

(資料) Framework for the Triage of Regulatory Submissions (カナダ)

ECONOMIC				
3	Present value of total direct gross costs or savings to government, industry, consumers and others	\$0 to \$10 M	\$10 M to \$100 M	above \$100 M
OR	Annual gross costs or savings to government, industry, consumers and others	\$0 to \$1 M	\$1 M to \$10 M	above \$10 M
<p><i>Government costs or savings include the monitoring, administrative, enforcement, general administrative and overhead costs associated with new regulations and foregone revenue (e.g., tax/duty remissions). They also include the costs or savings relating to incentive-based regulations, such as tradable permits, and capital cost allowance. Present value should be based on at least a 10-year forecast and an 8% discount rate.</i></p>				
Rationale:				
4	Annual compliance costs or savings of any single firm as a percentage of gross revenue	0% to 1%	1% to 5%	above 5%
OR	Impact to businesses	low	medium	high
<p><i>Impacts on businesses are not limited to increases in financial costs or savings, but could also include other impacts on productivity, competition, innovation, business risk, sales/revenue, market share, liability, branding, copyrights/patents, liquidity, human resources, price, logistics, product and others.</i></p>				
Rationale:				
5	Jobs lost or gained as a percentage of total sector labour force	0%	0% to 1%	above 1%
OR	Impact on Employment	low	medium	high
<p><i>If a regulatory proposal has no or negligible impacts on employment, it receives a low mark; if it may cause some job loss or gain up to 1% of total sector labour force, it receives a medium mark; and if it may cause job losses or gains above 1% of total sector labour force, it receives a high mark.</i></p>				
Rationale:				
6	Effects on international competitiveness of Canadian firms or sector	0% to 1%	1% to 5%	above 5%
OR	Impact on international competitiveness	low	medium	high
<p><i>If a regulatory proposal has no or negligible impact on competitiveness (e.g., loss or gain of 0% to 1% of international market share for Canadian business), it receives a low mark; if it may cause some impact (e.g., loss or gain of 1% to 5% of international market share for Canadian business), it receives a medium mark; and if it may cause significant impacts (e.g., loss or gain of more than 5% of international market share for Canadian business), it receives a high mark.</i></p>				
Rationale:				

7	Meets or complies with international trade agreements or obligations, or foreign relations	low	medium	high
<p><i>If a regulatory proposal meets or complies with international trade agreements or obligations, or foreign relations, it receives a low mark; if there is minor non-compliance, it receives a medium mark; and if it may not comply, it receives a high mark.</i></p>				
<p><u>Rationale:</u></p>				
SOCIAL				
8	Social impacts	low	medium	high
<p><i>If a regulatory proposal causes no or negligible social impacts (e.g., changes to people's way of life, culture, community, political systems, well-being, personal and property rights, fears and aspirations or raise ethical concerns) it receives a low mark; if it may cause some social impacts, it receives a medium mark; if it may cause significant social impacts, it receives a high mark. Special consideration should be given to vulnerable social and economic groups (e.g., Aboriginal, lower income Canadians, gender, children, the elderly, cultural groups and recent immigrants).</i></p>				
<p><u>Rationale:</u></p>				
REGIONAL DISTRIBUTION OF IMPACTS				
9	Effects on a certain region of Canada	low	medium	high
<p><i>If a regulatory proposal may cause no or negligible impacts on a certain region of Canada (e.g., Aboriginal communities, remote and rural regions or cities), it receives a low mark; if it may cause some localized impact (e.g., an impact on a few rural communities), it receives a medium mark; and if it may cause large regional impacts, it receives a high mark.</i></p>				
<p><u>Rationale:</u></p>				
PUBLIC SAFETY				
10	Impact on public safety	low	medium	high
<p><i>If a regulatory proposal has no or minimal impact on public safety (e.g., national safety and security, transportation and travel safety, criminal activity/policing, emergencies and disasters, family and home safety, financial safety, internet safety, product/consumer protection, recreational safety, school safety, bullying and workplace safety), it receives a low mark; if it has some impact, it receives a medium mark; and if it may cause significant impact, it receives a high mark.</i></p>				
<p><u>Rationale:</u></p>				

OTHER IMPACTS				
11	Controversy or opposition	low	medium	high
<p><i>If a proposal is not controversial and is supported by all key stakeholder groups, including political/lobby groups, it receives a low mark; if it is slightly controversial and/or is opposed by some stakeholders, it receives a medium mark. However, if the proposal is highly controversial, opposed by most stakeholders and/or faces large opposition, it receives a high mark.</i></p>				
Rationale:				
12	Inconsistent or interferes with action taken/planned by another federal department/agency or another level of government	low	medium	high
<p><i>If a regulatory proposal has no impact and is consistent with action taken/planned by another federal department/agency or another level of government (provincial, territorial, Aboriginal or municipal), it receives a low mark; if it may cause some minor inconsistencies or interferences (this can occur when there are overlapping mandates), it receives a medium mark; and if it may cause major inconsistencies or interference, it receives a high mark.</i></p>				
Rationale:				
13	Raises novel legal/policy issues, is in a new area of activity for government or sets a precedent	low	medium	high
<p><i>If a regulatory proposal does not raise novel legal/policy issues, is not in a new area of activity for government or does not set a precedent, it receives a low mark; if it raises some novel legal/policy issues, is in a new area of activity for government or sets a significant precedent, it receives a medium mark; and if it may raise large novel legal/policy issues, is in a completely new area of activity for government or sets a major precedent, it receives a high mark. To answer this question, one needs to consider the immediate impacts of this regulation and how it could potentially impact the development of future regulations and policies. For example, a regulatory proposal that provides a small subsidy may set the precedent for future and much larger subsidies.</i></p>				
Rationale:				

TOTAL (Add the total number of low, medium and high.)			
LEVEL OF SIGNIFICANCE			
<p>To estimate the level of significance of the regulatory proposal, use the following criteria.</p> <ul style="list-style-type: none"> • <u>Low Significance</u>: If the proposal registers low significance marks for all 13 questions, it is of low significance. For proposals of low significance, an abridged RIAS may be completed (Annex 2) and, in many cases, RAD would support a recommendation to ministers for an exemption from pre-publication. • <u>Medium Significance</u>: If a proposal receives a medium mark on any of the 13 questions, the proposal is of medium significance. Such a proposal will continue to be subject to the current RIAS format. For areas where a medium mark is received, a qualitative (narrative-oriented) analysis supported with any readily available quantitative (measurement-oriented) information must be provided. • <u>High Significance</u>: If a proposal receives one high mark or more, it is considered of high significance. Such a proposal will continue to be subject to the current RIAS format. For areas where a medium mark is received, a qualitative analysis supported with any readily available quantitative information will be required and a quantitative analysis will be required for areas that receive a high mark unless it is not possible to quantify the impacts, then a qualitative analysis will be required. 			

Departmental contact name and address (signature not required): _____

Director or higher signature: _____

Date: _____

RAD analyst signature: _____

Date: _____

ANNEX 2³

DRAFT TEMPLATE FOR LOW-SIGNIFICANCE RIAS

(Medium- and high-significance proposals will continue to be subject to the current RIAs with more in-depth analysis in areas where impacts are expected to be most important according to the triage questionnaire.)

Regulatory Impact Analysis Statement

Résumé de l'étude d'impact de la réglementation

(This statement is not part of the Proposed Regulations.)

(Ce résumé ne fait pas partie du projet de Règlement.)

Department or Agency

Ministère ou organisme

Title of Proposal

Titre du projet

Statutory Authority

Fondement législatif

Submitted for Consideration for:
Pre-publication

Soumis en vue de :
Publication préalable

Minister of XXX / Ministre de XXX

RIAS has four required sections:

- *Description*
- *Alternatives*
- *Consultation*
- *Contact*

³ Consult the *RIAS Writers Guide* for further information <www.pco-bcp.gc.ca/raoics-srdc/default.asp?Language=E&Page=Publications&Sub=Current>.

TEMPLATE FOR THE CURRENT VERSION OF THE RIAS⁴

Regulatory Impact Analysis Statement

Résumé de l'étude d'impact de la réglementation

(This statement is not part of the Proposed Regulations.)

(Ce résumé ne fait pas partie du projet de Règlement.)

Department or Agency

Ministère ou organisme

Title of Proposal

Titre du projet

Statutory Authority

Fondement législatif

Submitted for Consideration for:
Pre-publication

Soumis en vue de :
Publication préalable

Minister of XXX / Ministre de XXX

RIAS has six required sections:

- ***Description***
- ***Alternatives***
- ***Benefits and Cost***
- ***Consultation***
- ***Compliance and Enforcement***
- ***Contact***

⁴ The current RIAS format is subject to change.



(資料) User's guide to the best practice regulation handbook (オーストラリア)

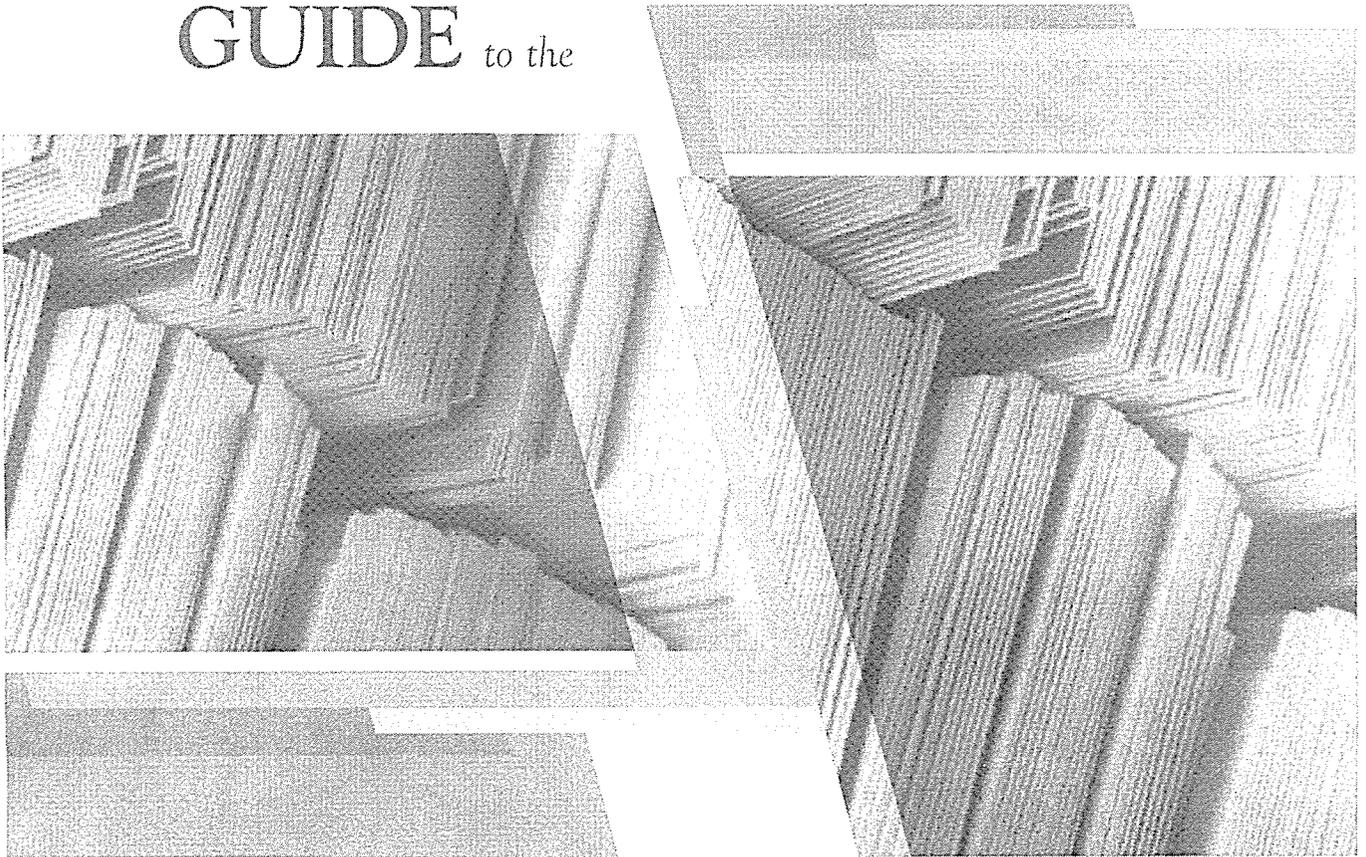
Australian Government

Office of Best Practice Regulation

THE OFFICE OF BEST PRACTICE REGULATION IS AN
OPERATING UNIT OF THE PRODUCTIVITY COMMISSION

DRAFT

USER'S GUIDE to the



BEST PRACTICE REGULATION HANDBOOK

November 2006

What are the Government's requirements?

What is regulation and why is it important to assess its impact?

- ◆ Regulation refers to any 'rule' endorsed by government where there is an expectation of compliance. It includes primary and subordinate legislation (legislative or non-legislative instruments) and quasi-regulation (such as codes of conduct, guidance notes, etc).
- ◆ Regulation is an essential part of running a well-functioning economy and society, but must be carefully designed so as not to have unintended or distortionary effects, such as restricting competition, or imposing unnecessarily onerous costs on those affected by the regulations. Assessing the impact of regulation, including analysing the costs and benefits, is therefore important to ensure that it delivers the intended objective without unduly causing adverse effects.

To improve the quality of regulation, the Government decided that:

- ◆ **All** proposals are required to undergo a preliminary assessment to establish whether they are likely to involve an impact on business and individuals or the economy, whether or not they are considered by the Cabinet.
- ◆ If the preliminary assessment shows that a proposal potentially involves medium compliance costs, a full assessment of the compliance cost implications should be carried out and documented in a Business Cost Calculator (BCC) report.
- ◆ Proposals that have a significant impact on business and individuals (whether in the form of compliance costs or other impacts) or that restrict competition, require more detailed analysis documented in a Regulation Impact Statement (RIS). If the impacts include medium or significant compliance costs, the BCC report forms part of the RIS.

What proposals are covered by the requirements?

- ◆ Proposals with regulatory and quasi-regulatory obligations being brought to the Cabinet by ministers.
- ◆ Letters with regulatory and quasi-regulatory obligations being referred to the Prime Minister by ministers for approval.
- ◆ Proposals (regulatory and quasi-regulatory) of ministers, boards, statutory authorities and regulators.

Do the requirements apply to my department/ agency?

- ◆ The requirements apply to *all* government departments, agencies, boards and statutory authorities.

What is the purpose of this *User's Guide*?

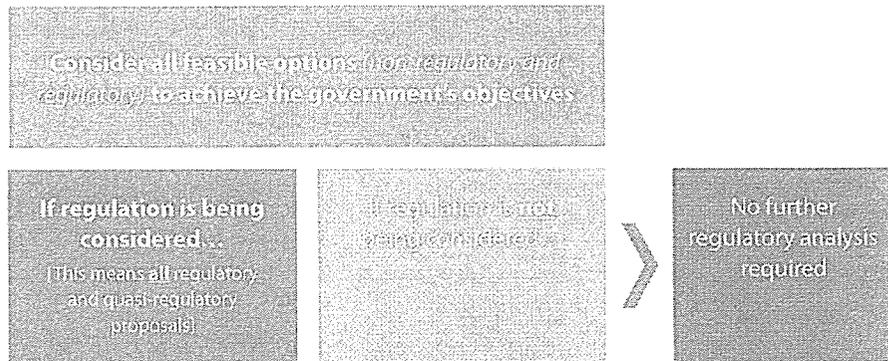
- ◆ This *User's Guide* provides an overview of the initial steps policy officers should follow to comply with the requirements.

What is the purpose of the *Handbook*?

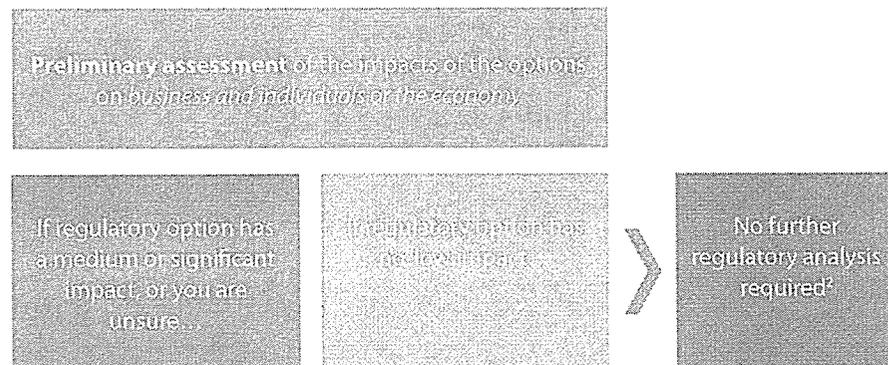
- ◆ The *Handbook* details the Government's best practice regulation requirements and contains advice on how to comply with them.

Getting Started ¹

STEP 1
Analyse the problem
(self assess)



STEP 2
Undertake a preliminary assessment
(self assess)



STEP 3
Consult with the OBPR



STEP 4
Determine the appropriate level of regulatory analysis³

		COMPLIANCE COSTS		
		No/Low	Medium	Significant
COMPETITION IMPACTS	No/Low	No further action	BCC Report	RIS including BCC report
	Significant	RIS	RIS including BCC report	RIS including BCC report

1. These procedures and processes are *mandatory* and apply to *all* government entities which review or make regulations that have an impact on business and individuals or the economy.
2. Record the reasons why you decided there are likely to be no or low impacts and report these to your agency's best practice regulation coordinator.
3. The OBPR determines whether a BCC report or RIS is required.

What are the key steps to follow?

Step 1 Analyse the problem

Once you have examined the problem and established a case for government intervention, you should identify the government's objective and consider all feasible options (non-regulatory and regulatory). (See part 4 of the *Handbook*.¹)

- ◆ If only non-regulatory solutions are considered, no further regulatory analysis is required.
- ◆ If regulation is considered, go to step 2.

Step 2 Undertake a preliminary assessment

Having considered a regulatory solution, you should undertake a preliminary assessment of business compliance costs and the impacts on business and individuals, or the economy. (For more information about the preliminary assessment requirements, see section 2.1 of the *Handbook*.)

Compliance costs

You are required to use the **Quickscan** function of the Business Cost Calculator (BCC) or approved equivalent to help identify any changes to compliance costs. This IT-based tool is designed to assist policy officers to identify and estimate business compliance costs. See box 1 of this *User's Guide*, and section 2.1 and appendix E of the *Handbook* for further information.

BCC **Quickscan** helps you identify whether the compliance costs imposed on businesses are likely to trigger the need for further analysis, based on the scope (number of firms involved) and the size of the compliance burden (money and time). Stakeholders should be consulted at this early stage to help determine the size of the compliance burden.

Impacts on business and individuals, including restrictions on competition

You should also identify any other impacts on business and individuals which require or encourage firms to alter their behaviour.

The **competition assessment checklist** at box 2 in this *User's Guide* can help determine the impact on competition of the proposed regulation. Restrictions on competition can include where the proposed regulation places limitations on market entry, price, output or production methods.

If a regulatory option is likely to have a significant impact on business and individuals **or** restricts competition (whether in the form of compliance costs or through other impacts) you may be required to prepare a RIS. Bear in mind that regulation affects business when it imposes a cost **or** confers a benefit on business (see section 2.3 of the *Handbook*).

- Impacts should be viewed from an economy wide perspective, taking into consideration their scope (number of businesses and individuals affected), scale (size of the costs and/or benefits to a business or individual) and type (direct or indirect) of impact.
- A RIS is not required if the regulatory proposal is minor or machinery in nature and does not substantially alter existing arrangements.
- ◆ If there are no or low impacts, the agency can self-assess and no further regulatory analysis is required. (If in doubt, contact the OBPR.) A report of the preliminary assessment should be provided to the best practice regulation coordinator in your agency.
- ◆ Otherwise, go to **step 3**.

Step 3 Consult with the OBPR

- ◆ You should contact OBPR to discuss or confirm whether further analysis is required.
- ◆ Go to **step 4**.

¹There are special arrangements applying to taxation measures, see part 5 of the *Handbook*.

Step 4 Determining the appropriate level of regulatory analysis

The OBPR, in consultation with departments and agencies, determines the likely level of impacts (see part 2 of the *Handbook*) and advises:

- ◆ **no further regulatory analysis** is required,
- ◆ a **BCC report** (or approved equivalent) is required,
- ◆ a **RIS** is required, or
- ◆ a **RIS (including a BCC report** or approved equivalent) is required.

Who can help?

- ◆ The **Office of Best Practice Regulation** (OBPR) provides advice, training and assistance on using the BCC and preparing RISs to help policy officers meet the Government's requirements.

To contact the **OBPR**:

- call the Helpdesk on 02 6240 3290
- email helpdesk@obpr.gov.au or
- go to the website if you need more information (www.obpr.gov.au).

Frequently asked questions

If the BCC Quickscan indicates that there are no compliance costs, do I have to do any further analysis?

No, you do not have to do any further regulatory analysis of the compliance costs to business of the proposal. However, you do need to assess the likely competition effects of the proposal (see part 2 of the *Handbook*).

If the BCC Quickscan indicates that there are compliance costs, do I have to do any further analysis?

Yes, you will need to assess whether these impacts are low. If the impact of the regulatory option is low, you do not have to do any further analysis of the compliance costs to business of the proposal. However, you do need to assess the likely competition effects of the proposal (see part 2 of the *Handbook*).

What is a BCC report and how do I start preparing one?

A BCC report provides a full compliance cost assessment.

- The key inputs are: the nature of the compliance tasks; who will perform them; how long each will take and how often each will be required; the associated labour and other costs; and supporting evidence for this information. Consultation with stakeholders will be one source of these data.
- The BCC outputs are a range of reports of individual compliance tasks and overall compliance costs. There is also a summary report — the BCC report.
- The OBPR website (www.obpr.gov.au) provides instructions on how to use the BCC, a tutorial and examples. Please contact the OBPR if you require training or assistance.

What is a RIS and how do I start preparing one?

A RIS is a document prepared for a regulatory proposal following consultation with affected parties.

- It has seven elements that set out: the problem, objectives, options, impacts, consultation, recommended option and strategy to implement and review the preferred option.
- A template outline and the Government's adequacy criteria for RISs are provided in part 3 of the *Handbook*. Detailed guidance on preparing a RIS is provided in parts 4 and 5 (for tax RISs). Please contact the OBPR if you require assistance.

At what stage is a BCC report or RIS required?

The Government requires that the RIS or BCC report (or equivalent) should be completed for the decision-making stage. However, analysis of the compliance costs and impact of a proposal should be considered early in the policy development process. Generally, BCC reports and RISs will be made public. (See section 2.4 of the *Handbook*.)

When should I start a BCC report or RIS?

Preparation of a BCC report or RIS should start early in the policy development process after initial consultation with stakeholders, where this is possible. Consultation with stakeholders is an important part of the policy development process and enhances the quality of regulation.

- For matters of major significance, an initial 'green paper' should be made available to stakeholders; and prior to finalisation, the details of complex regulations should be tested with relevant business and community stakeholders, including through exposure drafts.
- The analysis in the RIS and BCC report should feed into decision-making papers such as Cabinet submissions. (See section 2.4 of the *Handbook* and the *Drafter's Guide: Preparation of Cabinet Submissions and Memoranda*.)

How long should a RIS be?

There is no fixed length for a RIS. As for policy advice the emphasis is on **quality** not quantity.

- The level of analysis should be proportionate to the magnitude of the problem and the size of the potential impacts of the proposal.
- While the RIS should be a stand-alone document, technical or detailed supporting material could be placed on the sponsoring agency's website and cross referenced in the RIS.
- As a rough guide, for a simple straightforward proposal the RIS might be 6–8 pages. Even for a highly complex proposal the RIS could be less than 35 pages.

What happens if an agency is unable to comply with the requirements?

The Government has decided that, unless there are exceptional circumstances, a regulatory proposal cannot proceed to the Cabinet or other decision maker unless it has complied with the regulatory impact assessment requirements. (See sections 2.4 and 2.6 of the *Handbook*.) Where there are exceptional circumstances granted by the Prime Minister, the resulting regulation must be the subject of a post-implementation review within 1 to 2 years of the implementation of the proposal.

Box 1 Business Compliance Cost Checklist

As part of a regulatory impact assessment, a practical approach for considering the impacts on business compliance costs potentially flowing from regulatory proposals is through a set of threshold questions (a compliance cost checklist).

Would the regulatory proposal involve one of the following compliance tasks?

Notification

Will businesses incur costs when they are required to report certain events?

- For example, businesses may be required to notify a public authority before they are permitted to sell food.

Education

Will costs be incurred by business in keeping abreast of regulatory requirements?

- For example, businesses may be required to obtain the details of new legislation and communicate the new requirements to staff.

Permission

Are costs incurred in seeking permission to conduct an activity?

- For example, businesses may be required to conduct a police check before legally being able to employ staff.

Purchase cost

Are businesses required to purchase materials or equipment?

- For example, businesses may be required to have a fire extinguisher on site.

Record keeping

Are businesses required to keep records up-to-date?

- For example, businesses may be required to keep records of accidents that occur at the workplace.

Enforcement

Will businesses incur costs when cooperating with audits or inspections?

- For example, businesses may have to bear the costs of supervising government inspectors on site during checks of compliance with non-smoking laws.

Publication and documentation

Will businesses incur costs when producing documents for third parties?

- For example, businesses may be required to display warning signs around dangerous equipment or to display a sign at the entrance to home-based business premises.

Procedural

Will businesses incur costs that are of a non-administrative nature?

- For example, businesses may be required to conduct a fire safety drill several times a year.

Other

Are there any other business compliance costs associated with the regulatory proposal?

Box 2 Competition Assessment Checklist

As part of a regulatory impact assessment, a practical approach for considering the impacts on business and individuals and on competition potentially flowing from regulatory proposals is through a set of threshold questions (a competition checklist) followed by, where appropriate, a competition assessment.

The competition assessment checklist is made up of the following threshold questions. (Some examples are provided.)

Would the regulatory proposal affect the number and range of suppliers?

- Grant exclusive rights for a firm to supply a good or service?
- Establish a licence, permit or authorisation process as a requirement of operation?
- Affect the ability of some types of firms to participate in public procurement?
- Significantly alter costs of entry or exit to a supplier?
- Create a geographic barrier to the ability of firms to supply goods or services, invest capital or supply labour?

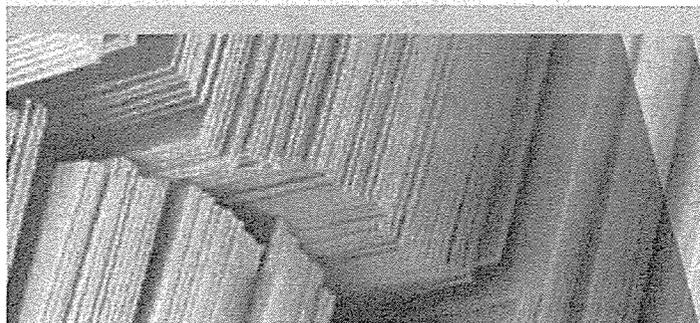
Would the regulatory proposal change the ability of suppliers to compete?

- Control or substantially influence the price at which a good or service is sold?
- Alter the ability of suppliers to advertise or market their products?
- Set standards for product/service quality that are significantly different from current practice?
- Significantly alter costs of some suppliers relative to others?

Would the regulatory proposal alter suppliers' incentives to compete vigorously?

- Create a self-regulatory or co-regulatory regime?
- Impact on the mobility of customers between suppliers?
- Require/encourage the publishing of information on company outputs/price, sales/cost?
- Exempt an activity from general competition law?

If the answer to any of these questions is 'yes', then further analysis may be required and you should contact the OBPR. (There may be other impacts on business and individuals which are not covered in the checklist. In such cases you should consult with the OBPR.)



Office of Best Practice Regulation

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(資料) A Guide to Preparing Regulatory Impact Statements (ニュージーランド)

COMMERCE

MINISTRY OF COMMERCE
Te Manatū Tauhokohoko

A Guide to Preparing Regulatory Impact Statements

16 March 1999

Quality of Regulation Team
Competition and Enterprise Branch

Contents

Part 1 - Regulatory Impact Statements: Cabinet Office Requirements	1
Introduction.....	1
What Is a Regulatory Impact Statement?	1
Content of a Regulatory Impact Statement	1
At What Stage Should a Regulatory Impact Statement Be Prepared?	2
Should a Regulatory Impact Statement Be Prepared for All Bills/Regulations?	2
Length of Regulatory Impact Statement	3
Part 2 - Recommended Guidelines for Preparing Regulatory Impact Statements	4
Problem Definition	5
<i>Explaining the Nature and Extent of the Problem.....</i>	<i>5</i>
Analytical Framework	5
<i>Why Develop a Framework?</i>	<i>5</i>
<i>Specifying Desired Objective(s).....</i>	<i>6</i>
<i>Specifying Key Principles</i>	<i>7</i>
<i>Identifying Key Impacts</i>	<i>7</i>
Identifying Feasible Options	8
<i>Broad Types of Standards.....</i>	<i>8</i>
<i>No Government Intervention</i>	<i>9</i>
<i>Status Quo.....</i>	<i>9</i>
<i>Extending Current Legislation of General Application</i>	<i>9</i>
<i>Increasing Enforcement.....</i>	<i>10</i>
<i>Information and Education Campaigns.....</i>	<i>10</i>
<i>Economic Instruments</i>	<i>10</i>
<i>Voluntary Standards/Codes of Practice.....</i>	<i>11</i>
<i>Self-Regulation</i>	<i>11</i>
<i>Co-Regulation.....</i>	<i>11</i>
Impact Assessment	12
<i>Context.....</i>	<i>12</i>
<i>Identifying All Significant Impacts</i>	<i>12</i>
<i>Avoidance of "Double Counting" Errors.....</i>	<i>14</i>
<i>Resource Allocation and Distributional Impacts</i>	<i>14</i>
<i>Comparing Options.....</i>	<i>15</i>
Techniques of "Formal" Cost Benefit Analysis.....	16
<i>Net Present Value</i>	<i>16</i>
<i>Decision Criteria, Risk and Sensitivity Analysis.....</i>	<i>17</i>
<i>Limited Application of Cost Benefit Techniques</i>	<i>18</i>
<i>The Cost Benefit Break Even Point.....</i>	<i>18</i>
<i>Cost Effectiveness Analysis</i>	<i>19</i>
<i>Presentation of Results</i>	<i>19</i>
Public Consultation.....	19
<i>What is Consultation?.....</i>	<i>19</i>
<i>Benefits of Consultation.....</i>	<i>20</i>
<i>Costs and Risks of Consultation.....</i>	<i>20</i>
<i>Forms of Consultation</i>	<i>20</i>
<i>Consultation on Sunset Clauses</i>	<i>21</i>
The Treaty of Waitangi, and Maori Policy.....	21
<i>The Treaty</i>	<i>21</i>
<i>Maori Policy.....</i>	<i>21</i>

Appendix 1 - Problem Identification	23
Markets and Market Failure	23
Government Failure	24
Appendix 2 - Common CBA Valuation Techniques	26
Market Prices	26
Shadow Prices	26
Revealed Preference Testing	26
Stated Preference Testing	26
Travel Cost Analysis	26
Hedonic Pricing	26
Appendix 3 - Regulatory Impact Statement - Example	27
Statement of the Problem and the Need for Action	27
Statement of the Public Policy Objective	27
Statement of Options for Achieving the Desired Objectives	27
<i>Non-Regulatory Measures</i>	27
<i>Regulatory Measures</i>	27
Statement of the Net Benefit of this Proposal [Option B]	28
<i>Benefits</i>	28
<i>Costs</i>	28
Consultation	29
Bibliography	30
Policy Framework	30
Cost Benefit Analysis	30
Consultation	30

Part 1 - Regulatory Impact Statements: Cabinet Office Requirements

Introduction

1. All policy proposals submitted to Cabinet which result in government bills or statutory regulations must be accompanied by a Regulatory Impact Statement (RIS), unless an exemption applies.
2. The requirement for a RIS has been introduced to improve the quality of regulation making, primarily through ensuring that regulatory proposals are cost-effective and justified.
3. The requirement for a RIS [as set out in CO (98) 5 see <http://www.dPMC.govt.nz/cabinet/circulars/co98/5.htm>] expands on the requirement to include a Compliance Cost Statement in Cabinet submissions to include information on the total regulatory impact of a proposal for regulatory action. It therefore replaces Cabinet Office Circular CO (95) 14, "Compliance Cost Assessment Framework", 29 November 1995, which sets out the compliance cost assessment requirements.

What Is a Regulatory Impact Statement?

4. A RIS is a tool to assist decision-making. It is a method of systematically and consistently examining potential impacts arising from government action and communicating the information to decision-makers. Both the analysis and communication aspects are important. Completion of a RIS will help provide the government with an assurance that new or amended regulatory proposals are subject to proper analysis and scrutiny as to their necessity, efficiency, and net impact on community welfare. This will enhance the government's ability to make well-based decisions.
5. The RIS should be easily incorporated into the assessment process used by policy agencies, as most of the information required should already be considered in the current processes. The RIS formalises and provides evidence of the steps that should be taken in policy formulation, and provides consistency in the presentation of this information in summary form.

Content of a Regulatory Impact Statement

6. The RIS should contain the following information:
 - a. a statement of the nature and magnitude of the problem and the need for government action;
 - b. a statement of the public policy objective(s);
 - c. a statement of feasible options (regulatory and/or non regulatory) that may constitute viable means for achieving the desired objectives(s);

- d. a statement of the net benefit of the proposal, including the total regulatory costs (administrative, compliance, and economic costs) and benefits (including non-quantifiable benefits) of the proposal, and other feasible options; and
- e. a statement of the consultative programme undertaken.

At What Stage Should a Regulatory Impact Statement Be Prepared?

7. The department, agency, or statutory authority responsible for a regulatory proposal should prepare the RIS, following consultation with affected parties. The RIS is required at the time “in principle” or final decisions on policy are sought from Cabinet, and before the preparation of drafting instructions on the bill or statutory regulations. It does not need to be resubmitted to Cabinet with the actual bill or regulations.

8. A RIS is not necessary for Cabinet submissions that are not seeking in principle or final decisions from Cabinet, although it may be prudent to provide a “work in progress” RIS when intermediate decisions are being sought.

9. To obtain the maximum benefit from the RIS process for new regulation (including amendments to existing regulation), the RIS should be prepared by officials once an administrative decision is made that regulation may be necessary, but before a policy decision is made by the government that regulation is necessary. This means the analytical framework underpinning a RIS will be used throughout the policy development process.

10. For reviews of existing regulation, the terms of reference for the review should reflect the key elements of the RIS, with any reports using a RIS framework. This ensures that the RIS framework is incorporated in the early stage in regulation reviews and is used until a final RIS is prepared, prior to policy decisions being made.

Should a Regulatory Impact Statement Be Prepared for All Bills/Regulations?

11. A RIS is required for all policy proposals submitted to Cabinet with legislative implications (leading to government bills and statutory regulations). The RIS should be attached to all Cabinet papers proposing a statutory rule unless the proposal comes within the exemptions listed below.

12. A RIS will not be required if the proposal falls within one of the following specific exemptions:

- a. where the proposal is of a minor or machinery nature and does not substantially alter existing arrangements;
- b. where it deals with administrative procedures within or between departments, and does not impact on business, consumers, or the public;
- c. where it is required to meet an obligation under an international agreement and the regulation primarily repeats or adopts the terms of the agreement, or part of the agreement;

- d. where it is to give effect, in terms announced in the Budget, to a specific Budget decision, where the decision is to:
 - i. repeal, impose, or adjust a tax, fee or charge; or
 - ii. confer, revoke or alter an entitlement; or
 - iii. impose, revoke or alter an obligation;
- e. where it is an Order in Council that provides solely for the commencement of enabling legislation or a provision of enabling legislation.

13. A separate statement, under the heading “Regulatory Impact Statement”, should be made in the body of the Cabinet submission indicating that the RIS attached to the submission complies with the requirements set out in Cabinet Office Circular CO (98) 5, or, alternatively, the RIS is not required as it falls within one of the exemptions (specifying which one).

14. In the case of proposals involving Supplementary Order Papers (SOPs), which can lead to significant changes to legislation before a select committee or the House, it is intended that a RIS will not be required. However, the submission to Cabinet on the proposal should identify whether the SOP would alter the content of the RIS that was the basis of Cabinet’s decision on the original policy/legislation, and if so, in what way.

Length of Regulatory Impact Statement

15. A RIS should succinctly explain the objectives of government action and why the proposed regulations are the most efficient means of achieving the objectives. The length of the RIS will depend largely on the complexity of the problem under consideration, the number of alternatives to be considered, and the extent of the cost benefit analysis conducted on the regulatory proposal and the alternatives. Typically, the greater the impact and the more complicated a regulation, the more detailed a RIS will become.

16. As a general rule of thumb, the length of a RIS should be no more than 3 pages. The number of pages constituting the RIS is excluded from the 10 page limit prescribed for Cabinet papers.

17. Care should also be taken, when preparing a RIS, to avoid the following:

- a. discussing peripheral matters and missing or disguising the central issue;
- b. forgetting the audience the RIS is being prepared for, and assuming prior knowledge of the topic;
- c. using industry jargon, without explanation, which may not be understood by a lay-person; and
- d. getting bogged down in technicalities.