



BRITISH COLUMBIA LAW INSTITUTE

1822 East Mall, University of British Columbia
Vancouver, British Columbia V6T 1Z1
Voice: (604) 822 0142 Fax: (604) 822 0144
E-mail: bcli@bcli.org
Web: www.bcli.org

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To: Participants in the April 2015 CALRAs Conference

Stakeholders and Experts in Law Reform Projects

INTRODUCTION

In the second session of the CALRAs Conference (Edinburgh 2015), we explored questions about the use of stakeholders and volunteer experts in various projects. This was done by dividing into groups and addressing several different potential law reform projects. At the end of the session there was broad agreement that it would be useful to capture the results of the groups. It was noted there were many good ideas that might be referenced in developing future projects. Below is a summary of the notes developed for the presentation of eight projects.

I have taken some license with these summaries to reflect both the actual notes and my recollection of the presentations.

Thanks again to all the participants.

Jim Emmerton, Executive Director
British Columbia Law Institute

Laura Tamblyn Watts
Elder Concepts

Project: Recommend reforms for Marriage Act.

1. What stakeholders or volunteer experts are unique to your project and why?

Key stakeholder and experts are:
religious groups, universities, gay and lesbian groups, general public, family law practitioners, adoption agencies, charities supporting children, marital dispute agencies, mediation services, family court justices, family advocate agencies

2. For your project, what will be your 3 biggest challenges in engaging stakeholders and volunteers?

1. Risk of dominance by some groups, more vocal than others.
2. Groups with extreme religious views
3. The large volume of input could be difficult to manage

3. Provide an example(s) of how a stakeholder or volunteer has disrupted (or may disrupt) a project and recommendations to handle it.

1. There could be legal challenges to suggested reforms, notably human rights allegations.
2. If large numbers of responses are respected, prepare a process in advance to handle large numbers.

4. Describe a recent innovation you have employed to engage stakeholders or volunteers that could be applied in your project?

1. Prepare and publish issue papers
2. Hold seminars or 'town hall meetings' to discuss the issues.
3. Use modern communications technologies to reach the public and manage responses.

Project: Recommend Pension Reform Act

1. What stakeholders or volunteer experts are unique to your project and why?

Key stakeholder and experts are:

1. Employers and employees
2. Companies providing pension services
3. Relevant governmental agencies
4. Trade unions

2. For your project, what will be your 3 biggest challenges in engaging stakeholders and volunteers?

1. Identifying relevant contacts could be a challenge
2. Building the trust and confidence needed to obtain information from key stakeholders
3. Extracting the relevant information

3. Provide an example(s) of how a stakeholder or volunteer has disrupted (or may disrupt) a project and recommendations to handle it.

1. There could be significant disagreement and project disruption due to conflicting views between trade unions and employers
2. Attempt to obtain formal commitment to recommended changes

4. Describe a recent innovation you have employed to engage stakeholders or volunteers that could be applied in your project?

1. Make effective use of social media tools to reach stakeholders
2. Hold public meetings to discuss policy proposals

Project: Recommend a Contracts Reform Act

1. What stakeholders or volunteer experts are unique to your project and why?

Key stakeholder and experts are:

Teachers,
professors,
legal practitioners,
judiciary (particularly commercial courts),
credit agencies,
relevant government Ministries (e.g. Justice and Labour)

2. For your project, what will be your 3 biggest challenges in engaging stakeholders and volunteers?

1. Could be a challenge to engage those who are not in the obvious groups
2. Could be difficult to convince stakeholders of the benefit of change
3. Could be a very large project so project resourcing could be a challenge.

3. Provide an example(s) of how a stakeholder or volunteer has disrupted (or may disrupt) a project and recommendations to handle it.

There could be general public resistance through demonstrations or court challenges to proposed changes.

4. Describe a recent innovation you have employed to engage stakeholders or volunteers that could be applied in your project?

1. Set up a webpage or website if needed
2. Use local structures available – e.g. could form committees of clients
3. Use local media
4. Use innovations such as songs and drama to publicize the concepts

Project: Recommend new Child Guardianship Act

1. What stakeholders or volunteer experts are unique to your project and why?

Key stakeholder and experts are:

Child rights groups, youth program leaders, children's ombudsman, social work agencies, family law experts, family courts, public guardian and trustee, schools, public, parents groups

2. For your project, what will be your 3 biggest challenges in engaging stakeholders and volunteers?

1. Obtaining sincere views of children a challenge
2. Need to effectively use social media communications tools
3. Need messages presented appropriately to achieve broad, appropriate understanding of the issues and recommendations.

3. Provide an example(s) of how a stakeholder or volunteer has disrupted (or may disrupt) a project and recommendations to handle it.

1. If there is significant lag of time between recommendations and implementation, public may lose confidence in the results
2. Could be campaigns against the recommendation – avoid using a draft policy paper for discussion
3. Could be attempted disruption by groups with polarized views.

4. Describe a recent innovation you have employed to engage stakeholders or volunteers that could be applied in your project?

1. Use social media (twitter) to seek views
2. Use radio and TV discussions to debate the issues
3. Use plays, songs etc to engage the audiences
4. Visit schools requesting student feedback

Project: Recommend a new Condominium Act

1. What stakeholders or volunteer experts are unique to your project and why?

Key stakeholder and experts are:

householders, developers, charities supporting the homeless, government Ministry, land titles registry, bankers, condominium owners, people unable to get into affordable housing

2. For your project, what will be your 3 biggest challenges in engaging stakeholders and volunteers?

1. Government and owners may have opposing objectives
2. The lengthy time required to complete the project could cause disinterest
3. Obtaining funding could be a challenge

3. Provide an example(s) of how a stakeholder or volunteer has disrupted (or may disrupt) a project and recommendations to handle it.

1. Owners and businesses serving the market may be opposed to changes
2. Could be allegation of human rights issues
3. Could be a legal challenge
4. Could raise class issues – e.g. people seeking affordable housing vs. others.

4. Describe a recent innovation you have employed to engage stakeholders or volunteers that could be applied in your project?

1. Consultations are important. If there are disparate groups, consider separate consultations
2. Publicize the successes achieved in other jurisdictions on this topic
3. Make the provision of affordable housing a constitutional requirement for government

Project: Recommend Wills and Estates Reform Act

1. What stakeholders or volunteer experts are unique to your project and why?

Key stakeholders and experts include:
Groups representing older people
Medical and health experts
Estate planners

2. For your project, what will be your 3 biggest challenges in engaging stakeholders and volunteers?

1. Government reluctance to make changes
2. Demonstrating the importance of reform could be difficult
3. Obtaining then reflecting views which could be broad-ranging

3. Provide an example(s) of how a stakeholder or volunteer has disrupted (or may disrupt) a project and recommendations to handle it.

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4. Describe a recent innovation you have employed to engage stakeholders or volunteers that could be applied in your project?

1. Employ social media to get broad dissemination and buy in
2. Provide radio/TV coverage to explain issues and proposed recommendations.

Project: Recommend new Privacy Act

1. What stakeholders or volunteer experts are unique to your project and why?

Key stakeholder and experts are:

1. Hackers and 'hackees'
2. Telecommunications experts
3. Privacy groups
4. Victims of crime
5. Privacy commissions

2. For your project, what will be your 3 biggest challenges in engaging stakeholders and volunteers?

3 biggest challenges:

1. handling victims issues
2. Managing the intensity and volume of input that may result
3. Effectively describing the issues and values to make engagement effective
4. Getting people to change their views on issues

3. Provide an example(s) of how a stakeholder or volunteer has disrupted (or may disrupt) a project and recommendations to handle it.

1. May be strong resistance to change
2. Stakeholders requested to keep early discussions in confidence can leak proposed policies publicly
3. Media can be friend or foe – messages must be managed carefully

4. Describe a recent innovation you have employed to engage stakeholders or volunteers that could be applied in your project?

1. Make effective use of social media tools
2. Recruit advisory groups – both legal and non-legal stakeholders

Project: Recommend new Defamation Act

1. What stakeholders or volunteer experts are unique to your project and why?

Key stakeholder and experts are:

Press councils, media regulator, website owners, bloggers, social media participants, legal profession, public relations companies

2. For your project, what will be your 3 biggest challenges in engaging stakeholders and volunteers?

Three biggest challenges:

1. General disinterest in involvement to protect free speech
2. May be difficult to engage non-traditional individual or group stakeholders
3. There appear to be complex cross-border issues – don't want to promote 'forum shopping'

3. Provide an example(s) of how a stakeholder or volunteer has disrupted (or may disrupt) a project and recommendations to handle it.

1. Some media could be aggressively disruptive – need to engage effectively early
2. Use experts with industry knowledge
3. Need to clearly and effectively communicate policy issues and recommendations

4. Describe a recent innovation you have employed to engage stakeholders or volunteers that could be applied in your project?

1. Use best available media channels
2. Employ focus groups
3. Address the cross-border issues with collaborative people or groups