TECH POLICY PROCESS

Step Three - Assess the Options

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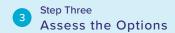**3** Step Three
Assess the Options

PRINCIPLES

— Regulation should not be the default, consider all available options
Choose the most proportionate and fit-for-purpose solution
(remember: bad ideas do exist).

— Context matters, good tech policy is not designed in isolation
Consider how proposed solutions will impact and interact with adjacent systems
and jurisdictions (domestically and internationally).

— 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
Tech policy can be contentious, consensus is not always possible, but demonstrate all
voices have been heard and considered.

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

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3 Step Three
Assess the Options

? QUESTIONS   **☰ OUTPUTS**

☐ What is the likely net benefit of each option, including no action?

☐ Are the benefits proportionate and fit-for-purpose? Will the options deliver the outcome? Do the benefits of the outcome justify the means?

☐ How will the options interact with existing domestic regulation? Are the options consistent with prevailing international approaches? If not, has the rationale for departure been explained?

☐ How will the option impact adjacent and interdependent domains? What are the possible/likely unintended consequences of the options?

☐ Will the options provide regulatory certainty for investors and business?

☐ How could the options be abused or misused? What safeguards are needed?

☐ What are the budget implications? Is budget available? Can offsets be identified? Are new monies required?

☐ Taking into account all of the above, what is the best option from those you have considered?

Can you answer each Question?

A If no, consider an independent Inquiry

→ If yes, proceed to Step Three, Outputs

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QUESTIONS   **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 you prepare each Output?

A If no, consider an independent Inquiry

If yes, is the preferred option not to regulate?

B If yes, proceed to Exit Ramp

C If no, proceed to Step Four

→

Continue to Step Four