EEZ Compliance Engagement Strategy

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1. Purpose

This document sets out the Exclusive Economic Zone (EEZ) Compliance team’s strategy to engage with stakeholders.

In meeting our vision of ‘an environment protected, enhancing our way of life and economy’ the EEZ Compliance team have developed this strategy to ensure that stakeholder engagement contributes to our proactive regulation of the offshore environment.

We also aim to educate operators in the EEZ to assist them in meeting their obligations under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act).

This strategy focuses on engagement with external stakeholders. We have chosen this as our priority because it reflects our commitment to ‘customer centricity’ and ‘partnership plus’, two of the four strategic pillars of the EPA.

2. Context

To emphasise customer-centricity and improve customer experience, a comprehensive stakeholder survey was undertaken by Research New Zealand in November 2016. This survey aimed to gather information about the current state of our engagement. We have used the results of this survey as a baseline to establish this engagement strategy.

The EEZ Compliance team is committed to ongoing, effective engagement, and developing initiatives and procedures to better communicate with external stakeholders. For this reason, a plan has been developed under this strategy, ensuring our engagement strategies adapt to our objectives.

[Image of Regulatory Cycle and Regulatory Framework]
3. What we do

The purpose of the EEZ Act is to promote the sustainable management of the natural resources of the Exclusive Economic Zone and the Continental Shelf. The EEZ Act also aims to protect the environment from pollution by regulating or prohibiting the discharge of harmful substances, and the dumping or incineration of waste or other matter.

The EPA has functions provided for under the EEZ Act. These include to:

1. Decide on applications for marine consents.
2. Enforce the requirements of the EEZ Act, Regulations, and consents granted under the EEZ Act.
3. Promote public awareness of the requirements of the EEZ Act.
4. Monitor compliance with the EEZ Act.
5. Facilitate compliance from regulated parties.

4. Engagement objectives

These engagement objectives have been developed from a comprehensive stakeholder survey that was undertaken by Research New Zealand in November 2016. The objectives include:

1. Take a greater lead in educating stakeholders about our role and our purpose.
2. More frequent and focussed engagement.
3. Timely, responsive, and coordinated processes.
4. Pragmatic approach to non-compliance.
5. Encourage compliance from our regulated parties.

5. Principles for Engagement

The EPA has set principles. We have used these to guide our engagement:

1. Anticipatory: In our regulatory design, interventions and monitoring.
2. Transparent: In our operations and principles.
3. Assisting: In partnering with our customers.
5. Evidence driven: In our decision making and planning.
6. Confident: In our activities, and less risk averse.

6. Who are our Stakeholders?

6.1. Industry and businesses
A large proportion of EEZ Compliance’s time is dedicated to monitoring compliance of activities occurring within the EEZ. These activities are undertaken by industry and related businesses. Similarly to our other stakeholders, when dealing with industry and businesses, consistency in decision making and communication is imperative to building relationships based on mutual trust.

Those undertaking activities may be consent holders under the EEZ Act, or operators undertaking permitted activities under the Exclusive Economic Zone and Continental Shelf (Environmental Effects-Permitted Activities) Regulations 2013. The purpose of the activities carried out in the EEZ is varied, most often related to oil and gas operations, sediment disposal or marine scientific research.

6.2. Government agencies

EEZ Compliance interacts with many different government organisations. These agencies are from both central and local government and the relationships are multi-faceted. They are often co-regulators and at times, undertake activities requiring regulation.

The relationship between government organisations relies heavily on the sharing of information and knowledge to ensure co-regulation occurs in a co-ordinated and efficient way.

6.3. Community

Communities can be affected by regulated activities occurring in the EEZ.

Community groups require accessible information about who we are and what we do. This can be provided through the website and through timely responses to any enquiries received.

A key component of maintaining enduring trust from the community is to remain transparent. As a part of being transparent we will ensure that information about our statutory decisions can be easily accessed by the public.

6.4. Iwi and hapū

Regulated activities may overlap with the existing interests of Iwi and hapū groups, and this is specifically recognised through notification requirements for permitted activities. We are committed to the ongoing recognition of the unique relationship of Māori to the environment, and the key role that these groups have in New Zealand’s economic, environmental, social and cultural wellbeing.

Iwi and hapū have a significant role in our work, and it is important to the EEZ Compliance team that we keep He Whetū Mārama, the EPA’s framework for incorporating Māori knowledge and perspectives into our decisions, at the forefront of the work that we do and our approach to engagement.

7. Engagement Activity Approaches
We carry out a range of different engagement activities in an integrated manner. Our approach can be informed by the EEZ Compliance team, and wider EPA’s experiences and expertise. The following sections describe approaches we may use for engagement when regulating activities in the EEZ.

7.1. Conferences

Attendance at conferences relevant to EEZ operations and compliance can be beneficial to us as the regulator, as well as to our external stakeholders.

Conferences are an opportunity to share knowledge, and gain a mutual understanding of the difficulties that can be faced in both the enforcement of, and compliance with, the EEZ Act.

We use conferences as a tool to learn more about our stakeholders and their needs, and educate stakeholders about our role and purpose.

7.2. Guidance

Where appropriate, the EEZ Compliance team will publish guidance to assist stakeholders in meeting their obligations under the EEZ Act. Guidance provides practical, non-binding information that assists the stakeholders to meet their obligations. Generally guidance is developed in relation to a specific activity.

Situations where distribution of guidance would be deemed appropriate could be in the case of a new, or international stakeholder, or in the instance where the stakeholder may have a history of non-compliance with the regulations and could benefit from additional support in remaining compliant in the future.

7.3. Inspections

Inspections enable us to fulfil the EEZ Compliance team’s regulatory function to monitor compliance against marine consent conditions, or permitted activities such as seismic survey.

The frequency of inspections will be determined by the level of risk we have assigned to a particular operator or activity. We may also inspect an operator in response to new information or as part of an investigation, following an incident.

When an inspection is undertaken, EEZ Compliance Advisors must give special consideration to their monitoring technique to reflect our core principles, and engagement objectives. Inspections offer a good opportunity to interact with our regulated parties to learn more about them and their needs, and equally to educate stakeholders about our expectations and their obligations under the EEZ Act.

7.4. Meetings

Taking the time to meet with stakeholders is a good way to build enduring working relationships, and ensuring that both parties understand what is expected from them.

Given that time is a finite resource, the EEZ Compliance team will often need to make judgement calls about what will merit a meeting, and what may be better addressed by phone calls or emails.
We may deem a meeting to be necessary on the occasion that an internal procedure or the legislation may be changing, in the event of a first-time interaction with a new stakeholder, or if a major indiscretion has occurred.

7.5. Correspondence

Phone calls are a common means for engaging with stakeholders within the EEZ Compliance team. Regular phone calls are scheduled with consent holders where they agree that this may be beneficial. This practice allows both EPA and consent holders to air issues before they become compliance matters.

In order to remain closely aligned to our principles of ‘assisting’ and ‘connected’ the EEZ Compliance team encourage stakeholders to contact us by making our phone numbers available in our email signatures, business cards, and letters.

Email correspondence is frequently used to provide information to stakeholders. Stakeholders undertaking permitted or consented activities in the EEZ are often required to adhere to notification requirements. This information may or may not be recorded on a form, but is likely to be transmitted to the EEZ Compliance via email.

A number of email inboxes are monitored by the team to collate correspondence on the basis of activity type or consented area.

A letter is likely to be drafted where more formal correspondence is required, such as following up compliance or enforcement matters.

7.6. Website

The EPA website is a useful tool for interested parties to access information about current, and historic activity in the EEZ. A Cabinet minute requires the EEZ Compliance team to publish all permitted activities on the website no less than three working days prior to the activities commencement.

We also use the website as a platform to publish information to support those intending to undertake activities in the EEZ, and those wishing to find out more about our compliance functions.

While the website is effective in the broadcasting of general information, we do not consider it an appropriate tool for notifying parties identified as having existing interests impacted by operations in the EEZ.

7.7. Workshops

Stakeholders may identify key areas of concern in interpretation of, or compliance with, the EEZ Act and how we enforce it. If the areas of concern are similar for a number of stakeholders a workshop may be an appropriate tool to engage and resolve concerns.

Workshops provide an environment that is suitable for discussion of technical issues as it allows for a more intensive setting for reciprocal information sharing.
Workshops may not always be an appropriate means for engagement. Day-to-day engagement on non-contentious issues, or ‘business as usual’ would be better suited to less resource intensive channels, such as phone calls or email.

8. Summary

This strategy serves to provide the high level objectives and principles for engagement undertaken by the EEZ Compliance team.

The detail of intended engagement activity is laid out in our annually updated engagement plan.