



**Department of Environment and Science**  
**Regulator Performance Framework**  
Annual Report 2021–22



**Queensland**  
Government

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

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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 14 million hectares of protected areas, recreation 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 356,000 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 domestic and international visits to national parks and forests each year, including 1.5 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
- undertaking proactive audits of native animal authorities to help disrupt animal trafficking activities
- 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 the sharing of benefits from 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 2021–22, 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 sets out its regulatory approach in its *Regulatory Strategy 2022–2027: Queensland's Environmental Regulator* (Regulatory Strategy). This includes reflecting modern regulator principles such as regulating proportionate to risk.

DES applies a strategic, consistent and risk-based approach to compliance and enforcement, and makes decisions in accordance with the *Department of Environment and Science Enforcement Guidelines* (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, 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 enforcement response is proportionate to the seriousness of the conduct.

The DES Compliance Steering Committee provides oversight on compliance matters to ensure alignment with the Enforcement Guidelines and the Regulatory Strategy, which is 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, officers focus 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 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 2021–22. 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 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 2021–22.

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 3,400 enquiries and compliance matters were received in 2021–22.

### 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 is given about management options, and details are 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.

## Better Regulation of Resource Activities project

DES continued the Better Regulation of Resource Activities project. The project forms a key part of the commitment to stewardship of legislation to ensure it remains contemporary, effective and efficient. It aims to provide an assessment of the environmental risk of resource activities to enable improved regulation under the EP Act. The project has progressed documenting the contemporary risks associated with resource activities. The documents developed through this project inform regulatory approaches proportionate to the risk of the activities and will be enablers to any 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 for classifying environmental authorities, conditions applied to environmental authorities and compliance strategies.

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

#### Actions undertaken by DES in 2021–22 include:

- Release of the Regulatory Strategy, which sets out the Queensland environmental regulator's vision for the delivery of its regulatory functions and activities. It outlines the direction and intent of the Queensland environmental regulator's effort over the next five years and is based on the principle of continuous improvement.
- Collaboration with the Department of Resources (Resources) and the Office of the Coordinator-General (OCG) on the Guidance for Resources Industry Project (GRIP) — to improve guidance for the resources industry about assessment processes, including customer journey maps and additional training and guidance materials.
- Enhancement of the EP Act Public Register Portal — through the expansion of the department's online Public Register Portal.
- Issued 36 permits to enter the protected zones around six of Queensland's most important, yet fragile shipwrecks and two permits to conduct physical testing of protected shipwrecks. The majority of these were for permission to dive on the SS *Yongala*, wrecked off Cape Bowling Green in a 1911 cyclone and is now one of the state's most popular dive sites.
- Undertook photogrammetric surveys of the wrecks of the SS *Yongala* and *Gothenburg*. The surveys provided detailed modelling of the wrecks and will act as a benchmark by which to observe changes in their condition over time.

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

#### Release of the Regulatory Strategy

In February 2022, DES released an updated Regulatory Strategy for its role as Queensland's environmental regulator. The Regulatory Strategy relates to regulation of a wide range of activities across various pieces of environmental and planning legislation, including commercial and industrial activities under the EP Act.

The updated Regulatory Strategy outlines six key focus areas and actions to be delivered over five years and is based on the principle of continuous improvement.

Several of the actions relate to improved regulation and regulator practices including:

- in consultation with industry and the community, identifying legislative change, where a more contemporary approach proportionate to risk could be achieved
- considering where streamlined conditions could be brought into the legislation or a statutory instrument for greater consistency
- identifying opportunities for new environmentally relevant activity standards for low-risk activities
- reviewing the suitability of external guidance to ensure clear expectations of information requirements to better support environmental applications and enable effective conditioning
- investigating options to enable innovative operators to test and trial new projects
- developing centralised data storage for certain industries (e.g. resources sector) to provide monitoring and other data to government, and better share information to reduce costs and assessment timeframes.

The Regulatory Strategy has set targets that DES is aiming to achieve for each focus area by 2027.

Implementation of the Regulatory Strategy will deliver more streamlined, efficient and cost-effective regulation that is proportionate to risk to support Queensland's economy while ensuring the State's unique environment, coastal and heritage places are well-managed and protected now and into the future.

DES committed to annually and publicly reporting on its delivery of the Regulatory Strategy, with the first Regulatory Strategy Delivery Report to be published in early 2023.

The Regulatory Strategy and supporting content are published on DES's website:

[environment.des.qld.gov.au/management/policy-regulation/regulatory-strategy](https://environment.des.qld.gov.au/management/policy-regulation/regulatory-strategy).

### **Guidance for Resources Industry Project**

The aim of GRIP is to ensure better quality applications which will result in fewer information requests and a more streamlined approvals process. In 2021 a business process mapping exercise was undertaken across multiple government departments. It highlighted several areas where improvements could be made to achieve greater efficiency in approvals processes for the resource sector.

Further work is being undertaken which aims to achieve the following objectives:

- better guidance, leading to better quality applications and streamlined approvals
- clearer process for applicants to follow across agencies
- improved regulatory efficiency
- no changes to legislation or environmental standards.

This work is being delivered by an external vendor, working collaboratively across Queensland government agencies (DES, Resources and OCG).

A current state report, customer journey maps and review of guidance material has been completed.

DES is progressing several actions that relate to improved regulation and regulator practices including:

- undertaking a pilot of updated guidance material and training (for internal and external stakeholders)
- improving pre-lodgement processes (with a focus on standardising interactions across and within agencies)
- developing a new case management process to provide applicants with additional assistance to understand the application process and deal with cross agencies issues
- developing a simplified customer journey map to guide applicants through the process across Resources, DES and OCG
- updating web material on the Business Queensland website to provide better guidance to applicants.

### **Public Register Portal enhancements**

DES publishes a collection of information and downloadable data to its Public Register Portal, improving the transparency and accessibility of information for interest groups, operators, and the general public.

The original implementation included modules for:

- Environmental Authorities
- Enforcements
- Temporary Emissions Licences.

During 2021–22, new information modules and capabilities were added for:

- Progressive Rehabilitation and Closure Plans
- previous versions of Environmental Authorities
- information requests and enhancements to improve searchability.

By making data transparent and accessible 24/7, it incentivises operators to provide accurate, high-quality submissions, and makes it easy for everyone to view that information.

The Public Register Portal averages almost 14,000 searches per month.

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Combined with the improved functionality for facilitating Information Requests, DES achieved a 70% reduction in the number of manual requests it received since the previous reporting period.

Any significant updates to the Public Register Portal are identified in *The Environmental Regulatory Update* (an e-newsletter) and any ongoing stakeholder engagement forums.

The public can also refer to the Public Register Portal website directly, to explore its features and capabilities over time.

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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 and regulated community. 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 & Aggregates Australia, macropod industry bodies and the Waste Recycling Industry Association 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 DES website has been updated so interested members of the public can be alerted when there is something available for public consultation:

[www.des.qld.gov.au/our-department/public-notice](http://www.des.qld.gov.au/our-department/public-notice).

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 officers are 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 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.

DES has a complaints mechanism in place providing customers with the ability to lodge a complaint if they are not satisfied with the service delivery, services, decisions or actions received. In the first instance, customers are encouraged to contact relevant officers to resolve the matter. If a matter is unable to be resolved in this way, 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 & 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

#### Actions undertaken by DES in 2021–22 include:

- Increased stakeholder and community awareness about compliance priorities. DES develops and publishes annual compliance priorities. The Annual Strategic Compliance Priorities highlight 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 priorities for 2021–22 included:
  - waste management and waste levy compliance
  - coal seam gas operations
  - reef compliance.

- Published the *Annual strategic compliance priorities 2020–2021 final report*. A report on outcomes from 2021–22 will also be made available on the website.
- Published the DES Stakeholder Charter to continue to build constructive, respectful, and productive relationships with external stakeholders, including peak industry bodies:  
[www.des.qld.gov.au/\\_\\_data/assets/pdf\\_file/0029/259139/stakeholder-charter.pdf](http://www.des.qld.gov.au/__data/assets/pdf_file/0029/259139/stakeholder-charter.pdf).
- Released the Traditional Knowledge Code of Practice and Traditional Knowledge Guidelines supporting implementation of the amendments to the *Biodiscovery Act*. This will support the growth of the biodiscovery industry in a culturally appropriate way where the traditional knowledge of First Nations peoples' about native biological material is used in biodiscovery:  
[environment.des.qld.gov.au/licences-permits/plants-animals/biodiscovery/traditional-knowledge](http://environment.des.qld.gov.au/licences-permits/plants-animals/biodiscovery/traditional-knowledge).
- 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. This will 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.
- Worked 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 can 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.
- Collaborated closely with the Office of the Gene Technology Regulator to provide feedback on measures taken to manage the risk to human and environmental health from applications to utilise gene technologies and dealings with genetically modified organisms.
- Participated in the review and reform process for gene technology related laws to ensure they remain risk based and up to date in this rapidly evolving field of science.

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

##### **Review of the Estimated Rehabilitation Cost Calculator and Guideline**

DES undertook extensive consultation with industry peak bodies, individual companies, and environmental and community groups as part of a major review and update to the estimated rehabilitation cost guideline and calculators.

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## 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:

<https://www.business.qld.gov.au/running-business/environment>.

Published documents include:

- technical guidelines to assist applicants in applying for an environmental authority and providing all the necessary information to DES
- information to assist operators in managing their environmental risks and comply with their obligations
- 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
- 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 on the Queensland Government website:

[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 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.

A Heritage Agreement is another method for considering and approving development provided for by the Heritage Act. A Heritage Agreement is entered into by DES and the owners of a Queensland heritage place for a defined scope of development and with the advice of the Queensland Heritage Council.

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

#### Actions undertaken by DES in 2021–22 include:

- The Compliance Optimisation team continued to maintain and manage the internal 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).
- Provided pre-lodgement advice for applicants intending to lodge an exemption certificate application under the Heritage Act. There were 117 engagements, as well as responses being provided to approximately 590 enquiries regarding the development of places.

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- Assessed and issued approximately 700 Exemption Certificates, enabling low impact development to be carried out on Queensland heritage places.
  - Entered into one new heritage agreement to facilitate the restoration of Home, or Lamb House, at Kangaroo Point, which until purchased in 2021 was on the brink of collapse.
  - Continued to administer a heritage agreement established in 2017 for the Ravenswood Mining Landscape and Chinese Settlement Area in North Queensland.

### **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 continued working with industry stakeholders, other government agencies and community groups 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 compositing activities.

#### **Places on the Queensland Heritage Register**

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 to be developed in 2019–20 and will continue to be developed further in response to reoccurring types of development.

In developing material for assessing applications for development involving State heritage places with identified archaeological potential, the scope of the document grew. It became 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.

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## Table 5 Commit to continuous improvement

### Evidence to support alignment with regulator model practices

The department's membership of AELERT provides 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 every regulatory sector, professional background, role and level of seniority.

A range of resources are available to support officers, 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 DES administered legislation, and the Litigation Unit provides legal advice for complex compliance matters.

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

DES actively monitors its regulatory performance and has a range of measures reported through its *Service Delivery Statements* (e.g. percentage of identified unlicensed operators who have become licensed, or enforcement action taken within 60 days). Performance results are published within the *DES Annual Report* under the 'Our Performance' section which can be found on the DES website:

[www.des.qld.gov.au/our-department/corporate-docs/annual-report](http://www.des.qld.gov.au/our-department/corporate-docs/annual-report).

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

#### Actions undertaken by DES in 2021–22 include:

- Trained over 120 rangers and wildlife officers and approximately 80 Queensland Police officers to enhance their skills and capabilities in compliance and enforcement activities.
- Worked with environmental authority holders and local governments to manage flood impacts, including around 775 inspections and 30 temporary emissions licences issued during 2021–22 in relation to the South East Queensland flood event.
- Published the *Annual strategic compliance priorities 2020–2021* final report and released the priorities for 2021–22.
- Developed a capability framework for the Environmental Services and Regulation division to inform training and development needs for officers in the environmental regulator.
- Continued to provide officers with access to a range of webinars that 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.
- Used the DES Remotely Piloted Aircraft Systems capability in a variety of applications, such as volumetric surveys at landfills, to confirm the integrity of the Queensland waste levy framework.
- Continued to increase the department's social media presence and encourage 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.
- Continued to publish 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 including 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 officers across Queensland to train and authorise them under the EP Act and *Waste Reduction and Recycling Act 2011*. DES recently redesigned and piloted new training modules to enable officers to become authorised under the *Coastal Protection and Management Act 1995* and the Heritage Act.

#### Improved Internal Processes and Practices

- Improved internal practices relating to information and decision sharing, including shared business hubs for information and an internal assessment advice register for greater visibility.
- Implemented improved conflict of interest practices and visibility across assessment processes.

## Table 6 Be transparent and accountable in actions

### Evidence to support alignment with regulator model practices

To promote transparency and demonstrate open accountability, the Enforcement Guidelines, *Annual strategic compliance priorities 2022–2023*, *Annual strategic compliance priorities 2021–2022*, *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 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

#### Actions undertaken by DES in 2021–22 include:

- 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).

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

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

DES 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: [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 have been approximately 14,000 searches a month since the new portal was released: [www.qld.gov.au/environment/pollution/licences-permits/public-register](https://www.qld.gov.au/environment/pollution/licences-permits/public-register).
- maintaining 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*
- Coastal Protection and Management Regulation 2017
- *Environmental Offsets Act 2014*
- Environmental Offsets Regulation 2014
- *Environmental Protection Act 1994*
- Environmental Protection Regulation 2019
- Environmental Protection (Air) Policy 2019
- Environmental Protection (Noise) Policy 2019
- Environmental Protection (Water and Wetland Biodiversity) Policy 2019
- *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 2019
- *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*
- Queensland Heritage Regulation 2015
- *Recreation Areas Management Act 2006*
- *Waste Reduction and Recycling Act 2011*
- Waste Reduction and Recycling Regulation 2011
- *Water Act 2000 (Chapter 3)*
- *Wet Tropics World Heritage Protection and Management Act 1993*

## Glossary

Acronym	Definition
<b>AELERT</b>	Australasian Environmental Law Enforcement and Regulators network
<b>ANZSOG</b>	Australia and New Zealand School of Government
<b>Biodiscovery Act</b>	<i>Biodiscovery Act 2004</i>
<b>CPM</b>	Compliance prioritisation model
<b>DES</b>	Department of Environment and Science
<b>Enforcement Guidelines</b>	<i>Department of Environment and Science Enforcement Guidelines</i>
<b>EP Act</b>	<i>Environmental Protection Act 1994</i>
<b>Forestry Act</b>	<i>Forestry Act 1959</i>
<b>GRIP</b>	Guidance for Resources Industry Project
<b>Heritage Act</b>	<i>Queensland Heritage Act 1992</i>
<b>MP Act</b>	<i>Marine Parks Act 2004</i>
<b>NC Act</b>	<i>Nature Conservation Act 1992</i>
<b>NRCoP</b>	National Regulators Community of Practice
<b>OCG</b>	Office of the Coordinator-General
<b>RAM Act</b>	<i>Recreation Areas Management Act 2006</i>
<b>Regulatory Strategy</b>	<i>Regulatory Strategy 2022–2027: Queensland’s Environmental Regulator</i>
<b>Resources</b>	Department of Resources
<b>Wet Tropics Act</b>	<i>Wet Tropics World Heritage Protection and Management Act 1993</i>