



# From Resistance to Reform

*Case Studies of Long-Term Social Justice Advocacy in Australia*

**Philip Mendes**

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# **From Resistance to Reform: Case Studies of Long-Term Social Justice Advocacy in Australia**

BY

**PHILIP MENDES**

*Monash University, Australia*



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INVESTOR IN PEOPLE

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## About the Author

**Professor Philip Mendes** teaches social policy and the Australian welfare state and community practice and is the Director of the Social Inclusion and Social Policy Research Unit (SISPRU) in the Department of Social Work at Monash University in Victoria, Australia. His research areas include young people transitioning from out-of-home care, welfare conditionality, medically supervised injecting rooms, and social workers and policy practice. He is the author or co-author of 13 books including *Young People Transitioning From Out-Of-Home Care: International Research, Policy and Practice* (Palgrave, 2016), the third edition of *Australia's Welfare Wars* (UNSW Press, 2017), and *Empowerment and Control in the Australian Welfare State: A Critical Analysis of Australian Social Policy Since 1972* (Routledge, 2019).

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# Introduction

## Abstract

Many policy analysis frameworks propose technical theories as to why existing or amended policies have worked or not worked. There is, however, far less examination of policy failure, and particularly why many inadequate policy solutions are retained for long periods of time despite the availability of significant evidence in favor of alternative policy directions that are likely to enable better outcomes.

In this chapter, I introduce an alternative case study approach based on an in-depth interrogation of four policy areas where long-term resistance to alternative policy solutions was finally overcome by a combination of factors including strong domestic and/or global research evidence, ideological changes within major political parties and governments, and effective mobilization campaigns by informed stakeholders and advocates. Utilizing expert research engagement and knowledge of these four areas, I propose the use of the commonalities from these studies to develop a more general set of principles and action tools to guide policy students and advocates seeking to influence policy change.

*Keywords:* Policy analysis frameworks; case studies of social policy; theories of policy change; policy actors; research evidence

Public policy (except for taxation policy) is broadly defined as the decisions made by governments to either implement or not implement varied services and programs. Such decisions are usually based on a definition of the problem, a stated aim or objective, and a particular means of implementation. These decisions are arguably not dispassionate or neutral but rather influenced by a range of competing political values, ideologies, and interests that inform the agenda setting process (Carson & Kerr, 2020; Fenna, 2021; Maddison & Denniss, 2013; McClelland & Marston, 2014).

Many policy analysis frameworks propose technical theories as to why existing or amended policies have worked or not worked and/or why certain

policies have been adopted or revised (Feldman, 2020). Some of these theories emphasize the role of the individual as a policy actor, others based in sociology highlight the input of social groups and networks, and further approaches headline the importance of state-based institutional structures (Fenna, 1998; Maddison & Denniss, 2013). An example of the latter is the “path dependency model,” which is often invoked to explain why existing institutional policy structures are difficult to change. That model suggests that initial policy decisions are reinforced by long-standing supportive structures, institutions, and interest groups. Hence, once a policy direction (or path) has been established, it may be difficult to change except for minor revisions (Feldman, 2020; Fenna, 1998; Murphy, 2024).

Additionally, an empirical stage model has been used to explain how social problems are defined and framed and the impact of such interpretations on the policy agendas that are proposed and implemented by policymakers. Typically, those stages of the policy process include identification of the issue, analysis of options for introducing the policy, decision-making, policy implementation, and evaluation of impact (Fenna, 2021; Gal & Weiss-Gal, 2023; McClelland & Marston, 2014).

There is, however, little detailed examination of policy failure, and particularly why many inadequate policy solutions are retained for long periods of time despite the availability of significant evidence in favor of alternative policy directions that are likely to enable better outcomes.

In this book, I present a case study approach to policy change (Crowley & Head, 2015) based on an in-depth interrogation of four policy areas where long-term resistance to alternative policy solutions was finally overcome by a combination of factors including strong domestic and/or global research evidence, ideological changes within major political parties and governments, and effective mobilization campaigns by informed stakeholders and advocates.

Policy change broadly involves modifying the aims, methods or impacts of an existing policy (Crowley et al., 2020). Changes can take a number of forms on a spectrum from minor incremental changes to major amendments or innovations (Gal & Weiss-Gal, 2023). The case studies that follow mainly explore major policy changes, for example the extension of out-of-home care (OOHC) from 18–21 years in the State of Victoria, the introduction of the first ever Medically Supervised Injecting Room (MSIR) in Victoria, and the abolition of a major national conditional welfare program, the Cashless Debit Card (CDC). The other case study, an increase in the rate of the JobSeeker Payment for the unemployed, is to date an example of minor although arguably still significant change.

The four case studies of Australian social policy are as follows:

### **Case Study 1: Young People Transitioning From Out-of-Home Care (OOHC)**

Young people transitioning from forms of OOHC such as foster, kinship, and residential group home care (known as care leavers) are globally a vulnerable group. Many experience volatile transitions to adulthood, resulting in limited life

chances and opportunities. Some experience homelessness, poor mental health, and involvement in the criminal justice system. A disproportionate number of care leavers in Australia come from First Nations backgrounds, which is also the case for this cohort in Canada and New Zealand.

There has been public awareness in Australia since the 1989 Human Rights Commission report into youth homelessness of care leaver disadvantage and contributing factors, and considerable scholarly research evidence as to the failures of existing policies, and the urgent need for policy and practice reform. In particular, numerous studies have demonstrated that it is inadequate to cease financial support to these youth once they turn 18 years or even younger and to expect them to suddenly transition to self-reliant adulthood without any of the ongoing family and social supports that most of their non-care peers access until at least 25 years of age. Yet it was only in response to the Home Stretch advocacy campaign, which commenced in 2016 that all eight Australian States and Territories finally introduced (by the end of 2022) extended care supports to care leavers till 21 years of age.

## **Case Study 2: The Victorian Medically Supervised Injecting Room (MSIR)**

MSIRs are legally approved facilities whereby people who inject drugs (PWIDs) can inject substances such as heroin or methamphetamine in relative safety under the supervision of medically trained personnel. More than 100 MSIRs have been introduced in 60 cities internationally based on research evidence that they are an effective harm reduction method for preventing overdose-related injury and death and enhancing public amenity. But their introduction in Australia has been subject to ongoing political and ideological contention.

The first Australian MSIR was established in Kings Cross, Sydney, in 2001 and made permanent in 2011 following a number of positive evaluations. The Victorian path has been less smooth. The Victorian State Labor Government proposed the introduction of five MSIRs across varied suburbs in 2000, but their introduction was blocked by a conservative majority in the Upper House of the State Parliament. Despite ongoing campaigns for MSIRs in areas of high heroin-related overdoses by a coalition of health and welfare professionals, progressive (mostly Greens) politicians and local governments and residents, it was not until 2018 that a state Labor government introduced an MSIR in the City of Yarra. An official review in 2023 established the MSIR as a permanent program and also recommended that a second MSIR be established in the Central Business District of Melbourne.

## **Case Study 3: The JobSeeker Payment for the Unemployed**

In most Global North countries, there has been an ongoing tension around whether the principal role of social security payments for able-bodied adults not in the paid labor market should be to relieve poverty (i.e. provide payments above

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the poverty line) or rather keeping rates well below the average wage in order to promote incentives for workforce participation. In Australia, policymakers – influenced by neoliberal views generally and a political consensus endorsing paid work as the preferred form of social protection – have increasingly favored a lower rate. Since 1997, the JobSeeker Payment for the unemployed has progressively declined in value compared to pension rates for other disadvantaged groups and also relative to the average wage. Australia currently has the second lowest replacement rate of all OECD countries for the newly unemployed as a percentage of previous wage earnings, and there is evidence that many unemployed persons experience severe poverty.

There has been a number of advocacy campaigns by the peak community welfare advocacy body, the Australian Council of Social Service (ACOSS), and other anti-poverty groups to secure a major increase in the JobSeeker rate. These campaigns have argued that a rate increase is necessary to reduce poverty; to assist the unemployed to seek work; and that an increase could be funded by additional revenue from taxation or other savings. But until 2020, both centre-right Liberal–National Coalition and centre-left Labor governments rejected these arguments and associated research evidence. However, the Coalition government introduced a major temporary increase (early 2020) in the rate during COVID-19 and later legislated a small permanent increase in April 2021. The newly elected Labor government introduced a further small increase in September 2023, but there have been no further rate increases since that time.

#### **Case Study 4: The Abolition of the Cashless Debit Card**

Forms of conditional welfare – whereby continued eligibility for social security payments is tied to changes in behavior – have become increasingly prevalent globally in recent years. From 2007 onwards, Australian governments (both the centre-right Liberal–National Party Coalition and centre-left Labor Party) introduced a particularly harsh form of conditional welfare titled compulsory income management (CIM) aimed at certain groups of social security recipients across multiple locations. CIM involves the quarantining of between 50 and 90% of a participant’s benefit payment for spending on food, rent, and other essential items. Quarantined funds cannot be spent on prohibited goods and services, such as alcohol and gambling. The aim of CIM (whether via the Basics Card or the CDC which typically quarantines the highest percentage) is to reduce the impact of anti-social behavior associated with alleged substance abuse and problem gambling on individuals, families, particularly children, and communities. As of March 2024, there were over 30,000 CIM recipients of whom about 50% were First Nations Australians.

CIM has been subject to ongoing political, ideological, and methodological contention particularly around individual versus structural interpretations of disadvantage. Multiple evaluations (official and independent) have questioned whether it is effective in meeting its objectives and whether social costs such as shame and stigma outweigh any gains around reduced substance abuse.

Other concerns have included its disproportionate impact on First Nations communities, its paternalistic rather than co-designed application framework, and its high cost with some arguing the funding should be reallocated to more holistic support programs. A coalition of welfare bodies such as ACOSS, First Nations organizations and the Australian Greens have consistently opposed CIM. The Labor Party gradually switched from full support to qualified support to opposition, and in 2022, the newly elected Federal Labor Government legislated to abolish the particularly invasive CDC.

## **Commonalities and Differences of the Four Case Studies**

The four case studies of Australian social policy presented cover a diverse range of social problems and needs. All four studies have involved major contests by governments, non-government organizations (NGOs) and other policy actors around competing political values and ideas (Head, 2015). The two studies concerning JobSeeker and CIM address polarized debates about whether individual agency (i.e. the character and behavior of individuals), or wider structural injustice (i.e. inequalities in family background and life opportunities), are the principal factor driving social and economic disadvantage. The transitions from OOHHC debate are also informed (if less overtly) by the individual/structural divide, and particularly by different views about the efficacy or appropriateness of government investment to lessen the long-term impact of childhood adversity. And the MSIR debate, while also influenced by the individual/structural divide, contains its own ideological battle over whether policymakers should prioritize the saving of existing lives or discouraging further illicit drug use.

The wider political contests that inform these policy debates are far from uniform. To give one example, the transitions from OOHHC debate have rarely been a source of party political or broader ideological contention either within Australia or globally. With one minor exception, there has never been a conservative advocacy campaign or vigorous counter-view presented against improving support services for care leavers from 18–21 years of age. Yet in contrast, the arguments for and against an MSIR have been subject to ongoing public contests involving both political parties and other stakeholders endorsing what may be broadly called socially conservative or prohibitionist views versus those favoring social liberal or harm reduction perspectives. Similarly, the JobSeeker and CIM debates have split those political parties and wider neoliberal social movements and stakeholders that support individualistic constructions of poverty and disadvantage from other stakeholders that prefer structural or systemic approaches to tackling disadvantage.

Another example of differences is that the MSIR debate is mostly not about enhancing the material well-being of PWIDs but rather about whether or not preserving their lives should be a higher concern than validating moral objections to illicit drug use or local community objections to the impact of the MSIR. In contrast, the other three policy debates – transitions from OOHHC, JobSeeker and CIM – do focus significantly on recognizing the material disadvantage of the

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population groups concerned and the extent to which society feels they are deserving of greater resources being allocated to enhance their life chances.

Utilizing expert research engagement and knowledge of these four areas, I use the commonalities from these studies to develop a more general set of principles and action tools to guide policy students and advocates seeking to influence policy change. I am particularly interested in documenting the advocacy strategies that enable policy change after many years of resistance. [Stachowiak \(2013\)](#) presents a summary of what she calls 10 social science theories of change that may be helpful to advocacy and policy change campaigns. I draw on three of these theories.

Theory 1 is called the “Large Leaps” theory of change and is sometimes referred to as the “displacement” of existing policies by new frameworks ([Gal & Weiss-Gal, 2023](#), p. 22). This theory suggests that major policy reform can progress when the following conditions occur: The definition and framing of an issue changes markedly; new allies become involved in the policy debate which raises its base of support; and the issue acquires increased visibility and prominence in media and wider public discourse ([Stachowiak, 2013](#)). One factor which may stimulate the conditions for generating a “large leap” is an economic, ecological, or health crisis or natural disaster ([Crowley et al., 2020](#); [Feldman, 2020](#)). As we shall see, the introduction of extended OOHC initiatives and the increase in the JobSeeker payment rate were both influenced by the onset of COVID-19.

Theory 2 is called the “Policy Window” theory of change which was widely popularized by John [Kingdon \(1995\)](#). According to this theory, at least two of three policy system streams need to converge during a policy window. Those streams are as follows: the means by which the problem is framed to policy makers including the presentation of a viable alternative policy solution based on research evidence; the ideas that are constructed to solve the problem; and an effective campaign by an advocacy group that actively engaged with the media (both traditional reporting and social media) and coincides with a receptive political climate ([Stachowiak, 2013](#)). Notably in one of our case studies, the Home Stretch campaign to extend OOHC till 21 years arguably succeeded due to the presence of all three streams. They were particularly effective in raising awareness ([De Corte & Roose, 2020](#)) of the plight of care leavers at a time of increased public compassion due to COVID-19.

Theory 3 is called the “Coalition” theory of change whereby non-government groups form broad coalitions for change that combine their resources to take advantage of changes in the respective power and influence of political parties to advance what have been called “disruptions” ([Head, 2015](#), p. 475) to the established policy direction. Alternatively, conservative groups may build broad coalitions either to prevent change or to drive change in the opposite direction ([Crowley et al., 2020](#)).

Coalitions for change are often led by policy entrepreneurs who are particularly effective at building broad-based support. They do so by utilizing three strategies: presenting a persuasive narrative to grab public attention; offer a straightforward solution to the policy problem; and exploit or create a “wind of opportunity” for change ([Cairney, 2018](#); [Feldman, 2020](#)). Paul McDonald, the

leader of the successful Home Stretch campaign, is an example of this type of leader. A further advocacy strategy is developing partnerships with political *champions* who will promote change at the parliamentary level (Stachowiak, 2013). The value of a political champion will become evident in both the transitions from OOHC and MSIR case studies whereby Fiona Patten, the leader of the minority Reason Party in the Victorian state parliament, actively intervened to enable a reframing of policy definition and potential solutions. Equally, it will be noted that a change of the national government from the conservative Liberal–National Coalition to the Labor Party was instrumental in enabling adoption of a different approach to JobSeeker and CIM policies.

## Policy Actors

A wide range of policy actors have been involved in the four policy areas such as governments and opposition parties including their active role in parliamentary inquiries, government advisory bodies, non-government social welfare organizations, people with lived experience of these issues, private think tanks, and the media.

### *Parliamentary Committees and Government Advisory Bodies*

Parliamentary committee inquiries can be instrumental in connecting governments and other stakeholders to promote policy change, particularly when they attract active interest by relevant policy actors as manifested by large numbers of oral and written submissions (Marsh & Halpin, 2015). The impact of parliamentary inquiries was evident in all four case studies. For example, a Victorian state parliamentary inquiry significantly advanced the MSIR policy debate. Similarly, a national Senate inquiry into OOHC informed the transitions from OOHC debate. Multiple national inquiries impacted on the CIM debate while a number of national inquiry reports have informed the JobSeeker debate.

Additionally, expert policy advisory bodies appointed by government can play an influential role in placing issues on the public policy agenda and suggesting particular directions for reform (Stewart & Prasser, 2015). To date, the only example of such an intervention relevant to our case studies is the role played by the relatively new Economic Inclusion Advisory Committee (EIAC) in presenting the case for a substantial increase in the JobSeeker payment. Notably, the opposition Liberal–National Party Coalition does not support this role and has described the EIAC as a “waste of money...just add to an ever growing bureaucracy” (Coalition Senators, 2024, p. 163).

Additionally, it is possible that the introduction of extended OOHC in every jurisdiction will stimulate the Productivity Commission into playing some role in care leaver debates in the future. Given that they have long provided an annual costing of all OOHC services until the age of 17 years, it seems likely that they will be requested to extend that detailed costing till the age of 21 years.

### ***Think Tanks***

Privately-funded think tanks such as the neoliberal Centre for Independent Studies and Institute of Public Affairs, progressive bodies such as the Australia Institute, John Curtin Research Centre, Per Capita and the non-aligned Grattan Institute have exerted some influence on social policy debates in Australia (Vromen & Hurley, 2015). For example, the CIS was instrumental in driving the establishment of a revamped adoption policy in the state of New South Wales as a preferred solution to reducing the increasing numbers of children entering the OOHC system (Hagland, 2023). However, it seems their influence on our four case studies was minimal.

### ***Non-Government Social Welfare Bodies***

A number of non-government community welfare organizations are involved in social policy debates linked to their provision of support services. Their role increasingly includes not only leading or participating in advocacy campaigns but also specific expertise in developing evidence-based policy options and alternatives based on their practice connection with service users. Their policy agenda is often informed by social justice values linked in many cases to Christian social teachings (Goodwin & Phillips, 2015; McClelland & Marston, 2014). In a number of our case studies, advocacy groups were prominent in driving policy change. For example, the Home Stretch campaign led by the Christian-based charity, Anglicare Victoria, played the key role in arguing for an extension of OOHC till 21 years. Similarly, the peak community welfare advocacy body, the ACOSS, which has a large number of social welfare affiliates, led the campaign to raise the rate of the JobSeeker Payment.

### **Media**

Another important influence on policymakers agenda-setting is media discourse, which can influence whether or not issues become the subject of public attention and debate and the types of policy solutions that are canvassed (Crowley et al., 2020; Feldman, 2020; Goodwin et al., 2023; Stachowiak, 2013). In all four of our case studies, rival groups such as governments and opposition political parties, varied advocacy groups, and lived experience voices have competed to place their policy priorities on the public agenda (Ward, 2015). The MSIR, JobSeeker, and CIM debates have always attracted media attention because of the intense political and ideological divisions involved. But care leaver concerns were largely ignored for many years, perhaps because there was little if any political disagreement about the efficacy of existing policies and programs. However, the advent of the Home Stretch campaign and its gradual achievement in persuading all eight state and territory governments to extend OOHC till 21 years seems to have engendered greater media interest in the potential effectiveness of alternative strategies for improving outcomes for this cohort.