

Rob Jager  
Chairman  
Independent Taskforce on Workplace Health and Safety  
PO Box 3705  
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Dear Mr Jager

I am making a submission to the Taskforce in my capacity of Chair of the whole of government Compliance Common Capability Programme (CCCP). I have attached a brief summary of my professional experience in regulatory and compliance work to this submission.

### **Background**

The CCCP, as its name indicates, is focused on supporting and improving the capability of the government's compliance capability.

The relevance of this to the work of the Taskforce is that improving health and safety outcomes involves, as a key component, improving the capability of government agencies in:

- regulating (putting in place the regulatory framework of laws that seek to improve health and safety outcomes) and
- achieving compliance with those regulatory frameworks (including the development of more detailed codes, guidelines etc.)

These two aspects of capability are generally referred to as the regulatory system. There is a specific purpose in separating them (although in practice they need to be well integrated of course). This is consistent with the purpose of the CCCP, which is a programme that has been developed on a voluntary basis since 2008 explicitly acknowledging that while governments tend to focus significantly and systemically on issues of quality of regulation (the frameworks); they have historically paid little attention to the quality of implementation activities (achieving compliance with the frameworks).

The purpose of the CCCP is to improve the quality, effectiveness and efficiency of compliance work across central and local government agencies by building the capability of people and organisations involved in compliance work. It does this by identifying and sharing knowledge and insights about regulatory practice and compliance management to support organisational improvements; and by creating common programmes and qualifications that will help to attract, develop and retain people in the compliance sector. Information about the CCCP is available at:

[http://www.dia.govt.nz/diawebsite.nsf/wpg\\_URL/Services-Information-We-Provide-Compliance-Common-Capability-Programme-Value-Proposition](http://www.dia.govt.nz/diawebsite.nsf/wpg_URL/Services-Information-We-Provide-Compliance-Common-Capability-Programme-Value-Proposition)

The Department of Internal Affairs hosts the website where information about the CCCP is available. The CCCP is managed from Maritime New Zealand where a project coordinator (funded through a very modest “club funding” arrangement between 8 agencies at the present time) focuses three days per week on developing and advancing the CCCP.

#### **Royal Commission on Pike River reference**

The Royal Commission Report on Pike River referred, in Part Two, Chapter 25, paragraph 24 (footnote 10) of its report, to one of the “products” of the CCCP – the “Achieving Compliance: A Guide for Compliance Agencies in New Zealand” document as providing as providing “the best-practice approach for compliance agencies in New Zealand”.

The Guide was developed in order to provide easy access for Compliance agencies to the kind of concepts, thinking and practices that are being used within New Zealand and internationally (through, for example, its references to international literature on this subject).

The Royal Commission’s view that the Health and Safety in Employment Act remains generally fit for purpose and the general tenor of its findings and recommendations support the need for greater attention to be given to implementation issues (essentially, achieving compliance).

#### **Purpose of this submission**

The purpose of this submission is to note that the question about the effectiveness of the implementation of the health and safety regime should be regarded as part of a question about the effectiveness of the overall approach to achieving compliance with regulatory frameworks by central and local government agencies (including Crown Entities).

While this would take the Taskforce beyond a specific focus on health and safety, it seems broadly consistent with the focus of your Terms of Reference.

Essentially, one way of improving effective health and safety outcomes is by improving the overall capability of and interest in high quality compliance capability development and practice across all central and local government agencies (including Crown Entities).

The CCCP is intended as a vehicle for doing this. However, it is entirely voluntary and has no lasting institutional form as a whole of government programme. Its voluntary nature is seen as one of its strengths, but it also means its reach and its direct impact on systemically improving compliance capability is ad hoc. As an operationally led programme, in a “system” that tends to operate on the basis that addressing and improving *regulatory frameworks* actually addresses *operational compliance capability*, it has been challenging to get traction across government as a whole.

A recommendation from the Taskforce that supported a much stronger focus on an integrated programme of people and organisational capability development, specifically at the level of good compliance practice, could support significant system wide improvement over time.

This issue is to some extent reflected in the Royal Commission's recommendation (Part Two, Chapter 25) that the "new regulator" needs to be removed from a multi-function organisation to ensure health and safety work gets the attention it needs. A similar issue exists across government in its broadest sense where compliance activity as a whole struggles to get the attention it needs in terms of a systemic focus on, and support for, capability development.

This is despite the work of the CCCC being based on the clear understanding that implementing different regulatory frameworks and objectives (for example, health and safety regulation compared to financial services regulation) requires the same or very similar core skills, competencies, strategies and tactics to achieve high quality compliance outcomes.

### **Conclusion**

The importance of addressing overall compliance capability in respect to achieving improved health and safety outcomes is that, in practical terms, people at all levels, working in whatever organisational form the health and safety regulator ultimately takes, will come from, work with and move to other agencies over time.

Having an entire government compliance system that has high levels of professionalism around compliance work will provide a strong base for improved health and safety (and all other regulatory and compliance) outcomes.

I would be happy to discuss this submission with the Taskforce if that would be of value.

Yours sincerely

Keith Manch  
Chair, Compliance Common Capability Programme

Email:  
Mobile:



## **Keith Manch – summary of relevant experience**

### **Currently:**

**2012: Chief Executive and Director of Maritime New Zealand** (the maritime safety, security and environmental regulator/compliance Crown Entity)

**2008 to present time: Chair of the Compliance Common Capability Programme.**

This programme was conceived as a result of many years' experience in a variety of agencies, constantly "reinventing" the wheel in working to develop good compliance capability and practice.

The production of the Achieving Compliance guide relied on many people, coordinated by Standards NZ, coming together to share experience and knowledge. Agencies that participated directly in its development are acknowledged on Page 2 of the Guide.

In addition to the Guide, the CCCC has produced three NZ Qualifications Framework linked qualifications: Level 3 Compliance (Foundation); Level 4 Compliance Operations with an optional strand in Investigations; and Level 5 Compliance Investigations with optional strands in Prosecutions and Civil Appeal Proceedings. These are part of an intended framework of qualifications that would extend to executive level. (Note: the three qualifications are currently subject to the NZQA targeted review of qualifications process as part of the Justice and Law Sector qualifications).

Current developments in the Programme include establishing a Regulatory and Compliance Learning Council (voluntary group of compliance and learning and development practitioners) drawn together to create and share material that will support both attainment of qualifications and high quality learning and development opportunities in the compliance sector.

### **Previously:**

**2011: Chief Executive and Registrar of the Real Estate Agents Authority** (the real estate industry regulatory and compliance organisation Crown Entity)

**2006 to 2010 and 2002-2005: Various Positions: General Manager, Director, Deputy Secretary at the Department of Internal Affairs** in the areas of regulation and compliance, policy and operations

**2005-2006: General Manager, Integrity Services, Ministry of Social Development** in the areas of benefit fraud, data matching and debt collection

**1995 to 2002: General Manager, Ministry of Consumer Affairs** including consumer policy, regulation and compliance issues

**1989 to 1995: Various Positions at the Commerce Commission -Investigator to National Manager** in the areas of competition and consumer Law,

**1977 to 1989: NZ Police**