



Listening · Learning · Leading

A Framework for Regulatory Excellence

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Best-in-Class Regulator Initiative



Research

- Analysis of strategic plans
- 5 regulatory “core” papers
- Edited book (Brookings Institution Press)

Public Engagement

- 1:1 Stakeholder interviews
- Aboriginal dialogue
- Province-wide dialogue

Expert Elicitation

- Internat’l expert dialogue
- Other seminars, meetings
- Peer review

The Quest for Regulatory Excellence



Attributes of Regulatory Excellence

APPENDIX B: ATTRIBUTES OF REGULATORY EXCELLENCE

Alberta Energy Regulator (2014)

1. Protective
2. Effective
3. Efficient
4. Credible

Australian Communications and Media Authority (2013)

1. Bridging to the Future
2. Transforming the Agency
3. Major program delivery
4. Effective regulation

Brown, et al (2006)

1. Independence
2. Accountability
3. Transparency and Public Participation
4. Feasibility
5. Clarity of Role
6. Completeness and Clarity in Rules
7. Responsiveness
8. Resource Powers
9. Appropriate Institutional Characteristics
10. Integrity

Environnement Canada (2012)

1. Evidence based decision making
2. Effectiveness
3. Efficiency
4. Transparency
5. Availability

Favell & Goodman (2013)

1. Use of better evidence for decision making
2. Greater engagement and empowerment of citizens
3. Thoughtful investments in expertise and skill building
4. Closer collaboration with the private and social sectors

Geddes, et al (2013)

1. Streamlining ... strategic goals
2. Using efficient and transparent processes
3. Strengthening capabilities
4. Building expertise
5. Providing customers with user-functional support
6. Working as a coordinated and cohesive internal team

Government of Alberta (2016)

1. Effective
2. Efficient
3. Adaptable
4. Predictable
5. Fair
6. Transparent

Hemping, Scott (2014)

1. Purposeful
2. Educated
3. Decisive
4. Independent
5. Streamlined
6. Synchronizing
7. Creative
8. Respectful
9. Ethical

Manford, Peter (2011)

1. Growth supporting
2. Proportional
3. Flexible and durable
4. Certain and predictable
5. Transparent and accountable
6. Capable Regulators

New Zealand Ministry of Business, Innovation & Employment (2012)

1. Efficiency
2. Effectiveness
3. Transparency
4. Clarity
5. Equity

New Zealand Treasury (2012)

1. Growth supporting
2. Proportional
3. Flexible
4. Durable
5. Certain and predictable
6. Transparent and accountable
7. Capable Regulators

OECD (2008)

1. Adopt at the political level broad programmes of regulatory reform that establish clear objectives and frameworks for implementation.
2. Assess impacts and review regulations systematically to ensure that they meet their intended objectives efficiently and effectively in a changing and complex economic and social environment.
3. Ensure that regulations, regulatory institutions charged with implementation, and regulatory processes are transparent and non-discriminatory.
4. Review and strengthen where necessary the scope, effectiveness and enforcement of competition policy.
5. Design economic regulations in all sectors to stimulate competition and efficiency, and eliminate those except where clear evidence demonstrates that they are the best way to serve broad public interests.
6. Eliminate unnecessary regulatory barriers to trade and investment through continued liberalisation and enhance the coordination and better integration of market openness throughout the regulatory process, thus strengthening economic efficiency and competitiveness.
7. Identify important linkages with other policy objectives and develop policies to achieve those objectives in ways that support reform.

OECD (2012)

1. Commit at the highest political level to an explicitly whole-of-government policy for regulatory quality.
2. Adhere to principles of open government, including transparency and participation in the regulatory process to ensure that regulation serves the public interest and is informed by the legitimate needs of those interested in and affected by regulation.
3. Establish mechanisms and institutions to actively promote oversight of regulatory policy processes and goals, support and implement regulatory policy, and thereby raise regulatory quality.

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2. Conduct systematic programme review of the need of significant regulator against clearly defined policy goals, including consideration of costs and benefits, to ensure that regulations remain up to date, cost justified, cost effective and consistent, and deliver the intended policy objectives.

3. Regularly publish reports on the performance of regulatory policy, and reform programmes and the public authorities applying the regulations.

4. Develop a consistent policy covering the role and functions of regulatory agencies in order to provide greater confidence that regulatory decisions are made on an objective, impartial and consistent basis, without conflicts of interest, bias or improper influence.

5. Ensure the effectiveness of systems for the review of the legality and procedural fairness of regulators and of decisions made by bodies empowered to issue regulatory functions. Ensure that citizens and businesses have access to these systems of review at reasonable cost and receive decisions in a timely manner.

6. An appropriate apply risk assessment, risk management, and risk communication strategies to the design and implementation of regulations to ensure that regulation is targeted and effective.

7. Where appropriate promote regulatory coherence through co-ordination mechanisms between the supranational, the national and sub-national levels of government.

8. Foster the development of regulatory management capacity and performance at sub-national levels of government.

9. In designing regulatory measures, give consideration to all relevant international standards and frameworks for consideration in the same field and, where appropriate, their likely effects on parties outside the jurisdiction.

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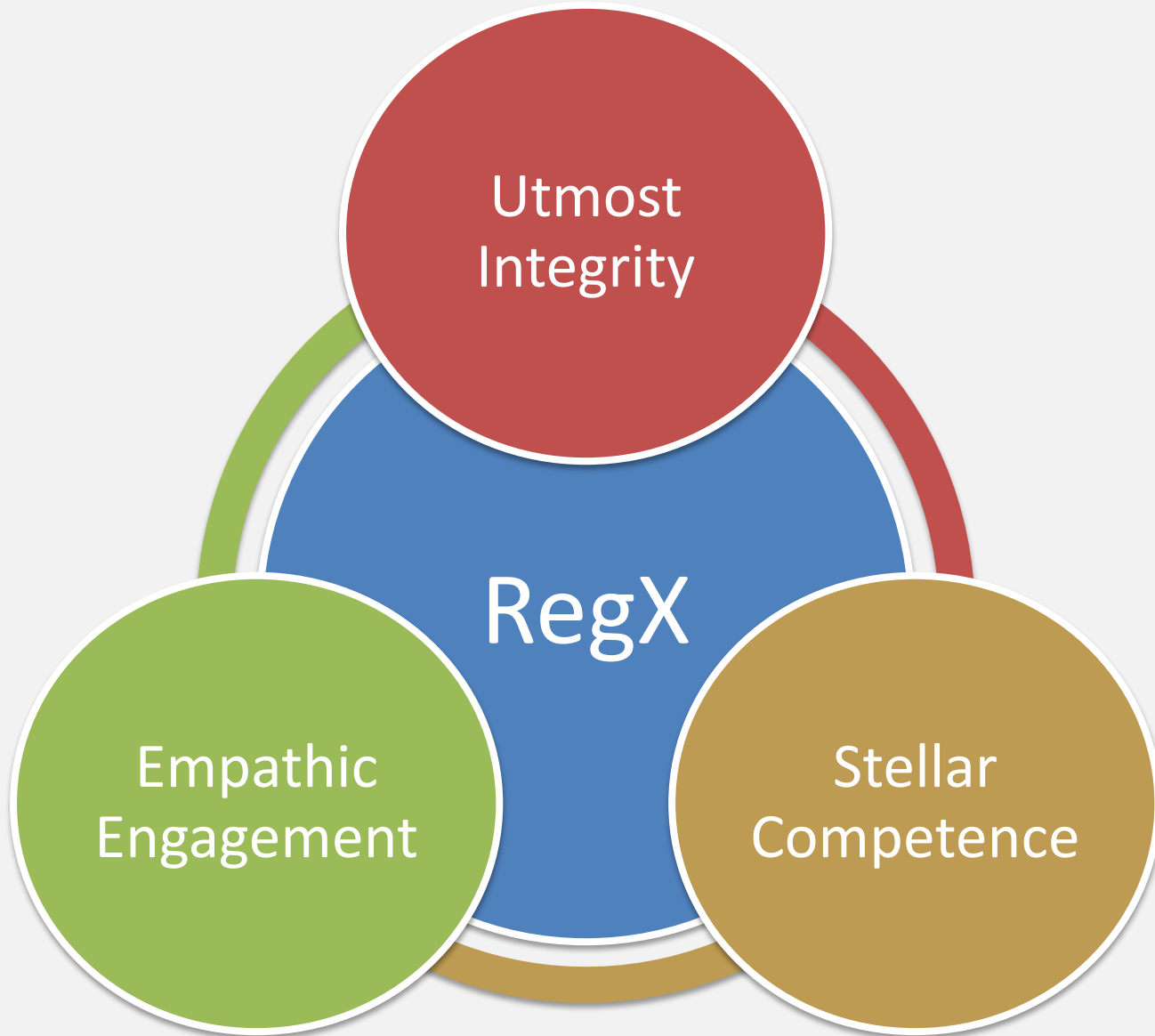
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Source: Appendix B to Interim Convener's Report

RegX: Atoms of Excellence





Nine tenets of regulatory excellence

An excellent regulator consistently holds itself to the highest standards of integrity.

1. Fidelity to law

2. Respect for democracy

3. Commitment to public interest



Nine tenets of regulatory excellence

An excellent regulator engages empathically with all facets of society when making decisions and exercising authority.

4. Even-handedness

5. Listening

6. Responsiveness



Nine tenets of regulatory excellence

An excellent regulator demonstrates consistently stellar competence by using its available resources to maximize public value.

7. Analytical capability

8. Instrumental capacity

9. High performance

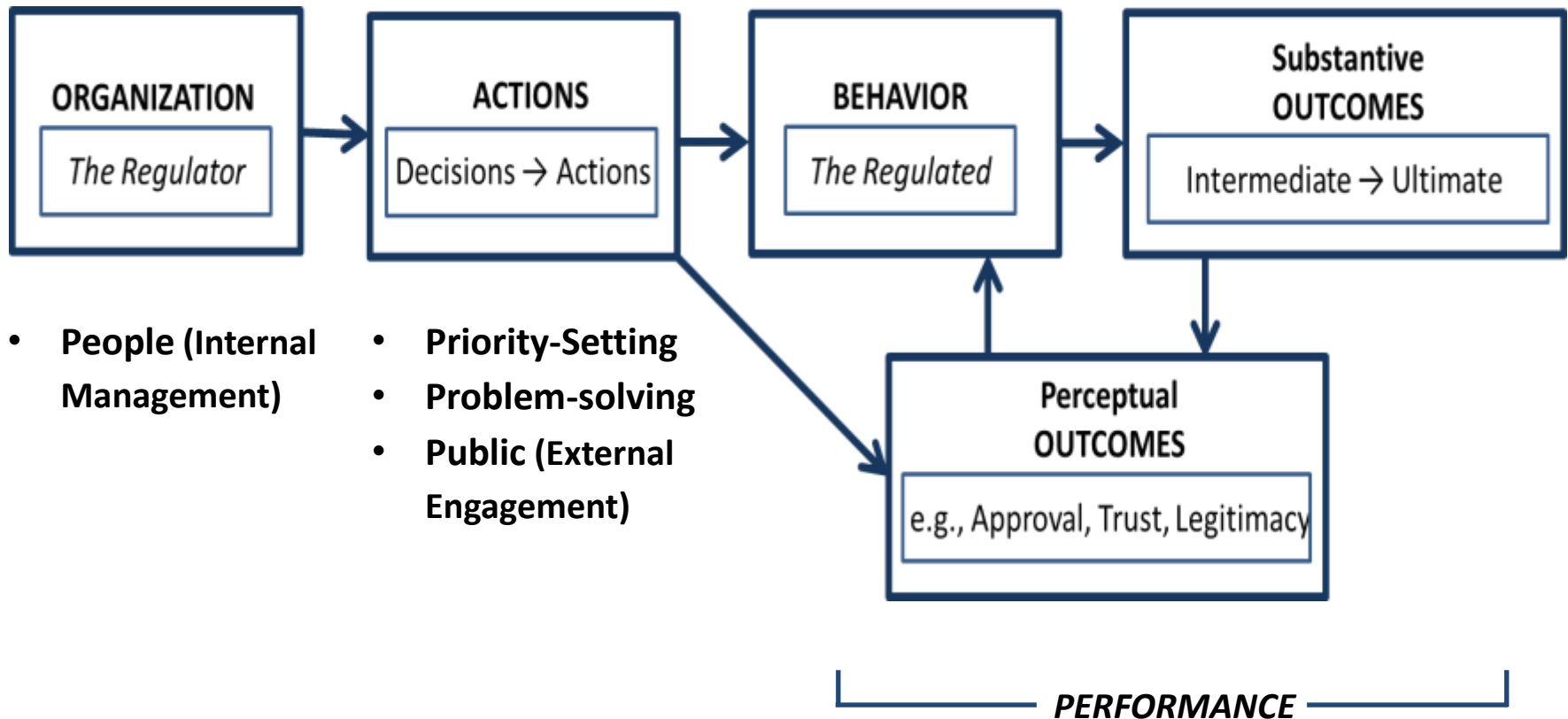


To what do the attributes and tenets apply?

The regulator's ...

- **Traits** (as organization)
- **Actions**
- **Outcomes**

A Model of Regulatory Excellence



Seeking Regulatory Excellence

- **Organization (Internal Management)**
 - ❖ **Mission**
 - ❖ **Autonomy**
 - ❖ **Resources**
 - ❖ **Culture**
 - ❖ **Human capital**
- **Actions**
 - ❖ **Priority-setting (e.g., risk-informed)**
 - ❖ **Problem-solving**
 - **Rule-making**
 - **Rule-application**
 - **Incident response**
 - ❖ **Public / External Engagement**

Seeking Regulatory Excellence

- Organization (Internal Management)
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 - Rule-making
 - Rule-application
 - Incident response
 - ❖ Public / External Engagement
 - ❖ Measurement & evaluation

Measuring Regulatory Excellence

General Attributes

e.g., Stellar Competence



Specific Attributes

e.g., Effective at improving human health



Indicators

e.g., Reduction in asthma cases



Data sources

e.g., lung testing, hospital records, public survey



Methods

e.g., causal attribution versus non-attribution (check-box; condition-monitoring, etc.)



Evaluators

e.g., self-evaluation, peer review, third-party evaluator



Recommendations

1. Align **strategic priorities** *around RegX*
2. Align **organizational culture** *around RegX*
3. Build **human capital** *around RegX*
4. **Involve public** *in pursuit of RegX*
5. Use **strategic measurement** *for RegX*

Utmost Integrity

- ☑ Fidelity to law
- ☑ Respect for democracy
- ☑ Commitment to public interest

Empathic Engagement

- ☑ Even-handedness
- ☑ Listening
- ☑ Responsiveness

RegX

Stellar Competence

- ☑ Analytical capability
- ☑ Instrumental capacity
- ☑ High performance



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