Adani, tax cuts top legislated 'failures'

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The extended approval process for the Adani coalmine in Queensland, Scott Morrison's $158bn election tax package and Victoria's forced reorganisation of the volunteer bushfire service have been deemed the worst-handled government decisions this year.

A slew of other, rushed new laws, particularly in relation to social media, terrorism and cyber bullying, have also been found to have badly failed the test of good policymaking.

Federal laws to prevent a repetition of the broadcast of the Christchurch terrorist massacre, the NSW so-called "Dolly's law" to stop cyber bullying of children, Queensland attempts to stop revenge porn and attempts to force companies to unlock encrypted social media accounts, although passed with bipartisan support, were considered process failures because of the rush and potential unintended consequences.

The NSW government's modern slavery laws were so faulty and subject to constitutional challenge they have had to be shelved for further consideration.

But the federal government's compensation scheme for the victims of institutionalised child sex abuse, the Victorian Labor government's banning of single-use plastic bags and the Queensland government's abortion laws have all rated highly as transparent and good policy processes.

Other new laws passed in 2018-19 said to be acceptable are the changes to tenants' rights in Victoria, the NSW election funding changes limiting donations and the Queensland human rights legislation.

The overall findings of the joint project by two think tanks on either side of the political spectrum — the free-market Institute of Public Affairs and the progressive Per Capita Australia — to assess government decisions show 70 per cent of decisions analysed in the past two years are either mediocre or unacceptable.

In its second year, the analysis by the newDemocracy Foundation says too many decisions are being made purely for electoral or opinion poll gains, lack basic principles, such as cost-benefit analysis, and are prone to arbitrary or surprise announcement without proper consultation.

The analysis does not make a judgment on the policy turned into law but judges the process of the decision-making using objective management tests.

The head of the research project, former NSW Treasury head Percy Allan, said the second annual assessment of 20 selected decisions was designed to draw politicians back to some "old-fashioned and common standards" of decision-making and policy development. "The public is suspicious of government decision-making. Winning back trust, especially on contentious legislative issues, requires capturing full facts about a problem, weighing up alternative solutions and seeking public input on the best way forward before a final decision is made," Mr Allan said.

He told The Weekend Australian there were times when governments had to work urgently to introduce new laws and make quick decisions but generally government decisions should be made with a thorough process and public consultation.

This year, the project analysed 20 federal, NSW, Victorian and Queensland government decisions. The redress for victims of child sexual abuse, the outlawing of single-use plastic bags and tenancy reform in Victoria, the debates over abortion and human rights in Queensland and electoral funding law changes pushed by the NSW Independent Commission Against Corruption were recognised by both research teams as acceptable policy processes.

None of the 20 decisions achieved a 10 out of 10 on the list of best-practice decision-making measures.