Institute of Public Administration Australia
WA

Shaping the Views at the Top 2016
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Challenge: Regulating rapidly changing markets and technologies

Identify Critical Issues

- Regulation needs to be adaptable, flexible and less prescriptive
- Regulation tends to have more layers added over time to address risk and accountability issues causing implementation to be more difficult and complex to navigate
- Government requires discretion in changing regulations and an appropriate level of risk acceptance/tolerance
- The public expects Government to have a low (or zero) risk profile
- Government tends to have an emotional 'knee-jerk' reaction to isolated incidents by introducing heavy regulation rather than a logical, risk based response
- There is often strong industry resistance to change and they dominate the debate
- The policy environment is dynamic and always changing making it difficult to maintain regulations

Potential Solutions

Influence and Educate the public

- Increase citizen participation and engagement in regulatory change
- Ensure all information is available and the process for consultation is transparent
- Keep the public involved on the journey, including the decision making (i.e. feedback loop)
- Consider those with vested interests
- Consider who is best placed to influence the public (e.g. the technology providers like uber), while Government takes on a facilitation role in the discussion
- Be more persuasive and learn from previous experiences (e.g. while there was virtually no consultation on the $99 motor vehicle license increase for the NIIS, it received little public debate following news stories)
- Educate the public in order to encourage behavioural change (e.g. Transperth advertising)
- Communicate that there is a shared accountability (e.g. customers have a role in ensuring their safety in uber cars)
- Consult with universities that may have research and knowledge to influence the debate

Assess Risks and Consider Options

- Create a positive risk culture and more flexible mindset in Government
- Create an environment that encourages innovation
- Determine what the minimum standards are that will ensure Government accountability and meet the public's expectations
- Encourage greater integration across agencies and sharing of risk
- Consider other forms of regulation rather than legislation (e.g. self-regulating industries, performance based regulation)
- Conduct education/training on understanding risk management within the Government and attract people with these skills to the public sector
- Engage universities the assist in risk assessment and analysis of the issues before implementing regulation

Monitor and Review

- Regularly revisit and review regulations and policies to ensure they are still meeting the public's expectations and the Government's desired outcomes
- Continual evaluation will lead to greater acceptance of change
- Acknowledge and reward when we get it right and celebrate achievement of outcomes

Implementation Issues / Risks

- Creating regulations that are not enforceable (e.g. 1m bike rule on the roads)
- Government committed to an unsuccessful regulatory environment and unwilling to accept change
- Government has a 'knee-jerk' reaction to an incident and announces burdensome regulation
- Allowing outdated legislation or regulations to continue without regular review
- Setting poor KPIs or outcomes that do not inform continual review and improvement