



Compliance Delivery model

The Ministry for Primary Industries (MPI) is the government agency with responsibility for the Fisheries Act 1996 (the “regulator”). Within MPI, the role of administering regulation is undertaken by the Compliance Services Directorate.

Background

The Compliance Services Directorate’s compliance strategy is underpinned by what is referred to as the VADE operating model. VADE is an acronym (Voluntary, Assisted, Directed, Enforced), the specific components of which are set out in more detail later in this fact sheet.

The VADE model spans the full spectrum of compliance elements. However, the principle is that enforcement (such as prosecution) acts as the incentive for voluntary compliance. The model allows frontline staff to exercise discretion and ensures that any compliance intervention is commensurate to the level of non-compliance.

Voluntary Compliance

Voluntary compliance is the goal of any compliance regime. Ideally, operators are aware of relevant legislation and voluntarily comply. The compliance focus is on informing fishers; maintaining positive relationships and treating fishers as professionals.

Assisted Compliance

Operators wish to comply with relevant fisheries legislation, which collectively amounts to large number of regulations, but may not be

sufficiently informed. The compliance approach is intended to be pragmatic, with a focus on assisting fishers. This approach is most applicable to situations where consequences of non-compliance are not serious.

Directed Compliance

Non-compliance may be opportunistic due to, for example, competing operational priorities. Directed compliance refers to the tools that are available to effect a desired behavioural change. Examples include fishers being issued with a written warning or, where applicable, an infringement notice.

Enforced

Enforced compliance will be used in cases where entities or individuals deliberately choose to break the law. The full extent of the law will be applied and cases will be formally investigated with a view to prosecution.

Broadly, enforcement action in the form of prosecution will only be taken in cases involving serious criminal or repetitive offending, where there are unacceptable practices, or where prosecution is viewed as being in the public interest.

