

# Department of Resources

## Regulatory strategy 2021–25

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## Introduction

The Department of Resources is the agency responsible for administering a range of Queensland's legislation relating to the access and use of land, vegetation and georesources.

The department's vision is that we are an influential economic development agency that advocates in the public interest.

To do that, the department manages Queensland's resources fairly and responsibly to support sustainable economic prosperity and just outcomes for everyone.

In its role as a regulator, the department administers and applies the following legislation:

*Aboriginal Land Act 1991*

*Aboriginal and Torres Strait Islander Land Holding Act 2013*

*Fossicking Act 1994*

*Geothermal Energy Act 2010*

*Greenhouse Gas Storage Act 2009*

*Land Act 1994*

*Land Valuation Act 2010*

*Mineral Resources Act 1989*

*Mineral and Energy Resources (Common Provisions) Act 2014*

*Native Title (Queensland) Act 1993*

*Petroleum Act 1923*

*Petroleum and Gas (Production and Safety) Act 2004*

*Planning Act 2016*

*Regional Planning Interests Act 2014*

*Soil Conservation Act 1986*

*Stock Route Management Act 2002*

*Survey and Mapping Infrastructure Act 2003*

*Torres Strait Islander Land Act 1991*

*Vegetation Management Act 1999*

## Purpose

This strategy details how the department approaches, undertakes and communicates its role and regulatory activities.

It ensures we continue to build upon and deliver a robust regulatory approach that delivers strategic objectives and supports community confidence in the department as a regulator.

The strategy supports the implementation of legislation, policies, procedures and guidelines across the department's land, vegetation and georesources regulatory functions.

This four-year strategy applies from July 2021 through to June 2025.

## Our regulatory framework

We aim to be a **best practice regulator**.

Our regulatory approach is strategic, consistent, proactive and transparent across the broader legislative, geographic and community contexts so that our stakeholders and their communities have confidence in what we do.

Enabling compliance and promoting behaviour change to achieve positive outcomes for stakeholders is the main purpose of our approach.

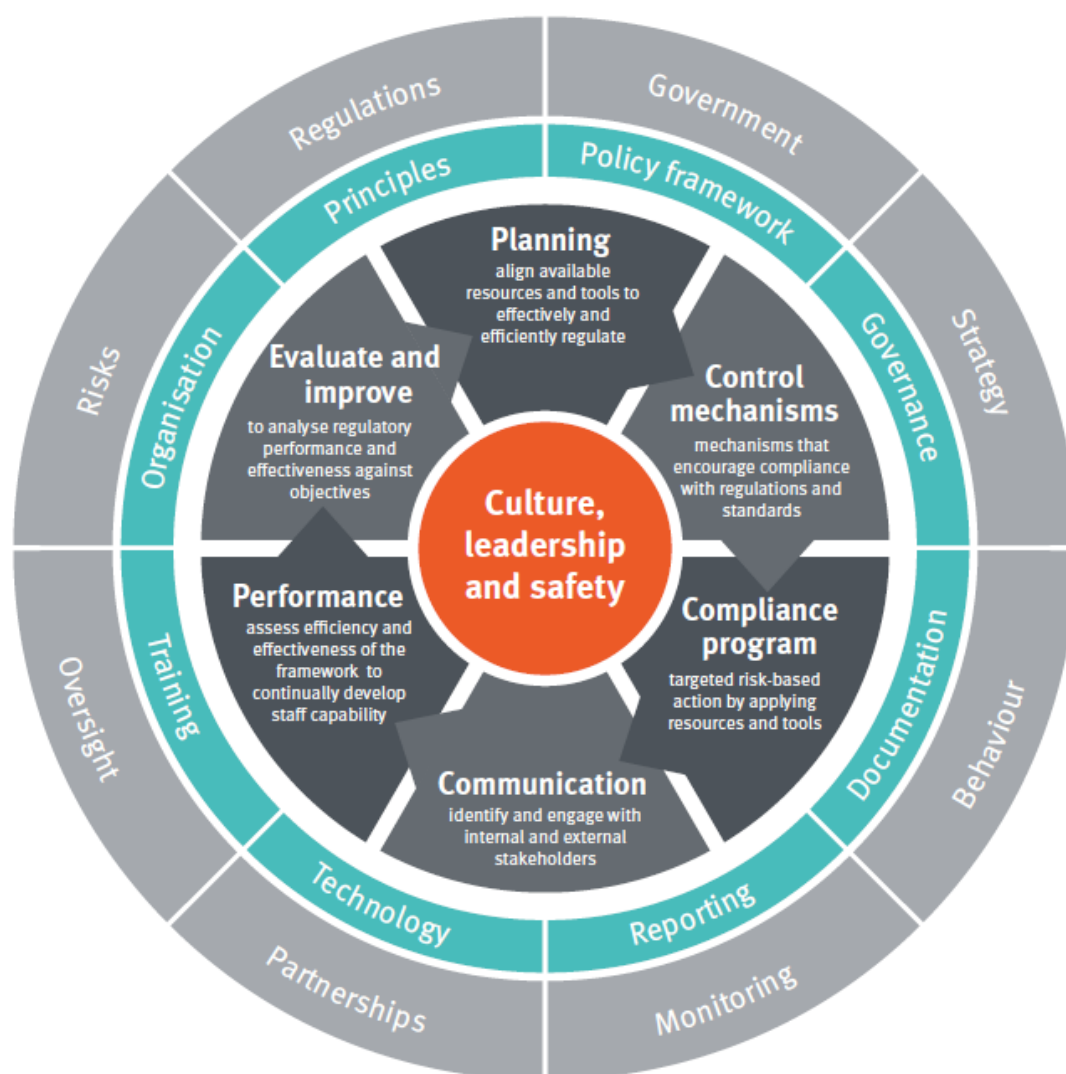
Our framework guides how we regulate consistently and professionally across the department (see figure 1 below). It sets out our overarching approach to regulation and establishes principles for how we undertake our regulatory functions.

## Understanding the cycle

The regulatory framework cycle has culture, leadership and safety at its core and reflects our belief that everyone has a role in managing our resources in the public interest. These are critical elements that underpin all our regulatory activities.

The internal circle shows the key stages in our regulatory approach, which reflects our commitment toward continuous improvement and being a best practice regulator.

The inner ring outlines the components that help us deliver a consistent, quality regulatory program, such as our policy framework, reporting and training. Lastly, the outer ring provides the external factors that may influence how the framework functions, such as behaviour, risks and regulations.



**Figure 1:** Our regulatory framework cycle

## Our regulatory approach

We regulate across a continuum, from guiding and informing, through to enforcement. We try to engage early to help people comply with the legislation.

We aim to promote voluntary compliance through a range of educational activities aimed at building the capacity and capability of the community, including:

- providing clear, timely information and tools to explain what our stakeholders need to do to comply with the legislation and obligations
- engaging with them to achieve awareness and building capacity and positive stakeholder and public sentiment through site visits, meetings, workshops and events
- promoting and reinforcing good regulatory and business practices, including promoting the benefits of complying and the potential consequences of non-compliant action.

Where compliance is not achieved, our response is calibrated according to the likelihood and severity of harm caused by the non-compliance.

## Our strategies

Our regulatory approach includes five strategies to guide how we consistently approach our regulatory activities: guide, inform, enable, monitor and enforce (see figure 2 below).

1. **guide:** we work to ensure legislation remains contemporary and provide guidance to the community on the rules and standards set
2. **inform:** we provide access to information and data that allows the community to understand our expectations
3. **enable:** we work with our customers and the community to provide practical advice and support to help them comply
4. **monitor:** we monitor compliance using a risk-based approach
5. **enforce:** we use a range of regulatory tools and methods to encourage compliance and address issues.

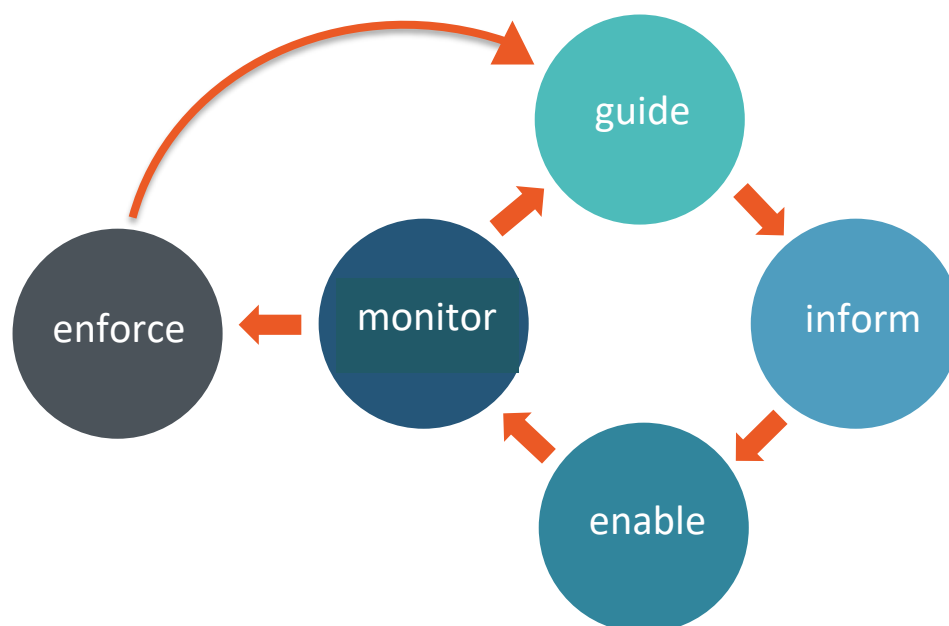


Figure 2: Our regulatory strategies

The table below shows our risk-based approach to enforcement and the things we consider when deciding the best way to respond to instances of non-compliance.

LOW	RISK		HIGH
<p><b>GUIDE/INFORM/ENABLE</b></p> <ul style="list-style-type: none"> <li>- minimal impact to the resource, environment and community</li> <li>- action was unintentional</li> <li>- history of compliant behaviour and the offender wants to comply</li> <li>- offer advice and guidance to rectify the non-compliance</li> <li>- community engagement</li> <li>- may involve formal advice or request</li> <li>- no compliance action in some instances</li> </ul>	<p><b>INFORM/ENABLE/ENFORCE</b></p> <ul style="list-style-type: none"> <li>- minor impact to the resource, environment and community</li> <li>- action was unintentional</li> <li>- offender is generally compliant and rectifies issues within required timeframes</li> <li>- provide reasonable opportunity to respond and rectify</li> <li>- response may involve formal advice or request</li> </ul>	<p><b>ENABLE/ENFORCE</b></p> <ul style="list-style-type: none"> <li>- likely to result in major impact to resource, environment and community</li> <li>- history of minor non-compliances</li> <li>- offender displays a lack of willingness to comply</li> <li>- change in behaviour is required</li> <li>- response likely to use a range of tools to cease, rectify and address non-compliant behaviour</li> </ul>	<p><b>ENFORCE</b></p> <ul style="list-style-type: none"> <li>- major impact to the resource, environment and community</li> <li>- seriousness may warrant going directly to enforce regardless of compliance history</li> <li>- ongoing history of non-compliance</li> <li>- offender is wilfully non-compliant</li> <li>- response likely to use one or more high level compliance tools including penalties</li> </ul>

### Expanding on our regulatory strategies

#### 1. Guide

- enable our staff to build their capability and maintain our health and safety processes to keep them safe
- review our legislation, policies and procedures to ensure they are fit-for-purpose
- regularly review our regulatory approach to ensure it is contemporary, efficient and effective
- collaborate with other agencies to build efficiencies and shared outcomes
- ensure we meet our obligations in considering human rights and native title rights and interests

#### 2. Inform

- communicate our regulatory approach, including our priorities and how we monitor and assess compliance
- educate and support the community to help them understand their obligations and to support compliance, taking a 'no surprises' approach
- help the community to understand the consequences of non-compliant action and the range of tools that the department can use in response

#### 3. Enable

- communicate clearly with the community about what they need to do to comply with our legislation and build relationships with them
- encourage compliance and use a range of tools to support our regulated community to comply
- engage with our key stakeholders on legislation or policy changes that will impact them
- have a strong regional presence, including staff based in regional offices and participate in workshops, meetings and field days
- be data driven and use technology to simplify our reporting and communicate the outcomes to the community

#### 4. Monitor

- use technology and innovative practices to optimise how we monitor, review and report on regulatory outcomes, including when we collect and analyse data, spatial tools and intelligence
- use the outcomes from our monitoring to inform our regulatory planning, priorities and risks
- maintain awareness of up-to-date methods and opportunities to continually improve our regulatory approach and ensure it remains fit-for-purpose

#### 5. Enforce

- use a suite of tools and interventions to respond to non-compliance
- respond to issues and any alleged non-compliance as they arise
- use a proactive, outcomes-focused, targeted, risk-based approach for our regulatory activities
- consider the nature, impact, severity, circumstance and culpability of the non-compliance when deciding how we respond

## Principles

We use these principles to guide our regulatory approach.

1. **consistent and fair:** we have a consistent and fair approach to how we achieve compliance
2. **proactive and risk-based:** we use an outcomes-focused, targeted, risk-based approach to inform our compliance activities
3. **supportive:** we encourage our stakeholders and the community to do the right thing and we empower our staff to make decisions within our regulatory and governance frameworks
4. **adaptive:** we monitor our progress and adjust our actions as needed
5. **accountable and transparent:** we do what we say we are going to do, we are transparent in how we make decisions and we talk openly about our priorities, activities and the outcomes of our work
6. **safe and well:** we support the safety and wellbeing for our staff, stakeholders and communities
7. **responsive:** we are timely in how we communicate about our regulatory role and how we respond to non-compliance.

## How we manage and support regulation

The department aims to be an **outcomes-based regulator** and continually works to develop outcomes that align with the broader strategic direction for compliance. These outcomes inform all elements of our compliance planning process and are what we aim to achieve through our activities across our regulatory functions.

It is critical that our staff have the capability and support to effectively carry out their role in managing our land, vegetation and georesources. We continually enhance our staff's skills and knowledge, and have planned and targeted processes in place to build their capability and capacity. This supports our department's objective to have a contemporary workforce set apart by its expertise, innovation, collaboration and leadership.

## Our regulatory priorities

We take a **proactive and risk-based approach** to plan where to focus our regulatory efforts each year so that we address our highest priorities and areas of greatest risk and ensure our responses to non-compliance are targeted and proportionate.

To do that, we consider a range of factors, including departmental priorities, areas of risk and learnings from previous years. The priorities and risk areas will vary across the areas we regulate. We use this risk-based approach to identify focus areas to plan for compliance and assurance activities.

This approach ensures that the department is transparent in how it meets its regulatory responsibilities to manage Queensland's land, vegetation and georesources.

## **Monitoring, reporting and evaluating our regulatory activities**

We take a **proactive and collaborative approach** to how we monitor compliance so that we can quickly respond to risks and impacts.

We use a range of methods to monitor compliance, from engaging with our customers, stakeholders and community, using a variety of data sources and analytics, applying satellite imagery and other technologies, and desktop assessments and reviews, through to reporting, audits and inspections. This approach means we know what is happening and can take appropriate action to respond, if needed.

We collaborate with other departments to ensure our regulatory activities are targeted, coordinated and monitored. We use information gained to establish compliance levels, identify trends, understand areas of risk, adjust our priorities to respond to emerging risks and trends, and to continually improve.

We ensure that we consistently plan and report on our outcomes and compliance activities so that the department can track and measure its performance against the outcomes and focus areas.