

ANZSOG CASE PROGRAM

Please cite this case as:

Mintrom, M, O'Neill, D., and O'Connor, R. 2020. Royal Commissions and Policy Influence. Melbourne: ANZSOG, John L. Alford Case Library.

Royal Commissions and Policy Influence

An ANZSOG Teaching Case by Michael Mintrom, Deirdre O'Neill, and Ruby O'Connor

Keywords: Royal commissions, policy influence, influence strategies, narrative framing, advocacy coalition, public policy

Original article access: <https://doi.org/10.1111/1467-8500.12441>

Teaching Notes: This Case has a Teaching Note associated with it. To access a copy, please email caseibrary@anzsog.edu.au with a request and citing the title.

Abstract: Royal commissions have been set up in Australia for a plethora of reasons, but their primary purpose has been to investigate and offer recommendations on important issues of public concern. Their perceived independence from the government, investigative powers, access to resources, the status of the commissioner(s), and public-facing nature, all mean royal commissions are uniquely placed to address significant issues and achieve high levels of influence. However, not all royal commissions set up to have policy influence succeed in doing so.

Examining three royal commissions that *did* succeed in having policy influence, the [Aboriginal Land Rights Commission \(ALRC\)](#), the [2009 Victorian Bushfires Royal Commission \(VBRC\)](#), and the [Royal Commission into Institutional Responses to Child Sexual Abuse \(RCIRCSA\)](#), we found three common strategies used by the commissioner(s) with potential lessons for future royal commissions. These policy influence strategies are:

- 1) Narrative framing;
- 2) Novel activation of advocacy coalitions; and
- 3) Looking ahead to implementation.

This case was commissioned by ANZSOG for the John L. Alford Case Library. Views expressed in it are not necessarily those of ANZSOG. This work is licensed under Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International Licence, except for logos, trademarks, photographs and other content marked as supplied by third parties. No licence is given in relation to third party material. Version 08032019. Distributed by the Case Program, The Australia and New Zealand School of Government, www.anzsog.edu.au



Introduction

Evidence has emerged of a crisis in a specific area of government activity. As a senior executive in a relevant government agency, you have been charged with drafting the terms of reference for an inquiry. You know that many inquiries, like Royal Commissions, are predominantly staffed by lawyers and barristers, and so they tend to have a very adversarial and investigative focus and less of an interest in – and understanding of – the development and shaping of public policy. You don't want to design another inquiry that results in a missed opportunity for policy influence. What might you do to avoid that?

Context

Since the Australian Royal Commissions Act of 1902, royal commissions have been set up in Australia for a plethora of reasons. They can provide domain-specific policy advice, investigate specific scandals or crises, or assure the public that a government is taking a particular issue seriously. The enormity of the upheavals caused by COVID-19 will likely raise pressure for a number of future royal commissions.

Royal commissions are ad hoc bodies established by the head of state, on behalf of the Crown and on the advice of the Government. The Government (federal or state) decides the terms of reference, appoints the commissioner(s), and determines funding allocations. Being established by the Crown via letters patent, they enjoy 'perceived prestige', and an air of independence and impartiality which translate well to the general public. They also have unique investigative powers, including the ability to cross-examine and protect witnesses, and subpoena documents. This means they can access information that would not otherwise be available to the government or the public. However, their powers cease on submission of their final report and for all their investigative power, their consequent recommendations are not legally binding.

Commissioners go to great lengths to understand major events and challenges, and to avoid repeating mistakes of the past. But royal commissions sometimes miss opportunities for policy influence. They have also been subject to criticisms, with claims they are expensive, time-consuming, inherently political, and, most damningly, ineffective.

So, when and how do royal commissions successfully wield policy influence? And what actions can commissioners take to raise the likelihood that their policy recommendations will lead to policy change? We analysed the actions of three landmark royal commissions that left legacies of significant policy change.¹ We found they deployed three key strategies: 'narrative framing', 'novel activation of advocacy coalitions', and careful construction of 'implementable recommendations'.

Narrative Framing

Problems invariably come with multiple attributes. How they are framed – or what aspects are highlighted in policy discussions – can determine who will pay attention to them. This suggests advocates of policy change can build support for their positions by portraying problems in different ways. Problem framing can be used to shape how people relate specific problems to their own interests. Effective problem framing can assist the development of broader narratives around past events, and around what actions should be taken to change future outcomes.

Informed by a series of sustained public protests led by Indigenous Australians, the [Aboriginal Land Rights Commission \(ALRC\)](#) was established by the Whitlam Government in 1973, and headed by Edward Woodward (later Sir Edward Woodward). This particular royal commission was the first Commonwealth inquiry into Aboriginal land rights. The terms of reference tasked it with determining how to recognise and establish traditional rights in relation to land in the Northern Territory, and possible arrangements for vesting title to land in South Australia, Western Australia, and the Northern Territory. In other words, it was not a matter of investigating whether the rights and

¹ Michael Mintrom, Deirdre O'Neill, and Ruby O'Connor (2020). 'Royal commissions and policy influence'. *Australian Journal of Public Administration*. <https://doi.org/10.1111/1467-8500.12441>

interests of Aboriginal peoples to their land *should* be recognised and established, but of *how* they would be. In the final report, Woodward described the purpose of recognising Aboriginal land rights as, ‘the doing of simple justice to a people who have been deprived of their land without their consent and without compensation’ (ALRC 1974, p.2). In describing the history of dispossession caused by white settlers and their descendants he stated, ‘these are simple historical facts which provide the background for the Government’s expressed intention to recognise Aboriginal land rights in the most appropriate way possible’ (ALRC 1974, p.9). Framing the discussion this way, to focus on justice and facts, served to mitigate the highly politicised nature of Aboriginal land rights. Placing his recommendations within this context, Woodward presented them as the natural progression of earlier commitments that needed to be honoured, rather than a radical break from existing policy.

Based on the recommendations from the ALRC report, the first national land rights legislation was introduced to the Federal Parliament in October 1975. The Fraser Government subsequently introduced the Aboriginal Land Rights (NT) Bill 1976. Key elements of the Bill reflected the royal commission’s recommendations. Woodward’s narrative framing helped to ensure his recommendations would meet support that transcended the partisan political fault lines of 1970s Australia.

Novel Activation of Advocacy Coalitions

Individuals and groups seeking policy influence must find ways to work effectively with others. Often, they do so by creating advocacy coalitions. Members of an advocacy coalition share a particular belief system; for example, a set of basic values, causal assumptions, and problem perceptions. While they may disagree on minor matters, this disagreement will be limited. Although members of royal commissions cannot be expected to establish new coalitions of people interested in their investigations, they face opportunities to engage with stakeholders, advocates, and policy makers in ways that build on the strengths of already-existing coalitions. An example is provided by the [2009 Victorian Bushfires Royal Commission \(VBRC\)](#). The VBRC embedded grassroots society in its enquiry, keeping the affected communities and broader public engaged and involved.

Throughout the enquiry, hearings were livestreamed and open to the public. The media were given extensive access. As well as encouraging involvement throughout the enquiry process, the VBRC developed its recommendations to reflect the theme of ongoing shared responsibility and collective memory. Outlining the different roles community members, politicians, and institutions played clarified the responsibilities of each, as well as their respective accountabilities. An understanding also emerged that advocacy coalitions are held together by many things that go beyond formal relationships and material interests; this includes strong emotions.

The Government of Victoria accepted all but one of the recommendations of the VBRC and committed over [\\$900 million](#) to implement them.

Looking Ahead to Implementation

Policy change requires the existence of policy solutions that are operationally feasible and politically acceptable. While there are no hard-and-fast rules around how a royal commission might craft implementable recommendations, three points are important.

First, policy changes that are compatible with other existing policy settings will be more easily implemented, especially if implementation can be supported by resources and capabilities already present.

Second, policy changes that serve to shore up stakeholder support, while ring-fencing opposition, and minimising grievances, will be less likely to be undermined during implementation.

Finally, when recommendations are broadly compatible with a prevailing policy narrative, it becomes easier for political leaders to advocate for their adoption. The decision to establish the [Royal Commission into Institutional Responses to Child Sexual Abuse](#) (RCIRCSA) came after years of sustained campaigning by victims, support groups, and journalists. During the inquiry process, the RCIRCSA held a series of review hearings that followed up with organisations to assess what, if any, measures had been taken since the initial hearing. This innovative approach allowed the RCIRCSA to hold organisations accountable to the recommendations made in the interim report, and

avoided duplication in the final report. It also provided the commission with current information and gave it the ability to reflect on the effectiveness of some of their suggestions for implementation. Delivered at the end of 2016, the final report made 409 recommendations that were not exclusively directed at the Commonwealth or State Governments. They were also made for institutions such as churches, schools, local governments, and the criminal justice system.

The successful implementation of many of the commission's recommendations has resulted from the commissioners' careful planning and their efforts to cement the balance between providing recommendations that were functional but also politically expedient. The commission's final report called for ongoing periodic reporting and other oversight mechanisms to overcome the lack of formal power royal commissions have to implement their recommendations or monitor implementation. In addition, it established an open process of inquiry that raised and sustained public awareness and interest in its work. This has made it more difficult for organisations and governments to ignore its recommendations.

The Future of Royal Commissions

Royal commissions have unparalleled capacity to assemble evidence and chart pathways towards achieving valued outcomes for society. It is no wonder great expectations often surround their creation. Classic influence strategies can raise the odds that royal commissions will deliver on those expectations, prompting policy changes of great social value. Such influence strategies can be learned and applied by many people working in and around government. Those seeking to have policy influence could benefit from developing a list of influence strategies and effective ways to apply them.

Australia &
New Zealand
School Of
Government

ANZSOG