



**Australian Government**

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**Wine Australia**

# Regulator Performance Framework



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# Introduction

Wine Australia is established under the *Wine Australia Act 2013* (the Act). Wine Australia was established on 1 July 2014 as a new authority to undertake research, development and extension (RD&E), regulatory and marketing functions.

The aim of the wine regulatory system is to meet international wine trade obligations and to protect the reputation of Australian wine. Wine Australia undertakes enforcement action with a view to facilitating trade in wine.

The regulatory role of Wine Australia is to control the export of grape products. This is accomplished through the Label Integrity Program (Part VIA of the Act), the protection of geographical indications (Part VIB) and the Australian Grape and Wine Authority Regulations 1981.

In carrying out these functions, the Wine Australia Board has indicated support for a 'light touch' approach with the aim of facilitating business and trade.

## The Australian Government Regulator Performance Framework

The Australian Government Regulator Performance Framework (RPF) was developed to 'encourage regulators to undertake their functions with the minimum impact necessary to achieve regulatory objectives and to effect positive ongoing and lasting cultural change within regulators'<sup>1</sup>.

The RPF contains six indicators against which regulators are to measure their performance:

- regulators do not unnecessarily impede the efficient operation of regulated entities
- communication with regulated entities is clear, targeted and effective
- actions undertaken by regulators are proportionate to the regulatory risk being managed
- compliance and monitoring approaches are streamlined and coordinated
- regulators are open and transparent in dealing with regulated entities
- regulators actively contribute to the continuous improvement of regulatory frameworks.

## The Wine Australia Performance Framework

The Wine Australia Performance Framework (the framework) sets out how Wine Australia intends to measure and report its performance against the RPF. It contains performance measures against each key indicator as well as the evidence that will be collected to demonstrate performance.

This framework was developed in consultation with key representatives of the wine sector and builds on the initial framework. It has been reviewed by the Wine Industry Technical Advisory Committee of the peak industry body, the Winemakers' Federation of Australia.

<sup>1</sup> Regulator Performance Framework (2014) p4

# Performance measures

RPF Key performance indicator	Performance measures	Evidence
1. Regulators do not unnecessarily impede the efficient operation of regulated entities.	Demonstrated understanding of the operating environment for the regulated entities	<ul style="list-style-type: none"> <li>The majority of our winery inspectors hold relevant wine sector qualifications and are experienced operators in the sector.</li> <li>The proportion of total winery inspections conducted during the harvest period is minimised and held below 10%, despite the harvest season covering more than 25% of the year.</li> </ul>
	Implement strategy to reduce the costs of compliance for our stakeholders	<ul style="list-style-type: none"> <li>Documented approaches to other regulators in an attempt to harmonise regulatory activities.</li> <li>Minutes of meetings/teleconferences with international regulators discussing global initiatives that could be adopted domestically.</li> </ul>
	Efficient and effective Wine Australia business processes, developed to minimise the potential for unintended negative consequences for regulated entities	<ul style="list-style-type: none"> <li>Satisfaction with Wine Australia on-line systems for submitting and managing export applications.</li> <li>Legislated timeframes for decisions are met.</li> <li>Minutes of meetings of the Wine Industry Technical Advisory Committee show that proposed changes to policies and procedures are discussed prior to implementation.</li> </ul>
2. Communication with regulated entities is clear, targeted and effective.	The provision of timely, clear, accessible and concise guidance and information on regulatory matters	<ul style="list-style-type: none"> <li>Satisfaction with the quality and availability of Wine Australia information and guidance materials.</li> <li>Website content is reviewed by the nominated review date to ensure accuracy.</li> <li>Number of hits to Wine Australia website.</li> </ul>
	Satisfaction with the quality of advice relating to Wine Australia decisions and assistance	<ul style="list-style-type: none"> <li>Satisfaction with quality of assistance during export approval process.</li> <li>Customer service standards met.</li> </ul>
	Satisfaction with Wine Australia consultative processes	<ul style="list-style-type: none"> <li>All new, and any significant changes to, operational policies or guidelines provided to relevant stakeholders for consultation prior to finalisation.</li> <li>Satisfaction from key sector stakeholders about the quality of Wine Australia consultation.</li> </ul>
3. Regulatory Actions are proportionate to the regulatory risk being managed.	Risk management frameworks and policies are in place and regularly reassessed	<ul style="list-style-type: none"> <li>Risk framework applied to registration decision making accessible to regulated entities.</li> <li>Risk framework reviewed every three years.</li> </ul>
	Lower regulatory effort is applied to activities of lower regulatory risk	<ul style="list-style-type: none"> <li>Annual audit schedule devised in accordance with the risk management policy.</li> <li>All allegations of non-compliance investigated according to Wine Australia enforcement strategy.</li> <li>Feedback collected from audited entities following each audit.</li> </ul>
	Compliance and enforcement strategies are consistent with agreed risk management policies	<ul style="list-style-type: none"> <li>Compliance and enforcement strategy is accessible to regulated entities.</li> <li>Policy for determining audit schedules is accessible by regulated entities.</li> </ul>

RPF Key performance indicator	Performance measures	Evidence
4. Compliance and monitoring approaches are streamlined and coordinated.	Monitoring and enforcement strategies allow for a range of regulatory responses	<ul style="list-style-type: none"> <li>All allegations of non-compliance are risk-assessed and prioritised within five days.</li> </ul>
	Information requests are designed to minimise impact on business	<ul style="list-style-type: none"> <li>The duration of each audit is recorded and average time will not exceed two hours.</li> <li>Number of compliance activities conducted jointly with other regulators.</li> </ul>
	Information requested from regulated entities is necessary and acted upon	<ul style="list-style-type: none"> <li>Licence applications include minimum data collection necessary to ensure legislated criteria can be assessed.</li> <li>Unless identified as a high-risk entity, requests for audits of product information are restricted to no more than three per occasion.</li> </ul>
5. Regulators are open and transparent in their dealings with regulated entities.	Guidelines for ensuring compliance with legislated requirements are published	<ul style="list-style-type: none"> <li>Guidelines include Wine Australia's expectations of what regulated entities should do in order to comply with legislated obligations.</li> <li>Content and aggregate results of our customer survey are published annually.</li> <li>Performance against Regulator Performance Framework published annually.</li> </ul>
	Feedback mechanisms are in place and used to improve service to regulated entities	<ul style="list-style-type: none"> <li>Results of customer survey and audit feedback process are presented to management team twice a year for review and adoption into annual planning process.</li> </ul>
6. Regulators actively contribute to the continuous improvement of regulatory frameworks.	Stakeholder engagement in implementing regulatory frameworks	<ul style="list-style-type: none"> <li>Documented stakeholder consultation procedures are in place.</li> <li>All significant changes to Wine Australia regulatory frameworks follow stakeholder consultation.</li> <li>Significant changes to policies and procedures will be communicated to regulated entities via a two-stage process of interim, followed by final, determinations.</li> <li>Regular contact with regional wine grape grower and wine producers associations.</li> </ul>
	Engagement with the Department of Agriculture and Water Resources on the development or amendment of regulatory frameworks	<ul style="list-style-type: none"> <li>All proposals for substantial reform of Wine Australia's regulatory approach will be reviewed by the policy department of the Department of Agriculture and Water Resources.</li> </ul>

## Assessment and reporting

Wine Australia will complete a self-assessment against this performance framework in consultation with key stakeholders prior to obtaining external validation and referring the resultant report to the Wine Australia Board for approval.