

## Guide to Better Regulation

**Agencies must demonstrate that all new and amending regulatory proposals meet the better regulation requirements outlined in the Guide to Better Regulation (TPP19-01). This circular replaces Premier's Memorandum M2009-20 *Guide to Better Regulation*.**

### Summary

In December 2017, the Premier assigned responsibility for regulatory policy to the Treasurer.

The Guide to Better Regulation (the Guide) has been revised to reflect the changes in the roles and responsibilities of the Treasurer and Treasury for the NSW regulatory policy framework. This circular replaces Premier's Memorandum M2009-20 *Guide to Better Regulation*. The better regulation requirements and the intent of the Guide remain unchanged.

Agencies must demonstrate that all new and amending regulatory proposals submitted for consideration by Cabinet or the Executive Council meet the better regulation requirements outlined in TPP19-01, the revised Guide to Better Regulation.

### What is required?

In developing, managing and reviewing regulatory proposals, agencies must meet the following requirements:

- New and amending regulatory proposals must demonstrate compliance with the better regulation requirements under the Guide and/or requirements under the *Subordinate Legislation Act 1989*.
- A Better Regulation Statement is required for significant new and amending regulatory proposals, and must be published online on the agency's website.
- The impacts of the proposal must be identified and justified through quantitative and qualitative analysis of all available data. The level of analysis should be proportionate to the significance of the proposal.
- Effective consultation with stakeholders is required to inform the development of regulatory proposals and to assist the Government to thoroughly understand the impacts.
- Opportunities to simplify, repeal, reform or consolidate existing regulation should be considered.
- The options should include digital solutions to make existing or new requirements easier to meet.
- Planning for implementation, compliance, enforcement and monitoring must be undertaken as part of regulatory development to improve regulatory design and avoid unnecessary compliance costs.

- A rigorous post-implementation review (using all available data) is required so regulation remains relevant, continues to meet its policy objectives and does not impose unnecessary regulatory burdens as circumstances change.

## **Application**

The term 'regulatory proposal' is used in this circular in the broadest possible sense to cover any policy proposals with an option to implement, remove or transfer any rule that has an expectation of compliance, either statutory or non-statutory.

Agencies working on regulatory proposals are encouraged to engage with Treasury as early as possible in the policy cycle to discuss the better regulation requirements. Treasury's Regulatory Improvement Branch can be contacted at [BetterRegulation@treasury.nsw.gov.au](mailto:BetterRegulation@treasury.nsw.gov.au).

## **Further information**

The revised Guide to Better Regulation (TPP19-01) is available at <https://www.treasury.nsw.gov.au/documents-resources/documents-library>.

Michael Pratt AM  
Secretary

**Further Information:** **Regulatory Improvement Branch, NSW Treasury**  
[BetterRegulation@treasury.nsw.gov.au](mailto:BetterRegulation@treasury.nsw.gov.au)

**NSW Treasury website:** [www.treasury.nsw.gov.au/](http://www.treasury.nsw.gov.au/)