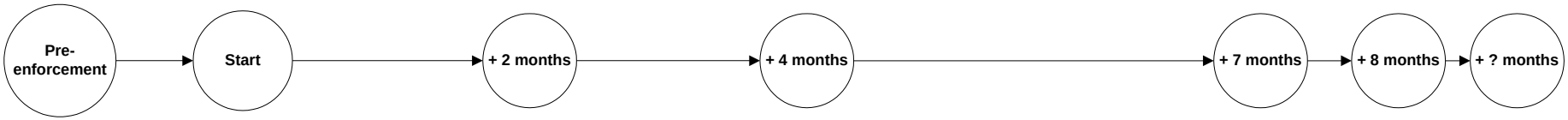
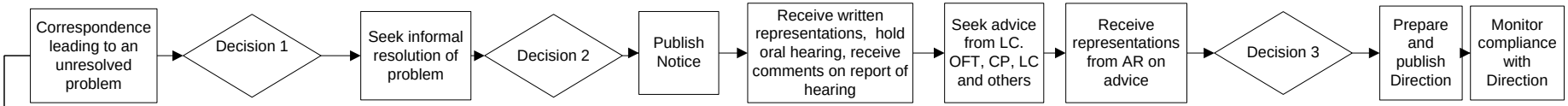
Enforcement Timelines



Direction (section 32)



Note: Decision 1

Has threshold for making Direction been met, e.g. has act/omission of AR had/likely to have adverse impact on RO?

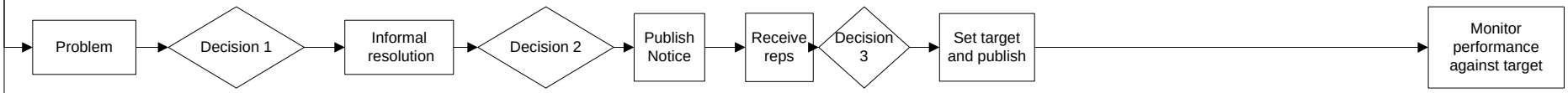
Note: Decision 2

Has informal failed and is it no longer appropriate to continue? Is Direction appropriate remedy based on current assessment?

Note: Decision 3

Having regard to all reps and advice, is it appropriate to make the Direction now?

Performance targets and monitoring (section 31)



Note: Decision 1

Has threshold test for setting Performance target been met?

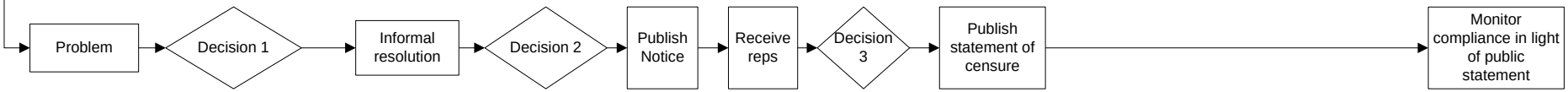
Note: Decision 2

Has informal failed and is it no longer appropriate to continue? Is target/monitoring appropriate remedy based on current assessment?

Note: Decision 3

Having regard to reps, received is it appropriate to set target and monitor performance?

Public censure (section 35)



Note: Decision 1

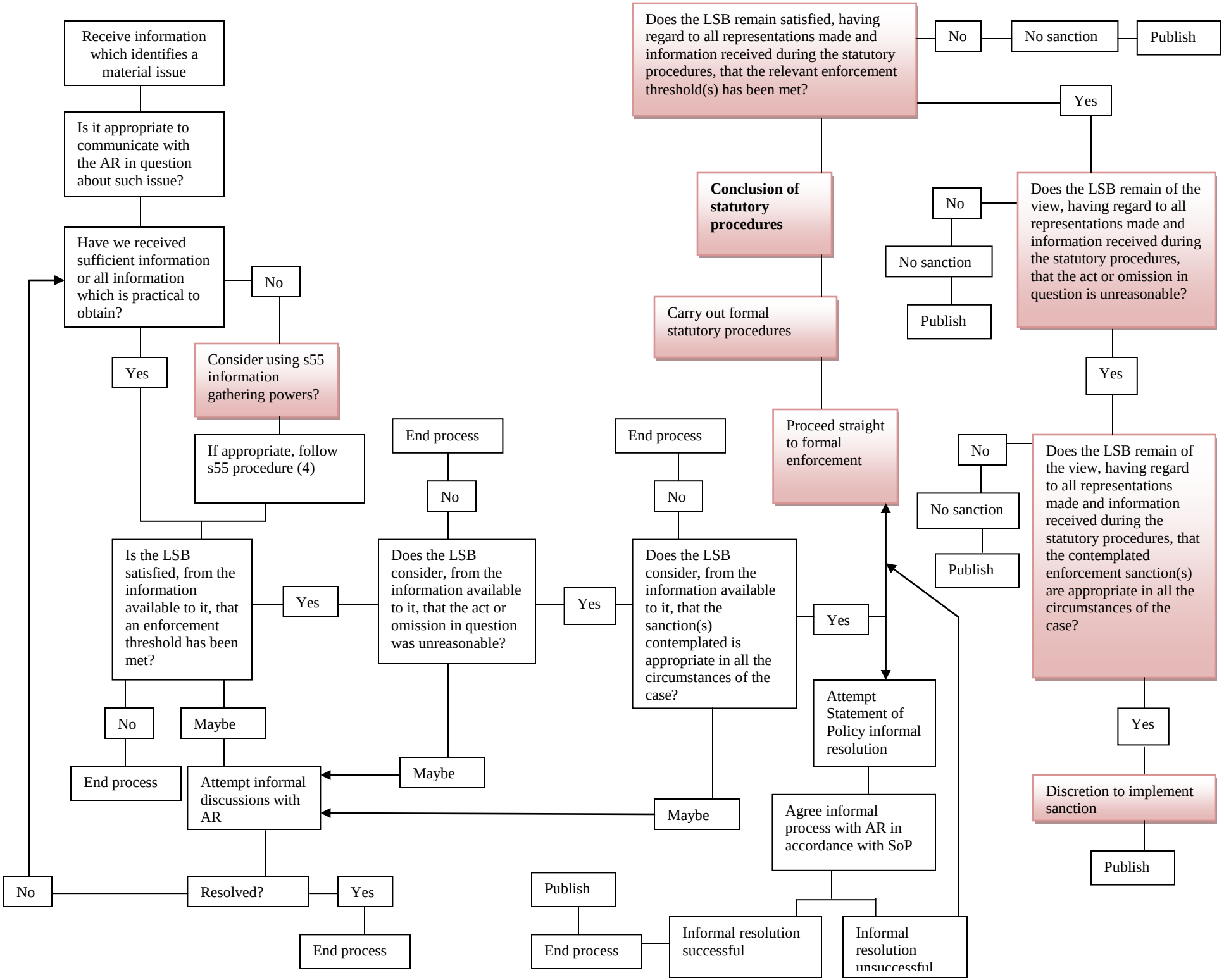
Has threshold test for making Statement of public censure been met?

Note: Decision 2

Has informal failed and is it no longer appropriate to continue? Is public censure appropriate remedy based on current assessment?

Note: Decision 3

Having regard to reps received, Is it appropriate to publish statement of public censure?


Receive information which identifies a material issue
Is it appropriate to communicate with the AR in question about such issue?
Have we received sufficient information or all information which is practical to obtain?
No
Consider using s55 information gathering powers?
If appropriate, follow s55 procedure (4)
Yes
Is the LSB satisfied, from the information available to it, that an enforcement threshold has been met?
No
Maybe
End process
Attempt informal discussions with AR
No
Resolved?
Yes
End process
End process
No
Does the LSB consider, from the information available to it, that the act or omission in question was unreasonable?
Yes
Maybe
End process
No
Does the LSB consider, from the information available to it, that the sanction(s) contemplated is appropriate in all the circumstances of the case?
Yes
Maybe
Proceed straight to formal enforcement
Attempt Statement of Policy informal resolution
Agree informal process with AR in accordance with SoP
Informal resolution successful
Publish
End process
Informal resolution unsuccessful
Carry out formal statutory procedures
Conclusion of statutory procedures
Does the LSB remain satisfied, having regard to all representations made and information received during the statutory procedures, that the relevant enforcement threshold(s) has been met?
No
No sanction
Publish
Yes
Does the LSB remain of the view, having regard to all representations made and information received during the statutory procedures, that the act or omission in question is unreasonable?
No
No sanction
Publish
Yes
Does the LSB remain of the view, having regard to all representations made and information received during the statutory procedures, that the contemplated enforcement sanction(s) are appropriate in all the circumstances of the case?
No
No sanction
Publish
Yes
Discretion to implement sanction
Publish