



Australian Government
Department of the Environment

Supporting efficient policy implementation – moving forward on environmental regulatory reform

Victoria Press
Policy Implementation – Environment Protection



A quick summary of environmental regulation at the national level

- Proposed actions which are considered likely to have a **significant impact** require detailed assessment.
- All assessment processes are inclusive of **public notification** periods
- If the action is considered to have **acceptable impact**, the project will be approved **and may be subject to conditions**
- The decision maker must also consider social and economic matters, and may consider environmental history

The *Environment Protection and Biodiversity Conservation Act* (EPBC Act) protects **nine** matters of national environmental significance, which are based on Australia's international obligations.



A recap of the One-Stop Shop reforms

Accreditation of state and territory processes that meet the national environmental standards will streamline environment assessment and approval processes

The reform has two key outcomes:

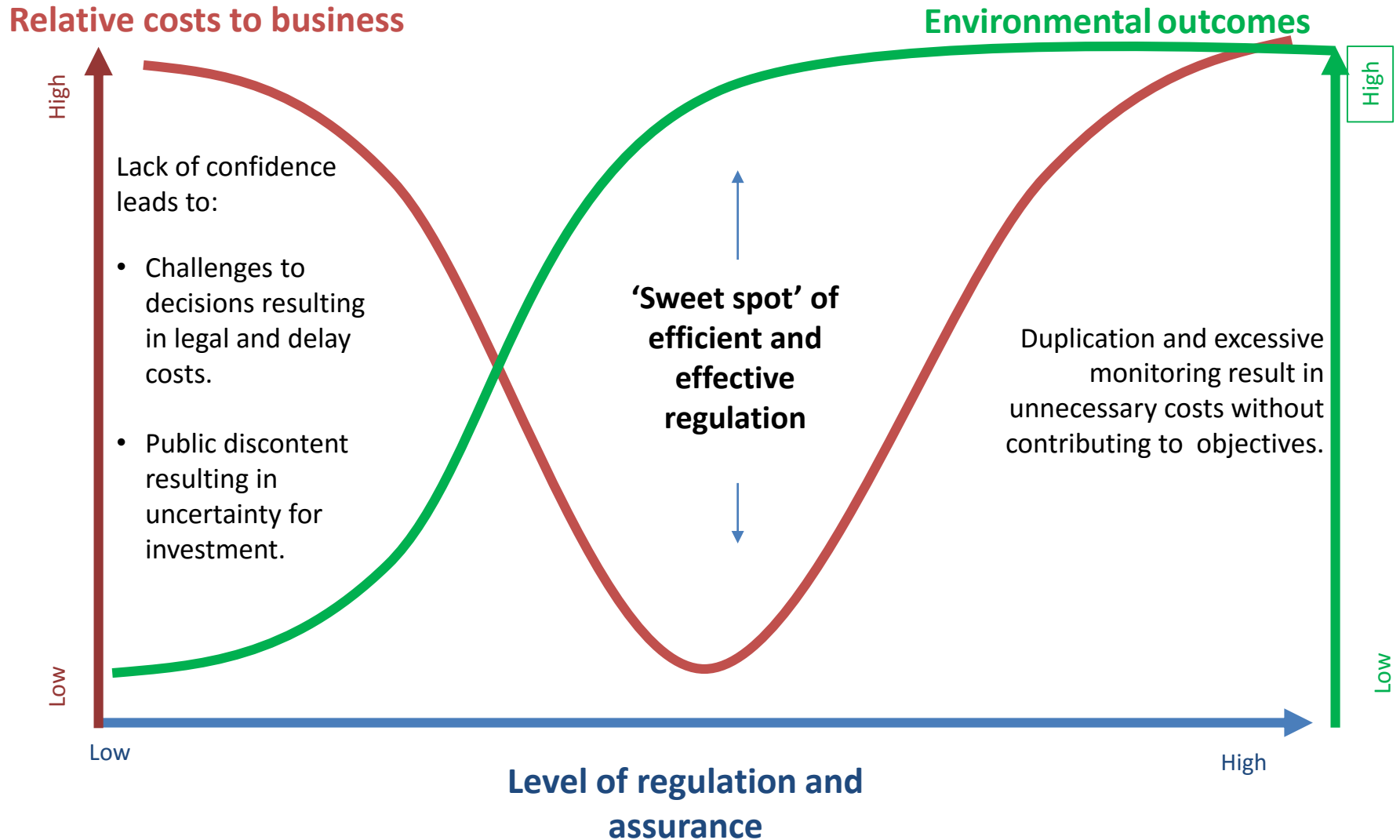
- Reducing regulatory burden for business by removing the need for separate state and Commonwealth approvals.
- Maintaining environmental standards.

The reform is being delivered in three stages:

- MoUs with willing states and territories
- Assessment bilateral agreements
- Approval bilateral agreements



An effective regulatory system balances environmental, economic and community interests



Reforming the environmental regulatory framework: What do the reforms mean to you?

Referral

I know what needs to be referred and what doesn't. I know where to go to get information

Assessment

I understand that my proposal will be assessed rigorously, in a timely and cost effective manner. Duplication of work with States and Territories will be avoided, where possible.

Approval

I want the conditions applied to my approvals to be practical and to focus on environmental outcomes.
I will be given the flexibility to manage my project to achieve these environmental outcomes

Post approval

I understand that the Department focuses on actions that pose the highest risk to the environment. As an approval holder I am responsible to monitor my action and comply with conditions set by the Department

Implementing a policy initiative is the act of translating policy into reality so that intended benefits are realised

At its simplest, we are **carrying out a plan for doing something**. We focus effort on operationalising the policy to achieve the goals and objectives articulated in the policy. To us, implementation looks like this:

Explore and Prepare

We ensure that we understand the intent of the policy or an operational problem, establish assumptions and secure buy-in through consultation with key stakeholders.

We identify champions to support and drive the innovation (Hubs).



Plan and Resource

We prepare implementation plans including a clear delivery model, outlining objectives, outputs and outcomes – regularly revisited to check approach and assumptions.

Working closely with the policy developer and the user we identify issues and devise solutions

Responsibilities are assigned to key tasks, milestones identified



Operationalise

We develop **training activities, guidance material, factsheets**. We develop new or update existing tools and templates

We communicate with policy developers and the users (internally and externally)

We **monitor, evaluate, report** and suggest **improvements** to policy (continuous improvement)

We plan for and transition to **business as usual**

Interpret

Organise

Apply

What does policy implementation look like to us?

Implementation usually occurs in incremental stages that can take some time and require different types of activities to achieve objectives:

Phase 1 – Implementation Preparation

- Usually 3-12 months
- Engaging with policy developers, identify and test assumptions
- User testing (pilots) and workshops
- Prepare products to support the policy

Phase 2 – Preparation for Policy Launch

- Usually 1-2 months prior to the launch of a policy
- Products have been tested and in place for use
- Users have received training

Phase 3 – Transitional Support and Maintenance

- Usually 6-12 months
- Provision of support and guidance – ad-hoc or structured learning
- Review and revise products and process
- Engage with users (internal and external)

Phase 4 – transition to business as usual

- Policy is now business as usual.

Implementation Hubs are recommending approaches for each policy and identifying how to incorporate it into standard business practices

- Encourage **everyone** to be involved to influence decision making
- Every issue raised will help to deliver **better tools, process and training**
- Identify, acknowledge and address **resistance** – ‘how can we make it work?’
- **Implementation Hubs** develop an implementation approach for each policy and identify how to put it into practices
- The Implementation Hubs will be guided by and report to a **Working Group**.

Enables people to develop skills in negotiation, communicating ideas within a group and presenting a well reasoned argument that can be used to brief decision makers

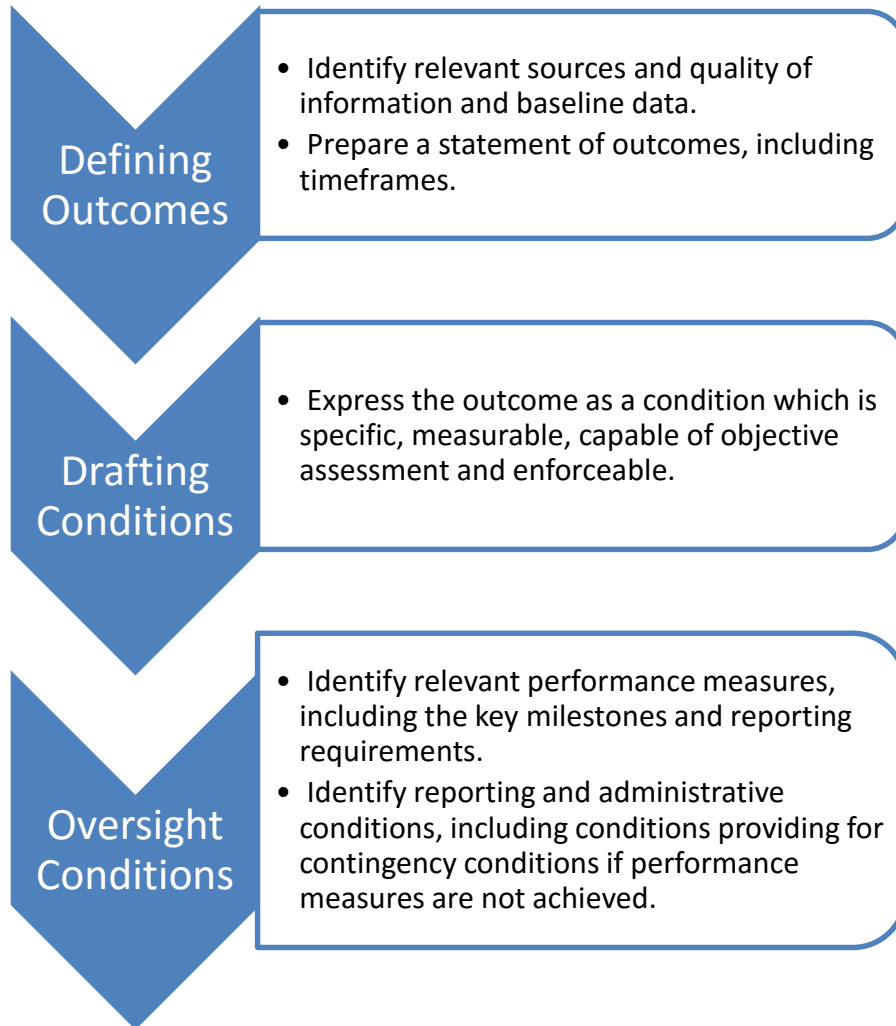


Case Study: Outcomes based conditions and guidance

- Outcomes-based conditions are **tailored** to the particular action and set out the **environmental outcomes** the approval holder must **achieve** for a protected matter **without prescribing** how that outcome is to be achieved.
- Outcome-based conditions give approval holders the **flexibility** to be **innovative** and achieve the best environmental outcomes at the lowest cost.
- Departmental staff would work **collaboratively** with proponents to draft conditions or to revise existing conditions, where practical.



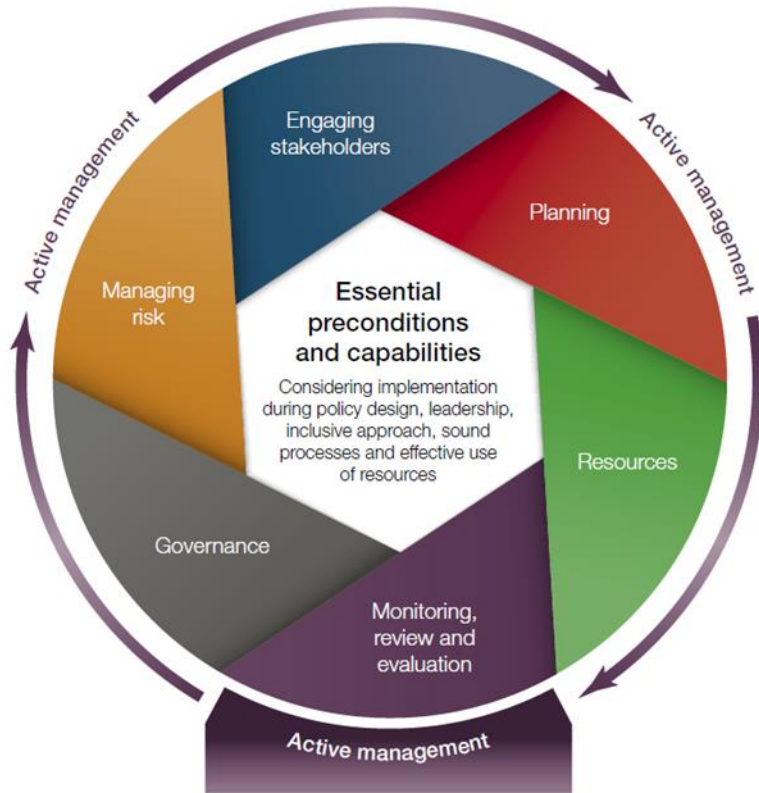
The purpose of the guidance material – to support application of the policy



Outcomes-based conditions improves efficiencies, allowing business resources to be focused on achieving environmental outcomes, rather than following prescriptive processes.



Using best practice guidance to successfully implement the policy



Source: ANAO.

- We followed the ANAO's better practice guide to implement the Outcomes-based conditions policy and to resolve early policy problems
- **Governance arrangements** were established and executive committed to our approach
- We identified, **managed and prioritised** emerging and known **risks**
- Actively **engaged** with all stakeholders through provision of information (forums) to participation (Community of Practice)
- Utilised the Departments **project management framework** to meet milestones
- Ensured we had a **team** with the ability, enthusiasm and willingness to problem solve and engage with users
- Just begun the first **review** to assess how well implementation has gone. Improvements will be made, if required.

Supporting regulatory reform – risk-based approaches, streamlining and condition setting

What other opportunities are being explored to streamline assessments while maintaining standards?



- **Risk-based approaches** to assessment and post-approval monitoring.
 - Ensures our activities are cost effective and that we reduce the regulatory burden on projects that are low risk or people who consistently do the right thing.
- **Condition setting:**
 - Outcomes-based conditions
 - Reducing duplication with State/Territory conditions
- Other **streamlining** opportunities
 - Revised Management Plan condition
 - Pre-referral guidance material
 - Strategic approaches (advanced offsets)

Examples of streamlining opportunities already in place

Revised Management Plan Condition

- We are looking to **vary** existing approvals to include revised management plan condition.
- The new condition provides greater **flexibility** to approval holders.
- It allows approval holders **discretion** in whether to submit a management plan for re-approval, provided the changes will not have new or increased impacts.

Pre-referral and Referral guidance

- **A pre-referral meeting** is optional and can be undertaken at any time prior to submitting a referral.
- **Guidance material** and **templates** have been developed to assist you.
- Based on your **feedback**



Lessons learnt, challenges and successes

- Spend time to get to **know all your stakeholders**. Stakeholders can move quickly from being **willing participants** to **resistors** of change if they do not feel like they are being included in the process;
- communicate effectively, engage early and often and **tell the policy 'story'**.
- Successful policy implementation involves **changing** work culture and activity;
- don't assume that you can **transition** a newly implemented policy to business as usual quickly;
- Don't let policy 'happen' to people; allow them to **invest time** and **effort** into implementation;
- Invest in a **monitoring, evaluation, reporting and improvement framework**; and
- Don't be afraid to **innovate**.



Further Information and Contact Details

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- For more **information** please visit: www.environment.gov.au/epbc.
- To stay up to date with progress on the One-Stop Shop reforms, visit the Department's website at www.environment.gov.au/epbc/one-stop-shop.

