Implementation of the Queensland Government's Regulator Performance Framework 2023–24 performance report



# Background

The purpose of the Queensland Government's Regulator Performance Framework (the Framework) is to achieve positive regulatory outcomes in Queensland through effective and efficient regulatory practice.

The Framework sets out five model practices to support the achievement of government policy objectives through better interactions between regulators and their stakeholders, which aims to reduce the burden and/or costs for all parties.

The model practices are to:

- 1. Ensure regulatory activity is proportionate to risk and minimises unnecessary burden
- 2. Consult and engage meaningfully with stakeholders
- 3. Provide appropriate information and support to assist compliance
- 4. Commit to continuous improvement
- 5. Be transparent and accountable in actions

Further information about the Framework is available from the Queensland Treasury website.

The following report outlines the Department of State Development and Infrastructure's (DSDI) performance in implementing the Framework during 2023–24 incorporating Office of the Coordinator-General (OCG) which undertakes regulatory functions.

This report also incorporates Economic Development Queensland which was part of DSDI in 2023–24 but effective 1 July 2024 is established as a statutory body and will be reported separately from 2024–25.

Office of Industrial Relations (OIR) also undertakes regulatory functions. OIR's report is published separately on their website OIR Regulatory Performance Self-Assessment Reports.

As part of machinery-of-government changes, effective 18 December 2023, the Planning function was transferred to the Department of Housing, Local Government, Planning and Public Works and is now reported on their website.

# Performance report – 2023–24

## Regulator model practices and supporting principles

Evidence and relevant information to demonstrate the extent to which DSDI's regulatory practices aligned with the regulator model practices throughout 2023–24

Examples or case studies to highlight the extent to which DSDI's regulatory practices in 2023–24 aligned with the model practices, or to indicate where business practices could be enhanced in line with the model practices

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- 1. Ensure regulatory activity is proportionate to risk and minimises unnecessary burden
- A proportionate approach is applied to compliance activities, engagement and regulatory enforcement actions.
- Regulations do not unnecessarily impose on regulated entities.
- Regulatory approaches are updated and informed by intelligence gathering so that effort is focussed towards risk.

#### **EDQ**

EDQ apply the approach that when dealing with compliance and enforcement, EDQ makes initial contact with the land owner to enable them to address/rectify any issues, and (where appropriate) provides additional time and assistance to do so. Where actions have not been addressed, EDQ has the ability to utilise formal procedures in accordance with the *Economic Development Act 2012* (ED Act).

EDQ continued to ensure that in all Priority Development Areas (PDA), low risk development is categorised as exempt, self-assessable or PDA accepted development, meaning a development application is not required that streamlines the process.

Engagement activities are designed to ensure stakeholders can participate in a flexible manner. EDQ maintains a number of mechanisms to ensure that stakeholders can have effective two-way communication including the establishment of a general email address and engagement website to manage all enquiries and feedback from its stakeholders and the general public.

EDQ has established a new risk-based framework to identify those projects that can maximise opportunities and those that create unnecessary risk.

EDQ established a strategic framework that consists of a publicly available 5-year strategic plan and supporting operational plan which is updated annually.

Together these outline the activities to be undertaken by EDQ to deliver outcomes across its portfolio of project and program areas.

In 2023–24, EDQ monitored the annual operational plan reporting to the Economic Development Board the progress of these activities on a quarterly basis.

In conjunction with this framework, EDQ utilises a value framework to report against a suite of key measures.

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and supporting	principles

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#### **OCG**

Part 7A of the State Development and Public Works Organisation Act 1971 (SDPWO Act) provides guidance to officers on the management of enforcement and general offences. The guidance under Part 7A applies to:

- Part 4 (Environmental coordination)
- Part 4A (Assessment and approval of particular coordinated projects under bilateral agreement)
- Part 5 (Prescribed development)
- Part 5A (Prescribed projects)
- Part 6 (Planned development).

The Office of the Coordinator-General (OCG), continues to utilise the Environmental Impact Statement (EIS) process, which is managed using a flexible approach to respond to each individual project.

OCG continues to operate under the Bilateral Agreement between the Commonwealth and the State of Queensland, allowing projects to be assessed by a single environmental impact assessment that addresses State and Commonwealth environmental legislation, where approvals are required by both levels of government.

OCG continues to regularly monitor compliance and undertakes an annual

OCG continues to provide advice on approvals processes for major projects considering risk and impact.

With regard to the SDPWO Act, OCG continues to:

- assess project risks and manages project specific risk registers
- impose conditions requiring thirdparty audit reporting to ensure ongoing compliance (where appropriate to risk)
- review third-party independent audit reports for projects, as part of its compliance framework, to evaluate the level of compliance
- monitor and report on any compliance or enforcement action.

With regard to the SSRC Act, OCG continues to:

- assess project specific social impacts and approve social impact management plans (SIMP)
- state conditions under the SSRC Act that may require third-party audit reporting to ensure ongoing compliance (where appropriate). For example, a standard condition for the proponent is to provide an annual

With regard to the SDPWO Act the OCG continues to:

- actively look for opportunities to improve its regulatory activities and business practices on a quarterly or annual basis
- undertake regular reviews of proposed policy to ensure a proportionate approach to the assessment of projects
- strengthen its collaborative approach across government including risk identification and management to ensure a proportionate response to issues and ability to identify, manage, and neutralise risks more efficiently. Strategic issues and information sharing occurs on a regular basis with Directors-General, CEOs, and the CG.

With regard to the SSRC Act, in November 2023, OCG released guidance material to assist project proponents and stakeholder understanding and application of SIA in accordance with the CG's SIA Guideline 2018.

OCG continues to work collaboratively with industry, local and state government agencies in ensuring LRP compliance with the SSRC Act. OCG is proactively raising

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	compliance audit to evaluate compliance with the Coordinator-General's (CG) conditions and recommendations on projects (including social impact assessments (SIA) under the <i>Strong and Sustainable Resource Communities Act 2017</i> (SSRC Act)). Where non-compliance is discovered, OCG continues to implement appropriate action to address non-compliance and, following investigation, may proceed with enforcement if warranted.  The Coordinator-General (CG) maintains responsibility for implementation and administration of the SSRC Act, which aims to ensure that residents of communities near large resource projects benefit from their construction and operation. The SSRC Act prevents the use of 100% fly-in, fly-out (FIFO) workforce arrangements on operational large resource projects (LRP). It prevents discrimination against locals in the future recruitment of workers, through amendments to the <i>Anti-Discrimination Act 1991</i> .  The SSRC Act makes SIA mandatory for LRPs, including prioritisation of recruitment from local and regional communities. It ensures SIA processes are the same under both the <i>Environmental Protection Act 1994</i> and the SDPWO Act.	social impact management report for the project  • review the performance and implementation of proponent SIMPs and commitments  • monitor social impact management report for project compliance.	the profile of the SSRC Act across government and industry to increase awareness of the SSRC Act requirements.  OCG continues to promote the SSRC Act in Project Pipeline pre-lodgement meetings with proponents.  The DSDI website continues to retain information about the SSRC Act, the SIA guideline as well as host publicly available resources, including the SSRC Factsheet, and SIA guidance material (including SIA process overview and assessment guidance).

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	The SSRC Act is supported by a statutory SIA Guideline 2018.  OCG continues to regularly monitor resource industry activity to ensure resource projects that meet the criteria of an LRP are captured by the SSRC Act and published on the CG's list of LRPs.		

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# 2. Consult and engage meaningfully with stakeholders

- Formal and informal consultation mechanisms are in place to allow for the full range of stakeholder input and Government decision-making circumstances.
- Engagement is undertaken in ways that helps regulators develop a genuine understanding of the operating environment of regulated entities.
- Cooperative and collaborative relationships are established with stakeholders, including other regulators, to promote trust and improve the efficiency and effectiveness of the regulatory framework.

#### **EDQ**

The ED Act requires development schemes and scheme amendments to undergo public notification to enable stakeholders, including the local community, to express their views about the contents of the development scheme including the development vision and the regulation that applies to new development in the area.

The ED Act and PDA development schemes require certain PDA development applications to undergo public notification, which provides an opportunity for stakeholders, including the local community, to express their views about the proposal. The ED Act requires these views to be considered when deciding the application.

Pre-lodgement discussions between EDQ development assessment staff and development proponents are encouraged.

All PDA development applications, when EDQ is the Minister for Economic Development Queensland's (MEDQ) delegate, are uploaded onto the DSDI website, enabling interested parties to review the proposed development.

EDQ is continuing to invest in digital

platforms (including a specific community engagement website www.haveyoursay.edq.qld.gov.au) to ensure that engagement with communities can continue and has also set up a mailing list so that interested parties can stay up to date with industry news, events and more.

EDQ has also created a profile in LinkedIn to share news and events. (Economic Development Queensland | LinkedIn)

EDQ's processes are now well established and operate as business as usual.

Tailored engagement with stakeholders is undertaken in relation to the declaration of a PDA. In 2023–24, additional PDAs were declared at the Sunshine Coast Airport and Woolloongabba. A development scheme is the regulatory document which assists with planning, carrying out, promoting, coordinating and controlling land development within the PDA.

Prior to finalising a development scheme for the Sunshine Coast and Woolloongabba PDAs, Proposed Development Schemes were prepared and, in accordance with the ED Act, made available for public comment.

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#### OCG

OCG continues to engage with all relevant stakeholders, using a variety of platforms including advertisements - online and newspapers, fact sheets, targeted consultation and stakeholder meetings to discuss projects or processes and provide feedback.

OCG continues to engage with stakeholders on significant matters such as a potential new State Development Area (SDA), a variation to the boundary of an existing SDA, draft development schemes, prescribed projects, coordinated projects, and large projects.

OCG continues to encourage applicants to take advantage of the pre-lodgement stage to discuss their project before lodging:

- their development application in an SDA for assessment by the CG
- applications for coordinated projects and prescribed projects
- any other declarations under the SDPWO Act.

OCG ensures when carrying out development assessments within an SDA, a proponent may be required to undertake a public consultation stage with relevant stakeholders. The OCG continues to provide the proponent with the timing requirements

The OCG continues to ensure engagement with key stakeholders for coordinated projects is upheld and makes use of the 'Have your say' website as well as other consultation mechanisms for public submissions.

The OCG is committed to improving input and building confidence during the submissions process.

Within the 2023–2024 period, the following coordinated projects underwent public notification:

- Northern Silica project draft TOR
- Cape Flattery Silica Sand project draft TOR.

OCG undertook key stakeholder engagement and public consultation on the proposed Mackay SDA.

Following declaration of the Mackay SDA in February 2024, OCG prepared a draft Mackay development scheme and draft development assessment process document. Public consultation commenced on 10 June and ended 15 July 2024.

Public consultation activities included:

 publication of the Mackay SDA website, including submissions portal Information published on DSDI's webpage provides details of the current SDAs, development schemes, and how to undertake development in an SDA. There is also a dedicated SDA 1800 number and associated email address which provides other avenues of contact with OCG for parties interested in lodging an SDA application.

Guidelines and a suite of standard word templates continue to be available and are regularly reviewed to ensure they provide consistency and transparency in the approach and the best outcomes for all involved.

Prescribed project application guidelines continue to be publicly available and are provided to proponents during 'preapplication' discussion, to assist proponents to submit meaningful applications that promote robust decision-making.

Active imposed conditions continue to be managed to evaluate their effectiveness and enforceability. Feedback is sought from the assessment officers and project proponents and where appropriate, suggested amendments are proposed for discussion and actioning.

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and to ensure a consistent approach (such as the templates for signage to be placed onsite and for advertisements (online or newspapers)).

OCG continues to consult with other regulators and agencies that may be impacted by a prescribed project or critical infrastructure project declaration, prior to making a decision on the declaration.

OCG continues to consult with impacted landowners and occupiers prior to the exercise of land access and/or the use of the CG's land acquisition powers.

Throughout the environmental assessment process, the CG continues to seek advice from government agencies, First Nations people and technical specialists.

OCG routinely seeks public input and consideration on coordinated projects' terms of reference (TOR), the draft EIS, and project change applications.

The OCG continues to actively engage with state agencies and/or other entities that have condition jurisdiction or a compliance role.

The OCG continues to implement a standard practice of engaging with relevant government agencies when formulating conditions to ensure they are fit-for-purpose.

SIA decisions under the SSRC Act continue to be informed by stakeholder views

- letters to landholders within and adjacent to the SDA
- public notices in local and state newspapers
- industry and state agency briefings
- · community information sessions
- one-on-ones with members of the public and landholders.

For development applications in SDAs, OCG publicly consulted in accordance with relevant regulatory requirements. Materials were made available online and public notices were placed in locally circulating newspapers, letters to affected and adjacent landowners and public notice on the land.

The consultation process utilised the 'Have Your Say' website.

During 2023–24, consultation with proponents and other regulators and agencies led to the declaration of five new prescribed projects:

- Vecco Critical Minerals Project
- Project Green Poly
- Borumba Pumped Hydro Energy Storage Exploratory and Main Works Project
- Capricorn Copper Recovery and Extension Project
- Eva Copper Mine Project.

#### OCG continues to:

- host two senior official meetings each year with the Commonwealth government in relation to bilateral assessment projects under the Environment Protection and Biodiversity Conservation Act 1999
- engage strongly with regional stakeholders, including local government in the administration of SDPWO and SSRC Acts
- meet regularly with other regulators including the Department of Environment, Science and Innovation, Department of Resources, Department of Regional Development, Manufacturing and Water, Department of Agriculture and Fisheries, and Queensland Treasury to strengthen working relationships
- engage with government agencies to ensure an efficient approach to public notification of project material.

#### During 2023-24, OCG has:

- engaged with referral entities and third party entities during the assessment process for SDA applications
- commenced engagement with the Traditional Owners in Gladstone, the First Nations Bailai, Gurang, Gooreng Gooreng & Taribelang Peoples, to

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	obtained through formal public notification stages (as part of the EIS process), and direct engagement with relevant local governments, proponent for or owner of LRPs, and social service providers. Formal consultation with industry, unions, peak bodies, local and state government agencies continues to be undertaken to inform CG's discretionary decisions under the SSRC Act.	These declarations enable the CG to continue to assist with timely decision-making of project approvals to realise jobs and investment in Queensland.	resolve Native Title in the Gladstone SDA.

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#### 3. Provide appropriate information and support to assist compliance

- Clear and timely guidance and support is accessible to stakeholders and tailored to meet the needs of the target audience.
- Advice is consistent and, where appropriate, decisions are communicated in a manner that clearly articulates what is required to achieve compliance.
- Where appropriate, regulatory approaches are tailored to ensure compliance activities do not disproportionately burden particular stakeholders (e.g. small business) or require specialist advice.

### **EDQ**

For EDQ's development assessment (DA) function, the DSDI website:

- outlines the DA process including statutory timeframes
- provides the DA fees and charges schedule
- provides DA decisions in writing and clearly outlines any conditions required as part of the approval.

Regarding the compliance function within PDAs. EDQ:

- receives and documents complaints received in relation to any alleged unlawful development / uses
- undertakes the necessary investigations for any alleged unlawful development / uses
- takes the necessary steps to ensure any development (or uses) deemed unlawful is removed (or ceases) or is appropriately legitimised through a formal assessment process.

EDQ engagement processes adhere to the International Association for Public Participation (IAP2) Quality Assurance Standard which was endorsed by the IAP2 Federation in May 2015 and is recognised as the International Standard for Public Participation practice.

EDQ's stakeholder management process in relation to construction adheres to the Department of Employment, Small Business and Training Works with Small Business: Good practice guidance for working with small businesses framework to minimise business disruption and support jobs when undertaking capital works projects.

EDQ offers pre-lodgement meetings with people wanting to lodge a development application, to provide applicants with advice and direction: and allows them to review their application and make possible changes before official lodgement.

To allow easier access to EDQ's DA information, a refresh was undertaken of the EDQ section of the DSDI website.

EDQ continues to regularly monitor the website to ensure that the following information is easily accessible:

- the DA process including statutory timeframes
- the fees and charges schedule for the current and previous financial year
- the publicly accessible database of documents for development applications currently under assessment and decision documents for determined development applications
- details outlining the requirements for making and lodgement of submissions.

EDQ maintains a continual improvement program regarding model conditions, so they are contemporary, appropriate and reflect best practice.

Regulator model practices a	and
supporting principles	

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#### OCG

OCG continues to engage with parties affected by the exercise of powers under the SDPWO Act and the SSRC Act and works closely with proponents and government agencies to facilitate prescribed and major projects in obtaining relevant approvals.

OCG continues to publish guidance on the DSDI website about the assessment processes, compliance and enforcement matters to guide proponents and the public on how to undertake and participate in the processes under the SDPWO Act and the SSRC Act.

In ongoing support of these processes, OCG has guidelines and a suite of standard word templates to ensure consistency and transparency in any actions taken.

During assessment processes under the SDPWO Act, the CG may apply conditions to a project to manage project impacts. Compliance with CGimposed conditions is an indicator that projects are proceeding lawfully, in line with government and community expectations and environmental standards. OCG provides an 1800 number, a general email address for all enquiries, specific project email addresses and contacts, and website content for projects.

OCG provides direct contact details of officers to landowners and interest holders who are subject to land access or resumption notices, to enable affected parties to obtain timely guidance or advice should an issue with compliance of a statutory process or notice arise.

The CG maintains the list of large resource projects subject to the SSRC Act on the DSDI website.

OCG publishes online documents related to development approvals made by the CG in SDAs.

Guidelines and the suite of standard templates are reviewed quarterly to ensure they provide consistency and transparency in the approach and the best outcomes for all involved.

Information published on the DSDI website about the compulsory acquisition process, including frequently asked questions, provides parties with an understanding of the process, which can help them determine whether statutory processes or notices are being complied with. Also published is information about management and enforcement of compliance issues.

OCG has delivered additional risk management for compliance responsibilities for projects under construction, including development of roles and responsibilities and communications plans and review of governance frameworks to exclude conflicts of interest.

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	OCG continues to work closely with proponents (including local and state government agencies) to ensure conditions on projects are reasonable, relevant, clear and enforceable.  Conditions are drafted to be fit-forpurpose and mitigate impacts where necessary.		
	OCG continue to oversee post Coordinator-General Evaluation Reports negotiations between proponents and local governments which are related to Social Impact Management Plans under the SSRC Act.		

Regulator model practices and
supporting principles

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# 4. Commit to continuous improvement

- 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 outcomes.
- To the extent possible, reform of regulatory activities is prioritised on the basis of impact on stakeholders and the community.
- Staff have the necessary training and support to effectively, efficiently and consistently perform their duties.

#### **EDQ**

All EDQ development application decisions consider human rights in accordance with the *Human Rights Act 2019* and staff have the necessary tools to assist in preparing material for statutory decisions.

EDQ regularly reviews its guidelines, practice notes, systems and processes to meet / reflect industry and community standards and expectations.

EDQ has reviewed the delegations to enable a more streamlined approval process in the EDQ DA team.

The DA team is trialling Bluebeam to assist in efficiency of application assessments.

EDQ invests in training frontline staff in the IAP2 Australasia Certificate in Engagement. This course was developed to meet the needs of the Australasian engagement practitioner, using local terminology, the latest case studies and concepts. IAP2 is the international association for public participation and is recognised as the peak body for the community and stakeholder engagement sector.

EDQ is utilising a DA Tracker system using Power BI which enables EDQ to:

- better project-manage the assessment of PDA development applications to minimise processing timeframes
- monitor project timelines and deliverables
- report on productivity.

EDQ continues to implement business improvements including:

- application monitoring and tracking systems
- providing training and workshops for MEDQ delegates about administering the ED Act
- providing training for ED Act development assessment staff
- other ongoing learning opportunities regarding regulatory practices for staff.

The intent of these business improvement processes is to streamline processes and achieve time and resource savings for EDQ and development stakeholders.

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	OCG		
	All CG decisions continue to consider human rights in accordance with the Human Rights Act 2019 and staff continue to have the necessary tools to assist in preparing material for statutory decisions.  OCG regularly reviews its practices, guidelines and processes to ensure it provides the best approach to achieving outcomes.	OCG is committed to continuously building an embedded disciplined project management culture and systems through in-house training, project programs with milestones and accountabilities, project control groups for all projects and peer reviews on key issues – all of which focus on improved quality of assessments and reduced assessment delivery times.  OCG has established and retains proactive compliance frameworks for critical timeframe projects. Where noncompliance against conditions is identified, the OCG takes action to ensure the matter is addressed and the project can proceed.	OCG sought a review of human rights considerations for decisions under the SDPWO Act and SSRC Act to ensure staff had appropriate guidance material available when preparing material for statutory decisions, and to ensure consistency in application of human rights considerations.  During this period, OCG staff have undertaken training to ensure they have the necessary capabilities for their respective roles, with training provided by legal firms, other agencies and also in-house training.  There are periodic reviews and updates to guidance material for assessment processes under the SDPWO Act and SSRC Act. OCG completed its annual review of its public facing compliance guidance material to ensure that information is current and fit-for-purpose.

Regulator model practices a	ınd
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# 5. Be transparent and accountable in actions

- Where appropriate, regulatory frameworks and timeframes for making regulatory decisions are published to provide certainty to stakeholders.
- Decisions are provided in a timely manner, clearly articulating expectations and the underlying reasons for decisions.
- Indicators of regulator performance are publicly available.

#### **EDQ**

EDQ published on the DSDI website:

- a range of guidelines and practice notes to assist people prepare development applications consistent with EDQ's planning framework
- a self-certification manual which streamlines the operational works process to promote more efficient delivery of land development within PDAs
- all development applications and approvals.

The benefits of the self-certification process include:

- innovation and improved outcomes
- reduction in approval timeframes
- earlier commencement of construction
- potential reduction in holding costs.

EDQ published on the DSDI website:

- details about the process followed by EDQ when assessing and deciding PDA development applications
- all PDA development schemes, draft development scheme and superseded development schemes
- the fees payable for all PDA development applications
- all gazettes showing declarations of all new or amended PDAs
- submissions report for all proposed new or amended PDA development schemes
- all current and decided PDA development applications.

EDQ proactively announces details of major DAs on the 'Have your say' page to further notify interested parties of DA details.

The process for providing public-facing information as it relates to regulatory practices is now well established in EDQ's practices and includes:

- regular reviews of the website to ensure that it is kept up to date with relevant information
- use of on-line tools including the 'Have your say' web pages to provide information which is regularly reviewed to ensure that relevant information is kept up to date.

Regulator model practices as supporting principles

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#### OCG

OCG ensures guidance is published on the DSDI website about the processes and regulatory functions of the CG to guide proponents and the public on how to undertake and participate in the processes under the SDPWO Act and the SSRC Act.

Regulatory decisions, including copies of gazettes, project reports and links to new regulations continue to be published on the DSDI website.

OCG continues to publish on the DSDI website:

- the fees payable for applications
- fact sheets and guidelines on assessment timeframes, processes and requirements
- all declarations of coordinated projects, prescribed projects, critical infrastructure projects and approved works with links to project information
- environmental assessment material considered by the CG in the evaluation of coordinated projects
- instructions for the public to have their say on projects undergoing evaluation
- the CG's evaluation report information providing an overview of the SSRC Act and SIA requirements including a list of LRPs and associated nearby regional communities
- information on the SSRC Act review.

OCG publishes online documents related to development approvals made by the CG in SDAs.

OCG continually reviews the DSDI webpage to ensure information relevant to the CG is up-to-date, user friendly and understandable.