

Queensland Government Regulator Performance Framework

Minimising regulatory burden in pursuit of policy objectives depends upon more than good regulatory design. The actions of regulators in how regulations are implemented, administered and enforced plays a significant role in effectively and efficiently achieving policy objectives and determining the level of regulatory burden experienced not just by stakeholders/regulated parties but by regulators themselves.

Improving the way regulators operate complements the objectives of regulatory impact analysis to minimise unnecessary regulatory burden by providing an opportunity to reduce unnecessary compliance costs on regulated entities when administering and enforcing regulation.

Purpose of the Regulator Performance Framework

The purpose of the Regulator Performance Framework (the framework) is to achieve positive regulatory outcomes in Queensland through effective and efficient regulatory practice.

This includes improving how regulators administer regulation in order to produce better outcomes for the community and reduce unnecessary compliance costs.

Regulator model practices

The Queensland Government has identified five model practices that will support the achievement of policy objectives through better interactions between regulators and their stakeholders, resulting in reduced burden/costs for all parties. These practices are consistent with similar principles adopted in other jurisdictions nationally and internationally.

Where appropriate to their role, the Queensland Government encourages its regulators to adhere to the practices, noting the applicability of the practices may vary among regulators. The five practices and some supporting principles are outlined below.

Box 1: Regulator Model practices				
Model practice 1:	Model practice 2:	Model practice 3:	Model practice 4:	Model practice 5:
Ensure Regulatory activity is Proportionate to Risk and Minimises Unnecessary Burden	Consult and Engage Meaningfully with Stakeholders	Provide Appropriate Information and Support to Assist Compliance	Commit to Continuous Improvement	Be Transparent and Accountable in Actions
<p>Supporting principles:</p> <ul style="list-style-type: none"> a proportionate approach is applied to compliance activities, engagement and regulatory enforcement actions regulators do not unnecessarily impose on regulated entities regulatory approaches are updated and informed by intelligence gathering so that effort is focused towards risk. 	<p>Supporting principles:</p> <ul style="list-style-type: none"> formal and informal consultation and engagement mechanisms are in place to allow for the full range of stakeholder input and Government decision making circumstances engagement is undertaken in ways that help regulators develop a genuine understanding of the operating environment of regulated entities cooperative and collaborative relationships are established with stakeholders, including other regulators, to promote trust and improve the efficiency and effectiveness of the regulatory framework. 	<p>Supporting principles:</p> <ul style="list-style-type: none"> clear and timely guidance and support is accessible to stakeholders and tailored to meet the needs of the target audience advice is consistent and, where appropriate, decisions are communicated in a manner that clearly articulates what is required to achieve compliance where appropriate, regulatory approaches are tailored to ensure compliance activities do not disproportionately burden particular stakeholders (e.g. small business) or require specialist advice. 	<p>Supporting principles:</p> <ul style="list-style-type: none"> regular review of the approach to regulatory activities, collaboration with stakeholders and other regulators to ensure it is appropriately risk based, leverages technological innovation and remains the best approach to achieving policy outcomes to the extent possible, reform of regulatory activities is prioritised on the basis of impact on stakeholders and the community staff have the necessary training and support to effectively, efficiently and consistently perform their duties. 	<p>Supporting principles:</p> <ul style="list-style-type: none"> where appropriate, regulatory frameworks and timeframes for making regulatory decisions are published to provide certainty to stakeholders decisions are provided in a timely manner, clearly articulating expectations and the underlying reasons for decisions indicators of regulator performance are publicly available.

Regulator reporting on performance

Consistent with model practice 5, Be Transparent and Accountable in Actions, Queensland Government regulators whose regulatory activities impact business, particularly small business, are required to publicly report annually on their regulatory performance, including demonstrating the extent to which they are translating the model practices into business practices and outlining plans for future improvements.

Given the diversity of regulators across government, and the varying nature of the regulation they administer, the applicability of some of the model practices to individual regulators may vary and reporting will reflect this.

The supporting principles associated with each model practice are not meant to be exhaustive but provide some examples which may inform regulators' consideration of how they might report against each model practice. However, agencies are not required to report specifically against the supporting principles and may identify other examples that would fit under the overarching model practices and which they may consider more appropriate to their circumstances.

The level of reporting required by the various regulators aims to be commensurate with the relative size and reach of their activities.

Given the diversity of regulators and regulatory activities across government, and consistent with the enhanced focus on risk based regulation, regulators will have the flexibility to determine the appropriate level, form and content of the reporting they provide, having regard to the relative size and reach of their activities and the nature of their stakeholders.

Such an approach will help minimise administrative burden on agencies and help maximise the relevance of the reporting to their stakeholders. For example, where there are multiple regulators within a department, reporting might be done at the level of the individual regulatory units or it may be done in relation to the main areas of legislation/regulation administered.

This approach is important to ensure there is sufficient flexibility to ensure each regulator can present their information in a way that is most relevant and accessible to those they regulate.

Regulators have the option of providing the annual performance reporting as a standalone report, or as part of an existing report.

Each regulator is required to publish their annual performance report on their own website. To further increase transparency, regulators should also consider alerting their key stakeholders to the publication of their report. All regulator performance reports, or links to them, will also be collectively published on the Office of Best Practice Regulation's (the OBPR, within the Queensland Productivity Commission) website.

While the model practices and supporting principles are relevant to all Queensland Government regulators to help inform their regulatory performance and engagement with stakeholders, formal reporting against these principles

is initially intended to be focused on regulators whose regulatory activities (for example, approvals, compliance monitoring, enforcement) directly impact business, in particular small business.

Therefore, for the purposes of the performance reporting against the practices, the Government regulators required to report have been identified in relation to their: coverage or reach of regulatory activity; number of stakeholders regulated; significance or risk of the area of regulation; and capacity of the regulator to meet reporting requirements.

The regulators required by the Queensland Government to publicly report annually under the framework are listed on the Regulator Performance Framework webpage of the OBPR (qpc.qld.gov.au/rpf).

Role of the Office of Best Practice Regulation

As noted above, regulators within scope of the framework are required to both publish copies of their annual performance reports on their own website as well as provide copies of, and links to, their reports to the OBPR. The OBPR will publish these reports, or links to them, collectively on its website and will also provide regulators advance notification of when the reports are due to be completed.

Consistent with its role in providing government agencies advice on best practice regulatory approaches, the OBPR provides a point of contact for regulators seeking clarification of the Regulatory Performance Framework's requirements. The OBPR may also provide regulators with advice on fulfilling the reporting requirements of the framework in order to help regulators improve the quality of reporting.

The OBPR will undertake periodic evaluations of the framework's effectiveness.

The OBPR is the point of contact for, and will maintain a record of, external stakeholder inquiries or issues raised in relation to the regulator performance reports. This information will help inform reviews and evaluations of the framework.

For further information, please contact the OBPR at obpr@qpc.qld.gov.au