

# **Improvements to the Implementation of Regulatory Impact Analysis Tools**

A number of improvements were undertaken during the course of the RIA project as a result of the following suggestions:

## **1. Corruption Impact Assessment**

Indonesian delegates at the first RIA Workshop suggested the development of corruption impact assessment guidelines. The corruption impact assessment is designed to examine, evaluate and remove, where appropriate, corruption-causing factors in laws, regulations and other legal instruments.

The Guidelines are designed to assist government agencies with identifying corruption-causing factors in legislation, regulations and other legal instruments and the supporting institutional arrangements, and to develop and implement appropriate strategies to remove identified corruption-causing factors.

The corruption impact assessment is based on South Korea's corruption impact assessment approach and draws on Thailand and Australian legislative examples. The contents of the Guidelines include:

- Corruption-Causing Factors
- Application and Scope for Reform
- Evaluation Process and Reporting
- Evaluation of Ease of Compliance
- Evaluation of Propriety of Discretionary Powers
- Evaluation of Transparency of Administrative Procedures
- Evaluation Checklist

## **2. Public Consultation Guidelines**

Ministry of Justice/National Economic and Social Development Board suggested the development of public consultation guidelines. Martin Oakley prepared a set of guidelines based on Malaysia's public consultation guidelines but also added a practical example of the type of stakeholders consulted in the proposed social regulation banning children less than six years of age being transported on a motorcycle.

## **3. Use of Case Studies a RIA Template**

Cambodia and several other APEC member delegates suggested the development of case studies and a RIA template. Ex ante and ex post RIA case studies were prepared for the RIA Guidelines and practical case studies were used for other documents such as the public consultation guidelines, corruption impact assessment guidelines, regulatory compliance cost measurement framework and the training course module.

#### 4. Multi-Disciplinary Approach to RIA preparation

Martin Oakley, Niskin Enterprises suggested using the Australian National Competition Policy Legislative Review model approach to the preparation of RIA to ensure independence in the review process with the establishment of multi-disciplinary teams from different departments.

#### 5. Case Study RIAs to complement RIA Guidelines

Martin Oakley, Niskin Enterprises suggested the preparation of a case study RIA to form part of the RIA Guidelines. An ex ante RIA case study was prepared on the proposed ban on children less than six years of age being transported on motorcycles.

Ministry of Justice/National Economic and Social Development Board suggested the preparation of an ex-post RIA case study to complement the ex ante case study RIA. Martin Oakley, Niskin Enterprises prepared an ex-post RIA case study on company registration regulation.

#### 6. Regulatory Compliance Cost Measurement Framework

Martin Oakley suggested the preparation of a Regulatory Compliance Cost Measurement Framework. The purpose of the framework is to make government departments aware of the costs regulations impose on individuals, businesses and organizations and to design compliance obligations that are the minimum necessary to achieve the policy objective.

The framework provides guidance on how to calculate compliance costs and to assess the efficiency and effectiveness of the compliance design with the following sections:

- Overview of the type of regulatory compliance costs that need to be measured: direct financial costs, administrative costs and substantive compliance costs.
- Costing regulatory activities with five key steps for calculating compliance costs (with formulas and examples).
- Compliance design efficiency assessment (analysis and international benchmarking).
- Reporting requirements (certificate of compliance and the role of the Office of Regulation Reform).
- Template for compliance cost measurement and compliance design efficiency assessment.

Ministry of Justice suggested the RIA requirements for new legislation to be incorporated into the Draft Constitution. The inclusion of the RIA requirements in the Draft Constitution is subject to a referendum to be held in August 2016.

## **General observations**

The APEC RIA project was initially confined to the preparation of RIA Guidelines, RIA implementation strategy, RIA curriculum and training.

However, the input of APEC member countries at the first and second workshops together with suggestions from the Ministry of Justice and the National Economic and Social Development Board, expanded the scope of the project to add complementary tools to assist Thai Government officials to develop a better understanding of the application of the RIA Guidelines. Accordingly, the APEC approach facilitated substantial improvements to the original project work plan.

The establishment of the RIA tools: RIA Guidelines, Ex ante and Ex post RIA case studies, regulatory compliance cost measurement framework, public consultation guidelines, corruption impact assessment guidelines, RIA implementation strategy, RIA curriculum and RIA training presentation provide the foundation for the implementation of RIA across the whole of Thailand Government.

However, the forthcoming roll-out of the RIA requirements poses a significant challenge to ensure that Thai Government Ministries, departments and regulators comply not just with the RIA requirements but also seek to deliver high quality RIA for new and existing regulation.

This will require ongoing monitoring by a central agency and a willingness to work together with government agencies to make adjustments and improvements, where necessary, to ensure the longevity of the RIA process in Thailand's regulation-making processes.