

GUIDANCE NOTE

Post implementation impact analysis statement (IAS)

This note provides key points to consider when undertaking and preparing a Post implementation IAS.

Purpose of a Post implementation IAS

The purpose of a Post implementation IAS is to assess the impacts, effectiveness and continued relevance of regulations that have been recently made and are in force.

Undertaking a Post implementation IAS requires an agency to focus on:

- whether a problem (requiring regulation) still exists
- the actual (rather than expected) impacts of a proposal
- whether there were any unintended consequences from the regulation’s implementation
- whether the regulation should continue, including whether any amendments should be made.

A Post implementation IAS involves a two-stage process.



When is a Post implementation IAS undertaken?

Cabinet may require an agency to complete a Post implementation IAS when a regulatory proposal has been exempted from the requirement to undertake regulatory impact analysis.

Where a Post implementation IAS is required, it must be commenced within two years (and completed within three years) of the implementation date of the regulation—unless Cabinet prescribes a different timeline or approach.

If a Post implementation IAS is prepared and completed earlier than these timelines, agencies should ensure there is sufficient data and information available to adequately inform the impact analysis.

An agency may also proactively decide to undertake a Post implementation IAS (or regulatory review) at any

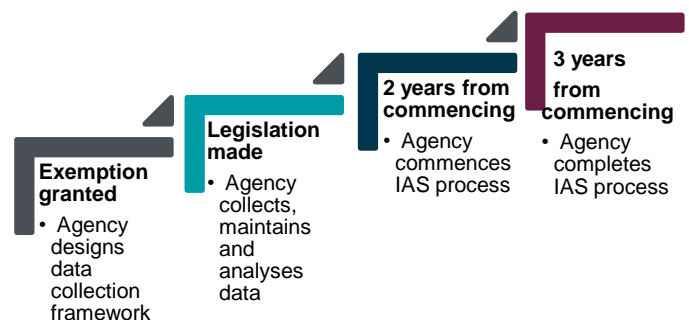
time, regardless of whether there is a requirement to do so, as part of their evaluation strategy.

This is also consistent with regulatory best practice principles. Please see section 3.2 of [The Queensland Government Better Regulation Policy](#) for further information.

We’ve been told to do a Post implementation IAS —what now?

As a first step, an agency should consider the design of a monitoring and evaluation framework. This prepares an agency to start collecting relevant data, such as the actual impacts of the regulation, as soon as the regulation commences.

The framework should include information such as proposed performance indicators.¹



When the regulation commences—either on passage of a Bill / making of a regulation, or by proclamation—an agency should begin to observe the regulation’s impacts and collect the necessary data for future analysis.

¹ For further information, please see the OBPR’s Implementation and Evaluation Guidance Note (available [here](#)).

Contents of a Post implementation IAS

A Post implementation IAS document addresses many of the same questions as an IAS and is similar in structure.

The key difference is that a Post implementation IAS is prepared *after* a regulation is implemented while an IAS is prepared *before* a regulation is made (and looks at *expected* impacts across various options).



The Post implementation IAS examines the actual observed impacts of the regulation being reviewed.

A Post implementation IAS should address the following matters:

- **the original problem and objectives**—what was the problem that the regulation intended to solve? What were the objectives of government action? Why was the policy (that became the regulation) preferred over other options?
- **assess the impacts of the regulation**—what are the observed impacts (costs and benefits) of the regulation since implementation? Are there any unintended consequences?
- **effectiveness of the regulation**—is the regulation working as intended? Has the regulation solved (or made progress towards solving) the problem? Is it meeting the original policy objectives?
- **should the regulation be retained?** Is there a genuine need for continued regulation? If yes, is the current regulation the best option? What impacts would arise if the regulation expired / was repealed?
- **proposed amendments**—list any proposed improvements to the regulation (especially if the problem is not being adequately addressed) and discuss potential impacts.

Agencies should include the data it has collected, in addition to any data collected by industry and any data provided during preliminary consultation with stakeholders.

Key impact assessment tips:

- focus on the actual impacts of the regulation since its implementation
- consider whether other factors contributed to results (e.g. are some of the costs or benefits due to other regulatory or enforcement action)
- look at how the impacts affect different stakeholders (e.g. individuals vs business, large vs small business)
- quantify impacts where possible—especially compliance costs (e.g. time to complete paperwork)
- consider compliance and enforcement impacts of the agency/regulator's actions and strategies
- note any impacts to competition and the market
- undertake preliminary consultation with industry

The IAS template² requires quantitative analysis to be completed to the extent possible. The agency also has the ability to qualify its estimated costs and benefits and record non-quantifiable costs and benefits in the template. If the impacts are considered to be negligible or trivial, the agency should explain how it has drawn this conclusion.

Assessment of a Consultation Post implementation IAS

Departments and agencies are responsible for preparing post implementation IASs and undertaking consultation to report to the Minister. An agency should consult with the Office of Best Practice Regulation (the OBPR) on the Post implementation IAS

Following preparation, the relevant Minister and Director-General confirms the Post implementation IAS meets the requirements of the Policy and is consistent with the RIA requirements.

² Available at www.treasury.qld.gov.au/betterregulation

Approval and release of a Consultation Post implementation IAS

An agency must seek approval from the relevant Minister of a Consultation Post implementation IAS (unless the Minister considers Cabinet approval is required).

Once the Consultation Post implementation IAS is approved, the agency should:

- publish the Post implementation IAS on the 'Get involved' website, and the departmental website, for a minimum of 28 days
- provide the OBPR with a copy of the Post implementation IAS for its records.

Preparation and approval of a Decision Post implementation IAS

Following consultation, a Decision Post implementation IAS is prepared which updates and builds on the Consultation Post implementation IAS and includes:

- a summary of the submissions received during consultation and the key views of stakeholders
- a discussion of whether any of the information or analysis contained in the Consultation Post implementation IAS has changed based on information received during consultation
- a final assessment of the regulation's effectiveness and any recommended amendments and their impacts.

The Decision Post implementation IAS should be used to support any proposed amendments to the regulation. Like the Consultation Post implementation IAS, the Decision Post implementation IAS must be approved and signed by the Minister and Director-General, and, if requiring Cabinet or Cabinet Committee approval, should accompany the submission to the decision-making body.