



EVIDENCE BASED POLICY ANALYSIS 20 CASE STUDIES

*A report commissioned by the Evidence Based Policy Research Project and facilitated by the
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About Per Capita

Per Capita is an independent progressive think tank, dedicated to fighting inequality in Australia. We work to build a new vision for Australia based on fairness, shared prosperity, community and social justice.

Our research is rigorous, evidence-based and long-term in its outlook. We consider the national challenges of the next decade rather than the next election cycle. We ask original questions and offer fresh solutions, drawing on new thinking in social science, economics and public policy.

Our audience is the interested public, not just experts and policy makers. We engage all Australians who want to see rigorous thinking and evidence-based analysis applied to the issues facing our country's future.

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Emma Dawson is the Executive Director of Per Capita. Formerly, she was a senior advisor on Digital Inclusion at Telstra, Executive Director of the Institute for a Broadband Enabled Society at the University of Melbourne, and a senior policy advisor in the Rudd and Gillard governments. She has published reports and articles on a wide range of public policy issues.

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Introduction

Evidence-based policy

This report addresses the problem that policymaking in Australia is falling short of best practice. Policies are often built “on the run” as quick reactions to the political issue of the day, designed to capture the interest of the 24-hour news cycle or motivated by short-term political advantage.¹ This can result in failed policy implementation and poor results for citizens, politicians, and society at large, especially when it undermines public confidence in policymaking.

The Institute of Public Administration Australia (IPAA) 2012 discussion paper *Public Policy Drift* argued that governments must replace “policy on the run” with a “business case approach” to address the “sense of crisis in the policymaking system”.² This approach would involve designing policies based on evidence, consultation, analysis, and debate. The paper outlined a business case approach based on Professor Kenneth Wiltshire’s *Ten Criteria for a Public Policy Business Case* and analysed 18 federal policies against that criteria, finding that only eight satisfied these standards for policymaking.

In 2018, the newDemocracy Foundation commissioned two think tanks with different ideological leanings – Per Capita and the Institute of Public Affairs (IPA) – to repeat the analysis, ranking 20 recent high profile policies (eight federal, and four from each of New South Wales, Victoria, and Queensland) against the Wiltshire criteria. Per Capita and the IPA chose the case studies together to avoid political bias and agreed on the following:

Federal	New South Wales	Victoria	Queensland
Commonwealth Electoral Amendment Bill 2016	Greyhound Racing Prohibition Bill 2016	Access to Medicinal Cannabis Act 2016	Tackling Alcohol-Fuelled Violence Act 2016
Abolition of 457 visa	Local council amalgamations	Voluntary Assisted Dying Bill 2017	North Queensland Stadium
National Energy Guarantee	Fire and emergency services levy	Climate Change Act 2017	Legalising ride-sharing apps
Broadcasting Reform Bill 2017	Criminal justice reforms	Advancing the Treaty Process with Aboriginal Victorians Act 2018	Vegetation Management Bill 2018
Australian Marriage Law Postal Survey			
Enterprise Tax Plan 2017			
Future Submarine Program			
Creation of Home Affairs department			

¹ <http://www.ipaa.org.au/documents/2012/05/public-policy-drift.pdf/>

² <http://www.ipaa.org.au/documents/2012/05/public-policy-drift.pdf/>

Methodology

The aim of this project was to coax more evidence-based policy decisions by all tiers of Government by reviewing and rating 20 high profile government decisions against the Wiltshire business case criteria. These criteria are outlined below:

Ten Criteria for a Public Policy Business Case	
1.	Establish Need: Identify a demonstrable need for the policy, based on hard evidence and consultation with all the stakeholders involved, particularly interest groups who will be affected. ('Hard evidence' in this context means both quantifying tangible and intangible knowledge, for instance the actual condition of a road as well as people's view of that condition so as to identify any perception gaps).
2.	Set Objectives: Outline the public interest parameters of the proposed policy and clearly establish its objectives. For example interpreting public interest as 'the greatest good for the greatest number' or 'helping those who can't help themselves'.
3.	Identify Options: Identify alternative approaches to the design of the policy, preferably with international comparisons where feasible. Engage in realistic costings of key alternative approaches.
4.	Consider Mechanisms: Consider implementation choices along a full spectrum from incentives to coercion.
5.	Brainstorm Alternatives: Consider the pros and cons of each option and mechanism. Subject all key alternatives to a rigorous cost-benefit analysis. For major policy initiatives (over \$100 million), require a Productivity Commission analysis.
6.	Design Pathway: Develop a complete policy design framework including principles, goals, delivery mechanisms, program or project management structure, the implementation process and phases, performance measures, ongoing evaluation mechanisms and reporting requirements, oversight and audit arrangements, and a review process ideally with a sunset clause.
7.	Consult Further: Undertake further consultation with key affected stakeholders of the policy initiative.
8.	Publish Proposals: Produce a Green and then a White paper for public feedback and final consultation purposes and to explain complex issues and processes.
9.	Introduce Legislation: Develop legislation and allow for comprehensive parliamentary debate especially in committee, and also intergovernmental discussion where necessary.
10.	Communicate Decision: Design and implement a clear, simple, and inexpensive communication strategy based on information not propaganda, regarding the new policy initiative.

Although we aimed to put ideology completely to one side, total objectivity is, of course, impossible. Broad ideas like 'the public interest' and 'key affected stakeholders' are open to interpretation. To make the assessment of the policies against the Wiltshire criteria more objective, Per Capita and the IPA were also provided with a set of guiding questions, where a 'Yes' answer would indicate the policy had met the corresponding criterion, and a 'No' answer would mean it had not. These questions are listed below:

- 1) Is there a statement of why the policy was needed based on factual evidence and stakeholder input?
- 2) Is there a statement of the policy's objectives couched in terms of the public interest?
- 3) Is there a description of the alternative policy options considered before the preferred one was adopted?
- 4) Is there a disclosure of the alternative ways considered for implementing the chosen policy?
- 5) Is there a published analysis of the pros/cons and benefits/costs of the alternative options/mechanisms considered in 3 and 4?

- 6) Is there evidence that a comprehensive project management plan was designed for the policy's rollout?
- 7) Was there further consultation with affected stakeholders after the preferred policy was announced?
- 8) Was there a) a Green paper seeking public input on possible policy options and b) a White paper explaining the final policy decision?
- 9) Was there legislation and adequate Parliamentary debate on the proposed policy initiative?
- 10) Is there an online official media release that explains the final policy in simple, clear and factual terms?

These questions lowered the threshold for a policy to meet the criteria, meaning our ratings are likely more generous than they would have been without them. For a policy to meet criterion 2, for example, a public interest argument only had to be made, regardless of whether it was successful or if we agreed the policy's objectives were truly in the public interest. Similarly, the existence of a media release was all that was required for a policy to meet criterion 10, rather than evidence of a successful communication strategy. For criterion 8, we agreed with the IPA that any sequence of a discussion paper followed by a policy paper would 'count' as the equivalent of a Green and White paper process.

Disclaimer

Each case study was analysed and rated on whether it complied with good policy making **processes** as defined by the Wiltshire criteria, not on whether it achieved its intended social, economic, or environmental **outcomes**, many of which may not yet be known.

Findings

For a policy to meet the Wiltshire criteria, it needs to score more than 5 out of 10. Of the 20 policies we analysed, 11 were found to have met the Wiltshire criteria, while 9 failed. This shows that although there is high quality policymaking in Australia, especially at the state level, policymaking still often falls short of the best practice the public should expect. Notably, all of the Victorian state government policies we assessed met the Wiltshire criteria.

The policies that passed the Wiltshire test were:

- VIC: Access to Medicinal Cannabis Act 2016 (9/10)
- VIC: Voluntary Assisted Dying Bill 2017 (9/10)
- QLD: Legalising ride-sharing apps (9/10)
- FED: Commonwealth Electoral Amendment Bill 2016 (8/10)
- NSW: Criminal justice reforms (8/10)
- NSW: Greyhound Racing Prohibition Bill 2017 (7/10)
- VIC: Advancing the Treaty Process with Aboriginal Victorians Act 2018 (7/10)
- FED: National Energy Guarantee (6/10)
- FED: Future Submarine Program (6/10)
- VIC: Climate Change Act 2017 (6/10)
- QLD: Tackling Alcohol-Fuelled Violence Act 2016 (6/10)

The policies that failed the Wiltshire test were:

- FED: Abolition of 457 visa (5/10)
- FED: Enterprise Tax Plan 2017 (5/10)
- QLD: North Queensland Stadium (5/10)
- FED: Broadcasting Reform Bill 2017 (4/10)
- NSW: Fire and emergency services levy (4/10)
- QLD: Vegetation Management Bill 2018 (3/10)
- FED: Australian Marriage Law Postal Survey (2/10)
- FED: Creation of Home Affairs department (2/10)
- NSW: Local council amalgamations (2/10)

Full scores for each policy are outlined in the table overleaf.

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	Evidence-based need	Public interest paramaters	Alternatives considered	Implementation choices	Cost-benefit analysis	Policy design framework	Further consultation	Green then White paper	Legislation	Communication	Total score
<i>FED</i> : Commonwealth Electoral Amendment Bill 2016	Y	Y	Y	Y	N	Y	Y	N	Y	Y	8/10
<i>FED</i> : Abolition of 457 visa	Y	Y	N	N	N	Y	Y	N	N	Y	5/10
<i>FED</i> : National Energy Guarantee	Y	Y	N	Y	N	Y	N	Y	N	Y	6/10
<i>FED</i> : Broadcasting Reform Bill 2017	Y	N	Y	N	N	N	N	N	Y	Y	4/10
<i>FED</i> : Australian Marriage Law Postal Survey	N	N	N	Y	N	N	N	N	N	Y	2/10
<i>FED</i> : Enterprise Tax Plan 2017	Y	Y	N	N	Y	N	N	N	Y	Y	5/10
<i>FED</i> : Future Submarine Program	Y	Y	Y	Y	N	N	N	Y	N	Y	6/10
<i>FED</i> : Creation of Home Affairs department	N	Y	N	N	N	N	N	N	N	Y	2/10
<i>NSW</i> : Greyhound Racing Prohibition Bill 2016	Y	N	N	N	Y	Y	Y	Y	Y	Y	7/10
<i>NSW</i> : Local council amalgamations	Y	N	N	N	N	N	N	N	N	Y	2/10
<i>NSW</i> : Fire and emergency services levy	Y	N	Y	Y	N	N	N	N	Y	N	4/10
<i>NSW</i> : Criminal justice reforms	Y	Y	Y	Y	N	Y	Y	N	Y	Y	8/10
<i>VIC</i> : Access to Medicinal Cannabis Act 2016	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	9/10

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<i>VIC</i> : Voluntary Assisted Dying Bill 2017	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	9/10
<i>VIC</i> : Climate Change Act 2017	Y	Y	Y	N	N	Y	N	N	Y	Y	6/10
<i>VIC</i> : Advancing the Treaty Process with Aboriginal Victorians Act 2018	Y	Y	Y	Y	N	N	Y	N	Y	Y	7/10
<i>QLD</i> : Tackling Alcohol-Fuelled Violence Act 2016	Y	Y	N	Y	N	N	Y	N	Y	Y	6/10
<i>QLD</i> : North Queensland Stadium	Y	Y	Y	Y	N	N	N	N	N	Y	5/10
<i>QLD</i> : Legalising ride-sharing apps	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	9/10
<i>QLD</i> : Vegetation Management Bill 2018	Y	N	N	N	N	N	N	N	Y	Y	3/10

Federal case studies

Commonwealth Electoral Amendment Bill 2016

Prior to the introduction of the electoral reform bill, voters could vote above the line (ATL) or below the line (BTL) on Senate ballot papers. Voting ATL meant voters marked 1 in the box of the party they were voting for, and the party decided their preferences. Voting BTL meant numbering every single candidate box in order, which could mean numbering hundreds of boxes. Voting ATL was therefore far less complex than voting BTL, and much more popular. 95% of Australians voted ATL.³ With so many people voting ATL, 'micro-parties' were able to make deals and swap preferences to win seats.⁴

This issue came to public attention following the 2013 federal election in which micro-parties enjoyed relative success thanks to preference flowing. The case of Ricky Muir, who was elected as a Senator for Victoria representing the Australian Motoring Enthusiast Party despite winning only 0.5% of first preference votes, received a lot of publicity.⁵ In response, the government asked the Joint Standing Committee on Electoral Matters (JSCEM) to report on the Senate voting system.⁶

In May 2014, the JSCEM released its interim report focusing on Senate voting practices, reporting back that the Senate voting system was too complex and lacked transparency.⁷ In the interim report and its final report in April 2015, the JSCEM argued that most voters were unlikely to understand where their preferences when they voted ATL, and recommended introducing optional preferential voting ATL, and partial optional preferential voting BTL, abolishing group voting tickets.⁸ The first draft of legislation was introduced into parliament in February 2016. It proposed changing the Senate voting process to abolish group ticket voting and replace ATL voting with the requirement that voters number 1 to 6 above the line.⁹ 'Just voting 1' would still be allowed, but doing so would not mean handing preferences over to that party, so micro-parties would no longer be able to swap preferences to get elected. If voting BTL, the number of numbering errors increased from three to five, with the aim of making BTL voting simpler and more popular.

JSCEM held public hearings in March 2016. Key issues at the hearings included the need to further simplify the process of voting BTL, and the question around whether parties would be allowed to explicitly encourage voters to 'just vote 1'.¹⁰ Following JSCEM recommendations, the legislation was amended to include the option to number 1 to 12 below the line, making voting BTL almost as simple as voting ATL.¹¹

The amended legislation passed with support from the Greens after 28 hours of debate. The issues around 'just voting 1' were never clearly addressed. Other criticisms included that no modelling was done on voter behaviour following the proposed changes, and that the AEC would need more time and resources to implement the changes.

	Criterion	Comment
1	Demonstrable, evidence-based need	Y – established in the JSCEM report
2	Public interest parameters	Y – the public interest argument made was in simplifying the voting process for voters and having a more representative democracy

³ https://www.aec.gov.au/About_AEC/research/files/sbps-atl-and-btl-voting.pdf

⁴ <http://www.abc.net.au/news/2016-03-15/how-senate-voting-regorms-could-wipe-out-microparties/7246732>,

<http://www.abc.net.au/news/2016-03-15/how-senate-voting-regorms-could-wipe-out-microparties/7246732>

⁵ <http://www.abc.net.au/news/2013-09-13/the-preference-deals-behind-the-strange-election-of-ricky-muir-a/9388274>

⁶ https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/2013_General_Election/Final_Report

⁷ https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/2013_General_Election/Interim_Report

⁸ <https://www.aph.gov.au/~media/02%20Parliamentary%20Business/24%20Committees/244%20Joint%20Committees/JSCEM/2013%20elec tion%20final%20report/Consolidated%20report.pdf?la=en>

⁹ http://parlinfo.aph.gov.au/parlInfo/download/legislation/bills/r5626_first-reps/toc_pdf/16025b01.pdf;fileType=application%2Fpdf

¹⁰ https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/CEAB2016

¹¹ http://parlinfo.aph.gov.au/parlInfo/download/legislation/bills/r5626_aspassed/toc_pdf/16025b01.pdf;fileType=application%2Fpdf

3	Consideration of alternatives	Y – the JSCEM considered maintaining the existing system (of voting for group voting tickets ATL or outlining full preferences BTL), introducing optional preferential ATL voting, and introducing optional preferential BTL voting
4	Implementation choices	Y – different implementation mechanisms were considered, from voting 1-6 ATL and outlining full preferences BTL, to voting 1-6 ATL and 1-12 BTL
5	Cost-benefit analysis	N – we found no evidence that the changes were costed – it was not indicated how much additional funding would be directed to the AEC for upgrading electronic systems and running an education/awareness campaign
6	Policy design framework	Y – AEC published a Service Plan ¹² for the 2016 election and a communications plan ¹³ for the education campaign
7	Further consultation	Y – issues raised during public hearings influenced the eventual design of the policy changes
8	Produce Green then White paper	N
9	Develop legislation	Y – Commonwealth Electoral Amendment Act 2016 ¹⁴
10	Communication	Y – an AEC media release and a practice voting tool. ¹⁵ The campaign to educate voters was successful as there was no increase in informal votes due to the change
		8/10

Abolition and replacement of the 457 Visa

Public demand for reform of the 457 Visa programme date back to union-led protests in 2013.¹⁶ The issue was picked up by then-Immigration Minister Brendan O'Connor who promised to strengthen to programme in response to reports of rorts and uses of the programme to undermine wages.¹⁷ Under then-Prime Minister Julia Gillard, the ALP supported a tightening of 457 rules, which was criticised by the Abbott opposition.¹⁸

After the LNP Coalition won the 2013 federal election, the new Assistant Minister for Immigration and Border Protection Michaelia Cash announced a panel investigation into the 457 Visa programme in February 2014.¹⁹ The subsequent 2014 Azarias Review into Integrity in the Subclass 457 Programme consulted 150 stakeholders around the country and accepted 189 submissions. It recommended a number of reforms to the programme including tightening the eligible occupations list.²⁰ However, it was not until April 2017 that the government announced its policy to abolish and replace the 457 Visa.²¹

¹² https://www.aec.gov.au/Elections/federal_elections/2016/e2016-service-plan.htm

¹³ https://www.aec.gov.au/About_AEC/Publications/files/campaign-certification-pre-phase.pdf

¹⁴ <https://www.legislation.gov.au/Details/C2016A00025>

¹⁵ <https://www.aec.gov.au/media/media-releases/2016/05-13e.htm>

¹⁶ <http://www.abc.net.au/news/2013-03-07/unions-protest-against-457-work-visas/4558662>

¹⁷ <http://www.abc.net.au/news/2013-03-05/027connor-defends-457-visa-crackdown/4554490>

¹⁸ <https://www.smh.com.au/politics/federal/decline-in-457-visa-abuse-casts-doubt-on-crackdown-20130305-2fj6m.html>

¹⁹ http://parlinfo.aph.gov.au/parlInfo/download/media/pressrel/3019101/upload_binary/3019101.pdf;fileType=application%2Fpdf#search=%22media/pressrel/3019101%22

²⁰ <https://www.homeaffairs.gov.au/ReportsandPublications/Documents/reviews-and-inquiries/streamlined-responsive-457-programme.pdf>

²¹ <http://www.abc.net.au/news/2017-04-18/government-abolishing-457-visas/8450310>

The policy intended to replace the 457 Visa with a new Temporary Skill Shortage visa. This TSS would be divided into three streams: a short-term stream, valid for two years and drawing from the condensed Short-term Skilled Occupations List; a medium term stream, valid for four years and drawing from the significantly condensed Medium and Long-term Strategic Skills List; and a Labour Agreement stream.²² 216 occupations were removed altogether from the occupation lists used for skilled migration visas, and a further 24 occupations were limited to regional areas.²³ The policy also tightened English language and work experience requirements, and made labour market testing, non-discriminatory workforce tests, and full police checks mandatory.²⁴

At the press conference announcing the policy, the key message was “Australian jobs for Australians first...ensuring Australian workers have priority for Australian jobs...ensuring the temporary migration visas are not a passport for foreigners to take up jobs that could and should be filled by Australians”.²⁵ This retrospective justification for the policy was different from the original reasons for public demand for reform to the 457 system: that employers were abusing the 457 system and using it to undermine wages. Critics of the policy argued that it was not linked to the Azarias review but was an example of the LNP trying to win back One Nation voters by pushing a Trump-like ‘Australia First’ mantra.²⁶ Within the migration sector, there were concerns that there was no prior notice, consultation, or preparation time afforded to migration agents or their clients.²⁷

	Criterion	Comment
1	Demonstrable, evidence-based need	Y – the need for a review into the 457 programme had been established by both main political parties, the union movement, and the 2014 Azarias review
2	Public interest parameters	Y – the government made a public interest argument that these changes were in the interest of Australian workers
3	Consideration of alternatives	N – the alternatives mentioned in the Department of Immigration and Border Protection’s regulatory impact statement (RIS) ²⁸ were published months after the decision was made to introduce the policy
4	Implementation choices	N – we could not find evidence that a range of implementation choices were considered
5	Cost-benefit analysis	N – we found no evidence that the policy was costed, and there was certainly not a full cost-benefit analysis
6	Policy design framework	Y – there is a framework for the policy’s rollout in the RIS, including ongoing performance measurement, oversight, and review
7	Further consultation	Y – there is evidence of further consultation with affected stakeholders in the RIS
8	Produce Green then White paper	N
9	Develop legislation	N – the abolition and replacement of the 457 visa was not legislated by carried out via amendments, which were not debated in Parliament
10	Communication	Y – joint media release from Peter Dutton and Malcolm Turnbull ²⁹
		5/10

²² <https://www.homeaffairs.gov.au/trav/work/457-abolition-replacement>

²³ <https://www.sbs.com.au/yourlanguage/hindi/en/article/2017/04/18/dibp-announces-major-changes-skilled-occupation-list>

²⁴ <https://www.homeaffairs.gov.au/trav/work/457-abolition-replacement>

²⁵ http://parlinfo.aph.gov.au/parlInfo/download/media/pressrel/5223783/upload_binary/5223783.pdf;fileType=application%2Fpdf#search=%22media/pressrel/5223783%22

²⁶ <http://www.abc.net.au/news/2017-04-19/turnbull-echoes-trump-with-australia-first-rhetoric-on-457-visa/8453794>

²⁷ <https://www.mia.org.au/news-information>

²⁸ https://ris.pmc.gov.au/sites/default/files/posts/2018/01/regulation_impact_statement.pdf

²⁹ <https://minister.homeaffairs.gov.au/peterdutton/2017/pages/putting-australian-workers-first.aspx>

National Energy Guarantee

Following a state-wide blackout in South Australia in 2016, the government asked Chief Scientist Dr. Finkel to review the energy sector.³⁰ The Independent Review into the Future Security of the National Electricity Market (the Finkel Review) made a series of recommendations including a Clean Energy Target, whereby companies would have to provide a set percentage of their power from clean technology.³¹ In July 2017, the Energy Security Board was established to coordinate the implementation of the Finkel Review.

However, by October 2017, the government had decided not to adopt the Clean Energy Target recommended by the Finkel Review and instead proposed the National Energy Guarantee (NEG) in the policy paper *Powering Forward: A better energy future for Australia*.³² The NEG requires energy retailers to both supply 'reliable' power to the market, and to lower emissions over the decade from 2020 to 2030. It also scraps subsidies and incentives for renewable energy and, the government claims, reduces electricity bills.³³ Despite some concerns about inadequate modelling, the Council of Australian Governments slimly approved moving the NEG to the design phase. Consultations and forums began in February 2018³⁴ and the states approved more design work in April 2018.³⁵ The COAG Energy Council is set to make a final decision on the NEG in August 2018.

The NEG is opposed by environmental groups and climate change advocates, who point out that the emissions reduction target is so weak that at best the NEG will achieve next to nothing in terms of lowering emissions, and at worst could divert the market's trajectory towards renewable energy.³⁶ Critics also argue that the NEG will entrench the power of large retailers and stifle innovation and competition in the energy sector, and that alternative mechanisms suggested by the Finkel Review and by stakeholders were ignored throughout the process.³⁷ Finally, the Energy Security Board's modelling claiming electricity bills would decrease by between \$110 and \$115 each year from 2020 is contested by other models that show significantly lower savings or increases in costs to consumers.³⁸ The ESB claims that the NEG will reduce wholesale electricity prices by 20% compared to no policy, but this claim has not stood up to independent scrutiny.

In August 2018, then Prime Minister Malcolm Turnbull faced a leadership challenge over party room opposition to the NEG. In response, he removed all climate change targets from the policy, before abandoning it entirely.³⁹

³⁰ <https://www.energy.gov.au/government-priorities/energy-markets/independent-review-future-security-national-electricity-market>

³¹ <https://www.energy.gov.au/sites/g/files/net3411/f/independent-review-future-nem-blueprint-for-the-future-2017.pdf>

³² https://www.energy.gov.au/sites/g/files/net3411/f/enro32-1017-powering-forward-brochure_faweb.pdf

³³ <http://www.abc.net.au/news/2017-10-17/explainer-energy-policy-what-is-the-coalitions-new-plan/9057158>

³⁴ http://www.coagenergycouncil.gov.au/sites/prod.energycouncil/files/publications/documents/Energy%20Security%20Board%20National%20Energy%20Guarantee%20Consultation%20Paper_o.pdf

³⁵ <http://www.coagenergycouncil.gov.au/sites/prod.energycouncil/files/publications/documents/High-level%20design%20National%20Energy%20Guarantee%2020%20April%202018%20Final.pdf>

³⁶ <https://www.theguardian.com/australia-news/2018/jul/26/what-is-the-national-energy-guarantee-and-why-is-it-taking-so-long>

³⁷ http://www.coagenergycouncil.gov.au/sites/prod.energycouncil/files/publications/documents/ERM%20Power_retailers%20response%20to%20Energy%20Guarantee%20consultation.pdf

³⁸ <http://www.abc.net.au/news/2017-10-17/explainer-energy-policy-what-is-the-coalitions-new-plan/9057158>

³⁹ <https://www.smh.com.au/politics/federal/malcolm-turnbull-removes-all-climate-change-targets-from-energy-policy-in-fresh-bid-to-save-leadership-20180820-p4zyht.html>

	Criterion	Comment
1	Demonstrable, evidence-based need	Y – the Finkel review established evidence-based need
2	Public interest parameters	Y – the Government appealed to the intersecting public interests of lowering energy bills, making electricity grid more stable, and addressing climate change
3	Consideration of alternatives	N – a full range of policy alternatives was not considered
4	Implementation choices	Y – the Energy Security Board has published technical papers showing various implementation methods ⁴⁰
5	Cost-benefit analysis	N – initial modelling was done but was contested, further modelling requested by stakeholders was not carried out
6	Policy design framework	Y – issue paper, policy paper, consultation paper, design principles paper all published
7	Further consultation	N – a consultation paper was opened for only 3 weeks, leaving many stakeholders without enough time to submit
8	Produce Green then White paper	Y
9	Develop legislation	N – the Government did not manage to legislate the NEG and ultimately abandoned the policy
10	Communication	Y – multiple press releases as the policy design developed, including from the Minister for the Environment and Energy ⁴¹ and the Energy Security Board ⁴²
		6/10

Broadcasting Legislation Amendment Act 2017

Traditional media operators have become increasingly concerned about their ability to compete in the digital age. As online media providers grew in number and reach, traditional media operators stepped up their lobbying for deregulation.⁴³ Specifically, they argued that certain regulations were based on old rules separating types of media that no longer apply due to the proliferation of content online.⁴⁴

⁴⁰ <http://www.coagenergycouncil.gov.au/publications/energy-security-board-national-energy-guarantee-issues-papers>

⁴¹ <http://www.environment.gov.au/minister/frydenberg/media-releases/mr20180810.html>

⁴² <http://www.coagenergycouncil.gov.au/sites/prod.energycouncil/files/publications/documents/Final%20Detailed%20Design%20-%20ESB%20Media%20Release.pdf>

⁴³ http://parlinfo.aph.gov.au/parlInfo/download/legislation/billsdgs/5442166/upload_binary/5442166.pdf

⁴⁴ <http://www.abc.net.au/news/2014-03-11/berg-time-to-ditch-antiquated-media-regulations/5311800>

Both major parties have attempted to address these concerns while in Parliament. In 2013, a Senate Committee under the Labor Government investigated the 'audience reach rule', which prevents any one media outlet from reaching more than 75% of the Australian population.⁴⁵ It concluded, in agreement with the traditional media operators, that such a restriction is irrelevant in the modern digital age, where online providers can legally reach 100% of the population.⁴⁶ However, the Labor Government at that time decided not to pursue the change as part of its media reform package ahead of the 2013 election.

In 2016, the Turnbull government responded to intensified advocacy from the free-to-air broadcasters by introducing legislation to remove the 'audience reach rule' and the 'two out of three rule', which prevents the ownership of radio, television, and newspaper outlets in any one licence area. A 2016 Senate Committee had concluded, in agreement with the broadcasters, that the 'two out of three rule' was outdated in its separation of types of media and that it was already being bypassed by providers placing video, audio, and print content on their websites.⁴⁷

In general, the removal of the 'audience reach rule' was uncontroversial. However, critics argued that the proposal to remove the 'two out of three rule' would further concentrate Australia's media environment, already one of the least diverse in the world.⁴⁸ There was a strong sense among those opposing the Bill that it was not in the public interest, but rather served the commercial interests of big media groups to allow them to grow even bigger and undertake mergers/acquisitions that were previously not allowed under the regulatory framework.⁴⁹ For example, the rule was preventing a large potential merger between Nine Entertainment and Fairfax media, which has indeed taken place since the passing of the Bill.⁵⁰ In dissenting reports to the 2016 Senate inquiry report, parliamentary opponents argued that while there was need for meaningful media reform in the new digital landscape, simple deregulation would only concentrate media ownership in fewer and fewer hands.⁵¹

In September 2017, the Bill was passed in Parliament with support from One Nation and the Nix Xenophon Team. Labor and Greens opposed.

	Criterion	Comment
1	Demonstrable, evidence-based need	Y – the Government showed in the 2016 Senate inquiry that there was a case for addressing media regulation, with cross-market stakeholder support
2	Public interest parameters	N – the Government did not make a public interest argument for the changes; rather, it focused on market stakeholder interest
3	Consideration of alternatives	Y – the Regulatory Impact Statement considered three options: no change, repealing ownership rules but not changing television programming rules, and repealing ownership rules while updating local programming rules ⁵²
4	Implementation choices	N – implementation choices were not considered
5	Cost-benefit analysis	N – costings were not published
6	Policy design framework	N – a full policy design framework was not published
7	Further consultation	N – while there was extensive industry consultation, there was no further public consultation

⁴⁵https://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=jschl/index.htm

⁴⁶https://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=jschl/report/finalreport.pdf

⁴⁷https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/MediaReformBill45/~media/Committees/ec_ctte/MediaReformBill45/report.pdf

⁴⁸<https://theconversation.com/media-reform-deals-will-reduce-diversity-and-amount-to-little-more-than-window-dressing-83957>

⁴⁹<http://www.abc.net.au/news/2017-09-14/media-law-changes-bill-passes-senate/8946864>

⁵⁰<http://www.abc.net.au/news/2018-07-26/what-the-fairfax-and-nine-merger-means-for-you/10039236>

⁵¹https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/MediaReformBill45/~media/Committees/ec_ctte/MediaReformBill45/report.pdf

⁵²<https://ris.pmc.gov.au/sites/default/files/posts/2016/07/Changes-to-Media-Ownership-and-Control-Rules-RIS.pdf>

8	Produce Green then White paper	N
9	Develop legislation	Y – Broadcasting Legislation Amendment Act 2017 ⁵³
10	Communication	Y – multiple media releases from the Minister for Communications and the Arts ⁵⁴
		4/10

Australian Marriage Law Postal Survey

From 2006-2015, a number of bills were proposed to amend the Marriage Act 1961 and legalise same-sex marriage, but were not passed.⁵⁵ In 2015, the Coalition announced it would put the matter of same-sex marriage to a public vote either during or after the 2016 election, and a group of senators sponsored a private senators' bill for the Senate Legal and Constitutional Affairs Committee to conduct an inquiry into such a plebiscite. The Committee did not endorse a plebiscite. Instead, it recommended that a bill to amend the definition of marriage be introduced into Parliament urgently, with all parliamentarians allowed a conscience vote.⁵⁶ Despite this conclusion, in August 2015 then-Prime Minister Tony Abbott he announced that a compulsory plebiscite would be held on the issue.⁵⁷ After Malcolm Turnbull replaced Tony Abbott as party leader, he campaigned for federal election in 2016 on the promise of a compulsory plebiscite.⁵⁸

In September 2016 the Plebiscite (Same-Sex Marriage) Bill 2016 was introduced and rejected by the Senate. Opponents argued that a direct vote in Parliament would be a more appropriate mechanism to amend the Marriage Act, that human rights issues affecting a minority are the responsibility of a representative Parliament, and that the estimated \$170 million cost was therefore unnecessary.⁵⁹ Many groups warned of adverse consequences of such a

⁵³ <https://www.legislation.gov.au/Details/C2017A00113>

⁵⁴ <https://www.minister.communications.gov.au/minister/mitch-fifield/news/modernising-australian-media-laws>,
<https://www.minister.communications.gov.au/minister/mitch-fifield/news/local-content-safeguards-feature-media-reform-package>

⁵⁵ https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1718/Quick_Guides/SSMarriage_Bills

⁵⁶ https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Marriage_Plebiscite/~/_media/Committees/legcon_ctte/Marriage_Plebiscite/report.pdf

⁵⁷ <http://www.abc.net.au/news/2015-08-12/strong-disposition-for-same-sex-marriage-popular-vote-abbott/6692508>

⁵⁸ <https://www.afr.com/news/politics/election-2016-pm-promises-parliament-will-legalise-samesex-marriage-20160628-gpu6bx>,
<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22media%2Fpressrel%2F4656817%22>

⁵⁹ <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fhansards%2F14eca006-5dd5-4af8-8f7f-800894cddcdc%2F0021%22>,
<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fhansards%2F14eca006-5dd5-4af8-8f7f-800894cddcdc%2F0022%22>

plebiscite on the LGBTIQ community.⁶⁰ In August 2017 Malcolm Turnbull indicated that the government would re-introduce the Bill and would hold a voluntary postal survey if the Bill was rejected.⁶¹ The Senate rejected the legislation again, with the result that the Treasurer directed the ABS to conduct the postal survey with a budget of \$122 million.⁶² The survey, conducted from September to November 2017, returned a Yes vote, and in December 2017 the Marriage Amendment Bill passed the Parliament, legalising same-sex marriage.⁶³

The final report from the Finance and Public Administration References Committee Public Inquiry into the postal survey was released in February 2018. It concluded that questions of human rights for minority groups should never again be resolved by a public vote, and that the Government should offer funding and support to mental health and LGBTIQ organisations to help address the damaging consequences of the postal survey, for example as a result of the “offensive and denigrating material produced and disseminated” prior to and during the postal survey.⁶⁴ The dissenting report from the Government argued that material of this type was the minority and did not accept that there was widespread inappropriate conduct as the Committee had found.⁶⁵

	Criterion	Comment
1	Demonstrable, evidence-based need	N – the Government did not publish evidence that showed a public vote was needed to establish marriage equality. The Government is in fact able to amend marriage legislation without a public referendum. Furthermore, the Senate Legal and Constitutional Affairs Committee inquiry explicitly recommended against it
2	Public interest parameters	N – the Government did not make a public interest argument for establishing marriage equality via postal vote
3	Consideration of alternatives	N – the Government did not consider a free vote in Parliament
4	Implementation choices	Y – once the Government had decided to conduct a public vote, different ways of implementing this were considered, ranging from the initial policy of a compulsory plebiscite to the eventual policy of an optional postal survey
5	Cost-benefit analysis	N – we could not find a full cost-benefit analysis for the postal survey
6	Policy design framework	N – we could not find a project management plan for the rollout of the policy for a postal survey. In the event information was released gradually in the leadup to the survey
7	Further consultation	N – the ABS reports that it consulted with stakeholders to establish strategies to support participation, ⁶⁶ but we could not find evidence of stakeholder consultation on the policy itself
8	Produce Green then White paper	N
9	Develop legislation	N – the postal survey was not legislated but implemented via the use of ministerial power to direct the ABS to carry out the survey
10	Communication	Y – multiple media releases. ⁶⁷ Evidence of a strong communication strategy in the large number of updates to the electoral roll and high turnout. ⁶⁸

⁶⁰ https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/bd/bd1617a/17bd022#_Toc463951562

⁶¹ <https://www.smh.com.au/politics/federal/turnbull-government-to-hold-public-vote-on-samesex-marriage-by-november-20170808-gxrgsv.html>

⁶² https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Finance_and_Public_Administration/postalsurvey/~media/Committees/fapa_ctte/postalsurvey/report.pdf

⁶³ <http://www.abc.net.au/news/2017-12-07/same-sex-marriage-bill-passes-house-of-representatives/9235560>

⁶⁴ https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Finance_and_Public_Administration/postalsurvey/~media/Committees/fapa_ctte/postalsurvey/report.pdf

⁶⁵ https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Finance_and_Public_Administration/postalsurvey/~media/Committees/fapa_ctte/postalsurvey/do1.pdf

⁶⁶ [http://www.abs.gov.au/AUSSTATS/abs@.nsf/95553f4ed9b60a374a2568030012e707/7cbde85f96095fa4ca25822400162fc2/\\$FILE/700652_ABS_AMLPS_A4_Report_Conduct_0118_FA4.002.pdf/700652_ABS_AMLPS_A4_Report_Conduct_0118_FA4.pdf](http://www.abs.gov.au/AUSSTATS/abs@.nsf/95553f4ed9b60a374a2568030012e707/7cbde85f96095fa4ca25822400162fc2/$FILE/700652_ABS_AMLPS_A4_Report_Conduct_0118_FA4.002.pdf/700652_ABS_AMLPS_A4_Report_Conduct_0118_FA4.pdf)

⁶⁷ <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/1800.0~2017~Main%20Features~News%20and%20Media~40>

Enterprise Tax Plan 2017

Announced in the 2016 Federal Budget, the Enterprise Tax Plan 2017 intends to decrease the tax rate on all companies to 25% by 2026-27.⁶⁹ Currently, the headline tax rate on big business is 30%, while the headline tax rate for small businesses was reduced to 27.5% by the previous Enterprise Tax Plan 2016.⁷⁰ The Government argues that this is a comparatively high tax rate that makes Australia uncompetitive for international investment.⁷¹ However, due to the nature of the Australian tax system and the deductions it offers, it is extremely unlikely that any large company actually pays 30% tax. Australia's actual average corporate tax rate is close to 17%, making it extremely competitive against other G20 countries.⁷²

The Plan has been subject to extensive debate and numerous hold ups both in the lower house and at the Senate. The Government initially refused to confirm the cost of the plan⁷³ but, under pressure from the Opposition, provided costings of \$48.2 billion over the 10 years.⁷⁴ Treasury modelling released at the same time claimed the benefits wouldn't be captured by business but would lead to higher wages and more jobs.⁷⁵ In the 2017 Federal Budget, Scott Morrison revised the cost of the plan upwards to \$65 billion.⁷⁶ The Bill was introduced to Parliament in May 2017 but faced continuous delays as the Government struggled to collect the votes it needed. Pauline Hanson struck a deal to support the tax cuts in March 2018, but she withdrew her support in May 2018.⁷⁷

In 2018, a pre-budget tax survey found that a majority of voters for all political parties opposed the plan to cut company taxes.⁷⁸ This analysis appeared to be borne out on Super Saturday, when a series of Coalition losses prompted debate within the party over whether it should drop the plan.⁷⁹ Ultimately, the Government dropped the policy during the leadership spill of August 2018.⁸⁰

	Criterion	Comment
1	Demonstrable, evidence-based need	Y – the Government did present evidence that Australia's corporate tax rate was uncompetitive and required policy attention
2	Public interest parameters	Y – the Government made a public interest argument and provided modelling that claims to show the public would benefit from the plan
3	Consideration of alternatives	N – we could not find evidence that the Government considered alternative policies to change Australia's corporate taxation arrangements
4	Implementation choices	N – we could not find evidence that the Government considered a range of implementation mechanisms
5	Cost-benefit analysis	Y – the Government provided modelling to compare the cost to the Budget against the benefits to the economy
6	Policy design framework	N – we could not find a full policy design framework
7	Further consultation	N – we could not find evidence of further consultation with affected

⁶⁸ [http://www.abs.gov.au/AUSSTATS/abs@.nsf/95553f4ed9b60a374a2568030012e707/7cbde85f96095fa4ca25822400162fc2/\\$FILE/700652_ABS_AMLPS_A4_Report_Conduct_0118_FA4.002.pdf/700652_ABS_AMLPS_A4_Report_Conduct_0118_FA4.pdf](http://www.abs.gov.au/AUSSTATS/abs@.nsf/95553f4ed9b60a374a2568030012e707/7cbde85f96095fa4ca25822400162fc2/$FILE/700652_ABS_AMLPS_A4_Report_Conduct_0118_FA4.002.pdf/700652_ABS_AMLPS_A4_Report_Conduct_0118_FA4.pdf)

⁶⁹ https://www.budget.gov.au/2016-17/content/glossies/tax_super/html/tax_super-04.htm

⁷⁰ https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r5684

⁷¹ <http://sjm.ministers.treasury.gov.au/transcript/190-2017/>

⁷² <http://www.abc.net.au/news/2017-10-16/verrender-corporate-tax-cuts-who-wins/9052600>

⁷³ <http://www.abc.net.au/news/2016-05-05/turnbull-refuses-to-confirm-corporate-tax-plans-cost/7386584>

⁷⁴ <http://www.abc.net.au/news/2016-05-06/turnbulls-corporate-tax-cuts-under-scrutiny-by-treasury/7389426>

⁷⁵ <http://www.abc.net.au/news/2016-06-03/long-the-strange-modelling-used-to-sell-company-tax-cuts/7473480>

⁷⁶ [http://www.abc.net.au/news/story-streams/federal-budget-2017/2017-05-11/company-tax-cut-to-cost-extra-\\$15b-per-year-morrison-reveals/8518642](http://www.abc.net.au/news/story-streams/federal-budget-2017/2017-05-11/company-tax-cut-to-cost-extra-$15b-per-year-morrison-reveals/8518642)

⁷⁷ <http://www.abc.net.au/news/2018-05-22/pauline-hanson-effectively-withdraws-support-for-company-tax-cut/9785774>

⁷⁸ <https://www.smh.com.au/politics/federal/cut-our-tax-but-don-t-cut-company-tax-say-voters-in-pre-budget-survey-20180430-p4zcgv.html>

⁷⁹ <http://www.abc.net.au/news/2018-07-29/coalition-losses-prompt-company-tax-cuts-debate/10048736>

⁸⁰ <http://www.abc.net.au/news/2018-08-22/company-tax-cuts-fail-again-in-the-senate/10142174>

		stakeholders
8	Produce Green then White paper	N
9	Develop legislation	Y – the Government introduced legislation and it was debated in Parliament, but ultimate did not pass and was dropped
10	Communication	Y – there appears to be fairly broad public awareness of the policy
		5/10

Future Submarine Program

The 2009 *Defence White Paper* announced that a class of 12 submarines would be built to replace the existing fleet of six ageing Collins-class submarines.⁸¹ The *Defence White Paper* identified that Australia's changing strategic circumstances required a major shift in focus towards enhancing Australia's maritime capabilities, centred on an updated and expanded submarine fleet.⁸² The Government also pledged that the submarines would be built at the ASC shipyard in South Australia. Subsequent published Defence Capability Plans in 2009, 2011, and 2012, and the 2013 *Defence White Paper* updated the scope, cost, and schedule of the project, which experienced delays from the start. During this period, a number of design, modelling, analysis, and technology studies were undertaken to build up Defence base knowledge before making final decisions. The 2013 *Defence White Paper* reaffirmed the Government's intention to assemble the future submarines in South Australia.⁸³

⁸¹ http://www.defence.gov.au/whitepaper/2009/docs/defence_white_paper_2009.pdf

⁸² http://www.defence.gov.au/whitepaper/2009/docs/defence_white_paper_2009.pdf

⁸³ http://www.defence.gov.au/whitepaper/2013/docs/WP_2013_web.pdf

The program had bipartisan support and was widely considered an essential update to Australia's strategic capabilities. A promise to build the submarines in Adelaide featured in Tony Abbott's 2013 federal election campaign.⁸⁴ Shortly after winning, the new Coalition Government withdrew this promise and instead announced a competitive evaluation process considering bids from Europe and Japan.⁸⁵ In April 2016, the process was won by French firm DCNS.⁸⁶ The firm's CEO promised that 90% of the build would take place in Adelaide, creating 2,800 jobs.⁸⁷ In June 2017, DCNS backpedalled on that promise in front of a Senate committee, saying it no longer planned to involve Adelaide-based ASC in construction,⁸⁸ and Malcolm Turnbull opened the Australian Future Submarines Office in Cherbourg, France, the following month.⁸⁹ In May 2018, a document was released showing that DCNS in fact outlined a proposal to partner with ASC, but the Department of Defence rejected that proposal in favour of a foreign designer.⁹⁰

The project is now regularly described as a \$50 billion project, with critics claiming it is already over budget by billions of dollars due to costly misses of key deadlines.⁹¹ It remains uncertain how much of the build will take place in Australia, with the latest promise from Defence Industry Minister Christopher Pyne standing at 60%.⁹²

	Criterion	Comment
1	Demonstrable, evidence-based need	Y – the 2009 <i>Defence White Paper</i> demonstrated evidence-based need for new submarines
2	Public interest parameters	Y – the Government made a public interest argument rooted in Australia's security and the need for a strong defence capacity, and a separate public interest argument around job creation to justify the initial promise of building the submarines in South Australia
3	Consideration of alternatives	Y – alternative approaches to the policy were considered, including international comparisons
4	Implementation choices	Y – a range of implementation choices were considered in a competitive evaluation process
5	Cost-benefit analysis	N – we did not find that the Government published a full cost-benefit analysis
6	Policy design framework	N – the parameters of the project, including timelines and costings, keep changing, indicating that there wasn't a fully developed policy design framework
7	Further consultation	N – we did not find evidence of further stakeholder consultation
8	Produce Green then White paper	Y – the 2009 and 2016 defence green and white papers
9	Develop legislation	N – the decision was not legislated
10	Communication	Y – joint media release from Prime Minister and Minister for Defence ⁹³
		6/10

⁸⁴ http://parlinfo.aph.gov.au/parlInfo/download/library/partypol/2701210/upload_binary/2701210.pdf;fileType=application%2Fpdf#search=%22library/partypol/2701210%22

⁸⁵ <https://pmtranscripts.pmc.gov.au/release/transcript-24182>

⁸⁶ <http://www.abc.net.au/news/2016-04-26/pm-announces-france-has-won-submarine-contract/7357462>

⁸⁷ <http://www.abc.net.au/news/2016-04-26/submarines-factory-to-be-bigger-than-adelaide-oval/7360906>

⁸⁸ http://parlinfo.aph.gov.au/parlInfo/download/committees/commsen/0974cd36-7493-4b22-90b6-bc3d70276b67/toc_pdf/Economics%20References%20Committee_2017_06_20_5205_Official.pdf;fileType=application%2Fpdf#search=%22committees/commsen/0974cd36-7493-4b22-90b6-bc3d70276b67/0000%22

⁸⁹ <https://www.malcolmturnbull.com.au/media/remarks-at-the-opening-of-the-australian-future-submarines-office>

⁹⁰ <https://www.theguardian.com/australia-news/2018/may/13/defence-department-accused-of-locking-australian-firms-out-of-submarine-contract>

⁹¹ <http://www.abc.net.au/news/2018-01-17/submarine-delays-could-lead-to-cost-blowout-senator-says/9334240>

⁹² <https://www.smh.com.au/politics/federal/50b-submarine-project-struggling-to-find-qualified-australians-french-shipbuilder-20171006-gyvxt.html>

⁹³ <https://www.minister.defence.gov.au/minister/marise-payne/media-releases/prime-minister-minister-defence-joint-media-release-future>

Creation of 'Home Affairs' department

Prime Minister Malcolm Turnbull announced a review of Australia's intelligence community in 2016. The review made a number of recommendations including closer cooperation between different security and law enforcement agencies.⁹⁴ In July 2017, Turnbull announced that in response to this review, the government would be merging a number of different departments and agencies into one, larger, Department of Home Affairs, thereby consolidating federal law enforcement, national and transport security, criminal justice, emergency management, immigration and border protection, and cultural affairs.⁹⁵

The new Department combined the national security, law enforcement and emergency management functions of the Attorney-General's Department; the transport security functions of the Department of Infrastructure and Regional Development; the counterterrorism and cybersecurity functions of the Department of the Prime Minister and Cabinet; the multicultural affairs functions of the Department of Social Services, and the entirety of the Department of Immigration and Border Protection.⁹⁶ The following federal agencies were absorbed into the new Department: the Australian Border Force, the Australian Criminal Intelligence Commission, the Australian Federal Police, the Australian Transaction Reports and Analysis Centre, and the Australian Security Intelligence Organisation.⁹⁷

After five months of operation, the Senate Estimates heard that the merger had come in significantly under budget, spending only just over half of its projected \$10 million.⁹⁸ Department head Michael Pezzullo said that Australia's response to terrorism, cybercrime, and foreign interference had already improved thanks to the merger, which created a clear framework of functions that were previously dispersed across other departments.⁹⁹

Critics argue that the merger reduces contestability and accountability, ending the traditional convention of separating security intelligence and executive police powers, removing the attorney-general's oversight, and

⁹⁴ <https://www.pmc.gov.au/sites/default/files/publications/2017-Independent-Intelligence-Review.pdf>

⁹⁵ <https://www.pmc.gov.au/news-centre/pmc/home-affairs-portfolio-established>

⁹⁶ <http://www.abc.net.au/news/2018-05-29/what-is-peter-duttons-home-affairs-department/9813456>

⁹⁷ <http://www.abc.net.au/news/2018-05-29/what-is-peter-duttons-home-affairs-department/9813456>

⁹⁸ http://parlinfo.aph.gov.au/parlInfo/download/committees/estimate/0490c3ad-512d-453c-8526-3dff9705b43c/toc_pdf/Legal%20and%20Constitutional%20Affairs%20Legislation%20Committee_2018_05_21_6144.pdf;fileType=application%2Fpdf#search=%22committees/estimate/0490c3ad-512d-453c-8526-3dff9705b43c/0000%22

⁹⁹ http://parlinfo.aph.gov.au/parlInfo/download/committees/estimate/0490c3ad-512d-453c-8526-3dff9705b43c/toc_pdf/Legal%20and%20Constitutional%20Affairs%20Legislation%20Committee_2018_05_21_6144.pdf;fileType=application%2Fpdf#search=%22committees/estimate/0490c3ad-512d-453c-8526-3dff9705b43c/0000%22

diluting the monitoring power of the Inspector-General of Intelligence and Security by absorbing the position into the Department.¹⁰⁰ Analysts expressed concerns that concentrating power in one department would mean certain areas not previously considered in the realm of 'security' (such as cultural issues, citizenship tests, and the economics of population policy) would be unduly securitised in their new home.¹⁰¹ Since the initial intelligence review did not recommend the creation of the 'super ministry', concerns were also levied that the merger was not adequately justified or proven to be in the public interest, and that the Prime Minister misled the public by implying that the merger was a result of the review, when the review did not recommend it.¹⁰²

	Criterion	Comment
1	Demonstrable, evidence-based need	N – the Government did not establish need prior to announcing the policy, but rather cited a review that did not recommend the policy
2	Public interest parameters	Y – the Government did make a public interest argument
3	Consideration of alternatives	N – the Government did not consider other ways to meet the goal of closer cooperation between security agencies
4	Implementation choices	N – we did not find that the Government considered a range of implementation choices
5	Cost-benefit analysis	N – we did not find any cost-benefit analysis around the creation of the new Department
6	Policy design framework	N – the Government does not appear to have published any operational documents detailing the arrangements for the new Department
7	Further consultation	N – there does not appear to have been any consultation at all
8	Produce Green then White paper	N
9	Develop legislation	N – the new Department was not legislated but created via the Prime Minister's power to make administrative changes
10	Communication	Y – a media release from the Prime Minister ¹⁰³
		2/10

¹⁰⁰ <http://www.abc.net.au/news/2018-05-29/what-is-peter-duttons-home-affairs-department/9813456>

¹⁰¹ <https://theconversation.com/the-new-department-of-home-affairs-is-unnecessary-and-seems-to-be-more-about-politics-than-reform-81161>

¹⁰² <https://theconversation.com/the-new-department-of-home-affairs-is-unnecessary-and-seems-to-be-more-about-politics-than-reform-81161>

¹⁰³ <https://www.malcolmturnbull.com.au/media/a-strong-and-secure-australia>

New South Wales case studies

Greyhound Racing Prohibition Bill 2016

In May 2015, the Governor of New South Wales commissioned an inquiry into the state's greyhound racing industry. The Report of the Special Commission of Inquiry into the Greyhound Racing Industry in NSW was published in June 2016, making 80 recommendations. The first recommendation was to consider closing down the greyhound racing industry altogether, while the other 79 recommendations dealt with reforms to the industry should it be allowed to continue. The report found that 50-70% of greyhounds bred in the last 12 years were killed after being deemed "uncompetitive" as racing dogs. It also found that 10-20% of greyhound trainers were engaged in the illegal practice of live baiting.¹⁰⁴

In response, then-premier Mike Baird announced New South Wales would become the first Australian state to ban greyhound racing altogether. This decision surprised the industry, and there was immediate backlash centred on the argument that the premier had not given the industry any chance to reform.¹⁰⁵ A group of greyhound racing industry stakeholders launched a challenge to the ban in the New South Wales supreme court.¹⁰⁶

The NSW Government established a Greyhounds Transition Taskforce under coordinator Dr John Keniry to consult with the industry and make recommendations for the transition period. Just three months later, after a briefing from Dr Keniry, Mike Baird decided to reverse the ban, citing the industry's "real appetite for reform" identified in Dr Keniry's consultations.¹⁰⁷ Instead, the NSW Government established the Greyhound Industry Reform Panel in October 2016 to make recommendations for industry reform. The Panel recommended comprehensive industry regulation, zero tolerance for animal cruelty, mandatory life bans from the industry for live baiting, whole of life-cycle greyhound tracking, and measures to restore confidence in the industry.¹⁰⁸ The NSW Government passed the Greyhound Racing Bill in April 2017, repealing the Greyhound Racing Prohibition Act 2016 and adopting all but one of the Panel's recommendations.

	Criterion	Comment
1	Demonstrable, evidence-based need	Y – the Special Commission of Inquiry established the need for significant policy work on greyhound racing. It presented evidence for a ban on the sport
2	Public interest parameters	N – the Government did not make a public interest argument when responding to the Commission with an outright ban. Its focus was on animal welfare rather than the broader public interest
3	Consideration of alternatives	N – the Government did not properly consider the option of reform rather than a ban, which later led to the backflip
4	Implementation choices	N – the Government did not consider, for example, gradual implementation, to avoid shocking the industry
5	Cost-benefit analysis	Y – there was a full cost-benefit analysis in the Commission's report
6	Policy design framework	Y – the final Panel report included a full policy design framework
7	Further consultation	Y – the Government successfully conducted comprehensive further consultation, and then allowed the new evidence to direct a change in policy, even at political cost
8	Produce Green then White paper	Y – Commission Report and Panel Report

¹⁰⁴ <https://www.greyhoundracinginquiry.justice.nsw.gov.au/Documents/Report-SCI-Greyhound-Racing-Industry-NSW-Volume-1.pdf>

¹⁰⁵ <https://www.theguardian.com/australia-news/2016/jul/07/new-south-wales-to-ban-greyhound-racing-from-next-year-after-cruelty-investigation>

¹⁰⁶ <https://www.theguardian.com/sport/2016/jul/29/greyhound-racing-ban-industry-alliance-launches-challenge-in-supreme-court>

¹⁰⁷ <http://www.abc.net.au/news/2016-10-11/greyhound-ban-baird-government-confirms-backflip/7921000>

¹⁰⁸ https://www.industry.nsw.gov.au/_data/assets/pdf_file/0020/101738/final-panel-report-february-2017.pdf

9	Develop legislation	Y – the Government legislated to ban greyhound racing, ¹⁰⁹ and then later legislated again to reverse the ban ¹¹⁰
10	Communication	Y – media release from the Department of Justice ¹¹¹
		7/10

Local council amalgamations

By 2012, there was widespread recognition in New South Wales that there were need for reforms in local government delivery. Local Government Minister Don Page commissioned an Independent Local Government Review Panel (ILGRP), which consulted across the state and received thousands of submissions.¹¹² Its final report, delivered to the Government in October 2013, made 65 recommendations including some relating to "structural reform", i.e. the need for boundary changes and mergers.¹¹³ The Panel identified that most councils were generally opposed to the idea, and that mergers would have be handled sensitively.¹¹⁴ It made a number of recommendations for improving the state's amalgamations process, specifically regarding a changed and expanded role for the Boundaries Commission.¹¹⁵

The NSW Government responded in September 2014, in which it supported the recommendations regarding the amalgamations, but did not accept the legislative changes regarding the Boundaries Commission.¹¹⁶ Instead, it

¹⁰⁹ <https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=3322>

¹¹⁰ <https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=3377>

¹¹¹ <https://www.justice.nsw.gov.au/Pages/media-news/media-releases/2016/Greyhound-Racing-to-be-Shut-Down-in-NSW.aspx>

¹¹² <http://www.olg.nsw.gov.au/sites/default/files/Research-Report-Supporting-Information-Volume-1.pdf>

¹¹³ <https://www.olg.nsw.gov.au/sites/default/files/Revitalising-Local-Government-ILGRP-Final-Report-October-2013.pdf>

¹¹⁴ <https://www.olg.nsw.gov.au/sites/default/files/Revitalising-Local-Government-ILGRP-Final-Report-October-2013.pdf>, Section 10

¹¹⁵ <https://www.olg.nsw.gov.au/sites/default/files/Revitalising-Local-Government-ILGRP-Final-Report-October-2013.pdf>, page 75

¹¹⁶ <http://www.fitforthefuture.nsw.gov.au/sites/fftf/files/NSW-Government-Response-Panel-and-Taskforce-recommendations.pdf>

established the *Fit for the Future* programme, which required local councils to submit their own proposals to the Government as to how they might become 'fit for the future' by merging with other councils.¹¹⁷ The report of the Legislative Council Committee review into the process, tabled in October 2015, described this process as "unfair and misleading", and once again urged the Government to take up the initial recommendations to reconstitute the Boundaries Commission before proceeding with council amalgamations.¹¹⁸

The Government ignored this feedback and proceeded to announce forced council amalgamations in December 2015, proposing 35 mergers.¹¹⁹ Its claim that the mergers would save ratepayers \$2 billion appeared to come from a KPMG analysis that councils hadn't even seen.¹²⁰ The Government refused to publish the KPMG report in its entirety, but when a small section containing KPMG's calculations was released, a number of errors were identified that compounded the public backlash.¹²¹

By May 2016, after legal action was taken by nine councils, the Government backed down from most of the mergers, announcing only 19 would go ahead.¹²² In February 2017, the Government abandoned the rest of the regional council mergers that were currently in front of the court.¹²³ In July 2017, Premier Gladys Berejiklian announced that the Government would also abandon the remaining metropolitan mergers, marking the end of the policy.¹²⁴

	Criterion	Comment
1	Demonstrable, evidence-based need	Y – the initial review demonstrated evidence of the need for local government reform, including amalgamations
2	Public interest parameters	N – the Government did not make a public interest argument for the policy prior to announcing the mandatory change
3	Consideration of alternatives	N – although alternative approaches to forced council mergers were suggested in the review, the Government did not consider these
4	Implementation choices	N – we could not find evidence that the Government considered alternative implementation choices. Instead, the decision was made to proceed by making amalgamations mandatory
5	Cost-benefit analysis	N – we could not find evidence of a cost-benefit analysis
6	Policy design framework	N – the policy rollout was characterised by a failure to meet proper administrative processes
7	Further consultation	N – we could not find evidence of adequate further stakeholder consultation. In fact, local councils were not even privy to the costings
8	Produce Green then White paper	N
9	Develop legislation	N – mergers were undertaken by proclamation instead of legislation
10	Communication	Y – media release from the Premier ¹²⁵
		2/10

¹¹⁷ <http://www.fitforthefuture.nsw.gov.au/sites/fftf/files/Fit-for-the-Future-A-Blueprint-for-the-future-of-Local-Government.pdf>

¹¹⁸ <https://www.parliament.nsw.gov.au/lcdocs/inquiries/1825/Report%201%20-%20Local%20Government%20in%20NSW%20-%2029%20October%202020.pdf>

¹¹⁹ <http://www.abc.net.au/news/2015-12-18/sydney-councils-to-be-forced-to-merge-by-nsw-government/7039326>

¹²⁰ <https://dpcsc-ss.s3.amazonaws.com/Uploads/1487824776/KPMG-Local-Government-Reform-Merger-impacts-and-analysis-Dec-2015.pdf>, <https://dpcsc-ss.s3.amazonaws.com/Uploads/1487824833/KPMG-Outline-of-financial-modelling-assumptions-Jan-2016.pdf>

¹²¹ <https://www.smh.com.au/national/nsw/council-amalgamation-report-awash-with-errors-20160124-gmcsri.html>

¹²² <http://www.abc.net.au/news/2016-05-12/new-councils-created-under-forced-mergers-across-nsw/7408152>

¹²³ <http://www.abc.net.au/news/2017-02-14/nsw-government-to-proceed-with-city-council-mergers-not-regional/8268340>

¹²⁴ <http://www.abc.net.au/news/2017-07-27/council-amalgamations-scrapped-in-nsw-after-government-backflip/8748164>

¹²⁵ <https://www.nsw.gov.au/your-government/the-premier/media-releases-from-the-premier/2016/10/stronger-councils-for-sydney-and-regional-nsw/>

Fire and emergency services levy (FESL)

New South Wales is unique in Australia in terms of how the state funds its fire and emergency services. While other states fund the cost through a direct levy on property owners, NSW funds 73.7% through levies on insurers, and 11.7% through local government contributions.¹²⁶ Since at least 2003 the NSW Government has been considering moving towards the property-based tax used by the other states, arguing that the current system is unfair because uninsured property owners receive the benefit of the fire and emergency services but do not pay towards them, and because taxing insurance makes insurance more expensive, disincentivising property owners from insuring.¹²⁷

The 2003 Royal Commission into the collapse of HIH Insurance Group recommended the abolition of the emergency services levy on insurers, to which the NSW Treasurer responded with a promise to consider an alternative.¹²⁸ In 2008, the Independent Pricing and Regulatory Tribunal of NSW recommended in its review of state taxes that the levy on insurers should be replaced by a property-based levy.¹²⁹ The 2010 Henry Tax Review also recommended that the levy be abolished.¹³⁰ After committing to review the levy as part of their 2011 election platform, in 2012 the NSW Government issued the *Funding Our Emergency Services* discussion paper, which asked for community input into a process of creating a "fairer, more efficient" funding process for the emergency services by moving to a property-based levy.¹³¹ The Government reports that 51% of the responses it received supported moving away from insurance-based levies.¹³²

In December 2015, the Government announced it would do so, and provided modelling to suggest that fully insured homeowners would save \$47 per year, while uninsured homeowners would see only an average \$185 per year added to rates.¹³³ The policy was subject to significant backlash when the Government calculator released online showed that this was not in fact the case, and many property owners would be subject to rates increases of hundreds of

¹²⁶ <https://www.parliament.nsw.gov.au/lcdocs/submissions/59421/0022%20NSW%20Government.pdf>

¹²⁷ <https://www.ocn.org.au/sites/default/files/documents/NSW%20Treasury%20-%20Emergency%20Services%20Levy%20Discussion%20Paper%20July%202012.pdf>

¹²⁸ https://web.archive.org/web/20120327203738/http://www.hihroyalcom.gov.au/finalreport/Front%20Matter,%20critical%20assessment%20and%20summary.HTML#_Toc37086538, <https://www.parliament.nsw.gov.au/lcdocs/submissions/59421/0022%20NSW%20Government.pdf>

¹²⁹ https://www.ipart.nsw.gov.au/files/sharedassets/website/trimholdingbay/final_report_-_review_of_state_taxation_-_michael_seery_-_17_october_2008_-_pdf_website_document_version.pdf

¹³⁰ http://taxreview.treasury.gov.au/content/FinalReport.aspx?doc=html/publications/papers/Final_Report_Part_1/chapter_12.htm

¹³¹ <https://www.ocn.org.au/sites/default/files/documents/NSW%20Treasury%20-%20Emergency%20Services%20Levy%20Discussion%20Paper%20July%202012.pdf>

¹³² <https://www.parliament.nsw.gov.au/lcdocs/submissions/59421/0022%20NSW%20Government.pdf>

¹³³ <https://www.smh.com.au/national/nsw/nsw-homeowners-set-to-pay-185-annual-fire-services-levy-via-council-rates-20170306-gurlf9.html>

dollars more.¹³⁴ The Government announced the indefinite deferral of the FESL in May 2017.¹³⁵ In a recent hearing as part of the ongoing inquiry into the FESL, NSW Treasury's revenue executive director accepted that the initial modelling had data limitations and that once more data was available following the launch of the calendar, the Government realised the policy would not achieve its aims.¹³⁶

	Criterion	Comment
1	Demonstrable, evidence-based need	Y – multiple successive inquiries and reviews provided substantial evidence for reforming the existing emergency services levy scheme
2	Public interest parameters	N – although the Government framed the policy change as a step towards a more equitable system, it failed to make a proper public interest argument, opening it up to criticisms that the real goal of the policy was to benefit the insurance industry by increasing uptake
3	Consideration of alternatives	Y – the 2012 discussion paper considered alternatives to the scheme
4	Implementation choices	Y – the 2012 discussion paper considered a range of implementation options and the Government showed flexibility on implementation by deferring and reconsidering the policy
5	Cost-benefit analysis	N – the Government did make a claim that the costs would be offset by a benefit to the average household, but this claim was heavily contested and the model behind it was later proven inaccurate
6	Policy design framework	N – no full policy design framework was published
7	Further consultation	N – we could not find evidence of further stakeholder consultation
8	Produce Green then White paper	N
9	Develop legislation	Y – legislation was considered by the Legislative Review Committee and supported by the Opposition ¹³⁷
10	Communication	N – the Government did not accurately communicate key features of the policy, such as how much it would cost households, and the backlash over this later led to the policy's indefinite deferral
		4/10

Criminal justice reforms

In May 2017, the NSW Government announced a package of “tough and smart” criminal justice reforms with the stated goals of making communities safer and delivering justice more quickly to communities and victims.¹³⁸ The

¹³⁴ <https://www.smh.com.au/national/nsw/revealed-what-you-will-pay-under-the-new-fire-services-levy-20170428-gvumk1.html>, <https://www.smh.com.au/national/nsw/a-blunt-instrument-sydney-property-owners-unfair-tax-hike-20170430-gvmda.html>

¹³⁵ <https://www.smh.com.au/national/nsw/new-nsw-fire-services-levy-delayed-after-furore-20170530-gwg464.html>

¹³⁶ <https://www.parliament.nsw.gov.au/lcdocs/transcripts/2059/Transcript%20-%2013%20August%202018%20-%20UNCORRECTED.pdf>

¹³⁷ <https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#/docid/HANSARD-1323879322-98656>

¹³⁸ <https://www.justice.nsw.gov.au/Documents/Media%20Releases/2017/tough-and-smart-justice-reforms-delivering-safer-communities.pdf>

package had four main prongs: encouraging earlier guilty pleas,¹³⁹ changing to sentencing including abolishing suspended sentences,¹⁴⁰ expanding parole to include mandatory supervision,¹⁴¹ and new laws governing high risk offenders at the end of their sentence.¹⁴²

These policies built on recommendations made by the NSW Law Reform Commission on sentencing,¹⁴³ early guilty pleas,¹⁴⁴ and parole¹⁴⁵ between 2013 and 2015, and those made by the review of the High Risk Offenders Scheme in 2016-2017.¹⁴⁶ These processes were extremely thorough, were open to public submission, and included consultation. After announcing the proposed reforms, the Government continued to hold public consultations with representatives from the criminal justice system including victims of crimes, via roundtable discussions, meetings, and written submissions.¹⁴⁷ The eventual package of three Bills was relatively uncontroversial and passed both Houses without amendments in October 2017.

A number of possible human rights issues were raised in the public sphere as the Bills were being deliberated, some of which had been raised during the various consultation and review processes. Critics pointed out the changes might further disadvantage wrongfully convicted people, that less flexible sentencing might discriminate against people with mental health or substance issues, that individual corrections officers might now have too much power, and that new sentencing discounts for early guilty pleas might encourage inappropriate pleas.¹⁴⁸

	Criterion	Comment
1	Demonstrable, evidence-based need	Y – a number of inquiries carried about the NSW Law Reform Commission and a review into the High Risk Offenders Scheme established evidence-based need
2	Public interest parameters	Y – the Government made a convincing public interest argument based on making communities safer and delivering justice to victims faster
3	Consideration of alternatives	Y – throughout the policy design process a number of alternatives to each aspect of the Bill were considered, and international comparisons were made
4	Implementation choices	Y – the various Government reviews considered different mechanisms
5	Cost-benefit analysis	N – we could not find a full cost-benefit analysis
6	Policy design framework	Y – policy implementation process has been outlined and is subject to ongoing reviews
7	Further consultation	Y – the Government continued to consult between announcing and passing the Bills
8	Produce Green then White paper	N

¹³⁹ <https://www.justice.nsw.gov.au/Documents/Reforms/early-guilty-pleas-factsheet.pdf>

¹⁴⁰ <https://www.justice.nsw.gov.au/Documents/Reforms/sentencing-factsheet.pdf>

¹⁴¹ <https://www.justice.nsw.gov.au/Documents/Reforms/parole-factsheet.pdf>

¹⁴² <https://www.justice.nsw.gov.au/Documents/Reforms/high-risk-offenders-factsheet.pdf>

¹⁴³ <http://www.lawreform.justice.nsw.gov.au/Documents/Publications/Reports/Report-139.pdf>

¹⁴⁴ <http://www.lawreform.justice.nsw.gov.au/Documents/Publications/Reports/Report-141.pdf>

¹⁴⁵ <http://www.lawreform.justice.nsw.gov.au/Documents/Publications/Reports/Report-142.pdf>

¹⁴⁶

[https://www.parliament.nsw.gov.au/la/papers/DBAssets/tabledpaper/webAttachments/70903/Review%20of%20the%20Crimes%20\(High%20Risk%20Offenders\)%20Act%202006.pdf](https://www.parliament.nsw.gov.au/la/papers/DBAssets/tabledpaper/webAttachments/70903/Review%20of%20the%20Crimes%20(High%20Risk%20Offenders)%20Act%202006.pdf)

¹⁴⁷ <https://www.justice.nsw.gov.au/Documents/Reforms/informed-reforms-factsheet.pdf>

¹⁴⁸ <http://www.lawreform.justice.nsw.gov.au/Documents/Completed-projects/2010-onwards/Early-guilty-pleas/Submissions/EGPo8.pdf>,

<https://www.sydneycriminallawyers.com.au/blog/nsw-governments-justice-reforms-part-one/>,

<https://www.sydneycriminallawyers.com.au/blog/the-nsw-governments-justice-reforms-part-two/>

9	Develop legislation	Y – three pieces of legislation were ultimately passed and all were debated well in Parliament ¹⁴⁹
10	Communication	Y – well communicated using simple fact sheets on dedicated website
		8/10

Victoria case studies

Access to Medicinal Cannabis Act 2016

In August 2014, then-Opposition Leader Daniel Andrews made a pre-election commitment to pursue legalization of medicinal cannabis. He said he had been particularly affected by conversations with families in Victoria whose children had epilepsy, and who were forced to choose between obeying the law and alleviating their child's suffering.¹⁵⁰ After winning the state election, Andrews asked the Victorian Law Reform Commission to review the option in November 2014.

The VLRC published an issues paper,¹⁵¹ opened for submissions, and held nine public consultations across Victoria, releasing its report in August 2015.¹⁵² The report was extremely thorough, considering multiple options and a range of implementation measures in detail before making its recommendations, and including a complete policy design. In December 2015, the Andrews government introduced the Bill to the Legislative Assembly, which passed it in April 2016.¹⁵³

¹⁴⁹ <https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=3442>,
<https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=3443>, <https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=3441>

¹⁵⁰ <http://www.abc.net.au/news/2014-08-24/labor-party-proposes-legalisation-of-medical-cannabis/5692454>

¹⁵¹ http://lawreform.vic.gov.au/sites/default/files/VLRC_Cannabis_Issues_Paper_1.pdf

¹⁵² http://lawreform.vic.gov.au/sites/default/files/VLRC_Medicinal_Cannabis_Report_web.pdf

¹⁵³ <http://www.abc.net.au/news/2016-04-12/victoria-becomes-first-state-to-legalise-medicinal-cannabis/7321152>

The Act enables access to medicinal cannabis to defined groups of patients, including:

- a patient who—
 - is under 18 years of age; and
 - experiences severe seizures resulting from an epileptic condition in respect of which other treatment options have not proved effective or have generated intolerable side effects; and
 - meets the prescribed criteria in respect of that condition (if any);
- or a patient who—
 - has a prescribed medical condition; and
 - meets the prescribed criteria in respect of that condition (if any)¹⁵⁴

This eligibility criteria was narrower than the VLRC proposed, but otherwise the Act stuck closely to the VLRC report. The Australian Medical Association expressed some concerns about departing from the principles of evidence-based medicine, but overall the Act received support from stakeholders and the public.¹⁵⁵ The Andrews government plans to expand the eligibility criteria gradually over the coming years.¹⁵⁶

	Criterion	Comment
1	Demonstrable, evidence-based need	Y – the Government presented evidence that cannabis could be useful in a medicinal context
2	Public interest parameters	Y – the Government made a public interest argument based on pain reduction for sick and terminally ill patients, and the potential for further medicinal use
3	Consideration of alternatives	Y – the initial VLRC review considered a number of different options before making its recommendation
4	Implementation choices	Y – the VLRC considered a range of implementation choices
5	Cost-benefit analysis	N – we could not find a full cost-benefit analysis
6	Policy design framework	Y – VLRC final report contains complete policy design, including gradual phased implementation starting with limited eligibility and expanding over time, subject to ongoing review and analysis
7	Further consultation	Y – extensive consultation including open submissions and nine public hearings
8	Produce Green then White paper	Y – issue paper followed by final report
9	Develop legislation	Y – the Access to Medicinal Cannabis Act 2016 ¹⁵⁷
10	Communication	Y – media releases
		9/10

¹⁵⁴[http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/edfb620cf7503d1aca256da4001b08af/1E1D95ECB3B1662ECA257FA100098BF7/\\$FILE/16-020aa%20authorised.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/edfb620cf7503d1aca256da4001b08af/1E1D95ECB3B1662ECA257FA100098BF7/$FILE/16-020aa%20authorised.pdf)

¹⁵⁵http://lawreform.vic.gov.au/sites/default/files/Submission_38_AMA%20_Victoria_20-04-15.pdf

¹⁵⁶https://www.parliament.vic.gov.au/publications/research-papers/download/36-research-papers/13760-2016-2-access-to-medicinal-cannabis-bill2015#_ftn15

¹⁵⁷[http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/edfb620cf7503d1aca256da4001b08af/1E1D95ECB3B1662ECA257FA100098BF7/\\$FILE/16-020aa%20authorised.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/edfb620cf7503d1aca256da4001b08af/1E1D95ECB3B1662ECA257FA100098BF7/$FILE/16-020aa%20authorised.pdf)

Voluntary Assisted Dying Act 2017

The Legislative Council agreed to a motion for the Standing Committee on Legal and Social Issues to inquire into the possibility of allowing Victorian citizens to make their own informed choices regarding end of life in May 2015. The Committee's report, released in June 2016, recommended that Victoria should legalise assisted dying.¹⁵⁸ In December 2016, the Andrews government formally responded to the report and committed to review the implementation of an assisted dying framework in Victoria.¹⁵⁹ A Ministerial Advisory Panel was established and submitted its final report in July 2017, which became the Bill.¹⁶⁰

The Bill provides access to voluntary assisted dying and establishes a regulatory framework. It outlined the following eligibility criteria:

- 18 years or older
- An Australian citizen or permanent resident who is ordinarily resident in Victoria
- Have decision-making capacity in relation to voluntary assisted dying
- Be diagnosed with a disease, illness, or medical condition that is incurable, advanced, progressive and will cause death, and is expected to cause death within less than 12 months (this was later amended to 6)
- Be experiencing suffering that cannot be relieved in a manner that the person considers tolerable¹⁶¹

Key regulatory mechanisms included that eligible people must make the request themselves, and requests could not be made by others on their behalf; that there would be no access to assisted dying using an advance care plan or directive, and that people suffering as a result of a mental illness only would not be eligible.¹⁶²

The Bill passed the lower house in October 2017, after an emotional debate that lasted more than 24 hours, but it did not pass the upper house.¹⁶³ During November 2017 a number of amendments were made to the Bill, including reducing the eligible time frame from 12 months to 6 months, and increasing funding for palliative care in regional areas. The amended bill passed the upper house after a tense sitting that lasted more than 28 hours.¹⁶⁴ Royal assent was granted in December 2017 and voluntary assisted dying will come into effect in Victoria in mid-2019.

There were a number of criticisms expressed throughout this process, which were addressed in the committee report, the government response, and the panel report. In general, the extent of the consultations carried out first by the committee and then by the panel meant that these concerns were considered. However, disability advocates

¹⁵⁸ https://www.parliament.vic.gov.au/images/stories/committees/SCLSI/EOL_Report/LSIC_58-05_Text_WEB.pdf

¹⁵⁹ https://www.parliament.vic.gov.au/images/stories/committees/SCLSI/EOL_Report/Government_response_End_of_Life_Choices_Inquiry_081216_gbfdVt5Y_2.pdf

¹⁶⁰ <https://www2.health.vic.gov.au/Api/downloadmedia/%7BA27EEE2F-02DE-44BF-8347-C901CF20B7E5%7D>

¹⁶¹ <https://www.parliament.vic.gov.au/publications/research-papers/download/36-research-papers/13834-voluntary-assisted-dying-bill-2017>

¹⁶² <https://www.parliament.vic.gov.au/publications/research-papers/download/36-research-papers/13834-voluntary-assisted-dying-bill-2017>

¹⁶³ <http://www.abc.net.au/news/2017-10-20/voluntary-assisted-dying-bill-vote-in-victorian-parliament/9066506>

¹⁶⁴ <http://www.abc.net.au/news/2017-11-22/euthanasia-victorian-parliament-passes-assisted-dying-laws/9156016>

have expressed that they were not consulted adequately, and that their specific concern (that legalizing assisted dying would impact community perceptions that people living with disabilities might be 'better off dead') was not addressed in the same thorough manner that others were.¹⁶⁵

	Criterion	Comment
1	Demonstrable, evidence-based need	Y – the Committee report presented significant evidence that Victorians needed more choices regarding end of life, and demonstrated there was evidence and stakeholder support for its recommendation that VIC legalise voluntary assisted dying
2	Public interest parameters	Y – the Government made a public interest argument framed around giving people the freedom of choice around their end of life arrangements
3	Consideration of alternatives	Y – the Committee report considered a number of alternatives before making recommendations
4	Implementation choices	Y – the Committee considered a range of implementation choices, including travelling to other countries where assisted dying was already legal to compare implementation internationally
5	Cost-benefit analysis	N – we did not find a full cost-benefit analysis
6	Policy design framework	Y – the Ministerial Advisory Panel developed a policy design framework and also established the Voluntary Dying Review Board to ensure ongoing oversight and assessment
7	Further consultation	Y – the Panel conducted further consultation after the policy announcement, receiving 176 written submissions and conducting 14 forums across Victoria
8	Produce Green then White paper	Y – the Committee report followed by the Panel report
9	Develop legislation	Y – the Voluntary Assisted Dying Act 2017 ¹⁶⁶
10	Communication	Y – media release from the Premier ¹⁶⁷
		9/10

Climate Change Act 2017

An independent review of the Climate Change Act 2010 was published in February 2016. The Victorian Government had commissioned it as a first step towards re-building a Climate Change Act for Victoria after the 2010 version had been stripped back by the Baillieu government in 2011. The review found that the existing Act did not support Victoria to comply with the Paris Agreement and made a series of recommendations to strengthen Victoria's

¹⁶⁵ <https://junkee.com/assisted-suicide-legislation-euthanasia/133335>

¹⁶⁶ [http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/f932b66241ecf1b7ca256e92000e23be/B320E209775D253CCA2581ED00114C60/\\$FILE/17-061aa%20authorised.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/f932b66241ecf1b7ca256e92000e23be/B320E209775D253CCA2581ED00114C60/$FILE/17-061aa%20authorised.pdf)

¹⁶⁷ <https://www.premier.vic.gov.au/victoria-first-state-to-pass-voluntary-assisted-dying-laws/>

climate change framework.¹⁶⁸ In its June 2016 response to the review, the Government supported all but one of these recommendations.¹⁶⁹

The majority of these commitments were implemented in the Climate Change Act 2017, which passed through Parliament in February 2017.¹⁷⁰ The Act set a long-term emissions reduction target of net zero greenhouse gas emissions by 2050, in line with the Paris Agreement, and made it a duty of the Premier and the Minister for Energy, Environment, and Climate Change to ensure that target is met. To keep Victoria on track to meet the long-term target, the Act instituted five-year interim targets and other systems for periodic reporting, including adaptation action plans.

The Act was well received across stakeholder groups and praised by environmental advocates and industry groups alike.¹⁷¹ However, although the Act set specific and ambitious targets, it did not outline new policies designed to meet those targets. One reason the Act enjoyed industry support was because it included no penalties for businesses, with the Government pursuing a voluntary rather than mandatory approach.¹⁷³ The Act did not include an emissions trading scheme or a carbon tax.

The Act became law with the support of Labor and Greens MPs as well as cross benchers Fiona Patten and James Purcell. Polling suggested significant public support for the Act.¹⁷⁴ However, the federal Coalition Government continues to oppose state-legislated renewable energy targets.¹⁷⁵

	Criterion	Comment
1	Demonstrable, evidence-based need	Y – the independent review established evidence-based need by showing that the existing Act would not allow VIC to comply with its international obligations under the Paris Agreement
2	Public interest parameters	Y – the Government appealed to the public interest of limiting climate change and its effects
3	Consideration of alternatives	Y – the review considered alternative policy ideas raised during consultation, and there is proof that the Government considered these alternatives in its response to the review
4	Implementation choices	N – the Government does not appear to have considered a range of implementation mechanisms
5	Cost-benefit analysis	N – we could not find a full cost-benefit analysis
6	Policy design framework	Y – the review contained a full policy design framework and the legislation included plans for policy rollout and ongoing assessment
7	Further consultation	N – the Government did not undertake further consultation after responding to the review
8	Produce Green then White paper	N
9	Develop legislation	Y – the Climate Change Act 2017 ¹⁷⁶

¹⁶⁸ https://www.climatechange.vic.gov.au/_data/assets/pdf_file/0019/55306/Independent-Review-of-the-Climate-Change-Act-2010.pdf

¹⁶⁹ https://www.climatechange.vic.gov.au/_data/assets/pdf_file/0015/80043/VictorianGovernmentResponse_IndependentReviewofClimateChangeAct2010.pdf

¹⁷⁰ [http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/f932b66241ecf1b7ca256e92000e23be/05736C89E5B8C7C0CA2580D50006FF95/\\$FILE/17-005aa%20authorised.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/f932b66241ecf1b7ca256e92000e23be/05736C89E5B8C7C0CA2580D50006FF95/$FILE/17-005aa%20authorised.pdf)

¹⁷¹ https://www.melbournefoe.org.au/climate_bill_passed

¹⁷² <https://www.theage.com.au/national/victoria/victoria-to-stop-pumping-out-carbon-dioxide-by-2050-premier-daniel-andrews-promises-20160609-gpey3r.html>

¹⁷³ <https://www.theage.com.au/national/victoria/victoria-to-stop-pumping-out-carbon-dioxide-by-2050-premier-daniel-andrews-promises-20160609-gpey3r.html>

¹⁷⁴ <https://environmentvictoria.org.au/2017/02/23/8-10-victorians-support-renewable-energy-target-poll-finds/>

¹⁷⁵ <https://www.pm.gov.au/media/address-national-press-club>

¹⁷⁶ [http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/f932b66241ecf1b7ca256e92000e23be/05736C89E5B8C7C0CA2580D50006FF95/\\$FILE/17-005aa%20authorised.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/f932b66241ecf1b7ca256e92000e23be/05736C89E5B8C7C0CA2580D50006FF95/$FILE/17-005aa%20authorised.pdf)

10	Communication	Y – media release from the Premier ¹⁷⁷
		6/10

Advancing the Treaty Process with Aboriginal Victorians Bill 2018

The Advancing the Treaty Process with Aboriginal Victorians Act 2018 is a Bill that legislates a framework under which a treaty process between Aboriginal Victorians and the state can be negotiated.¹⁷⁸ The result of more than two years of highly consultative work, it also establishes an elected Aboriginal Representative Body as the sole representative of Aboriginal Victorians, although the exact nature and constitution of that Body and its elections are yet to be established.¹⁷⁹ It outlines the guiding principles of the treaty making process and establishes a self-determination fund, so that the Aboriginal Representative Body can maintain its independence regardless of changes in government.¹⁸⁰

Early in 2015, the Victorian Government acknowledged that the various initiatives established under the *Closing the Gap* targets were failing.¹⁸¹ As a response, in December 2015, the Minister for Aboriginal Affairs announced the Government would hold an initial forum between government agencies and representatives, Traditional Owners, Registered Aboriginal Parties, Aboriginal community organisations, and other representative groups, around the issue of self-determination.¹⁸² The forum, held in February 2016, resulted in a call from the Aboriginal community

¹⁷⁷ <https://www.premier.vic.gov.au/victoria-leading-charge-against-climate-change/>

¹⁷⁸ [http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/f932b66241ecf1b7ca256e92000e23be/CDE74BAB9461DECDCA2582BF001C5721/\\$FILE/18-028aa%20authorised.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/f932b66241ecf1b7ca256e92000e23be/CDE74BAB9461DECDCA2582BF001C5721/$FILE/18-028aa%20authorised.pdf)

¹⁷⁹ <https://www.parliament.vic.gov.au/publications/research-papers/send/36-research-papers/13861-advancing-the-treaty-process-with-aboriginal-victorians-bill-2018>

¹⁸⁰ <https://www.parliament.vic.gov.au/publications/research-papers/send/36-research-papers/13861-advancing-the-treaty-process-with-aboriginal-victorians-bill-2018>

¹⁸¹ <https://www.premier.vic.gov.au/closing-the-gap-premiers-speech/>

¹⁸² <https://www.premier.vic.gov.au/aboriginal-victoria-to-advance-self-determination/>

for treaty, and the Government's agreement that a representative body should be set up with which it could negotiate.¹⁸³

Since then, the pathway to treaty has revolved around community consultations and forums that have focused on what a framework for treaty negotiation would look like, including how a representative body might be selected.¹⁸⁴ Over two years consultations involved more than 7500 Aboriginal Victorians.¹⁸⁵ It has been a historically unique process to which this exercise is difficult to apply, because part of the point was that it was creating an entirely new, fully representative manner of policymaking. In early 2018, the final report of the Working Group was delivered to the newly established Victorian Treaty Advancement Commission. In June 2018, the Bill passed the Victorian Parliament with support from Labor and the Greens.¹⁸⁶

	Criterion	Comment
1	Demonstrable, evidence-based need	Y – the Bill was a response to evidence that <i>Closing the Gap</i> was failing, and a consultative forum that established there was community demand for treaty
2	Public interest parameters	Y – the Government made a public interest argument framed around an objective of addressing the extreme disadvantage Indigenous communities face in comparison the broader community
3	Consideration of alternatives	Y – the forum was established to consider different policy options for addressing the failure of <i>Closing the Gap</i> , and considered various policy options
4	Implementation choices	Y – the ongoing consultation and working group process has assessed a large number of implementation measures for the various elements of the framework
5	Cost-benefit analysis	N – we could not find a full cost-benefit analysis
6	Policy design framework	N – a full policy design framework has not yet been released, because this Act does not establish the treaty itself but only a framework for advancing the treaty process. Due to the ongoing and consultative nature of this process, many elements of the policy are yet to be determined
7	Further consultation	Y – there has been extensive consultation throughout the process
8	Produce Green then White paper	N
9	Develop legislation	Y -the Advancing the Treaty Process with Aboriginal Victorians Bill 2018 ¹⁸⁷
10	Communication	Y – media release from the Minister for Aboriginal Affairs ¹⁸⁸
		7/10

¹⁸³ <https://www.parliament.vic.gov.au/publications/research-papers/send/36-research-papers/13861-advancing-the-treaty-process-with-aboriginal-victorians-bill-2018>

¹⁸⁴ <https://www.vic.gov.au/aboriginalvictoria/treaty/results-of-treaty-consultations.html>

¹⁸⁵ <https://www.theaustralian.com.au/national-affairs/victoria-passes-australias-first-treaty-bill/news-story/3325e25b40b110bc4ba6748315fc9cb4>

¹⁸⁶ <http://www.abc.net.au/news/2018-06-07/victorian-parliament-to-vote-on-negotiating-aboriginal-treaty/9843638>

¹⁸⁷ http://www.legislation.vic.gov.au/domino/Web_Notes/LDMS/PubPDocs.nsf/ee665e366dcb6cb0ca256da400837f6b/944d98521a8e29bdca2582490006991b!OpenDocument

¹⁸⁸ <https://www.premier.vic.gov.au/wp-content/uploads/2018/06/180621-Historic-Treaty-Legislation-Passes-In-Victoria.pdf>

Queensland case studies

Tackling Alcohol-Fuelled Violence Act 2016

Premier Annastacia Palaszczuk manifested her election commitment to address alcohol-fuelled violence quickly. In November 2015, the Government introduced the Tackling Alcohol-Fuelled Violence Bill 2015 to Parliament, where it was referred to the Legal Affairs and Community Safety Committee for comprehensive consideration.

The initial Bill proposed to introduce last drinks at 2am, except in prescribed Safe Night Precincts where alcohol would be served until 3am with a 1am lockout. It also proposed to remove high alcohol content and rapid consumption drinks from sale after midnight and enforce bottle shop trading hours of 10am – 10pm.¹⁸⁹ The Government cited evidence from emergency workers and police that alcohol-related harm is a significant issue in Queensland, and from the results of similar measures employed in some areas of New South Wales, which saw a reduction in alcohol-related harm.¹⁹⁰

The Committee held numerous public briefings and hearings around the state, accepted hundreds of submissions, and also travelled to New South Wales to meet with stakeholders about the legislation in force there.¹⁹¹ The Committee found itself unable to reach a majority decision to recommend the Bill be passed.¹⁹² Opposing Members argued that the approach was too simplistic, and that other initiatives proven to address issues around alcohol consumption, for example increased penalties, increased CCTV presence, increased police numbers, and more public transport options, were not considered at all in the Bill.¹⁹³ They also noted that the overwhelming majority of submissions received by the Committee opposed the Bill, and that the timeframe had been so rushed as to not allow for proper stakeholder consultation.¹⁹⁴

The tragic one-punch death of 18-year-old Cole Miller in Brisbane's Fortitude Valley in January 2016 amplified public pressure to deal with alcohol-related violence.¹⁹⁵ In the aftermath, and as the Committee was holding public hearings, the media published calls from influential figures including doctors, surgeons, and the Queensland Police Commissioner supporting the legislation and calling for change.¹⁹⁶ The Bill, seen as under threat due to the absence of a recommendation from the Committee,¹⁹⁷ passed as the Tackling Alcohol-Fuelled Violence Act in March 2016, with the support of crossbench Katter MPs.¹⁹⁸

¹⁸⁹ <http://www.parliament.qld.gov.au/work-of-committees/committees/LACSC/inquiries/past-inquiries/09-TacklingAFVLAB15>

¹⁹⁰ <http://www.parliament.qld.gov.au/Documents/TableOffice/TabledPapers/2015/5515T1655.pdf>

¹⁹¹ <http://www.parliament.qld.gov.au/work-of-committees/committees/LACSC/inquiries/past-inquiries/09-TacklingAFVLAB15>

¹⁹² <https://www.parliament.qld.gov.au/documents/tableOffice/TabledPapers/2016/5516T44.pdf>

¹⁹³ <https://www.parliament.qld.gov.au/documents/tableOffice/TabledPapers/2016/5516T44.pdf>, page 104

¹⁹⁴ <https://www.parliament.qld.gov.au/documents/tableOffice/TabledPapers/2016/5516T44.pdf>, page 106-7

¹⁹⁵ <http://www.abc.net.au/news/2016-01-04/cole-miller-dies-in-brisbane-hospital/7065618>

¹⁹⁶ <http://www.abc.net.au/news/2016-02-01/queensland-police-ian-stewart-on-alcohol-fuelled-violence/7130440>,

<http://www.abc.net.au/news/2016-02-09/early-lockout-laws-solution-to-violence-says-surgeon/7151660>

¹⁹⁷ <http://www.abc.net.au/news/2016-02-08/early-nightclub-lockout-laws-must-face-review-after-18-months/7150150>

¹⁹⁸ <http://www.abc.net.au/news/2016-02-18/queensland-parliament-passes-controversial-lockout-laws/7178986>

In January 2017, following the release of the six-month evaluation report¹⁹⁹ on the policy, the Government decided to repeal the 1am lockdown provisions and instead enforce the operation of mandatory ID scanners in the Safe Night Precincts where the lockdown laws would have applied.²⁰⁰ The issuing of one-off permits to allow trading until 5am was also more strictly limited after the report found that there was “virtually no fidelity” to the last drinks rules due the widespread use of these permits, which had compromised the impact of the policy.²⁰¹

	Criterion	Comment
1	Demonstrable, evidence-based need	Y – the Government provided evidence that alcohol-fuelled violence was a significant problem in QLD, and that similar policies in NSW had shown a reduction alcohol-related harm
2	Public interest parameters	Y – the Government made a public interest argument premised on reducing violence and crime
3	Consideration of alternatives	N – in a rushed inquiry process, alternative measures were not considered
4	Implementation choices	Y – the Government considered various implementation measures, from lockdown laws to Safe Night Precincts, ID scanners and 'last drink's. Repealing some of these measures and replacing them with others showed flexibility on implementation
5	Cost-benefit analysis	N – we could not find a cost-benefit analysis. A key complaint was that the Government had not fully modelled costs to the entertainment and hospitality industries
6	Policy design framework	N – the Government did not publish a full policy design framework
7	Further consultation	Y – the Government carried out extensive consultation
8	Produce Green then White paper	N
9	Develop legislation	Y – the Tackling Alcohol-Fuelled Violence Amendment Act 2016 ²⁰²
10	Communication	Y – media statements at the passage of the Bill ²⁰³ and after a six month review ²⁰⁴
		6/10

North Queensland Stadium

The concept of a new stadium for Townsville in north Queensland dates back almost a decade, with development proposals included as part of Australia's 2022 FIFA World Cup bid in 2010 and sporting facilities were included in the Bligh Labor Government's Townsville Futures Plan of 2011.²⁰⁵ However, when the Queensland LNP won the 2012 Queensland state election, the Townsville Futures Plan was abandoned.

¹⁹⁹ <https://www.thepremier.qld.gov.au/newsroom/assets/alcohol-fuelled-violence-six-mth-report.pdf>

²⁰⁰ <https://www.thepremier.qld.gov.au/newsroom/alcohol-fuelled-violence-six-mth-report.aspx>

²⁰¹ <https://www.thepremier.qld.gov.au/newsroom/assets/alcohol-fuelled-violence-six-mth-report.pdf>

²⁰² <https://www.legislation.qld.gov.au/view/pdf/asmade/act-2016-004>

²⁰³ <http://statements.qld.gov.au/Statement/2016/2/18/palaszczuk-government-delivers-on-tackling-alcoholfuelled-violence>

²⁰⁴ <https://www.thepremier.qld.gov.au/newsroom/alcohol-fuelled-violence-six-mth-report.aspx>

²⁰⁵ <https://web.archive.org/web/20160304113355/http://www.cabinet.qld.gov.au/documents/2011/apr/draft%20townsville%20ofutures%20plan/Attachments/Townsville%20Futures%20Plan.pdf>

The idea of a stadium in Townsville returned to the agenda for the 2015 state election, during which then-Opposition Leader Anastacia Palaszczuk pledged \$100 million for the project.²⁰⁶ In response, then-Premier pledged \$150 million for the same project.²⁰⁷ When Palaszczuk won the election, the state Government continued to lobby for federal funding, attracting a visit from then-Prime Minister Tony Abbott to a site purchased by Townsville City Council.²⁰⁸ However, a few days after the visit, Treasurer Joe Hockey ruled out Commonwealth funding.²⁰⁹

The campaign stormed onto the national scene in October 2015 when the North Queensland Cowboys won their first National Rugby League (NRL) premiership. Broadcast to millions, and with Prime Minister Malcolm Turnbull on the same stage, Cowboys captain Jonathan Thurston took to the microphone to say “north Queensland deserves a new stadium”.²¹⁰ Just a couple of weeks later, Townsville city leaders travelled to Canberra to ask again for federal funding.²¹¹ In November 2015, Federal Opposition Leader Bill Shorten announced it would match the state’s funding of \$100 million.²¹² In June 2016, the Coalition promised the same, essentially ensuring that Townsville would get the new stadium regardless of who won the 2016 federal election.²¹³

In December 2016, the Coalition federal Government, the Labor Queensland Government, and the Townsville mayor signed Australia’s first ‘City Deal’ for Townsville, which formalised the funding framework under which the stadium would be built.²¹⁴ Construction began in August 2017 and is expected to finish in time for the 2020 NRL season.²¹⁵

	Criterion	Comment
1	Demonstrable, evidence-based need	Y – the Townsville Futures Plan identified that Townsville needed significant infrastructure investment, and various development proposals dating back to 2010 identified that the existing stadium was not serving public need
2	Public interest parameters	Y – the Government made a public interest argument premised on boosts for local jobs and local businesses
3	Consideration of alternatives	Y – a KPMG report prepared for the Government considered a number of alternatives ²¹⁶
4	Implementation choices	Y – the Government considered numerous avenues of funding, different designs, different locations, etc
5	Cost-benefit analysis	N – although a cost-benefit analysis was reportedly carried out, ²¹⁷ the Government did not publish it
6	Policy design framework	N – the Government did not publish a full policy design framework
7	Further consultation	N – decision making took place between state and federal governments, without public consultation
8	Produce Green then White paper	N
9	Develop legislation	N

²⁰⁶ <https://www.townsvillebulletin.com.au/labors-100-million-stadium-pledge/story-fnjfzpyk-1227152093746>

²⁰⁷ <http://www.townsvillebulletin.com.au/news/lnp-to-pledge-150m-for-stadium-in-townsville-cbd/story-fnjfzs4b-1227183881465>

²⁰⁸ <http://www.townsvillebulletin.com.au/news/townsville/prime-minister-tony-abbott-tells-his-government-to-investigate-stadium-funding/story-fnjfzsax-1227355570524>

²⁰⁹ <https://www.townsvillebulletin.com.au/news/joe-hockey-rules-out-funding-for-townsvilles-cbd-stadium/story-fnjfzs4b-1227364339778>

²¹⁰ <http://www.abc.net.au/news/2015-10-06/cowboys-stadium-agenda-thurston-comments/6831108>

²¹¹ <http://www.abc.net.au/news/2015-10-13/townsville-leaders-to-brief-pm-on-stadium-proposal/6849432>

²¹² <http://www.abc.net.au/news/2015-11-04/100-million-townsville-stadium-pledge-by-federal-labor/6913008>

²¹³ <http://www.abc.net.au/news/2016-06-13/coalition-to-match-labor-funding-promise-for-townsville-stadium/7504276>

²¹⁴ <http://www.abc.net.au/news/2016-12-09/townsville-city-deal-a-momentous-coup/8107976>

²¹⁵ <https://www.townsvillebulletin.com.au/news/townsville-its-here/news-story/ac9684fe5ce166f78a23d6926fb98576>,
<http://www.abc.net.au/news/2016-12-20/winning-design-250m-townsville-stadium-unveiled-qld-government/8134084>

²¹⁶ <http://sistercitypartners.com.au/wp-content/uploads/Townsville-Stadium-Study-Final-copy.pdf>

²¹⁷ <https://www.afr.com/news/politics/election-2016--townsville-stadium-doesnt-stack-up-20160511-gosd8y>

10	Communication	Y – a dedicated website publishes media releases and updates ²¹⁸
		5/10

Legalising ride-sharing apps

The ridesharing app Uber processed 2.5 million rides in its first 18 months in Brisbane, despite technically still being illegal in Queensland.²¹⁹ In response, Premier Anastacia Palaszczuk announced an independent Opportunities for Personalised Transport review in October 2015, and Uber agreed to hold off on its expansion plans until the results of that review were published.²²⁰

The review first published a Green Paper in April 2016, open for consultation. The Green Paper outlined four possible policy scenarios: maintain the existing industry as-is, legislate across the whole of Queensland to allow ridesharing but restrict hailing and ranks to taxis which would retain market entry restrictions and maximum fares, legislate the same only in South East Queensland, or completely deregulate the industry by removing entry restrictions and maximum fares for all.²²¹

The Green Paper facilitated extensive consultation including three public forums, five online forums and over 1200 submissions, and the review published its White Paper in July 2016.²²² The White Paper recommended that ridesharing be legalised in South East Queensland, but should have no access to the rank and hail market, and also recommended a series of regulatory changes to bring the markets in line with each other, for example removing mandatory training and removing age requirements.²²³ It also asked the Government to consider establishing a hardship fund for taxi licence holders experiencing hardship as a result of the industry changes.²²⁴

²¹⁸ <https://www.statedevelopment.qld.gov.au/major-projects/north-queensland-stadium-news.html>

²¹⁹ <https://www.smh.com.au/business/uber-chalks-up-25-million-rides-in-brisbane-in-just-18-months-20151021-gkf1lk.html>

²²⁰ <https://www.goldcoastbulletin.com.au/business/uber-taxi-industry-review-announced-by-qld-govt/news-story/42436a0b439aabd453ddoff90e0bd7>, <https://www.smh.com.au/business/uber-chalks-up-25-million-rides-in-brisbane-in-just-18-months-20151021-gkf1lk.html>

²²¹ <http://apo.org.au/system/files/65826/apo-nid65826-72306.pdf>

²²² <https://cabinet.qld.gov.au/documents/2016/Aug/PersTrans/Attachments/WhitePaper.PDF>

²²³ <https://cabinet.qld.gov.au/documents/2016/Aug/PersTrans/Attachments/WhitePaper.PDF>

²²⁴ <https://cabinet.qld.gov.au/documents/2016/Aug/PersTrans/Attachments/WhitePaper.PDF>

In response, the government published a full five-year strategic plan titled *Queensland's Personalised Transport Horizon*.²²⁵ The plan took on the recommendations from the White Paper but went further, legalising Uber across the whole state and announcing a \$100m assistance package for the taxi industry, as well as removing or waiving 80 regulations and fees.²²⁶ The announcement was heavily criticised by the taxi industry: Taxi Council Queensland chief said the Government “deceived Queenslanders by pretending to establish an independent review when the results were clearly predetermined”.²²⁷

	Criterion	Comment
1	Demonstrable, evidence-based need	Y – the independent review established that the legality of ride sharing apps needed to be decided, as Uber was already up and running and the taxi industry was facing disruption
2	Public interest parameters	Y – the Government made the public interest argument that there were ‘transport deserts’ in the state and that Queensland needed better transport options that were properly legislated and regulated
3	Consideration of alternatives	Y – the Green Paper considered four main alternatives and presented them all for consultation
4	Implementation choices	Y – the White Paper considered a number of different implementation measures for adjusting the taxi industry to the new rules
5	Cost-benefit analysis	Y – a cost-benefit analysis carried out by KPMG was included in the White Paper
6	Policy design framework	Y – the Government published a five year strategic plan
7	Further consultation	Y – according to the Government there has been ongoing broad consultation with stakeholders
8	Produce Green then White paper	Y
9	Develop legislation	N – policy was implemented via regulatory change rather than legislation with parliamentary debate
10	Communication	Y – media release from the Minister for Transport ²²⁸
		9/10

²²⁵ <https://cabinet.qld.gov.au/documents/2016/Aug/PersTrans/Attachments/Plan.PDF>

²²⁶ <http://www.abc.net.au/news/2016-08-11/uber-to-be-legalised-in-queensland/7719078>

²²⁷ <http://www.abc.net.au/news/2016-08-11/uber-to-be-legalised-in-queensland/7719078>

²²⁸ <http://statements.qld.gov.au/Statement/2016/8/11/new-level-playing-field-for-personalised-transport>

Vegetation Management Bill 2018

During the 2015 state election, the Labor party made several election commitments to protect the Great Barrier Reef and reduce carbon emissions by re-instating vegetation protection laws that had been repealed by the previous Government.²²⁹ Once elected, the Palaszczuk Government released the *Reef 2050 Long-Term Sustainability Plan*, which included as one of its key actions to “strengthen...vegetation management legislation”.²³⁰ The Statewide Landcover and Trees Study report released in November 2015 confirmed a huge increase in the rate of vegetation clearing over the course of the previous Government.²³¹ In response, the Government introduced the Vegetation Management Bill 2016 to protect vegetation by restricting the extent to which farmers could clear land.²³² However, this Bill failed to pass Parliament.²³³

Ahead of the 2017 state election, Labor included the restoration of vegetation management laws in its election platform once again.²³⁴ When re-elected, the Government re-introduced the Bill as the Vegetation Management Bill 2018. The Bill was then referred to the State Development, Natural Resources and Agricultural Industry Development Committee, which held multiple public hearings across the state and accepted submissions.²³⁵ Some of these hearings were protested by farmers, who argued that they were not given enough time to properly respond to the draft bill, that inaccurate mapping meant they would lose land worth millions of dollars and have to downsize their businesses resulting in job losses, and that they were demonised by the Bill.²³⁶ Reporting back in April 2018, the Committee recommended the Bill be passed.²³⁷

In May 2018, the Bill passed State Parliament. The Government acknowledged that it did not have the backing of industry but promised to work closely with farmers to find a positive path forward.²³⁸

	Criterion	Comment
1	Demonstrable, evidence-based need	Y – work on reef sustainability and carbon emissions showed that the current rate of land clearing was unsustainable
2	Public interest parameters	N – the Government did not make a strong public interest argument
3	Consideration of alternatives	N – there does not appear to have been full consideration of different policy options
4	Implementation choices	N – different mechanisms for implementing the policy do not appear to have been considered
5	Cost-benefit analysis	N – the Government did not publish a full cost-benefit analysis. A key concern was that there was not enough consideration of costs to

²²⁹ <http://www.parliament.qld.gov.au/Documents/TableOffice/TabledPapers/2018/5618T300.pdf>

²³⁰ <https://www.environment.gov.au/system/files/resources/d98b3e53-146b-4b9c-a84a-2a22454b9a83/files/reef-2050-long-term-sustainability-plan.pdf>

²³¹ <https://publications.qld.gov.au/dataset/land-cover-change-in-qld-2012-13-2013-14>

²³² <http://www.parliament.qld.gov.au/Documents/TableOffice/TabledPapers/2016/5516T396.pdf>

²³³ <https://www.theguardian.com/australia-news/2018/mar/08/queensland-labor-reintroduces-land-clearing-laws-to-parliament>

²³⁴ <https://www.queenslandlabor.org/media/20226/alpq-saving-habitat-policy-document-v3.pdf>

²³⁵ <https://www.parliament.qld.gov.au/work-of-committees/committees/SDNRAIDC/inquiries/current-inquiries/5VegManagOLAB2018>

²³⁶ <http://www.abc.net.au/news/2018-03-27/farmers-protest-new-queensland-land-clearing-laws/9592738>,

<https://www.brisbanetimes.com.au/politics/queensland/labor-s-land-clearing-laws-debated-in-parliament-20180501-p4zcmt.html>

²³⁷ <http://www.parliament.qld.gov.au/Documents/TableOffice/TabledPapers/2018/5618T489.pdf>

²³⁸ <https://www.sbs.com.au/news/land-clearing-laws-pass-qld-parliament>

PER CAPITA EVIDENCE BASED POLICY PROJECT

		industry
6	Policy design framework	N – we were unable to find a project management plan for the policy
7	Further consultation	N – while there was some consultation it was inadequate, as it occurred after key decisions had been made and submissions were only opened for a week
8	Produce Green then White paper	N
9	Develop legislation	Y – the Vegetation Management and Other Legislation Amendment Bill 2018 ²³⁹
10	Communication	Y – joint media release from Ministers for Natural Resources and Environment ²⁴⁰
		3/10

²³⁹ <http://www.parliament.qld.gov.au/Documents/TableOffice/TabledPapers/2018/5618T299.pdf>

²⁴⁰ <http://statements.qld.gov.au/Statement/2018/5/3/palaszczuk-government-delivers-on-vegetation-management>