intervention Panel, will document the guidance, direction, advice and decisions made according to these Guidelines and record this on the relevant file(s).

Compliance Intervention Guidelines

Guiding principles for 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, and the attitude towards compliance
- consistent with the law, the public interest, Maritime NZ’s policies and values, and any applicable international treaties.

Factors for consideration

The factors for consideration are set out in the table below. Application of these factors requires expertise and experience to be applied in the process of weighing up which compliance tools might be most applicable.

<p>Extent of harm or risk of harm: This includes harm or potential harm to health and safety, security, and the environment. Actions that create risks but do not actually lead to harm occurring can still be serious and require a firm response.</p>
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From	<ul style="list-style-type: none"> • There's minimal or no harm or risk of harm. • Harm is, or would likely be, easily remedied. • Harm is, or would likely be, restricted in scale or effect. • There's significant or widespread harm or potential for such harm.
To	<ul style="list-style-type: none"> • Harm is actually or potentially caused to a vulnerable section of the community/environment.
<p>Conduct: Conduct in this context means the behaviours, intent and capability of the person whose actions are being considered.</p>	
From	<ul style="list-style-type: none"> • It is first-time or one-off behavior that is unlikely to be repeated. • The conduct is accidental or resulted from momentary carelessness or the result of a limited understanding of the law (where that is not inconsistent with the expectations of someone holding a maritime document). • Mitigating factors exist. • The behaviour is deliberate, reckless or involving consistent carelessness. • The conduct is repeated, ongoing or sector-wide. • There is a serious departure from expected lawful behavior by a maritime transport operator.
To	<ul style="list-style-type: none"> • Aggravating factors exist.
<p>Public interest: Public interest can be described as something being in the interest of the wider public or of public importance. It is more than simply interest from the public or expectation from the public of action. 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.</p>	
From	<ul style="list-style-type: none"> • The conduct occurred some time ago and has ceased. • The legal principles involved are well-established and do not require clarification in court. • A decision not to act would undermine public confidence in the maritime transport system or a significant sector within the system. • The conduct involves a new or significant service to a large travelling public.
To	<ul style="list-style-type: none"> • Action is necessary to clarify a grey area in the law. • Action is necessary to deter others from similar conduct.
<p>Attitude to compliance: Typically, the nature of the responses will be informed by, and tailored to, the attitude of individuals or groups involved towards compliance. This helps ensure that the intervention(s) chosen will have the desired effect. This does not prevent significant action being taken for other reasons, even when attitude is good.</p>	
From	<ul style="list-style-type: none"> • Willing and able to comply. • Willing but not able to comply. • Reluctant to comply.

To	<ul style="list-style-type: none"> • Unwilling to comply • Actively and intentionally non-compliant.
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Available compliance interventions

Assessment against the factors above, and attitude to compliance, will support a decision about the best course of action. There is a continuum of possible interventions:

- *from:* an approach based on information, education and engagement to support and encourage compliance
- *to:* an approach (usually through investigation) that may lead to enforcement interventions such as infringement notices, improvement notices, warnings, imposition of detention or conditions and/or other civil or criminal action under applicable law.

More than one intervention may be appropriate and applied as a “package” of interventions. For example, it may be appropriate to prosecute and also publish educational material for the general public in response to an incident raising serious safety concerns.

The specific interventions available are defined in or supported by the legislation that underpins Maritime NZ’s work. Appendix One to this document sets out those interventions in a way that relates them easily to these Compliance Intervention Guidelines.

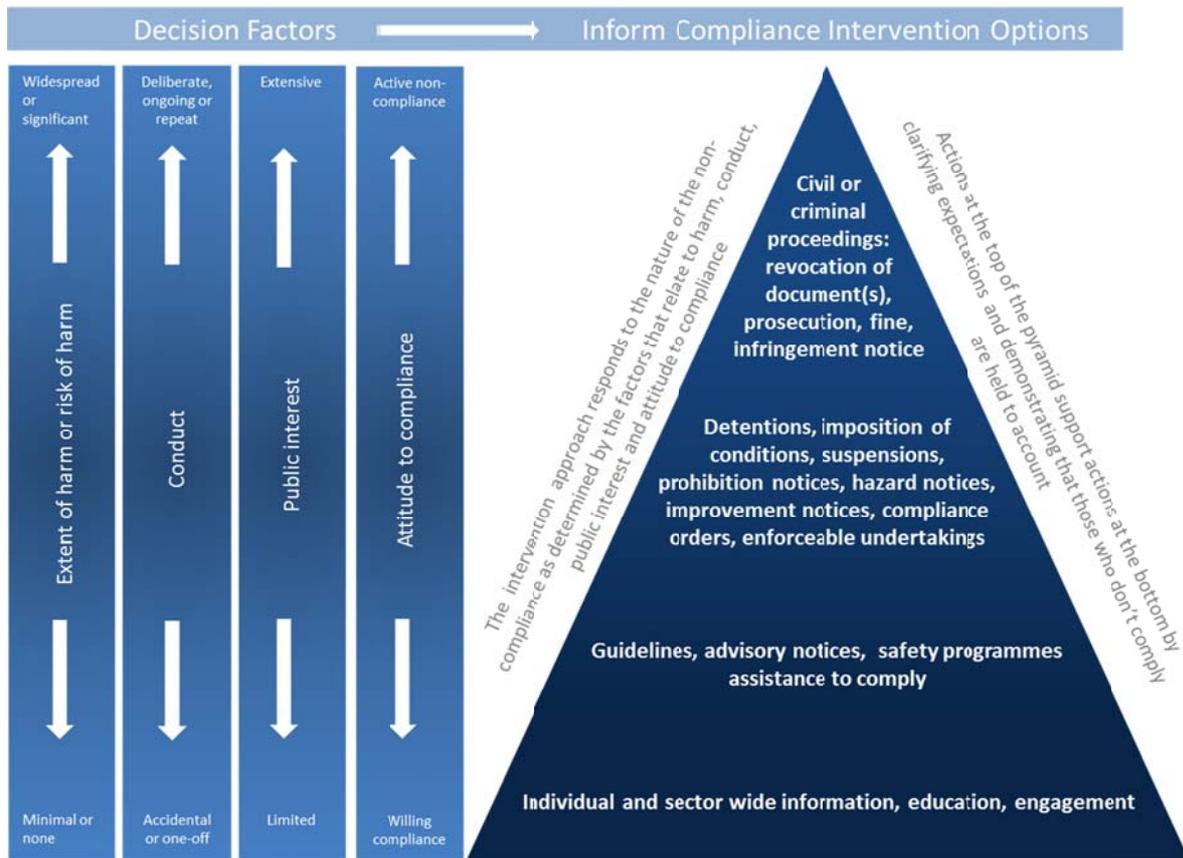
The image below reflects graphically the intended way of weighing up the relevant factors and attitude to compliance to determine the appropriate response².

In some representations of such compliance “triangles”, compliance activities such as investigation, inspection, audit, and monitoring are referenced as part of the compliance response. While acknowledging that those activities provide opportunities to support compliance as they inherently include opportunities for informing and educating, they are not reflected in this image as we consider them to be primarily operational activities rather than compliance interventions/responses in our Compliance Operating Model.

Enforceable undertakings

Maritime NZ may accept an enforceable undertaking given by a person in connection with a contravention or alleged contravention by the person.

Maritime NZ will apply our Enforceable Undertakings Policy when considering whether to accept an enforceable undertaking. Our approach will align with the approach articulated by WorkSafe NZ.



Key points:

- The approach chosen should be one that best deals with the matters being addressed – **education need not necessarily occur prior to enforcement**
- **More than one action might be appropriate** - it might be appropriate to prosecute an individual operator and undertake an education campaign in the relevant sector. The prosecution will reinforce the education campaign
- In all cases, **lessons learned should be identified** for use in publications to support improvement in safety, security and environmental protection.

Does the regulatory framework need improvement?

Sometimes the nature of the matter at hand will be such that a compliance response (that is, action to support compliance with the regulatory framework) is not sufficient and the problem also requires some kind of change in the law, regulations or rules.

In such situations, action should be taken to inform the policy functions of Maritime New Zealand and/or the Ministry of Transport that a policy change may be required.

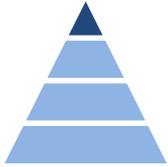
Appendix One

Inventory of interventions

An inventory of interventions, across all statutes that Maritime New Zealand works with, is set out below. These interventions are grouped into four broad classes, with those at the top and middle of the pyramid termed 'enforcement interventions', while those at the base are characterised as 'compliance support interventions'. This appendix also describes the operational activities supporting compliance, such as entry control, and audit and inspection.

Key	
	Enforcement intervention involving criminal offences or revocation of documents
	Enforcement interventions involving compliance orders, prohibition and improvement notices, conditions on documents, detention of ships, and seizure of maritime and marine protection products
	Guidelines, advisory notices, safety programmes, and assistance to comply
	Individual and sector-wide information, education, and engagement.

Enforcement interventions



Maritime Transport Act (MTA) 1994

Tool	Purpose	Person	Legal form	Grounds for use
Prosecution	<p>Maritime safety</p> <p>Marine environment protection</p>	<p>Various – any person operating, maintaining or servicing a ship; the owner and a master of a ship</p>	<p>MTA</p> <p>Various sections</p> <p>Various offences set in regulations for breaches of maritime and marine protection rules</p> <p>Key sections include sections 64 and 65, dangerous operation of a ship; section 68 operating without the required maritime document; sections 237 – 239 discharge of a harmful substance and failure to report discharge or pollution event</p>	<p>Offences fall broadly into two areas – safety offences and marine pollution offences</p> <p>Generally, they are framed as strict liability offences – no need to prove intent.</p> <p>Penalties include imprisonment for up to 12 months and fine of up to \$10,000 (individual) or fine of up to \$100,000 (body corporate); as well as commercial gain penalties and fines for ongoing offences.</p> <p>Infringement offences for breaches of some rules as specified in the Maritime Offences Regulations and Marine Protection Rules</p>

Enforcement interventions



Hazardous Substances and New Organisms Act (HSNO Act) 1996

Tool	Domain	Application	Person	Legal form	Grounds for use
Prosecution	Hazardous substances	Any ship within the limits of New Zealand	Anyone working with hazardous substances on board a ship and transporting hazardous substances by ship	HSNO Act ss.109 &110	Breaches of the Act involving manufacture, storage and use of hazardous substances or persistent organic pollutants; failure to comply with controls imposed under an approval or a compliance order; failure to obtain a test certificate; and mislabelling substances

Enforcement interventions



Maritime Security Act (MSA) 2004

Tool	Domain	Application	Person	Legal form	Grounds for use
Prosecution	Maritime security	Ships and port facilities	Masters Companies Port facility operators Persons	MSA s.65–74	Failure to meet various requirements imposed on masters, companies and port facility operators relating to security assessment, security plans, security levels and ship-to-ship activity, exclusion zones, control measures and security steps. Persons who breach security measures, such as entering or leaving exclusion zones without authorisation.
Acceptance of convention documents. None acceptance or suspension of acceptance	Maritime security	Ships	Ship operator	MSA s.62	Accept where ship from convention state presents valid security documents Not accept or suspend acceptance where a ship or company doesn't comply with the document or conditions, or document is fraudulent

Enforcement interventions



Maritime Transport Act (MTA) 1994

Tool	Purpose	Person	Legal form	Grounds for use
Conditions, suspension, and revocation of maritime documents	Maritime safety	Maritime operators or persons wishing to become maritime operators	MTA s.43– 51	<p>Failure to comply with conditions of document or comply with general requirements imposed on participants under s.17</p> <p>Failure to comply with s.406 (concerning false or misleading information)</p> <p>Considered necessary to ensure compliance with safety provisions of Act, and related regulations and rules</p> <p>Privileges or duties being carried out carelessly or incompetently</p> <p>Prescriptive process for suspension or revocation set out in the Act</p> <p>Right of appeal and subject to judicial review if proper process not followed</p> <p>Relevant offences can be taken into account</p> <p>Prosecution could also occur</p>

Enforcement interventions



Maritime Transport Act (MTA) 1994

Tool	Purpose	Person	Legal form	Grounds for use
Conditions, suspension, and revocation of marine protection documents	Marine environment protection		MTA s.272–276	<p>Failure to comply with conditions of document</p> <p>Failure to comply with s.406 (concerning false or misleading information)</p> <p>Considered necessary to ensure compliance with environmental provisions of Act, RMA discharge provisions, and related regulations and rules</p> <p>Privileges or duties being carried out carelessly or incompetently</p> <p>Prescriptive process for suspension or revocation set out in the Act</p> <p>Rights of appeal and subject to judicial review if proper process not followed</p> <p>Relevant offences can be taken into account</p> <p>Prosecution could also occur</p>

Enforcement interventions



Maritime Transport Act (MTA) 1994

Tool	Purpose	Person	Legal form	Grounds for use
<p>Conditions, prohibitions, seizure of maritime products</p> <p>Conditions, prohibitions on use of ships</p> <p>Detention of ships</p>	<p>Maritime safety</p>	<p>Maritime operator</p>	<p>MTA s.55</p>	<p>Required maritime document expired, not held. etc</p> <p>Failure to comply with condition on a document</p> <p>Operation or use of ship or maritime product endangers or is likely to endanger person or property, or is hazardous to health or safety of any person</p> <p>Watchkeeping requirements are not being met</p> <p>Master or crew not familiar with essential procedures for safe operation of ship</p>

Enforcement interventions



Health and Safety at Work Act 2015 (HSWA)

Tool	Domain	Application	Legal form	Grounds for use
<p>Improvement notice requiring a non-compliance to be remedied by a specified date</p> <p>Prohibition Notice requiring a matter or activity to cease until the inspector is satisfied that a serious risk to health or safety has been addressed</p>	Health and safety at work	Officer, PCBU, worker	<p>HSWA s.101</p> <p>s.105</p>	<p>An inspector has reasonable grounds for believing there is non-compliance or there has been non-compliance and it is likely to happen again</p> <p>An inspector reasonably believes that an activity is occurring or may occur at a workplace that involves or will involve a serious risk to the health or safety of a person arising from an immediate or imminent exposure to a hazard</p>
Non-disturbance Notice requiring a site where a notifiable event has occurred to be preserved	Health and safety at work	PCBU	<p>HSWA s 108</p>	An inspector reasonably believes that it is necessary to do so to facilitate the exercise of his or her compliance powers.
Enforceable Undertaking	Health and safety at work	PCBU	<p>HSWA s 123</p>	Maritime NZ may accept an enforceable undertaking given by a person in connection with a contravention or alleged contravention by the person.
Provisional Improvement Notice	Health and safety at work	Officer, PCBU, worker	<p>HSWA s 69</p>	A trained health and safety representative reasonably believes that a person is contravening, or is likely to contravene, a provision of HSWA or the regulations

Enforcement interventions



Health and Safety at Work Act 2015 (HSWA)

Tool	Purpose	Person	Legal form	Grounds for use
<p>Medical Examination Notice requiring a worker to be examined by a health practitioner</p> <p>Issued by a health and safety medical practitioner</p>	Health and safety at work	PCBUs and workers	HSWA s184	<p>A health and safety medical practitioner is satisfied that a worker is or has been exposed to a significant hazard at work.</p> <p>The examination will determine whether the worker has been exposed, to the hazard, the extent of the exposure and the extent to which the workers' health has been or may be affected</p>
<p>Suspension Notice requiring a worker to cease work and the PCBU to ensure that the worker ceases work where the work exposes the worker to significant hazard</p> <p>Issued by a health and safety medical practitioner</p>	Health and safety at work	PCBUs and workers	HSWA s185	<p>A health and safety medical practitioner is satisfied that a worker is, has been, or may have been exposed to a significant hazard while at work; and has failed or refused, without reasonable cause, to comply with a notice under section 184 or has been so harmed that the worker should not continue to be exposed to the hazard.</p>

Enforcement interventions



Hazardous Substances and New Organisms Act (HSNO Act) 1996

Tool	Domain	Application	Person	Legal form	Grounds for use
Compliance orders, which may have conditions	Hazardous substances	Any ship within the limits of New Zealand waters	Anyone working with hazardous substances on board a ship and transporting hazardous substances by ship	HSNO Act ss.104–108	Stop certain actions or require certain actions to ensure compliance with HSNO requirements, or prevent harm to people or the environment

Enforcement interventions



Maritime Security Act (MSA) 2004

Tool	Domain	Application	Person	Legal form	Grounds for use
Power of arrest	Maritime security	Ship, port security area, or exclusion zone	Persons	MSA s.50	Weapons taken or found on board

Compliance support interventions



Maritime Transport Act (MTA) 1994

Tool	Domain	Legal basis	Scope and purpose of interventions to assist compliance
<p>Advisory circulars (AC)</p> <p>Safety guidelines</p> <p>Safety bulletins</p> <p>Marine guidance notices (MGN)</p>	<p>Maritime safety</p> <p>Marine environment protection</p>	<p>MTA s.431(1)(a) and (ia)</p>	<p>Generally interventions aim to make it easier to comply, based on the assumption that information and advice:</p> <ul style="list-style-type: none"> • helps people make informed choices, particularly in technical areas where a market on its own will provide little information • increases mindfulness of existing statutory duties and how they relate to specific activities <p>Specific interventions' purposes:</p> <p>Advisory circulars provide a statement of how Maritime NZ interprets specific provisions in a rule and may state an acceptable means of compliance. It creates certainty about the expectations of the regulator. Advisory circulars may also elaborate on areas where a rule leaves a matter to the discretion of the Director – in other words, communicate decisions that the Director has made on specific matters</p> <p>Safety guidelines provide a statement of good practice usually for an activity not subject to a specific set of maritime rules – such as commercial kayaking and canoeing, and commercial white water river boarding</p> <p>Safety bulletins are used to alert people to a specific and significant marine hazard in any arena of Maritime New Zealand's operations, for example health and safety, rules or codes. Where an incident has occurred, safety bulletins bring the hazard and any related issues to industry's attention with the aim to avoid a similar incident. They are published on the Maritime NZ website.</p> <p>Marine guidance notices provide additional information for an area subject to maritime rules. They round out and the information in an advisory circular. An example is requirements in Part 24B for securing points on board ships. These are the subject of both an AC and MGNs. In practice, the distinction between MGN and ACs is not strict, and some ACs contain material that could sit just as well in a MG.</p>

Compliance support interventions



Health and Safety at Work Act 2015 (HSWA)

Tool	Domain	Application	Authority	Scope and purpose of interventions to assist compliance
<p>Approved codes of practice</p> <p>Publication of accident investigation reports</p> <p>Publication of Maritime NZ comments on the outcome of court proceedings e.g. where there has been a conviction</p>	<p>Health and safety at work</p>	<p>Officers, PCBUs and workers</p>	<p>HSWA s.222</p>	<p>Codes state good practice and may be prescriptive, providing assurance that if a duty holder follows the code they are likely to be meeting the requirements of HSWA. Sometimes known as a 'safe harbor.'</p> <p>Scope</p> <ul style="list-style-type: none"> • Drawing out general lessons from the particular case • Stating the law in a case-specific context • Leveraging off the case to reinforce safety messages • Stating/ re-stating Maritime NZ's compliance policy in such matters <p>Purpose</p> <ul style="list-style-type: none"> • Motivating others to comply or change their behaviour • Raising or clarifying the issues – even when the prosecution may be lost

Compliance support interventions



Maritime Transport Act (MTA) 1994

Tool	purpose	person	Authority	Scope and purpose of information, education and engagement
Information, education and engagement	Maritime safety and marine environment protection		MTA s.431 functions of Maritime NZ	<p>Web-available materials on:</p> <ul style="list-style-type: none"> managing specific hazards, such as fishing ship stability, to general safety guides for specific sectors. general advice on marine protection measures to specific advice for recreational boating and those operating tourist ships in New Zealand waters.
Publication of port state control in New Zealand	Maritime safety and marine environment protection	Foreign ships in New Zealand ports	MTA s.431 functions of Maritime NZ	<p>Scope</p> <ul style="list-style-type: none"> Rates of deficiencies by named recognized organisations Ships detained by name, IMO number and flag state <p>Purpose</p> <ul style="list-style-type: none"> Inform the public about required standards and specific operators' compliance outcomes

Compliance support interventions



Health and Safety at Work Act (HSWA) 2015

Tool	Domain	Application	Authority	Scope and purpose of information, education and engagement
Information, guidance, advice, education and engagement	Health and safety at work	Officers, PCBUs and workers	HSWA s.190	<p>To provide guidance, advice, and information on work health and safety to persons who have duties under the relevant health and safety legislation; and the public.</p> <p>Advice on specific hazards such as seafarer fatigue and use of alcohol and other drugs to general information on health and safety for owners, operators, and crew.</p>

Operational activities supporting compliance

Maritime Transport Act (MTA) 1994

Tool	Purpose	Person	Legal form	Grounds for use
<p>Entry criteria to operate a commercial maritime operation</p> <p>Maritime documents</p>	Maritime safety	Maritime operators or persons wishing to become maritime operators	<p>MTA ss.41, 42</p> <p>Maritime Rules Part 21</p> <p>(also MOSS)</p>	Assessment of operators for suitability to enter into and participate as a commercial maritime operator
Permit to undertake discharge/dumping	Protection from marine pollution	Maritime operator; operator of offshore installation	<p>MTA ss.261, 262</p> <p>Maritime Rules Parts 180 and 200</p> <p>(discharge management plans)</p>	Control of activities that may adversely affect the marine environment; compliance with international obligations
Inspections and audits	Maritime safety	<p>A person who is holder of a maritime document</p> <p>A person who operates, maintains, or services any ship</p>	<p>MTA</p> <p>s.54</p>	Where considered necessary, in the interests of maritime safety, or the health or safety of seafarers, or for compliance with safety provisions of the Act

Tool	Purpose	Person	Legal form	Grounds for use
Inspections and audits	Marine environment protection	A person who is holder of marine protection document or is required to hold document A person who operates, maintains or services any ship, marine protection product, offshore installation, pipeline, transfer or reception facility	MTA s.396	Where considered necessary in the interests of protecting the marine environment from harm

Health and Safety at Work Act (HSWA) 2015

Tool	Purpose	Person	Legal form	Grounds for use
Inspectors may conduct examinations, tests, inquiries, and inspections in a place of work	Health and safety at work	PCBU or a person who appears to be in charge of a place of work	HSWA s.168	For the purpose of performing any function of the regulator or an inspector under relevant health and safety legislation, any inspector may, at any reasonable time, enter any workplace Functions under s190 include monitoring and enforcing compliance with health and safety legislation and providing guidance advice and information on work health and safety.
Departmental medical inspectors may by notice in writing require a worker to be examined by a medical practitioner or obtain a certificate as to fitness for work	Health and safety at work	Workers	HSWA s.184	If satisfied that examination would determine whether employee has been exposed to a significant hazard, and the extent of exposure and effect on health

Hazardous Substances and New Organisms Act (HSNO Act) 1996

Tool	Domain	Application	Person	Legal form	Grounds for use
Inspections	Hazardous substances	Any ship within the limits of New Zealand	Anyone working with hazardous substances on board a ship and transporting hazardous substances by ship	HSNO Act s.103	Monitor compliance with hazardous substance controls, establish nature of substances present, and verify compliance order is being met

Maritime Security Act (MSA) 2004

Tool	Domain	Application	Person	Legal form	Grounds for use
Inspection of security plans	Maritime security	Ship	Masters and administrations	MSA s.31–37	Control of ships in ports, inspection and detention etc. Imposition of detention (costs to be met by company)
Inspections and audits	Maritime security	Port facilities	Operators	MSA s.79	
Approval of ship's security plans	Maritime security	Ships	Ship operator	MSA s.23	Where plan is consistent with security assessment for ships and requirements in the Act and regulations