

Decision-making in government and the policy process

An insider's view

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What do governments do?

Under the Westminster system, government is the parliaments, the public sector and the courts.

The function of government is to secure the 'peace, welfare and good government' of the people. In order to do so, the institutions and agencies that comprise the government in the broadest sense make, administer and enforce the laws and provide services to the people.

Traditionally, the public service is divided into administrative units or departments, headed by a Chief Executive (known sometimes as a Director General or a Secretary) who is answerable to the Minister. The fundamental duty of the public service is to serve the government of the day with political impartiality.

The decision-making levels

- Parliaments – make statute law (Acts and Regulations)
- Courts – enforce the law and make legally binding judgements (eg Supreme Court decisions) and case law
- Cabinets – made up of senior ministers on the government side, operate under strict confidentiality, Ministers are bound to support Cabinet decisions
- Governors – chair the Executive Council and sign papers, act upon the advice of the Premier or Ministers but have 'reserve powers'
- Parliamentary select and standing committees – conduct inquiries, investigate matters and report to Parliament
- Government departments – carry out government policy directions; provide government services

The budget

Commonwealth and state governments bring down an annual budget usually between March and May, but the budget cycle begins much earlier – October/November the previous year. So if you are seeking funding from the next budget, submissions need to be submitted 6 months ahead.

The budget is announced in Parliament on budget day, and several weeks later ministers are scrutinised in 'estimates committee' about how they have spent previous funds and how they plan to spend the next budget allocation.

National funding grants to states and territories may be targeted to specific programs and outcomes or allow discretion at the local level.

National policy – Ministerial Councils

Governments conduct national meetings by portfolio. COAG (the Council of Australian Governments) is where the PM and Premiers/Chief Ministers meet to discuss and decide national policies.

Each portfolio has a Standing Committee of Ministers, including the federal, state and territory ministers, which meets at least annually; for example Standing Committees for health, transport, environment and women's policy.

Ministerial Standing Committees are supported by meetings of federal, state and territory department heads, and subcommittees where senior government advisers develop draft national directions for the consideration of ministers. Policy development takes account of UN conventions that Australia has signed.

Ministers may only meet annually but department heads meet more often, so if you want to influence national policies it pays to know what is on the agenda and lobby to get your issue on the next one.

After one of these meetings, you may hear announcements of new policies agreed by all ministers (or premiers or department heads), which jurisdictions are then expected to implement. This may not happen if an election is then held and the minister changes.

Advisory bodies

Governments set up advisory bodies and agencies that influence rather than decide policies. At the national level these include the Productivity Commission, the Australian Human Rights Commission (was HREOC) and the NHMRC (National Health and Medical Research Council). State bodies include Equal Opportunity Commissions and ministerial advisory councils established under legislation.

Liaising with these agencies is a good way to learn more and contribute to policy development. These agencies may seek community views when establishing new policies, so it pays to know about the advisory structures in the area of your interest and who is on these government boards.

Keep in touch with members of advisory bodies and people in government and keep asking questions. They won't always be able to tell you what they know, but they usually will if they know you are genuinely interested and willing to contribute.

Government policy development

Policies may be generated through

- *the political platform* – election policies are implemented by the government following an election, and are reviewed regularly, especially prior to next election
- *awareness within government* – where Department officials develop a policy to meet a need that they have identified, often with expert and community input
- *response to an urgent issue* – can be ‘policy on the run’ with little community consultation eg refugee policy
- *international pressure* – often dealt with through Ministerial Standing Committees eg banning human cloning
- *national pressure* – may be through Ministerial Standing Committees, Parliamentary inquiries or agency inquiries eg food safety, childcare
- *community pressure* – often reflected in media, talkback radio eg local small business concerns, attracting and retaining country doctors

Policy development often results in laws (agreed by Parliaments) or regulations (agreed by Cabinets) that underpin laws.

Except in urgent cases, policy development at the national or state level often begins with an issues paper or discussion paper that invites comment, or an advertisement in the paper seeking submissions to an inquiry. This is the time to become involved, research views and prepare a response or submission.

Sometimes you may be advocating that government rescinds a policy or a law, or steps back from a proposal to regulate an aspect of peoples’ lives. Sometimes the best policy is no policy at all. Whose role is it to advise when we need a policy and when we don’t? How would you influence to achieve a no-policy position?

You may need to ask yourselves the following questions:

- Is this an area for governments to decide? Or Parliament? or bureaucrats? why?
- Is it something for expert advisory bodies to determine?
- Should there be a community debate? Do people know enough to decide?
- Different communities will have different views. Could you achieve a consensus?
- Should we leave it to the market to meet demand? Will this be fair?
- Is it anyone else’s business? Can’t the individual decide?

Once a government decides to have a policy or pass legislation, it can be difficult to build and win a case for requiring the government to step back and leave it to individuals.

What happens to your letter?

A letter, even if addressed to a minister, will be dealt with by the minister’s advisers and usually referred to the department for a draft response for the minister to approve and sign. Your letter will not usually be read by the minister until the response is prepared.

Ministers receive mountains of mail, much of it routine or very similar, and rely on advisers to determine what they need to read.

The minister may be presented with two piles of letters and responses – some just to sign and others to read then sign. How do you get yours on the read then sign pile?

The traps

- You may receive a department response, not the minister’s
- Form letters may be referred to the department for a routine response
- If the issue was raised previously, a routine response is sent to subsequent letters
- You seek comment, not action
- You offer criticism with no new information or ideas
- Your letter is too late – the policy direction was already set.

How to avoid them

- Ask for the minister’s personal view – the department can’t provide that
- Be informed, research well, provide new information, and quote new research
- Ask a new question
- Suggest action eg an innovative funding solution, partnerships to develop strategies to address the issue
- Strike while the issue is hot.

How to lobby effectively

- Find out which adviser in the minister’s office and which policy officer in the department your letter is likely to be referred to; ring them and offer to meet
- Send a copy to the department head and policy section
- Write early in the budget cycle if you are seeking funding
- Gather views; don’t just offer your own
- Prepare form letters with options so members can choose and each is different
- Copy your letter to others – the opposition spokesperson, the federal counterpart, the premier, the chair of the advisory board; note on the letter to whom it has been sent
- Understand that letters written to a premier and a minister are answered by only one
- Use political parties well; be open and fair and include minor parties.

Responding to calls for submissions

A submission to a Minister will usually be read by an adviser and passed to the Department to prepare a briefing. Generally a summary of your submission is prepared, often a one page summary for the Minister and a three page summary for the adviser, along with a draft response to you.

You can facilitate this process and ensure that the points that you think are most relevant are included on those briefings by emailing an electronic version with a one page summary to the department. Include relevant web links and other documents that support your argument.

Getting on the consultation list

- Be consulted in the first round - be known to the policy officers that deal with your issue
- Be quoted in the media, be reliable; don't be known for stirring and criticising but for clear thinking and useful information
- Provide unsolicited papers with good ideas
- Forward new information to government contacts, get into the loop
- Have a group of committed members ready to check drafts and comment
- Respond when requested on time and address the issues raised

To lobby effectively we need mentoring and support across organisations and government to

- understand government structures, decision-making and budget cycles
- research effectively, canvas views widely and offer ideas and options backed by sound facts and new knowledge
- cultivate connections in relevant departments at policy level
- become known as reliable reporters on behalf of a broad community and be ready to contribute within deadlines
- direct submissions and letters to key people in the department as well as ministers and offer to be available for consultation
- seek action rather than just comment and focus on desired outcomes, not just the reasoning – accept that others may want the same outcome for a different reason

Some organisations have a good grasp of these basics but new organisations and new members don't – we need to share experience and knowledge across organisations and members, and share networks and contacts at government levels. Generosity and understanding is needed on all sides.