

Self-Assessment - Coastal Trading (Revitalising Australian Shipping) Act 2012

Introduction

About this Self-Assessment

The Australian Government is committed to reducing the cost of unnecessary or inefficient regulation imposed on individuals, business and community organisations. The Regulator Performance Framework (the Framework) has been developed to support Australian Government regulators to measure and improve their performance, particularly in adopting consistent, risk-based approaches to administrated regulation. The Framework consists of six outcomes-based key performance indicators (KPIs) covering reducing regulatory burden, communications, risk-based and proportionate approaches, efficient and coordinated monitoring, transparency, and continuous improvement.

In 2015 the Coastal Trading Regulator developed a set of tailored KPIs as part of the Framework. Following consultation with industry these KPIs were published on the website of the Department of Infrastructure, Transport, Regional Development and Communications (the Department) at <https://infrastructure.gov.au/department/deregulation>.

The Framework requires regulators to publish an annual self-assessment of their performance against the agreed KPIs and to have these self-assessments validated by external stakeholders. This document has been produced to meet this requirement.

About the Coastal Trading (Revitalising Australian Shipping) Act 2012 Regulator

The Department regulates coastal shipping under the *Coastal Trading (Revitalising Australian Shipping) Act 2012* (CT Act) and the Coastal Trading (Revitalising Australian Shipping) Regulation 2012 (CT regulations). The Shipping Business Unit within the Department is the primary point of contact for any matters relating to coastal shipping and the CT Act.

In October 2020, the Department sent out a survey to 181 stakeholders identified as holding licences under the CT Act (either currently or previously) as well as interested third parties. The Department received survey responses from 20 stakeholders¹.

In performing this self-assessment, evidence used includes information publicly made available on the Department's website and the Coastal Shipping Compliance and Enforcement Framework. The Department also used information provided as a result of the Shipping Business Unit's interactions with stakeholders.

Overall, the Department is performing well against the KPIs. Stakeholder feedback is generally positive, and sets a strong benchmark for future years. As with previous years, a number of respondents indicated they were not aware of the review process for coastal trading licence applications. In response to this previous feedback, in January 2019 review information was included on the Department's website. As well, an industry bulletin was published on the Department's website in August 2020 and a copy emailed to all licence holders. Stakeholders are also advised of the review process if they request the information or have an application refused.

¹ This response rate implies a $\pm 21\%$ error margin, with 95 percent confidence.

However, no request for a review of a decision has been lodged. The Department will continue to offer advice to stakeholders on the review process on request.

Key Performance Indicator 1 – Regulator does not unnecessarily impede the efficient operation of regulated entities.

Measure	Evidence	2019-20 Results
Applications for licences are considered in a timely manner.	Percentage of applications that are automatically approved under the Act because a decision has not been made within the set timeframe.	<p>Achieved</p> <p>In 2019/20, the Department received 1381 applications under the CT Act. Of these, 100% of applications were processed within the legislated timeframes under the CT Act.</p> <p>Additionally, 95% (19 out of 20) of stakeholders surveyed indicated that their application for a coastal trading licence was processed within the timeframe stated on the Department’s website (once they had given the Department all the information it needs). 5% (1 out of 20) stated they neither agreed nor disagreed with the statement. The large positive response in the stakeholder survey indicates that the CT Regulator is perceived to be a timely decision maker.</p>
Maintain an understanding of the operating environment of the industry or organisation, or the circumstances of individuals and the current and emerging issues that affect the sector.	<p>Informal feedback from licence holders via phone, email and face to face meetings.</p> <p>Annual industry consultation. Annual stakeholder survey undertaken and any key issues identified and changes reported back to stakeholders.</p>	<p>Achieved</p> <p>Departmental staff have an understanding of the environment within which the shipping industry operates, including from informal feedback from licence holders. Departmental staff speak daily to shipping operators and applicants. The Department has co-located the business unit and policy unit so that there is better linkage between administrators and policy advisors.</p> <p>The annual stakeholder survey has been completed. As with previous years, a number of respondents indicated they were not aware of the review process for coastal trading licence applications. In response to this previous feedback, in January 2019 review information was included on the Department’s website. As well, an industry bulletin was published on the Department’s website in August 2020 and a copy emailed to all licence holders. Stakeholders are also advised of the review process if they request the information or have an application refused. However, no request for a review of a decision has been lodged. The Department will continue to offer advice to stakeholders on the review process on request.</p>

Additional commentary

Stakeholders do not see the Department as unnecessarily impeding the efficient operation of regulated entities. In addition to the measures above the recent stakeholder survey found that one respondent disagreed with the statement ‘I don’t usually need to provide the Department with the same

information multiple times'. No stakeholders surveyed indicated that they did not understand the steps to follow when applying for a coastal trading licence. This indicates the licence application is well understood and the Department provides adequate education to regulated entities.

Key Performance Indicator 2 – Communication with regulated entities is clear, targeted and effective.

Measure	Evidence	2019-20 Results
<p>Guidance and information provided that is up to date, clear, accessible and concise through media appropriate to the target audience.</p>	<p>Information on the licensing system is available on the Department’s website, along with information on applications received and granted and reports submitted under the Act. General announcements are made by an Industry Bulletin, which is emailed to all Coastal Trading Licensing System (CTLS) contacts, published on CTLS and on the Department’s website.</p> <p>Informal feedback received from licence holders via phone, email and face to face meetings is recorded and incorporated into review processes.</p> <p>Information complies with the Government’s accessibility standards.</p> <p>Information on review processes and making a compliment/complaint is available for applicants/licence holders. Information is maintained and compliments/complaints are managed effectively.</p>	<p>Achieved</p> <p>The Department regularly produces Shipping Business Unit Industry Bulletins to inform regulated entities about their obligations under the CT Act, as well as any changes to administrative processes. These are emailed to all licence holders, interested third parties, and are also published on the Department’s website under the Shipping Business Unit Industry Bulletins heading: https://infrastructure.gov.au/maritime/business/coastal_trading/licencing/index.aspx.</p> <p>70% (14 out of 20) of stakeholders surveyed indicated that the Bulletins provide them with useful information.</p> <p>Monitoring of performance data was undertaken in May 2020 to provide an indication of satisfaction with guidance and information provided by the Regulator. In that period, 83% (20 out of 24) of all phone calls to the Shipping Business Unit by existing licence holders were resolved within the single phone call. Where queries could not be resolved on the phone, stakeholders were either advised to send their request in writing to the Shipping Business Unit email address for further consideration, or referred to another area within the Department or another Government agency. Further, as outlined in Key Performance Indicator 1, no stakeholders surveyed indicated that they did not understand the steps to follow when applying for a coastal trading licence. This indicates communication with licence holders is clear, targeted and effective.</p> <p>The information published complies with the Government’s accessibility standards.</p> <p>The results of the stakeholder survey showed that 15% (3 out of 20) of stakeholders did not know how to seek a review of a decision if they did not agree with the Department’s decision. The Department’s website includes a FAQ on appeals processes. An industry bulletin was published on the Department’s website in August 2020 and was emailed to all licence holders. It can also be found on the home page of the Coastal Trading Licensing System. The Department will continue to offer advice to stakeholders on the review process on request.</p>

Measure	Evidence	2019-20 Results
	Refusal emails contain information on review processes available under legislation or Departmental procedures.	Refusal emails sent by the Department's Shipping Business Unit contain information on review processes available under the CT Act.
Advice is consistent and supports predictable outcomes.	Published licence flowcharts clearly outline how the application and decision processes work.	<p>Achieved</p> <p>Flow charts are published on the website that clearly outline how the application and decision processes work, and are available here: https://infrastructure.gov.au/maritime/business/coastal_trading/index.aspx.</p>

Additional commentary

The Shipping Business Unit within the Department offers assistance to all licence applicants, licence holders and interested third parties by telephone and email. This email address and phone number are clearly published on the Department's website on the 'Contact the Shipping Business Unit' page, available at https://infrastructure.gov.au/maritime/business/coastal_trading/contact.aspx.

In addition to the measures above, the recent stakeholder survey found that of the stakeholders who indicated that they use the website, 90% (18 out of 20) responded that they can easily find the information they are looking for on the website.

Key Performance Indicator 3 – Actions undertaken by the regulator are proportionate to the regulatory risk being managed.

Measure	Evidence	2019-20 Results
<p>Application of a risk-based, proportionate approach to compliance obligations, engagement and regulatory enforcement actions.</p>	<p>Compliance policy reflects risk-based, proportionate and voluntary compliance principles.</p>	<p>Achieved</p> <p>The Department regards the underlying outcome of KPI 3 as compliance and enforcement actions that are proportionate, reasonable and achieve a net benefit.</p> <p>In the 2015-16 financial year, the Department developed a Compliance and Enforcement Strategy that summarised its approach to compliance and enforcement. Information regarding the Department’s Compliance and Enforcement Strategy is available on the Department’s website, including:</p> <ul style="list-style-type: none"> • a copy of the strategy • a factsheet • a question regarding compliance in the ‘Frequently Asked Questions’ section • the 2016 Shipping Business Unit Industry Bulletin 3 <p>The Department has also engaged directly with stakeholders where a compliance issue is detected. Where the Department has directly engaged with stakeholders on a compliance matter an observable improvement has been evident in the following period.</p>

Key Performance Indicator 4 – Compliance and monitoring approaches are streamlined and co-ordinated.

Measure	Evidence	2019-20 Results
<p>Information requests are tailored and only made when necessary to secure regulatory objectives, and only then in a way that minimises impact.</p>	<p>Information contained in voyage notifications and reports is checked and utilised if possible before a request for information is made to a licence holder.</p>	<p>Achieved</p> <p>The Shipping Business Unit processes for compliance and monitoring approaches are streamlined and conducted in a way that minimises impact to industry’s business operations. Information contained in licence applications, voyage notifications and reports is checked by multiple members of the team, and explored before any further request for information is made to licence holders.</p> <p>In the stakeholder survey, 5% (1 of 20) respondents disagreed with the statement ‘I don’t usually need to provide the Department with the same information multiple times’. These results indicate that the Department is meeting its obligations in this area.</p>
<p>Monitoring and inspection approaches based on risk and, where possible, take into account the circumstance and operations needs of the regulated entity.</p>	<p>Monitoring and enforcement policy reflects risk-based, proportionate and voluntary compliance principles.</p>	<p>Achieved</p> <p>The Compliance and Enforcement Strategy, outlined in Key Performance Indicator 3, reflects risk-based, proportionate and voluntary compliance principles.</p>

Key Performance Indicator 5 – Regulator is open and transparent in its dealings with regulated entities.

Measure	Evidence	2019-20 Results
<p>Shipping Business Unit is open and responsive to requests from applicants/licence holders regarding the operation of the regulatory framework and approaches implemented by the Shipping Business Unit.</p>	<p>Information on the operation of the Act, notification and reporting requirements, including non-performed voyages, is available on the website (licence flowcharts). Email and phone advice provided is consistent with the published information.</p> <p>Informal feedback received from licence holders via phone, email and face to face meetings is recorded and incorporated into review processes.</p>	<p>Achieved</p> <p>In order to ensure transparency, the Department makes available information on the operation of the Act, including flowcharts that outline licensing processes on this website: https://infrastructure.gov.au/maritime/business/coastal_trading/index.aspx.</p> <p>In 2016-17, in response to feedback from the previous year’s survey, the Department updated the licence flowcharts on the website, as outlined in Key Performance Indicator 2, to provide more clarity to licence users. The Department also audited the website and added a ‘Frequently Asked Questions’ section to answer the most common queries posed by stakeholders. In 2017-18 new user guides for CTLS were added to the website to provide guidance on using the updated system.</p> <p>Apart from the website, the Shipping Business Unit also provides advice and assistance via telephone and email which are monitored at minimum between the hours of 9am and 5pm (AEST) on business days.</p> <p>An assessment of calls to the Shipping Business Unit in May 2019 indicated that 83% (20 out of 24) of callers were satisfied with the outcome of the phone call with no stakeholders unsatisfied. This indicates that the Shipping Business Unit is open and responsive to requests regarding the operation of the regulatory framework and approaches implemented by the Department.</p>

Measure	Evidence	2019-20 Results
<p>Shipping Business Unit's performance measurement results are published in a timely manner to ensure accountability to the public.</p>	<p>Results of stakeholder surveys and self-assessment against Regulator Performance Framework published in a timely manner on Department's website.</p>	<p>Achieved</p> <p>The Shipping Business Unit is open and transparent in its dealings with regulated entities. This self-assessment against the Regulator Performance Framework, which comprises results from the stakeholder survey and internal compliance mechanisms, is publicly available. Future years' self-assessment reports will also be made available on the Department's website to ensure accountability to the public.</p>

Key Performance Indicator 6 – The regulator actively contributes to the continuous improvement of regulatory frameworks.

Measure	Evidence	2019-20 Results
<p>Cooperative and collaborative relationships with stakeholders established and maintained to promote trust and improve the efficiency and effectiveness of the regulatory framework.</p>	<p>Informal feedback received from licence holders via phone, email and face to face meetings is recorded and incorporated into review processes.</p> <p>Annual industry consultation. Annual stakeholder surveys undertaken and any changes communicated back to stakeholders (<i>new evidence</i>).</p> <p>Compliment/complaint process available for applicants/licence holders. Compliments/complaints are managed effectively and communicated to relevant parties (<i>new evidence</i>).</p>	<p>Achieved</p> <p>The Department values any feedback from licence holders, and strives to incorporate this feedback into review processes to ensure stakeholders understand their obligations and rights under the regulatory framework. As discussed in Key Performance Indicator 5, an assessment of calls to the Shipping Business Unit phone-line indicated that 80% (20 out of 24) of callers were satisfied with the outcome of the phone call. This demonstrates the cooperative and collaborative relationships the Shipping Business Unit has established and maintained with stakeholders.</p> <p>The Department undertakes annual industry consultation through an annual stakeholder survey. The results of this survey inform the Department of any improvements that can be made. For example, the results of this survey have supported the Department’s commitment to review the website to provide further clarity to stakeholders.</p> <p>The majority of respondents (65% or 13 out of 20) in the survey agreed that the Department does a good job of handling complaints. A significant number of respondents (30% or 6 out of 20) provided a neutral or not applicable response which may indicate that many stakeholders have not actually lodged a complaint. Currently, compliments and complaints are primarily received informally via phone and email, and are responded to as soon as practicable.</p>