

Term	Definition
Absolute liability	Legal responsibility for an offence that does not require proof of fault such as carelessness, recklessness or a specific intention or purpose (i.e. “mens rea” – see Elements) and that is not amenable to a defence of absence of fault.
Achieve compliance	Refers to a person or entity becoming compliant and/or, compliance being maintained by a person or entity, through voluntary compliance and/or in response to intervention by a compliance organisation or organisations.
Administrative action	Regulatory response to non-compliance that does not entail recourse to the courts or other modes of adjudication – for example, a response by way of revocation or suspension of a licence.
Administrative settlement	Agreement between a regulator and a regulated entity to resolve cases of alleged non-compliance other than through recourse to the courts or other modes of adjudication.
Admiralty Grading System	Is an internationally accepted method of evaluating the reliability of the source of information and the validity of the information supplied by that source. Evaluation in this way enables the Intelligence Analyst to determine the value of the information to their analysis.
Admissible evidence (see also Evidence)	Information of a kind and in a form that is able to be received by a decision-maker in accordance with rules of evidence . Generally, admissible evidence must be relevant (have a tendency to prove or disprove anything that is of consequence to the determination of the proceeding) and must not be excluded under any exclusionary law (such as the law regulating hearsay).
Adverse events	The realisation of a risk and/or the occurrence of an unintended event that has unfavourable consequences and/or the potential to cause harm.
Appeal	A claim to a superior body that an inferior decision-maker has made an error that is made for the purpose of seeking a reversal or modification of the decision or a referral back to the decision-maker for redetermination.
Appreciation	(or ‘an appreciation’) is the act of logically considering a given problem by assessing relevant factors and limitations and coming up with a workable plan by choosing among or between the courses of action available.
Audit	(see “Compliance auditing”)
Authority to enter	Power to enter land, premises, vehicles or craft pursuant to permission or statutory provision or instrument (such as a warrant).
Authority to inspect	Power to inspect a thing pursuant to permission or statutory provision or instrument (such as a warrant).

Authority to search	Power to search a thing, place or person pursuant to permission or statutory provision or instrument (such as a warrant).
Authority to detain	Power to detain a person or thing pursuant to permission or statutory provision or instrument (such as a warrant).
Breach	Non-compliance with a requirement or infringement of a right.
Civil appeal	An appeal that does not complain of error in a criminal proceeding .
Civil proceeding	The engagement of a court or another decision-making body for the purpose of adjudication other than in a criminal proceeding .
Complainant	A person who or entity that has made a complaint to a regulator alleging non-compliance.
Compliance	Refers to compliance with the law by regulated persons or entities
Compliance auditing	Refers to planned and systematic examination of compliance processes and practices, in terms of how they demonstrate and/or support compliance (Also known as “audit”).
Compliance plan	The overall approach of a regulator to ensure regulated persons or entities comply with the law.
Compliance environment	Refers to the physical, social, economic, political, and geographical environment that a public sector organisation’s compliance role is carried out in.
Compliance investigation	Refers to the process of gathering and assessing information and evidence to determine facts and, thereby, to determine the degree of compliance or otherwise. (Also known as “investigation”).
Compliance notice	Notification to an entity that the entity has not complied with a requirement. This often entails notification that enforcement action may be taken unless particular steps are taken. Examples are abatement notices and improvement notices.
Condition	A stipulation of a regulator modifying what may be done by a regulated entity pursuant to an authorisation or some other exercise of power by the regulator. For example, stipulations attaching to an administrative settlement or to the exercise of rights under a licence.
Covert human intelligence source	(CHIS) refers to someone who does not want their identity to be revealed and who has an ongoing relationship with a compliance organisation for the purpose of providing information or intelligence. A CHIS is also referred to as a

	'human source' 'source' "informer" or "informant". CHIS may refer to a source or sources (i.e. singular or plural).
Criminal proceeding	The engagement of a court for the purposes of determining liability for alleged offending and sentence for proven offending and of adjudicating on matters incidental to the process of making those determinations (such as applications for bail and name suppression).
Defendant	A person or entity alleged in criminal proceedings to have committed an offence . Defendants can be natural and legal persons .
Elements (of offences)	<p>Matters that must be proved in order to establish the commission of an offence. These may include a "physical" element (requiring proof that the defendant did or did not do something) and a "mental" element (requiring proof that the defendant had a particular state of mind in doing or failing to do that thing).</p> <p>In legal terms, the physical element of an offence is referred to as the "actus reus" of an offence and the mental element as the "mens rea" of an offence.</p> <p>Elements might also require proof of circumstances more broadly (such as proof of circumstances giving rise to a particular duty owed by the defendant or proof that certain goods were "dangerous goods" as statutorily defined).</p>
Enforcement	Action taken to compel compliance or to ascribe responsibility for non-compliance .
Entry/Exit	A control to ensure that people allowed to operate in a particular regulated environment meet entry-level standards. If they meet set criteria, they are approved by the regulator to undertake an activity, but this approval can be withdrawn.
Evidence	Information that has a tendency to prove or disprove anything that is of consequence to a decision required of a regulator , regardless of whether it is admissible evidence .
Exhibit	Admissible evidence in the form of a thing produced to a court or other adjudicative body.
Fiduciary	<p>"Fiduciary" (adj.) describes particular relationships of significance at law. A "fiduciary relationship" arises in circumstances in which one party (the "fiduciary" (n.)) expressly or impliedly assumes an obligation to act in the interests of the other, who places particular trust and confidence in the discharge of that obligation.</p> <p>The courts have refused to identify criteria as to when fiduciary relationships arise. Relationships that are</p>

	<p>inherently fiduciary are those of trustees, partners, solicitors, investment advisers and stockbrokers.</p> <p>A fiduciary relationship gives rise to such “fiduciary duties” as are necessary to prevent abuse of the confidence placed in the fiduciary. These will vary with context but will prevent a fiduciary from (i) entering into any engagement in which the fiduciary has, or could have, an interest conflicting with the interests of the principal party and (ii) obtaining any benefit as a result of any opportunity or knowledge resulting from the relationship.</p>
Forensic evidence	Evidence gathered pursuant to forensic investigation .
Forensic investigation	Investigation intended to gather admissible evidence .
Informer	A person who has supplied a regulator with information concerning the possible or actual commission of an offence in circumstances in which the person has a reasonable expectation that his or her identity will not be disclosed.
Informant	An officer or employee of a regulator who has issued an infringement notice and the regulator . Can also refer to the entity laying a charge.
Infringement notice	A notice issued to initiate the exercise of a statutory power to use the infringement notice procedure .
Infringement notice procedure	A procedure established by s 21 of the Summary Proceedings Act 1957 for determining liability for offending by recognising admissions of liability other than through the courts (but enabling recourse to the courts if liability is not admitted).
Infringement offence	A kind of offence for which liability can be determined in accordance with the infringement notice procedure .
Ingredients (of offences)	Elements (of offences).
Intelligence	Information produced through the analysis of other information.
Intervention	Refers to any action, or set of actions, to encourage compliance or to hold a regulated entity accountable for non-compliance. These may include non-sanction interventions as well as sanctions. (Non-sanction intervention refers to an intervention which is intended to result in compliance but without the use of a sanction. It can involve any of — informing and assisting, deterring, or directing a regulated entity).
Interview	The questioning of a person, generally in support of intelligence production or investigation (in which the person is commonly a potential or actual suspect or witness, whether as a complainant, victim or third party).

Investigation	The process of gathering evidence (including admissible evidence). (Also known as ‘compliance investigation’).
Judicial review	Consideration by the High Court of the lawfulness of any exercise of power that has important public consequences. Judicial review is available whatever the origins of the power concerned and regardless of the nature of the entity exercising it. It is most commonly sought to determine the lawfulness of the exercise of statutory power by a public body.
Legal person	A natural person and an entity relevantly regarded at law as a person. Companies are commonly regarded at law as legal persons.
Legislative instruments	Laws made by the Governor-General, Ministers of the Crown and certain other bodies under powers conferred by an Act of Parliament. Legislative Instruments generally deal with technical details that may be subject to frequent change. Most are made by way of Order in Council (the Executive Council presided over by the Governor-General).
Non-compliance	Refers to a failure to comply with regulatory requirements. Regulatory requirements may be in the form of obligations in the primary legislation, secondary legislation, rules, bylaws, and licences.
Offence	Conduct proscribed by statute, regulation or bylaw that can be enforced through the issuing of an infringement notice and/or the filing of a charging document under s 14 of the Criminal Procedure Act 2011 (see Prosecution).
Offending	Conduct giving rise to the commission of an offence .
To prosecute	To engage in a prosecution .
Prosecution	The process of seeking adjudication from the court as to whether a defendant has committed an offence . Most prosecutions are commenced by the filing of a “charging document” under s 14 of the Criminal Procedure Act 2011. Prosecutions for infringement offences can also be commenced through the infringement notice procedure , which allows an informant to file a “notice of hearing” that is then treated under the Criminal Procedure Act 2011 as though it were a charging document. In either case, prosecutions are conducted in accordance with the Criminal Procedure Act 2011.
Prosecutor	The regulator that initiated a prosecution and, alternatively, the lawyer charged with carriage of the related criminal proceeding .

Public interest	The public interest has to do with improving the lives of New Zealanders, for example, through protecting their rights, safety and health, and ensuring that the economy works effectively. It does not mean mere curiosity.
Regulation (role of)	Refers to the process of setting, monitoring and enforcing regulatory standards.
Regulations	A term used to describe regulatory standards, which are requirements in law that people should do or not do, or behave in particular ways. Sometimes called laws, rules, bylaws or licences. Sometimes people have an even more precise definition of regulation to mean secondary legislation.
Regulator	Is a person or organisation charged with implementation, monitoring and enforcement of a defined body of rules promulgated or endorsed by the Government.
Regulatory approach	The strategies and interventions adopted by a regulator in administering a regulatory regime. These can be influenced by government policy, the behavior of regulated entities and other stakeholders, and the broader operating environment.
Regulatory capture	Is what happens when a regulated industry is able to gain influence over its regulator, so that regulation that ostensibly serves the public interest actually supports the interest of the industry concerned. Individuals working in regulatory compliance organisations, as well as the organisations themselves, can be susceptible to regulatory capture.
Regulatory environment	Refers to the social, political, and regulatory framework within which compliance organisations operate.
Regulatory failure	Regulatory failure occurs when regulation fails to meet expectations such as safe workplaces or safe and healthy buildings. However, most laws do not keep everyone safe all of the time and hence for there to be a 'regulatory failure' a significant adverse event is likely to have occurred, such as a major disaster or a large number of people being affected.
Regulatory model	Is a model used to describe a compliance strategy or regulatory approach. Regulatory models explain regulatory concepts visually, and guide regulators in their approach to achieving their regulatory compliance outcomes.
Rule	A legal requirement promulgated pursuant to statutory authority other than through regulation or bylaw.
Rules of evidence	Laws used to identify admissible evidence . These are found principally in the Evidence Act 2006.
Sanction	(noun) is a penalty or other punishment imposed for a breach of the law.

	(verb) means to impose or pursue a sanction or sanctions.
Scene	Refers to the physical place where an apparent offence is or has been committed and/or where any physical evidence leading to possible establishment of an offence is located.
Security and evidential requirements	Are the requirements adopted by a compliance organisation to keep information and exhibits secure against unauthorised access or loss, and to ensure admissibility and reliability in a judicial proceeding. Evidential requirements are a subset of these and relate to admissibility of evidence.
(To) seize	To take possession of, pursuant to lawful authority.
SMEAC	Stands for Situation, Mission, Execution, Administration including logistics, and commands. It is a planning framework used to develop and document operational plans.
Strict liability	Legal responsibility for an offence that does not require the prosecutor to prove fault such as carelessness, recklessness or a specific intention or purpose (“mens rea” – see Elements) but which can be negated by a defendant establishing an absence of fault, for example by establishing the taking of “all reasonable care”.
Surveillance	The maintenance of covert or overt observations (whether visual or non-visual of a person, location or activity (including communications activity)).
Suspect	A person subject to investigation as a prospective defendant .
Vicarious liability	Liability for a breach of law that attaches to a person as a result of that person’s relationship to another person who has breached that law (for example, an employer/employee relationship).
Victim	A person against whom an offence has been committed or who has otherwise suffered loss or harm as a result of offending . Where such persons are children or young persons, parents and guardians can be regarded as victims too.
Voluntary compliance	Is a reference to regulated person or entity voluntarily complying with legislation/rules. This may be activated through the regulator providing information and/or education.
Warning	Is a formal advice to a person or entity that their actions and/or omissions amount to non-compliance and which may or may not include mention of the possible consequences of continued or repeated non-compliance.