

AFMA Regulator Performance Framework

2015-2016



Australian Government
Australian Fisheries Management Authority

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1. Introduction

1.1 Who We Are

The Australian Fisheries Management Authority (AFMA) is responsible for ensuring the sustainable use of Commonwealth fisheries resources. AFMA provides cost-effective management of fisheries, domestic compliance, fisheries border protection and licensing services on a partial cost-recovery basis, enabled and governed by the *Fisheries Management Act 1991* (FMA) and *Fisheries Administration Act 1991* (FAA).

We have legislated functions and objectives to provide for the implementation of fisheries management consistent with the principles of ecologically sustainable development and maximising the net economic returns for the Australian community from the management of Australian fisheries.

1.2 The Australian Government Regulator Performance Framework

The Australian Government Regulator Performance Framework (RPF) was developed to 'encourage regulators to undertake their functions with the minimum impact necessary to achieve regulatory objectives and to effect positive ongoing and lasting cultural change within regulators'¹. The RPF contains six indicators against which regulators are to measure their performance:

- regulators do not unnecessarily impede the efficient operation of regulated entities
- communication with regulated entities is clear, targeted and effective
- actions undertaken by regulators are proportionate to the regulatory risk being managed
- compliance and monitoring approaches are streamlined and coordinated
- regulators are open and transparent in dealing with regulated entities
- regulators actively contribute to the continuous improvement of regulatory frameworks.

2. The AFMA Performance Framework

The AFMA Performance Framework (the framework) sets out how AFMA intends to measure and report its performance against the RPF. It contains performance measures against each key indicator as well as the evidence that will be collected to demonstrate performance.

This is the first AFMA Performance Framework and it is anticipated refinement may occur in the initial years to better target performance measures and evidence.

This framework was developed in consultation with key stakeholders. See Appendix A for a list of those consulted.

¹ Regulator Performance Framework (2014), p4

2. Performance measures

RPF Key performance indicator	Performance measures	Evidence
1. Regulators do not unnecessarily impede the efficient operation of regulated entities.	1. Demonstrated understanding of the operating environment for the regulated entities through efficient consultative mechanisms.	<ul style="list-style-type: none"> A. Commission meetings (3pa) in fishing ports with associated industry meeting B. Minimum number of Management Advisory Committee and Resource Assessment Group Meetings held (25pa) C. Minimum number of Commonwealth Fisheries Association/Cost Efficiency Working Group Meetings held (6pa)
	2. Reduction in cost and time of transacting with AFMA.	<ul style="list-style-type: none"> A. 80% of transactions delivered online through GoFish B. Endorsed red tape reduction initiatives implemented
	3. Efficient and effective AFMA business processes.	<ul style="list-style-type: none"> A. Satisfaction with AFMA's on-line systems for submitting and managing applications - through online feedback and complaints B. Timeframes for business processes in AFMA Client Service Charter met
2. Communication with regulated entities is clear, targeted and effective.	1. Satisfaction with quality and availability of information and guidance materials.	<ul style="list-style-type: none"> A. Website content is reviewed by the nominated review date to ensure accuracy B. Number of hits or dropouts to AFMA website C. Number of subscribers to the AFMA Update D. Website meets relevant Government online and accessibility standards
	2. Satisfaction with the quality of advice relating to AFMA decisions and assistance.	<ul style="list-style-type: none"> A. Timeframes and expectations of AFMA Client Service Charter met B. Statement of reasons for major AFMA decisions published within 2 weeks of decision
	3. Extent and satisfaction with AFMA consultative processes.	<ul style="list-style-type: none"> A. 100% of new or major changes to policy provided to relevant stakeholders for consultation prior to finalisation B. Satisfaction from key stakeholders about the quality of AFMA consultation through stakeholder survey

RPF Key performance indicator	Performance measures	Evidence
3. Actions undertaken by regulators are proportionate to the regulatory risk being managed.	1. Risk management frameworks and policies are in place and regularly reassessed ² .	A. Relevant risk frameworks that are applied to decision making, made accessible to regulated entities B. Risk management framework reviewed every 5 years
	2. Regular Audits of key agency functions through AFMA Audit and Risk Committee, ANAO, AFMA Commission	A. Annual audits completed in line with Audit Schedule B. 100% of identified high priority audit recommendations addressed
	3. National Compliance and Enforcement Policy and the National Compliance and Enforcement Program regularly reviewed	A. Policy reviewed every 2 years and program reviewed annually B. 100% relevant staff trained in risk management policies
4. Compliance and monitoring approaches are streamlined and coordinated.	1. Monitoring and enforcement strategies minimise costs to regulated entities.	A. Compliance risk assessment conducted every two years B. Quantity of compliance activities conducted jointly with other regulators
	2. Compliance activities are responsive to business needs of regulated entities, where relevant.	A. Compliance activities targeted on high risk areas B. Memorandums of Understanding for supply of compliance services with State and Federal Government agencies reviewed regularly
	3. Facilitate electronic submission of key data systems (Logbooks, Vessel Monitoring Systems and Licensing).	A. Online systems are available to regulated entities B. Increase in the uptake of electronic business solutions

² These include the Compliance Risk Assessment, Ecological Risk Assessment, Ecological Risk Management, Human Resource Risk Management, Observer Risk Management Assessment and Risk-Catch-Cost Trade-off for Fisheries.

RPF Key performance indicator	Performance measures	Evidence
5. Regulators are open and transparent in their dealings with regulated entities.	1. Improve transparency of actions.	<ul style="list-style-type: none"> A. Statement of reasons for major AFMA decisions published within 2 weeks of decision B. Performance against AFMA Client Service Charter requirements published annually C. Compliance policy, risk methodology and compliance program published on the AFMA website D. Regular compliance reports provided to peak industry bodies
	2. Feedback mechanisms are in place and used to improve service to regulated entities.	<ul style="list-style-type: none"> A. Advice from complaints and feedback mechanisms, including stakeholder survey, reviewed
	3. Performance information is published	<ul style="list-style-type: none"> A. Performance against regulator and AFMA's corporate plan published in annual report and on AFMA website B. Stock Status report published by ABARES and on AFMA website
6. Regulators actively contribute to the continuous improvement of regulatory frameworks.	1. Engage Stakeholders in changes to the regulatory framework.	<ul style="list-style-type: none"> A. Stakeholder consultation procedures (Fisheries Management Paper Number 1 and Fishery Administration Paper Number 12) in place and reviewed regularly B. Significant changes to AFMA regulatory frameworks involve stakeholder consultation
	2. Engagement with the Department of Agriculture on the development or amendment of regulatory frameworks.	<ul style="list-style-type: none"> A. Four executive meetings held each year between the AFMA and Department of Agriculture B. Participate in regular deregulation and legislative reform working groups with Department of Agriculture

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3. Assessment and reporting

AFMA will complete a self-assessment against this performance framework in consultation with key stakeholders prior to certification by the Chief Executive Officer, and then submission to the Minister for Agriculture for approval. The framework review process is comprehensive and includes compulsory external validation through the Agricultural Industry Advisory Council and the potential to use external reviews.

The final performance report against the framework will be annexed in AFMA's annual report each year.

4. Appendix A – Stakeholder consultation

In developing the framework and metrics of assessment, AFMA consulted with the following stakeholders:

- Commonwealth Fisheries Association
- Management Advisory Committees
- Environmental Non-Government Organisations
- Australian Recreational Fishing Foundation