

## OFFICE OF THE FEDERAL SAFETY COMMISSIONER – REGULATOR PERFORMANCE FRAMEWORK - MEASURES

### KPI 1 – Regulators do not unnecessarily impede the efficient operation of regulated entities

Measure	Evidence
1.1 The OFSC uses appropriate methods to provide support and guidance for regulated entities in their dealings with the OFSC and continuously improves those methods in light of experience.	1.1.1 Provide a summary of the methods used to support regulated entities in their interaction with the OFSC including any changes or improvements in response to areas of misunderstanding or concern.
1.2 The OFSC engages with regulated entities and peak bodies to continuously improve by monitoring and refining practices and requirements where practicable.	1.2.1 The OFSC provides a summary of interaction with key stakeholders and how the OFSC has refined practices and processes as a result of this interaction.  1.2.2 Provide details of the mechanisms for regulated entities to provide feedback and an analysis of that feedback and how the OFSC has responded.
1.3 The OFSC undertakes periodic formal reviews.	1.3.1 A formal review of the OFSC and Scheme is undertaken at least every five years.  1.3.2 The OFSC will review financial thresholds every 3 years to ensure coverage of regulated entities is not expanded in real terms.

### KPI 2 – Communication with regulated entities is clear, targeted and effective

Measure	Evidence
2.1 The OFSC provides information and advice that is up to date, clear, accessible, concise and appropriate to the target audience to make it easier for regulated entities to comply with their obligations.	2.1.1 Provide a summary of processes to ensure consistent, clear and targeted advice to regulated entities including information about guidance on the requirements of Scheme criteria.  2.1.2 Provide a summary of processes used to ensure consistency of approach in dealing with regulated entities, including in relation to audit findings by Federal Safety Officers.  2.1.3 Provide details of the mechanisms available for regulated entities to provide feedback including OFSC responses.

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Measure	Evidence
<p>2.2 OFSC dealings with regulated entities are undertaken in a transparent and timely manner with clear advice about actions required and the reasons.</p>	<p>2.2.1 Provide a summary of key OFSC KPIs relating to turnaround times in dealing with entities in relation to each key element of the regulatory process: (a) assessment of applications; (b) arranging site audits and (c) providing feedback about audit findings and actions required.</p> <p>2.2.2 Refine and discuss OFSC business process KPIs with stakeholders.</p> <p>2.2.3 Provide a summary about arrangements to ensure clarity and openness in the OFSC’s dealings with regulated entities.</p>

### KPI 3 – Actions undertaken by regulators are proportionate to the regulatory risk being managed

Measure	Evidence
<p>3.1 That the OFSC applies a risk-based, proportionate approach to compliance obligations, engagement and regulatory enforcement actions. The risk-based compliance model is regularly re-assessed.</p>	<p>3.1.1 Provide a summary of how the OFSC applies a risk-based approach to compliance monitoring and enforcement action. Give examples of the resulting differential regulatory impacts for regulated entities to demonstrate proportionality.</p> <p>3.1.2 Provide a summary of engagement and feedback in relation to the risk based compliance model and any resulting changes.</p>
<p>3.2 The OFSC recognises the compliance record of regulated entities including using earned autonomy for those with a strong compliance track record. All available relevant data on compliance is considered.</p>	<p>3.2.1 Provide a summary report of arrangements that demonstrates that regulated entities can earn a reduced compliance burden.</p> <p>3.2.2 Describe the data used in assessing and analysing risk ratings of regulated entities.</p>

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### KPI 4 – Compliance and monitoring approaches are streamlined and coordinated

Measure	Evidence
4.1 The OFSC takes a streamlined and co-ordinated approach by working with States and Territories to ensure maximum recognition of the Scheme as meeting the Workplace Health and Safety components of their pre-qualification schemes.	4.1.1 The OFSC will provide a summary report about its interactions with regulators including the extent to which Scheme accreditation is recognised by state and territory jurisdictions (as automatically meeting their requirements to avoid unnecessary duplication of regulatory burden).
4.2 Regulated entities are provided with sufficient notice of intended site audits and mutually acceptable audit dates are negotiated to minimise business interruption.	4.2.1 The OFSC will provide a summary report on processes to ensure reasonable consideration is given to business requirements of regulated entities when arranging compliance audits.

### KPI 5 - Regulators are open and transparent in their dealings with regulated entities

Measure	Evidence
5.1 The OFSC publishes its risk based framework, assessment criteria and a range of guidance material in a format which is clear, understandable and accessible.	5.1.1 Provide a summary of key documents that have been published.
5.2 The OFSC demonstrates responsiveness to requests from regulated entities about the operation of Scheme and implementation approaches. The OFSC is open and responsive to formal complaints.	<p>5.2.1 The OFSC will provide a summary of mechanisms by which regulated entities can access advice about the operation of the Scheme and regulatory decisions impacting them.</p> <p>5.2.2 The OFSC will provide a summary of formal complaints submitted throughout the reporting period and action undertaken in response.</p>

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### KPI 6 – Regulators actively contribute to the continuous improvement of regulatory frameworks

Measure	Evidence
6.1 The OFSC has co-operative and collaborative relationships with regulated entities and their representatives to make it easy for them to contribute to continuous improvements including options for reducing compliance costs.	6.1.1 Provide a summary of the OFSC’s interactions with industry bodies and Government agencies and outcomes in relation to continuous improvement of the regulatory framework.
6.2 The OFSC has cooperative and collaborative relationships with stakeholders involved in work health and safety regulatory activities.	6.2.1 The OFSC will provide a summary report on discussions with relevant state and territory and other WHS regulators during the reporting period.