

Department of Agriculture and Fisheries

Regulator performance framework self-assessment

Business measure: self-audit against the Queensland Government Regulator Performance Framework.

In 2019–20, performance for each of the department’s five main regulatory activity areas has been assessed against each of the five model practices and supporting principles (shown in Table 1). These assessments are contained in Tables 2 to 8. DAF’s business groups also self-assessed their performance against the regulator model practices using the following star rating system:

★ **Underdeveloped**—Significant gaps in regulator performance exist and work is required to bring activity in line with the regulator model principles.

★★ **Developing**—Work is being undertaken to bring regulatory activity in line with the regulator model principles.

★★★ **Developed**—Significant progress has been made to ensure policy and performance are in line with the regulator model principles; however, work to embed these practices is required.

★★★★ **Embedding**—Policy and performance are in line with the regulator model principles and embedding is underway.

★★★★★ **Embedded**—Policy and performance is fully embedded in line with the regulator model principles.

Two case studies—one showing an area of success and the other an area for improvement—are also included for most of the main regulatory activity areas.

Table 1 Regulator model practices and supporting principles

Regulator model practices	Supporting principles
1. Ensure regulatory activity is proportionate to risk and minimises unnecessary burden	<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.
2. Consult and engage meaningfully with stakeholders	<ul style="list-style-type: none"> Formal and informal consultation and engagement mechanisms are in place to allow full stakeholder input and government decision-making circumstances. Engagement is undertaken in a way that helps regulators to 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.
3. Provide appropriate information and support to assist compliance	<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.
4. Commit to continuous improvement	<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.
5. Be transparent and accountable in actions	<ul style="list-style-type: none"> Where appropriate, regulatory frameworks and time frames 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.

Agricultural chemicals and veterinary medicines

Nature of regulation

Agricultural chemicals and veterinary medicines (agvet chemicals) include all chemical products registered by the Australian Pesticides and Veterinary Medicines Authority.

The use of agvet chemicals is regulated to minimise risks to agriculture, health, the environment and trade. Agvet chemical products must be used responsibly and safely. In general, only registered agvet chemical products are to be used and instructions on the product label must be followed. Appropriately choosing and using agvet chemicals protects against loss of markets due to chemical residues in produce, health and safety impacts, resistance in target pests and environmental impacts.

The *Chemical Usage (Agricultural and Veterinary) Control Act 1988* facilitates this by controlling the use of certain chemicals and the use of substances in or on which there is a chemical residue. Among other things, this Act requires all users of agricultural and veterinary chemicals to use chemicals as prescribed and as per the instructions on the approved label to ensure misuse is minimised.

The *Agricultural Chemicals Distribution Control Act 1966* controls the distribution of agricultural chemicals from aircraft and ground equipment. This Act ensures that agvet chemicals are distributed responsibly by trained and licensed individuals so that misuse is minimised.

Entities regulated

- All users of agvet chemicals and licensed operators of equipment used to distribute agvet chemicals
- Businesses of all sizes and the community in general

Legislation

- *Chemical Usage (Agricultural and Veterinary) Control Act 1988*
- *Agricultural Chemicals Distribution Control Act 1966*

Table 2 Assessment of the regulator performance for agvet chemicals

1. Ensure regulatory activity is proportionate to risk and minimises unnecessary burden ★★★★★
Evidence to support alignment with regulator model practices Biosecurity Queensland ensures its regulatory approach to agvet chemicals both minimises the burden on regulated entities and is commensurate to risk.
Actions taken to improve regulatory activities and practices to reflect model practices Risk-based decision-making principles are supported by legislation and incorporated into policies and operating procedures. Regulatory response is proportionate, based on level of risk and antecedent incidents.
Examples to highlight alignment, or indicate where business practices could be improved Compliance and enforcement strategies are being reviewed to better align with contemporary risk management principles. Legislative reform is being progressed to reduce unnecessary impost on regulated entities.
2. Consult and engage meaningfully with stakeholders ★★★★★
Evidence to support alignment with regulator model practices Biosecurity Queensland regularly undertakes consultation with stakeholders to ensure legislative and policy decision-making best reflects the needs and expectations of regulated entities. Formal consultation mechanisms are undertaken for legislative matters (i.e. creation or amendment), in addition to informal processes. Biosecurity Queensland leads or provides membership to several national agvet chemical committees whose charter is to improve and harmonise national policy and management issues.
Actions taken to improve regulatory activities and practices to reflect model practices Biosecurity Queensland conducts consultation with key stakeholders on a regular basis, including other regulators within Queensland, regulators in other jurisdictions, peak bodies and agvet chemical users. Biosecurity Queensland is an active member of the national Harmonised Agvet Chemical Control of Use Task Group and through this committee is playing a key role in the national harmonisation agenda.

Examples to highlight alignment, or indicate where business practices could be improved

Biosecurity Queensland led the national process to harmonise minimum training and licensing requirements for users of agvet chemicals. Biosecurity Queensland is leveraging cooperative and collaborative relationships with other regulators to improve the efficiency and effectiveness of the regulatory framework by ensuring alignment of requirements across multiple ministerial portfolios.

3. Provide appropriate information and support to assist compliance ★★★★★**Evidence to support alignment with regulator model practices**

Biosecurity Queensland provides significant documentation on DAF's website to clarify the rules, requirements and obligations for all agvet chemical users in Queensland.

Comprehensive information to address common stakeholder questions is available through the DAF Customer Support Centre.

Website content and Customer Support Centre material is reviewed and updated regularly.

Actions taken to improve regulatory activities and practices to reflect model practices

Biosecurity Queensland consistently ensures timely decision-making and notification of decisions made within statutory time frames for permits, licences and other applications made by regulated entities.

Biosecurity Queensland actively engages with other Queensland regulators regarding agvet chemical related matters to ensure the provision of consistent advice. Regulatory approaches are tailored, where possible, so that stakeholders are not unnecessarily burdened.

Examples to highlight alignment, or indicate where business practices could be improved

Biosecurity Queensland continues to increase the number of Facebook followers through digital targeting on a range of biosecurity matters including the responsible use of agvet chemicals.

Biosecurity Queensland is working with the Department of Environment and Science (DES) to develop joint messaging of requirements where the respective legislative portfolios have complex interactions.

4. Commit to continuous improvement ★★★★★**Evidence to support alignment with regulator model practices**

Biosecurity Queensland is continually improving the way it regulates and leads or provides membership to several national agvet chemical committees whose charter is to improve and harmonise national policy and management issues.

Biosecurity Queensland is an active and often leading participant in the review of the agvet chemical legislation at the national level. Our ongoing contribution to the Harmonised Agvet Chemicals Control of Use Task Group (established to oversee the implementation of the national agvet chemical reform agenda) highlights our commitment to continuous improvement.

Actions taken to improve regulatory activities and practices to reflect model practices

Biosecurity Queensland is committed to implementing all nationally agreed reforms for agvet chemical regulation within agreed time frames. Further reform is also being progressed through consolidation of the agvet chemical legislation in Queensland.

Biosecurity Queensland has recognised the need to update its training material for its authorised regulatory officers. Rather than have specific training for each piece of legislation, it was determined that high-level foundational training materials would be developed covering all of the biosecurity legislation. This provides greater clarity for authorised officers, particularly for new recruits.

Examples to highlight alignment, or indicate where business practices could be improved

Biosecurity Queensland continues to implement nationally agreed reforms, having made amendments to the Chemical Usage (Agricultural and Veterinary) Control Regulation 2017 this year and significantly progressing amendments to the *Agricultural Chemicals Distribution Control Regulation 1998*.

Targeted training packages are being developed to upskill authorised officers who work in agvet chemical compliance, with an update of training materials for field officers investigating misuse of agvet chemicals in plant industries being considered.

5. Be transparent and accountable in actions ★★★★★

Evidence to support alignment with regulator model practices

Indicators of regulatory performance for agvet chemical legislation administered by Biosecurity Queensland are communicated on an annual basis to the public.

Information regarding regulatory decision-making processes and timeframes are published on the DAF website and identified on approved forms.

Actions taken to improve regulatory activities and practices to reflect model practices

Biosecurity Queensland consistently ensures regulatory decisions regarding agvet chemical matters are made and notified within statutory timeframes and that the underlying reasons for decisions made are clearly articulated.

Biosecurity Queensland regularly reviews the information on the DAF website to ensure it continues to clarify the rules, requirements and obligations for all agvet chemical users in Queensland.

Case study: An area of success**Single national regulatory framework for the regulation of agvet chemicals**

The Queensland Government is a signatory to an intergovernmental agreement for a single national regulatory framework—driven by the Council of Australian Governments (COAG)—for the regulation of agvet chemicals. Under this arrangement, the Australian Government is responsible for the registration of agvet chemicals and the Queensland Government, through Biosecurity Queensland, is responsible for controlling the use of these chemicals.

Biosecurity Queensland continues to contribute to the national Harmonised Agvet Chemicals Control of Use Task Group, established to oversee the implementation of COAG's regulatory framework. Biosecurity Queensland also continues to contribute to national working groups that report to this task group to develop implementation plans for the elements of the COAG regulatory model.

Reforms which have been endorsed by AGMIN continue to be enacted into current Queensland legislation. Amendments to the *Chemical Usage (Agricultural and Veterinary) Control Regulation 2017* commenced in June 2020 to implement nationally harmonised minimum training requirements for users of restricted chemical products and schedule 7 poisons, as well as minimum record keeping requirements for all users of agvet chemicals.

Case study: An area for improvement**Consolidation of agricultural and veterinary chemical legislation in Queensland**

While DAF is making excellent progress on making amendments to give effect to the nationally agreed harmonised record-keeping and training requirements, a holistic review of Queensland agvet legislation is expected to provide great benefit for both the regulator and regulated alike.

DAF is considering the consolidation of Queensland agvet chemical legislation, namely the *Chemical Usage (Agricultural and Veterinary) Control Act 1988* and the *Agricultural Chemicals Distribution Control Act 1966*, into a single piece of legislation.

It is anticipated that approaching the review and update of Queensland agvet legislation holistically, rather than piecemeal as separate pieces of legislation, will provide the greatest opportunity to maximise regulator model practices and supporting principles.

Animal welfare and management

Nature of regulation

Animal welfare and management is an important issue for the community both locally and internationally. Queensland Government is committed to ensuring:

- the welfare of all animals in Queensland and the reputation of Queensland's animal industries
- the management of cats and dogs meets public safety and community expectations.

Animal welfare—Queensland's animal welfare laws include the *Animal Care and Protection Act 2001* and the Animal Care and Protection Regulation 2012. Biosecurity Queensland, a part of DAF, is the lead agency for the administration of the Act and Regulation and works in partnership with RSPCA Queensland Inc. to provide animal welfare services.

Animal management—Queensland's current cat and dog management laws include the *Animal Management (Cats and Dogs) Act 2008* and the Animal Management (Cats and Dogs) Regulation 2019. Biosecurity Queensland is the lead agency for the administration of the Act and Regulation. However, the majority of the Act is enforced by local governments within their local areas.

Brands—Biosecurity Queensland administers the *Brands Act 1915*, which provides the statutory basis for livestock owners to permanently identify their livestock as their property.

Entities regulated

Animal Care and Protection Act 2001—In Queensland, all persons and organisations that own, care for and use animals for a variety of purposes (including food, fibre, work, education, recreation, companionship, entertainment and scientific purposes) are subject to the provisions of this legislation.

Animal Management (Cats and Dogs) Act 2008—In Queensland, all persons and organisations who own or are responsible for a cat or dog, provide microchip registry services, implant a microchip in a cat or dog, spay a cat or dog, or supply a cat or dog to another person, are subject to the provisions of this legislation.

Brands Act 1915—Livestock owners are responsible for registering brands and earmarks and obtaining branding irons and earmarking pliers. Owners must ensure that branding irons are made to the exact shape shown on the certificate of registration and that only approved paints or pastes are used (for pigs, sheep and goats). Brands and earmarks are registered to an entity. Earmarks are registered for use only within a particular district and registration is not automatically transferred with a change of property ownership.

Legislation

Animal welfare—The *Animal Care and Protection Act 2001* provides the regulatory framework to ensure the welfare of animals in Queensland. The purpose of the Act is to:

- promote the responsible care and use of animals
- provide standards for the care and use of animals that
 - achieve a reasonable balance between the welfare of animals and the interests of persons whose livelihood is dependent upon animals
 - allow for the effect of advancements in scientific knowledge about animal biology and changes in community expectations about practices involving animals
- protect animals from unjustifiable, unnecessary or unreasonable pain
- ensure the use of animals for scientific purposes is accountable, open and responsible.

The Act imposes a duty of care obligation on persons in charge of animals, prohibits and regulates certain conduct, regulates certain surgical procedures and provides for the registration of certain users of animals for scientific purposes and compliance with the scientific use code.

The Regulation details the standards for the care and use of different animal species in Queensland. These are based on state and nationally accepted animal welfare codes of practice and standards and guidelines.

Animal management—The *Animal Management (Cats and Dogs) Act 2008* provides the regulatory framework for cats and dogs in Queensland to be managed to ensure public safety and to meet community expectations. The purpose of the Act is to:

- provide for the identification of cats and dogs
- provide for the registration of dogs
- provide for the effective management of regulated dogs
- promote the responsible ownership of cats and dogs
- promote the responsible breeding of dogs.

Brands—The *Brands Act 1915* makes branding compulsory for cattle and pigs when they are offered for sale in Queensland. Exemptions apply for approved stud cattle sales and calves under 100 kg live weight. Cattle bred, raised, fattened and slaughtered and ‘sold over the hook’ within one ownership are exempt from branding. There is also exemption for cattle taken directly to slaughter from another state or territory if they have been purchased ‘over the scales’ at a feedlot in Queensland and are kept at a registered feedlot in Queensland until slaughter. Interstate cattle sold in Queensland must still be branded.

The Brands Regulation 2012 prescribes the types of brands that can be registered and the fees payable for registration of these brands.

Table 3 Assessment of the regulator performance for animal welfare

1. Ensure regulatory activity is proportionate to risk and minimises unnecessary burden ★★★★★

Evidence to support alignment with regulator model practices

Biosecurity Queensland proactively monitors and reviews its animal welfare regulatory activities to ensure that they are proportionate and reasonable and address the level of risk associated with the care and use of animals in Queensland.

The Act minimises the unnecessary burden on regulated parties by not affecting the application of certain other Acts including the *Nature Conservation Act 1992*, the *Fisheries Act 1994*, the *Racing Act 2002* and the *Racing Integrity Act 2016*. The Act also aims to align with nationally endorsed standards in animal welfare through adoption of nationally agreed standards and guidelines for livestock species.

Actions taken to improve regulatory activities and practices to reflect model practices

The Animal Welfare Advisory Board was established to provide informed advice on animal welfare matters, balancing scientific intelligence and community expectations in decision-making on regulatory matters. Biosecurity Queensland continues to support the ongoing process of converting existing animal welfare codes of practice into regulatory-ready animal welfare standards and guidelines following adoption by the agricultural ministers.

Biosecurity Queensland developed its own compliance and enforcement guidelines. The document outlines its strategic objectives, guiding principles, roles and responsibilities and considerations for achieving compliance. The *Animal welfare investigations operational procedures and guidelines manual* provides appointed inspectors and authorised persons with specific guidance around their powers under the Act.

The Code of practice for breeding of dogs came into effect in 2018 and provides mandatory standards that a person must meet when breeding and rearing dogs.

Examples to highlight alignment, or indicate where business practices could be improved

Following the finalisation of the Australian Animal Welfare Standards and Guidelines for Cattle and Sheep (2016) and Australian Animal Welfare Standards and Guidelines for Saleyards and Depots (2018), Biosecurity Queensland is finalising the drafting of these standards to be included in the Regulation.

The Australian Animal Welfare Standards and Guidelines for Land Transport of Animals were adopted into regulation in 2014 and are being enforced by animal welfare inspectors appointed under the Act.

Biosecurity Queensland is a member of the Standards Writing Group and the Stakeholder Advisory Group for the development of the Australian Animal Welfare Standards and Guidelines for Poultry.

2. Consult and engage meaningfully with stakeholders ★★★★★

Evidence to support alignment with regulator model practices

Biosecurity Queensland undertakes both formal and informal consultation and engagement processes with animal industries and their advocacy groups, animal welfare groups and the general community on animal welfare issues. Animal welfare attracts a significant amount of ministerial correspondence annually.

With nationally agreed animal welfare standards, Biosecurity Queensland recognises the importance of playing an active role in engaging with other state and territory governments and the federal Department of Agriculture to ensure the harmonisation of animal welfare outcomes nationally.

It also holds regular meetings with its regulatory partner, RSPCA Queensland Inc., to discuss animal welfare policy and enforcement issues and holds ongoing training workshops for inspectors.

Actions taken to improve regulatory activities and practices to reflect model practices

Biosecurity Queensland communicates with stakeholders and the general community through a number of methods including social media, web content, face-to-face workshops, teleconferences/Skype meetings, written format and one-on-one meetings. It utilises existing government platforms for conducting public consultation processes. It also makes amendments to the Act and Regulation to ensure the legislation remains contemporary and agile to meet community and industry expectations.

Examples to highlight alignment, or indicate where business practices could be improved

Biosecurity Queensland is represented on a range of animal welfare-related groups, for example:

- Animal Welfare Task Group
- Animal Welfare Research, Development and Extension Group
- poultry animal welfare standards and guidelines writing and stakeholder groups
- National Health and Medical Research Council's Ban on Cosmetic Testing on Animals Committee.

Biosecurity Queensland is progressing the development of Queensland standards for animals used in rodeos in consultation with key stakeholders and community groups in response to community concerns regarding certain events (calf roping and chute dogging) and animal welfare considerations generally in rodeos.

3. Provide appropriate information and support to assist compliance ★★★★★

Evidence to support alignment with regulator model practices

Biosecurity Queensland helps stakeholders to comply with the Act by providing appropriate information such as policy positions and other relevant documentation including forms, templates and fact sheets on its various websites. Stakeholders can also contact relevant DAF officers via the DAF Customer Service Centre by email or telephone and through various extension activities to make enquiries. Social media and targeted educational campaigns are used to communicate messages to ensure compliance with specific aspects of the Act.

Actions taken to improve regulatory activities and practices to reflect model practices

Biosecurity Queensland regularly reviews existing information to ensure its currency, determines whether additional information is required, assesses the accessibility of this information and explores other avenues of communication such as social media and apps.

Examples to highlight alignment, or indicate where business practices could be improved

Biosecurity Queensland provides novel extension activities (such as webinars) to disseminate information to key stakeholders about significant changes to the legislation. Web-based information is provided on key compliance requirements and targeted and informative social media posts are regularly posted on topical subjects.

4. Commit to continuous improvement ★★★★★

Evidence to support alignment with regulator model practices

Biosecurity Queensland is committed to continually improving the way it regulates animal welfare in Queensland. It holds regular meetings with its regulatory partner, RSPCA Queensland Inc., to discuss animal welfare policy and enforcement issues and holds ongoing training workshops for inspectors.

Actions taken to improve regulatory activities and practices to reflect model practices

Under the *Agriculture and Other Legislation Amendment Act 2020* amendments were made to provide additional powers to inspectors to help abandoned animals. This provision will empower animal welfare

inspectors to enter premises without a warrant, where an animal has been abandoned, irrespective of its condition. Before entering, the inspector must first make a reasonable attempt to locate and contact the owner of the animal or the occupier of the premises prior to entry.

The ongoing development and implementation of the Biosecurity Online Resources and Information System and supporting policies and procedures has enabled Biosecurity Queensland to effectively and efficiently track and report on its animal welfare-related responsibilities under the Act.

Examples to highlight alignment, or indicate where business practices could be improved

Biosecurity Queensland has recruited a learning and development officer to redevelop the training package for animal welfare inspectors to ensure contemporary training and regulatory practices for inspectors appointed under the Act.

5. Be transparent and accountable in actions ★★★★★**Evidence to support alignment with regulator model practices**

Biosecurity Queensland is transparent and accountable in its actions by reporting regularly to the public on a range of issues, both specific and general. To ensure regulatory decisions are made in a timely manner, the Act provides for legislated timelines in which a decision must be made. Decisions made under the Act are subject to both internal and external review.

Resources such as standard operating procedures, templates and training have been developed for use by the delegated decision-makers in Biosecurity Queensland. These include examples of the type and level of information that decision-makers should provide in their decisions and the requirements for a review.

Indicators of regulatory performance in relation to animal welfare are published in DAF's annual report.

Actions taken to improve regulatory activities and practices to reflect model practices

Biosecurity Queensland and RSPCA Queensland Inc. have a 3-year activity agreement in place. The agreement sets out the financial support provided to RSPCA Queensland Inc. for its inspectorate as well as conditions under which both parties operate, including the requirement for an annual report.

In 2017, Biosecurity Queensland established a memorandum of understanding with RSPCA Queensland Inc. and the Queensland Racing Integrity Commission to ensure the appropriate sharing of information relating to animal welfare incidents and the referral of animal welfare matters that lie within their jurisdiction.

Examples to highlight alignment, or indicate where business practices could be improved

All internal reviews were completed within the required time frames. Information notices (where required) were provided, outlining the decision-making process, matters taken into consideration and findings of fact.

Case study: An area of success**Dogs in hot cars**

Dogs in hot cars and the adequacy of inspector's powers under the *Animal Care and Protection Act 2001* were raised as an issue in 2018–19. Consultation was undertaken with RSPCA Queensland Inc. and the Animal Welfare Advisory Board about the issue. Biosecurity Queensland confirmed a case for further action and determined possible response options including greater clarity through legislative change.

In February 2020, the *Agriculture and Other Legislation Amendment Act 2020*, amended the *Animal Care and Protection Act 2001* to provide that confining an animal in or on a vehicle in a way that causes heat stress or other pain for the animal was example of animal cruelty.

Case study: An area for improvement

Responding to animal welfare complaints

In February 2020, an independent inquiry into animal cruelty in the management of retired racehorses (the Martin Inquiry) made several findings on Biosecurity Queensland's handling of animal welfare complaints.

The findings highlighted opportunities to improve Biosecurity Queensland's alignment with the model practice of ensuring regulatory activity is proportionate to risk, noting that a primarily educational approach to enforcement of animal welfare laws may not meet community expectations.

Biosecurity inspectors will enhance their knowledge and skills to effectively respond to animal welfare incidents using the full range of available education, compliance and enforcement options. Biosecurity Queensland is also taking the opportunity to improve alignment with the model practice of being transparent and accountable, by taking steps to provide direct feedback to animal welfare complainants and to publish the outcomes of investigations online.

Biosecurity Queensland is working with industry stakeholders towards developing more mature regulatory partnerships that are more aware of community expectations and of the benefits of ethical and transparent behaviour. An animal welfare stakeholder reference group has also been established to enhance Biosecurity Queensland's ability to meaningfully consult and engage with stakeholders, including key industry stakeholders, regulatory partners and the community.

Table 4 Assessment of the regulator performance for animal management—cats and dogs

1. Ensure regulatory activity is proportionate to risk and minimises unnecessary burden

Evidence to support alignment with regulator model practices

The Queensland community expects that animals are managed in a way that ensures the safety of the public through effective control of domestic dogs.

The Act minimises the unnecessary burden on regulated parties by allowing organisations that accredit dog breeders to apply to become approved entities and, if approved, exempting their members from the statewide dog breeder registration.

The Act does not prescribe dog and cat registration fees or the number of cats or dogs that may be kept at a particular location. These are set by local governments under their local laws.

Actions taken to improve regulatory activities and practices to reflect model practices

Biosecurity Queensland continues to support local governments to introduce local laws that ensure animal management meets their community's specific expectations.

It has developed regulatory policies outlining the areas of responsibility for local governments and Queensland Government under the Act. It has also developed its own compliance and enforcement guidelines. The document outlines its strategic objectives, guiding principles, roles and responsibilities and considerations for achieving compliance.

2. Consult and engage meaningfully with stakeholders

Evidence to support alignment with regulator model practices

Biosecurity Queensland works with local governments to ensure cat and dog management regulatory activities are proportionate and reasonable and address the level of risk associated with the care and use of these animals in Queensland. It undertakes both formal and informal consultation and engagement processes with local governments, cat and dog enthusiast groups, animal welfare groups and the general community about cat and dog management issues. Cat and dog management attracts a significant amount of ministerial correspondence annually.

Biosecurity Queensland recognises the importance of local governments in cat and dog management. It plays an active role in engaging local governments to build networks and ensure the Act continues to meet the needs of the Queensland community. Biosecurity Queensland also attends regular meetings with local governments to discuss animal management policy and enforcement issues.

Examples to highlight alignment, or indicate where business practices could be improved

Biosecurity Queensland consulted extensively with Local Governments during the re-write of the Animal Management (Cats and Dogs) Regulations 2019, ensuring that Local Government views and needs were incorporated into the new regulations.

Representatives from Biosecurity Queensland sit on a range of animal management-related groups, including the:

- South East Queensland Regional Animal Management Group
- Dog Breeder Governance Group
- Animal Registries Working Group.

Biosecurity Queensland regularly consults with key stakeholders to identify and prioritise amendments to the Act and Regulations.

3. Provide appropriate information and support to assist compliance ★★★★★**Evidence to support alignment with regulator model practices**

Biosecurity Queensland assists stakeholders with compliance with the Act by providing appropriate information, including policy positions and other relevant documentation (such as forms, templates and fact sheets) on its website.

Local government officers and other stakeholders can also contact relevant DAF officers via the DAF Customer Service Centre by email or telephone and through various extension activities to make enquiries.

Social media and targeted educational campaigns are used to communicate specific messages to ensure compliance with specific aspects of the Act.

Actions taken to improve regulatory activities and practices to reflect model practices

Biosecurity Queensland regularly reviews existing information to ensure its currency, determines whether additional information is required, assesses the accessibility of this information and explores other avenues of communication such as social media and apps.

Examples to highlight alignment, or indicate where business practices could be improved

Web-based information is provided on key compliance requirements. Targeted and informative social media posts are regularly posted on varied and topical subjects.

Biosecurity Queensland also provides local government officers and prescribed permanent identification device (PPID) (microchip) registries with the opportunity for one-on-one discussions to help address specific issues that arise during enforcement of the Act and in achieving compliance with the Act and Regulation.

4. Commit to continuous improvement ★★★★★**Evidence to support alignment with regulator model practices**

Biosecurity Queensland is committed to continually improving cat and dog management in Queensland.

Biosecurity Queensland holds regular meetings with local governments and other key stakeholders to discuss cat and dog management issues. It also attends local government forums and encourages local governments to provide written submissions for legislative amendments that aim to achieve greater efficiencies for cat and dog management in Queensland

Actions taken to improve regulatory activities and practices to reflect model practices

In May 2020 the Act was amended to help reunite lost animals with their owners. The Act was also amended to allow the chief executive to give a notice or other document to a person using an electronic address, such as an email address or mobile phone number.

Biosecurity Queensland continues to make improvements to the Queensland Dog Breeder Register portal to facilitate dog breeders to register and renew their registration online. Those breeders unable to access the on-line portal continue to be contacted by mail and provided a manual registration and renewal process.

Biosecurity Queensland continues to monitor the performance of the register and consult with stakeholders about its efficiency through the Dog Breeder Governance Group and South East Queensland Regional Animal Management Group.

Examples to highlight alignment, or indicate where business practices could be improved

The Queensland Dog Breeder Register portal allows dog breeders to register and manage their registration details online. It has been extremely successful, with over 90% of the registered 34 800-plus dog breeders doing so through the portal, without DAF's direct involvement. Biosecurity Queensland is committed to continually improving the register.

5. Be transparent and accountable in actions ★★★★★**Evidence to support alignment with regulator model practices**

Biosecurity Queensland is transparent and accountable in its actions. It reports regularly to the public on a range of issues, both specific and general.

To ensure regulatory decisions are made in a timely manner, the Act provides for legislated timelines in which a decision must be made. Decisions made under the Act are subject to both internal and external review.

Biosecurity Queensland has assisted local governments in their responsibilities by providing resources such as standard operating procedures and templates and has provided input into training packages for local governments.

Actions taken to improve regulatory activities and practices to reflect model practices

Biosecurity Queensland ensures transparency and accountability in all its actions under the Act and Regulation. This is achieved through the development of standard operating procedures and policies for compliance.

It ensures local governments receive concerns about dog breeders that are entered in the Queensland Dog Breeder Register through direct referral to enhance efficiencies in regulatory action.

Biosecurity Queensland assists local governments in being responsible for ensuring transparency and accountability in all their actions under the Act and Regulation, by providing assistance in interpretation of the Act and Regulations.

Case study: An area of success**Reuniting lost dogs with their owners**

Under the *Agriculture and Other Legislation Amendment Act 2020*, the *Animal Management (Cats and Dogs) Act 2008* was amended to help reunite lost dogs with their owners by requiring suppliers of dogs to provide the new owner with a signed microchip transfer form, which may be sent to the microchip registry to record the change of ownership of the animal.

This change will help the new owners to meet their obligation under the Act to notify a microchip registry of the dog's change of ownership details within seven days of the change occurring.

Case study: An area for improvement**Review of the dog breeding and supply provisions of the *Animal Management (Cats and Dogs) Act 2008***

Biosecurity Queensland is currently developing a strategy to review the functions of the Queensland Dog Breeder Register and how effective these provisions have been in promoting the responsible breeding and supply of dogs in Queensland. The review aims to identify if there are significant difficulties in the administration of the dog breeder registration scheme that require focussed modifications though data processing procedures, training and/or regulatory amendments.

The review will focus on:

- adequacy and currency of data within the database
- individual dog breeder registration
- approved entity administration of members
- the logging of animal management and animal welfare concerns
- local government animal management awareness and training needs.

Table 5 Assessment of the regulator performance for brands

1. Ensure regulatory activity is proportionate to risk and minimises unnecessary burden ★★★★★
Evidence to support alignment with regulator model practices The legislation provides a statutory basis for livestock owners to permanently identify their livestock as their property. However, the legislation takes a proportionate approach by only mandating owners to brand cattle over 100 kg and pigs over 30 kg and only if they are offered for sale. The branding of horses, sheep, goats, llamas, alpacas and camels is also voluntary. It also provides a basis for owners to protect their livestock from theft, rather than impose unnecessary restrictions or burden on them.
2. Consult and engage meaningfully with stakeholders ★★★★★
Evidence to support alignment with regulator model practices Biosecurity Queensland has consulted with the key stakeholders on the efficacy and efficiency of the legislation. The legislation has been in place since 1915. Industry has advised that the legislation continues to provide owners with a meaningful methodology for identifying their stock and reducing theft. Industry has also indicated that the brands they currently have sometimes date back over 100 years and they provide family legacies as well as a trademark for the family products. Biosecurity Queensland has also consulted with the Queensland Police Service to clarify that they refer to brands as a method for building a case for stock theft. Biosecurity Queensland recently provided further assistance to Queensland cattle producers during the current COVID-19 situation concerning branding requirements. The COVID-19 situation required the agriculture sector to consider the way labour was managed. Aspects of agriculture require work to occur in close proximity and consideration needed to be made for social distancing requirements as part of the COVID-19 response.
Actions taken to improve regulatory activities and practices to reflect model practices Recently the need to brand cattle of a live weight excess of 100kg has been removed. This exemption will apply until the end of the COVID-19 emergency under of the <i>Public Health Act 2005</i> , as extended and further extended under section 323 of that Act.
3. Provide appropriate information and support to assist compliance ★★★★★
Evidence to support alignment with regulator model practices DAF's website provides clear information about who needs a brand, how to apply for a brand, the position on the animals where branding should be applied, how to insert earmarks and the penalties associated with non-compliance. In recognition that purchased cattle are often cross-branded incorrectly, leaving the purchaser open to prosecution or having no legal claim to the purchased stock, DAF's website explains how to cross-brand correctly. Consistent advice is provided to manufacturers and suppliers of branding irons and earmarking pliers to ensure they produce the relevant tools to correct specifications.
4. Commit to continuous improvement ★★★★★
Evidence to support alignment with regulator model practices An experienced and dedicated team in Biosecurity Queensland receives and processes up to 1500 brands applications annually. This includes brands for cattle, horse, sheep and pig earmarks, and also applications where clients can transfer the ownership of a brand to another person. Performance of the application processing team is monitored and, where necessary, improved business processes are implemented to provide the best possible service to the client.
Actions taken to improve regulatory activities and practices to reflect model practices A person wishing to register a brand can search on DAF's iBrands database to determine whether the brand they want to register is already registered. The iBrands database has been enhanced to make it more user-friendly for customers. Improvements have also been made to the current Animal Identification System database to make it more compatible with Windows 10 (DAF's new operating system).

Examples to highlight alignment, or indicate where business practices could be improved

Further adjustments will be made to the iBrands database to improve data transfer between the Animal Identification System and iBrands.

5. Be transparent and accountable in actions ★★★★★**Evidence to support alignment with regulator model practices**

DAF's iBrands database allows clients to access current brands before deciding on the brand they want to register. DAF's website shows the time currently taken to process a brands application. Staff work closely with applicants to ensure they are fully informed about the brands they want to register, including feasibility of registration.

Actions taken to improve regulatory activities and practices to reflect model practices

Clients were informed via DAF's website that the processing time for a brand application was up to 100 working days. DAF acknowledged that 100 days was unacceptable and, through concentrated efforts and new processes, significantly reduced the backlog and decreased the number of processing days to less than 50 days

Examples to highlight alignment, or indicate where business practices could be improved

DAF will continue to monitor the application processing time and ensure it is maintained at acceptable levels.

Biosecurity

Nature of regulation

Biosecurity Queensland (Department of Agriculture and Fisheries) leads Queensland Government's efforts to prevent, respond to and recover from pests and diseases threatening agricultural prosperity, the environment, social amenity and human health. This is achieved by maintaining market access, dealing with pests and diseases and reducing the risk of contamination from agricultural chemicals.

Biosecurity Queensland operates in a diverse environment comprised of many different industries and enterprises in the primary and secondary production sectors. The key piece of legislation administered by Biosecurity Queensland is the *Biosecurity Act 2014*.

Entities regulated

The *Biosecurity Act 2014* imposes obligations on everyone to take all reasonable and practical measures to deal with biosecurity risks. Biosecurity Queensland deals with this requirement through appropriate communication, education, surveillance, compliance and enforcement commensurate to the level of risk posed by the issue.

While the Act applies to everyone, stakeholders who are most likely to be regulated are farmers, industries associated with farming of livestock and plant produce, and rural landowners. However, people who enter farms, rural properties and places where farm animals are kept are also regulated. Further, there are specific obligations on people who deal with prohibited matter, restricted matter or biosecurity matter identified under the Act. The communication with stakeholders and government actions taken relating to these matters are proportionate to the risks posed by the matters.

Other obligations and offences under the Act include animal tracing requirements, restrictions on feeding animals and reporting notifiable incidents such as unwell cattle or high mortalities.

The legislation applies to businesses of all sizes, to other Government departments and its entities, and to the community in general.

Legislation

- *Biosecurity Act 2014*
 - Provides a framework for an effective biosecurity system for Queensland that helps to minimise biosecurity risks.
 - Facilitates response to biosecurity events in a timely and effective way and ensures the safety and quality of animal feed, fertilisers and other agricultural inputs.
 - Ensures biosecurity matters align with national and international obligations and requirements for accessing markets for animal and plant produce.
- Biosecurity Regulation 2016
 - Operationalises the Biosecurity Act, particularly around methods to meet a person's general biosecurity obligation (GBO).

Table 6 Assessment of the regulator performance for biosecurity

1. Ensure regulatory activity is proportionate to risk and minimises unnecessary burden ★★★★★

Evidence to support alignment with regulator model practices

Biosecurity Queensland ensures its regulatory approach both minimises the burden on regulated entities and is commensurate to risk. The commencement of the *Biosecurity Act 2014* in 2016 helped Biosecurity Queensland align its activities to the supporting principles of proportionate and informed regulatory approach and reduction of burden.

The Act consolidates the requirements for issues across plant and animal biosecurity and invasive species. The most stringent requirements are applied to biosecurity emergencies, given the impact that a high-risk biosecurity matter can cause to the economy, social amenity and the environment. Matters of moderate to high risk have clear obligations and restrictions applied to them, while those of low to medium risk are dealt with through other proportionate measures.

This risk-based nature of the Act and the GBO underpinning the legislation mean that no particular group of stakeholders is unnecessarily burdened. Everyone has an obligation to appropriately deal with biosecurity risks they know or ought to know about. The Act, Biosecurity Regulation 2016 and codes of practice provide ways in which a person must meet their obligation for specific risks.

Actions taken to improve regulatory activities and practices to reflect model practices

In 2019–20 amendments were made to the Act to protect animal production and processing facilities from biosecurity risk stemming from unauthorised access. The amendments clarified the GBO and allowed for stronger penalties to address the biosecurity risks posed by these activities, affording important protection of Queensland’s \$6 billion livestock industry and the state’s regional communities.

Biosecurity Queensland also revised the risk-based decision-making policy and protocols by which authorised officers make decisions under the Act. Improvements include clearer recognition of all factors that influence decisions including social and reputational risks for our clients and allows for more stringent analysis of alternative courses of action.

Authorised officers and policy makers were provided with training to fully embed the improved approach. The renewed risk-based decision-making toolkit and associated training ensures regulatory activity is proportionate to risk and minimises unnecessary burden.

Biosecurity Queensland has also recently updated all relevant Standard Operating Procedures that support officers working under the Act to ensure that decisions seated in legislation are consistent with the *Human Rights Act 2019* (i.e. proportional and justifiable).

Examples to highlight alignment, or indicate where business practices could be improved

In 2019-20 Biosecurity Queensland modernised existing authorised officer training for the Act. The training now more accessible, relatable and current. It is expected this training will be endorsed and published early in 2020-21. The updated training will ensure that new officers are well supported in continuing to achieve best practice in enforcing legislation.

The GBO is one of the foundational concepts in the Act and applies to everyone in Queensland. In 2019-20, Biosecurity Queensland invested in behavioural research, in part to provide a baseline measure of awareness of the GBO, and to understand the attitudes, behaviours and beliefs of stakeholders in the system to drive projects that achieve lasting biosecurity change. This research informs Biosecurity Queensland’s ongoing investment in targeted communications and stakeholder engagement. Biosecurity Queensland has pursued an aggressive expansion strategy for social media reach (with direct total audience of 120 000 followers) and generated highly targeted content aligned with the principles of the GBO to key stakeholder groups.

In May 2020 the Regulation was amended to include additional ways to treat a Red Imported Fire Ant infestation. This reduced burden on stakeholders by removing the financial and administrative burden of having to apply for permits for these treatment types.

A number of outcomes of the review of the Act in 2018-19 are awaiting opportunities for a new Bill before they can be progressed. Currently this is predicted for 2020–21.

2. Consult and engage meaningfully with stakeholders

Evidence to support alignment with regulator model practices

Biosecurity Queensland regularly undertakes consultation with stakeholders to ensure legislative and policy decision-making best reflects the needs and expectations of regulated entities. Formal consultation mechanisms are put in place for legislative matters (i.e. creation or amendment). For other issues, including discussion of particular matters, Biosecurity Queensland leads or provides membership to a multitude of committees for a range of activities in biosecurity, animal and plant health, agvet chemical management and management of invasive species.

Biosecurity Queensland has cooperative and collaborative relationships with industry, community and other government agency groups. This is reflected in the range of shared activities including cost-sharing of biosecurity responses, collaborative initiatives, and research and development projects to boost biosecurity capability and preparedness. For example, a project is currently being delivered by Biosecurity Queensland and the state's sea ports to boost marine pest preparedness in Queensland. Similarly, collaborative research into optimising pest detection and understanding pest spread is furthering biosecurity outcomes.

Actions taken to improve regulatory activities and practices to reflect model practices

Biosecurity Queensland has consulted with the key stakeholders (industry groups and local governments) to seek feedback on a review of the Act in its third year of operation (2018–19).

Biosecurity Queensland consults with key biosecurity partners at annual Biosecurity Partners forums. The forums provide a platform for biosecurity partners to collaborate on the development of action plans under the *Queensland biosecurity strategy: our next five years 2018–2023* and importantly help to further partnerships between government, industry, universities and other key groups in the biosecurity system.

3. Provide appropriate information and support to assist compliance

Evidence to support alignment with regulator model practices

Biosecurity Queensland provides significant documentation on the DAF website to clarify the rules, requirements and obligations under the Act.

DAF is committed to ensuring that all Queenslanders have fair access to programs and services regardless of cultural, language and religious backgrounds, and physical ability. A range of materials in a variety of languages have been produced to ensure biosecurity rules and regulations can be understood by all. DAF also has a language services policy and process for engaging accredited interpreters.

Contestability and flexibility for the private sector has been fostered through compliance agreements and industry accreditation schemes, which leverage industry knowledge about best practice risk management for its particular circumstances. Compliance agreements enable a person to self-manage risks associated with their business activities.

Actions taken to improve regulatory activities and practices to reflect model practices

The most cost-beneficial method of communicating to the general public is through social media. In 2019–20 Biosecurity Queensland has pursued an aggressive expansion strategy for social media reach (with direct total audience growing from 57 000 to 120 000 followers in one year). Biosecurity Queensland also generated highly targeted content aligned with the principles of the GBO to key stakeholder groups, providing easily accessible support for increased community compliance.

Biosecurity Queensland consistently ensures timely decision-making and notification of decisions made within statutory time frames for permits, licences and other applications made by regulated entities.

Examples to highlight alignment, or indicate where business practices could be improved

Biosecurity Queensland will continue to increase the number of Facebook followers through digital targeting on a range of biosecurity matters, including how individuals can meet their GBO under the Act. As Biosecurity Queensland continues to facilitate a shared responsibility model of biosecurity with Queenslanders, the use of penalty infringement notices (PINS; on-the-spot fines) as an enforcement tool has become an important means to deter unlawful biosecurity activities and promote awareness for good biosecurity outcomes.

PINS are used sparingly alongside a culture of education and engagement. In 2019–20, 58 PINs were served for a range of biosecurity related offences under biosecurity legislation.

The *Queensland invasive plants and animals strategy 2019–24* released in 2019 assists land managers, industry, the community and all levels of government with understanding of the areas of legislated responsibilities for those involved in invasive species management.

4. Commit to continuous improvement ★★★★★

Evidence to support alignment with regulator model practices

Biosecurity Queensland is continually improving the way it regulates. The review of the Act in 2018–19 highlighted a range of matters for improvement, including training, communications and administration. Improvements have already been made in training and communications.

Commitment to continual improvement of the state's biosecurity system is also demonstrated through a collaborative governance approach under the biosecurity strategy.

In 2014, a review of biosecurity capability was undertaken for the entire system (including internally). Biosecurity Queensland is incorporating the learnings from that review and continues to implement recommendations through a variety of capability projects to enhance internal and external capability and preparedness. As part of that review a detailed assessment, using a capability and capacity assessment tool, was undertaken. The same assessment was repeated during August/September 2019 to gauge how Biosecurity Queensland is tracking since implementation of the Biosecurity Capability Implementation Program. Overall, continuous improvement was evident when comparing 2015 and 2019 scores.

Hosting of the strategy and action planning at annual partner forums facilitates collaboration, discussion and shared decision-making for prioritisation of improvements to stakeholder experience and the reduction of burden.

Actions taken to improve regulatory activities and practices to reflect model practices

Biosecurity Queensland recognised the need to update its training material for authorised officers. Instead of specific training for each piece of legislation, high-level foundational training materials have been developed covering all biosecurity legislation, providing greater clarity for authorised officers, particularly new recruits.

Examples to highlight alignment, or indicate where business practices could be improved

A significant package of 10 training modules was developed as part of the Act implementation program 3 years ago. These training packages have now been updated to address issues relating to understanding of the GBO and risk-based decision-making. It is expected the new training will be endorsed and published in early 2020–21.

5. Be transparent and accountable in actions ★★★★★

Evidence to support alignment with regulator model practices

Biosecurity Queensland is transparent in its actions by reporting regularly to the public on a range of issues, both specific and more general.

Biosecurity maps published by the Director-General define the areas of biosecurity zones identified under the Act. Similarly, the creation and updating of biosecurity programs is communicated to the public by notification within statutory time frames.

Decisions made under the Act are subject to both internal and external review. Templates and training have been developed for use by all decision-makers in Biosecurity Queensland. These include examples of the type and level of information that decision-makers should provide in their decisions and what is needed for a review. All internal reviews were completed within the required time frames. Indicators of regulatory performance by Biosecurity Queensland are communicated annually to the public.

Actions taken to improve regulatory activities and practices to reflect model practices

Biosecurity Queensland is considering ways to increase communications and engagement around the issuing of biosecurity fines and other enforcement outcomes and case studies on social media and web platforms to further public awareness for legislated biosecurity obligations

Case study: An area of success

Protection from unauthorised access

Unauthorised entry by animal activist protestors to places where animals are kept in Queensland has been occurring more frequently, particularly in the past year. These protests produced strong concerns among those involved in relevant industries. Such protest action may also have adverse economic impacts and pose risks to human safety, animal welfare, food safety and biosecurity into the future.

The Queensland Government has addressed community concern by amending both Biosecurity and Summary Offences legislation to protect Queensland's \$6 billion livestock industry and the State's regional communities.

The legislative changes enhanced the potential to prosecute persons who trespass or protest in another inappropriate way and provided harsher penalties for the offending. This included introducing significant penalties for anyone entering animal production facilities without complying with a relevant biosecurity management plan, provided signs advise that there is a plan in force. These amendments addressed the serious risks that may be posed by the protest activities and resolved concerns raised by the community.

Case study: An area for improvement

Expanding Local Government jurisdiction under the Biosecurity Act 2014

Under the *Biosecurity Act 2014* local governments are authorised to deal with any biosecurity pests listed under the prohibited matter and restricted matter schedules of the Act (and Regulation) as invasive biosecurity matter. Other locally significant invasive plants and animals must be dealt with under the local government legislation, specifically, Local Law No. 3 (Community Health and Environmental Management) 2011.

The need to operate under two pieces of legislation poses problems for local government authorised officers, causing confusion for stakeholders and these officers, as they may need to follow different enforcement and administrative processes and 're-enter' properties to deal with different invasive species that are of local relevance.

Biosecurity Queensland will consider options for regulatory reform to allow local government to deal with pests other than invasive biosecurity matter under certain conditions, to reduce confusion in the community and improve biosecurity outcomes. These invasive species would only be included following a risk assessment of the species demonstrating the appropriateness of the listing and following consultation with the residents of the area and neighbouring regions.

Fisheries management

Nature of regulation

DAF administers the *Fisheries Act 1994*, which governs the use of Queensland's fisheries resources and protection of fisheries habitats and sets out the department's responsibilities for the ecologically sustainable development of the state's fisheries.

Fisheries Queensland leads the development of the policy framework within DAF that supports the operation of the Act to protect and conserve fisheries resources, while maintaining profitable commercial and enjoyable recreational fishing sectors.

Entities regulated

The Act specifically provides for the:

- management of commercial, charter, recreational and Indigenous fishing
- management of aquaculture
- management and protection of fish habitats
- management of a shark control program.

Queensland's compliance is implemented and enforced by Queensland Boating and Fisheries Patrol (QBFP), an organisational unit within Fisheries Queensland.

Legislation

Access to Queensland's fisheries is managed through the Act and the Fisheries (General) Regulation 2019, Fisheries (Commercial) Regulation 2019, Fisheries Declaration 2019 and Fisheries Quota Declaration 2019.

Table 7 Assessment of the regulator performance for fisheries management

1. Ensure regulatory activity is proportionate to risk and minimises unnecessary burden ★★★★★

Evidence to support alignment with regulator model practices

Fisheries Queensland plans compliance activities to ensure resources are used effectively and efficiently. Resources are allocated to strategies that focus on addressing the highest compliance risks. QBFP ensures a high level of compliance with Queensland's fishing rules and regulations.

QBFP adopts a number of strategies for detecting and monitoring non-compliance:

- intelligence and information gathering through audit and field surveillance
- patrols and inspections
- partnering with agencies such as the Great Barrier Reef Marine Park Authority to enforce Queensland fisheries legislation and marine park legislation.

Fisheries Queensland ensures that the degree and type of compliance action taken to address an alleged offence is commensurate with the nature and severity of the non-compliance and represents value for money.

Actions taken to improve regulatory activities and practices to reflect model practices

The *Queensland sustainable fisheries strategy 2017–2027* identified a range of actions to strengthen the department's fisheries compliance efforts.

The Act was amended in early 2019 to deliver stronger compliance powers and penalties for serious offences such as seafood black-marketing and failing to comply with vessel-tracking requirements. These amendments bring Queensland in line with other fisheries jurisdictions and the *Australian fisheries national compliance strategy 2016–2020*. The amendments do not provide powers beyond those granted to inspectors under other Queensland legislation.

Examples to highlight alignment, or indicate where business practices could be improved

Combatting the illegal trade of seafood in Queensland is supported by changes to penalties that can be imposed under the Act. The changes provide sentencing options rather than just fines to deter repeat offenders, including making an order for anything reasonably necessary to prevent a person committing further offences against the Act. The Act amendments have provided powers that allow fisheries inspectors to enter commercial premises and vehicles without a warrant to investigate serious offences. This has led to the detection of black-marketing activities that would not have been possible without the new powers.

2. Consult and engage meaningfully with stakeholders ★★☆☆

Evidence to support alignment with regulator model practices

Improved stakeholder engagement is a key reform area of the strategy. Amendments to the Act in early 2019 now specifically provide that the main purpose of the Act is to be achieved, so far as is practicable, in consultation with all fishing sectors and the community using a transparent and responsive approach for the management of access to fisheries resources.

As part of the 1 September 2019 fisheries reforms, a number of structural changes to fisheries legislation were made to support more modern, effective and efficient regulation of our fisheries. A key area of improvement is more responsive decision making through harvest strategies. In early 2020, two harvest strategies were approved. Catch limits for the 2020–21 reef line and spanner crab fishing seasons were set based on the new harvest strategies and implemented by the Chief Executive.

Fisheries Queensland fosters cross-jurisdictional partnerships with other agencies (e.g. the Queensland Police Service, Maritime Safety Queensland and federal and state marine park services) to facilitate a strong and cost-effective approach to compliance.

Actions taken to improve regulatory activities and practices to reflect model practices

A new engagement process was previously established to oversee the implementation of the strategy. This process included the establishment of the Sustainable Fisheries Expert Panel to provide independent advice to the Minister and Fisheries Queensland on best practice fisheries management, and the establishment of fishery working groups to develop harvest strategies.

A new spanner crab working group was also established to provide operational advice on the management of this fishery. In total there are now 10 working groups providing advice across a range of fisheries.

Summaries of consultation outcomes relating to fisheries reforms under the strategy, fishing rules and regulatory changes are routinely made available on the DAF website.

Significant efforts have been made to improve engagement approaches, with implementation of a new *Commercial fishing update*, *Charter fishing update* and *Aquaculture Update* e-newsletter to deliver targeted information to commercial fishing businesses.

Examples to highlight alignment, or indicate where business practices could be improved

Consultation undertaken in recent years has consistently identified the need for ongoing and transparent stakeholder engagement not only with the fishing sectors but also with the general community. This remains an area of focus and continuous improvement.

3. Provide appropriate information and support to assist compliance ★★☆☆

Evidence to support alignment with regulator model practices

Fisheries Queensland provides a range of information and educational materials to inform fishers on rules relating to size and possession limits, apparatus restrictions, closed waters and other requirements and obligations under the Act.

These materials are provided through a suite of delivery channels including:

- direct advice to clients
- formal and informal presentations to community and industry groups and fisheries-related retail businesses
- written communications such as media releases and responses, fishing forums and industry publications
- the DAF website
- social media channels of Fisheries Queensland, industry and partner agencies
- the Queensland Recreational Fishing App
- the DAF Customer Service Centre.

Actions taken to improve regulatory activities and practices to reflect model practices

Fisheries Queensland's social media channels provide an opportunity to educate the community about fishing rules and engage on fisheries management issues.

In 2019–20, Fisheries Queensland's social media channels (including Facebook, Instagram, Twitter, LinkedIn, YouTube and subscribers to Catch News) received a 154% increase in subscribers from the previous financial year. The increase was driven by a targeted social media advertising campaign attracting new followers from key interest groups. The biggest increases were for Facebook which now has 102 000 followers (up from 43 000 this time last year) and Catch News with 21 500 subscribers (up from 3700 this time last year). Fisheries Queensland Facebook page is now the largest government run social media account in Australia.

Information on size and possession limits and fishing rules, are published on the DAF website, and hard copies are made available through QBFP, Maritime Safety Queensland, bait and tackle stores and other organisations. As particular fishing rules change, e.g. closure of Black Jewfish on the East Coast once the catch limit is reached, additional education materials for commercial fishers have been introduced including email notification, social media posts, flyers and signage to promote voluntary compliance.

Actions taken to improve regulatory activities and practices to reflect model practices

Fisheries Queensland operates the 24-hour, toll-free Fishwatch hotline (1800 017 116). This allows the community to assist in identifying suspected illegal fishing activity.

The Fishwatch hotline was hugely successful in 2019–20 with over 2178 calls received related to suspected illegal fishing. Also, a Fishwatch online form is available on the Fisheries Queensland Facebook page for the community to report suspected illegal fishing.

4. Commit to continuous improvement

Evidence to support alignment with regulator model practices

Under the Strategy, Fisheries Queensland commits to systematic management improvement that delivers on ecological, social and economic objectives.

Actions taken to improve regulatory activities and practices to reflect model practices

Fisheries Queensland publishes annual performance reports under the Strategy on its website that details policy commitments, goals, objectives and responsibilities.

Developments in technology over recent years have seen industry and fisheries management use innovative ways of doing business and undertaking compliance activities.

Amendments to the Act in 2019 commenced the process of modernisation to allow processes to be implemented in line with technological development. Including provisions for providing notices through electronic communication and allowing fisheries inspectors to seize electronic documents and to use body-worn cameras to record images and sounds while performing their duties.

Examples to highlight alignment, or indicate where business practices could be improved

Work continues to align service delivery, regulation and technology to improve fisheries management in Queensland. Further work is underway to broaden the range of things that can be completed through electronic communication and documentation.

The current compliance system within QBFP is outdated and is currently being upgraded to enable QBFP officers to do their jobs more efficiently and effectively.

Work is continuing on delivering an upgraded recreational fishing app and a new commercial fishing app to provide simpler and easier access to e-business transactions and fishing rules, and to allow fishers to submit data electronically to the department.

5. Be transparent and accountable in actions

Evidence to support alignment with regulator model practices

Fisheries Queensland ensures that decisions made under the Act (including reasons for the decisions) are communicated to the affected persons within the time frames prescribed in the Act. Fisheries Queensland publishes a number of resources to promote transparency and accountability in its regulation of fisheries resources, including:

- quarterly compliance report to track its monitoring and enforcement activities
- annual reporting about catch and effort across all Queensland fisheries

- scientific-based stock assessments and ecological risk assessments for key species that inform management of the resource.

Actions taken to improve regulatory activities and practices to reflect model practices

Amendments to the Act in early 2019 included making provisions relating to review and appeal of decisions consistent with other contemporary Queensland legislation. Information on how to request an internal review under the Act is now publicly available online at <https://www.daf.qld.gov.au/business-priorities/fisheries/sustainable/legislation/requesting-an-internal-review-of-decision>.

Decisions made under the Act now provide include information about internal review options.

Examples to highlight alignment, or indicate where business practices could be improved

The Act previously did not provide any internal review processes for decisions made under the Act. The only review option available to a person affected by a decision was through an external review by the Queensland Civil and Administrative Tribunal (QCAT). The Act now requires that any decision review process must start with an internal review undertaken by the chief executive. The scope of decisions that were reviewable by QCAT has also been clarified. The amendments also clarified the decision-making process for the management of Queensland's fisheries between the Minister and the chief executive.

As part of the 1 September 2019 change to fishing rules, information to stakeholders included an explanation of why the change was important for the future sustainability of Queensland's fisheries. Explaining the need for adaptive fisheries management to avoid more drastic changes with more significant impacts remains a focus area.

Case study: An area of success

Harvest Strategies for the Reef Line and Spanner Crab fisheries in Queensland

Consultation undertaken on fisheries issues in recent years often highlighted the need for more engagement with stakeholders on how fisheries are managed and for more responsive decision making.

Amendments to the *Fisheries Act 1994* in 2019, set out the process for making a harvest strategy in Queensland. All harvest strategies require a period of public consultation and approval from the Minister responsible for fisheries before they can be implemented.

Harvest strategies are a pre-agreed set of targets and decisions rules for a species or fishery to achieve agreed ecological, economic and social objectives. By being clear about what management action will be taken under certain fishery conditions, harvest strategies help remove much of the uncertainty around how a fishery will be managed. This approach to fisheries management is utilised by all Australian jurisdictions to varying degrees and is considered best practice.

Managing fisheries with harvest strategies will align Queensland with more modern and responsive fisheries management. They also provide a framework for improved stakeholder participation in the management of these fisheries through an annual fishery working group meeting to assess the performance of each fishery, discuss issues and determine whether any management changes are required.

Case study: An area for improvement

Modernising Fisheries Queensland systems

Modernising the systems in Fisheries Queensland will provide better data capture and data integration and make it easier for stakeholders to find and use fisheries data.

The current QBFP compliance system is outdated and is being upgraded to enable officers to do their jobs more efficiently and effectively. The new solution will provide officers real time access to licencing and fishing activity information while in the field. It will also enable the electronic issuing of on-the-spot fisheries infringement notices.

An upgraded recreational fishing app and a new commercial fishing app will also be rolled out to deliver simpler and easier access to ebusiness transactions and fishing rules. The apps will also allow fishers to submit data electronically to the department.

Forestry management

Nature of regulation

The Department of Agriculture and Fisheries (DAF) manages, under the *Forestry Act 1959*, the commercial sale of state-owned native forest products and quarry material from state forests, timber reserves, leasehold lands, reserves, public roads and certain freehold lands where the state owns the forest products or quarry material.

Entities regulated

DAF authorises the removal and sale of state-owned native timber to timber processors under a combination of long and short-term sales permits. Under DAF's supervision, permit holders organise the harvest and extraction of log timber using their own appropriately skilled and accredited employees or contractors.

DAF sells State-owned quarry resources (e.g. rocks, sand and gravel) to a range of parties including commercial quarry operators, local governments and mining companies. This material is predominantly used for infrastructure development and maintenance purposes, such as for road and rail, to support mining-related activities, disaster recovery works and other infrastructure investment.

DAF administers the 99-year plantation licence to HQPlantations Pty Ltd, which authorises plantation forestry operations in the designated licence area. DAF also administers apiary permits to allow beekeeping on State forests.

Legislation

The *Forestry Act 1959* provides a framework to manage native forest timber production and quarry material sales in state forests, timber reserves, leasehold lands, reserves, public roads and certain freehold lands where material ownership interests have been reserved to the state.

The Queensland Parks and Wildlife Service and Partnerships within the Department of Environment and Science (DES) are responsible for the custodial management of state forests under the Act.

Apiary permits are administered under the Act, with fees aligned similar permits administered by DES under the *Nature Conservation Act 1992*.

Table 8 Assessment of the regulator performance for forestry management

1. Ensure regulatory activity is proportionate to risk and minimises unnecessary burden ★★★★★
Evidence to support alignment with regulator model practices
DAF ensures its regulatory activity is proportionate to risk and minimises unnecessary burden through a regular monitoring, auditing and evaluation process. This routinely enables DAF to review internal operations and permit-holder activities against established sound practice indicators. Risks identified through this process inform engagement, compliance and regulatory enforcement actions proportionate to risk level.
The Act empowers DAF to sell state-owned forest products located on a range of land tenures over which multiple interests may exist. To reduce unnecessary burden, the Act exempts certain classes of regulated entities from the requirement to obtain a sales permit to deal with forest products, where authority is provided under another Act, such as the <i>Mineral Resources Act 1989</i> and the <i>Water Act 2000</i> .
Actions taken to improve regulatory activities and practices to reflect model practices
During 2019-20, DAF amended the Act to reduce regulatory burden associated with managing the plantation licence area. One of these amendments enables the plantation licensee to more effectively deal with vehicles that have been abandoned within the plantation licence area, which is a significant social, environmental and operations management issue requiring a timely response.
Examples to highlight alignment, or indicate where business practices could be improved
DAF has identified an opportunity to expand the exemption from the requirement to obtain a sales permit under the Act to deal with quarry material where authority is provided under the <i>Coastal Protection and Management Act 1995</i> . DAF is working with the administering department to identify opportunities to facilitate this change.

2. Consult and engage meaningfully with stakeholders ★★★★★

Evidence to support alignment with regulator model practices

DAF regularly consults with prospective and existing permit holders in accordance with known standard procedures to make decisions that are timely, reasonable, ethical, lawful and in accordance with natural justice.

DAF and DES have established interagency forest management and operations oversight groups, as well as a fire integration group. These groups meet regularly to promote effective joint management of state forests and consider and develop operational policy for management of forestry-related activities.

DAF and the plantation licensee have established regular compliance and operational group meetings to promote open discussion about the plantation licence. This assists DAF to clearly understand plantation operations and work collaboratively to oversee the plantation licence.

Actions taken to improve regulatory activities and practices to reflect model practices

During 2019–20, DAF has continued to work with DES and a project-specific oversight and consultation committee with other non-government parties to collaborate on the transition of several former plantation forests to protected area estate. This collaborative approach has enabled DAF to authorise harvesting of specified areas to provide suitable timber to industry, supported DES to achieve conservation outcomes, and kept the community informed of expected project outcomes, time frames and any changes to local access.

Examples to highlight alignment, or indicate where business practices could be improved

DAF has recently had regular communication with several commercial quarry operators to overcome perceived barriers to access, including compliance with other legislative requirements. DAF has identified a need to develop additional internal guidance material to support advice and decisions made by staff in relation to quarrying activities.

DAF is working to establish a Native Timber Advisory Panel to guide and inform implementation of the Government's Native Timber Action Plan. The panel will include stakeholders representing a mix of industry, conservation, and community interests.

3. Provide appropriate information and support to assist compliance ★★★★★

Evidence to support alignment with regulator model practices

DAF provides clear guidance to stakeholders and the general community through DAF's website, and through contributions to Queensland Government's Business Queensland website. The information provided includes advice on how timber and quarry products are managed, requirements for accessing and selling products, and answers to a range of frequently asked questions.

DAF provides regular and timely feedback to permit holders relating to findings from monitoring, auditing and evaluation processes. Issues or concerns are assigned a standard time frame for resolution and are tracked for timely resolution.

Opportunities to purchase state-owned timber and quarry materials are published on the DAF website from time to time. Parties who wish to access state-owned timber or quarry materials are directed to local DAF officers, who are best situated to advise and meet the specific needs of that person.

4. Commit to continuous improvement ★★★★★

Evidence to support alignment with regulator model practices

DAF's forest management system has been implemented to ensure state-owned forests are managed to a high standard. The forest management system is independently audited and certified as compliant with the requirements of the *Australian standard: sustainable forest management (AS4708:2013)*, which is internationally recognised through the Programme for the Endorsement of Forest Certification.

Certification includes significant stakeholder consultation and ensures that our regulatory practices promote the sustainability of state forests. Independent audits also identify potential risks and enable DAF to improve practices while considering stakeholder and community priorities. Certification enables DAF's timber processing customers to maintain chain-of-custody certification if they wish to do so. This provides a clear benefit to customers by enabling them to label and promote the environmental integrity of their timber products.

DAF employees are supported to perform duties effectively in accordance with comprehensive guidance materials.

Actions taken to improve regulatory activities and practices to reflect model practices

As a result of recent audits of its forest management system, DAF:

- is developing a comprehensive approach to addressing workplace health and safety responsibilities and improving overall safety on sale areas with multiple stakeholders
- has audited sale compliance of a permittee to identify strategies to improve compliance
- has trained staff to ensure consistency with regard to regulating requirements of the *Code of practice for native forest timber production on the QPWS forest estate 2014*
- arranged for a number of staff to complete Forest Officer training jointly with DES.

Examples to highlight alignment, or indicate where business practices could be improved

The audit identified a number of positive strengths, including :

- DAF's continuous improvement audits showed a high level of capability to identify and manage concerns internally.
- Forest operations consistently complied with the code of practice.
- DAF staff demonstrated a high level of technical knowledge and capability, which supported effective implementation of the management system.

Key opportunities for improvement included updating Forestry's business plan to reflect the risks and opportunities related to the economic, social, environmental and cultural criteria of AS4708.

DAF is consulting with DES regarding the potential to establish ongoing joint Forestry Act training for DAF and DES officers and other relevant stakeholders, including the plantation licensee and the Queensland Police Service.

DAF has developed Forestry-specific guidance materials to assist officers to understand and meet their obligations under the *Human Rights Act 2019*, including a series of scenarios to provide contextual examples.

5. Be transparent and accountable in actions



Evidence to support alignment with regulator model practices

DAF publishes a number of resources to promote transparency and accountability in its regulation of state-owned resources, including:

- a code of conduct for DAF staff managing the sale of state-owned forest products and quarry material
- advice about the decision-making process for all timber and quarry material sales
- annual reporting about DAF's commercial performance
- annual reporting about the quantities of native forest timber products and quarry materials removed under the Act.

DAF implements an open-market tender process to transparently allocate state-owned resources in circumstances where there is a demonstrated high demand for the resource. DAF administers sales permits in line with consistent procedures to ensure state-owned resources are allocated in a transparent and timely manner. However, it makes a range of decisions that attract commercial confidentiality and cannot be released to the general public, such as the negotiated value payable and other contractual terms and conditions.

The plantation licence is publicly available through the Queensland Titles Registry. Through an annual reporting process, DAF also ensures plantation licensees makes publicly available a range of operational and regulatory information as required by the licence.

Actions taken to improve regulatory activities and practices to reflect model practices

DAF's forest management policy statement commits to systematic management that delivers on environmental, social and economic objectives.

DAF has published a summary forest management plan on its website detailing DAF's policy commitments, goals, objectives and responsibilities.

During 2019–20, DAF updated the code of conduct for DAF Forestry staff and permittees managing the sale of state-owned forest products and distributed to all permittees. This update contemporises and more clearly articulates expectations regarding conduct and behaviour for all parties.

Examples to highlight alignment, or indicate where business practices could be improved

DAF's forest management system requires DAF to publish summaries of independent audit reports against AS 4708.

Case study: An area of success

Engaging stakeholders about forestry activities in Yurol and Ringtail State Forests

In 2018, an agreement was reached between the Government, HQPlantations Pty Ltd, Noosa Shire Council, and a community conservation organisation to transition the approximately 2400 hectares of Yurol and Ringtail State Forests to protected area estate. These forests are commonly used for local recreation activities and include hardwood plantations that predominantly contain a limited number of non-endemic tree species. DAF initially engaged with other stakeholders to reach agreement on how to harvest these plantations to provide benefits to the forest and timber industry, by providing quality plantation timber, as well as conservation outcomes, by facilitating natural vegetation regrowth.

Since then, DAF has continued to collaborate with other stakeholders through a project-specific oversight and consultation committee to manage the harvest and transition process. DAF's engagement activities have focused on the harvesting operations, while other stakeholders have kept the public informed of the wider transition project, including anticipated outcomes, timeframes, changes to recreational access, and other community concerns. Given the broader public interest in these forests, collaborating with other parties on a comprehensive engagement strategy has been critical to the positive outcomes achieved to date.

Case study: An area for improvement

Better decisions through improved information management

DAF is currently implementing Forestry's largest business improvement project since 2006. The Resources, Authorities, Notations, Geospatial, Entities and Reporting (RANGER) project has seen the introduction of a new customer relationship management system that transforms the way DAF captures, manages and stores sales permit information.

The initial implementation is complete, and employees are now able to access and input up-to-date and geolocated customer information through RANGER from any location across the state to undertake a range of regulatory activities, including monitoring and compliance actions.

The RANGER project has now progressed to a phased continual development and improvement process.

Overall, the RANGER project is expected to improve accuracy, responsiveness and transparency in management of state-owned resources and customer engagement.