Department of Agriculture –
Regulator Performance Framework
2015–16
1 Introduction

1.1 About the Department of Agriculture
The department’s responsibilities are broad, touching on many of Australia’s primary industries. It has a diverse role, as policy adviser to Government, researcher, program administrator and regulator. The department’s work contributes to making Australia’s primary industries resilient and prosperous and to safeguarding Australia from animal and plant pests and diseases.

Regulatory reform has been a priority for the Department of Agriculture since the 1970s. To improve the efficiency of productive resource use, the department has adopted market-based approaches to resource allocation and progressively removed stabilisation measures and price controls. Past reforms have included deregulating the domestic wheat market in 1989, removing the wool reserve price scheme in 1991 and withdrawing price support to the dairy industry in 2000.

1.2 The Australian Government Regulator Performance Framework
The Australian Government Regulator Performance Framework (RPF) was developed to ‘encourage regulators to undertake their functions with the minimum impact necessary to achieve regulatory objectives and to effect positive ongoing and lasting cultural change within regulators’.

The RPF includes six indicators against which regulators are to evaluate their performance:

1. regulators do not unnecessarily impede the efficient operation of regulated entities
2. communication with regulated entities is clear, targeted and effective
3. actions undertaken by regulators are proportionate to the regulatory risk being managed
4. compliance and monitoring approaches are streamlined and coordinated
5. regulators are open and transparent in dealing with regulated entities
6. regulators actively contribute to the continuous improvement of regulatory frameworks.

The framework provides a basis for evaluating how well regulators perform in regard to the compliance costs they impose on those they regulate – be it businesses, community organisations or individuals. It is neither desirable nor possible to remove all compliance costs. Regulators have been charged by government, under legislation, to manage certain risks or promote certain behaviours or activities, for a variety of reasons. It is the responsibility of regulators to perform these functions efficiently, effectively and without imposing unnecessary red tape.

1.3 The Department of Agriculture Regulator Performance Framework
Whilst the department performs a broad range of functions to support the achievement of regulatory objectives, the following core regulatory functions are subject to evaluation under the Framework:
• the delivery of biosecurity and export certification
• the regulation of the importation of timber products and processing of raw logs to combat illegal logging
• the monitoring of imported food
• the collection of levies for research, development and marketing.

**How will we focus our efforts?**
The department has included better practice regulation objectives for each of the mandatory six key performance indicators (KPIs) and outlined the evidence that will contribute to it achieving these objectives. The cost effectiveness of collecting evidence, for the department and for stakeholders, was taken into account in designing and selecting the performance measures contained in this framework. Guidance notes developed by the Office of Deregulation, within the Department of the Prime Minister and Cabinet, on the RPF strongly encourage the use of existing data sources and evidence to ensure no additional burden is created for industry.

The department continues its focus on improving its risk management practices, designing efficient and effective regulation. Recent reforms, such as the passage of the Biosecurity Act and the service delivery modernisation programme, align with this focus. The portfolio is committed to continuously improving its performance as policymaker, market access facilitator and regulator and maintaining quality engagement with industry and stakeholders.

While all KPIs will guide its operation, in line with its current approach to regulatory reform and service delivery modernisation, the department will apply particular focus to the following KPIs and their objectives:

**KPI 1 – Regulators do not unnecessarily impede the efficient operation of regulated entities**

**KPI 3 – Actions undertaken by regulators are proportionate to the regulatory risk being managed**

**KPI 4 – Compliance and monitoring approaches are streamlined and coordinated.**

**What can you expect?**
Where regulation is chosen by the Government as the policy response, the department will focus its efforts and resources on designing a regulatory approach and applying tools that are effective and can be applied consistently, transparently and efficiently in accordance with the regulation. The department’s regulator performance framework for 2015-16 is a commitment to administering regulation in a way that achieves regulatory objectives – such as maintaining Australia’s favourable biosecurity environment for producers, farmers and processors – whilst minimising unnecessary compliance costs for businesses, community organisations and individuals.

With experience and as our data and evidence gathering practices and processes become more integrated, coordinated and part of our usual business, it is expected that the department’s range and volume of evidence will increase and mature. We expect our ability to analyse this information and to determine what it says about the quality of our regulatory approaches, systems and practices, will improve.
2 Assessment and Reporting

The Department of Agriculture will complete a self-assessment against this performance framework in consultation with key stakeholders. Following this consultation, it will be provided to the department's Secretary for certification and then to the Minister for Agriculture for approval.
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<th>RPF Key performance indicator</th>
<th>Our objectives as a good regulator</th>
<th>Performance Measures</th>
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| 1. Regulators do not unnecessarily impede the efficient operation of regulated entities. | 1. We understand the operating environment of our clients and the current and emerging issues that affect the sectors.  
2. We take actions to minimise the potential for unintended negative impacts of regulatory activities on our clients or affected supplier industries and supply chains.  
3. We implement continuous improvement strategies to reduce the cost of compliance. | A. Stakeholder impact analyses are conducted prior to introduction of all new or amended regulations.  
B. Eligible regulated entities receive tailored approaches based on an understanding of their operating environment and size of operations.  
C. Strategies being implemented under the business improvement program are successful in delivering more effective and consistent services for clients.  
D. Engagement with relevant domestic and international organisations influences standards to support efficient operation of industry.  
E. Feedback from regulated entities or results from client surveys on regulatory frameworks and approaches is analysed and appropriately responded to; and indicates that the department has minimised unnecessary compliance costs |
| 2. Communication with regulated entities is clear, targeted and effective. | 1. We provide guidance and information that is up to date, accurate, accessible and concise.  
2. We consider the impact of regulation, and engage with stakeholders before changing policies, practices or service standards.  
3. We make decisions and provide advice that is timely, consistent and supports predictable outcomes, and the underlying reasons for them. | A. 100% of relevant legislation and guidance on regulatory requirements is readily available and regularly reviewed.  
B. Stakeholder engagement toolkit is available for staff use when interacting with clients.  
C. Engagement and discussion with industry stakeholders on potential changes to regulatory policies, practices or service standards is undertaken.  
D. Department’s decisions upheld following external review.  
E. Client survey results and other feedback from regulated entities and other stakeholders indicates that the department’s communication is clear, appropriately targeted and effective in facilitating compliance or understanding regulatory requirements, systems and processes. |
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| 3. Actions undertaken by regulators are proportionate to the regulatory risk being managed. | 1. We apply a risk-based, proportionate approach to compliance, engagement and enforcement activities.  
2. We regularly reassess the regulatory environment to identify new and changing regulatory risks, altering strategies, systems and processes appropriately, without reducing regulatory certainty.  
3. We recognise the compliance record of regulated entities, providing for earned autonomy where appropriate and permitted by legislation.  
4. We consider all available and relevant data on compliance. | A. Risk assessments for imported goods utilise contemporary risk analysis, best available science and advice.  
B. The department’s compliance strategy is risk-based, regularly reviewed and updated.  
C. A range of graduated compliance and enforcement tools are used where applicable.  
D. The department undertakes coordinated environmental scanning at least annually to identify new and emerging risks.  
E. Staff are aware of regulatory risk assessment strategies and associated policies, processes and procedures.  
F. Client survey results and other feedback from regulated entities and other stakeholders indicate that the department recognises compliance history and risk posed by regulated entities when administering regulation. |
| 4. Compliance and monitoring approaches are streamlined and coordinated. | 1. Our information requests are tailored and only made when necessary to ensure achievement of regulatory objectives, and only then in a way that minimises impact.  
2. We coordinate our compliance activities with similar processes and other regulators to minimise duplication.  
3. We use existing information to limit the requests of stakeholders, and share the information with other regulators where possible.  
4. We base our monitoring and inspection approaches on risk and where possible, take into account the circumstance of regulated entities and clients operating context. | A. Progress on the service delivery modernisation program aimed at reducing unnecessary or disproportionate compliance costs  
B. Demonstrated collaboration with other relevant regulators aimed at reducing unnecessary or disproportionate compliance costs.  
C. Inspection and monitoring is conducted based on a risk-based approach, where permitted by regulation.  
D. Client Service Charter timeframes are met.  
E. Client survey results and other feedback from regulated entities and other stakeholders indicate that the department’s compliance and monitoring approaches are streamlined and coordinated. |
| 5. Regulators are open and transparent in their dealings with regulated entities. | 1. Our risk-based compliance monitoring and enforcement frameworks or strategies are publicly available in a format that is clear, understandable and accessible.  
2. We are open and responsive to requests from regulated entities regarding the operation of these risk based frameworks, and the approaches we implement.  
3. Our performance measurement results are published in a timely manner to ensure accountability to the public. | A. Risk based frameworks or strategies are available on the department’s website and include systems for regular review and update.  
B. Engagement with relevant industry representatives is undertaken prior to changes to regulatory policies, practices or service standards.  
C. Reports to stakeholders and other regulator performance reports are published in the required timeframes. |
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| 6. Regulators actively contribute to the continuous improvement of regulatory frameworks. | 1. We establish cooperative and collaborative relationships with stakeholders to promote trust and improve the efficiency and effectiveness of our regulatory framework.  
2. We engage stakeholders in the development of options to reduce compliance costs.  
3. We regularly share feedback from our stakeholders and performance information with policy areas to improve operation of the regulatory framework and administrative processes. | A. Portfolio industries and other stakeholders are regularly consulted on potential opportunities to reduce unnecessary compliance costs.  
B. Regular updates are provided to policy areas and other agencies regarding stakeholder and regulated entity feedback on regulatory frameworks.  
C. Regular updates are provided to policy areas regarding the effectiveness of the department’s regulatory performance. |