

COMCARE REGULATOR PERFORMANCE FRAMEWORK – KEY PERFORMANCE INDICATORS

Key Performance Indicator 1: Comcare does not unnecessarily impede the efficient operation of regulated entities

Measure of good regulatory performance	Output / activity-based evidence
1.1 Comcare demonstrates an understanding of the operating environment of the industry, or organisation, or the circumstances of individuals and the current emerging issues that affect the sector.	1.1.1 Documented and current knowledge base of regulated entities, their environment and issues impacting them.
1.2 Comcare takes actions to minimise the potential for unintended negative impacts of regulatory activities on regulated entities or affected supplier industries and supply chains.	1.2.1 Regular, ongoing consultation or engagement with stakeholders on policies and procedures, including independent experts and industry associations. 1.2.2 Documented responsiveness to feedback from regulated entities, including feedback from existing complaint mechanisms and surveys of stakeholders. 1.2.3 Demonstrated consideration of the knowledge base prior to commencing regulatory activities or action.
1.3 Comcare implements continuous improvement strategies to reduce the costs of compliance for those they regulate.	1.3.1 Demonstrated engagement with relevant organisations to learn from peer experiences and share better practices. 1.3.2 Demonstrated involvement of regulated entities in the review of cost recovery processes and costs. 1.3.3 Costs of compliance reduced.

Key Performance Indicator 2: Comcare communicates with regulated entities in a clear, targeted and effective manner

Measure of good regulatory performance	Output / activity-based evidence
<p>2.1 Comcare provides guidance and information that is up to date, clear, accessible and concise through media appropriate to the target audience.</p>	<p>2.1.1 Guidance material and information that complies with government accessibility guidelines and Comcare external communications governance.</p> <p>2.1.2 Feedback (including measures of use, for example web visits) received from regulated entities and others inform guidance material and information.</p> <p>2.1.3 Documented governance of the development of material.</p>
<p>2.2 Comcare considers the impact on regulated entities and engages with industry groups and representatives of the affected stakeholders before changing policies, practices or service standards.</p>	<p>2.2.1 Documented evidence of consultation and consideration of the impact on stakeholders when considering change to policies, practices or service standards.</p> <p>Link to output 1.2.1.</p>
<p>2.3 Comcare’s decisions are provided, clearly articulating expectations and the underlying reasons for decisions.</p>	<p>2.3.1 Maximum, minimum and average time for decision.</p> <p>2.3.2 Published timeframes for decision making subject to the complexity of the decisions.</p> <p>2.3.3 Decisions are accompanied by statement of reasons and advice about relevant review or appeal mechanisms, where appropriate.</p> <p>2.3.4 Demonstrated mechanisms for responding to stakeholder engagement/complaint about a decision.</p>
<p>2.4 Comcare’s advice is consistent and supports predictable outcomes.</p>	<p>2.4.1 Approved procedures for communications are available for staff use when interacting with regulated entities.</p> <p>2.4.2 Advice provided to regulated entities is consistent with communication policies.</p>

Key Performance Indicator 3: Actions undertaken by Comcare are proportionate to the regulatory risk being managed

Measure of good regulatory performance	Output / activity-based evidence
3.1 Comcare applies a risk-based, proportionate approach to compliance obligations, engagement and regulatory enforcement actions.	<p>3.1.1 Risk management policies and procedures are available to regulator staff and the public.</p> <p>3.1.2 Compliance, enforcement strategies and actions are consistent with agreed risk management policies, are implemented.</p> <p>3.1.3 Quality assurance processes are in place for use.</p> <p>3.1.4 Comcare maintains its risk management capability.</p>
3.2 Comcare's approach to regulatory risk is regularly reviewed. Strategies, activities and enforcement actions are amended to reflect changing priorities, evolving threats, without diminishing regulatory certainty or impact.	<p>3.2.1 Documented approaches in place to review risk approaches regularly including considering with stakeholders on risk approaches.</p> <p>3.2.2 Documented enforcement strategy includes options for graduated compliance actions consistent with regulators' powers.</p>
3.3 Comcare recognises the compliance record of regulated entities, including using earned autonomy where this is appropriate. All available and relevant data on compliance, including evidence of relevant external verification is considered.	<p>3.3.1 Documented enforcement strategy which allows for the compliance records of regulated entities to be considered in determining regulatory actions.</p> <p>3.3.2 Demonstrated engagement with regulated entities to inform them of the regulators' expectations.</p>

Key Performance Indicator 4: Compliance and monitoring approaches are streamlined and coordinated

Measure of good regulatory performance	Output / activity-based evidence
4.1 Comcare’s information requests are tailored and only made when necessary to secure regulatory objectives, and only then in a way that minimises impact.	4.1.1 Evidence of collected information being acted upon, stored and re-used, where appropriate. 4.1.2 Documented decision-making procedures for information requests requiring consideration of the necessity of a request and the impact of the request.
4.2 Comcare’s frequency of information collection is minimised and coordinated with similar processes including those of other regulators so that, as far as possible, information is only requested once.	4.2.1 Number of inspection visits co-ordinated with similar regulators. 4.2.2 Volume of information shared and received among regulators.
4.3 Comcare utilises existing information to limit the reliance on requests from regulated entities and share the information among other regulators, where possible.	4.3.1 Evidence of collected information being acted upon, stored and re-used, where appropriate. 4.3.2 Evidence of available information obtained from other sources, with input not required from regulated entities. 4.3.3 Number of complaints received from regulated entities about information requests and availability of information from other sources. 4.3.4 A procedure of requests for information by the regulator includes a documented assessment and confirmation that the information is not already available.
4.4 Comcare bases monitoring and inspection approaches on risk and, where possible, takes into account the circumstance and operational needs of the regulated entity.	4.4.1 Feedback mechanisms to seek stakeholder views on monitoring and inspection methodology. 4.4.2 Monitoring and enforcement strategies that allows for a range of regulatory responses. 4.4.3 Regular review and assessment of agreed monitoring and compliance strategies, including use of earned autonomy approaches.

Key Performance Indicator 5: Comcare is open and transparent in its dealings with regulated entities

Measure of good regulatory performance	Output / activity-based evidence
5.1 Comcare’s risk-based frameworks are publicly available in a format which is clear, understandable and accessible.	5.1.1 Enforcement strategy and risk approach are published. 5.1.2 Communications with regulated entities include clear and consistent reasons for the communication and, where relevant, linkage with the risk framework.
5.2 Comcare is open and responsive to requests from regulated entities regarding the operation of the regulatory framework, and approaches implemented by Comcare.	5.2.1 Advice and guidance is available to all stakeholders. 5.2.2 Documented responsiveness to feedback from regulated entities, including feedback from existing complaint mechanisms and surveys of regulated entities.
5.3 Comcare’s performance measurement results are published in a timely manner to ensure accountability to the public.	5.3.1 Performance measurement results are published in a timely manner.

Key Performance Indicator 6: Comcare actively contributes to the continuous improvement of regulatory frameworks

Measure of good regulatory performance	Output / activity-based evidence
6.1 Comcare establishes cooperative and collaborative relationships with stakeholders to promote trust and improve the efficiency and effectiveness of the regulatory framework.	6.1.1 Documented procedures allow active and regular engagement with stakeholders and used to improve the regulatory framework. 6.1.2 Feedback mechanisms are available and made known to all stakeholders. Link to Measure 4.4.2.
6.2 Comcare engages stakeholders in the development of options to reduce compliance costs. This could include industry self-regulation, changes to the overarching regulatory framework, or other strategies to streamline monitoring and compliance approaches.	6.2.1 Number of stakeholder events held to facilitate participation in the development and/or amendment of regulatory frameworks. Link to Measure 1.3.
6.3 Comcare regularly shares feedback from stakeholders and performance information (including from inspections) with policy departments to improve the operation of the regulatory framework and administrative processes.	6.3.1 Documented procedures facilitate the flow of information between the regulator and policy departments. 6.3.2 Performance data, feedback from regulated entities, and/or advice is provided by the regulator to the policy departments.