

Regulator Performance Framework Reporting 2018-19

Regulator model practices and supporting principles	OIR response
<p>1. <i>Ensure regulatory activity is proportionate to risk and minimises unnecessary burden</i></p> <ul style="list-style-type: none"> • A proportionate approach is applied to compliance activities, engagement and regulatory enforcement actions • Regulations do not unnecessarily impose on regulated entities • Regulatory approaches are updated and informed by intelligence gathering so that effort is focussed towards risk. 	<ul style="list-style-type: none"> • All business units of OIR have information call centres and websites to provide information, advice and support to workers, key stakeholders and the community. • OIR regulatory functions utilise compliance and enforcement policies. For example: <ul style="list-style-type: none"> ○ Implementation of the Compliance Monitoring and Enforcement Policy (CMEP) to WHS and ESO Inspectorates which is publicly available ○ The CMEP is complemented by a list of Priority Infringeable Offences which reflect a focus on current and emerging risks ○ ‘Compliance pyramid’ and ‘regulatory risk differentiation’ frameworks are implemented, with regular reviews of compliance and enforcement activities to ensure that proportionate compliance approaches and responses are applied ○ Continual improvement processes to ensure organisational approach to compliance, monitoring and enforcement is evidence-based, informed by data and proportionate to the evaluated risk ○ Implementation of the Workers’ Compensation Compliance and Enforcement Policy and the Self-Insurer Performance and Compliance Framework that outline OIR’s principles and processes for determining proportionate compliance actions for the workers’ compensation scheme stakeholders • In applying and interpreting legislation and regulations, OIR acts as a ‘model litigant’, seeking at all times to maintain the objects of the legislation.

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<p>2. Consult and engage meaningfully with stakeholders</p> <ul style="list-style-type: none"> Formal and informal consultation mechanisms are in place to allow for the full range of stakeholder input and Government decision-making circumstances Engagement is undertaken in ways that helps regulators develop a genuine understanding of the operating environment of regulated entities Cooperative and collaborative relationships are established with stakeholders, including other regulators, to promote trust and improve the efficiency and effectiveness of the regulatory framework. 	<ul style="list-style-type: none"> OIR is strengthening its stakeholder management activities by developing and implementing an overarching Stakeholder Management Framework and stakeholder maps. We have regular consultation with Commonwealth, State and local regulators and bodies such as: <ul style="list-style-type: none"> Fair Work Ombudsman. Safe Work Australia and its supporting committees. Member of the Electrical Regulatory Authorities Council with other state electrical regulators. Member of the Heads of Workplace Safety Authorities (HWSA) which collaborates on a number of national issues such as the HWSA Inspector Forum to improve regulatory activities across the Nation. Member of the Heads of Workers' Compensation Authorities. Collaboration with the Queensland Building and Construction Commission (e.g. participated in conduct joint compliance operations such as 'Operation Safeguard') and the Department of Natural Resources, Mines and Energy on matters of joint interest such as respirable coal dust and respirable crystalline silica. We regularly conduct client satisfaction surveys and these results are reported in the Service Delivery Statement. We have direct and regular engagement with our stakeholder boards and committees, as well as the Affected Persons Committee. We consult regularly with stakeholders in high risk industries to control risks for state and national identified priorities, including respirable dusts, construction work and agriculture (including rural industries and communities).

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	<ul style="list-style-type: none"> • We engage regularly with workers' compensation insurers, including WorkCover Queensland and licenced self-insured employers on legislative compliance and operational matters • We consult widely when we are investigating legislative changes or amendments to the regulatory or policy framework, for example: <ul style="list-style-type: none"> ○ the <i>Managing respirable crystalline silica dust exposure in the stone benchtop industry Code of Practice 2019</i> was developed by a tripartite working group who met over a period of 12 months to develop the code of practice ○ Numerous tripartite working groups as part of the review of all relevant work and electrical safety codes of practice ○ amendments to the <i>Workers' Compensation and Rehabilitation Act 2003</i> where a stakeholder reference group considered the implementation of the second five-year review of the operation of the workers' compensation scheme • We consulted with stakeholders on the design of the Electrical Safety Office proactive Compliance and Engagement Campaigns • We consulted with all workers' compensation scheme stakeholders on the development of a new compliance and licensing approach for self-insurers, including establishing protocols for self-insurer workers' compensation claims management audits
<p>3. Provide appropriate information and support to assist compliance</p> <ul style="list-style-type: none"> • Clear and timely guidance and support is accessible to stakeholders and tailored to meet the needs of the target audience • Advice is consistent and, where appropriate, decisions are communicated in a manner that clearly articulates what is required to achieve compliance 	<ul style="list-style-type: none"> • OIR comprehensively delivers information and advice to support compliance via: <ul style="list-style-type: none"> ○ Business Queensland website – publications and information under OIR banner. ○ e-Safe newsletters. ○ Safe Work Month events. ○ Publication of Electrical Licensing Committee disciplinary outcomes. ○ Awareness events e.g. Asbestos Awareness Week. ○ Return to Work conferences.

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<ul style="list-style-type: none"> Where appropriate, regulatory approaches are tailored to ensure compliance activities do not disproportionately burden particular stakeholders (e.g. small business) or require specialist advice. 	<ul style="list-style-type: none"> Incident alerts which provide comprehensive information on how to prevent similar incidents reoccurring using the hierarchy of controls. We have developed information flyers for tenants and landlords on electrical safety in homes, as well as information to assist duty holders with compliance during the silica benchtops audits. We delivered Vehicle Loading Cranes audits in conjunction with the Department of Transport and Main Roads. We have implemented an Inspectorate Policy and Support library where inspectors can ask operational questions and receive responses ensuring information given to stakeholders (e.g. duty holders) is current and consistent. We are undertaking a project to review and update all webpage content and links to ensure they are current and correct with regard to infringements, WHS Policy / Procedures in alignment with the CMEP.

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<p>4. Commit to continuous improvement</p> <ul style="list-style-type: none"> Regular review of the approach to regulatory activities, collaboration with stakeholders and other regulators, to ensure it is appropriately risk based, leverages technological innovation and remains the best approach to achieving 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. 	<ul style="list-style-type: none"> OIR's Service Delivery Transformation program will deliver process, people and technology change to WHSQ and ESO business areas of OIR, to transform the delivery of critical front-line workplace health and safety and electrical safety enforcement and compliance activities We provide feedback to our WHSQ and ESO inspectors about notices issued to support continuous development of inspector capabilities We also undertake notice audits to ensure validity, appropriate enforcement action was undertaken and notice compliance. And where an administrative response was chosen to a reported incident/event, we audit those to ensure an appropriate response was undertaken OIR is refreshing its Regulatory Strategy with a view to the future of work, emerging risks, effective healthy and safe work design and fostering a safety culture in Queensland workplaces Inspectors complete the Diploma of Government (Workplace Investigation) to ensure consistent approach to training capability across OIR inspectorate Further, OIR is continuing its skills development program, consistent with recommendations of the Best Practice Review of WHSQ, to bring inspector qualifications and competencies on par with leading regulatory schemes. We continue to develop the knowledge and skills of frontline staff to ensure a contemporary, capable and high-performing workforce, for e.g. the CMEP, basic psychological health The Electrical Safety Inspectorate conducted training on solar PV and battery technologies.

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<p>6. Be transparent and accountable in actions</p> <ul style="list-style-type: none"> • Where appropriate, regulatory frameworks and timeframes for making regulatory decisions are published to provide certainty to stakeholders • Decisions are provided in a timely manner, clearly articulating expectations and the underlying reasons for decisions • Indicators of regulator performance are publicly available 	<ul style="list-style-type: none"> • Our Compliance and Enforcement Policy is published on the OIR website • Regulatory decisions are consistent with the requirements of the workers' compensation legislation and with the requirements for effective and fair administrative decision making • The Organisational Response Report reviews WHSQ's response to notified fatalities and serious incidents in a 12 month period, and also includes an analysis of investigation and prosecution trends. The report is refreshed at six monthly intervals, and the investigation information covers both WHSQ and ESO. It was initially developed in response to BPR recommendation 57e but is being used as a broader review of the effectiveness of our organisational response to notified fatalities and incidents by the OIR Executive and external stakeholders • Our effectiveness and efficiency measures are published annually in the Service Delivery Statements • We report regularly to our boards and committees on regulator activities.