

Step One - Define the Outcome

- PURPOSE STATEMENT
 Shape a future that maximises the potential of people, technology and the planet.
- Step One
 Define the Outcome
- PRINCIPLES
 - An outcome well defined, is a problem half solved
 A clear articulation of the desired policy outcome is at the heart of all good tech policy design.
 - Designing tech policy is a journey, not a destination
 Just like technology, good tech policy is agile and constantly evolving.
 - Good tech policy is responsive and timely, it creates clarity and certainty
 Effective communication is critical.
 - Consultation is a theme, not a step
 When designing tech policy, consult often, transparently, and widely.
 - Be responsive, foster feedback loops
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LEAD ACTORS

Australian Public Service (APS) lead policy department (at own initiative or as directed by Minister/Cabinet) or Industry/NGO/Civil Society

Steps One to Three can occur external to the APS but, unless robust, will reset to Step One when the APS is tasked to initiate the policy proposal





Step One - Define the Outcome

G	PUESTIONS E OUTPUTS
	What is the desired outcome?
	What is the problem or opportunity the outcome is trying to solve or harness?
	Why is government intervention needed? What is new or novel about the tech? How are the existing frameworks not working to take into account the disruption? What are the gaps/deficiencies the outcome seeks to address?
	What specific tech expertise is needed to understand the problem or opportunity? Who holds that expertise?
	Who is the policy lead within government? Where does the authority to act/head of power lie? (In Australia the Administrative Arrangement Orders (AAO) formally allocate executive responsibility among ministers and set out which matters and legislation fall within the responsibility of which government department or portfolio).
	Who are the key stakeholders (across government, industry (large and small), civil society (individuals and organisations))?





Step One - Define the Outcome

Define the Outcome			
QUESTIONS	© OUTPUTS		
☐ Draft Outcome Sta	tement (for example: the out	tcome we want is X)	
	ysis (for example: the probler nt intervention is required be	m or opportunity we are solving ecause Z)	
☐ Develop a list of re	equired expertise (technical, l	legal, policy etc.)	
☐ Identify APS policy	r lead and head of power or a	authority to act	
☐ Prepare Stakehold	lers Map and Engagement Pl	lan	



Step Two - Identify the Options



PRINCIPLES

- Regulation should not be the default, consider all available options
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Step Two - Identify the Options

What options are available?
Is regulation the best option to achieve the desired outcome? Are there other means that could achieve the outcome more efficiently and effectively?
Does a solution already exist? Has the problem already been solved? Are there existing tools (including in different or adjacent domains) that could be applicable? Is there precedent (domestically and internationally)?
What evidence is available to support an assessment of the effectiveness of the options?
Have you consulted experts and stakeholders to identify all viable options, including not regulating?







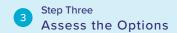
Step Two - Identify the Options

QUESTIONS	OUTPUTS	
☐ Hold consultations with	n stakeholders and experts t	to identify all available options
☐ Prepare a map of exist	ing measures domestically a	and internationally
☐ Prepare a map of exist	ing measures in adjacent do	omains that could be transferable
☐ Draft a provisional list o	of options	
Can you prepare each Out	put? pendent Inquiry	





Step Three - Assess the Options



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Step Three - Assess the Options

QUESTIONS		В ОПТРИ	TS		
☐ What is the	e likely net ber	nefit of each op	tion, including	no action?	
		ionate and fit-fo ts of the outcon		II the options deliver the	ne
□ consistent		g international a	-	gulation? Are the option not, has the rationale	
		act adjacent and ed consequence	•	ent domains? What are	e the
☐ Will the op	tions provide	regulatory certa	ninty for invest	ors and business?	
☐ How could	the options b	e abused or mi	sused? What s	safeguards are neede	d?
	ne budget imp onies require		dget available	? Can offsets be identi	ified?
Taking into		f the above, wh	at is the best o	option from those you	have
Can you answ	er each Ques	stion?			
		pendent Inquiry	/		





Step Three - Assess the Options

Q	UESTIONS © OUTPUTS
	Consult with stakeholders and experts to assess the impact of options
	Prepare an Options and Impact Analysis Assessment (known in Australia as an Regulatory Impact Statement).
	Identify the best option to achieve the outcome (for example, the desired outcome is X, the problem/opportunity we are solving is Y, government intervention is required because Z, the options we considered were A, B, C, the best option is D because [insert Option and Impact Analysis]).
Can y	you prepare each Output?
A	If no, consider an independent Inquiry
If yes	s, is the preferred option not to regulate?
В	If yes, proceed to Exit Ramp



Continue to Step Four





Step Four - Advice to Government



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Step Four - Advice to Government

What Intra- and Inter-Departmental Committees need to approve the recommended option? Have approvals been given? Is budget approval required? If so, what cycle applies? Has budget been secured? How will the chosen option be implemented and evaluated? Does the decision require new legislation or regulatory instruments to implement? Does existing legislation already provide authority? Would other policy mechanisms suffice (grants process, codes, rules, guidelines)? How will the recommendation be communicated to stakeholders? Have stakeholders been advised as transparently as possible about the chosen option and the rationale behind the decision? Does any information gathered in Steps One - Four need to be protected (national security or commercial confidentiality)? The default should be disclosure. Have the reasons for non-disclosure been explained as transparently as practicable? If no, return and revisit Step Three yes, does the recommended option require Intra- or Inter-Departmental Approval? If yes, proceed to Intra- or Inter-Departmental Approval If no, does the recommended option require new monies? B If yes, proceed to Budget Process	QUESTIONS	■ OUTPUTS	
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If yes, proceed to Intra- or Inter-Departmental Approval If no, does the recommended option require new monies?			
If no, does the recommended option require new monies?			
B If yes, proceed to Budget Process			onies?
_	B If yes, proceed to	Budget Process	





Step Four - Advice to Government

Obtain all necessary Intra- or Inter-Departmental Approval Approvals for the recommended option Secure Budget Approval for the recommended option Draft Advice to Government (for example, a Cabinet Paper that sets out the desired outcome is X, the problem or opportunity we are solving for is Y, government intervention is required because Z, the options we considered were A, B, C, the best option is D because [insert Option and Impact Analysis], it will cost E [absorb/new monies] and is supported/not supported by [Insert departmental and stakeholders views])	recommended option Secure Budget Approval for the recommended option Draft Advice to Government (for example, a Cabinet Paper that sets out the desired outcome is X, the problem or opportunity we are solving for is Y, government intervention is required because Z, the options we considered were A, B, C, the best option is D because [insert Option and Impact Analysis], it will cost E [absorb/new monies] and is supported/not supported by [Insert departmental and stakeholders views]) Update stakeholders on advice to Government	Q	UESTIONS E OUTPUTS
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☐ Update stakeholders on advice to Government	☐ Update stakeholders on advice to Government Can you prepare each Output?		outcome is X, the problem or opportunity we are solving for is Y, government intervention is required because Z, the options we considered were A, B, C, the best option is D because [insert Option and Impact Analysis], it will cost E [absorb/new monies] and is supported/not supported by [Insert departmental and
	Can you propare each Output?		Update stakeholders on advice to Government



Continue to Step Five





Step Five - Decision Government Chooses Tool

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 Decision Government Chooses Tool
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LEAD ACTORS

Minister/Cabinet

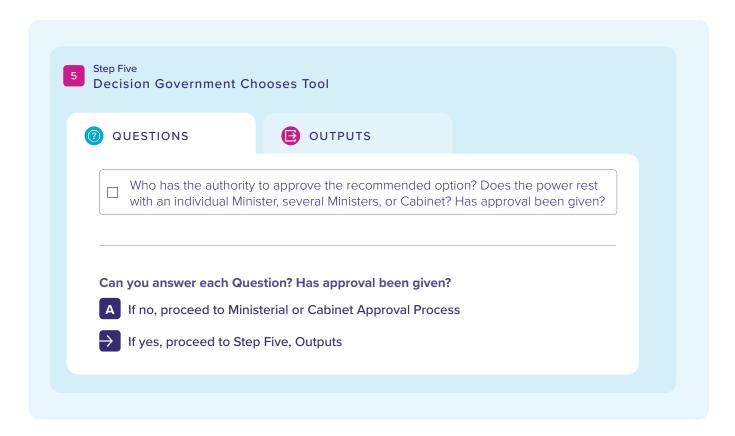
Australian Public Service (APS) lead policy department may change after Step Five







Step Five - Decision Government Chooses Tool









Step Five - Decision Government Chooses Tool

☐ Go	vernment decision
☐ De	cision communicated to APS
☐ Fin	alise plan to implement the decision
П Соі	mmunicate the decision to stakeholders, including an implementation plan
	h Output been produced?
← If no	o, return and revisit Step Five, Questions
← If no	o, return and revisit Step Five, Questions the agreed option not to regulate?
If yes, is	o, return and revisit Step Five, Questions



Continue to Step Six



Step Six - Draft the Legislation



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Consultation and drafting instructions: Australian Public Service (APS) lead policy department, in consultation with Minister's office

Legislative drafting: Office of Parliamentary Counsel (OPC)







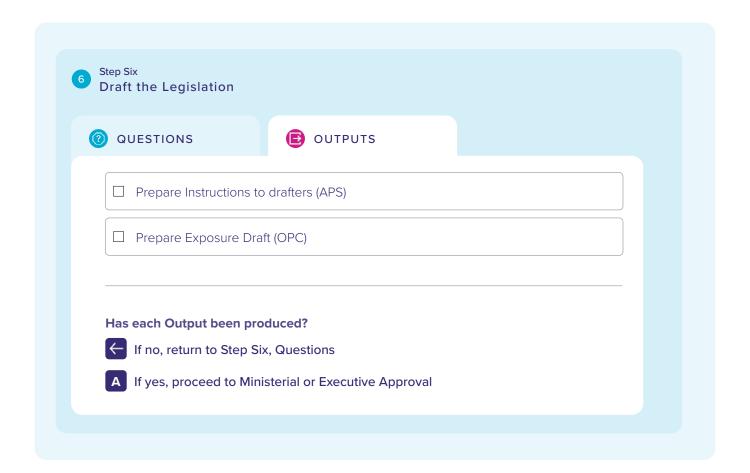
Step Six - Draft the Legislation

QI	UESTIONS OUTPUTS
	Has the policy owner changed? Is the policy owner also the solution owner?
	What is the case for action? What protections, safeguards, and reviews need to be built in?
	Do drafters need technology-specific expertise to support drafting? If so, who is best placed to provide this independently?
	you answer each Question? the relevant Executive Approval been given for drafting? If no, return and revisit Step Five





Step Six - Draft the Legislation





Continue to Step Seven





Step Seven - Consultation on Draft



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Step Seven - Consultation on Draft

Q	UESTIONS OUTPUTS
	Has a consultation communication plan been developed (to illicit input from a broad range of stakeholders, not just those involved in previous steps)?
	Do consultation time frames allow for stakeholders to provide considered input? Are there particular reasons for urgency justifying shorter consultation time? If so, has this rationale been communicated clearly to stakeholders?
	Are there other adjacent submissions/consultations scheduled within this time frame? How will this impact stakeholder capacity to provide considered input? Does the imperative of the outcome justify this impost? If so, has the imperative been explained to stakeholders?
	Will there be opportunities for formal and informal stakeholder engagement during this period, to facilitate targeted, comprehensive, and considered written submissions?







Step Seven - Consultation on Draft

QUESTIONS	© OUTPUTS	
☐ Prepare a Consultation	on Communication Plan	
☐ Draft Call for Written	Submissions	
☐ Conduct informal and	d formal stakeholder consultations	
☐ Publish stakeholders	' written submission	
Have you prepared each	Output?	

Continue to Step Eight





Step Eight - Revise and Finalise Draft



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Step Eight - Revise and Finalise Draft

Q	UESTIONS DUTPUTS
	Has the draft been revised in light of the consultations?
	Has a Stakeholder Feedback Plan been developed (to provide feedback on key themes from consultations and submissions, including advice on how input provided shaped amendments to the draft, and rationale for why the input was/was not incorporated)?
Can	you answer each Question?
	you answer each Question? If no, resolve internally before proceeding
	If no, resolve internally before proceeding If yes, did new information emerge during the consultations that necessitates
	If no, resolve internally before proceeding If yes, did new information emerge during the consultations that necessitates revisiting Steps Two, Three, and Five?
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Step Eight - Revise and Finalise Draft

QUESTIONS	© ОИТРИТЅ	
☐ Stakeholder Feed	lback	
☐ Bill and Explanato	ry Memorandum	
Have you prepared ea	ch Output?	



Continue to Step Nine





Step Nine - Bill Introduced to Parliament



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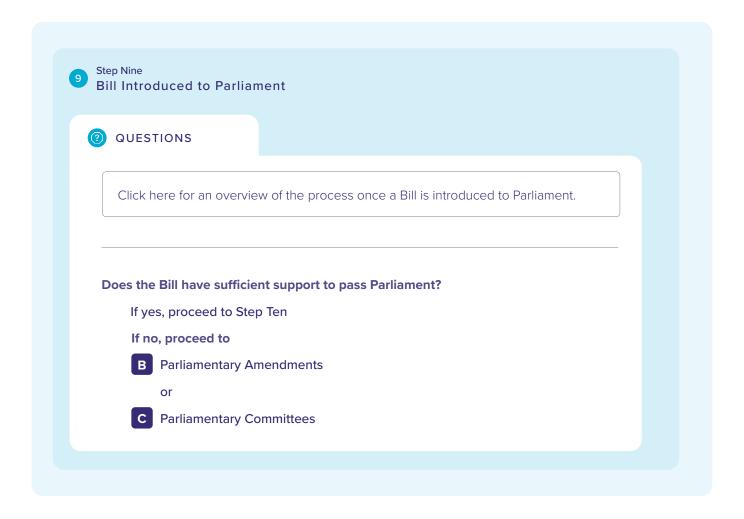
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Step Nine - Bill Introduced to Parliament





Continue to Step Nine





Step Ten - Bill Approved by Parliament



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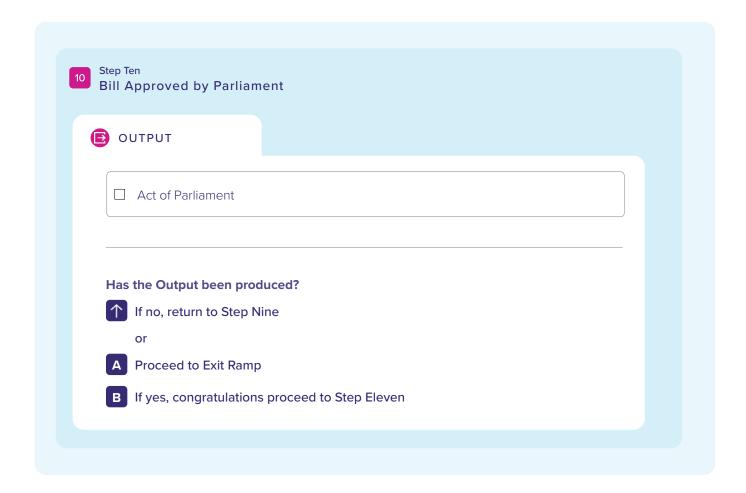


Continue to Outputs





Step Ten - Bill Approved by Parliament









Step Eleven - Implementation, Evaluation, and Review

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 Implementation, Evaluation, and Review
- PRINCIPLES
 - Revision and refinement are strengths, not weaknesses
 The end of the tech policy design process is just the beginning; implementation, evaluation, and review are vital next steps.
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Australian Public Service (APS) Implementation Lead Implementation lead may be different to lead policy department







Step Eleven - Implementation, Evaluation, and Review

QUESTIONS	E	ОИТРИТЅ		
\square This could in		established to impleme limited to, codes, rule: n.		
☐ How can sta	keholders be lev	veraged in support of t	nis?	
		rporated into impleme entation and evaluation		rage openness
		e outcome be measure in place now to suppo		tion and
Where/how or change over		rics be gathered (to m	easure impact aı	nd
	each Question?			







Step Eleven - Implementation, Evaluation, and Review

	QUESTIONS © OUTPUTS
	Implementation Plan
	Review Plan (see for example: Post Implementation Review Guidance Note).
	Baseline Measurements
Hav	e you prepared each Output?
Hav	e you prepared each Output? If no, resolve internally before proceeding
Hav	
Hav	If no, resolve internally before proceeding If yes, congratulations, this Tech Policy Design Process has concluded.
Hav	If no, resolve internally before proceeding If yes, congratulations, this Tech Policy Design Process has concluded. Proceed to activate your Implementation and Review plans