

# Regulator Performance Framework: ACNC Metrics

*Measure:* as per Australian Government Regulator Performance Framework.

*Evidence:* evidence of performance against each measure.

*Source:* source of the evidence. NB: where the source is a published policy or procedure, the annual self-assessment will include assessment of the ACNC's compliance with the policy or procedure. Where relevant, the ACNC will provide narrative regarding quantitative evidence sources.

KPI 1 – Regulators do not unnecessarily impede the efficient operation of regulated entities				
Measures		Evidence		Source
A	Regulators demonstrate 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.	1.1	Targeted consultation with the charity sector held at least once every quarter	Performance against standard
		1.2	Information reported by charities to the ACNC is analysed and published annually	Annually published report analysing Annual Information Statement data
B	Regulators take actions to minimise the potential for unintended negative impacts of regulatory activities on regulated entities or affected supplier industries and supply chains.	1.3	Administrative practices are reviewed to identify opportunities to streamline interactions and reduce compliance costs	Meetings of the Reporting and Red Tape Reduction Committee (number; and yearly summary)  Published operational procedures requiring annual review of policies, procedures and forms
C	Regulators implement continuous improvement strategies to reduce the costs of compliance for those they regulate.	1.4	Documented processes for collecting and acting on feedback from charities	Published policy and operational procedure on complaints  Published stakeholder engagement

Measure		Evidence		Source
				framework
		1.5	The online Annual Information Statement reporting includes opportunity for charities to provide feedback	Feedback functionality built into Charity Portal
		1.6	The registration process includes opportunities for charities to provide feedback	All successful and refused applicants are provided an opportunity to share feedback on the registration progress.
<b>KPI 2 – Communication with regulated entities is clear, targeted and effective</b>				
A	Regulators provide guidance and information that is up to date, clear, accessible and concise through media appropriate to the target audience.	2.1	Regulatory obligations of charities are explained through plain language guidance and education	Guidance published throughout the year Online and face-to-face education sessions delivered throughout the year
		2.2	AA compliance with the Australian Government accessibility guidelines	Performance against Australian Government guidelines
		2.3	Drafts of Commissioner Interpretation Statements are provided for public comment	Performance against standard
B	Regulators consider the impact on regulated entities and engage with industry groups and representatives of the affected stakeholders before changing policies, practices or service standards.	2.4	See 1.1, 1.2, 1.4, 6.1, 6.2 and 6.3	
C	Regulators' decisions and advice are provided in a timely manner, clearly articulating expectations	2.5	Applications for charity registration are determined within 15 business days of receiving all information	Performance against standard

Measure		Evidence		Source
	and the underlying reasons for decisions.	2.6	Refused applications for registration or remission of penalties are accompanied by a statement of reasons for decision	Performance against standard
		2.7	All objections are determined by an independent case officer and if disallowed are accompanied by reasons for decision	Performance against standard
D	Regulators' advice is consistent and supports predictable outcomes.	2.8	Staff make decisions according to published policies and procedures	Published policies and operational procedures
<b>KPI 3 – Actions undertaken by regulators are proportionate to the regulatory risk being managed</b>				
A	Regulators apply a risk-based, proportionate approach to compliance obligations, engagement and regulatory enforcement actions.	3.1	Regulatory approach is risk-based and proportionate	Published annual compliance report outlining compliance activity and future focus areas  Published regulatory approach statement
		3.2	Risk-based compliance and enforcement policy is published	Published compliance and enforcement policy
B	Regulators' preferred approach to regulatory risk is regularly reassessed. Strategies, activities and enforcement actions are amended to reflect changing priorities that result from new and evolving regulatory threats, without diminishing regulatory certainty or impact.	3.3	Regulatory approach is reviewed every three years	Performance against standard  Published regulatory approach statement
C	Regulators recognise the compliance record of regulated entities, including using earned autonomy where this is appropriate. All available and relevant data on compliance,	3.4	Compliance and enforcement policy considers the prior record of a charity and information from previous investigations in its risk assessment, where possible	Published compliance and enforcement policy and operational procedures  Published annual compliance report outlining compliance activity and

Measure	Evidence	Source
including evidence of relevant external verification is considered.		future focus areas

KPI 4 – Compliance and monitoring approaches are streamlined and coordinated			
A	Regulators' information requests are tailored and only made when necessary to secure regulatory objectives, and only then in a way that minimises impact.	<p><b>4.1</b> Compliance teams use internally and publicly available data to identify candidates for investigation</p>	<p>Published compliance and enforcement policy and operational procedures</p> <p>Published annual compliance report outlining compliance activity and future focus areas</p>
		<p><b>4.2</b> ACNC approved forms only request information necessary for the function of the form</p>	<p>Published operational procedure on creating, updating and reviewing forms</p>
		<p><b>4.3</b> The Annual Information Statement is available through the online ACNC Charity Portal</p>	<p>Charity Portal</p>
		<p><b>4.4</b> Streamlined reporting processes are implemented to obtain information from other regulators where appropriate</p>	<p>Performance against standard</p>
C	Regulators utilise existing information to limit the reliance on requests from regulated entities and share the information among other regulators, where possible.	<p><b>4.5</b> Charity Passport developed and maintained so that central charity data is available to government regulators to reduce regulatory burden</p>	<p>Availability of Charity Passport information</p>
		<p><b>4.6</b> Compliance officers share information with and make referrals to other regulators where appropriate</p>	<p>Published annual compliance report outlining compliance activity and future areas of focus</p>

Measure	Evidence		Source
<b>D</b> Regulators base monitoring and inspection approaches on risk and, where possible, take into account the circumstance and operational needs of the regulated entity.	<b>4.7</b>	Compliance staff act in accordance with risk-based policies and procedures	Published compliance and enforcement policy and operational procedures  Published annual compliance report outlining compliance activity and future focus areas

Measure	Evidence	Source
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<b>KPI 5 – Regulators are open and transparent in their dealings with regulated entities</b>		
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<b>A</b>	Regulators' risk-based frameworks are publicly available in a format which is clear, understandable and accessible.	<b>5.1</b>	Regulatory Approach Statement is published online	Performance against standard
		<b>5.2</b>	Risk assessment framework is published online	Performance against standard
<b>B</b>	Regulators are open and responsive to requests from regulated entities regarding the operation of the regulatory framework, and approaches implemented by regulators.	<b>5.3</b>	Response to all requests for access to information provided within 30 days (those not under FOI or Privacy Acts)	Performance against standard
		<b>5.4</b>	Response to Freedom of Information Act Requests handled within 30 days (plus statutory extensions) or 60 days where third party consultation is required.	Performance against standard
<b>C</b>	Regulators' performance measurement results are published in a timely manner to ensure accountability to the public.	<b>5.5</b>	RPF self-assessment published in the ACNC Annual Report	Performance against standard

<b>KPI 6 – Regulators actively contribute to the continuous improvement of regulatory frameworks</b>		
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<b>A</b>	Regulators establish cooperative and collaborative relationships with stakeholders to promote trust and improve the efficiency and effectiveness of the regulatory framework.	<b>6.1</b>	At least three meetings of the Professional User Group are held annually	Performance against standard
		<b>6.2</b>	At least three meetings of the Sector User Group are held annually	Performance against standard
		<b>6.3</b>	Stakeholder engagement framework outlines how the ACNC will engage with stakeholders to reduce regulatory burden and enhance knowledge of the regulated sector	Stakeholder engagement framework
<b>B</b>	Regulators engage stakeholders in the development of options to reduce compliance costs. This could include industry self-	<b>6.4</b>	See 6.1, 6.2 and 6.3	

Measure	Evidence		Source
regulation, changes to the overarching regulatory framework, or other strategies to streamline monitoring and compliance approaches.			
C Regulators regularly share feedback from stakeholders and performance information (including from inspections) with policy departments to improve the operation of the regulatory framework and administrative processes.	6.5	Stakeholder engagement framework outlines how the ACNC will share feedback from stakeholders with policy departments	Stakeholder engagement framework
	6.6	Report is published analysing the previous year's cases and forecasting risk areas for future year annually	Published annual compliance report outlining compliance activity and future focus areas