

Framework for assessing Compliance Outcomes

In 2016 the Department of Fisheries collaborated with four other Australian Fisheries Management Agencies to develop a framework to allow evaluation of fisheries compliance outcomes. This collaboration stemmed from work funded by the Fisheries Research and Development Corporation (FRDC) to find and develop methods to measure Fisheries Compliance Outcomes which showed that simple metrics cannot be used for measuring Fisheries Compliance Outcomes.

The collaborative effort between Western Australia, South Australia, Victoria and the Australian Fisheries Management Authority, with facilitation by an external team of three experts resulted in the development of two linked models:

1. A program logic model which shows how the components of a properly designed compliance programme link together to achieve a set of defined outcomes.
2. A maturity model which allows qualitative assessment of business maturity against defined maturity levels.

Crucial to the approach is shared terminology which links the two models together, allowing the models to be easily understood by each Agency's internal and external stakeholders as well as by compliance practitioners themselves.

Preliminary implementation has shown that the program logic model is a simple way to set out and so understand the various specialised components of compliance service delivery. The maturity model provides a way to assess, or qualitatively measure, how effective components of service delivery are being in producing the behaviours necessary to achieve the defined outcomes set out in the program logic model.

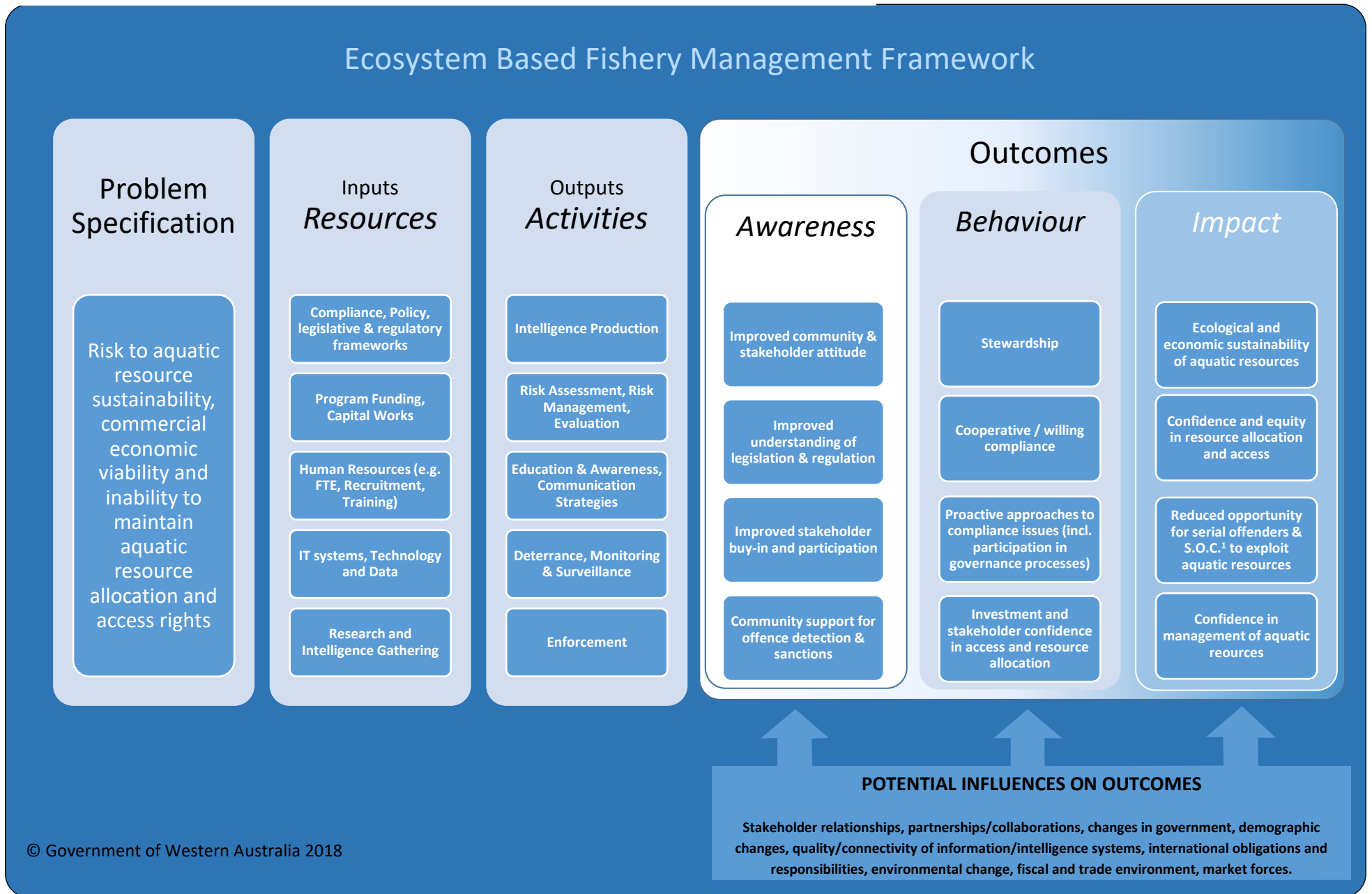
The maturity model has been applied by internal stakeholders to a single fishery, and it is planned to use it with external stakeholders to begin a constructive dialog about where opportunities and barriers lie in working towards shared outcomes.

The partner Fisheries agencies involved in the work to develop the Outcomes models have resolved to implement the two models within their Agencies, a process which will inevitably result in tailoring and refinement of the models. The experiences from those processes will be shared at the National Fisheries Compliance Committee during 2017 with the hope that a single generic model can be developed and adopted at a National Level.

The Program Logic Model

Program logic models are not new but remain useful conceptual tools to show how an organisation's business processes are structured to achieve its business objectives. This model specifies the key problem that Fisheries Compliance Agencies are tasked to address on the left hand side of the figure. On the far right hand side are the long term, impact outcomes being sought. The intervening stages show the program Inputs and Outputs that are used to drive progress towards those long term impact outcomes.

Figure 1: The Aquatic Resource Program Logic Model for Western Australian Fisheries Compliance



The long timescales involved, along with external factors that often cannot be controlled, make it very difficult to prove direct causality of efforts to achieve long term outcomes. By coherently showing the logical connections between the resources used (Inputs) to undertake activities (Outputs), it becomes clearer that those activities will result in immediate outcomes by raising awareness. Once awareness has been achieved, it can be translated into modification of behaviour in the intermediate term, while that eventually results in longer term impacts which are the outcomes being sought. A simplistic model like this can only give an overview of what a compliance program seeks to achieve, but it also provides a starting point to begin a more in-depth analysis of the costs and benefits of delivering compliance and to demonstrate that an appropriately balanced approach is being taken.

The model will be extended by using it as a framework to add descriptions of individual business units and programs. There are also aspects to the Awareness, Behavioural and Impact Outcomes that can be measured or assessed using data and surveys and developing those assessment tools will be a priority for current and future data collection and survey work.

The Business Maturity Model

Business Maturity models have been used as strategic planning tools to assess the maturity of key business functions. A matrix is a common format, with each key area of interest able to be assessed against a pre-defined interval scale of maturity. Qualitative maturity scales are common and are used in this model, with the object of building indicators of maturity rather than strict quantitative measures. That approach was supported by the precursor FRDC funded project which showed quantitative measures are practically impossible for fisheries compliance outcomes.

The starting point for the Maturity model is deciding what is important enough to assess, and six key stakeholder groups have been identified:

1. Direct resource users (i.e. fishers and processors).
2. Peak bodies (i.e. WAFIC and RecFishWest).
3. Serious and Organised Crime groups that exploit aquatic resources outside of legal frameworks.
4. Regulatory Capability and Authorising Environment (i.e. Treasury and Parliamentarians).
5. Third Party Interests (i.e. groups like the MSC and other NGOs that have an interest in aquatic resources).
6. The General Public (i.e. taxpayers who do not directly use the resource but still have an interest in how aquatic resources are used and managed).

For each of these key stakeholder groups, key behavioural outcomes are chosen that are important to achieving longer term impact outcomes. Five levels of maturity are defined for each of these selected behavioural outcomes. Level 1 is the lowest level of maturity, Level 5 the highest.

It must be remembered that these descriptive levels are not precise linear definitions, there is scope for subjective discussions, but it should not be possible to confuse Level 1 maturity with Level 3, nor Level 3 with Level 5.

The model can be used for self-assessment and also in conjunction with key stakeholders to establish a constructive dialogue about shared objectives and to identify areas of improvement. Discussions with external stakeholders will begin over the next year, but the benefits of such discussions within work groups in the Agency have already been realised.

Figure 2: The Aquatic Resource Business Maturity Model for Western Australian Fisheries Compliance

	Level 1	Level 2	Level 3	Level 4	Level 5
1. DIRECT RESOURCE USERS					
a Compliant behaviour	Systemic non-compliance with rules-based regulations	Moderate non-compliance with rules-based regulations	Low levels of non-compliance with rules-based regulations	Negligible levels of non-compliance / widespread willing compliance with regulations	Negligible levels of non-compliance / widespread willing compliance with sustainability-based regulations
	Recidivism is broadly prevalent, broadly accepted; detection is not timely &/or effective so behaviours continue	Recidivism is moderately prevalent & moderately accepted; detection is moderately timely &/or effective	Recidivism is limited, not generally accepted; detection is timely & effective	Recidivism is negligible & not accepted; detection is automated, in real time & effective	Recidivism is non-existent as repeat offenders are swiftly prevented from accessing the resource
b Stewardship	Avoidance of punitive non-compliance measures is primary behavioural driver	Behaviours are somewhat driven by the avoidance of punitive non-compliance measures (some pockets of interest in sustainability)	Behaviours are driven about equally by avoidance of punitive measures & sustainability of aquatic resources	Behaviours are broadly driven by sustainability of aquatic resources (with identifiable resistance in a number of groups or sectors)	Sustainability of aquatic resources & ongoing economic viability as the primary behavioural drivers
c Proactive approaches	Limited awareness of / involvement in supporting the sustainability of aquatic resources	Some awareness of / involvement in supporting the sustainability of aquatic resources	Widespread awareness of / some involvement in supporting the sustainability of aquatic resources (in response to requests from regulators)	Some pockets of proactive involvement in developing strategies to improve sustainability & economic viability of aquatic resources	Widespread / co-ordinated / proactive development of strategies to improve sustainability
2. SERIOUS & ORGANISED CRIME (SOC)					
a Compliant behaviour	Widespread involvement with severe impacts on stakeholders; regulators have nil capacity to detect / respond to these impacts	Moderate involvement with moderate impacts on stakeholders; regulators have some capacity to detect /respond, but operate alone	Limited involvement with limited impacts on stakeholders; regulators have good capacity to detect / respond & work collaboratively	Negligible or periodic involvement with few impacts on stakeholders; regulators have developed capacity to detect/respond & work collaboratively with law enforcement	Nil involvement or impacts over a protracted period; regulators and law enforcement have closed opportunities for SOC to participate

3. SECTORAL PEAK BODIES					
a Proactive approaches	Are publically critical of regulators & actively resist attempts to work collaboratively	Are sometimes critical of regulators, and consider their interests to be fundamentally different, but on occasion will work collaboratively	Often work collaboratively with regulators & recognise the sustainability of aquatic resources as a significant common objective	Have established structures to ensure collaboration with regulators; some evidence of efforts to co-manage aquatic resources	Proactively & consistently co-manage aquatic resources to deliver the shared objectives of sustainability & significant public value
b Stewardship	Actively assist direct resource users to avoid, resist or ignore the need to meet compliance requirements	Frequently encourage direct resource users to avoid, resist or ignore the need to meet compliance requirements	Are silent / indifferent to whether direct resource users avoid, resist or ignore compliance requirements	Actively seek opportunities to support direct resource users to improve their compliance with regulatory requirements	Speak as 'one voice' alongside regulators, focusing on the sustainability of aquatic resources and economic viability
4. REGULATORY CAPABILITY & AUTHORISING ENVIRONMENT					
a Proactive approaches	Compliance is reported as extremely difficult to achieve &/or understand, & requires significant effort or investment	Compliance is reported as moderately difficult to achieve and / or understand, & requires some effort or investment	Compliance is reported as fairly straightforward to achieve and/or understand, & requires little effort or investment	Compliance is reported as easy to achieve and/or understand, requiring no effort or investment	Compliance is reported as easy to achieve & delivers advantages (e.g. through process efficiency, reduced costs etc.)
b Stewardship	Regulators have disconnected inputs and outputs, and no common objectives and standards. Treatment regimes are inconsistent and lead to exploited weaknesses.	Authorising environments are relatively standardised but inconsistently applied by regulators. Regulators have varied compliance officer standards, processes and philosophies. Some jurisdictional gaps are exploited.	Authorising environments are aligned and regulators have common intent and capability development plans. Some regulators have different priorities and resource limitations providing some variable national coverage.	Regulators have established common training, planning, and professional development standards. Strategic language and approach to co-design is standardised but case action remains independent.	Regulators are fully interoperable and appear seamless to business. Inputs and outputs are shared. Joint investigations and national problem-solving actions are taken by all, collectively and with representative groups engaged in partnership.
5. THIRD PARTY INTERESTS					
a Confidence in access & allocations	Political interest & investment focused on inspection volumes & public prosecutions.	Political interest & investment is focused on a rules-based approach to compliance.	Political interest & investment is focused on a sustainability-based approach to compliance; no interest in innovation / collaboration.	Political interest & investment is focused on a sustainability-based approach to compliance; some interest in innovation / collaboration.	Investment support for co-managed aquatic resources that is environmentally & economically sustainable.

6. COMMUNITY

a Confidence in access & allocations

&

b Confidence in regulator ability

Community are critical of regulatory work; consider that regulations are a 'money making exercise' &/or essentially bureaucracy. Public are critical of regulator, little trust, support or understanding of public value. Little or no support for investment in aquatic biological resources. Little market for sustainably sourced seafood.

Low level / periodic criticism of efforts to regulate aquatic resources; limited recognition of links to SOC or the associated impacts

General ambivalence or moderate support for regulatory work / some awareness of the impacts of non-compliance &/or SOC involvement. Fractured support for regulation or rapid 'mood' swings as issues arise. Some investment in biological aquatic resources and widespread insistence on sustainably sourced seafood.

Community considers regulatory work critical to the sustainability of aquatic resources as an important community asset / nil tolerance of SOC involvement. There is balanced public discourse on regulatory reputation, trust, support, understanding the regulator's public value, and need for investment.

Active community support for regulation in ensuring the sustainability of aquatic resources (e.g. refusal to purchase black market products). People recognise the public value of the regulator; it has their complete trust and support. There is strong investment in biological aquatic resources and widespread insistence on sustainably sourced seafood.