Evidence Based Policy Research Project

Media Statement

18 November 2022

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(A not-for-profit association incorporated in NSW)

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<u>**Embargoed**</u> until 6pm, Friday 18th November 2022

New Findings on Quality of Federal and State Government Decision Making

For the fifth year, independent research undertaken by two philosophically opposed Right and Left think tanks finds that the way Australian federal and state governments make important decisions involving legislation falls short of basic evidence and consultation-based standards.

This is despite each government having regulatory impact and cost/benefit analysis guidelines that demand rigorous policy analysis before important decisions are made.

Averaging the two think tanks total scores out of a possible 10.0 for each of twenty federal and state government laws reviewed shows that five received solid scores (between 7.0 and 9.5) while six got unacceptable scores (below 5.0). The remaining nine received mediocre scores (between 5.0 and 6.5).

The three laws that most approximated a good policy making process were the Queensland Housing Legislation Amendment Act (9.5/10.0), the NSW Mandatory Disease Testing Act (9.5/10.0) and the Federal Fair Work Amendment Act (9.0/10.0).

The ones that rated lowest were the Federal Electoral Legislation Amendment Act (2.0/10.0), the NSW Roads and Crimes Legislation Amendment Act (3.0/10.0), and the Federal Customs/Excise Tariff Amendment Act (4.0/10.0). See Research Results on pages 3-6.

A positive development is that the NSW Legislative Council following three years of persistent representations by the EBP Research Project unanimously agreed in May 2022 to a sessional order that all NSW government bills must answer six basic questions, which are at the core of our evaluation criteria:

- <u>Need:</u> Why is the policy needed based on factual evidence and stakeholder input?

- <u>Objectives:</u> What is the policy's objective couched in terms of the public interest?

- <u>Options:</u> What alternative policies/ mechanisms were considered in advance of the bill?

- <u>Analysis:</u> What were the pros/cons and benefits/costs of each option considered?

- <u>Pathway:</u> What are timetable and steps for the policy's rollout and who will administer it?

- <u>Consultation:</u> Were the views of affected stakeholders sought and considered?

The NSW Premier subsequently issued a directive for all state agencies to comply with the new procedural order, which they have done. Our monitoring of the standard of the 34 SPIs tabled with bills since June

show that two thirds adequately answer most if not all six questions and that the quality of SPIs has improved with time. Further scope exists for improvement in their preparation in future.

The NSW initiative is the first time that a public policy framework for interrogating bills has been given legal force in Australia. It's a big breakthrough in better governance that we hope other governments and parliaments emulate. Only by mandating and insisting on meaningful answers to the basic six steps in good policy making can parliaments genuinely hold governments to account on bills.

Research Focus

The research was commissioned by the Evidence-Based Policy Research Project, which is an incorporated not-for-profit association. Like 2020 and 2021, this year's research work was fully funded by the Susan McKinnon Foundation, a not-for-profit association which underwrites better policy governance projects. For this we are most grateful.

The work was done by the Blueprint Institute, a self-described 'economically conservative' think tank and Per Capita Australia, a self-labelled 'progressive' think tank. Blueprint replaced the Institute of Public Affairs (IPA) because it could no longer spare research staff for the project. The two think tanks jointly selected the twenty case studies to be examined, with each organisation preparing its own report before comparing results and reconciling any differences over public information (e.g., Were alternative policy options considered? Were stakeholders consulted?).

Each think tank separately benchmarked the same twenty federal and state government policies against ten attributes of good decision making identified by Professor Kenneth Wiltshire AO, the J. D. Story Professor of Public Administration at the University of Queensland Business School. The Committee's Editorial Panel reviewed the work of each think tank, but Blueprint and Per Capita each decided the final content of their respective reports.

The Wiltshire criteria focus on good process, not results, because the net fiscal, social, economic, and environmental impact of a policy may not be known for a long time. The think tank reports' findings involve judgements only about the way a legislated policy was made, not whether it was good or bad policy per se.

Professor Wiltshire has previously said:

"My research over nearly four decades suggests that good policy processes result in better outcomes than decisions made without a strong evidence base and close consultation with stakeholders."

The think tanks relied on publicly available information for each case study's assessment criteria since a government's final policy decision should have transparent underpinnings. As in previous years, the Projects editorial panel reviewed and commented on the draft report of each thank, though had no say over their final content.

Research Findings, 2022

Averaging the two think tanks total scores out of a possible 10.0 for each of twenty case studies shows that five cases received solid scores (between 7.0 and 9.5) while six got unacceptable scores (below 5.0). The remaining nine received mediocre scores (between 5.0 and 6.5).

The case studies that most approximated a good policy making process were the Queensland Housing Legislation Amendment Act (9.5/10.0), the NSW Mandatory Disease Testing Act (9.5/10.0) and the Federal Fair Work Amendment (9.0/10.0).

Acceptable scores of between 7.0 and 7.5 were achieved by the Federal Aged Care and other Legislation Amendment Act (7.5) and the Queensland Voluntary Assisted Dying (7.5).

The lowest scored case studies were the Federal Electoral Legislation Act (2.0), the NSW Roads and Crimes Legislation Amendment Act (3.5), the Federal Customs/Excise Tariff Amendment Act (4.0), the Federal Foreign Intelligence Amendment Act (4.5), the Victorian Windfall Gains Tax…Further Amendment Act (4.5), and the NSW Electric Vehicles Act (4.5).

Excellent Process (Scored 9.0 to 10.0 out of a possible 10.0)

- Qld Housing Legislation Amendment Act (9.5)
- NSW Mandatory Disease Testing Act (9.5)
- Fed Fair Work Amendment Act (9.0)

Sound Process (Scored 8.0 to 8.5)

- No Case Studies

Acceptable Process (Scored 7.0 to 7.5)

- Fed Aged Care and Other Legislation Amendment Act (7.5)
- Qld Voluntary Assisted Dying Act (7.5)

Mediocre Process (Scored 5.0 to 6.5)

- Vic Sex Work Decriminalisation Act (6.5)
- Fed Narcotic Drugs Amendment Act (6.5)
- NSW Voluntary Assisted Dying Act (6.5)
- Vic Public Health and Wellbeing Amendment Act (6.0)
- Qld Youth Justice and Other Legislation Amendment Act 6.5)
- Fed Autonomous Sanctions Amendment Act (6.0)
- Fed Parliamentary Workplace Reform Act (5.5)
- Vic Zero & Low Emission Vehicle…Charge Act (5.5)
- Qld Defamation and Other Legislation Act (5.5)

Unacceptable Process (Scored nil to 4.5)

- Fed Foreign intelligence Legislation Amendment Act (4.5)
- NSW Electric Vehicles Act (4.5)
- Vic Windfall Gains Tax…Further Amendment Act (4.5)
- Fed Customs/Excise Tariff Amendment Act (4.0)
- NSW Roads and Crimes Legislation Amendment Act (3.5)
- Fed Electoral Legislation Amendment Act (2.0)

See Appendix 2, pages 12-13 for the full title and a brief explanation of each law.

There was only one instance where the think tanks' total score for each case study differed by more than one point. That was the Federal Autonomous Sanctions Amendment Act which differed by two points. For

rating purposes, we took the average of the two think tanks' total scores for this case study, the same as we did for the other 19 case studies

Of the 200 criteria marked in the 20 case studies the think tanks had identical scores on 175 and differed in judgement on 25. It was reassuring that experts from both a Right and Left think tank could broadly agree in almost nine out of ten cases whether legislation had been well formulated even though they did not necessarily agree on the policy prescriptions.

This suggests that standardising public policy making to accord more closely with recognised best practice (such as meeting the Wiltshire 'business case' criteria) could remove much of the distrust and discord in Australian politics. Indeed, those policy case studies that followed good process appeared to fare better politically than those that only partially met it. Adhering to a good process can make a public policy more widely accepted because it removes objections over insufficient information and lack of consultation.

The research found that most scope for improvement in policy making was in:

- 'Brainstorm Alternatives' (i.e., compare the costs and benefits of alternative policy options),
- 'Consider Methods' (i.e., explore different mechanisms to implement policies),
- 'Identify Options' (i.e., investigate alternative policy solutions in advance),
- 'G&W Paper Process' (i.e., use a two stage 'green' and 'white' papers for developing policy), and
- 'Consult Further' (i.e., engage with stakeholders again once a preferred policy has been chosen).

See bottom row of the summary table in Appendix 3 for how each of the ten steps in good policy making scored across all twenty case studies.

Research Findings, 2018-2022

The results of the 100 case studies undertaken over the last five years suggest a solid process was followed in 32 of them by the governments involved. In 25 cases the ratings were well below par. In the balance of cases the process quality was mediocre. See table below.

Policy Decision-Making Process	Think Tanks' Average Score out of 10 Criteria	2018 Case Studies Number	2019 Case Studies Number	2020 Case Studies Number	2021 Case Studies Number	2022 Case Studies Number	2018-22 Total Case Studies No & % Share
Solid (Acceptable, Sound or Excellent)	7 - 10 criteria satisfied	6	6	9	6	**5**	**32 (32.0%)**
Mediocre	5 - 6.5 criteria satisfied	10	6	9	9	**9**	**43 (43.0%)**
Unacceptable	Under 5 criteria satisfied	4	8	2	5	**6**	**25 (25.0%)**
Total	-	**20**	**20**	**20**	**20**	**20**	**100 (100.0%)**

The think tanks' total scores on the ten Wiltshire criteria for the 100 case studies to date are remarkably similar. The think tanks' total scores were identical or varied by only one point in 78 per cent of cases studies. Their scores varied by two points or more in just 22 percent studied. See table below.

Total Score Differences	2018 Case Studies Number	2019 Case Studies Number	2020 Case Studies Number	2021 Case Studies Number	2022 Case Studies Number	2018-22 Total Case Studies No & % Share
None	7	8	6	3	4	28 (28%)
1 point	9	7	10	9	15	50 (50%)
2 points	4	5	4	5	1	19 (19%)
3 or more points	0	0	0	3	0	3 (3%)
Total	20	20	20	20	20	100

Comments on Findings, 2022

The research project's governance Committee - which includes people prominent in business, public and social affairs (see membership in Appendix 5) – said the research again demonstrated the need for all major political parties to publicly commit to evidence-based and inclusive engagement processes for making major policy decisions of government so that the public interest was best served.

Professor Percy Allan AM, Chair of the project's governing Committee said:

"The media is replete with faulty decision-making processes at all levels of government that result in corruption, misallocation, and waste of public money. Following our representations, every government bill in NSW now needs to state why it is needed, who was consulted on it, what is its public purpose, what alternative options were considered, why it is the preferred policy, and how it shall be administered.

"Having auditors general, integrity bodies, and select committees of inquiry rake over failed policies and processes does not fix the underlying problem which is that no government in Australia consistently addresses the above questions when making policy. Adopting an NSW-like-Statement of Public Interest for each policy would do that."

David Cross, Executive Director of the Blueprint Institute noted:

"Public policy decision making in Australia is too often driven by ideology, partisanship and the media cycle. When this occurs, rigour and evidence take a back seat. Indeed, elected officials within government rarely are surrounded by the architecture needed to make evidence-based decisions.

"The Evidence Based Policy Research Project is critical - as it offers a framework through which decision makers can assess whether legislation, they are drafting has the requisite evidence base and is ready to take through cabinet and introduce to parliament."

Emma Dawson, Executive Director of Per Capita Australia stated:

"This is the fifth year Per Capita has participated in the Evidence-Based Policy Research project, for the first time alongside the Blueprint Institute. This important project shines a light on the process of policy development and the practice of legislation federally and in our three most populous states.

"As in previous years, our analysis shows that rigorous, evidence-based processes to design and implement policies are undertaken inconsistently at all levels of government, regardless of their political persuasion. While it is not always possible to adhere to the Wiltshire criteria strictly, all governments should strive to follow best practice when developing and legislating policy changes for the good of the Australian people."

Professor Peter Shergold AC FRSN, Chancellor of Western Sydney University, said:

"Having just completed a review of Australian governments' response to COVID-19, I am utterly convinced that we cannot make good policy decisions in a crisis if we are not better practised at developing evidence-based legislation during more 'normal' times.

"Assessing the diversity of short- and longer-term costs and benefits, based on wide-ranging stakeholder consultation, is vital."

Glenn Barnes, Deputy Chair, EBPRP, a company director, and co-chair of the Citizens for Democratic Renewal remarked:

"It is concerning to see that our politicians are still struggling to meet minimum standards of evidence for the legislation they enact, even on issues of low complexity.

"Our Australian governments have lost their ability to lead constructive discussions in effectively addressing the complex and challenging issues we face and bringing the community together in supporting policy solutions that support the common good.

"Evidence-based policy development is a key element in building a community understanding of what a government is seeking to do and why."

Professor Carol Mills, Director, Institute for Public Policy and Governance, University of Technology Sydney commented:

"Over the past 12 months we have seen increasing community, stakeholder and government interest in impartial and fact-based policy making.

"This is reflected, for example, in the Albanese Government's commitment to rebuilding public sector capabilities.

"This latest report from the Evidence Based Policy makes a valuable contribution by highlighting instances of good practice as well as pointing to areas for improvement."

Sarah Davies AM, CEO of Alannah & Madeline Foundation commented:

"From the perspective of the social and community sectors, the consequences of poor policy making, and flawed policy implementation can be catastrophic: literally – as Robodebt has amply demonstrated. "Policy decisions must be made with full consideration of the context, evidence base, consequences (intended and unintended), options, risks, cost effectiveness and of course desired outcomes. Good, transparent process is critical; the cost of poor process is just too high."

Martin Stewart-Weeks, Principal, Public Purpose, stated:

"Good policy making and making good policy decisions demands evidence, transparency, and accountability. The 2022 analysis has demonstrated again how variable state and federal governments have been in meeting those requirements.

"That variability has a cost - poor impact, wasted resources and declining levels of trust. There are some examples of good performance though and that has to be encouraged. High standards should be a bare minimum and meeting them consistently is a reasonable expectation."

Russell Grove, Clerk Emeritus of the NSW Legislative Assembly, said:

"Arguably one of the principal purposes, if not the main purpose, of the Legislature is to scrutinise and approve, or not, bills submitted to it by the Government for consideration. To effectively undertake this task members of Parliament should have access to as much information as possible to allow them to make informed decisions

"The introduction of procedures in the Legislative Council relating to Statements of Public Interest adds enormous value to this process with the result that members have spoken positively regarding the importance of SPIs. The Evidence Based Policy Research Project has in recent years worked diligently to convince members of the Legislative Council, Ministers and the Premier that Statements of Public Interest add value and should be endorsed.

"All that remains is for the Procedure Committee of the Legislative Council to recommend the adoption of a permanent Standing Order. The EBP Research Project ably led by Percy Allan is to be commended for its tenacity in promoting the value of the Statement of Public Interest process."

Verity Firth, Executive Director Social Justice at UTS and former NSW Minister for Education said:

"Once again, this project demonstrates that good, evidence-based policy making in government is possible, but not always achieved.

"It is a timely reminder for our new federal government about the importance of setting high standards from the outset, and for existing state governments to ensure good processes don't wane over the life of the government."

Malcolm Irving AM, Deputy Chair, EBPRP, whose former positions included Chair, Macquarie Graduate School of Management, Chair, Caltex Ltd and Managing Director of CIBC Australia, added:

"Another year of improvement but still room to add value to the legislative process. The statement of public interest should be a guiding principle for legislation and be initiated early in the drafting process.

"Integrity, transparency, and accountability are the goals ".

Emeritus Professor Janette Hartz-Karp, Curtin University Sustainability Policy (CUSP) Institute Western Australia, said:

"Democratic governments require legitimacy to survive, so the perceived legitimacy of their legislative processes is critical. However, legitimacy, like trust, is not easily gained but is easily lost. In democratic systems, legitimacy and trust are derived from the public's understanding of the government's competence and good will; in this instance, that legislation is based on sound reasons, and is in the public good, having gained 'informed consent'.

"Solid scores against the criteria of the Wiltshire process not only demonstrate governments' accountability and transparency, but also fortify their legitimacy and public trust.

"Given the disturbingly low levels of trust in our governments, a legislative process that demonstrates reasons/justifications, clarifying why it is important, what it aims to achieve and how, and why other

solutions are inferior, proffers a minimal form of respect, helps to persuade constituents that the legislation is needed, and in so doing, bolsters their waning trust in government."

Statement of Public Interest

The generally poor quality of public policy making in Australia at both federal and state levels needs to be addressed. At the request of the Evidence-Based Policy Research Project the NSW Legislative Council made a start to rectifying this situation by requiring each government bill tabled in parliament be accompanied by a Statement of Public Interest (SPI).

Our particular thanks to Penny Sharpe MLC (Labor Leader) and Abigail Boyd (Greens) for respectively moving and seconding the motion to effect the change and to Minister Damien Tudehope MLC (Government Leader) and Mark Latham MLC (One Nation Leader) for strongly supporting the motion during its debate.

An SPI answers six fundamental questions that every member of Parliament and interested citizen is entitled to know before a Bill is considered., viz:

1. **Need**
Why is the policy needed based on factual evidence and stakeholder input?

2. **Objectives**
What is the policy's objective couched in terms of the public interest?

3. **Options**
What alternative policies and mechanisms were considered in advance of the bill?

4. **Analysis**
What were the pros/cons and benefits/costs of each option considered?

5. **Pathway**
What are the timetable and steps for the policy's rollout and who will administer it?

6. **Consultation**
Were the views of affected stakeholders sought and considered in making the policy?

An SPI questionnaire takes only a few pages to answer by those who helped develop the bill (usually the minister's agency) so is not onerous to prepare.

It encourages public servants and ministers to address the fundamental steps of good policy making before they draft and submit a bill to parliament and helps parliamentarians to understand what went into developing it.

Also, it assists the Bills Committee of the parliament (which reviews what to do with new bills) to decide whether a bill should be referred for inquiry by a standing committee. As such it complements the work of that committee.

It should also deter corruption by requiring each legislated policy decision to specify up front what is its public interest objective and what outcome to expect from it. That would provide an explicit benchmark against which a policy's rollout could be judged. If it were used for another purpose such as private or partisan gain that would be easier to call out ex post than asking an anti-corruption body to surmise what was its original intent and who was meant to benefit from it.

Our close monitoring of the SPIs accompanying all 34 bills proposed by the NSW government since the new parliamentary order came into force in June 2022, found that 21 of the SPIs adequately answered the six mandatory questions or did better, while 10 were below standard, with room for improvement.

The Evidence-Based Policy Research Project calls upon every Parliament in Australia to follow the initiative of the NSW upper house and adopt a Standing Order to require all future Bills introduced in the Parliament to be accompanied by a Statement of Public Interest (answering the six questions above).

Media enquiries:

After the end of the embargo period, a copy of this media statement together with both the Blueprint and Per Capita reports can be downloaded from the Evidence-Based Policy Research Project's website - **https://www.evidencebasedpolicy.org.au/research/**

For media enquiries please contact:

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Appendix 1: Frequently Asked Questions (FAQs)

- ***What are the case studies for 2022?***

These are listed in Appendix 2.

- ***How can I see the full reports?***

 The two think tank research reports can be downloaded at: https://evidencebasedpolicy.com.au/research/

The separate findings of each think tank are summarised in the Appendix 3 table of this media release.

- ***What are the Wiltshire criteria?***

The ten Wiltshire criteria represent an ideal approach to public policymaking using a 'business case" approach. A 'business case' provides justification for undertaking a particular government policy. It evaluates the benefit, cost and risk of alternative options and provides a rationale for the preferred solution based on factual evidence and public input.

The EBP Research Project constructed ten questions to gauge the extent to which Wiltshire's best practices had been followed in developing public policy for a parliamentary bill. The two think tanks asked these questions of each government bill to score the number of Yes answers out a possible ten.

The Wiltshire criteria and the questions based upon them are shown Appendix 4 of this media release.

- ***Where did this project originate?***

The research project's Steering Committee was self-selected from a newDemocracy forum exploring ways to make trusted, long-term decisions, involving over one hundred opinion leaders, held in Melbourne and Sydney in 2017/18. Participants were asked to work together to answer what could be tried to restore trust in public decision making.

A similar benchmarking study (confined to the federal government) was done in 2012 by the Institute of Public Administration Australia (IPAA) when Professor Allan was its National President. Professor Allan proposed to this forum that the exercise should be revived on an annual basis and extended to state governments.

In early 2021 the Evidence-Based Policy Research Project left the newDemocracy Foundation to incorporate as a standalone not-for-profit association. For the past three years its research has been fully funded by the Susan McKinnon Foundation, a Melbourne based not-for-profit association dedicated to better Australian public governance.

Appendix 2: Federal and State Government Case Studies 2022

Federal

1. Foreign Intelligence Legislation Amendment Act 2021
   o Address critical gaps in Australia's foreign intelligence warrant framework
2. Fair Work Amendment (Supporting Australia's Jobs and Economic Recovery) Act 2021
   o Changes to definitions of casual work and awards, to increase flexibility
3. Customs Tariff/Excise Tariff Amendment (Cost of Living Support) Act 2022
   o Cut fuel excise duty and customs tariffs by half, for six months until September 2022
4. Aged Care and Other Legislation Amendment (Royal Commission Response No. 1) Act 2021
   o First stage of response to the Royal Commission
5. Narcotic Drugs Amendment (Medical Cannabis) Act 2021
   o Simplify licensing for the provision of medicinal cannabis
6. Autonomous Sanctions Amendment (Magnitsky-style and Other Thematic Sanctions) Act 2021
   o Broaden the range of sanctions that can be applied outside the UN Framework
7. Electoral Legislation Amendment (Party Registration Integrity) Act 2021
   o Require approval for party names that duplicate other party names
8. Parliamentary Workplace Reform (Set the Standard Measures No. 1) Act 2022
   o Implement recommendations of the Jenkins Report on Parliament as a workplace

New South Wales

1. Roads and Crimes Legislation Amendment Act 2022 (NSW)
   o Broaden existing offences for damage and disruption of roads and infrastructure
2. Voluntary Assisted Dying Act 2021 (NSW)
   o VAD will be accessible to adults with a terminal illness where suffering cannot be tolerably relieved
3. Mandatory Disease Testing Act 2020 (NSW)
   o Provide for mandatory testing of blood where a person has deliberately contacted a police or emergency worker with their bodily fluid
4. Electric Vehicles (Revenue Arrangements) Act 2021
   o Introduce road user charges for electric vehicles by 2027, or earlier if uptake reaches 30%

Victoria

1. Public Health and Wellbeing Amendment (Pandemic Management) Act 2021
   o Create a new framework for the management of a pandemic
2. Sex Work Decriminalisation Act 2021 (Victoria)
   o Decriminalise and regulate the sex work industry through existing specialist agencies
3. Zero and Low Emission Vehicle Distance-Based Charge Act 2021
   o Introduce road user charges for electric, hydrogen and hybrid vehicles, from July 2021
4. Windfall Gains Tax and State Taxation and Other Acts Further Amendment Act 2021
   o Increase tax for large land value increases after rezoning and introduce concessions for build-to-rent schemes.

Queensland

1. Voluntary Assisted Dying Act 2021
   - Gives eligible people who are suffering and dying the option of asking for medical assistance to end their lives
2. Youth Justice and Other Legislation Amendment Act 2021
   - Amend the Youth Justice Act 1999 with a focus on reoffending youth
3. Housing Legislation Amendment Act 2021
   - Improve the safety and security of renters and balance the rights of renters and owners
4. Defamation (Model Provisions) and Other Legislation Amendment Act 2021
   - Amend defamation laws in line with provisions agreed nationally.

Appendix 3: Summary of Project Findings, 2022

Think Tanks' Rating Scores on 20 Government Case Studies, 2022

Case Study (Government Legislation)	Scoring Criteria (Does the Act satisfy this best practice in policy making?)																				Total Score (Out of 10)	
	Establish Need		Set Objectives		Identify Options		Consider Methods		Brainstorm Alternatives		Design Pathway		Consult Further		G & W Papers Process		Debate & Legislate		Communicate Decision		All Criteria	
FEDERAL	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC
Foreign intelligence	Yes	Yes	Yes	Yes	No	Yes	No	Yes	No	No	No	No	No	No	No	No	Yes	No	Yes	Yes	4	5
Fair Work Amendment	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	9	9
Customs/Excise Tariff (Fuel)	Yes	No	Yes	Yes	No	No	No	No	No	No	No	Yes	No	No	No	No	Yes	Yes	Yes	Yes	4	4
Aged Care and other Legislation Amendment	Yes	Yes	Yes	Yes	No	Yes	No	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	7	8
Narcotic Drugs Amendment	Yes	Yes	Yes	Yes	No	Yes	No	No	No	No	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes	6	7
Autonomous Sanctions Amendment	Yes	Yes	Yes	Yes	No	Yes	No	Yes	No	No	Yes	Yes	No	No	No	No	Yes	Yes	Yes	Yes	5	7

	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC
FEDERAL *(cont)*																						
Electoral Legislation (Party Registration)	No	No	Yes	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes	2	2
Parliamentary Workplace Reform	Yes	Yes	Yes	Yes	No	Yes	No	No	No	No	Yes	Yes	No	No	No	No	Yes	Yes	Yes	Yes	5	6
NSW	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC
Roads and Crimes	Yes	No	Yes	Yes	No	No	No	No	No	No	Yes	Yes	No	No	No	No	No	No	Yes	Yes	4	3
Voluntary Assisted Dying	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	7	6
Mandatory Disease Testing	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	10	9
Electric Vehicles (Revenue Arrangements)	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes	No	No	No	No	Yes	No	Yes	Yes	5	4
VIC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC
Public Health (Pandemic Management)	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes	Yes	No	No	No	No	Yes	Yes	6	6
Sex Work Decriminalisation	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	7	6

VIC (cont)	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC
Zero & Low Emissions Vehicle Charge	Yes	No	Yes	Yes	No	No	No	No	No	No	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	6	5
Windfall Gains Tax	No	No	Yes	Yes	No	No	Yes	No	No	No	No	No	Yes	Yes	No	No	Yes	Yes	Yes	Yes	5	4
QLD	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC	BP	PC
Voluntary Assisted Dying	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	8	7
Youth Justice and Other Legislation	No	Yes	Yes	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	6	7
Housing Legislation Amendment	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	10	9
Defamation (Model Provisions)	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	6	5
Total Score (For each Criterion)	17	15	20	20	6	11	4	5	3	2	15	13	12	11	9	9	16	15	20	18		

Legend:

- BP = Blueprint
- PC = Per Capita
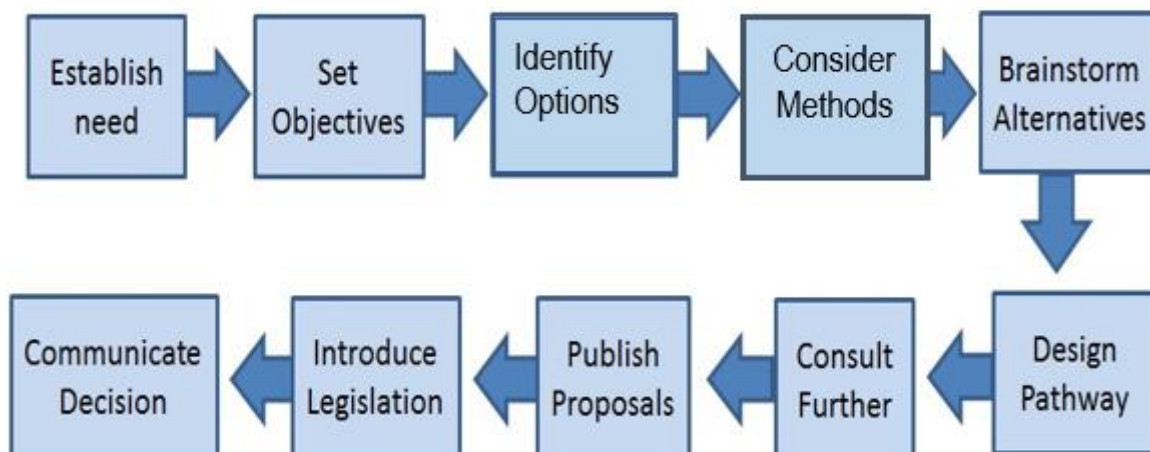- <mark>Yellow Shading</mark> = Different Scores on Criteria

Sources:

Blueprint Institute, *Evidence-Based Policy Research Project 2022*, A Report commissioned by the Evidence-Based Policy Research Project and funded by the Susan McKinnon Foundation, November 2022 (Authors: D. Cross, J. Steinert, M. Ouliaris, L. Williams, T. Barrett, C Poulton, F. Leach, K. Green, and J. Lubberink)

Per Capita, *Evidence- Based Policy Analysis 2022,* A Report commissioned by the Evidence-Based Policy Research Project and funded by the Susan McKinnon Foundation, November 202<mark>2</mark> (Authors: Lucy Tonkin with Sarah McKenzie, Sam Ibrahim and Binari Almeida)

Appendix 4: Case Studies Evaluation Methodology

Based on an article for the Committee for the Economic Development of Australia (CEDA) by Professor Kenneth Wiltshire AO of the University of Queensland Business School, the essential elements involved in developing a business case in a public policy context can be stated as follows:

The Elements of a 'Business Case' Approach to Public Policy Making

Establish need → Set Objectives → Identify Options → Consider Methods → Brainstorm Alternatives → Design Pathway → Consult Further → Publish Proposals → Introduce Legislation → Communicate Decision

Source: Based on the Wiltshire Ten Point Criteria for Public Policy Making

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, 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.

The Research Project's Editorial Panel translated the above Wiltshire Criteria into the following questionnaire that could be used by the two thinks to evaluate whether the decision-making process used for producing a government policy met the Wiltshire ideal "business case" model.

1   Need

Is there a statement of why the policy was needed based on factual evidence and stakeholder input?

2   Objectives

Is there a statement of the policy's objectives couched in terms of the public interest?

3   Options

Is there a description of the alternative policy options considered before the preferred one was adopted?

4   Mechanisms

Is there a disclosure of the alternative ways considered for implementing the chosen policy?

5   Brainstorm

Is there a published analysis of the pros/cons, data/assumptions and benefits/costs of the alternative options/mechanisms considered in 3 and 4?

6   Pathway

Is there evidence that a comprehensive project management plan was designed for the policy's rollout?

7   Consultation

Was there further consultation with affected stakeholders after the preferred policy was announced?

8   Papers

Was there (a) a green paper seeking public input on possible policy options and (b) a white paper explaining the final policy decision?

9   Legislation

Was the policy initiative based on new or existing legislation that enabled comprehensive Parliamentary debate and public discussion?

10 Communication

Is there an online official online media release or website that explains the final policy in simple, clear, and factual terms?

Appendix 5: Research Project Acknowledgements

Project Financial Sponsor:

• The Susan McKinnon Foundation, Melbourne: http://www.susanmckinnon.org.au/

The Susan McKinnon Foundation is a non-partisan organisation dedicated to strengthening Australia's democracy and the development of public policy. It was founded in 2015 by Sophie Oh and Grant Rule to achieve system change in areas that are major points of leverage for broader and sustained gains for Australian society.

Project Governance Committee:

Office Bearers

• Chair - Percy Allan AM, Visiting Professor, Institute of Public Governance, UTS and formerly Secretary, NSW Treasury and Chair, NSW Council on the Cost & Quality of Government.

• Deputy Chair - Glenn Barnes, Co-Chair of the Citizens for Democratic Renewal, Governance Editor for IdeaSpies, and over twenty years of experience in governance practice as a company director and chair.

• Deputy Chair – Malcolm Irving, Director, O'Connell Street Associates and formerly Deputy Chancellor, Macquarie University, Chair, MGSM and Caltex Ltd and Managing Director, CIBC Australia.

• Secretary - Richard Whitington, held senior positions in marketing and corporate communications and then in executive recruitment. He started his career on Gough Whitlam's staff.

• Treasurer - Rebecca Bishop, an experienced policy and financial advisor who has worked for the Wesley Mission, Family and Community Services, IPART and the NSW Treasury.

Other Members

• Sarah Davies AM, CEO of Alannah & Madeline Foundation, previously had executive roles in tertiary education and private sector consulting in HR, marketing and strategy both here and overseas.

• Verity Firth, Executive Director of Social Justice for the Centre for Social Justice and Inclusion, University of Technology Sydney (UTS) and Co-Chair of the Citizens for Democratic Renewal Project.

• Russell Grove, Clerk Emeritus at New South Wales Parliament.

• Emeritus Professor Janette Hartz-Karp, Curtin University Sustainability Policy (CUSP) Institute (WA), a renowned practitioner, teacher, and researcher in deliberative democracy.

• Professor Carol Mills, Director, Institute of Public Policy and Governance, University of Technology Sydney and a former senior Commonwealth and State public servant.

• Professor Peter Shergold, AC FRSN, Chancellor of Western Sydney University, company director and a former Secretary of the Department of Prime Minister and Cabinet.

• Martin Stewart-Weeks, Principal, Public Purpose, an independent advisory practice working at the intersection of government, policy, technology, and innovation.

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• Editors - Martin Stewart-Weeks and Percy Allan AM.

• Assistant Editors – Richard Whitington, Malcolm Irving, Carol Mills, and Janette Hartz-Karp.

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