

The Change Toolkit

Chapter 5. Engaging with decision makers

Ultimately, the changes you are seeking will require a number of key people to be persuaded they need to make the changes you want. Politicians and other key decision makers, such as policy advisors, public servants, local councillors and CEOs, have influence over whether or not change will occur in a particular area. Identifying and engaging with these key people is a vital element of advocacy and law reform work done by CLCs.

This chapter addresses how CLCs can engage decision makers and ‘influencers’ to advocate for changes to unfair laws, policies and practices. It adopts a broad definition of ‘decision maker’.

Engaging decision makers

Making contact with key decision makers means that CLCs can convey their concerns about systemic issues to someone with direct influence on the legal or policy framework in a particular area. It also allows CLCs to act as a bridge between their clients and community members, and decision makers.¹ It is important to think carefully about the most significant players in the process. Who can make the changes you are seeking? And who can influence the ultimate decision makers? Relevant players may include: members of parliament, local government representatives, public servants, other stakeholders (such as the police) and corporations (such as insurance companies or banks).

Approaching decision makers: Why engage with government?

¹ For an in depth discussion on lobbying politicians, see the Federation’s ‘Lobby Law Kit’ <http://www.naclc.org.au/resources/Lobby_Law_Kit.pdf>.

CLCs can inform and shape decisions around policy, budget and draft legislation by engaging with government. By providing decision makers with expert knowledge of their area of practice, CLCs can provide information that would not otherwise be brought to the government’s attention about how certain policies, procedures and laws operate on the ground and affect their communities.

You may need to make the case for why a decision maker should pay attention to your issue. Think about what evidence you need to make your case. For example, if your project relates to homelessness in a particular area and you are trying to engage the local MP, you might want to provide statistics about the rates of homelessness or existing services in that area, as well as a client story that illustrates the problem you are raising.

Who to approach

When identifying which politicians to approach, CLCs should think about who would have political motivation to engage on a particular

issue. Is the issue important in their electorate? Could you make it important? Have they expressed an opinion on the issue before? Conducting simple Internet research on the decision maker on government websites (such as searching Hansard² for what a person may have said on an issue) and non-government websites (such as Google or media sources) will assist CLCs in answering these key questions.

Key decision makers may include:

- Federal and state government ministers and shadow ministers (in particular your local member or a minister or shadow member with a relevant area of responsibility, such as housing)
- Senators
- Local councillors
- Public servants (public servants will frequently be responsible for designing and implementing programs and should not be overlooked)

Preparing for a meeting with a decision maker

When you meet with a decision maker, you will want to make sure you present your views and recommendations as concisely as possible, so make sure you are adequately prepared.

You should also try to understand as much as you can about the decision maker's agenda and their interests before engaging with them. Make an assessment of where your issue fits in with their agenda.

Before your meeting, you should:

- Prepare a one-page briefing paper that includes a brief paragraph about your CLC, an outline of what you hope to achieve and how it can be achieved, and an outline of the argument in support of your proposal. The proposal should include statistics and evidence where possible. Finally, the brief should include details about other CLCs or

organisations that support your proposal.

- Rehearse your presentation. Reduce your presentation to a short pitch that concisely explains your proposal and recommendations.
- Work out the next steps your CLC will take to implement your proposal, so that you can discuss them with the decision maker.
- Be clear about what you want the person you're meeting with to do, but make sure this is a well informed and realistic 'ask'.

Working with public servants

Identify key public servants who work in areas in which you are engaged in reform and make sure you keep them up-to-date about your efforts. Developing these kinds of relationships will mean public servants and other decision makers are more likely to consult when making reforms and are aware of your information for use when advising government. It will also improve information flow.

Non-government decision makers

Not all change relies on government. CLCs have been successful in tackling systemic issues by engaging with large and influential corporations and stakeholders, such as banks, the energy sector, telecommunications companies and insurance companies. For example, West Heidelberg Community Legal Service, along with other stakeholders, successfully negotiated with major banks, insurance companies, credit providers and debt collectors to provide relief for vulnerable debtors experiencing long-term financial hardship.³

² See, <http://www.aph.gov.au/Parliamentary_Business/Hansard>.

³ The National Bulk Debt Project, as this project is known, is a partnership between community legal centres, legal aid, financial counsellors, banks and other creditors. It aims to protect the income of disadvantaged and vulnerable people who are in long-term financial hardship. It does so by arranging for bulk waivers of the debts owed by people participating in the Project.

When to approach

When planning your work, you will need to make a decision about whether to approach decision makers early, or whether you want to build the case for change and/or raise awareness of the need for change first.

Being strategic about timing can help to maximise the impact of CLC engagement with decision makers. Bear in mind budget and electoral cycles. CLCs should also stay on top of parliamentary, law reform or productivity commission inquiries related to their areas of interest.

CLCs can also influence decision makers raising the public profile of the issue, for example by distributing media releases, writing opinion pieces in newspapers or making speeches to coincide with a significant event.

How to approach

There are a variety of ways to engage decision makers. These include:

- Writing a letter
- Requesting a meeting (For Federal politicians, if you do not need to go to Canberra, consider asking an MP if you can meet in their electorate office. It's likely they will have more time, and this will increase your chance of securing an appointment.)
- Making submissions to government inquiries
- Holding community events and public hearings

Developing and maintaining relationships

It is particularly important to build relationships when you are committed to working on an issue for an extended period of time.

Dedicate time to engaging with decision makers on a regular basis. Keep them informed about your efforts. You may want to invite them to your organisation's events throughout the year.

Ideally, one wants to develop a constructive, open and robust relationship with MPs, public servants and other decision makers. There will, of course, be times where you publicly oppose a decision maker's stance. Before you do this, make a considered decision about the approach you are going to take and be clear about the consequences that it may have for your relationship with the decision maker in question. Many people choose to have a 'no surprises' rule if they have an ongoing relationship with a stakeholder, meaning they will tell them before making a public statement.

Participate in inquiries

Participating in inquiries can increase your chances of engaging with key decision makers. Participating in inquiries will identify your CLC as a stakeholder or expert on the issue. It might also lead to future opportunities, for example invitations to appear in person at committee hearings. More information about participating in inquiries can be found in Chapter 6.

An Example

Erasing criminal convictions for homosexuality in Victoria, Human Rights Law Centre, Victorian Gay and Lesbian Rights Lobby and Liberty Victoria

This example provides details about how many of the engagement tools mentioned in this section have been used in practice.

The early stages of the campaign

In 2013, the Human Rights Law Centre (HRLC), in partnership with several other organisations, was campaigning in support of men in Victoria who were living with the burden of criminal records as a result of having consensual gay sex in the 50s and 60s when it was illegal. Their goal was to have these convictions expunged. Jamie Gardiner from Liberty Victoria, a long-time gay rights campaigner, was the first to bring the HRLC's attention to the issue. Dr Paula Gerber, an academic specialising in LGBTI rights, had also written on the issue and drawn attention to reforms that had taken place in the UK that provided a model for Australia. Following this, Anna Brown at the HRLC, in partnership with Jamie, Paula and other LGBTI advocates, began an advocacy project that would ultimately result in men who had been convicted being able to have their convictions expunged from the record.

Identifying decision makers and allies

At the time the issue of the convictions was brought to the HRLC's attention, a Coalition government was in power in Victoria. In late 2012 and throughout 2013, they were in contact with Clem Newton-Brown, the former member for Prahran. Clem's electorate had a

significant gay and lesbian population and he was a natural ally for the campaign.

Consulting and engaging with non-government actors

It was important to the HRLC that those affected by the outstanding criminal convictions were well represented throughout the advocacy process. Noel Tovey, a prominent indigenous Victorian, had authored an autobiography that discussed his wrongful conviction and the way it had affected his life. Peter de Groot, a gay member of the Liberal Party, gave this book to Clem Newton-Brown who was able to read it and gain an understanding of the experience of those affected by wrongful criminal convictions, and was inspired to help Noel and others like him.

A NGO coalition made up of Anna Brown (HRLC, Victorian Gay & Lesbian Rights Lobby), Matt Dixon (Victorian AIDS Council), Jamie Gardiner (Liberty Victoria) and Liam Leonard (Gay & Lesbian Health Victoria) had a number of discussions with Clem Newton-Brown to assist him in his efforts to build support for reform with his parliamentary colleagues and the responsible Minister – the Attorney-General. They were able to provide an evidence-based proposal for law reform as a result of consultation and partnership with the various organisations involved in the project.

In early 2014, the Government announced it would legislate to erase the criminal records of homosexual men who were convicted for having consensual sex.

Launch of a comprehensive report to propel and guide reforms

On the same day that the government announced its reforms, the HRLC released a

comprehensive report on the issue, 'Righting Historical Wrongs. The report provided case studies and made specific recommendations in regard to expunging criminal convictions for offences that targeted homosexual conduct. The information contained in the report played an important role in guiding the reforms.

The government's reforms passed into legislation

The HRLC's advocacy continued following Premier Napthine's announcement that the Victorian Government would introduce legislation to expunge criminal convictions for consensual homosexual acts. Its work included writing letters on behalf of the coalition to the Premier, the Attorney-General, Victoria Police and working with LGBTI stakeholders and gay press to keep the broader community informed about progress of the reforms. The HRLC also worked with the VGLRL to provide technical assistance and input into the development of the reforms.

Creating a constructive relationship and building trust

Key to HRLC's advocacy was building trust and a strong relationship with key decision makers. This involved ensuring that key organisations such as Victoria Police were aware that advocacy for law reform on the issue was taking place, and considering the policy and logistical issues involved in moving ahead with a scheme. In addition, engagement with the Attorney-General was crucial, as he was able to facilitate HRLC's participation in confidential discussions with the Department of Justice and the Attorney-General's private office and advisors about the development of a fair and accessible scheme to enable the 'expungement' of the criminal convictions.

It is anticipated that people will be able to get their convictions expunged from early to mid 2015. In response to the announcement of the reforms, Noel Tovey commented: "it's good to know at the age of 80, that I am no longer a criminal in the eyes of the law and society."

Acknowledgments

This chapter has been downloaded from <http://www.thechangetoolkit.org.au>. We recommend checking back to see if the content has been updated.

The Change Toolkit was prepared by the Federation of Community Legal Centres. The Federation is the peak body for community legal centres across Victoria.

The Federation can be contacted at:

Level 3, 225 Bourke Street
Melbourne VIC 3000 Australia
Phone: (03) 9652 1500
Email: administration@fclc.org.au