



Survey of agencies and departments 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.

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 agencies independent of, 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 your government.
- The Commission does not include drafting of regulatory instruments as part of RIA.
- If, in addition to your jurisdiction-specific RIA process, your agency has had significant input into COAG RISs, please send the Commission a second version of this survey addressing your experience with the COAG RIA process. Select 'COAG' in the jurisdiction field under question one for this second survey submission.

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.

Confidentiality of responses

Survey responses will not be reported in a manner that could, in any way, be attributable to a particular respondent.

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.

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"/>
(c) The regulatory oversight body is helpful in improving the quality of draft RISs (or equivalent)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(d) The regulatory oversight body is timely in its provision of advice and/or assessment	<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 agency 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>	<ul style="list-style-type: none"> <input type="checkbox"/> by improving decision maker understanding of impacts <input type="checkbox"/> by building stakeholder awareness and support for the decision made <input type="checkbox"/> through oversight body involvement which improved information available to decision makers <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 <input type="checkbox"/> influencing the design of a regulation by demonstrating that a particular option was more effective or efficient <input type="checkbox"/> other
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Q8(b) Please provide specific examples of such changes to decisions or outcomes that can be attributed to RIA:

Q9. In your agency, 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?

Section 3: Integrating RIA into policy development

Q11. Do you have a centralised unit within your agency that assists in undertaking the RIA process?

- Yes
- No

Q12. In general, at what stage of the RIA process do you first engage with your regulatory oversight body?

- start of policy development
- before regulatory proposal determined
- after regulatory proposal determined
- after a draft RIS has been prepared
- other, please specify:

Q13. What are the main barriers to using RIA processes to better inform policy development in your agency?

[tick multiple boxes if applicable]

- no barriers
- policy is already decided by minister
- lack of support from minister
- minister needs to respond quickly
- lack of support from senior management
- RIA process is not flexible
- RIA process is administratively burdensome
- RIA process is viewed as irrelevant
- lack of in-house skills
- lack of data to undertake cost benefit analysis
- other barriers, please specify:

Q14. How could the RIA process be modified to ensure the requirements are still met when there are pressing timeframes?

Section 4: Consultants and RIA

Q15. Have you used consultants for any aspect of the RIA process?

- Yes
- No => proceed to Section 5 below

Q16. Why have consultants been employed in the RIA process?

[tick as many boxes as applicable]

- lack of in-house skills in cost benefit analysis
- lack of in-house skills in other areas
- time constraints
- technical complexity of regulatory area
- cost effectiveness
- improve public perception of objectivity
- transfer knowledge to agency staff
- to improve the quality of the RIS (or equivalent)
- other, please specify:

Q17. For what part of the RIA process did you use consultants?

[tick as many boxes as applicable]

- to determine if a RIS was needed
- development of regulatory and non-regulatory options
- public consultation
- cost benefit analysis
- preparation of the complete RIS document
- entire RIA process
- other, please specify:

Section 5: RIA activity and costs

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.

Q18. How many of the following has your agency undertaken in each of the time periods specified?
Note: the answer may be zero in some cases.

	July 2010 - June 2011 (12 months)	July 2011 - Dec 2011 (6 months)
Preliminary Impact Statements (where relevant)		
Formal applications for exemption from a RIS*		
RISs*		
RISs* undertaken by other agencies (e.g COAG RISs) where you have provided significant input		
RISs* prepared after the regulation is implemented (e.g. Post-Implementation Reviews)		

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

Q19. In the 2010-11 financial year, what do you estimate was the cost of the RIA process** to your agency above 'business as usual' costs?

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

Q20. Approximately, what percentage of RIA costs (if any) do the following functions account for:	Note: your total should equal 100%
consultation with stakeholders	
preparation of Preliminary Impact Assessments (or equivalent)	
preparation of RISs (or equivalent)	
staff training	
quality control and internal coordination	
other, please specify:	
Total	0%

Q21. Approximately, what percentage of RIA costs do the following account for:	Note: your total should equal 100%
internal staff costs (including overheads)	
external consultants	
Total	0%

Q22. Please state reasons (if any) why cost data for 2010-11 is likely to be atypical

Q23. If available, please provide information on the costs incurred by your agency for a particular RIS (or equivalent) undertaken in recent years. And, if possible, indicate how this compares with typical RIS costs.

Q24. How could the RIA process be made more cost effective for your agency?

Q25. Please outline internal processes (if any) that your agency has which are similar to RIA requirements or which enhance the policy development process but are not formally included in the RIA process.

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.