

Consumer Affairs Victoria

Consumer Advocacy in Victoria



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“ About the author ”

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Important preliminary note

This Research Paper has been prepared by Chris Field as Principal of Chris Field Consulting Pty Ltd. The views in the Research Paper represent those of the author alone (unless attributed to another person) and do not purport to represent the views of any other organisation with which the author has been, or is, involved.

The first limitation of a research paper is the scope of the study. The researcher must define the boundaries of the study, including the population, the variables, and the methods used. A narrow scope allows for a more in-depth analysis, while a broad scope may result in a superficial treatment of the topic.

Another limitation is the availability of data. The researcher must ensure that the data is accurate, reliable, and representative of the population being studied. Limited access to data can restrict the depth and breadth of the analysis.

Time constraints are also a significant limitation. The researcher must complete the study within a specific timeframe, which may limit the amount of data collected or the depth of the analysis.

An important note about the limitations of the Research Paper

The limitations of a research paper are the factors that restrict the researcher's ability to answer the research question. These limitations can be categorized into several types, including methodological limitations, data limitations, and time constraints.

Methodological limitations are those that arise from the research design or the methods used. For example, a cross-sectional study may not be able to establish causality, while a survey may not capture the depth of a more in-depth interview.

Data limitations are those that arise from the availability or quality of the data. For example, a researcher may not have access to the most recent data, or the data may be incomplete or biased.

Time constraints are those that arise from the researcher's schedule or the time available for the study. For example, a researcher may not have enough time to collect and analyze a large amount of data.

Time constraints

Time constraints are a common limitation in research. They can be caused by a variety of factors, including a tight deadline, limited resources, or a lack of time to complete the study.

Time constraints can lead to a number of problems, including a limited amount of data, a superficial analysis, and a lack of time to address the research question fully.

To overcome time constraints, researchers should carefully plan their study, prioritize their tasks, and seek out resources that can help them complete the study more efficiently.

The second limitation of a research paper is the quality of the source literature. The researcher must ensure that the literature is relevant, credible, and up-to-date. A lack of source literature can limit the researcher's ability to support their findings with evidence.

The third limitation is the researcher's bias. The researcher must be aware of their own biases and ensure that they do not influence the results of the study.

Finally, the fourth limitation is the researcher's knowledge. The researcher must have a strong understanding of the topic and the methods used. A lack of knowledge can lead to errors in the study.

A lack of source literature

A lack of source literature is a common problem in research. It can be caused by a variety of factors, including a narrow search strategy, limited access to databases, or a lack of time to search for literature.

A lack of source literature can lead to a number of problems, including a limited understanding of the topic, a lack of evidence to support findings, and a lack of time to address the research question fully.

To overcome a lack of source literature, researchers should use a variety of search strategies, including searching for keywords, using Boolean operators, and consulting with librarians.

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Stage 1 (Research Stage): What do we mean by the term “consumer advocacy”?

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Executive summary

1. What do we mean by the term “consumer advocacy”?

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Trade Practices Act 1974,

1.1 The purpose of consumer advocacy

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3.2 How effective are consumer advocates in their practice of consumer advocacy?

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4.2 The practice of consumer advocacy

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“What do we mean by the term consumer advocacy?”

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1.1 Introduction

consumer activism is at least half a century older. Women's organisations were the driving force of a fledgling consumer movement which emerged around the turn of the century and intensified in response to economic hardships of WW1 and the Great Depression.³

1.2 A brief history of consumer advocacy in Victoria



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provide a voice for members of the community who otherwise have real difficulty being heard, telling policy makers of the problems people experience with the legal system with the aim of seeing injustices and anomalies corrected.¹¹

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1.3.1.3 What do we mean by "interests"?



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1.4 The practice of consumer advocacy



Consumer advocacy is the practice of representing the interests of consumers in the marketplace. It involves identifying and addressing issues that affect consumers, such as product safety, quality, and pricing. Consumer advocates work to educate consumers, lobby for regulatory changes, and provide legal assistance to those who have been harmed by defective products or unfair business practices.

1.4.1 Types of advocacy

Consumer advocacy can be categorized into several types based on the scope and focus of the activities. These include:

1. **Product safety advocacy**: This type of advocacy focuses on identifying and addressing safety hazards associated with consumer products. Advocates work to ensure that products are safe for use and that consumers are properly informed of any risks.
- 1.1 **Product recall advocacy**: This involves advocating for the recall of defective products that pose a safety risk to consumers.
- 1.2 **Product liability advocacy**: This involves advocating for consumers who have been injured or harmed by defective products, seeking compensation through legal action.
2. **Quality and pricing advocacy**: This type of advocacy focuses on ensuring that consumers receive high-quality products at fair prices. Advocates work to identify and address issues such as product defects, misleading advertising, and unfair pricing practices.
3. **Consumer education advocacy**: This involves educating consumers about their rights and responsibilities in the marketplace. Advocates provide information on how to make informed purchasing decisions and how to file complaints.

Consumer advocacy is a critical component of the consumer protection system. It helps to ensure that consumers are treated fairly and that the marketplace is competitive and transparent. Consumer advocates play a vital role in identifying and addressing issues that affect consumers, and in providing support and assistance to those who have been harmed by unfair business practices or defective products.

Consumer advocates provide a voice for consumers who may not have the resources or expertise to address their concerns on their own. They work to ensure that consumer interests are represented in the marketplace and that consumers are able to make informed purchasing decisions.

1.4.2 For whom do consumer advocates provide a voice?

Consumer advocates provide a voice for all consumers, regardless of their income level, education, or geographic location. They work to ensure that the needs and interests of all consumers are represented in the marketplace and that consumers are able to make informed purchasing decisions.

some 300 nonprofit organizations from throughout the nation with a combined membership exceeding 50 million people [which] enables CFA to speak for virtually all consumers⁴

Consumer advocates provide a voice for all consumers, regardless of their income level, education, or geographic location. They work to ensure that the needs and interests of all consumers are represented in the marketplace and that consumers are able to make informed purchasing decisions.



Consumer advocates provide a voice for all consumers, regardless of their income level, education, or geographic location. They work to ensure that the needs and interests of all consumers are represented in the marketplace and that consumers are able to make informed purchasing decisions.

*[a]s an education organization, CFA disseminates information on consumer issues to the public and the media, as well as to policymakers and other public interest advocates. Conferences, reports, books, brochures, news releases, a newsletter, and a website all contribute to CFA's education program. Finally, as a service organization, CFA provides support to national, state, and local organizations committed to the goals of consumer advocacy, research, and education. Some of these organizations are consumer advocacy, education, or cooperative organizations that belong to the federation.*⁰

Summary of section 1: What do we mean by the term “consumer advocacy”?

A voice for consumers

Summary of section 1 (continued)

Consumer advocacy should provide a voice for distributive justice

The practice of consumer advocacy

Types of advocacy

Who (or what) hears the consumer voice?

Who can be a consumer advocate?

Informing the voice – other important aspects of consumer advocacy

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Legal Aid in Victoria – At the crossroads again. (), 1, 0 1, 0

Legal Aid in Victoria” in

Poverty, Law

and Social Change – The story of the Fitzroy Legal Service • 22

Alternative Law Journal 2, 2.

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12 The Shorter Oxford English Dictionary on Historical Principles (), 1, 1, 1 30.

• 33 Australian Business Law Review 2 45 Out of Bounds or in the Courts? – Globalised consumers or Australian citizens, 11 2004 (

13 The Shorter Oxford English Dictionary on Historical Principles 12 30.

14 Speech to the United States Congress 15 1, 2, 1, 5).

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National Energy Market Consumer Advocacy – Emerging needs and institutional models 2004 2-4 2, 5.

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Wealth of Nations 4, 1, 3.

• *The Australian Financial Review* 22, 2004.

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• *The Basic Writings of Bertrand Russell*, 1, 1, 51.

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2.2.1 Category 1: Generalist not-for-profit, non-government consumer organisations⁷¹

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2.2.1.1 Generalist not-for-profit, non-government consumer organisations undertaking individual advocacy and policy advocacy

Consumer Law Centre Victoria
Consumer Credit Legal Service

2.2.1.2 Generalist not-for-profit, non-government consumer organisations undertaking policy advocacy, but not individual advocacy

Australian Consumers' Association
Consumers' Federation of Australia

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*Using [the Federal Trade Commission's] expertise to work with other governmental actors at all levels of the political system and in all branches of government to design policies that further competition and consumer choice.*⁰

*A competition authority, expert in understanding the competitive process, can explain to the public and to generalist political actors whether these calls for industry-specific regulation will really further the public good. Advocacy can inform consumers of their interests in a regulation, perhaps spurring the desire to organise politically to oppose a regulation that will result in higher prices and less choice.*²

The Way Forward Report,

2.2.5.2 The role of business organisations as consumer advocates

1.3.2.2

Summary of section 2: What is the current framework for consumer advocacy in Victoria?

Category 1: Generalist not-for-profit, non-government consumer organisations

(a) Generalist not-for-profit, non-government consumer organisations undertaking individual advocacy and policy advocacy

(b) Generalist not-for-profit, non-government consumer organisations undertaking policy advocacy, but not individual advocacy

Category 2: Specialist not-for-profit, non-government consumer organisations

Category 3: Generalist not-for-profit, non-government community organisations

Category 4: Individuals

Category 5: Industry, government and regulatory bodies

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In the Consumer Interest, 2000, 13.

Economics and Competition Policy, 2005, 1. • *Current Topics in Antitrust*

/05020.

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Theory and Practice of Competition Advocacy at the FTC, /040, 10.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. This is essential for ensuring the integrity of the financial statements and for providing a clear audit trail. The document emphasizes that every entry should be supported by appropriate documentation, such as invoices, receipts, and contracts.

2. The second part of the document focuses on the role of internal controls in preventing errors and fraud. It outlines various control measures, including segregation of duties, regular reconciliations, and the use of standardized procedures. The document stresses that a strong internal control system is crucial for the reliability of the financial reporting process.

1.3 The third part of the document addresses the challenges of managing financial data in a complex and rapidly changing environment. It discusses the need for robust information systems and the importance of data security. The document also highlights the role of management in ensuring that the financial reporting process is transparent and accountable.

5. The final part of the document provides a summary of the key points discussed and offers recommendations for improving the financial reporting process. It emphasizes the need for continuous improvement and the importance of staying up-to-date with the latest developments in financial reporting.

3.1.1 An important preliminary note

The first part of the document discusses the importance of maintaining accurate records of all transactions. This is essential for ensuring the integrity of the financial statements and for providing a clear audit trail. The document emphasizes that every entry should be supported by appropriate documentation, such as invoices, receipts, and contracts.

3.2.1.1 The economic theory of regulation

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common, though not universal, conclusion has become that, as between the two main contending interests in the regulatory processes, the producer interest tends to prevail over the consumer interest.

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It has long been recognised that because of industry's superior ability to organise political support relative to consumers, consumer interests often are subservient to industry interests in the regulatory processes.⁰

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3.2.1.2 A contrary view

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"Regulatory capture" is a notion that has long shaped a good deal of thinking about the interaction of government agencies and businesses. Analysts pointed to seemingly over-sympathetic decisions of regulators, for example in favouring incumbent firms over new entrants. Whether or not this accurately describes yesterday's regulatory bodies, their contemporaries' affinities are closer to anti-business groups.²

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politicians and constituents [as] rational actors. As such, constituents demand favourable regulation and politicians use the state's coercive powers to supply it in return for political support. When adopting a policy, [politicians/regulators weigh the political support from those who stand to gain against political opposition from those who stand to lose.³

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Handwritten mathematical notes or calculations, possibly involving fractions and algebraic expressions. The text is very faint and difficult to read.

3.3.3.1 Pharmacists – a case study of the dominance of the producer group voice

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- **Anti-competitive arrangements lead to consumers paying higher prices for goods and services**

...¹⁰ ...

*Generic drug makers have opened up a new world of cheaper medicines but this has largely bypassed the consumer. The Pharmaceutical Benefits Pricing Authority's 2004 annual report reveals that 43 per cent of consumers are paying unnecessary brand premiums.*¹¹⁰

3.3.2 Are Victorian consumer advocates an effective voice for consumer protection regulation?

3.3.2.1 A note of caution – consumer protection regulation involves costs and benefits

1.3.2

Trade Practices Act 1974

Trade Practices Act 1974,

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Even when we are quite sure that the market is not working perfectly, the market can be improved upon only if a court or legislature can ban the inefficient terms without also banning the efficient ones. This requires the court to be able to determine whether any given clause is inefficient or not. But a direct analysis of the efficiency of any given clause will often be very difficult, and courts (or other legal institutions) may not be very good at this task.¹¹

The framework(s) used to progress future nationally coordinated reforms should make explicit reference to the need for up-front assessment of distributional and adjustment issues. It should also include criteria relating to circumstances in which support to ease adjustment difficulties or adverse distributional outcomes is likely to be warranted, and the characteristics such support embody to facilitate rather than frustrate adjustment and avoid duplication with generally applicable income and other support measures.¹²⁴

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3.4.1 Introduction

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3.4.2 Are consumer advocates more effective at some types of advocacy than others?

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Summary of section 3: Assessing the effectiveness of consumer advocacy in Victoria

The purpose of consumer advocacy is to represent the interests of consumers and to ensure that they are treated fairly. This is done by providing information, advice and support to consumers, and by taking action to resolve complaints and disputes. Consumer advocates also work to improve the standards of goods and services, and to promote fair trading practices. In Victoria, the Victorian Consumer Affairs Commissioner is the lead agency for consumer advocacy. The Commissioner's role is to ensure that consumers are protected and that businesses are held accountable for their actions. The Commissioner also works to improve the standards of goods and services, and to promote fair trading practices. In Victoria, the Victorian Consumer Affairs Commissioner is the lead agency for consumer advocacy. The Commissioner's role is to ensure that consumers are protected and that businesses are held accountable for their actions. The Commissioner also works to improve the standards of goods and services, and to promote fair trading practices.

The purpose of consumer advocacy – how effective are Victorian consumer advocates in achieving the purpose of consumer advocacy?

Are Victorian consumer advocates an effective voice for competitive markets?

Victorian consumer advocates are an effective voice for competitive markets. They provide a range of services to consumers, including information, advice and support. They also take action to resolve complaints and disputes, and to improve the standards of goods and services. Victorian consumer advocates are an effective voice for competitive markets. They provide a range of services to consumers, including information, advice and support. They also take action to resolve complaints and disputes, and to improve the standards of goods and services.

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 6 **Enhancing the Standing of Competition Authorities with Consumers**, 2004, 3.
 7 • *The Economics of Public Law – The collected economic essays of Richard A. Posner Volume Three*,
 8 (), 2001, 20.
 9 • 2 *Bell Journal of Economics and Management Science* 3
 10 (1, 1).
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 12 • 1, *Journal of Law and Economics* 211, 212.
 13 23, 24.
 14 2004, 1,
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4.2.2 In the future consumer advocates should refine their message regarding consumer protection regulation

*In a reform-specific context, it is the role of consumer advocates in providing a counterbalance to producer groups seeking to maintain anti-competitive arrangements that lead to higher prices, reduced service quality or less market innovation, that is most relevant.*¹³³

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The first step in achieving optimal size is to identify the existing resources of the organization. This includes a thorough analysis of the current assets, capabilities, and strengths. Once these resources are identified, the next step is to consolidate them. This involves streamlining operations, eliminating redundancies, and focusing on the core competencies of the organization.

Consolidating existing resources allows an organization to leverage its strengths more effectively and efficiently. By focusing on what they do best, organizations can achieve a competitive advantage and reach their optimal size more quickly.

The second step in achieving optimal size is to work collaboratively. This involves fostering a culture of teamwork, communication, and shared responsibility. When employees work together effectively, they can accomplish more than they could on their own.

Collaborative work allows organizations to pool their talents, share knowledge, and solve problems more effectively. This leads to increased productivity and innovation, which are essential for achieving optimal size.

The third step in achieving optimal size is to utilize external resources. This involves seeking out and leveraging resources outside the organization, such as partnerships, alliances, and outsourcing. External resources can provide additional capabilities, expertise, and access to new markets.

Utilizing external resources allows organizations to expand their capabilities and reach without the need for significant internal investment. This is a key strategy for achieving optimal size in a competitive market.

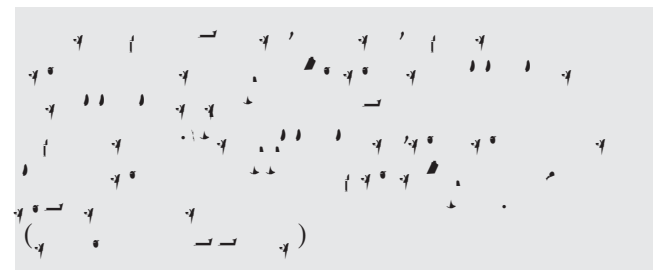
The final step in achieving optimal size is to continuously monitor and adjust. The business environment is constantly changing, and organizations must be able to adapt to these changes. Regularly reviewing performance, market trends, and internal capabilities allows organizations to make necessary adjustments and stay on track towards their optimal size.

4.3.1.2 Achieving optimal size by working collaboratively

Working collaboratively is a key strategy for achieving optimal size. It involves creating a culture where team members work together, share information, and support each other. This collaborative environment leads to higher productivity, better problem-solving, and increased innovation.

Organizations that foster collaboration are better equipped to handle complex challenges and seize new opportunities. By working together, team members can leverage their individual strengths and achieve results that would be impossible for any one person.

4.3.1.3 Achieving optimal size through external resources



4.3.1.1 Achieving optimal size by consolidating existing resources

Consolidating existing resources is a critical step in achieving optimal size. It involves identifying and streamlining the organization's current assets and capabilities. This process helps to eliminate waste, improve efficiency, and focus on the core competencies of the organization.

By consolidating resources, organizations can reduce costs, improve quality, and enhance their competitive advantage. This is a key strategy for reaching optimal size in a competitive market.

Way Forward Report)

\$500,000

funding to groups with a highly militant anti-business perspective provides oxygen to organizations which have no representational credentials, being elites rather like those who used to claim they were the “vanguard of the proletariat”.¹⁴

Unfortunately, by establishing these forms of pressure groups, governments are apparently acknowledging their inability to fulfil their prime functions of defending the weak through an unbiased public service. This might have merit if the funding levels were forms of outsourcing of policy analysis. The partisan nature of the NGOs and the quality of their advice, however, shows that they cannot be relied on. The absence of corresponding reductions in staffing of mainline agencies demonstrates that governments, too, regard such outsourcing as unwise.¹⁵⁰

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4.3.2.1 An Australian National Consumer Council¹⁵

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*independent national consumer body sufficiently representative and influential to ensure that those who take decisions which will affect the consumer can have a balanced and authoritative view before them.*¹¹

3.2

4.3.2.2 *In the future we need to create more scholarly
consumer research*

1. The first point is that we need to create more scholarly consumer research. This is because the current state of consumer research is largely unscientific and unrigorous. We need to develop a more systematic and methodical approach to studying consumer behavior. This involves using a variety of research methods, including surveys, experiments, and focus groups, to gather data on consumer attitudes and behaviors. We also need to ensure that our research is based on sound theoretical foundations and is subject to peer review and replication.

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Summary of section 4: What are the options for the future of consumer advocacy in Victoria?

In the future consumer advocates must strengthen and unify their position on the benefits of competition

Consumer advocates must strengthen and unify their position on the benefits of competition. This involves a coordinated effort across various sectors to highlight the advantages of competitive markets for consumers. Key areas of focus include:

- Market Structure:** Advocating for a mix of market structures that allow for competition while recognizing the benefits of scale and innovation in certain industries.
- Consumer Choice:** Promoting policies that increase the range of products and services available to consumers, ensuring they can benefit from competitive pricing and quality.
- Regulatory Framework:** Supporting a regulatory environment that is fair, transparent, and encourages innovation and competition.
- Consumer Education:** Educating consumers on the benefits of competition and how to make informed choices in a competitive market.

In the future consumer advocates should refine their message regarding consumer protection regulation

Consumer advocates should refine their message regarding consumer protection regulation. This involves a clear and consistent communication strategy that emphasizes the importance of strong consumer protection laws and their enforcement. Key points to address include:

- Clarity of Message:** Simplifying the language used to describe consumer protection regulations, making it easier for consumers to understand their rights and the role of regulators.
- Enforcement Focus:** Highlighting the need for robust and effective enforcement of consumer protection laws to ensure that consumers are protected from unfair practices.
- Collaboration:** Encouraging collaboration between consumer advocates, regulators, and industry stakeholders to develop and implement effective consumer protection measures.
- Transparency:** Promoting transparency in the regulatory process, including the development of new regulations and the handling of consumer complaints.

In the future consumer advocates must continue to be effective voices for consumer redress

Consumer advocates must continue to be effective voices for consumer redress. This involves a focus on providing support and resources to consumers who have experienced problems with goods or services. Key strategies include:

- Support Services:** Offering clear and accessible support services, such as helplines, online chat, and face-to-face assistance, to help consumers resolve their issues.
- Dispute Resolution:** Promoting and supporting effective dispute resolution mechanisms, including mediation and arbitration, to provide a fair and timely resolution for consumers.
- Legal Assistance:** Providing information and referrals to legal services for consumers who may need legal assistance to resolve their disputes.
- Consumer Empowerment:** Empowering consumers with the knowledge and skills to resolve their own disputes effectively.

(continued)

Summary of section 4 (continued)

... the ... (...) ...

In the future we need to create a greater policy voice for consumers

... (...) ...

An Australian National Consumer Council

... (...) ...

In the future we need to create a greater research capacity for consumer organisations

... (...) ...

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3.)

Example of a function key performance indicator: Policy advocacy

2.3 Organisational management key performance indicators

Example of an organisational management key performance indicator: Optimal size



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