



# **Department of Environment and Science Regulator Performance Framework**

Annual Report 2020–21



**Queensland**  
Government

Prepared by: Corporate Governance and Operations, Department of Environment and Science

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*The Department of Environment and Science acknowledges Aboriginal peoples and Torres Strait Islander peoples as the Traditional Owners and custodians of the land. We recognise their connection to land, sea and community, and pay our respects to Elders past, present and emerging.*

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## Introduction

The Department of Environment and Science (DES) service areas include environmental policy programs and regulation; parks wildlife and conservation; science; youth engagement; and heritage protection services. During the reporting period, DES managed a wide regulatory portfolio, administering and implementing statutory decisions under a range of legislation. A full list of this legislation can be found in Appendix 1 of this report.

As a regulator, DES is responsible for:

- undertaking project assessments and approvals, including environmental approvals and Environmental Impact Statement processes
- delivering risk based and intelligence driven enforcement activities and compliance actions
- responding to environmental incidents and community reports
- providing guidance to licence holders to support approval processes and voluntary compliance
- administering licensing and permits, including issuing of fees and debt recovery
- nearly 1,800 places on the Queensland heritage register, and important archaeological and underwater cultural heritage artefacts
- the management, co-stewardship, or joint management of approximately 13 million hectares of protected areas and forests
- supporting the protection of over 4.47 million hectares of private protected areas, managing 12,000 square kilometres of declared fish habitat areas and 349,596 square kilometres of Great Barrier Reef and state marine parks, with the Great Barrier Reef managed in collaboration with the Australian Government
- supporting over 50 million visits to national parks and forests each year, including over 1.6 million camper nights
- managing species listed under the *Nature Conservation Act 1992* (NC Act) and undertaking effective regulation within the bounds of the NC Act's subordinate legislation, helping to protect over 1,020 species of animals and plants listed as threatened (extinct in the wild, endangered or vulnerable) in Queensland
- managing the rollover of recreational wildlife licences to the Animal licences framework under changes introduced through the Native Animal Licensing Framework project
- undertaking assessment and compliance on development proposals under the Planning Regulation 2017 which involve interfering with koala habitat against the relevant state planning code and Nature Conservation (Koala) Conservation Plan 2017
- regulating collection of native biological material, use of traditional knowledge for biodiscovery, and sharing of benefits of biodiscovery under the *Biodiscovery Act 2004* (Biodiscovery Act)
- contributing to managing risks to health and safety of people and to the environment by coordinating Queensland's contributions to the National Gene Technology Scheme, which regulates dealings with genetically modified organisms.

## Regulator performance framework assessment

Regulation plays an important role in keeping Queenslanders safe and healthy, by ensuring businesses and individuals act in a way that is consistent with community expectations. Excessive regulation, however, can be an impediment to business growth and innovation, especially where the regulatory burden is not proportionate to the issues that regulation is trying to address.

To assist regulators in achieving their objectives while minimising unwarranted impacts on Queensland businesses, the Queensland Government has identified five model practices (shown in Table 1) that will lead to better interactions between regulators, their regulated community and other stakeholders, while reducing burden for all parties. The model practices are consistent with similar principles adopted in other jurisdictions nationally and internationally.

Queensland Government regulators whose regulatory activities impact business, particularly small business, are required to publicly report annually on their regulatory performance, including demonstrating the extent to which they are translating the model practices into business practices and outlining plans for future improvements. In 2020–21, DES's performance against each of the five model practices is demonstrated in Tables 2–6. Actions and examples are also included for most of the main regulatory activity areas.

In addition to this report, DES publishes information on its website about its regulatory activities in both its Annual Report and in the Annual Reports on the administration of the NC Act, the *Environmental Protection Act 1994* (EP Act) and the *Marine Parks Act 2004* (MP Act).

**Table 1 Regulator model practices and supporting principles**

Regulator model practices	Supporting principles
<b>1. Ensure regulatory activity is proportionate to risk and minimises unnecessary burden</b>	<ul style="list-style-type: none"> <li>a proportionate approach is applied to compliance activities, engagement and regulatory enforcement actions</li> <li>regulators do not unnecessarily impose on regulated entities</li> <li>regulatory approaches are updated and informed by intelligence gathering so that effort is focused towards risk.</li> </ul>
<b>2. Consult and engage meaningfully with stakeholders</b>	<ul style="list-style-type: none"> <li>formal and informal consultation and engagement mechanisms are in place to allow for the full range of stakeholder input and government decision-making circumstances</li> <li>engagement is undertaken in a way that helps regulators to develop a genuine understanding of the operating environment of regulated entities</li> <li>cooperative and collaborative relationships are established with stakeholders, including other regulators, to promote trust and improve the efficiency and effectiveness of the regulatory framework.</li> </ul>
<b>3. Provide appropriate information and support to assist compliance</b>	<ul style="list-style-type: none"> <li>clear and timely guidance and support is accessible to stakeholders and tailored to meet the needs of the target audience</li> <li>advice is consistent and, where appropriate, decisions are communicated in a manner that clearly articulates what is required to achieve compliance</li> <li>where appropriate, regulatory approaches are tailored to ensure compliance activities do not disproportionately burden particular stakeholders (e.g., small business) or require specialist advice.</li> </ul>
<b>4. Commit to continuous improvement</b>	<ul style="list-style-type: none"> <li>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</li> <li>to the extent possible, reform of regulatory activities is prioritised on the basis of impact on stakeholders and the community</li> <li>staff have the necessary training and support to effectively, efficiently and consistently perform their duties.</li> </ul>
<b>5. Be transparent and accountable in actions</b>	<ul style="list-style-type: none"> <li>where appropriate, regulatory frameworks and timeframes for making regulatory decisions are published to provide certainty to stakeholders</li> <li>decisions are provided in a timely manner, clearly articulating expectations and the underlying reasons for decisions</li> <li>indicators of regulator performance are publicly available.</li> </ul>

## Table 2 Ensure regulatory activity is proportionate to risk and minimises unnecessary burden

### Evidence to support alignment with regulator model practices

DES applies a strategic, consistent and risk-based approach to compliance and enforcement, and makes decisions in accordance with the *DES Enforcement Guidelines*, which are published on the DES website: [environment.des.qld.gov.au/management/compliance-enforcement](https://environment.des.qld.gov.au/management/compliance-enforcement).

These guidelines set out principles that ensure, amongst other things, that enforcement actions are proportionate to the harm caused or the level of risk, and that such actions consider the circumstances of the alleged offender where appropriate.

To support this approach, DES has a range of compliance tools available, which include, but are not limited to, formal warnings, statutory notices, penalty infringement notices and prosecutions. This ensures that the enforcement response is proportionate to the seriousness of the conduct.

The DES Compliance Steering Committee (CSC) provides oversight on compliance matters, to ensure alignment with the *DES Enforcement Guidelines* and the *Regulatory Strategy*, which is also published on the DES website: [environment.des.qld.gov.au/management/policy-regulation/regulatory-strategy](https://environment.des.qld.gov.au/management/policy-regulation/regulatory-strategy).

### Risk management approach

Compliance inspections of sites with environmental authorities under the EP Act are prioritised with the assistance of a compliance prioritisation model (CPM). The CPM assists DES officers in understanding the attributes of a licensed site, allowing them to make informed decisions regarding which sites to inspect. Relevant attributes include the site's compliance history, the compliance history of the site operator and the intensity or complexity of the activity taking place on the site. This ensures that in deciding which sites to inspect, DES officers are focussing their efforts on sites where the result of non-compliance presents a greater risk of serious consequences occurring. Lower risk sites are less frequently flagged by the CPM for possible inspection, ensuring that the regulatory burden on operators of such sites is reduced.

### Intelligence gathering

DES has strong processes and systems in place for gathering information and intelligence on activities to inform compliance.

To gather information from the broader community a pollution hotline is in place and is promoted to the public as a means of reporting issues and suspected non-compliances. Over 8,000 reports were received in 2020–21. This hotline is also used by the community to report concerns about places on the Queensland heritage register that are being neglected or where unapproved development is occurring.

DES collates data on matters related to protected plants and animals in an Enquiries and Compliance Register based on reports from both the DES Wildlife hotline and 1300 Animal hotline. This data supports compliance and enforcement action and enables spatial and temporal patterns in wildlife matters to be analysed. Over 5,200 enquiries and compliance matters were received in 2020–21.

The Odour Abatement Taskforce and proactive community engagement program, first established in 2018, continues intelligence-gathering from the community about odour matters in South East Queensland.

DES also uses real-time monitoring of air, noise and water quality. This real time monitoring assisted with compliance activities and formed the basis of community engagement activities during 2020–21.

### Places on the Queensland heritage register and important archaeological artefacts

DES regularly receives reports about discoveries of important archaeological and underwater cultural heritage artefacts. These discoveries are investigated, advice given about management options, and details recorded in the Living Heritage Information System or the Australian Government's Australasian Underwater Cultural Heritage Database.

DES participates in the National Underwater Cultural Heritage Program (2020–23), and in doing so conducts periodical inspections of the state's most important historic ship and aircraft wrecks, many of which are in the Great Barrier Reef. In 2020–21, DES issued 40 permits to enter the protected zones around six of Queensland's most important, yet fragile shipwrecks.

The majority of these were for permission to dive on the SS *Yongala*, wrecked off Cape Bowling Green in a 1911 cyclone and now one of the state's most popular dive sites. It also undertook detailed planning for a photogrammetric survey of the wreck of the SS *Yongala*, which was delayed on a number of occasions due to weather. This survey will enable detailed modelling of the wreck and serve as a benchmark by which to observe changes in its condition over time.

### **Actions taken to improve regulatory activities and business practices to reflect model practices**

- Review of the annual return requirements to reduce unnecessary or duplicated reporting. This has reduced reporting for more than 3,000 environmental authority holders.
- Conducting a number of targeted wildlife compliance programs including:
  - regulatory monitoring of Tin Can Bay dolphin feeding
  - monitoring rehabilitation permit holders in western Queensland
  - harvest macropod species Damage Mitigation Permit audits
  - wildlife trade inspection program and commercial crocodile farm audits
  - undertaking a compliance program targeting deliberate feeding and other unlawful interactions with estuarine crocodiles.
- Continuing to progress targeted compliance activities in relation to DES's responsibilities related to the protection of koala habitat under the Planning Regulation 2017 and the amended Nature Conservation (Koala) Conservation Plan 2017.
- Responding to community concerns about odour in Swanbank and surrounding communities in the Ipswich area. The Odour Abatement Taskforce's work is supported by intelligence analysis of community reports, weather data and records from operators of waste and composting facilities to better target inspections and enforcement activity.
- Continuing to develop model conditions for the development of Queensland heritage places (focussing on places with archaeological potential and important landscape features), aquaculture and sewage pump stations in 2020–21 to streamline approval processes and provide predictability to applicants.
- Collaborating with the Department of State Development, Infrastructure, Local Government and Planning, to review relevant parts of the State Development Assessment Provisions, including 'State code 14: Queensland heritage', which is a benchmark used for assessment of development applications made under the *Planning Act 2016*.
- Visiting and recording 15 places nominated for entry in the Queensland heritage register.
- Conducting six major reviews of entries for places already on the Queensland heritage register to contribute to the conservation, management and interpretation of these places by keeping information about them current.
- Working with the Department of Resources (Resources), Office of the Coordinator-General and PricewaterhouseCoopers (PwC) to review and map business processes for the application and assessment of environmental authorities and environmental impact statements for resource and prescribed activities. PwC worked with key stakeholders to identify pain points in the application and assessment processes and delivered a recommendation report. DES has commenced addressing the relevant PwC report findings.

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

In response to COVID-19 impacts, DES demonstrated regulatory adaptability by working with authority holders to provide flexibility in meeting conditions where health directions made implementation a challenge. Two new provisions were included in the EP Act to assist industry in balancing their compliance obligations and health directives. In the COVID-19 emergency, the new provisions allowed for:

1. a ministerial declaration exempting compliance with certain conditions of an environmental approval
2. a licensed or unlicensed operator to request a temporary authority where their operations change environmentally relevant activity thresholds.

The review of legislation carried out in response to COVID-19 highlighted the need for the legislation to be sufficiently flexible to respond to any emergency situation that may arise in future whether it be a pandemic, flood, fire, cyclone or other event. Ongoing review of the legislation will determine whether enduring provisions are required to provide the necessary operational flexibility.

### **Native Animal Licensing Framework**

Commencing in August 2020, the Nature Conservation (Animals) Regulation 2020 introduced a modern framework for the most common licences for keeping and using native animals. Rather than considering the purpose of an activity (i.e. personal enjoyment, or for business), the new Native Animal Licensing Framework is now based on the level of risk associated with keeping native animals. The licensing requirements will depend on the number and type of animals being kept, levels of breeding and trading undertaken, human health and safety risks and animal welfare matters. The new framework reduces costs and regulatory burden for businesses and community, while improving the administrative and reporting systems that supports a proportionate approach to enforcement and compliance programs.

DES manages and regulates compliance across 23 different animal and plant permit types totaling 40,000 permits across the state, with bespoke dashboards and reports used to identify priorities for auditing and compliance action. The rollover of recreational wildlife licences to the Animal licences framework occurred at a rate of 400 permits per month. Animal licences now account for 18,488 of the 36,609 total animal holding licences.

### **Better Regulation of Resource Activities (BRRA) project**

In 2020–21, DES continued the Better Regulation of Resource Activities (BRRA) project, which aims to improve the regulation of resource activities under the EP Act. Part of the BRRA project involves documenting the contemporary risks associated with resource activities and informing regulatory approaches proportionate to the risk of the activities. The documents developed through this project will be enablers to future work of DES that may include a review of the financial assurance requirements for small to medium projects, the application pathways for approvals, the risks thresholds that determine fees, conditions applied to environmental authorities and compliance strategies.

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## Table 3 Consult and engage meaningfully with stakeholders

### Evidence to support alignment with regulator model practices

DES is committed to consulting and engaging with its stakeholders. It conducts regular discussions with industry peak bodies such as the Queensland Resources Council, the Australian Petroleum Production and Exploration Association, Timber Queensland, AgForce, Cement, Concrete and Aggregates Australia, macropod industry bodies and the Waste Recycling Industry Queensland. These meetings provide opportunities to discuss operational matters and for two-way feedback between DES and its regulated community and stakeholders. In addition to addressing specific needs, DES meets regularly with a broad range of community, wildlife and conservation groups.

All new significant regulatory documents (such as new statutory guidelines) are available for public comment through the DES website.

The Australasian Environmental Law Enforcement and Regulators network (AELERT) is a well-respected and internationally recognised professional network for environmental regulators across Australia and New Zealand. DES is a member agency of AELERT, along with other local, state and federal government agencies responsible for the implementation and administration of environmental legislation. A list of member agencies is available on the AELERT website: [www.aelert.net/about-aelert/membership/our-member-agencies](http://www.aelert.net/about-aelert/membership/our-member-agencies).

DES provides the Queensland representative to the AELERT steering committee and has DES officers as members of a number of working groups. This provides DES with access to a range of opportunities to learn from other regulators and to gain exposure to best practice approaches to environmental regulation and where possible, improve efficiency and effectiveness.

As part of the COVID-19 response, DES has also worked closely with other regulators in Queensland to ensure appropriate flexibility was put in place for industries impacted by COVID-19 or health directions. This included regular and close engagement with Resources.

A complaints mechanism is in place providing customers the ability to lodge a complaint with DES if they are not satisfied with the service delivery, services, decisions or actions. Customers are encouraged to contact relevant staff to resolve the matter in the first instance. If, however, a matter is unable to be resolved, the customer may lodge a complaint. Complaints can be lodged:

- on-line
- in a printed format (either posted or emailed)
- in person
- anonymously.

Information regarding how complaints are managed, and the Customer Complaints Management Policy and Procedure is available on the DES website: [www.des.qld.gov.au/contactus/feedback-forms/feedback-form-complaint](http://www.des.qld.gov.au/contactus/feedback-forms/feedback-form-complaint).

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

- To increase stakeholder and community awareness about its compliance priorities, DES develops and publishes annual compliance priorities. The Annual Strategic Compliance Priorities highlights the department's targeted approach to compliance activities and can be found on the DES website: [environment.des.qld.gov.au/management/compliance-enforcement](http://environment.des.qld.gov.au/management/compliance-enforcement).

The current priorities include:

- waste management and waste levy compliance
- coal seam gas operations
- reef compliance.

A final report on the Annual strategic compliance priorities 2020–2021 is available on the website.

- DES proactively engaged with a broad range of communities regarding the assessment of cultural heritage significance, designing for adaptive reuse of heritage places, and terrestrial and maritime archaeology to raise community awareness about the protections in place for Queensland's cultural heritage and how this varied resource is managed. Lectures, talks and short courses are provided to tertiary students as well as local community groups.

- A stakeholder engagement framework is currently under development to better ensure all stakeholders are engaged in key activities of the environmental regulator. Work has also commenced on a DES-wide stakeholder engagement charter to outline what stakeholders can expect from DES and the expectations DES has of how stakeholders will engage with staff. The charter will be published on the DES website.
- DES works closely with Resources, which has a co-regulatory role for the resources sector. The two departments meet regularly to discuss operational matters, and exchange information as needed (and as permitted by privacy and confidentiality considerations) to ensure that each regulator is able to better inform its activities. DES continues to assess operational linkages between the two departments and review practices to ensure efficiencies when dealing with the resource industry.

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

- DES worked closely with industry to identify opportunities to support economic recovery and remove unnecessary requirements, for example removing annual return requirements for more than 3,000 authority holders and working with stakeholders to identify other process and legislative improvements.
- The continued engagement of the Odour Abatement Taskforce with the Ipswich/Swanbank community in relation to odour issues. The taskforce continues to work with community reporters, along with regulated businesses to address community concerns.
- Wildlife and Threatened Species Operations continuing to maintain and foster the established Interagency Compliance Interaction agreements with Resources, Department of Agriculture and Fisheries and RSPCA Queensland to provide a consistent framework for information sharing and joint-agency compliance activities in matters where individual agency portfolio interests and legislated responsibilities cross jurisdictions.
- The implementation of the Gurra Gurra Framework by actively engaging First Nations peoples in relation to DES activities.
- Knowledge gained through earlier workshops as part of the BRRA project with resource industry representatives and interest groups to analyse the risks associated with resource activities has been documented, reviewed and is being developed into a consultation draft to seek wide agreement on the relevant risks. The draft will be provided to peak industry bodies, interest groups, academia and associated government departments for review. The comments of stakeholders will be considered in finalising the document to provide a robust knowledge base to enable further development of regulatory reform based on a shared understanding of the risks to be managed.
- Reforms to the Biodiscovery Act in September 2020 introduced protections for the use of traditional knowledge in biodiscovery. In Queensland, biodiscovery involves the collection and use of minimal quantities of native biological material (such as plants, animals, and other organisms) for molecular, biochemical, or genetic analysis for commercial purposes (such as pharmaceuticals, insecticides, and vaccines). Since 2018, extensive consultation has been undertaken with members of the Minister-appointed Traditional Knowledge Stakeholder Roundtable, which includes First Nations peoples and experts in traditional knowledge, as well as representatives from biodiscovery entities, such as universities, research institutions and commercial research companies. This collaborative approach supported the development of the Traditional Knowledge Code of Practice, guidelines, and capacity strengthening material. The code and supporting guidelines assist biodiscovery entities to meet the traditional knowledge obligation under the Biodiscovery Act. The capacity strengthening material complements the code and guidelines by providing resources including a toolkit that seeks to increase awareness about the need to protect traditional knowledge, supports the capability of First Nations peoples to engage in biodiscovery, and builds the cultural capability of biodiscovery entities.
- Supporting the Queensland Heritage Council to establish the Queensland Heritage Advisory Panel, with members from; the Heritage Council, representatives of Brisbane City Council, the National Trust of Australia (Queensland), the Planning Institute of Australia – Queensland, and the Queensland Chapter of the Australian Institute of Architects. The panel is to investigate and report to the Minister on the adequacy of protections for Queensland's historical heritage places.
- Undertaking extensive consultation during the reform of the Queensland Environmental Offsets Framework, including with a Multisector Reference Group, Inter-Departmental Committee, and workshops with First Nations peoples.

## Table 4 Provide appropriate information and support to assist compliance

### Evidence to support alignment with regulator model practices

DES provides information to assist environmental authority holders in understanding their obligations and support compliance at: [www.business.qld.gov.au](http://www.business.qld.gov.au). Published documents include:

1. technical guidelines to assist applicants in applying for an environmental authority and provide all the necessary information to DES
2. information to assist operators in managing their environmental risks and comply with their obligations
3. guidelines about the statutory enforcement tools, which may be issued in the event of non-compliance, so operators are made aware of the potential consequences of non-compliance
4. information about the roles, powers and activities of the authorised officers under the EP Act.

Information concerning how to lodge an application for a permit or authority is also available.

Environmental authority applicants are encouraged to undertake a pre-lodgement meeting to discuss proposed activities. This provides all parties with a sound understanding of the nature of the activity, where and when the activity is to be conducted, and to be in a better position to assess the risk of the proposed activities.

Performance statistics for DES Environmental Impact Statements, including timeframes for assessments, are available at: [www.qld.gov.au/environment/pollution/management/eis-process/projects/eis-statistics](http://www.qld.gov.au/environment/pollution/management/eis-process/projects/eis-statistics).

### Places on the Queensland heritage register

As the *Queensland Heritage Act 1992* (Heritage Act) includes provisions regarding the protection of local heritage places, DES provides advice to the Planning Group of the Department of State Development, Infrastructure, Local Government and Planning on how local governments might achieve this through application of the State Planning Policy to their local planning instruments.

When places are entered in the Queensland heritage register, DES engages with the relevant owners/managers about establishing exemption certificates that activate on entry and approve a range of routine work that will occur at the place over an extended period. This process informs new place owners and managers of their responsibilities, while also reducing the risk of future non-compliance.

Applicants intending to lodge an exemption certificate application under the Heritage Act are encouraged to seek pre-lodgement advice on the proposed development through an exchange of information or meeting. In 2020–21, 141 pre-lodgement engagements occurred, as well as responses being provided to approximately 500 enquiries regarding the development of places.

Exemption certificates issued under the Heritage Act include conditions that assist future compliance efforts and provide clarity on how the approved work must be carried out to those undertaking development activities. A suite of standard or model conditions to apply to exemption certificates (as well as other approvals) began in 2019–20 and developed further in 2020–21. In developing material for assessing applications for development involving State heritage places with identified archaeological potential, the scope of the document has grown to become a more holistic guide for officers conducting assessments on different types of applications. This includes standardised guidance about when to request more information from applicants, when the alternative of applying a condition is warranted and when to apply more onerous monitoring and archaeological investigation conditions. This approach is being incorporated into other sections and supports consistent and measured decision-making.

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

- DES's Compliance Optimisation team continued to maintain and manage the online Ranger base – Compliance and Enforcement page which provides updated compliance policies, tools and practices under the NC Act, *Recreation Areas Management Act 2006* (RAM Act), MP Act, *Forestry Act 1959* (Forestry Act), and the *Wet Tropics World Heritage Protection and Management Act 1993* (Wet Tropics Act).

- Wildlife operations supported a major regulation change through the introduction of the Nature Conservation (Animals) Regulation 2020 and Nature Conservation (Plants) Regulation 2020 which has modernised the effective regulation of all wildlife, with a focus on the keeping and trading of native animals in Queensland. These regulations commenced in August 2020.

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

DES regularly publishes information to help inform and educate operators and the community about its compliance and enforcement activities.

The enforcement register provides details of statutory enforcement tools issued where an individual or company has committed a breach of the EP Act, with the exception of penalty infringement notices and prosecutions.

In response to the COVID-19 pandemic, DES has continued working with industry stakeholders, other government agencies and community groups in an effort to understand and resolve emerging COVID-19 related issues and provide additional guidance, resources and tools to support environmental authority holders.

Environmental authority conditions are reviewed to ensure that they are contemporary, provide for best practice management and appropriately address risks, such as the published model operating conditions for composting activities.

### Places on the Queensland heritage register and important archaeological artefacts

During 2020–21, DES prepared a new version of the General Exemption Certificate made under the Heritage Act which is scheduled to be published in 2021–22. This draft version has responded to valuable feedback provided by regular users of the document, including feedback in relation to public parks and gardens. The General Exemption Certificate provides upfront approval for a wide range of minor, low impact development occurring routinely at all places on the Queensland Heritage Register. This approval means applications are not needed, reducing the regulatory burden on the owners and managers of places and enabling DES to focus on more high-risk assessments.

In 2020–21, 768 exemption certificates were assessed by DES. The majority of these were approved and provided a fast and efficient means to gain approval, compared to a development application under the *Planning Act 2016*, or a report to the Queensland Heritage Council for Development by the State.

DES also provides Queensland heritage place advice to the Queensland Government and other relevant agencies on major infrastructure projects, including:

- Cross River Rail, about how to appropriately manage impacts on places as well as important terrestrial archaeology. In 2020–21, DES assisted the Cross River Rail Delivery Authority implement a project-wide archaeological management plan. This type of document establishes a framework for project partners to appropriately manage discoveries of archaeological artefacts in conjunction with construction schedules
- the Department of Education and associated contractors in relation to upgrades and new additions planned for a number of State heritage-listed schools
- in collaboration with the Department of Transport and Main Roads, DES finalised an Archaeological Management Protocol to streamline the assessment process for discoveries that will reduce the risk of time delays on critical infrastructure projects across the state.

## Table 5 Commit to continuous improvement

### Evidence to support alignment with regulator model practices

The department's membership of AELERT provides it with ongoing opportunities to learn from other regulators and to gain exposure to best practice approaches to environmental regulation.

DES officers also participate in functions hosted by the ANZSOG National Regulators Community of Practice (NRCoP). The NRCoP is an active network of public sector regulators from all three levels of government and from every regulatory sector, professional background, role and level of seniority.

A range of resources are available to support staff, including procedural guides, guidelines, forms and templates. Officers in central teams are available to provide advice to frontline officers in relation to questions associated with the execution of powers and delegations under our legislation, and the Litigation Unit provides legal advice for complex compliance matters.

As part of the BRRR project, understanding how risk is used to inform existing regulation of resource activities under the EP Act is being reviewed. This will enable the regulatory approaches to reflect a contemporary understanding of the risks and therefore ensure regulatory approaches remain proportionate to the risk associated with the activity. This information will form a key part of the commitment to stewardship of legislation to ensure it remains contemporary, effective and efficient.

As part of the COVID-19 response, DES has also been actively working with industry to identify other areas for regulatory improvement.

DES actively monitors its regulatory performance and has a range of indicators that are reported through its Service Delivery Standards (e.g. percentage of identified unlicensed operators who have become licensed, or enforcement action taken within 60 days). Performance results are in the 'Our Performance' section of the DES Annual Report available at [des.qld.gov.au/our-department/corporate-docs/annual-report](https://des.qld.gov.au/our-department/corporate-docs/annual-report).

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

- In 2020–21, the Compliance Optimisation team trained and authorised approximately 80 Queensland Police officers. Police officers who are trained and authorised under the NC Act, RAM Act, MP Act, Forestry Act, and Wet Tropics Act, gain additional powers to act upon non-compliant incidents that occur both on and off park. This collaborative activity between DES and Queensland Police Service ensures actions are appropriately risk based and leverages technological innovation for the best approach to achieving outcomes.
- The Compliance Optimisation team also delivered eight authorised officer training courses to rangers and wildlife officers throughout the State. The course was developed in 2019–20 and comprised of a prerequisite online component, followed by a face-to-face component. This will allow internal training capacity to be re-directed towards more specialised and emerging compliance and enforcement related training subjects.
- DES also continues to provide officers with access to a range of webinars. The webinars are intended to build officers' knowledge and understanding of key activities regulated by DES under the EP Act. The webinars are delivered live to allow a question-and-answer function and recorded and shared on internal systems for later reference.
- DES has acknowledged the potential to reduce regulatory burden in its review of the Queensland Environmental Offsets Framework and is consulting on reforms to achieve this while maintaining the framework objective to counterbalance impacts on matters of environmental significance.
- The DES Remotely Piloted Aircraft Systems capability is used in a variety of applications, such as undertaking volumetric surveys at landfills to confirm the integrity of the Queensland waste levy framework.
- Work has continued on the development of the department's social media presence and encourages members of the public to report incidents or illegal activities through the pollution hotline. This has been reinforced by publishing content in relation to compliance outcomes as a result of community reports.

- A Wildlife Management Regulation Strategy mentoring program has progressed through a series of Co-ordinated Compliance Activities (CCA). CCA taskforce activities were run in most regional locations to build skills consistently across the state and to support achievement of proactive compliance targets.
- During 2020–21, DES commenced work to update the *Regulatory Strategy* for its role as Queensland's environmental regulator. The strategy will build upon the existing *Regulatory Strategy* released in 2014 and will be based on the principle of continuous improvement.
- In 2020–21, DES published for the first time performance statistics for its Environmental Impact Statement process, including timeframes for assessments. Further information is available at: [www.qld.gov.au/environment/pollution/management/eis-process/projects/eis-statistics](http://www.qld.gov.au/environment/pollution/management/eis-process/projects/eis-statistics).

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

A training program for DES officers covering all aspects of the regulatory process includes lawful use of statutory powers held by officers authorised under its administered legislation, and interactive, scenario-driven online training modules and face-to-face training developed specifically for assessment and compliance officers.

The redesigned Authorised Officer Training Program has been delivered to 142 DES officers across Queensland to train and authorise them under the EP Act and *Waste Reduction and Recycling Act 2011*. DES has also recently redesigned and piloted new training modules to enable DES officers to become authorised under the *Coastal Protection and Management Act 1995* and the Heritage Act.

#### Reforms to the Biodiscovery Act

Reforms to the Biodiscovery Act in September 2020 introduced protections for the use of traditional knowledge in biodiscovery, to improve the alignment with international standards such as the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefit Arising from their Utilization to the Convention on Biological Diversity. The Nagoya Protocol requires that biodiscovery only be undertaken with the prior informed consent of Indigenous communities who hold traditional knowledge about the resources. It also requires that the benefits of biodiscovery are fairly and equitably shared.

The introduction of the traditional knowledge obligation requires that biodiscovery entities, including universities, research institutions and commercial research companies take all reasonable and practical measures to ensure that traditional knowledge is only used under an agreement with the custodians of the knowledge.

Other improvements to the Biodiscovery Act included changes to simplify permit and benefit sharing approvals processes and to clarify how the Biodiscovery Act requirements align with other international access and benefit-sharing instruments.

The Biodiscovery Act aims to encourage the development of the biodiscovery industry in Queensland while ensuring the benefits from biodiscovery are shared equitably and fairly with the state on behalf of all Queenslanders. The Biodiscovery Act reforms also seek to ensure that biodiscovery entities act appropriately when using First Nations peoples' traditional knowledge.

Establishment of the traditional knowledge obligation promotes First Nations peoples as partners in biodiscovery, supporting opportunities to connect to Country and culture, create jobs, and to develop new skills. Reform of the Biodiscovery Act also aids biodiscovery entities to collaborate internationally and access markets, and at the same time supports First Nations peoples to benefit in the process and in a way that reinforces First Nations peoples' cultural rights and self-determination.

#### Places on the Queensland heritage register

DES promotes and builds awareness of the state's heritage through multiple interactions with a range of stakeholders. As clients and stakeholders become more aware of the requirements of the Heritage Act and other applicable legislation, they understand the need to incorporate heritage requirements in their development planning and the consequences of not complying with the legislation.

DES regularly engages with the Department of State Development, Infrastructure, Local Government and Planning about the policy and practice aspects of its provision of technical advice regarding *Planning Act 2016* development applications that affect places on the Queensland heritage register. This engagement is focused on enhancing interactions between the agencies and identifying areas for future improvement.



## Table 6 Be transparent and accountable in actions

### Evidence to support alignment with regulator model practices

To promote transparency and demonstrate open accountability, the *DES Enforcement Guidelines*, *Annual strategic compliance priorities 2020–2021*, *Annual strategic compliance priorities 2020–2021 final report*, *Regulatory Strategy*, and Enforcement Register are publicly available at:

[environment.des.qld.gov.au/management/compliance-enforcement](https://environment.des.qld.gov.au/management/compliance-enforcement).

Access to this information provides the regulated community and stakeholders with an understanding of how decisions related to enforcement and regulation are made.

Most of the enforcement decisions made under the EP Act require reasons for the decision to be provided to the person affected by the decision. The EP Act also provides a statutory right to have most enforcement actions internally reviewed and a right to appeal those decisions to either the Planning and Environment Court or the Land Court.

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

- The Annual Strategic Compliance Priorities are the key strategic and operational priorities and are published on the DES website. DES's ongoing compliance work continues to be informed by community, industry and scientific intelligence. Details are available at: [environment.des.qld.gov.au/management/compliance-enforcement](https://environment.des.qld.gov.au/management/compliance-enforcement).
- As a result of consultation conducted during the review of the Queensland Environmental Offsets Framework, DES is improving the way Offsets Register information is stored and shared.
- An improved online portal will provide access to information required to be made available on the public register under the EP Act.
- In March 2021, the Macropod Management Unit published the Annual Report for the macropod management program including a summary of all compliance activities undertaken during the 2020 harvest period.

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

*The Environmental Regulatory Update* is a regular e-mail bulletin sent to subscribers providing the latest important compliance and enforcement information.

DES also regularly publishes information to help inform and educate operators and the community about its compliance and enforcement activities, including:

- prosecution bulletins summarising the facts and outcomes of selected prosecutions finalised by DES: [environment.des.qld.gov.au/management/compliance-enforcement/prosecution-bulletins](https://environment.des.qld.gov.au/management/compliance-enforcement/prosecution-bulletins)
- performance statistics relating to the Environmental Impact Statement process, including timeframes for assessments are available at: [www.qld.gov.au/environment/pollution/management/eis-process/projects/eis-statistics](https://www.qld.gov.au/environment/pollution/management/eis-process/projects/eis-statistics)
- a Public Register providing information and documentation relating to the administration and enforcement activities undertaken in line with the EP Act. The Register provides increased access and ability to search online for information and documentation. There were tens of thousands of searches of the portal in 2020–21 and positive feedback from community about the improved functionality: [www.qld.gov.au/environment/pollution/licences-permits/public-register](https://www.qld.gov.au/environment/pollution/licences-permits/public-register)
- DES also maintains a Public Register for the Queensland Environmental Offsets Framework, which is contributed to by Queensland agencies who administer offsets under the framework. The Offsets Register details the location of impacted areas requiring an offset, impacted environmental values, payments made to the Queensland Government for offsetting impacted areas, offsets that are being delivered, areas suitable for delivering future offsets (advanced offsets) and approved activities for delivering offset projects (Direct Benefit Management Plans): [www.qld.gov.au/environment/pollution/management/offsets/registers](https://www.qld.gov.au/environment/pollution/management/offsets/registers).

## Appendix 1 – Legislation

Legislation managed and administered by DES in a regulatory capacity:

- *Biodiscovery Act 2004*
- *Coastal Protection and Management Act 1995*
- *Environmental Offsets Act 2014*
- *Environmental Protection Act 1994*
- *Forestry Act 1959* (jointly administered with the Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities)
- *Gene Technology (Queensland) Act 2016*
- *Marine Parks Act 2004*
- Marine Parks (Great Sandy) Zoning Plan 2017
- Marine Parks (Moreton Bay) Zoning Plan 2008
- *Nature Conservation Act 1992*
- Nature Conservation (Animals) Regulation 2020
- Nature Conservation (Estuarine Crocodile) Conservation Plan 2018
- Nature Conservation (Forest Reserves) Regulation 2000
- Nature Conservation (Koala) Conservation Plan 2017
- Nature Conservation (Macropod Harvest Period 2021) Notice 2020
- Nature Conservation (Macropod) Conservation Plan 2017
- Nature Conservation (Plants) Regulation 2020
- Nature Conservation (Protected Areas Management) Regulation 2017
- Nature Conservation (Protected Areas) Regulation 1994
- *Queensland Heritage Act 1992*
- *Recreation Areas Management Act 2006*
- *Waste Reduction and Recycling Act 2011*
- *Water Act 2000 (Chapter 3)*
- *Wet Tropics World Heritage Protection and Management Act 1993*



## Glossary

Acronym	Definition
<b>DES</b>	Department of Environment and Science
<b>NC Act</b>	<i>Nature Conservation Act 1992</i>
<b>EP Act</b>	<i>Environmental Protection Act 1994</i>
<b>Biodiscovery Act</b>	<i>Biodiscovery Act 2004</i>
<b>BRRA</b>	Better Regulation of Resource Activities project
<b>CPM</b>	Compliance prioritisation model
<b>AELERT</b>	Australasian Environmental Law Enforcement and Regulators network
<b>Resources</b>	Department of Resources
<b>Heritage Act</b>	<i>Queensland Heritage Act 1992</i>
<b>RAM Act</b>	<i>Recreation Areas Management Act 2006</i>
<b>MP Act</b>	<i>Marine Parks Act 2004</i>
<b>Forestry Act</b>	<i>Forestry Act 1959</i>
<b>Wet Tropics Act</b>	<i>Wet Tropics World Heritage Protection and Management Act 1993</i>