



## Survey of regulatory oversight bodies for Productivity Commission RIA Benchmarking Study

### Purpose of collection

The Productivity Commission has been requested by the Australian Government, with the agreement of COAG's Business Regulation and Competition Working Group, to examine regulatory impact analysis (RIA) processes used by the Commonwealth and state and territory governments, as well as those of COAG. The information provided in response to this survey will assist the Commission in this task. For further information about the study please visit the Commission's website [www.pc.gov.au/projects/study/ria-benchmarking](http://www.pc.gov.au/projects/study/ria-benchmarking).

### RIA process

RIA seeks to improve the quality of regulations by ensuring that decision makers have adequate information on the consequences of different options for addressing a problem. The RIA document (often called a regulatory impact statement (RIS)) can provide a focus for public consultation and communicate the results of the process to decision makers and the community. The following points may need to be considered by respondents to this survey.

- The RIA process generally applies to most primary and subordinate legislation and some other regulatory instruments.
- Elements of good practice regulation making processes are employed by departments and agencies independent of and/or prior to formal RIA requirements being undertaken. For the purposes of this survey, practices such as consultation, consideration of alternatives and impact analysis will be treated as part of RIA only where they are formalised, documented and mandated across the whole of your government.
- The Commission does not include drafting of regulatory instruments as part of RIA.

### Benchmarking reference date

The Commission has been requested to benchmark RIA processes as at January 2012. For practical reasons, however, please provide information or perceptions based on your experience in recent years. If there are material differences between the RIA process that operated in recent years and the process at January 2012, please note that in the covering email with your survey return.

### How to save and submit the survey

To save (without submitting) select 'File => Save As' at the top of the screen. To submit the form (which also saves a final copy) please press the button at the end of the survey.

If you require assistance in completing the survey please contact xxxx on (02) 6240 xxxx or [xxxx@pc.gov.au](mailto:xxxx@pc.gov.au).

**Q1. Please fill in the following information about your organisation. Note: This question is mandatory, you will not be able to submit this survey until it is completed.**

Agency name	<input type="text"/>
Jurisdiction	<input type="text"/>
Contact name	<input type="text"/>
Contact position	<input type="text"/>
Phone number	<input type="text"/>
Email address	<input type="text"/>

## Section 1: Perceptions of the RIA process

**Instructions: please indicate the extent to which you agree with the following statements.**

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Do not know
Q2. Overall, the RIA process has been effective in:						
improving quality of regulation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
reducing unnecessary impacts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Do not know
Q3. The formal framework provided by RIA:						
has led to a more thorough analysis of the nature of the problem than would otherwise have occurred	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
helps ensure that government intervention is justified	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
has led to a more systematic consideration of costs and benefits than would otherwise have occurred	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
has led to consideration of a broader range of options than would otherwise have occurred	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
is sufficiently flexible for most policy proposals	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Do not know
Q4(a) RIA written guidance material, developed for your jurisdiction, is:						
clear	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
concise	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
comprehensive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
up to date	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
easily accessible (such as available on the internet)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(b) RIA written guidance material provides enough information to undertake the RIA process	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Do not know
Q5.						
(a) Resources used in the RIA process are proportional to the likely impacts of the regulatory proposal	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(b) RIA merely replaces policy development processes that would otherwise be undertaken	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(c) The effect of the proposed regulatory options on national markets is considered during the RIA process	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(d) Following a COAG RIS, a jurisdiction-specific analysis is often undertaken to have an understanding of the jurisdictional impacts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(e) The sanctions for non-compliance with RIA requirements are strong enough to encourage compliance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Do not know
Q6. The RIA process is, or could be, more efficient and effective when:						
a regulatory oversight body assesses the adequacy of RISs*	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
the regulatory oversight body has statutory independence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
the decisions of the regulatory oversight body are subject to periodic auditing by an independent third party	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
ministers are accountable for ensuring RIA compliance (e.g. by certifying that individual RISs* meet jurisdiction requirements)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
agency heads are accountable for ensuring RIA compliance (e.g. by certifying that individual RISs* meet jurisdiction requirements)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
the responsible minister is required to provide reasons for proposing regulations that are inconsistent with RIA principles	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
the draft RIS* is published as a consultation document	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
stakeholders can provide comments on draft legislation or regulation after RIA consultation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
the final RIS* is published	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
compliance with RIA requirements for individual proposals is made public	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
the reasons for the oversight body's assessment of a RIS* as adequate/inadequate are publicly reported	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
the final RIS*, the adequacy assessment and the reasoning for the assessment are published at the time of the regulatory announcement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

\*or equivalent document(s) that may be referred to by another name in your jurisdiction.

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Do not know
Q7. Sunsetting of regulation:						
makes a substantial contribution to improving regulatory quality	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
requires too much investment of resources for the benefits achieved	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
is likely to yield greater benefits where related subordinate and primary legislation are reviewed as a package	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## Section 2: Influence on decision making/outcomes

<p>Q8(a) Has the RIA process in your jurisdiction been effective in influencing regulatory decisions and/or the quality of regulation in the following ways?</p> <p>[tick as many boxes as applicable]</p>	<div><input type="checkbox"/> by improving decision maker understanding of impacts</div> <div><input type="checkbox"/> by building stakeholder awareness and support for the decision made</div> <div><input type="checkbox"/> through oversight body involvement which improved information available to decision makers</div> <div><input type="checkbox"/> deciding not to proceed with a regulatory action because the RIA demonstrated either the status quo or a non-regulatory option was preferable</div> <div><input type="checkbox"/> influencing the design of a regulation by demonstrating that a particular option was more effective or efficient</div> <div><input type="checkbox"/> other</div>
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Q8(b) Please provide specific examples of such changes to decisions or outcomes that can be attributed to RIA:

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Q9. In your jurisdiction, approximately what percentage of regulatory proposals were modified in a significant way or withdrawn (such as those described above) because of RIA processes?

- ☐ less than 10 per cent
- ☐ 10 to 30 per cent
- ☐ 31 to 50 per cent
- ☐ greater than 50 per cent

Q10. How could the RIA process be changed to improve regulatory decision making and/or regulatory outcomes?

Q11. How could the RIA process be modified to ensure the requirements are still met when there are pressing timeframes?

Q12. How often do regulatory proposals that have been assessed as non-compliant with the RIA process proceed to the decision maker (e.g. Cabinet)?

- ☐ always
- ☐ often
- ☐ sometimes
- ☐ rarely
- ☐ never
- ☐ do not know

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Q13. In 2011, for what percentage of regulatory instruments in your jurisdiction was a RIS (or equivalent) prepared?

- ☐ 0 to 5 per cent
- ☐ 6 to 10 per cent
- ☐ 11 to 15 per cent
- ☐ 16 to 20 per cent
- ☐ greater than 20 per cent
- ☐ do not know

Q14. What mechanisms are in place that seek to ensure reviews and evaluations foreshadowed in RIS (or equivalent) documents are actually undertaken? And, how successful have these mechanisms been in practice?

### Section 3: Training

Q15. Please describe the nature and extent of the RIA training provided by the regulatory oversight body (including course content, length, frequency, the ability to tailor to specific agencies, the number of agencies receiving training in 2010-11, and number of staff trained).

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## Section 4: Cost of RIA

**Instructions:** The Commission appreciates that your agency may only be able to provide approximate figures for the questions below. Nevertheless, answering these would greatly assist the Commission to address key elements of the terms of reference for this study.

Q16. In the 2010-11 financial year, what do you estimate was the cost of the RIA process\*\* to your agency?

\*\*as defined on the front page of this survey.

Q17. Approximately, what percentage of RIA costs (if any) do the following functions account for:	Note: your total should equal 100%
advice on whether a RIS* is required	
assistance preparing RISs*	
assessing RIS* adequacy	
compliance monitoring and reporting	
training	
other, please specify:	
<b>Total</b>	<b>0%</b>

\*or equivalent document(s) that may be referred to by another name in your jurisdiction.

Q18. Please state reasons (if any) why cost data for 2010-11 is likely to be atypical

Once you have finished filling in the survey, please click the 'Save & Submit' button below. This will verify your answers and then guide you to manually save and send the survey. Please note the survey will not be submitted until you click send on an email to the Productivity Commission. If you have any trouble during this process, save a copy and contact xxxx on (02) 6240 xxxx or xxxx@pc.gov.au.

Save & Submit

**Thank you for your participation.**