Compliance strategy 2020–24

Queensland
Government

Introduction
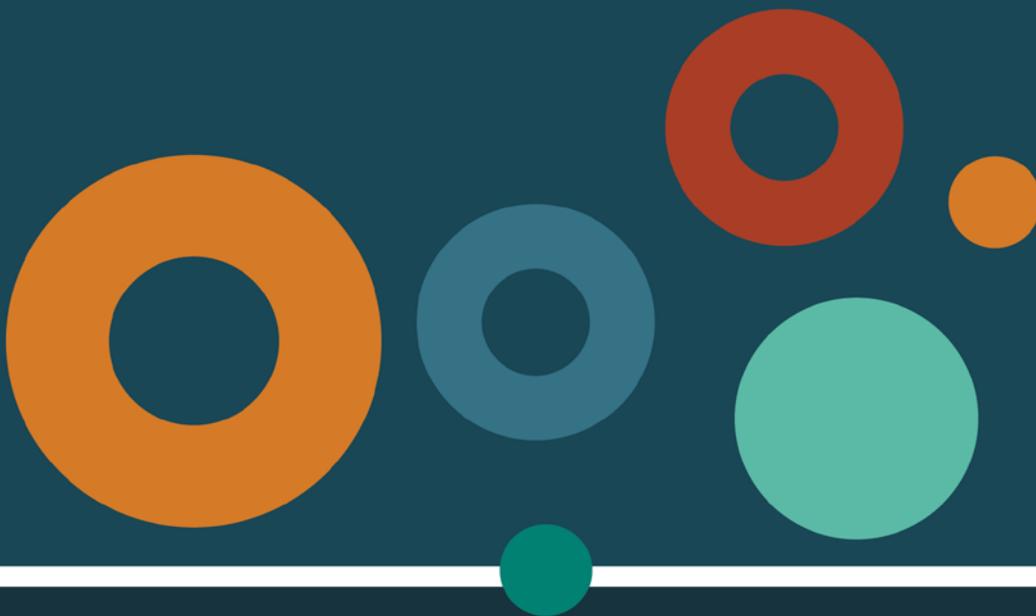
The Department of Natural Resources, Mines and Energy (DNRME) is the agency responsible for administering a range of Queensland's legislation relating to land, water, vegetation, mineral and energy resources.

The department's vision is that together, our land, water, mineral and energy resources deliver sustainable benefits for current and future generations of Queenslanders.

To do that, the department:
• manages Queensland's land, water, mineral and energy resources
• delivers safe, secure, affordable and sustainable energy and water.

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

Aboriginal Land Act 1991

Aboriginal and Torres Strait Islander Land Holding Act 2013

Electricity Act 1994

Electricity National Scheme (Queensland) Act 1997

Energy and Water Ombudsman Act 2006

Fossicking Act 1994

Gas Supply Act 2003

Geothermal Energy Act 2010

Gladstone Power Station Agreement Act 1993

Greenhouse Gas Storage Act 2009

Land Act 1994

Liquid Fuel Supply Act 1984

Mineral Resources Act 1989

Mineral and Energy Resources (Common Provisions) Act 2014

National Energy Retail Law (Queensland) Act 2014

National Gas (Queensland) Act 2008

Native Title (Queensland) Act 1993

Nuclear Facilities Prohibition Act 2007

Petroleum Act 1923

Petroleum and Gas (Production and Safety) Act 2004

Planning Act 2016

Regional Planning Interests Act 2014

River Improvement Trust Act 1940

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

Water Act 2000

Water Supply (Safety and Reliability) Act 2008

Purpose

This compliance strategy details how the department approaches and communicates its compliance activities.

It ensures we continue to build upon and deliver a robust compliance 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, water, mineral and energy regulatory functions.

This four-year strategy applies from July 2020 through to June 2024.

Our compliance approach

We aim to be a best practice regulator. Our compliance approach is informed, strategic and consistent across the broader legislative, geographic and community contexts so that Queenslanders and their communities have confidence in what we do.

Obtaining compliance and promoting behaviour change is the main purpose of our approach.

Our compliance framework has culture, leadership and safety at its core and our approach is that **compliance is everyone's business and responsibility.**

We address compliance 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 information, resources and tools to be clear about the obligations for our regulated community
- engaging to promote awareness and build their capacity 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-compliance

Where compliance is not achieved, we take a risk-based approach to decide how best to respond.

Our compliance approach includes five strategies to guide how we consistently approach our regulatory activities: guide, inform, enable, monitor and enforce (see figure 1 below).

We guide, inform and enable the community and monitor activities on an on-going basis. When a non-compliance occurs enforcement options or interventions are considered.
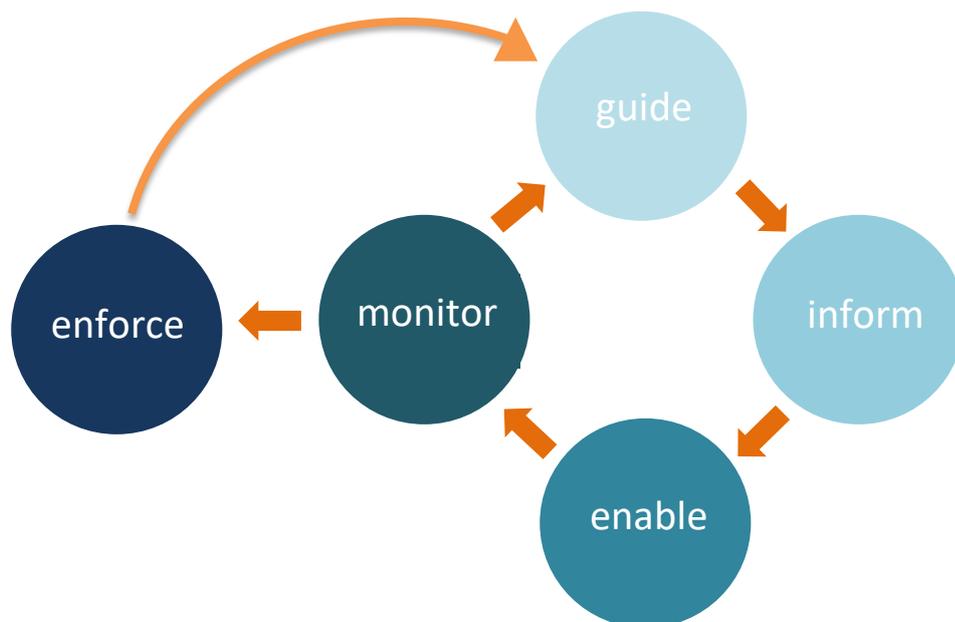

Figure 1: Our ongoing compliance strategies

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. We won't hesitate to take strong compliance action where a high-risk non-compliance occurs.

LOW	RISK		HIGH
GUIDE/INFORM/ENABLE - minimal impact to the resource, environment and community - action was unintentional - history of compliant behaviour and the offender wants to comply - offer advice and guidance to rectify the non-compliance - community engagement - may involve formal advice or request - no compliance action in some instances	**INFORM/ENABLE/ENFORCE** - minor impact to the resource, environment and community - action was unintentional - offender is generally compliant and rectifies issues within required timeframes - provide reasonable opportunity to respond and rectify - response may involve formal advice or request	**ENABLE/ENFORCE** - likely to result in major impact to resource, environment and community - history of minor non-compliances - offender displays a lack of willingness to comply - change in behaviour is required - response likely to use a range of tools to cease, rectify and address non-compliant behaviour	**ENFORCE** - major impact to the resource, environment and community - seriousness may warrant going directly to enforce regardless of compliance history - ongoing history of non-compliance - offender is wilfully non-compliant - response likely to use one or more high level compliance tools including penalties

Expanding on our compliance strategies 2020–24

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 compliance approach to ensure it is contemporary and effective
- work 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 compliance 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 understand the consequences of non-compliance and the range of compliance tools that the department can use

3. Enable
- communicate clearly with the community about what they need to do 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 compliance related 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
- use technology to simplify our reporting and communicate the outcomes to the community

4. Monitor
- use technology to monitor, review and report on compliance, including when we collect and analyse data, spatial tools and intelligence
- use the outcomes from our monitoring to inform our compliance planning, priorities and risks
- maintain awareness of up-to-date compliance methods and opportunities to continually improve our compliance approach

5. Enforce
- use a suite of compliance 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 compliance 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 compliance approach.

1. **consistent and fair:** we have a consistent and fair approach to how we achieve compliance

2. **outcomes and risk-based:** we use a proactive, outcomes-focused, targeted, risk-based approach for our compliance activities

3. **supportive:** we encourage the community to do the right thing and empower staff to make decisions within our regulatory and governance framework

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, are transparent in our decision making and talk openly about priorities, activities and the results of our work

6. **safe and well:** we support the safety and wellbeing of our staff and communities

7. **responsive:** we are timely in how we communicate about compliance and in responding to non-compliance.

How we manage and support compliance

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 compliance activities across our regulatory functions.

It is critical that our staff have the capability to operate effectively to support the department's role in managing our land, water, vegetation, mineral and energy resources and delivering safe, secure, affordable and sustainable energy and water. We continually enhance our skills and knowledge and have mechanisms in place to build the capacity of our staff.

Our compliance priorities

We take a **risk-based approach** to plan where to focus our compliance 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, water, mineral and energy resources.

Monitoring, reporting and evaluating compliance

We take a proactive 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 contact with the community, a variety of data sources and analytics, analysis of satellite imagery, 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.

Our compliance activities are 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.