

## **Connections to inspire change: Democracy, debate and dissent**

**Keynote address to the Anglicare Australia Conference, 31 October 2005, Yeppoon, Queensland.<sup>1</sup>**

**Dr Sarah Maddison, School of Politics and International Relations, University of New South Wales.**

Thank Sue for invitation – great to get out in the community to talk about research.

I'd also like to pay my respects to the Darumbal people as the traditional owners of the land we are on this morning.

I will begin this morning with a quote from Archbishop Camara of Brazil. I'm sure many of you are familiar with it. Archbishop Camara said:

“When I feed the poor, they call me a saint. When I ask why the poor have no food, they call me a communist.”

Dom Helder Camara, Archbishop of Recife, Brazil

### **NGOs and democracy**

Since colonial times Australia has relied heavily on the non-government sector - also known as the charity, voluntary or third sector – for the provision of social welfare services. Successive governments have provided varying degrees of funding and other support to facilitate this work, encouraging a wide range of community-based initiatives and drawing an array of individuals and non-state institutions under the umbrella of government. Over time the role of the non-government sector evolved from a focus purely on charitable welfare provision to a more professionalised network of service provision organisations that consider policy advocacy to be an important part of their role. The public sector reforms of the 1970s saw an increased emphasis on the importance of communication between government and community, particularly through enhanced consultation with non-government organisations.

The result is that non-government organisations (NGOs) have been embedded in Australian society for decades. Organisations such as Anglicare Australia, the Red Cross, the Brotherhood of St Lawrence, Community Aid Abroad and the Australian Conservation Foundation, along with the thousands of smaller organisations all around the country, are admired and respected not just for the services they deliver to

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<sup>1</sup> Sections of this paper have been developed from the discussion paper *Silencing Dissent: Non-government organisations and Australian democracy*, by Sarah Maddison, Richard Denniss, and Clive Hamilton, published by The Australia Institute in June 2004.

marginalised and disadvantaged groups but for their contribution to public debate and the democratic process.

Most nonprofit organisations – and there are around 700,000 in Australia including sporting clubs, surf lifesaving associations, churches, private schools, reading groups and so on<sup>2</sup> – do not generally engage in advocacy work. Many provide social services, education and research, cultural and recreational activities, health services, and employment and sectoral support through business and professional associations and unions. But included in this broad grouping are a subset of organisations that consider they have an important role – in part or in whole – as ‘extra-parliamentary representative bodies’ or policy advocates.<sup>3</sup>

Anglicare Australia clearly considers this work to be a part of your mission. I found evidence of this in much of your literature. The first of the four goals articulated in your Strategic Plan, for example, is to “take leadership by speaking out on faith and justice.” And in the conclusion to the booklet the *State of the Family 2005* I found a statement suggesting that Anglicare Agencies consider themselves to have an important role besides meeting the physical, social and spiritual needs of disadvantaged people. This other role, and I quote from your publication, is to “decry the unjust structures, systems and ideologies that give rise to inequity, pockets of concentrated poverty, disadvantage and fragility – especially where these stand in stark contrast to economic prosperity, opportunity and security.”

Now, whether you know it or not, your organisation’s view of the work that you do is grounded in democratic theory and views about the development of public policy. Much democratic theory recognises that debate is fundamental to the development of good public policy. *Good* policy must reflect a range of perspectives and be based on knowledge of real people’s lives and experiences. NGOs like Anglicare are the repository of an enormous amount of information about how things work in your part of the world and governments today simply cannot make effective policy without access to that bank of knowledge.

These theoretical perspectives also suggest that robust public debate, on a range of issues, is essential to a well-functioning democracy. Governments that are open to debate, including criticism, enhance their own legitimacy and strengthen the democratic credentials of the whole nation. After all, one of the most often heard criticisms of dictatorships is that they will not tolerate dissenting views.

Although I suspect most people who work for NGOs have not thought of themselves in this way, NGOs serve several vital functions in the democratic polity.

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<sup>2</sup> Philanthropy Australia. 2003. ‘Fact Sheet: The Nonprofit Sector in Australia,’ December 2003. Available from <http://www.philanthropy.org.au/factsheets/7-05-03-nonprof.htm>

<sup>3</sup> Marian Sawer, ‘Governing for the Mainstream: Implications for Community Representation’, *Australian Journal of Public Administration*, Vol. 61, No. 1, March 2002, pp. 39-49.

- They create deliberative forums – such as this one; spaces for discussion, debate, disagreement and consensus
- They represent marginalised and stigmatised groups that otherwise have no public voice – Anglicare Australia’s commitment to this work shines from the pages of your organisational literature;
- They provide for those most affected by government decisions to be involved in policy formation and evaluation – your organisation, for example, provides essential feedback to governments on the effects of their policies on disadvantaged and vulnerable Australians;
- They provide a cost-effective channel for consultation – hundreds of community groups help government gauge community opinion on proposals for everything from new roads, new developments in a national parks and changes in land clearing laws;
- They promote a richer public debate by providing information and opinions that would otherwise not be heard ;
- They help keep government accountable to the wider community through their connection to NGOs’ broad constituencies
- They counterbalance the influence of corporate organisations over government decision making, such as the role played by environment organisations in countering the influence of the fossil fuel lobby over ratifying the Kyoto protocol.

Despite the views of some critics, these functions do not detract from other institutions of representative democracy but complement and enhance them. Anyone who knows how parliaments work knows that our representatives are enormously dependent on information provided to them by NGOs and public debate is much better informed as a result. If not for NGOs a lot of parliamentarians would have nothing to say.

It is widely accepted that in the last decade or two ordinary citizens have become more and more disillusioned with formal political processes and have become disengaged. Research shows that although citizens retain a high degree of trust in the institutions of government, they have little trust in the politicians who are running the show. There is widespread disenchantment, in many cases bordering on contempt, for political parties.<sup>4</sup> This cannot be healthy for democracy.

Many people have turned to community organisations as a means of remaining engaged in something bigger than the next pay rise and when they can afford to upgrade to a plasma screen TV. In other words, more and more citizens, frustrated with the political process have turned their energies to community organisations, and hope to help create a

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<sup>4</sup> Scott Brenton, 2005. *Public Confidence in Australian Democracy*. Democratic Audit of Australia, The Australian National University <http://democratic.audit.anu.edu.au/>

better society through them. If this is so, then NGOs are even more important now than they have ever been to sustaining our democracy.

## **The threat**

Recently, however, the legitimacy of NGOs and their contribution to democratic processes has come under attack. Questions have been raised about their representativeness, their accountability, their financing, their charitable status and their standing as policy advocates in a liberal democracy such as Australia.

The attack on NGOs has been led by the right-wing Melbourne think tank, the Institute of Public Affairs, which first came to prominence in the 1980s when, backed mainly by the mining industry, it was instrumental in developing and promoting the policies of economic rationalism. The IPA now has close connections with the American Enterprise Institute, one of the principal sources of neo-conservative ideas that have so heavily influenced George Bush.

In the worldview of the IPA NGOs are seen as ‘selfish and self-serving’ interest groups with little representative legitimacy. The vast knowledge of disadvantage, marginalisation and suffering held by people in this room is dismissed. You are seen as a cabal of professional stirrers who are not really interested in the welfare of those you claim to represent, but want only to feather your own nests, keeping your salaries and building your power bases. (Do they have any idea how much people who work for NGOs get paid? If someone from the IPA went to work for most charities they would need to take a 50 per cent pay cut.)

The IPA has been particularly critical of the legitimacy of NGOs in the policy making process and has urged the Federal Government to withdraw financial support from NGOs that engage in advocacy. It argues that NGOs often ‘invent’ social and environmental problems and undermine the legitimacy of elected representatives in democratic states, referring to them as a ‘tyranny of the minorities’.<sup>5</sup> The IPA’s chief campaigner against NGOs, Gary Johns, has argued that NGOs undermine the sovereignty of constitutional democracies.

Needless to say, this has not been well-received by some charities. Oxfam has criticised the IPA’s “ongoing smear campaign against charities, welfare and aid agencies” and its “ongoing vilification of organisations that campaign for human rights, corporate social responsibility and environmental protection”.<sup>6</sup>

There is something absurd about the IPA’s attacks on the legitimacy of NGOs. The legitimacy of NGOs is granted by the communities they represent and it is to these same communities that they must be accountable. If members don’t like what they see they can seek to change their organisations or leave. In the survey of NGOs discussed next, NGOs

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<sup>5</sup> See Martin Mowbray, ‘Getting NGOs out of the tent: The IPA’s campaign against charities’, *Harambee*, Vol. 13, Issue 1, March 2004 [www.tear.org.au/resources/harambee/041/04\\_ngo-out-ofthe-tent.htm](http://www.tear.org.au/resources/harambee/041/04_ngo-out-ofthe-tent.htm)

<sup>6</sup> Brendan Nicholson and Gary Hughes, ‘Attack on covert project for IPA’, *The Age*, August 10, 2003

say that communicating with their members is the method they use most often to get their message heard, with 82 per cent identifying this as a method they use 'often' or 'always'.

Other groups active in policy debates, notably business interests, escape the tests of 'representativeness' demanded of NGOs, despite the fact that they are clearly self-interested. Parliament House in Canberra is quite literally surrounded by expensive office buildings chock full of well-funded and highly effective business lobby groups. No one questions their right to exist and demands that they be made accountable to the community.

I sometimes wonder why the IPA has launched this attack on civil society. I'm tempted to think that they were so successful in implanting economic rationalism in Australia that they ran out of things to do and became bored. But there is more to it of course. The radical individualism promoted by economic rationalists is genuinely threatened by the existence of organisations that are founded on an ethic of compassion and fellow feeling.

## **NGOs and the Howard Government**

If it were just the IPA mounting a campaign against NGOs there would not be much to worry about. But the Howard Government has taken up the same cause. In 2003, it commissioned the IPA to carry out an 'audit' of how NGOs relate to Government departments. The Government and the IPA kept quiet about the \$50,000 contract until they were sprung by *The Age* last August (August 10 2003). This secrecy is ironic because the IPA has published a series of papers calling for greater transparency from NGOs, especially concerning their links with government.

The ideas of the IPA are now cropping up in speeches given in Parliament by some of the more conservative members of the Coalition. Indeed, some of them sound as though they were drafted in the IPA offices in Collins Street.

The alarm bells in NGOs began to ring louder when the Treasurer Peter Costello undertook to introduce a Charities Bill that would disqualify charities that engaged in advocacy work, other than that which is ancillary and incidental to their main purpose. Despite the announcement in the 2004 budget that the Government will not proceed with most of the draft Charities Bill, and will retain the common law definition of charity, many NGOs remain concerned that there will be a crackdown on their charitable status should they continue to engage in advocacy work. These fears have been strengthened by a recent statement from the Tax Office which has made it clear that if 'the Tax Office receives information [about a charity] which ... confirms the advocacy role as dominant, it is likely that the status will be revoked'.

One might paraphrase Archbishop Camara: "When I feed the poor, they make me a charity. When I ask the Government why the poor have no food, they say they will revoke my charitable status."

It is not surprising to find that there has been a serious deterioration in relations between the Federal Government and NGOs in recent years, to the point where many believe they have been 'frozen out' and others fear they will have their funding withdrawn.

The neo-liberal worldview that Mr Howard and Mr Costello share with the IPA rejects the established partnership arrangement between NGOs and government in favour of a competitive model in which non-profit organisations are encouraged to imitate the practices of for-profit enterprises. When governments treat non-profits this way, it appears legitimate to write contracts that prevent them from engaging in public comment.

Signs of this shift were apparent in the Hawke-Keating years, but it was with the election of the Howard Government in 1996 that this view came to dominate policy making processes. Prime Minister Howard himself has challenged the legitimacy and relevance of collective action in the policy sphere, claiming that there is a

'frustrated mainstream in Australia today which sees government decisions increasingly driven by the noisy, self-interested clamour of powerful vested interests'.<sup>7</sup>

By this he did not mean the cotton growers who want more water from the Murray-Darling at the expense of the environment, nor big drug companies that want to undermine the Pharmaceutical Benefits Scheme, nor even his friend Dick Honan who receives huge subsidies to make ethanol that no-one wants to buy. No, the powerful vested interests he had in mind were organisations such as ACOSS, Greenpeace, Amnesty International, women's groups and refugee advocates.

As a result of this shift many disadvantaged groups that had taken years to organise themselves sufficiently to have a voice have found themselves increasingly excluded from the policy-making process. And when they are 'consulted' they leave the room feeling somehow cheated, as if the Government was not really interested in hearing what they had to say at all. Who hasn't written a submission to an inquiry knowing that it will not be read, but that the Government will claim it had consulted widely with 266 submissions from community groups?

## **The survey**

So what do NGOs think about all of this? Do they feel they are under attack? To answer these questions, I worked with the Australia Institute last year to conduct a survey of those NGOs that include some advocacy in their role. The survey asked: how do you get your messages out; who is your main audience; are you generally supportive or critical of government; what barriers do you face in being heard; do you think government consultation processes are productive; what are your perceptions of government attitudes to debate; and, do you believe that dissenting views are welcomed or discouraged?

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<sup>7</sup> The Hon. John Howard, 'The Role of Government: A Modern Liberal Approach.' *The Menzies Research Centre 1995 National Lecture Series*, 6 June, 1995.

The web-based survey was sent to approximately 750 organisations that have some advocacy role. In total there were 290 responses. The distribution of respondents by state and main field of activity was consistent with expectations. Table 1 shows the distribution of respondents by main field. While they cannot be named, most of the largest and best-known NGOs responded to the survey as did many small and medium-sized ones. We are confident, therefore, that the results from our sample provide a reasonably accurate reflection of the mix of views held by Australian NGOs that engage in advocacy.

First we asked whether they see themselves as supportive or critical of the Federal Government, and how this compares with the previous Federal Government. The results are shown in Table 2. Not unexpectedly, NGOs are more likely to be critical than supportive of government policy – only 5 per cent say they often support Federal Government policy while 58 per cent say they are often critical.

When asked to compare, respondents said that they are more likely to be supportive of the previous rather than the current Federal Government. NGOs find the current Federal Government to be less sympathetic to their concerns than the previous Federal Labor Government – 58 per cent say they are often critical of the current Federal Government while only 26 per cent say they were often critical of the previous Government. This fact may explain why the Howard Government has adopted a range of strategies to silence NGOs. A similar though more muted pattern occurs at the state level.

We then asked how successful they think they are in having their messages heard by government. There is a wide disparity among groups depending in part on the area in which they work. Women's groups are the most likely to believe that their efforts are 'not at all successful' (43 per cent), with only one women's group believing that it has been highly successful. Groups representing families and older people were the most likely to say that they are being heard by government, with 13 per cent reporting they are highly successful and only six per cent reporting no success.

Social justice and welfare groups are divided in their perceptions of the willingness of governments to listen. These groups simultaneously report the equal highest percentage of respondents who believe that they are highly successful in having their message heard by government (13 per cent) and one of the highest proportions of respondents who believe they are not at all successful (28 per cent). There is evidence that this sector has been divided between those who have aligned themselves with the Federal Government (through, for example, accepting contracts to deliver services) and those that have remained more independent and critical.

The survey asked respondents to indicate the main barriers faced by NGOs in getting their message heard. While 38 per cent said that lack of media interest is 'often' or 'always' a problem, only 18 per cent believe that media indifference is 'rarely' or 'never' a barrier to getting their message heard. Lack of interest by the Federal Government and state governments, on the other hand, is considered to be more of a problem. Three in five (61 per cent) said that the Federal Government is 'often' or 'always' not interested, with only 34 per cent saying the same about state governments.

This brings us to perhaps the central and most disturbing part of the survey, the extent to which governments use various methods to silence or intimidate its critics among NGOs. Clearly, any organisation that depends on government for funding gives government a hold over it. Among NGOs that receive government support, around 70 per cent report that their government funding at times restricts their ability to comment on government policy, although only 14 per cent say that this happens ‘often’ or ‘always’.

The results suggest that the more government funding an NGO receives, the more constrained it feels in making public criticisms. Some are required to consult the minister before making public comments, including having media released vetted by the minister’s office or the department. Others have been forced to remove from their publications pieces seen to be critical of the government.

Many commented on implicit pressure to censor themselves. Some make a conscious decision to avoid being compromised.

It is widely believed among NGOs that the Federal Government, and to a lesser extent state governments, want to silence public debate. We asked what they think the attitude of the government is to debate in their area of interest. Is it actively encouraged, just tolerated or actively silenced? It is clear that only a small minority of respondents believes that debate is encouraged by the Federal Government (nine per cent), with 58 per cent believing that debate is silenced and 33 per cent believing it is tolerated. State governments are perceived less negatively, with around half believing that debate is tolerated and around a quarter each believing that debate is either encouraged or silenced.

Respondents were asked to express their agreement or disagreement with a number of statements about the role of dissenting voices in Australian public debate. Three quarters of respondents (76 per cent) disagreed with the statement that ‘current Australian political Similarly, 90 per cent of respondents believe that dissenting organisations risk having their funding cut and, three quarters (74 per cent) believe that NGOs are being pressured to make their public statements conform with government policy.

### **Other means of silencing critics**

In addition to the threat of defunding, respondents identified several methods used by government to silence critics. As one respondent stated:

*It’s done very cleverly – by selectively destroying organisations, defunding, public criticism, ministerial interference and criticism, excessive auditing and ‘review’.*

This perception of the diverse range of tactics adopted by governments is widely shared. In particular, many respondents singled out the way that the Federal Government seeks to undermine the reputation and challenge the credibility of its critics, something it does both publicly and privately. In addition to defunding, four types of strategy can be identified from the dozens of comments provided. Illustrative quotes are provided here, with many more in the main report.

Denigration and public criticism is a commonly used method. Bullying was referred to by quite a few. Management of consultation processes is something many NGOs are familiar with. NGOs see the Howard Government as particularly skilful at using diversionary tactics.

### **What does it all mean?**

The survey responses by NGOs paint a grim picture of the state of public debate in Australia, suggesting a high degree of coercion on the part of Australian governments. Although frustration is expressed at state governments, it is apparent that the Federal Government is perceived as being especially intolerant of dissenting voices.

On coming to power in 1996, Prime Minister Howard expressed his pleasure at the fact that more people 'feel able to speak a little more freely and a little more openly' because the 'pall of censorship on certain issues has been lifted'. It would appear from the survey results presented here that, contrary to the Prime Minister's view, many NGOs are reluctant, if not afraid, to speak out. While state governments are also guilty at times of pressuring NGOs to conform, the Howard Government's willingness to smother dissent poses a disproportionate threat to the democratic process in Australia.

It means that the knowledge and breadth of experience collected together in this room are having much less influence on how we develop as a society than they should. There are grounds for serious concern that the longer this goes on the more difficult it will be to reshape and rebuild the structures of democratic participation. Like individual citizens, community groups are being worn down and are increasingly reluctant to engage in the democratic process because they no longer believe that they can make a difference.

Other liberal democracies have recognised the benefits of a more engaged relationship between NGOs and governments are currently building or re-building frameworks for NGO-government relations, at least in part in response to a renewed recognition of the importance of these relationships. In Canada, for example, the Canadian government and the NGO sector (called the voluntary sector in Canada) have been working together to develop a partnership based 'Accord'. Similarly, in Britain the Blair Government has worked to develop a 'Compact' with the voluntary sector there. They recognise that anything less reduces government accountability, sustains existing inequities in many sectors and communities and, ultimately, diminishes the quality of Australian democracy.<sup>8</sup>

Australia, however, seems intent on further undoing these important connections. Early in 2005, for example, there were attempts to constrain the advocacy activities of environmental NGOs, when the federal Minister for the Environment, Ian Campbell, sent a letter to environmental organisations warning that the organisations' tax deductible

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<sup>8</sup> Information on the Canadian Voluntary Sector Initiative available at: <http://www.vsi-isbc.ca/eng/index.cfm>, and on the UK National Council for Voluntary Organisations, 'The Compact between the Government and the Voluntary Sector – the first of its kind in the world', at: <http://www.ncvovol.org.uk/Asp/search/ncvo/main.aspx?siteID=1&sID=8&subSID=73&documentID=1216>

status was dependent on their working on ‘the conservation of the natural environment and not for any other purpose, such as political activity’. And earlier in October this year, in a speech to the Sydney Institute, Special Minister of State, Eric Abetz, proposed a new ‘accountability regime’ for charitable organisations that campaign on matters of policy. Abetz made special mention of the Wilderness Society and the RSPCA, which he claimed ‘were not only campaigning to influence the policies of the major parties [on forest policy and the banning of live exports respectively], they were also effectively campaigning in favour of the ALP. The message could not be clearer: if you’re not with us, you’re against us and we will make life hard for you.’<sup>9</sup>

It is no conspiracy theory to suggest that the Howard Government has attempted to reshape Australian society, to remake it in the image of the economics textbook, in which we are each imagined to be no more than self-interested consumers. In this world, the market values of self-interest, profit maximisation, radical individualism and competition prevail.

In this world, the public sphere is increasingly dominated by the private sphere, and public values of reciprocity and altruism are driven out. Mrs Thatcher famously declared: ‘There is no such thing as society, only individuals and families.’ NGOs are above all an expression of our social selves. If we identify with our social selves Mrs Thatcher says that we do not exist. And by trying to shape charities into the image of businesses, the Federal Government seems to be saying: “We don’t want you to exist.”

In mid 2003 the Treasurer Peter Costello gave a lecture in which he said, in contrast to totalitarian regimes such as Saddam’s Iraq which punish dissent, he upheld the value of a tolerant country that allows dissenting views to flourish. He bemoaned the disengagement of people from their communities and praised voluntary groups for their role in building social capital, trust and civic engagement. He asked: What can government best do for the non-government sector, and answered:

“The first thing is the very important maxim for government ... ‘Do no harm’.”

Well, preventing others from doing good is doing harm. Gagging human rights charities from attempting to strengthen protections, or closing down aid organisations that lobby governments to increase the aid budget, or brow-beating welfare agencies into silence is doing harm. Threatening to revoke the charitable status of organisations that engage in advocacy is doing harm. In the same speech the Treasurer declared that “Government should be alert to deal with any threats that arise to voluntary sector”.<sup>10</sup> Yet the results of our study suggest that the Government of which he is Treasurer is the greatest threat to the voluntary sector in this country. Perhaps Mr Costello would do less harm by giving a

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<sup>9</sup> Stephanie Peatling, ‘Green army warned on politicking’, *Sydney Morning Herald*, 12 April 2005, and The Hon. Eric Abetz, ‘Electoral reform: making our democracy fairer for all’, address to the Sydney Institute, 4 October 2005, Available at:

[http://www.dofa.gov.au/Media/media\\_abetz.asp](http://www.dofa.gov.au/Media/media_abetz.asp)

<sup>10</sup> Hon. Peter Costello, ‘Building Social Capital’ Address to the Sydney Institute, Sydney, 16 July 2003

greater voice to those who represent the marginalised and disadvantaged and those who cannot speak for themselves.

Keep up your good work Anglicare Australia. Don't be intimidated and above all don't be silenced. Despite what the critics may say, speaking out for the poor, the vulnerable, the disadvantaged and the marginalised in our communities is not only Christian and caring, it is also profoundly democratic.