

FLAT WHITE

A Statement of Public Interest should accompany all government bills. Here's why

Percy Allan / 21 October 2021



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Research by both right and left think tanks the Institute of Public Affairs and Per Capita show that for all jurisdictions surveyed (the Commonwealth, New South Wales, Victorian and Queensland governments) **only 21 of 60 case studies of recent legislation broadly meet good policy-making criteria** as devised by Kenneth Wiltshire AO, Professor of Public Administration at the University of Queensland Business School.

The generally poor quality of public policy making in Australia at both federal and state levels is a national disgrace. All parliaments (especially upper houses that are not controlled by a sitting government) could make a start to rectifying this situation by requiring every policy bill tabled in parliament to be accompanied by a Statement of Public Interest.

An SPI would answer 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 would take only a few pages for a bill's proponent (usually a government minister) to answer in the affirmative or negative so would not be onerous to prepare.

It would encourage public servants, ministers and private members who develop and submit bills to address the fundamental steps of good policy making.

Also, it would assist the Bills Committee of each 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 would complement the work of that committee.

It would also help in fighting corruption by requiring each legislated policy decision to specify upfront 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 purpose and who was meant to benefit from it.

So here is the big idea...

Each parliament in Australia (most likely its upper house) adopt a Sessional Order to require all future Bills introduced in the parliament to be accompanied by a Statement of Public Interest (as outlined above).

This is not a fanciful notion. At the request of the Evidence Based Policy Research Project, the NSW Legislative Council's Procedure Committee has already viewed this proposal sympathetically. We are pressing the Committee to translate it into a Standing Order for the NSW Parliament by 2022 since it has the support of most MLCs.

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