



Researching Not-For-Profit Advocacy.

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This report was written on the unceded territories of the Wurundjeri and Boonwurrung Peoples of the Kulin Nation. The authors and organisations involved in this project respectfully recognise Elders past and present.



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Foreword



In October 2017, the United Nations independent expert, Michel Forst, conducted an official visit to Australia to inquire into the working environment for journalists, human rights lawyers and all of the people in civil society who work to protect human rights.

At the end of his visit, Forst, noted that he had expected to “encounter only laudable implementation” of Australia’s obligations under human rights laws to provide a safe and enabling environment for civil society. Instead, he observed “mounting evidence of a range of cumulative measures that have levied enormous pressure on Australian civil society”. Forst’s findings were not news to many of us in Australia.

Unfortunately, there is a clear and worrying trend of governments limiting our basic democratic rights and freedoms. Anti-protest laws are restricting people’s ability to gather together and speak out on issues that they care deeply about. Excessive secrecy laws make it all the more difficult to reveal abuses that happen behind closed doors. Meanwhile press freedom is limited by metadata retention laws that jeopardise the confidentiality of journalists’ sources.

For many who work in community organisations, there are a range of financial pressures that stifle free expression. For some, governments have imposed gag clauses in funding agreements on community organisations, or proscribed the use of government money for advocacy activities.

Environmental advocacy groups have been threatened with the removal of their tax deductibility status, effectively hamstringing their ability to fundraise. The message from government is clear: if you speak out, you face financial uncertainty.

To the extent people feel silenced, we all lose. Government lose the expertise and

experience of the people who work hand in hand with the most marginalised and disadvantaged communities in our country. Policy making suffers as a result. Those marginalised communities lose an important voice for conveying their lived experience to decision makers. And our democracy suffers, as we silence debate and discussion on matters of public importance.

We are so pleased to work with Pro Bono Australia and academics at the University of Melbourne on the Civil Voices survey and report. This body of work will provide much-needed data and information on the extent to which people who work in not-for-profit organisations experience a restriction on their freedoms. It is a crucial piece of the puzzle in understanding how we can work together in defending the space in which all of us can speak freely on matters of public interest.

Emily Howie

Director of Legal Advocacy of Human Rights Law Centre

October 2017





Australia has very strong protections for civil society organisations' right to advocate yet this survey shows that the not-for-profit organisations who serve the community and who can best advocate on behalf of it perceive that they have to mute their voices in order to allay retribution. This is very concerning.

As one of the 1,462 sector respondents who contributed to this research, put it:

"We seem to be at a low point. Too much current government policy lacks an evidence base and is driven by populist and vested interest agendas. The previous Labor government was also prone to this, but it is worse under the current federal government. Our organisation has not been targeted for being critical of government because our areas of interest are not currently as controversial as some other policy areas. But we observe other charities/sectors being targeted for being outspoken and holding government to account."

This is a trend which threatens to silence a sector that has much to contribute to Australian public debate and policy making.

We know from a previous sector wide survey conducted by Pro Bono Australia in 2015 that nine out of 10 not for profit respondents considered recognition of their advocacy role as the most important factor in developing the social sector.

At Pro Bono Australia we believe it sits firmly within the remit of our social impact mission to give a voice to civil society organisations.

That is why we are pleased to be working in collaboration with the Human Rights Law Centre and academics at the University of Melbourne to take the temperature of the social sector and shine a light on this important issue. We thank both of them for their excellent work.

This piece of research seeks to better understand the challenges and opportunities facing not-for-profit organisations in Australia that contribute to advocacy and public policy debate.

We are pleased once again to use Pro Bono Australia's sector-wide network to be able to deliver this report. We have one million people a year using our services and 50,000 subscribers to our news services which makes for a robust data set for respondents.

We thank the Ruffin-Falkiner foundation who stepped forward to fund the delivery of the Civil Voices project. There are too few in the philanthropic world who fund advocacy and systemic change and they are one of the significant few.

A big shout out to the Pro Bono Australia team; in particular Wendy Williams, the Civil Voices project leader and deputy editor of our news services. Lina Caneva (Pro Bono News editor), Chloe Tucker and Katy Oakley have also made fabulous contributions. I thank them for all the above and beyond hours.

We hope Civil Voices will stimulate public discussion on these issues.

Karen Mahlab AM

Founder of Pro Bono Australia

October 2017



Executive Summary

In 2004 The Australia Institute produced the report *Silencing Dissent: Non-government organisations and Australian democracy*. This report detailed the growing fears across the NGO sector concerning civil society's right to advocate in the public policy domains of most concern to them, and more broadly about their changing role in the democratic process.

A lot has happened in the 13 years since that report was published, including changes to the political and regulatory landscape, the formation of the Australian Charities and Not-for-profit Commission, the passing of the *Charities Act*, and advances in the digital landscape.

However, the threat to advocacy remains a serious concern. A 2017 report by the Human Rights Law Centre titled *Defending Democracy: Safeguarding Independent Community Voices* detailed the continued financial threats and instability charities faced in light of attempts to restrict advocacy.

With this in mind, the Civil Voices project set out to examine how public debate and advocacy has changed since the *Silencing Dissent* report, and to re-examine NGO perceptions of their capacity to participate in public debate. A total of 1,462 people responded to the survey (30 per cent of whom were CEOs).

What the results reveal is worrying.

Australian not-for-profit organisations are on a path of quiet advocacy. The relentless pressure of the last few decades means that, to a greater or lesser degree, civil society organisations are now engaging in various forms of what we have called “self-silencing” – treading very carefully in their advocacy work to avoid the risk of financial security and political retribution.

Comments from respondents revealed they are erring on the side of caution, with organisations indicating they were, for example, “a benign organisation and not politically active” or suggesting that they are “not into lobbying in potentially controversial areas”. Twelve per cent of respondents

perceived internal pressure (from the board or management) to “do things quietly”, with concern about the implied repercussions (from within or outside the organisation) stemming from fears of government funding cuts or loss of deductible gift recipient (DGR) status.

Overall Civil Voices found the state of debate in Australian democracy has remained poor. As in 2004, governments today continue to use funding to limit dissenting voices, whether through implied threats or through explicit restrictions in funding agreements. More than 50 per cent of respondents believed NGOs were pressured to amend public statements to be in line with government policy, while 58 per cent believed that those who dissented from current government policy were not valued as part of a robust democracy. Nearly all NGOs believed that economic power and strong vested interests were major drivers of government policy.

Despite these concerns, politicians remain the most important audience for civil society advocacy. In both the 2017 and 2004 data, state government ministers were a more important target audience than their federal counterparts, although in 2017, shadow ministers were not targeted as prominently as in 2004.

In 2004 the mainstream media was a more important audience than in 2017. In 2017, NGOs are seeking to engage elite policy actors directly, and not relying on intermediaries, such as the mainstream media, to carry their message. This reflects the changes in the media landscape.

The development of multiple social media platforms has transformed the way that NGOs participate in public debate and communicate with their members and stakeholders. Eighty-nine per cent of respondents used social media to “get their message heard” as part of their communications strategy. Facebook was the most used platform (79 per cent of respondents). Sixty-nine per cent of respondents indicated that social media

was useful “always” or “most of the time” in targeting their messaging to key stakeholders.

Importantly, however, the data also indicated that social media is not reliable as a tool for getting the attention of politicians and mainstream media perhaps because of what is known as “communication abundance” – the avalanche of messages, targeted to elite actors.

Financial insecurity remains central to the limitations on advocacy that the sector is experiencing. The survey revealed that 83 per cent of respondents have DGR status, and regard it as essential to their financial well-being. A total of 40 per cent directly linked the airing of dissenting viewpoints as a threat to their DGR status. When asked to rate out of 100 the extent to which “anxiety” about maintaining their organisation’s DGR status would “affect decisions about whether to engage in public debate/advocacy” the mean response was 39. NGOs most concerned with the loss of DGR status were those working in law, justice and human rights (mean=45); children’s services (mean=47); immigration and refugees (mean=48); religion and religious groups (mean=51).

There have also been changes in the funding landscape over the past decade. Of those surveyed, 52 per cent of federally funded organisations and 48 per cent of state-funded organisations reported funding cuts in the past 10 years.

Sixty-five per cent of state-based NGOs reported they felt restricted by funding agreements compared to 42 per cent of national organisations. One in five respondents believed that their funding agreement restricted their ability to comment on government policy.

Funding of advocacy activities was also reported as being a problem. Governments increasingly do not fund advocacy activities, but rather will fund project-specific work or partially fund general operations. Sixty-nine per cent of organisations believed “dissenting organisations risk having their funding cut”.

The 2017 survey also asked specifically about philanthropy and found that three quarters of respondents believe that philanthropists would rather fund service delivery over advocacy activities by NGOs.

Taken together, the data captured in this project suggest that public debate in Australia is not as healthy as it ought to be in a developed liberal democracy such as ours. The 2004 survey of the NGO community painted a “grim picture of the state of public debate in Australia” and 13 years later, notwithstanding several changes of government, many voices remain muted or unheard.

There is need for reforms to ensure that the current definition of charities, which recognises advocacy as a part of an organisation’s charitable purpose, be protected and advanced. Philanthropy also has a role here, as by funding advocacy philanthropists can provide a much-needed signal boost to a muted and anxious sector.

Australian civil society needs to be supported, and encouraged to engage in frank and fearless advocacy. This is vital if we are to ensure that our democracy remains vibrant and robust. We cannot allow ourselves to become complacent in this regard. The more the silencing of civil society is normalised the higher the risk becomes to the overall quality of Australian democracy.



One.

Introduction: Civil Voices in a changing environment

One.

Introduction: Civil Voices in a changing environment

1.1 Background to this project

For some time now, there has been academic and political interest in the role of Australian civil society in public debate. The beginning of the 21st century saw concerns about the advocacy function of civil society organisations come into renewed focus. By 2004, there was growing concern that non-government organisations (NGOs) in Australia were under attack from the federal government. In particular, the election of the Howard government in 1996 had seen NGO-government relations shift from cool (as a result of the new managerialist focus of the Hawke and Keating Labor governments) to chilly (with the increasing dominance of the public choice perspective) to frozen-out altogether in the case of some NGO sectors. The Howard government raised questions about the legitimacy of NGOs and the right of civil society organisations to engage in policy advocacy, and began threatening the financial stability of NGO's and their charitable status.

In response to these concerns, one of the authors of this report partnered with the Australia Institute to survey the non-government sector and produce the report *Silencing Dissent: Non-government organisations and Australian democracy* (Maddison, Denniss, and Hamilton 2004). The 2004 survey and report concluded that NGOs felt the government was undermining their credibility, shutting them out of civic discourse, defunding (or threatening to defund) organisations that were considered uncooperative, and micromanaging NGO activities by dismantling peak bodies. The report detailed the growing fears across the NGO sector concerning their right to advocate in the public policy domains of most concern to them, and more broadly about their changing role in the democratic process.

It has now been more than a decade since that survey was undertaken. In the intervening years there have been major changes to the political and regulatory landscape, which have further altered the way that civil society sees its role, and the ways in which it navigates opportunities and risks. These changes have prompted a revisitation of this work, involving one of the original authors of the *Silencing Dissent* report, working with new colleagues at the University of Melbourne, and new partners in Pro Bono Australia and the Human Rights Law Centre. In August and September 2017, this team undertook a survey of this sector, which yielded 1,462 responses, and tells a fascinating, if somewhat complicated story, detailed in chapter 4 of this report.

This work has not been undertaken in isolation. In the years both before and after the *Silencing Dissent* project, there has been ongoing interest in the work of the non-government sector, and particularly in the sector's role in policy advocacy. The continuing impacts of neoliberalism and New Public Management on the sector have been documented, particularly the effects of creating "competitive markets" among not-for-profit service delivery organisations, with the accompanying growth in precarious contract or project-based funding arrangements. Other research has confirmed the findings in the 2004 survey, emphasising that these changes have seen many of the organisations that had grown out of social movements lose their "strong activist orientation" and instead become more professional and more bureaucratised in their efforts to secure stable government funding (Onyx et al 2010, p. 45). These impacts have been seen most significantly in smaller organisations. A small group of large charities have been able to do very well in the neoliberal environment, securing the bulk of government contracted service delivery work, while also becoming trusted insiders to government consultation processes. At the

same time however, smaller or more radical organisations, those that may have been the most effective advocates in the past, have been defunded or have “*otherwise had their activities curtailed*” (Onyx et al 2016, p. 185).

These trends are concerning. Policy debate involving a wide range of voices across all sectors of Australian civil society, remains essential to a healthy democracy and to the production of just and equitable public policy. How civil society views their current capacity in relation to advocacy, and in the wake of significant regulatory reform, is the subject of this report.

1.2 Changes in the regulatory landscape

The political and regulatory landscape governing the civil society sector has been under constant review for several decades, although not always followed by the reforms intended by government. During this time, nearly 50,000 pages have been written on the sector, a total that McGregor-Lowndes (2014, p. 358) notes would take about three and a half months to read from beginning to end. Key documents included the 1995 Industry Commission report, *Charitable Organisations in Australia*, which despite sector fears, recognised the legitimate role of peak community sector organisations as “representative organisations” that provide “advocacy and representation (among other duties) ... for its members and other interested parties” (Industry Commission 1995, p. 181). The expected reform to the definition of a charitable organisation stalled until the Charity Definition Inquiry in 2001. In 2003 the then treasurer, Peter Costello, announced the release of exposure draft legislation on the definition of a charity. The exposure draft of the Charities Bill 2003 stated that it would be a “disqualifying purpose” for any charity to have as one of its aims “the purpose of attempting to change the law or government policy”. Such an aim could result

in the loss of an organisation’s charitable tax status (Parliament of the Commonwealth of Australia 2003, p5). Many foundations are able to donate to charitable organisations only because their charitable status allows donations to be tax deductible to the donor, and withdrawing this status would result in the indirect de-funding of many NGOs. In other words, lobbying or in any other way engaging in public policy debate, could result in a dramatic loss of income for many charitable organisations.

The 2003 process also stalled in the face of concern from researchers and commentators and overwhelming opposition from the sector, including major charities, churches, and the National Roundtable of Non-profit Organisations (Goodman 2011, p. 51). Despite ongoing debate, further reform was not introduced until the 2010 Productivity Commission report, *Contribution of the Not-for-Profit Sector*.¹ In the wake of this report, moves towards creating the Australian Charities and Not-for-profits Commission (ACNC) and producing the *Charities Act 2013* (Cth) began in earnest, and these reforms did finally deliver both a Commonwealth charity regulator and a new definition of charity for Commonwealth purposes (McGregor-Lowndes 2016b:37). The ACNC (which began operating in 2012) has been mostly welcomed by the sector, and has helped streamline many of the processes surrounding registration of a charity. Together with the ACNC, the *Charities Act 2013* (Cth) finally passed a new definition of charities and their purpose (discussed further below), which helped haul the sector away from an outdated 400-year-old definition and established within legislation that advocacy is compatible with the charitable purpose of many organisations.

That, however, is not the end of the story. Much of this progress in sector reform was initiated under the Rudd/Gillard/Rudd ALP governments, which came to power in 2007 promising major reform to the

1. The report provided a snapshot of the size and the state of the not-for-profit sector highlighting that the contribution made by not-for-profit organisations (NFPs) is of a similar value to that of the retail industry.

sector and an end to the silencing tactics perpetuated by the Howard government. The most significant reform was the creation of the ACNC, Australia's first independent, national regulator for the sector. The 2010 Productivity Commission report had recommended the introduction of a "one-stop shop" for the charities sector in a bid to address the concerns surrounding the overly complex regulatory environment. The report documented the sector's strong growth over the previous decade, noting that it now included 600,000 organisations with an annual growth of 7.7 per cent, making up just over 4 per cent of GDP. Given this growth, the Productivity Commission argued that there was a pressing need for reform to more effectively support community services and prevent not-for-profit organisations from being swamped by overly burdensome regulatory requirements and unstable contractual regulations. These recommendations were welcomed by the sector, which saw the benefit of having an independent regulator, not controlled by any branch of government, that would help the sector to present a "strong coherent identity" and that would work to simplify the complex and inconsistent regulatory framework in the field (Onyx et al 2016, p. 178-9).

The ACNC was announced in the 2011 Federal Budget and was established in December 2012 with three key objectives:

- To enhance public trust and confidence in the sector
- To support the sector's independence and innovation
- To reduce unnecessary regulatory obligations (ACNC 2013, p. 14).

Since its establishment the Commission has worked to regulate the charities sector by registering organisations as charities, streamlining the process for registration, maintaining a public register of charities, and ultimately reducing red tape.

It has maintained strong support from the sector since. In the 2015 Australia's

Sector Survey report by Pro Bono Australia it was found that four out of five respondents recognised the importance of the ACNC.

Less than two years after its establishment, however, a change of government saw the ACNC under threat. In 2013, the newly elected Abbott government was quick to introduce legislation to abolish the ACNC and replace it with a Centre of Excellence, which would primarily focus on education and training for the sector. The ACNC's regulatory powers would be returned to the Australian Taxation Office (ATO) "against the advice of that organisation" and despite "strong opposition from the sector" (Onyx et al 2016, pp. 179-80). The government argument was that the specialist regulator placed an increased administrative burden on the sector (McGregor-Lowndes 2016a, p. 1021). The ACNC (Repeal) Bill was introduced to parliament on 19 March 2014, but subsequently stalled in the Senate. Although the ACNC's funding is presently in place until 2019, its future remains uncertain. It is due its five-year legislative review at the end of 2017, and the inaugural commissioner Susan Pascoe concluded her five-year contractual term on 30 September 2017, without renewal.

1.3 The ACNC and redefining charities

Civil society in Australia, as elsewhere, has always been hard to define. Melville (1999) notes that:

"Within the political science, social policy, public administration and management and social movement literature, the way in which groups such as peak bodies are conceptualized is a highly contested issue. It seems to depend on the nature of the constituent group, their size, their historical roots, activist history and pursuit of social justice goals (Melville 1999, p. 5)."

Organisations within civil society are variously referred to as non-government organisations (NGOs), not-for-profit organisations, or as organisations belonging to the "third sector" (Lyons 2001). Key to

the definition of civil society organisations is the fact that they are independent of government (although they may be funded by government) and that they are not operated for profit (Dalton 2014, pp. 40-41).

This lack of conceptual clarity has fuelled efforts by successive governments to reform and regulate the sector. As noted above, a significant reform, finally achieved by the Gillard government in 2012, was the creation of the ACNC.

The *Charities Act 2013* (Cth) was passed alongside the formation of the ACNC, despite the Abbott government's attempts to delay the new definition of charities. *The Charities Act 2013* (Cth) clearly sets out the legal meaning of charity, which the ACNC refers to in their process to register an organisation as a charity. According to the ACNC's website, the *Charities Act* makes clearer existing laws about advocacy and political activities by NFPs and charities. The ACNC argues that the Act firmly validates that an organisation must primarily have a "charitable purpose", but also that they can advance this purpose by engaging in public debate about public policies, and supporting, opposing, endorsing, and giving money to political parties or figures for the advancement of their charitable purpose.

Central to the *Charities Act* is its recognition of advocacy as a legitimate activity for charitable organisations. Systemic advocacy, that is advocacy around a specific cause or issue rather than for an individual client of an organisation, is clearly allowable under the definition. So, for example, advocacy by a housing service or refuge that draws attention to the systemic and structural causes of homelessness will be considered charitable under this act. Further, while campaigning for or against any specific political party is not allowed, charitable organisations can compare or rank the policies of both parties and candidates. Indeed, since the landmark Aid/Watch case (see box 1.1) it has been clear that the law does not see a barrier to charities participating in political activity where it is consistent with their charitable purpose.

Nevertheless, there remains clear limits to the extent of the "political activity" allowed under the act, and organisations must ensure that their focus is on policy that is of direct relevance to their charitable purpose. For some organisations and their boards this is a matter of "delicate balance", as for many organisations in the sector achieving their mission will "include supporting an advocacy strategy in furtherance of a charitable purpose" (Ryan 2017). Further, despite the apparent recognition in law of charitable organisations' right to advocate and engage in policy debate, many organisations report feeling vulnerable to having their deductible gift recipient (DGR) status revoked. The concerns surrounding DGR status and the threats of revocation that environmental groups have encountered in recent years is explored in the next section.

"Nevertheless, there remains clear limits to the extent of the 'political activity' allowed under the act, and organisations must ensure that their focus is on policy that is of direct relevance to their charitable purpose."

Box 1.1

The Aid/Watch Case

The Aid/Watch case is significant for helping to “clarify the boundaries of charity in Australia” (McGregor-Lowndes 2016b: 36).

Aid/Watch is a small member-based NGO that monitors the Australian government overseas aid program. In 2006 the Australian Tax Office (ATO) disqualified Aid/Watch as a charity for having a dominant political purpose. The ATO recognised Aid/Watch as a charity in 2000, and it was listed under the Register of Environment Organisations for Deductible Gift Recipient Status. The ATO’s “Notification of Revocation of Endorsement as a Tax Concession Charity” recognised that Aid/Watch objectives were charitable, and were fulfilled through a range of different research and education activities. However, the ATO cited three activities undertaken by Aid/Watch that it believed were not consistent with charitable status: “urging the public to write to the government to put pressure on the Burmese regime; delivering an (ironic) 60th anniversary birthday cake to the World Bank; and raising concerns about the developmental impacts of the US-Australia Free Trade Agreement.” The ATO argued that these three activities indicated that Aid/Watch had a “separate, political purpose” that disqualified it from charitable status (Goodman 2011, p. 52).

Aid/Watch challenged the ATO’s determination, pursuing the case through appeals all the way to the High Court. In *Aid/Watch Incorporated v Commissioner of Taxation [2010]*, the High Court found that there was in fact no general doctrine in Australia to exclude political objects from charitable purposes (McGregor-Lowndes 2016b: 37). This ruling effectively transformed Australian charity law and lifted common law limitations on charitable political purposes (Goodman 2011, p. 47).

1.4 Advocacy and financial stability

A 2017 report by the Human Rights Law Centre titled *Defending Democracy – Safeguarding Independent Community Voices* (Howie et al 2017) detailed the financial threats and instability charities faced in light of attempts to restrict advocacy. The report quotes the Attorney-General’s argument that government should only fund organisations that help a real “flesh and blood individual”. These suggestions, which explicitly criticise advocacy by civil society organisations, fuel considerable concern within the sector about how to manage its advocacy role without risking financial instability or even closure.

Key to these concerns is the importance of maintaining DGR status. Organisations that are deemed to have DGR status are able to receive tax deductible donations. Charitable organisations must also be registered with the ACNC if they are to be granted DGR status by the ATO. DGR status is an important tool for philanthropy and allows NGOs to fund a range of work for which they may not be otherwise funded. For many organisations, maintaining the capacity to provide systemic advocacy for their constituencies relies on their ability to access resources that are not tied to government funding agreements (Onyx et al 2008, p. 644). Thus, for much of civil society, retaining DGR status is essential to organisational survival.

As with the ACNC, however, the current DGR arrangements appear precarious. In 2017, the Turnbull government released a discussion paper that proposed reforms to the DGR arrangements that raise concerns surrounding heightened surveillance, the financial stability of NGOs, increased red tape, and the freedom of NGOs to advocate and participate in public discussions. The paper noted that 38.4 per cent of the 54,800 charities registered with the ACNC currently have DGR status. It raised concerns about the lack of regular review of organisations with DGR status in order to ensure that the organisation complies with their “charitable purpose”. The discussion paper specifically contemplated limiting or imposing additional

reporting requirements on advocacy activity by charities with DGR status (Ryan 2017).

Government funding is also problematic for civil society organisations that engage in advocacy. Pro Bono Australia’s *2015 Sector Survey* revealed that 99 per cent of respondents believed that governments should be committed to improving funding agreements and 93 per cent reported that the federal government’s current funding procedures were having a negative impact on the sector. Government funding can be something of a double-edged sword for civil society organisations and their capacity to advocate. On one hand, as Onyx et al point out (2008, p. 644) government dependency on the community organisations it funds—in terms of service delivery in particular, may mean that their opinions are sought in developing responses to specific problems, particularly through consultations and government committee roles. In this work, civil society organisations can be understood as “collaborative partners in policy making”. On the other hand, however, the emphasis that many organisations place on concerns with “compliance” and “accountability” suggest that anxiety about government funding continues to run deep. As Onyx et al (2008, p. 644) suggest, it appears the collaborative relationship “disappears when advocacy organisations seek to challenge existing policy, or place new items on the policy agenda” meaning that “dependency on government funding places strong limits on the form and extent of allowable advocacy”.

Box 1.2

Environmental organisations under attack

Despite the formalisation of advocacy within the *Charities Act 2013* (Cth), the Coalition government has repeatedly attacked the charitable purpose of environmental groups in a bid to shut down their advocacy. In 2016 the federal government held an inquiry into the tax and charitable status of environmental NGOs. The controversial inquiry recommended limiting the advocacy rights of environmental charities along with fines for those groups that breach the legislation. In a 2017 discussion paper produced by the Department of Treasury, questions continue to be asked about whether advocacy, particularly by environmental DGRs, aligns with the definition of “charitable purpose” or with these organisations’ principle purpose of ‘protecting the environment’. The paper suggests the regular review of an organisation’s DGR status to determine whether the majority of their donations are being used for “protecting the environment” rather than advocacy, with the threat of revoking DGR status if that is found not to be the case. The inquiry and its recommendations have been met with considerable resistance, including a 90,000 signature petition calling for the charitable status of environmental groups to be protected (Caneva 2015b).

Despite this opposition, however, the Turnbull government is pressing ahead with its efforts to broaden the definition of political donation in order to exclude foreign donors from support of environmental and other organisations. Responding in part to the increasing electoral influence of the organisation GetUp! (discussed in the next chapter), the government is arguing that advocacy work engaged in by charitable organisations is akin to campaigning by political parties, and should be regulated in the same way. In response, the charitable sector has warned the government to “act cautiously” and argued that existing regulations are sufficient, insisting that any organisation registered with the ACNC should be exempt from the proposed changes (Koziol 2017).

1.5 An anxious civil society

Concerns surrounding the right to advocate by charities, as documented by the Pro Bono *2015 Sector Survey*, come at a time where both the ACNC and the definition of “charitable purpose” have come under fire as the Abbott and then Turnbull Coalition governments have attempted to curb advocacy. The election of Tony Abbott in 2013 saw a return to some of the Howard era ideas about the role of civil society in public debate and renewed attempts to stifle dissenting voices from the sector. Some have suggested that a “continuation of the use of the silencing tools of the Howard era” was in evidence during the term of Abbott’s leadership, including both legislative restraints and “open public attack” (Starr 2016, p. 33-4). Malcolm Turnbull’s government seems less overtly hostile to civil society advocacy but, as discussed above, constant change in the regulatory and political environment has left many organisations feeling anxious and vulnerable. Indeed, there remains considerable concern that the current federal government is “chipping away” at the foundations of Australian democracy (Human Rights Law Centre, 2017).

In many ways, these concerns are not new. The emergence of the neoliberal economic agenda in the 1990s saw funding to community sector and other not-for-profit organisations increasingly constrained by contractual arrangements for specific services governed by competition policy (Onyx et al 2016, p. 173). These new contracting provisions channelled community sector advocacy into “narrow consultative and funding streams” that seemed to exclude the most critical organisations (Casey and Dalton 2003, p. 2). As has now been well documented, the Howard era then initiated a period of sustained attacks on the integrity of civil society organisations, including from conservative think tanks such as the Institute of Public Affairs.²

The outcome of this sustained pressure on the sector is an evident degree of restraint in both the circumstances and style of civil

society organisations. Even when advocacy work is funded independent of government, organisations that are dependent on government funding for service delivery work remain “vulnerable to government pressure” and the perceived threat that they might lose their DGR status (Onyx et al 2008, p. 644). Organisations involved in advocacy emphasise “the importance of influence over attack” and the need for professional, non-adversarial relationships with government (Onyx et al 2010, p. 57). Indeed, as Onyx et al (2010, p. 59) conclude from their qualitative study of 24 community and environmental organisations in NSW and Queensland, “overt political advocacy is repressed and in decline” as the emphasis on good relationships with government draws organisational energy away from “grassroots advocacy work”. The concern, however, is that while such “insider” tactics may be effective during periods of relatively sympathetic or corporatist approaches to government policy making, they are far less suited to periods of hostile and exclusionary government (Starr 2016, p. 37).

In the current climate, it is challenging for organisations to balance legal requirements, community expectations, and political pressure in ways that enable them to advance an effective advocacy strategy (Ryan 2017). These experiences vary widely across the sector, from those organisations that have embraced neoliberalism and the New Public Management approach to policy making to those who seek to resist this paradigm and navigate a different path (Onyx et al 2016, p. 172). The survey discussed in this report provides a snapshot of some of this diversity of experience and the efforts of Australian civil society organisations to maintain an advocacy role in challenging times.

2. In Australia, many of the attacks on the legitimacy of NGOs have been led by a neoliberal think tank, the Institute for Public Affairs (IPA). Mowbray suggests that the IPA has frequently made wild and sneering accusations about NGOs, employing terms such as “cashed up NGO’s”, a “dictatorship of the articulate” and a “tyranny of the minorities”, “mail-order memberships of the wealthy left, content to buy their activism, and get on with their consumer lifestyle” and so on. Such populist language mirrors that used by free-market advocacy groups internationally (Mowbray 2004, pp. 4-5).



Two.

Democracy, civil society, and the importance of advocacy

Two.

Democracy, civil society, and the importance of advocacy

Underlying the experiences of change and anxiety in relation to regulation of the NGO sector lies a deep ideological divide. By this we are not referring to the ongoing debates about how to describe the sector, although these remain important. Rather the focus of this report is less on what *constitutes* an NGO than on what these organisations *do*. As Bronwen Dalton (2014, p. 64) suggests: “Perhaps the real question should not be ‘what is civil society’ but ‘how does it matter.’”

Understanding civil society in relation to its contribution to democracy means focusing on the work of NGOs as “non-state policy actors” (Sawer and Jupp 1996, p. 82), specifically their roles as “extra-parliamentary representative bodies” (Sawer 2002). In other words, this report is interested in a particular function that NGOs perform, and the implications for Australian society and politics should that function be constrained. That function is one we are referring to as “advocacy”, by which we mean the:

“...active interventions by organisations on behalf of the collective interests they represent, that have the explicit goal of influencing public policy or the decisions of any institutional elite (Casey and Dalton 2006, Onyx and Dalton 2006, Salamon 2002). These activities may be high profile and openly political acts, or they may be low profile, more discrete processes of influence; they may be aimed directly at the decision makers, or they may be aimed at influencing by proxy through public opinion or voter intentions (Onyx et al 2008, p. 632).

Civil society advocacy is understood as key to supporting the “robust functioning of democracy”, both by cultivating democratic practices among members and participants, and, more importantly in our view, by ensuring that the most diverse range of views and voices is represented in policy debate (Onyx et al 2008, p. 633).

As Melville argues: “The state needs to ensure the advocacy and representation of marginal and disadvantaged groups who often are locked out of the policy-making process” (2003, p. 110). In their role as extra-parliamentary representatives providing a voice for marginalised groups in Australian society, NGOs can be seen as a necessary component of a healthy and robust democracy. They are “indispensable intermediaries” between community and government (Melville 2003, p. 1), conveying important information about the needs and preferences of a wide range of groups in the community to governments that would otherwise remain remote and uninformed. NGOs provide the means and opportunities for citizens to make claims on government between elections.

The long history of government funding for NGOs, and the findings of successive government reports that endorse the legitimacy of this representative function, are recognition that strengthening “weak voices” through representation is characteristic of good democracy (Sawer 2002, p. 39). This function of NGOs does not detract from the other institutions of representative democracy. Rather it complements these institutions and is recognition of the fact that “multiple institutions or modes of representation are required to ensure that different aspects of the individual citizen are represented in policy discourse” (Sawer 2002, p. 40).

Yet it is precisely this advocacy function of NGOs that has been most under threat. The 2004 survey reported on the growing anxiety within the sector, which NGOs expressed as concern about “biting the hand that feeds them”. This finding was echoed in other research (Onyx et al 2008, 2010), with the result that fear of public attack or government defunding was leading to organisations undertaking “advocacy with gloves on”, that is advocacy that is “non-confrontational and incremental” rather than more oppositional

and demanding (Onyx et al 2010, p. 43). In some ways, we might think of this as a form of “self-silencing” by the sector, which has felt pressured to take a more cautious approach to advocacy than may be desired, in order to sustain and protect their other functions and services.

2.1 Understanding the changing role of Australian civil society

Australian society has relied on the voluntary or non-government sector for the provision of social welfare since the early days of the colonisation of this continent. This work has generally been heavily subsidised by government in order to sustain a range of vital community services (Melville 1999, p. 3), and pre-dates any comprehensive or universal welfare provisions by the state (Industry Commission 1995).

Over time, however, the role of the non-government sector has evolved from the notion of charitable welfare providers into more professionalised service providers that view policy advocacy as an important part of their role. Casey and Dalton have identified “four distinct eras that reflect changes in dominant attitudes to community organisation participation in policy-making” (2003, p. 6). They describe these eras as being marked by “conflict” (1970-1985); “consultation” (1980-1995); “collaboration” (1990-present); and “citizenship” (from approximately 2000) although there is overlap between the periods. In the conflict era an “adversarial paradigm” was dominant, but this evolved as government moved to “incorporate the conflict” in the more consultative period. The rise of the New Public Management (Pollitt 1995, 1997) saw new contradictions emerge in public sector governance as the push for smaller government meant NGOs were asked to collaborate with government as formal service providers. The most recent change saw governments begin to by-pass NGOs as representatives of groups in the

community in favour of seeking input directly from citizens as a way of “taking away power from community organisations” and as a “reflection of the decreasing faith in their capacity to represent citizens” interests’ (Casey and Dalton 2003, pp. 6-8).

By the end of the 20th century, NGOs found themselves dealing with uncertainty and hostility, no longer seen as “part of the fabric of Australian society”, but instead operating within “an extremely turbulent, unstable and highly contested contemporary environment” (McDonald and Marston 2002, p. 3). There was a growing belief that those who dared express a ‘conscientious objection’ to federal government policy would be punished. NGOs continued to serve as essential intermediaries between government and often marginalised communities, providing a voice for minority groups along with specialised information that both help to inform the government and keep them in check between elections, even as this role came under concerted attack. The implications of such government hostility include a reduction in government capacity to respond public need or to policy failure, meaning that government policy itself comes to lack support and legitimacy.

Such changes in approach to NGO advocacy over time and under different governments are not accidental, but instead stem from distinct differences in ideology concerning the role of civil society. Anheier (2017) outlines the various approaches toward the role of NGOs that remain in tension in Australian politics, and which help explain the fundamental difference between Coalition governments (Howard, Abbott, and Turnbull) and Labor governments (Rudd and Gillard).

Anheier (2017) describes three “theoretical rationales” that can explain the relationship between civil society organisations (CSOs) and the government. The first of these sees CSOs as supplements to, and substitutes for, government service provision, working to

“compensate for governmental undersupply” (2017: 7). This view is driven by arguments for small government, in which the state “steers” rather than “rows” and the state is thought to have “hollowed out” (Osborne and Gaebler 1992, Rhodes 1994). The New Public Management approach to public administration, including the funding of civil society organisation, has been underpinned by this view of civil society since at least the 1990s.

A vastly different rationale understands CSOs as a complement to the government, in relationships with the state where the government acknowledges their expertise and welcomes their contribution to public policy. This approach, which is conducive to advocacy, also views government as playing an important role in providing funding and other support for CSOs. The majority of Australian civil society understand their role in this positive way as it accords with the type of relationship they would like to have with government.

Anheier (2017) also outlines a third theoretical rationale that situates CSOs in the role of adversaries to government. This perspective underpins much of the political conflict between NGOs and government, as the state does not see NGOs as playing a legitimate role in policy advocacy, but rather seeks to confine the sector to the role of service providers. As was argued in the *Silencing Dissent* discussion paper (Maddison et al 2004), this perspective is underpinned by public choice theory, which uses the lens of neo-classical economics to view the actions of NGOs in the domain of public policy making. According to this view, governments are at great risk of being “perverted” (May 2001, p. 254) by “selfish and self-serving” interest groups with little representational legitimacy (Marsh 1999, p. 6). In the public choice paradigm, actions such as policy advocacy, participation and consultation should be avoided, as they are little more than a ruse designed to disguise the purely self-interested motives of the “well-organised minorities” (Sawer and Jupp 1996, p. 84) that dominate Australian NGOs.

The exclusion of NGOs from public policy debates is justified as being in the best interests of good government, the public interest and even democracy itself. As Sawer argues “extra-parliamentary forms of representation and consultation have been redefined as special-interest pleading rather than as more inclusive forms of democratic decision-making” (Sawer 2002, p. 43). The true motivation of civil society organisations is really what is known disparagingly as “rent-seeking” (Orchard 1998, p. 114). This view of civil society is evident in the attitudes and actions of the various coalition governments that have been in power for the majority of time since 1996. It is not surprising that such attitudes have had an impact on the sector and its views about the risks involved in policy advocacy.

Jenny Onyx and her colleagues (2010, p. 52) have found that community organisations shape their advocacy strategies in ways that they believe will advance “mature, professional relationships” with government where they could develop influence. Fear of punishment and exclusion combined with a desire for “working partnerships” with government departments and ministers is seen to require “advocacy with gloves on” which they describe as “less about caressing government than not being bitten”.

One impact of this more muted or “institutional” style of advocacy is that more participatory activities happen behind closed doors and are limited to an elite “chosen few”. There are many risks to this approach, including the alienation of members and wider constituencies who feel shut out of participation. However Onyx et al also point out that professionalisation need not mean depoliticisation, with their research suggesting that there remains a “high level of political consciousness” among civil society organisations.

The “pressing question” they argue is:

“...to what extent and how does that reconfiguration involve the contributions of the most vulnerable in society? The challenge for third sector organizations is to maintain the participation of their constituencies on

the ground while attending to managerial imperatives and contractual constraints imposed from 'the top'. Whether advocacy takes the form of resistance or influence, is soft or openly challenging, claims of accountability and a legitimate mandate to represent marginalized voices depend on activities that include those voices (Onyx et al 2010, pp. 46-7)."

The development of digital platforms for advocacy, including the use of social media, has helped some organisations to maintain relationships with a diversity of members in an effort to bridge this potential divide.

2.2 Advocacy in the digital age

Alongside the churn and pressure of political debate about civil society advocacy there has occurred another significant development: the advent of social media. Since 2004 there has been unprecedented growth in the accessibility of digital technology accompanied by the creation of multiple social media platforms such as Facebook, Twitter, Instagram, and so on. For civil society, these platforms are providing new ways of supporting participation among their members, as well as offering the potential for new reach and modes of engagement with other citizens and stakeholders. The prevalence of these technologies has led to reconsiderations of what it means to volunteer; participate in civic discourse; the best ways to collect donations; how to reach citizens; how to advocate; and how to retain confidentiality in a digitally entrenched society. New concepts such as "clicktivism" and "crowdsourcing" have populated research and discourse about contemporary advocacy, however the role of digital technology and charities' perceptions of whether it is inhibiting their work remains unclear. However, this boom in the use of social media and digital technology has also been accompanied by increasing competition between charities seeking to maintain their relevance in the digitised landscape.

The emergence of social media is well understood as offering both opportunities

and risks for civil society organisations. The benefits centre on the capacity for social media to provide new channels for "wider and deeper political mobilisation and participation in political processes" (Avril 2014, p. 223), and particularly on the capacity for organisations to self-fund this work, thereby avoiding some of the pitfalls of government funding discussed above. Crowdfunding provides organisations with a "charity bypass" that enables donors to directly engage in causes of interest to them. Further, as the 2016 *Giving Australia* report found, half of the 94 per cent of Australian organisations in the not-for-profit sector provide "virtual volunteering" opportunities. The report also found that 77 per cent of NFPs had a website and 60 per cent had a social media presence. For many organisations, these tools have allowed digital advocacy campaigns to complement rather than replace traditional tactics, utilised as one tool in a broader strategy dominated by more conventional efforts (Karpf 2010).

However, there has also been some resistance to online and digital tactics within the Australian not-for-profit sector. The *Giving Australia* report found that only 4 per cent of NFPs used crowdfunding campaigns, while 23 per cent still do not even have a website. Organisations reported pressure to stand out from the crowd in the fast-moving digital world, raising concerns about heightened competitiveness among organisations.

"Given that public debate is an integral part of a healthy democracy, understanding the state of debate is important work both for scholars and civil society organisations."

Some organisations also express concern that they are not investing enough in diverse funding because they are stuck in traditional attitudes.

Questions are also asked about how “real” online participation is, particularly in relation to policy advocacy and activism. Critics claim social media advocacy can distract organisations from potentially more effective forms of advocacy by providing an avenue for what they dub “slacktivism” or “clicktivism” (Harlow & Guo, 2014; Morozov, 2009; Shulman, 2009). Although low-cost and generally low-risk, this type of engagement is argued to be superficial. The concern is that “clicktivism” may dilute more critical advocacy in the public sphere, or at best provide little more than an “echo chamber” of like-minded individuals agreeing with one another rather than genuinely challenging the status quo. At the same time, social media platforms themselves have become far more corporate, commercialised and heavily regulated spaces (Avril 2014, pp. 229-30). It would be naïve to imagine the social networks now available to civil society through digital platforms as somehow free from the social and political structures in which they otherwise operate.

Nevertheless, the success of online activist organisations like GetUp! has been instructive for the sector.

Box 2.1

The rise and rise of GetUp!

GetUp!'s website declares that the organisation is an "independent, grassroots community advocacy organisation which aims to build a more progressive Australia by giving everyday Australians the opportunity to get involved and hold politicians accountable on important issues". The organisation, which advances the broad progressive values of economic fairness, social justice and environmental sustainability, is independent of any political party and does not receive government funding, instead relying on small donations from supporters and some larger donations from philanthropists.

GetUp! began as an almost exclusively online organisation, pioneering the use of tactics such as online petitions in Australian politics. Since it began work in 2007, however, it has increasingly combined online tactics (including social media and digital advertising) with more traditional actions such as large-scale protests. GetUp!'s members, who now number more than 1 million, include anyone who has signed a petition, made a donation, or otherwise engaged in one of the organisation's campaigns.

While GetUp! has sometimes been criticised for taking credit for the work of smaller organisations that have been engaged in advocacy on progressive issues for many decades, it is widely considered a success. Jenny Onyx and her colleagues (2016: 184-5) see GetUp! as an "exemplar emergent organisation" that has managed to deliver high-impact advocacy "entirely away from the realm of neoliberal ideology and state bureaucratic control", arguing that GetUp! is:

"... one of a growing number of grassroots activist organisations that have emerged without any clear external agent beyond a small number of committed individuals who see the need for social action and who find ways of mobilising many citizens who similarly are concerned for action to be taken. At a time of disillusionment in Australia with formal politics, it offers a way for citizens to have their voice heard."



Three.

The survey

Three.

The survey

Given that public debate is an integral part of a healthy democracy, understanding the state of debate is important work both for scholars and civil society organisations. After 13 years, Pro Bono Australia, the Human Rights Law Centre and political science researchers at the University of Melbourne came together to re-examine NGO perceptions about their capacity to participate in public debate. This will be the first sector-wide survey about advocacy and public debate since The Australia Institute survey of the not-for-profit community in 2004. As noted in the earlier sections of this report, in 2004 it was concluded that dissenting NGO voices were silenced through a range of mechanisms including the threat of withdrawal of government funding. The aim of this survey then, is to understand if and, if so, how public debate and advocacy has changed since the last study.

The authors of this report began by reviewing the latest scholarship about the regulatory and political environment in which Australian not-for-profits operate. This was done to help us to update the survey and ensure that the questions addressed all issues that might limit or provide new opportunities for NGOs to participate in public advocacy. An important dimension of this exercise was understanding what role the advent of social media might play in facilitating NGO's public communications.

As in 2004, an online survey was developed and disseminated to a national database of NGOs administered by the partner organisations of the project. The questionnaire was drafted over several weeks and incorporated some questions from the 2004 version of the survey to provide points of comparison, as well as new questions relevant to 2017, such as those on social media (Questions 5-10). As public debate is intrinsically connected to democratic well-being, three questions from the long-running and respected Australian Election Study series were also included

(Cameron and McAllister, 2016, pp. 74-76). These related to confidence in democracy and its institutions and appear as questions 45, 47 and 48 in this survey. The AES surveys began in 1987 and are timed to coincide with Australian federal elections to provide a "long-term perspective on stability and change in the political attitudes and behaviour of the Australian electorate" (McAllister et al. 2010). The authors of this report see value in comparing Australian public attitudes to questions of political trust and confidence in democracy with those of the NGO community that are important actors in the formation and delivery of public policy.

Using state-of-the art technology (specifically, Qualtrics survey software), 60 questions were formulated and asked in four sections:

- **Part A:** Your Organisation;
- **Part B:** Your Organisation and Consultation;
- **Part C:** Funding; and
- **Part D:** Government Attitude to Policy Debate.

Not all questions were relevant to all organisations, nor should they be expected to be, and so the survey experience was tailored to flow to provide only questions that were relevant to that organisation based on their earlier responses. For example, if a respondent stated that their organisation did not have Deductible Gift Recipient (DGR) status (Question 36), then they would not receive the next five questions that focused on DGR status.

The questionnaire was sent to Pro Bono Australia subscribers and distributed through their partner networks in August 2017. The welcome message of the survey stated:

Table 1.

The role within the NGO of the survey respondent

Position of respondent within organisation %

| | |
|------------------------------------|----|
| CEO | 30 |
| Senior management reporting to CEO | 24 |
| Board member | 17 |
| Other | 28 |

Source: Authors

Table 2.

The size of the participating organisation

Size of the participating organisation % State % National % Both %

| | | | | |
|---------------|----|----|----|----|
| 1-5 employees | 30 | 48 | 32 | 19 |
| 5-20 | 28 | 64 | 24 | 12 |
| 20-50 | 13 | 65 | 15 | 20 |
| 50 or more | 29 | 58 | 21 | 21 |

Source: Authors

Civil Voices: Researching not-for-profit advocacy in Australia

This survey seeks to better understand the challenges and opportunities facing not-for-profit organisations in Australia that contribute to advocacy and public policy debate.

The findings of this research, being carried out by academics at the University of Melbourne, will be used by Pro Bono Australia in collaboration with the Human Rights Law Centre to stimulate public discussion on these issues, and will also be published in academic journals.

We are planning to publish the findings in a report by the end of October.

By giving just 10-15 minutes of your time you can become part of a wider conversation that is of vital importance to the social sector.

The survey can be saved and returned to if need be, your identity will remain anonymous and your response to these questions will be de-identified from any identifying features that you choose to supply.

Unless otherwise stated, all questions relate to the federal government when government is mentioned.

We thank you for your time and for sharing your insights on this important topic.

The questionnaire informed participants that their responses would be anonymous. It was made available via an email link for six weeks and could be completed through either a desktop and mobile interface for convenience. A progress bar provided respondents with a sense of how much time they needed to complete the survey. It could be saved to allow respondents to continue at a more convenient time. These convenience options likely contributed to the excellent completion rate of the survey, which closed in late September.

Data analysis was undertaken by the academic researchers after the survey closed and involved cross tabulations and use of descriptive statistics using Qualtrics and Microsoft Excel spreadsheets.

3.1 Description of the sample

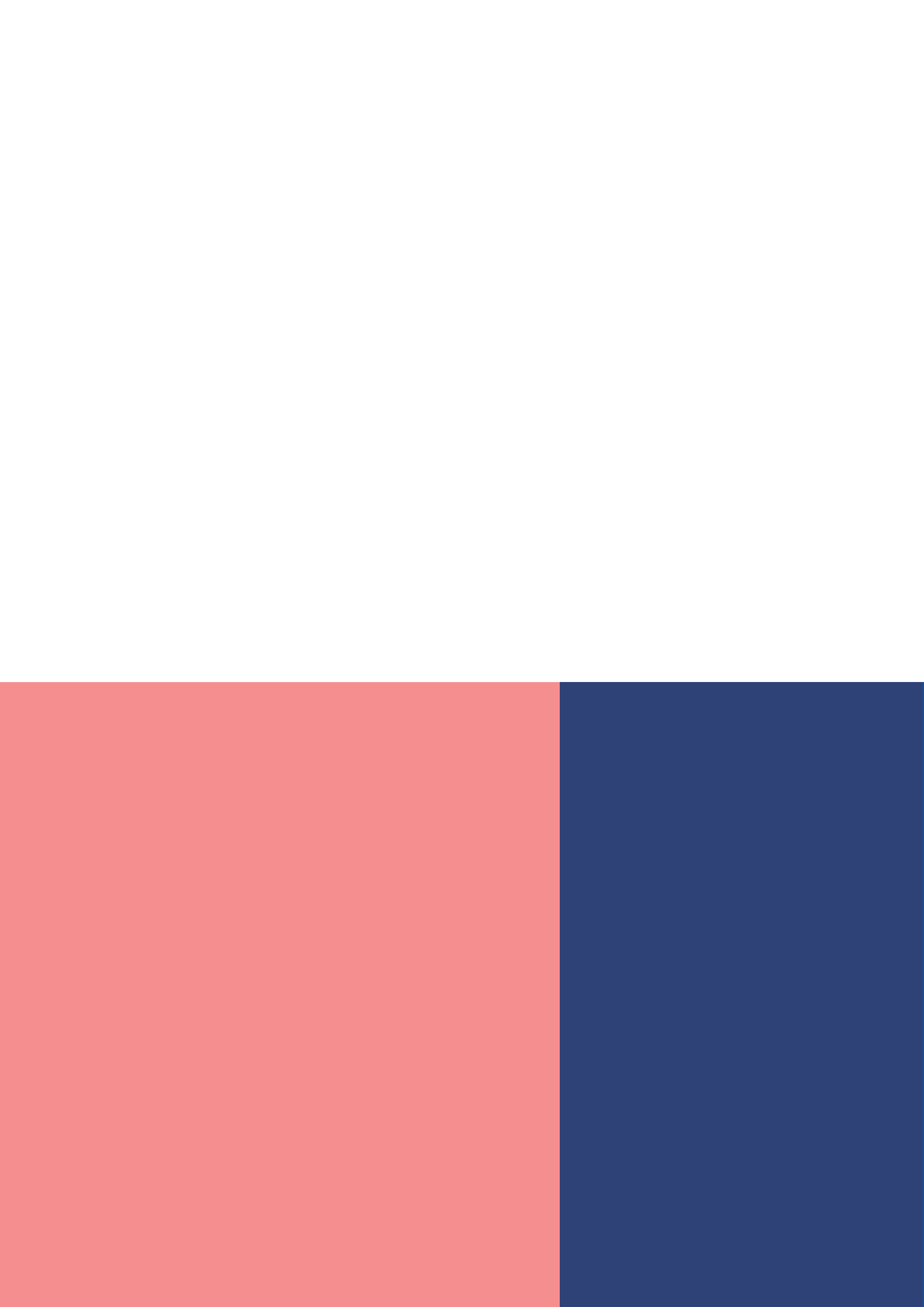
In total, the survey received 1,462 responses. Demographic questions at the end of the survey (52 to 60) reveal that most respondents were senior figures in their organisation and therefore likely to be sufficiently knowledgeable to answer the questions. Table 1 shows the most common respondent was the CEO of the organisation. The category of “other” typically included directors, policy analysts and senior staff members who reported to the NGO’s board. These findings showed that the survey reached its target audience of senior figures within the not-for-profit community.

Table 2 reveals that a mix of NGOs in terms of size and jurisdiction participated in the questionnaire. The participating NGOs also worked in a range of policy areas in both state and federal jurisdictions. The full breakdown of these categories is in Appendix A. The most common answers out of 23 options to the question “What would you describe as your main field in which your organisation is working?” (Question 2) were disability services (25 per cent), health (17 per cent) followed by a spread of policy areas that each constituted 15 per cent of the sample. These included social welfare, youth services, family services and other. The last category included an array of fields from “homelessness”, “volunteering”, “local government”, “education” and “philanthropy”.

“An important dimension of this exercise was understanding what role the advent of social media might play in facilitating NGO’s public communications.”

Overall, 56 per cent of surveyed organisations were state-based, 25 per cent national and 20 per cent operated in both jurisdictions. More respondents were female (68 per cent) than male (31 per cent) or other identification (1 per cent). Most were aged 50 and over (66 per cent) suggesting that they had some knowledge and experience of the Australian political landscape over time.

Given the number of respondents and the range of fields, jurisdictions, and sizes of the organisations represented in the sample, we have confidence that the results of this questionnaire provide a realistic overview of the mix of views of Australian NGOs that engage in public debate and advocacy.



Four.

Results of the survey

Four.

Results of the survey

4.1 The state of the sector:

What activities do organisations engage in, how and where?

The results of the survey reveal a complex environment in which NGOs are engaged in service provision and public awareness campaigns as their first order of business, and where advocacy remains a second order activity. Most organisations participating in the survey were state-focused (56 per cent). A quarter covered national issues and one in five operated in both jurisdictions. This survey captures the period from the last comprehensive NGO survey in 2004 (290 respondents) through to 2017 (1,462 respondents). Where possible, we compare the findings of the 2017 survey with the results from the 2004 Silencing Dissent survey.

The 1,462 respondents to the Civil Voices survey came from a wide range of policy areas³ including disability services (the most frequent response at 25 per cent), health (17 per cent), social welfare (15 per cent), social justice (15 per cent), family services (15 per cent), and youth services (15 per cent). Identifying the most common policy areas of the surveyed NGOs provides context for some of the responses to follow, particularly in light of the fact that the federal National Disability Insurance Scheme (NDIS) and the Gonski education reforms have been so prominent in public debate in recent years, capturing the time span of this survey.

The findings show that the most common activities for NGOs are service provision (25 per cent) and educative function through public awareness campaigns (23 per cent), followed by advocacy (22 per cent). See Figure 1.

Among the activities that were included in the category other (6 per cent) were: fundraising, capacity building, legal advice, training, consultancy and auditing work. These results show that while advocacy is an important part of the mix of the role of the NGO, service provision and informing

public debate through public education are collectively the most central concerns to the organisations participating in this research.

4.2 Communication and social media

Since the 2004 survey, the development of multiple social media platforms has transformed the way that NGOs participate in public debate and communicate with their members and stakeholders. The traditional tools of public communication and advocacy, such as letters to the editor, media releases, and public protests have become less prevalent since 2004, and in 2017, 89 per cent of organisations used social media to “get their message heard” as part of their communications strategy (see Figure 2).

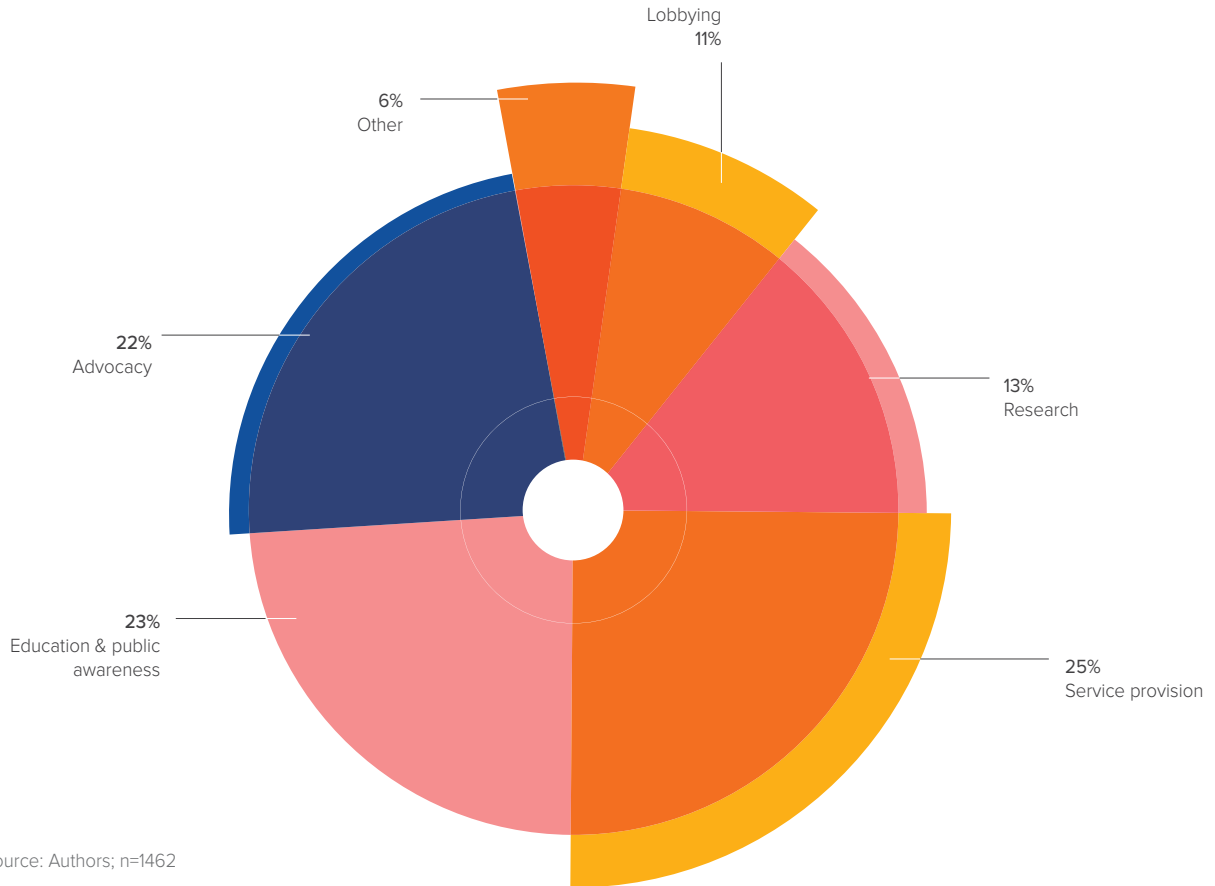
In 2004, it was concluded that many organisations used “less visible methods” to inform public debates. This is not the case in 2017, with the rise in use of social media for public messaging. Whether those messages are effectively heard or not, is addressed below. Surprisingly, however—given that Facebook has existed since 2004, YouTube from 2005, and Twitter since 2006—the survey found that 11 per cent of respondents are not using any social media at all.

The 2017 survey data suggest that social media has provided a new and inexpensive way for organisations to reach new members and to communicate their messages. Facebook is particularly important as it is overwhelmingly the most used platform for getting messages out to the public (79 per cent of respondents), followed by Twitter (15 per cent). Other platforms such as LinkedIn and Instagram are rarely used by NGOs for communications. This is consistent with other research that shows most Australians (94 per cent) use Facebook over other social media sites (Sensis 2017), and that contemporary newsrooms are heavily reliant on Facebook for dissemination of their news stories (Carson and Muller 2017). Also new,

3. Respondents could nominate more than one policy area. See Appendix A for more detailed results.

Figure 1.

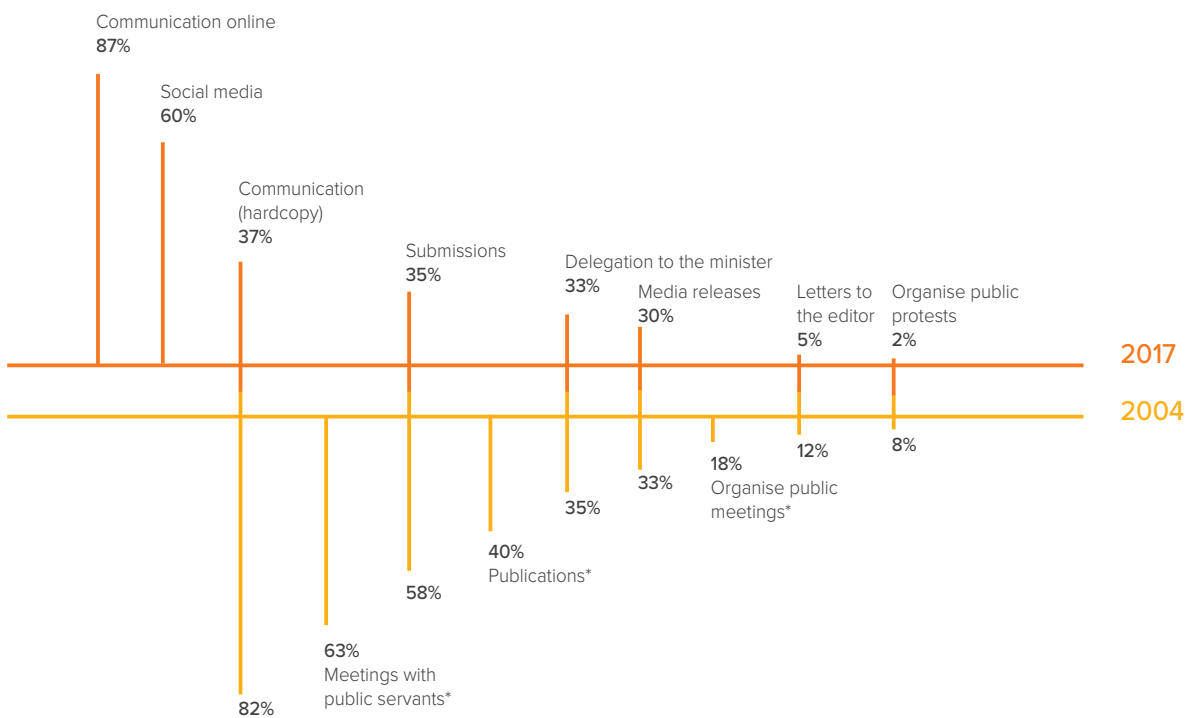
The activities NGOs engage in



Source: Authors; n=1462

Figure 2.

Methods used 'often' or 'always' by NGOs to get their message heard (%)

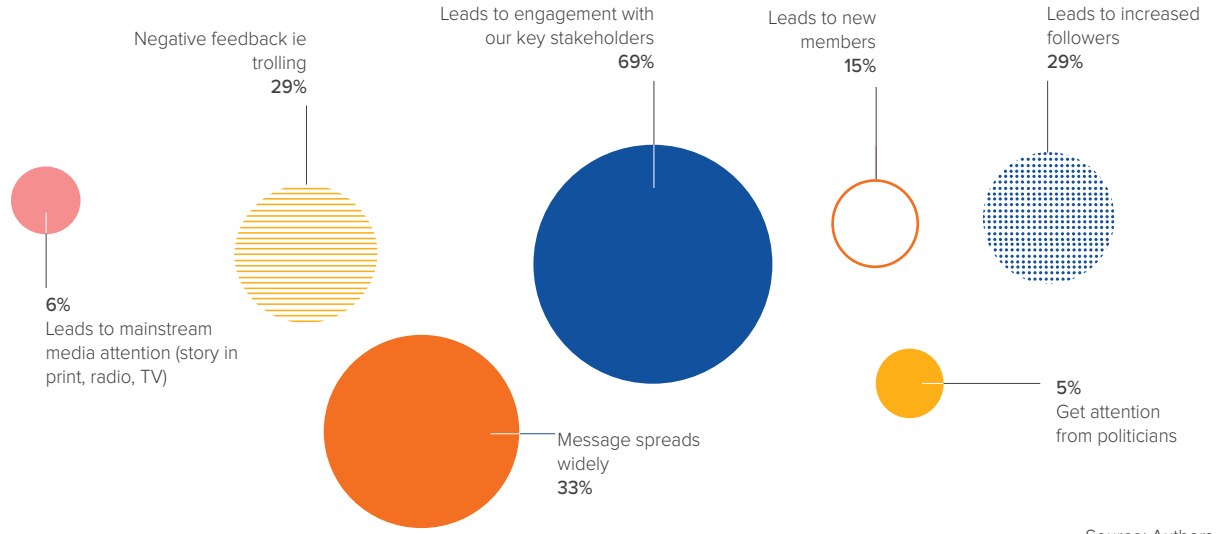


Source: Authors 2017 data. Maddison et al. 2004 data. Notes * denotes questions not asked.

Figure 3.

Social media outcomes that 'always' or 'often' occur

Social Media Outcomes



Source: Authors.

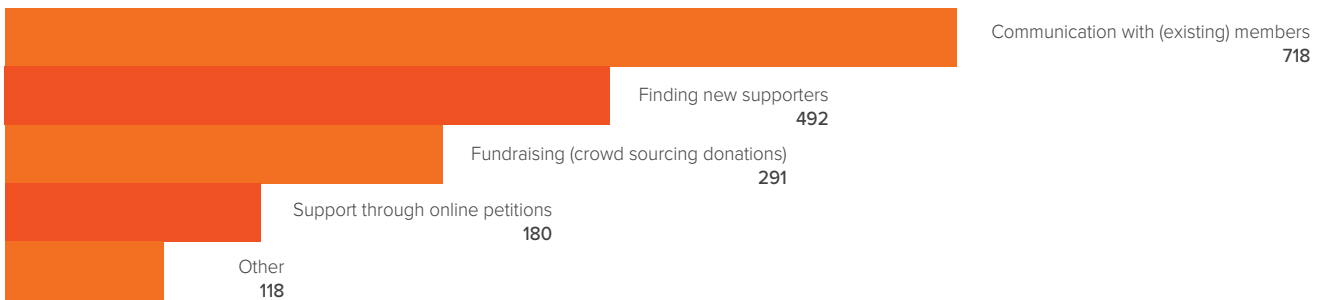
Figure 4.

Visualisation of the most common ways that NGOs assess the effectiveness of their messaging using social media



Figure 5.

Other activities for which NGOs use social media



Source: Authors. Note: n=1799, multiple answers allowed.

although under-utilised, is the capacity for NGOs to use online data analytics to better understand their audiences and better target their messages.

Sixty-nine per cent of respondents to the survey indicate that social media is useful “always” or “most of the time” in targeting their messaging to key stakeholders. One in three respondents stated that communicating via social media led to new followers. One in six reported that they find social media useful for recruiting new members. Importantly, however, the data indicates that social media is not reliable as a tool for getting the attention of politicians and mainstream media (see Figure 3) perhaps because of what is known as “communication abundance” (Keane 2009: 739), or in other words the avalanche of messages, targeted to elite actors.

Asked how organisations measure the effectiveness of social media (Question 9), the most common of the 750 responses was for organisations to suggest that they use the basic measure of monitoring the number of “Likes” and “Followers”, as well as looking at audience feedback posted in online comments. Some organisations, but by no means all, were using Facebook data analytics to get information about how the public was engaging with their organisation through social media. An overview of the most common ways of measuring Facebook’s effectiveness are visualised in Figure 4.

The data revealed that social media is emerging as a space for fundraising by civil society organisations. Crowdfunding is emerging as a popular use of social media by NGOs, although it remains under-utilised. Sixteen per cent of respondents had used social media to “crowdsource” funding, although the most common use of social media, as shown in Figure 5, continues to be centred on communication with existing members (40 per cent).

4.3 Audience

Australian civil society remains eager to engage in public debate and to advocate on the issues of most concern to them, their clients, and stakeholders. The survey asked NGOs to describe their main audience for policy messages (Question 13), and found that the most important audience for civil society advocacy is politicians, at both state and federal levels. Given that more respondents were state-based than federal, it is of little surprise that state government ministers were the most cited targets, closely followed by NGOs targeting these ministers’ federal counterparts, and bureaucrats. Less important in the hierarchy, are shadow ministers. The category of other in the responses primarily relates to communicating with the “public” and “community groups”.

In both the 2017 and 2004 data, state government ministers are a more important target audience than their federal counterparts, although in 2017, shadow ministers were not targeted as prominently as in 2004 (see Figure 7).

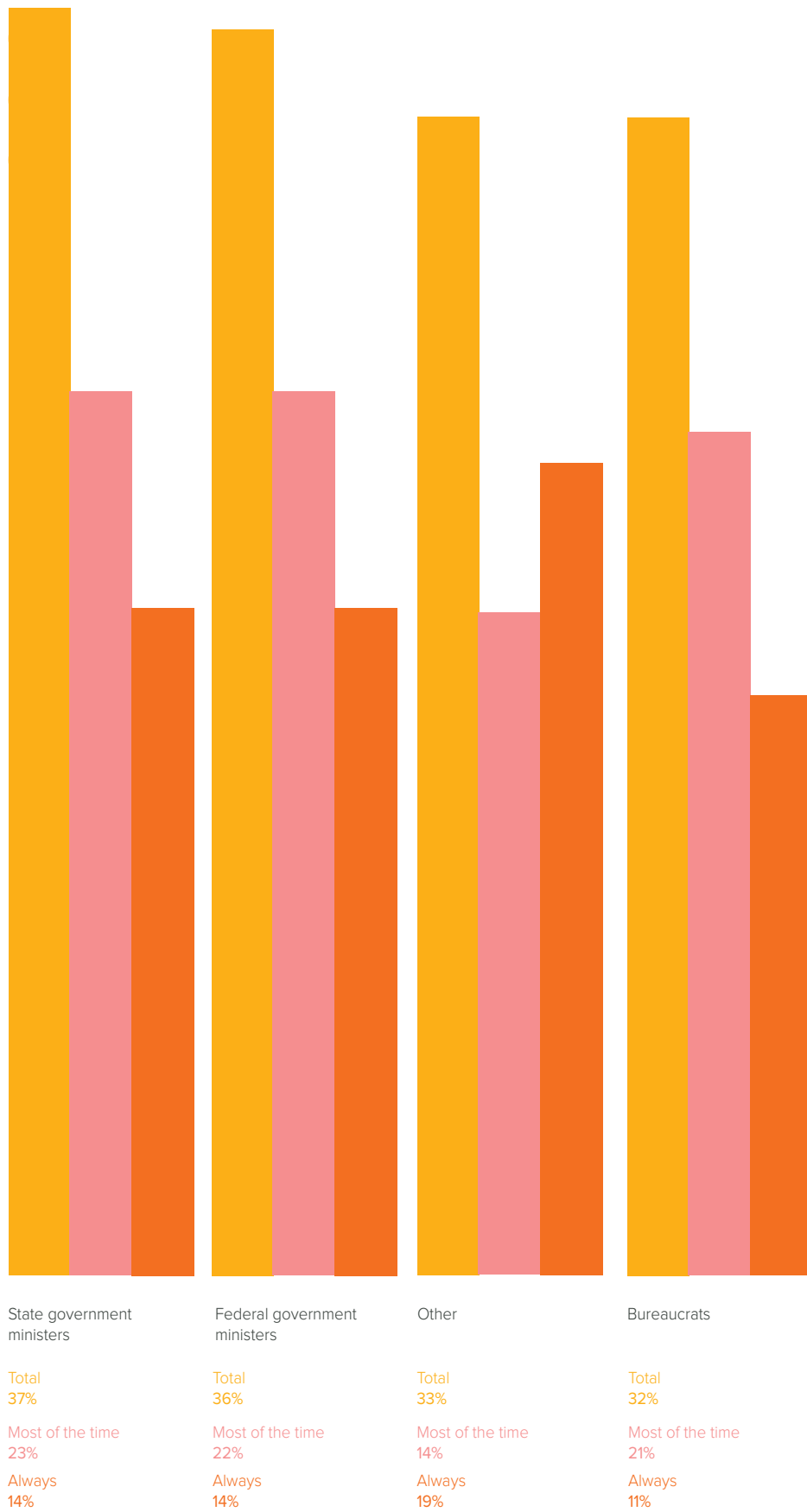
In 2004 the mainstream media was a more important audience than in 2017. This is consistent with the results displayed in Figure 2, which show less effort and attention is directed to traditional methods of engaging the mainstream media, such as letters to the editor and media releases. As noted, this can be at least partially explained by the rise of digital media and subsequent loss of dominance and influence by mainstream media.

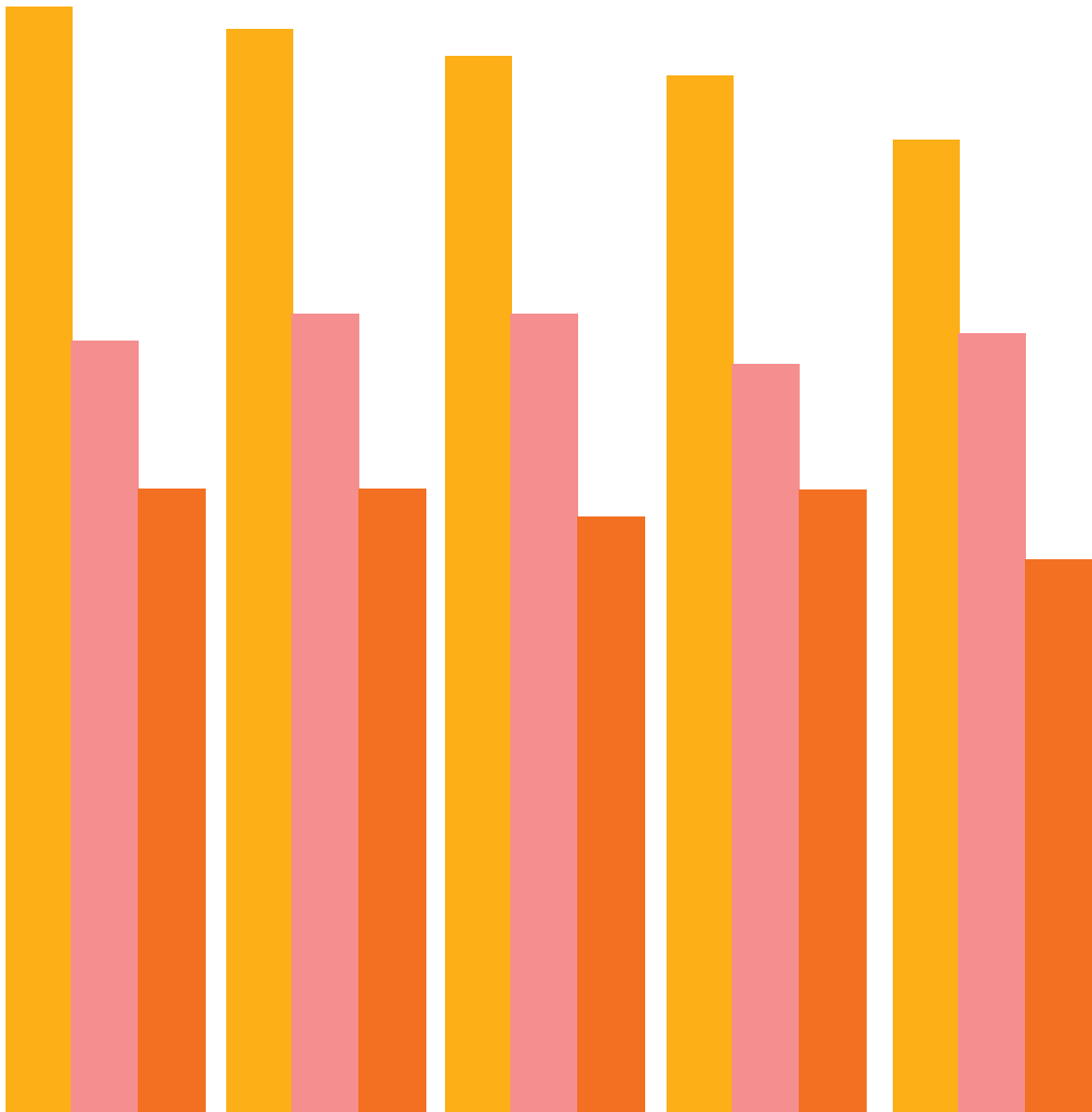
Thus, what emerges in the comparative data is that in 2017 NGOs have prioritised engaging with politicians above all other policy targets. It is also evident that NGOs are seeking to engage these elite policy actors directly, and not relying on intermediaries, such as the mainstream media, to carry their message. Yet, Figure 2 also suggests that efforts to engage with ministers and shadow ministers is done less through face-to-face meetings with politicians compared to in 2004. This raises the question of what obstacles, if any, might make it difficult for

Figure 6.

Main audience 'always' or 'often' targeted by NGOs

Target audience





Donors
(philanthropists etc.)

Other politicians

Mainstream media

Federal shadow
ministers

State shadow
ministers

Total
28%

Total
27%

Total
26%

Total
25%

Total
24%

Most of the time
16%

Most of the time
17%

Most of the time
17%

Most of the time
15%

Most of the time
16%

Always
12%

Always
10%

Always
9%

Always
10%

Always
8%

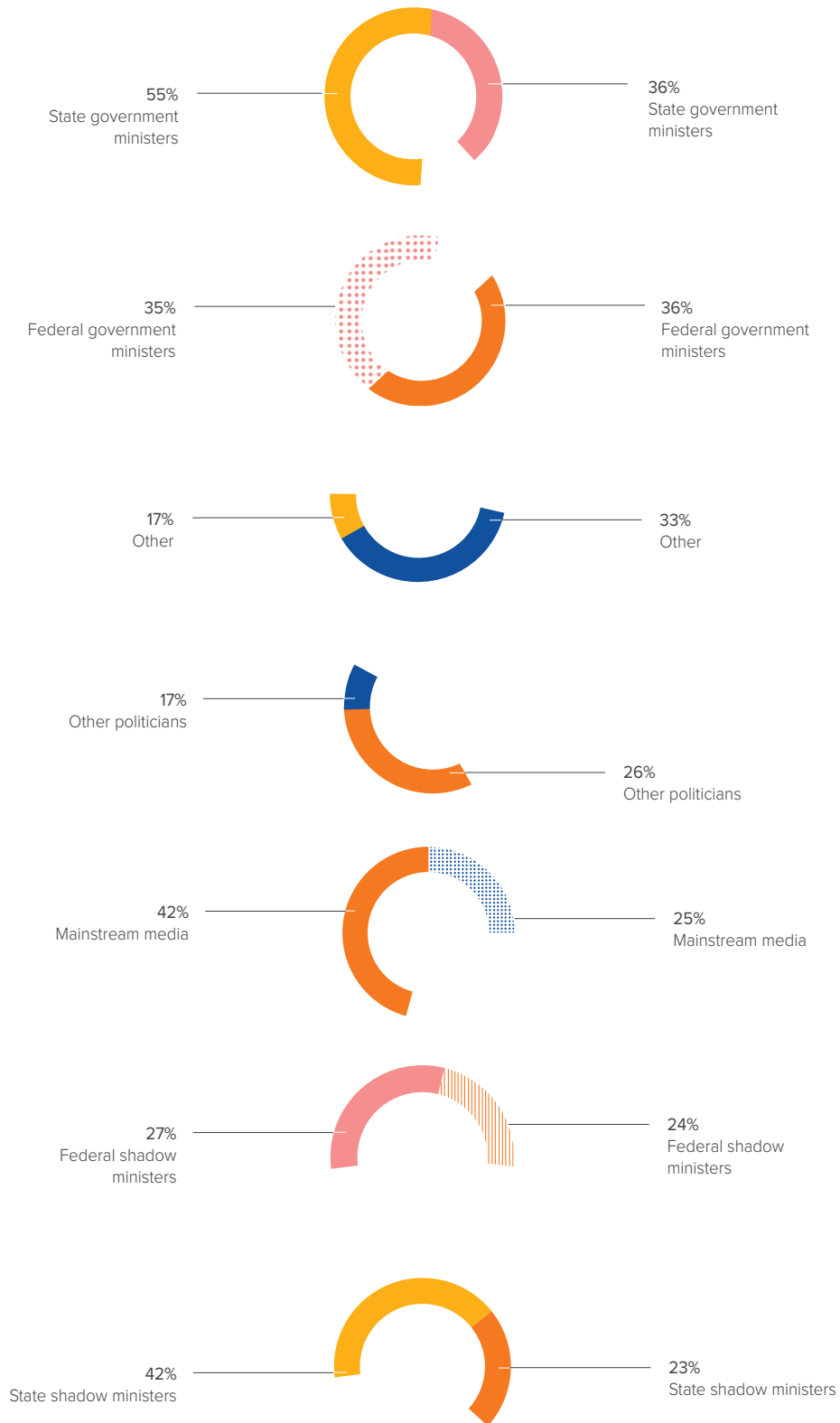
Figure 7.

Comparing target audiences from 2004 (left) to 2017 (right)

Main audience 'often' or 'always' targeted by NGOs

2004

2017



the sector to meet directly with their political representatives. This question is explored below.

4.4 Policy advocacy and political support

Both the 2004 and 2017 survey makes it clear that focusing on politicians as a key audience does not necessarily correlate with support for government policies. Most NGOs stated that their key messages over all tend to be critical, rather than supportive, of government policy. Only about one in five, or 18 per cent, of the 2017 respondents stated that they were “always” or “most of the time” *supportive of government policy* compared to 23 per cent who were *critical of government policy* “always” or “most of the time” (Question 14). However, NGO criticism or support of a policy depends very much on the policy subject or issue area. Most organisations did not hold a fixed view on government policy of concern to them, but rather reported being supportive on some occasions, and negative on others, as warranted.

Across the period between the two surveys relations with federal Labor governments seem to have been stronger than relations with Liberal/Coalition governments. Both surveys were undertaken during periods of conservative federal government—under John Howard in 2004 and Malcolm Turnbull in 2017. Consistent with the 2004 survey findings (Maddison et al. 2004: 30) was the view among 2017 respondents that they were more likely to be supportive of the previous federal Labor government’s policies than those of the current government. NGOs were generally more supportive (23 per cent) than critical (12 per cent) “always” or “most of the time” about the Gillard/Rudd government’s policies (Question 15).

Furthermore, respondents believed that they had experienced more success in having their messages heard in the past compared to the present time (August 2017).

This finding was unequivocal, with almost two thirds of respondents stating that it was easier to be heard in the past five years than now (Question 17a).

“Respondents believed that they had experienced more success in having their messages heard in the past compared to the present time.”

4.5 Barriers to ‘being heard’

The survey asked respondents to compare their experiences of “being heard” in 2017, with their experiences during the last five years, and the last 10 years (Question 17b). Respondents reported that they had more success being heard by governments during both of these earlier periods than at the present moment. As Labor was in power federally from 2007 to 2013, covering most of the 10-year and five-year periods under focus, this again suggests a perception that federal Labor governments are more receptive to the sector than the current Coalition government.

The most cited reasons for the downturn in perceptions of “being heard” included cuts to funding of NGOs; less access to participation in policy making processes than in the past; fewer resources available for advocacy; and restrictions such as Clauses limiting public commentary in government funding agreements. This is further borne out in qualitative responses such as:

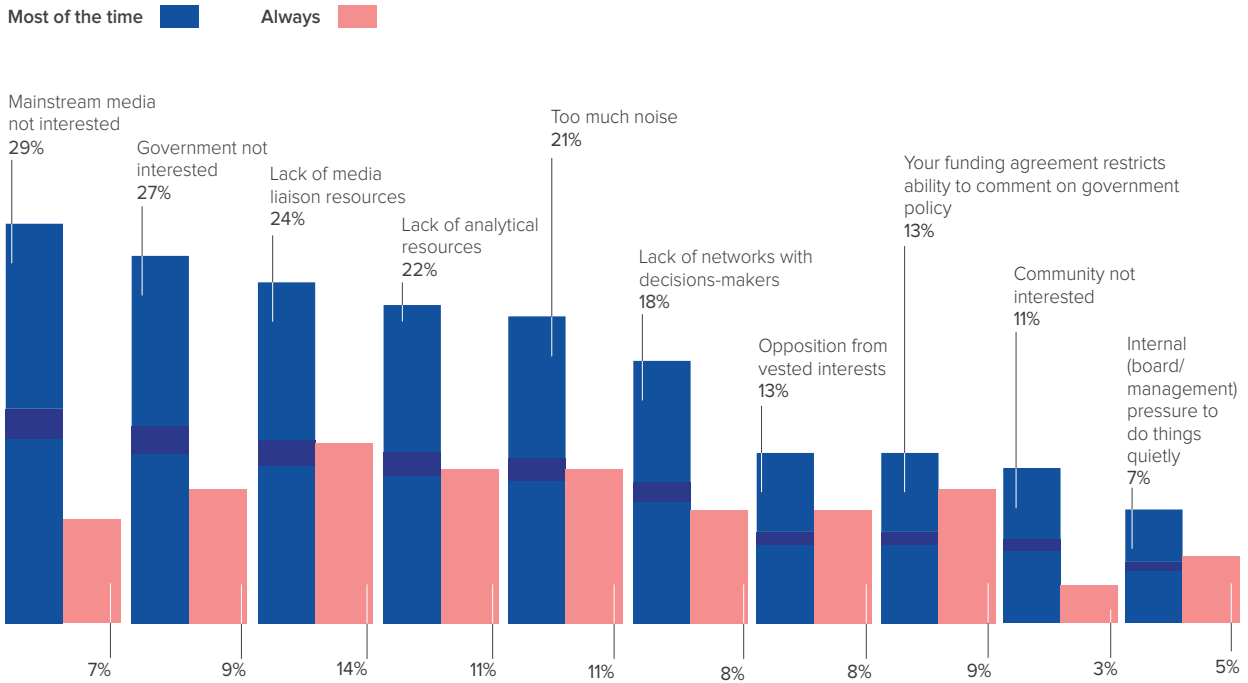
Harder to see the policy positions we advocate for being picked up. Hard to see the language of government reflecting our policy positions.

We are limited by service agreements in our ability to advocate.

Figure 8.

What NGOs perceive to be the main barriers to getting their organisation's message heard

Main barriers to be heard (2017)

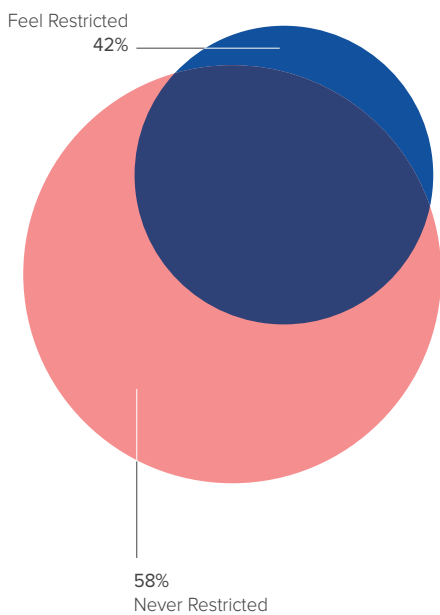


Source: Authors; n=762

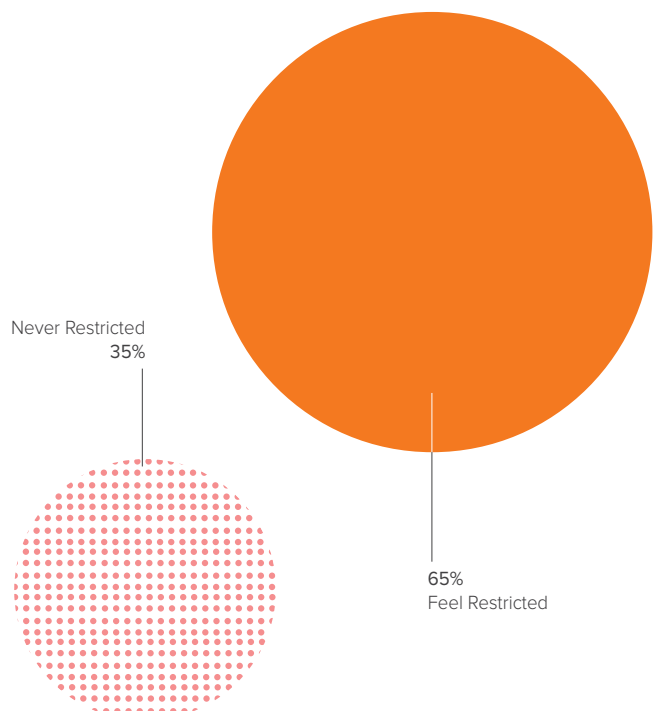
Figure 9.

Funding agreements as a 'barrier to being heard': State v National NGOs

National



State



Source: Authors, data from Question 19

Politicians used to contact us (or at least their staff did) but now we never hear from anyone quickly and when we do hear (which is rarely) we get a standard form letter that has not even been modified to suit our query or concerns.

Lack of response and engagement. No policy change.

Engagement with Government and reflection in the substance of policy. The last 5 years though has seen an ideological position in Government that is contrary to the ideology of our communities.

Further exploring this concern about limitations on “being heard” (Question 19), respondents were asked to consider 10 factors that might limit public debate. NGOs were asked to use a five-point Likert scale to rank what they would consider to be the main barriers (or not) to being heard. The reasons that were cited as being barriers “often” or “always” to being heard are illustrated below (see Figure 8).

Figure 8 shows that the most significant barrier to being heard was an organisation’s “lack of media liaison resources” (38 per cent). The next most cited reasons were a perception that mainstream media (35 per cent) and government were not interested (36 per cent). One in three respondents suggested that messages were being drowned out by “too much noise”. One in five believed that their funding agreement restricted their ability to comment on government policy. Twelve per cent perceived internal pressure (from the board or management) to “do things quietly”.

However, this picture is complicated. When the opposite end of the Likert scale is examined, it shows that 45 per cent of NGOs do not perceive any internal pressure (ever) to do things quietly; and 43 per cent do not perceive their funding agreement as restricting their capacity to comment on government policy—the same percentage of respondents that did not consider funding agreements a barrier as in 2004 (Maddison et al. 2004 p. 34).

Further investigation of whether funding agreements restrict an NGOs capacity to comment of government policy (Questions 38 to 40) showed that state organisations were more sensitive to this question than national NGOs. Collapsing the five-scale Likert responses to a binary of: i) agreements never restrict comment versus ii) funding agreements do restrict comment, the results show 65 per cent of state-based NGOs report they feel restricted by these agreements compared to 42 per cent of national organisations. As expected, those organisations that work across jurisdictions are in the middle with 53 per cent feeling restricted (see Figure 9).

In 2004, it was concluded that “governments employ a range of explicit and implicit methods to quieten or silence dissenting NGO voices” (Maddison et al. 2004 p. 38). At that time, there was a widely held belief that the Howard-led federal government was more likely than state governments to silence public debate. The main barrier to being heard “sometimes”, “always” or “often” was perceived to be a lack of federal government interest (92 per cent), and a lack of media interest (82 per cent). Insufficient analytical resources or media relations skills was also cited (50 per cent). These were also the perceptions of NGOs in 2017 (see Figure 8).⁴

The 2017 survey results suggest that governments are still employing overt and non-overt mechanisms to mute public debate, however, the culprit is now also likely to be some state governments. The recent survey also shows that the top four barriers to being heard remain unchanged over the past 13 years. The data also suggest that public debate is further limited through self-censorship because of implied repercussions (from within or outside the organisation) stemming from fears of government funding cuts or loss of DGR status. How NGOs are funded is discussed next.

4. Caution is needed on this question because raw figures cannot be directly compared between the two survey periods of 2004 and 2017 – as an extra category “sometimes” is counted in the 2004 data.

4.6 Advocacy and funding

As is clear from the discussion earlier in this report, retaining DGR status is essential for many organisations' financial survival. This was confirmed in the 2017 survey, which found that 83 per cent of respondents have DGR status, and regard it as essential to their financial well-being (Question 37). Worryingly, the survey also found that a quarter (26 per cent) of all respondents (including those without DGR status) were concerned about how public engagement and advocacy work might affect their DGR status.

The 2017 survey probed the relationship between advocacy and DGR status in some detail (Question 39). Respondents were asked to "describe the activities that your organisation could undertake that you believe might negatively affect your DGR status". Almost all the answers were concerned that advocacy might affect DGR status. Among the 97 qualitative responses organisations reported:

We have been involved in policy advocacy with government (state and federal) for some decades. There is always a risk this will adversely affect funding we receive or success of our policy agenda. This can occur overtly or conversely. This is an ongoing part of the risk of doing policy and advocacy work and needs to be managed in an ongoing way.

CEO is concerned that if we are not careful in what we say to government there could be an adverse outcome in terms of being invited to consult and future funding.

Providing feedback that questions government policy, even though we have evidence that this policy will have negative effects on the people we support and the wider community/society. We are always very careful about the approach we take and how we word our response or talk to MPs, especially lately.

There are risks in speaking out, and we do speak out - loudly. There have been no

consequences to date at a federal level. There may well be at a State level, but if so this is bureaucrats, not politicians.

As a non profit receiving government funding we are concerned about any negative perceptions that governments may form and possible repercussions.

When asked to rate out of 100 (Question 40) the extent to which "anxiety" about maintaining the organisation's DGR status would "affect decisions about whether to engage in public debate/advocacy" the mean response was 39. The mean was slightly higher for state-based than national organisations. This suggests that concern about the impact of advocacy on DGR status was not most organisations' "primary consideration", but it nevertheless remains an issue for a large minority. This concern was reflected in many of the 302 written responses that followed this question. For example:

In general our advocacy is quiet and within government's defined consultation frameworks.

[We] Pick our battles carefully

DGR does not significantly influence our resources. Also, we tread carefully.

Loss of DGR status would force us to cease operations.

I think the organisation takes a path of quiet advocacy so as not to rock the boat of future funding. I think this means it is not as fully pursuing its mission

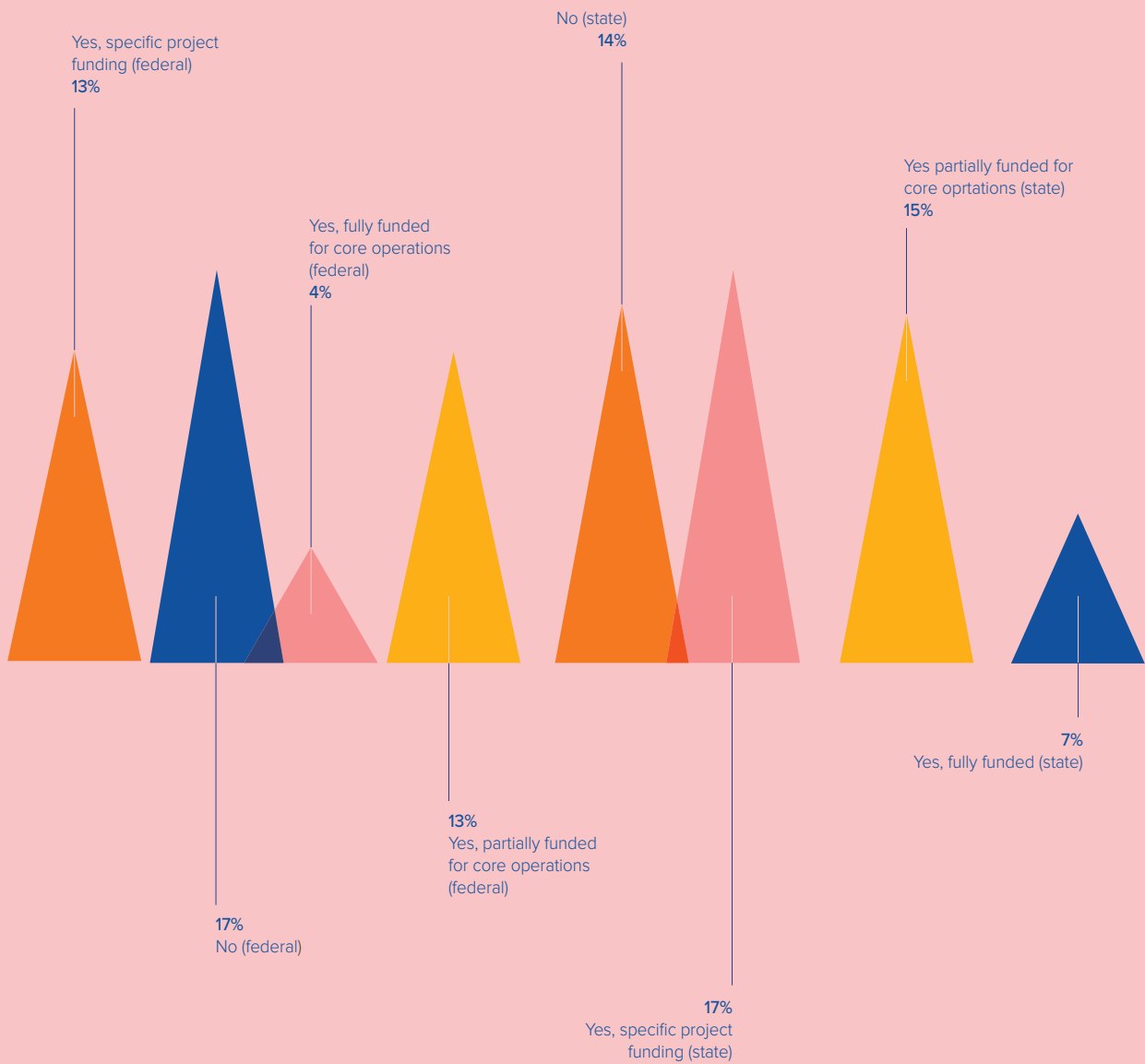
Without funding we cease to exist and we have seen evidence of Govt cutting funds

Advocacy could adversely impact relationships and govt decision-making on funding and engagement

Figure 10.

Government funding arrangements for NGOs

How NGOs are funded



Our concern re losing DGR status does inform how we approach our activities, but we don't let it distort our core purpose.

Drilling down to the sector level, the survey results indicate that the NGOs most concerned with the loss of DGR status were those working in law, justice and human rights (mean=45); children's services (mean=47); Immigration and refugees (mean=48); religion and religious groups (mean=51).

Leaving aside DGR status, in 2017 it appears to be uncommon for NGOs to be fully funded by governments (see Figure 10). Most receive specific project funding by state and/or federal governments. One third of the surveyed organisations do not receive any federal government funding. Just over a quarter do not receive any state funding. Figure 10 provides a breakdown of how Australian NGOs are funded. The low percentages in Figure 10 help explain why DGR status is so important. The 2017 survey found that fewer organisations are fully funded by state governments (down from 11 per cent to 7 per cent) or federal government (down from 7 per cent to 4 per cent).

The 2017 survey also asked specifically about philanthropy and found that three quarters of respondents believe that "philanthropists would rather fund service delivery over advocacy activities by NGOs" (Question 44).

Combined these factors present a serious problem for the funding of advocacy activities. On one hand, some organisations express concern about repercussions to their government funding if they advocate on issues with messages that run counter to the government position (Questions 38 to 40). On the other hand, governments increasingly do not fund these types of activities, but rather will fund project-specific work or partially fund general operations. Furthermore, NGOs perceive that philanthropists prefer to fund service delivery rather than advocacy.

The result seems to suggest a form of "self-silencing" among some organisations in the sector, which indicated that they are, for example, "*a benign organisation and not politically active*" or suggested that they are

"not into lobbying in potentially controversial areas". Organisations that remain committed to advocacy recognise that they need to go it alone: "*We rely on our own fundraising and therefore [are] independent of government rules as to how we must [use] the funds.*"

Certainly, there were organisations that did not perceive advocacy to be a threat to government funding or likely to result in other repercussions:

Never been raised as an issue.

Believe we will always receive government funding.

We operate in a bipartisan way and have not had any issues to date.

At the same time, however, funding cuts have affected many of the surveyed organisations. Just over half of the respondents (52 per cent) of federally funded organisations and 48 per cent of state-funded organisations reported funding cuts in the past 10 years. In the federal sphere, numbers of NGOs affected by funding cuts were highest in the areas of immigration and refugees (56 per cent), science and technology (57 per cent) overseas aid and development (64 per cent) and women's services (63 per cent). At state level, funding cuts were more common in the areas of family services (56 per cent); religion and religious groups (57 per cent); LGBTIQ issues (57 per cent); children's services (57 per cent) sport and recreation (60 per cent).

In contrast to these cuts, some sectors had experienced an increase in funding over the past 10 years: 55 per cent of organisations had experienced a federal funding increase and 66 per cent of respondents had received a state funding increase. The advent of the NDIS has meant that services in the disability sector have most benefited from these funding gains (109 NGOs). Health services had also gained federal funding, while at the state level the winners were organisations that dealt with children's services, family services, youth services, mental health and social welfare. Organisations of all sizes were beneficiaries of funding increases, but the

larger NGOs (more than 50 employees) were the most likely to have gained a government funding increase during the past 10 years.

4.7 NGO Collaborations

The surveyed organisations are actively engaging in collaborations with other Australian and international organisations. Collaboration was not explored in the 2004 report, but the findings in 2017 suggest that organisations see value in working with peak bodies and operating in a global public sphere with like-minded international organisations.

The qualitative data also suggests collaboration is an adaptive response that allows organisations to do more with less.

Just over half of the surveyed outlets (53 per cent) had partnered with “third-party campaigning organisations” (Question 11). The qualitative data suggests that collaborations tend to be a positive experience overall, although not universally. Typical responses identified that collaborations enabled their messages to spread further and have greater impact.

By partnering with other groups with similar interests we certainly have a stronger voice and can share resources to build better engagement with stakeholders.

More effective as combined lobbying leant more weight to our concerns.

We were able to spread our message further internationally than we normally would.

Louder voice for shared concerns and better access to government.

Other organisations reported that collaboration was an economical use of resources.

It is helpful for us with limited budget and personnel to get our message/concerns across to government

More effective as provides additional expertise, networks and skills.

However, a small minority of respondents were disappointed with their collaborative experiences, finding that their individual voice was drowned out in the messages of a larger campaign.

Less effective as our voice was co-opted for the purposes of the broader campaign.

Perspective drowned out by interests of other organisations in sector.

4.8 Government consultation and policy influence

Consultation with government remains an important strategy for NGO policy engagement and advocacy, with 81 per cent of respondents indicating that they had been involved in government consultations processes. As in the 2004 survey, the most common form of consultation was through roundtable meetings and written submissions. Where the two surveys differ markedly, however, was in the overall percentage of NGOs involved in consultation processes. As Figure 11 reveals, across the board, consultation was a much more common form of policy advocacy in 2004 than in 2017.

“By partnering with other groups with similar interests we certainly have a stronger voice and can share resources to build better engagement with stakeholders.”

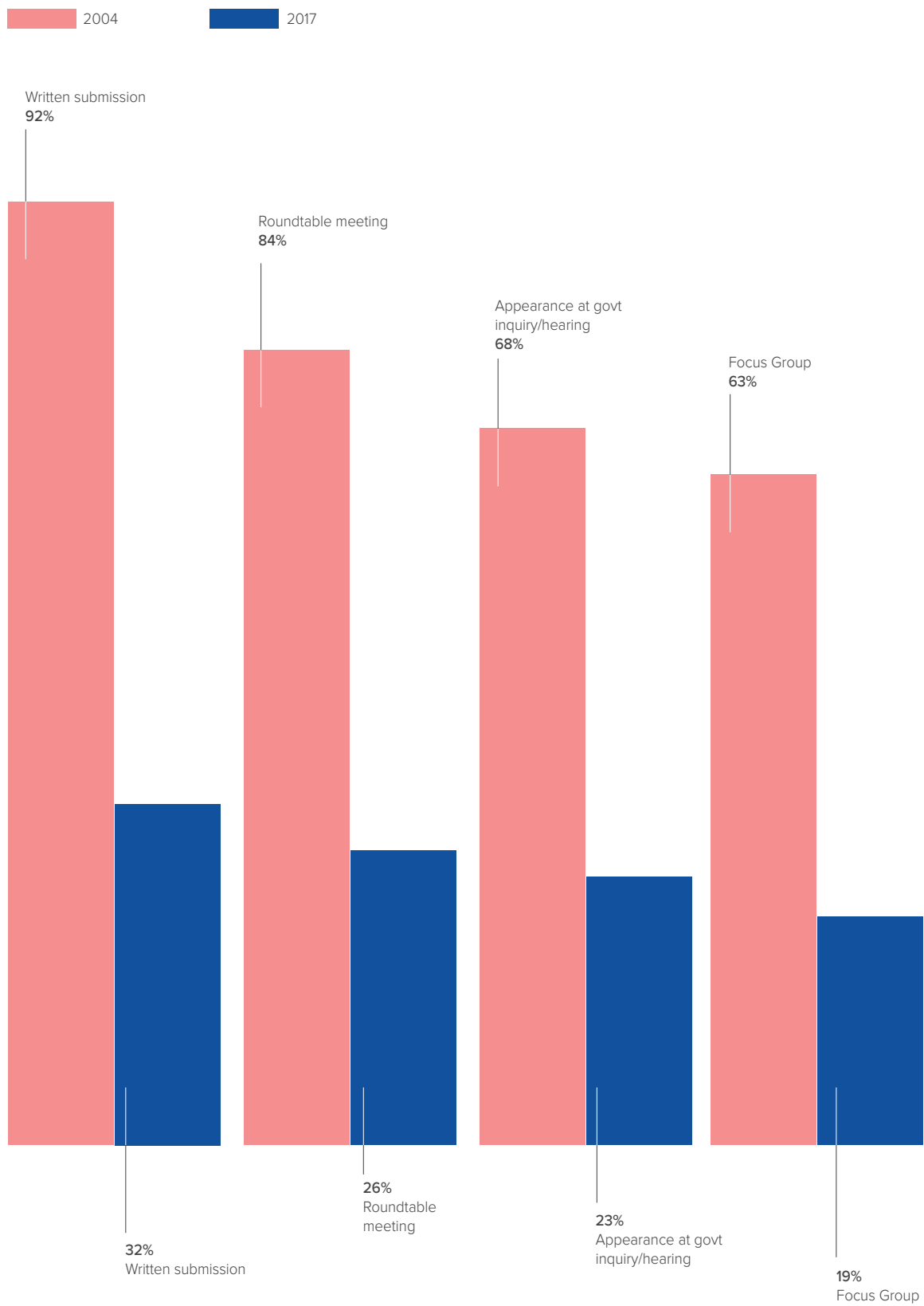
In 2004, whilst involvement in government consultation was widespread, few respondents reported receiving government assistance (76 per cent) for this work (Maddison et al. pp. 32-33). At the time, it was concluded that Australian governments were “not particularly interested in facilitating participation on the part of NGOs, even when such participation serves to improve the quality of the policy formation process” (p. 33).

The 2017 survey finds that the lack

Figure 11.

Forms of consultation engaged in by NGOs

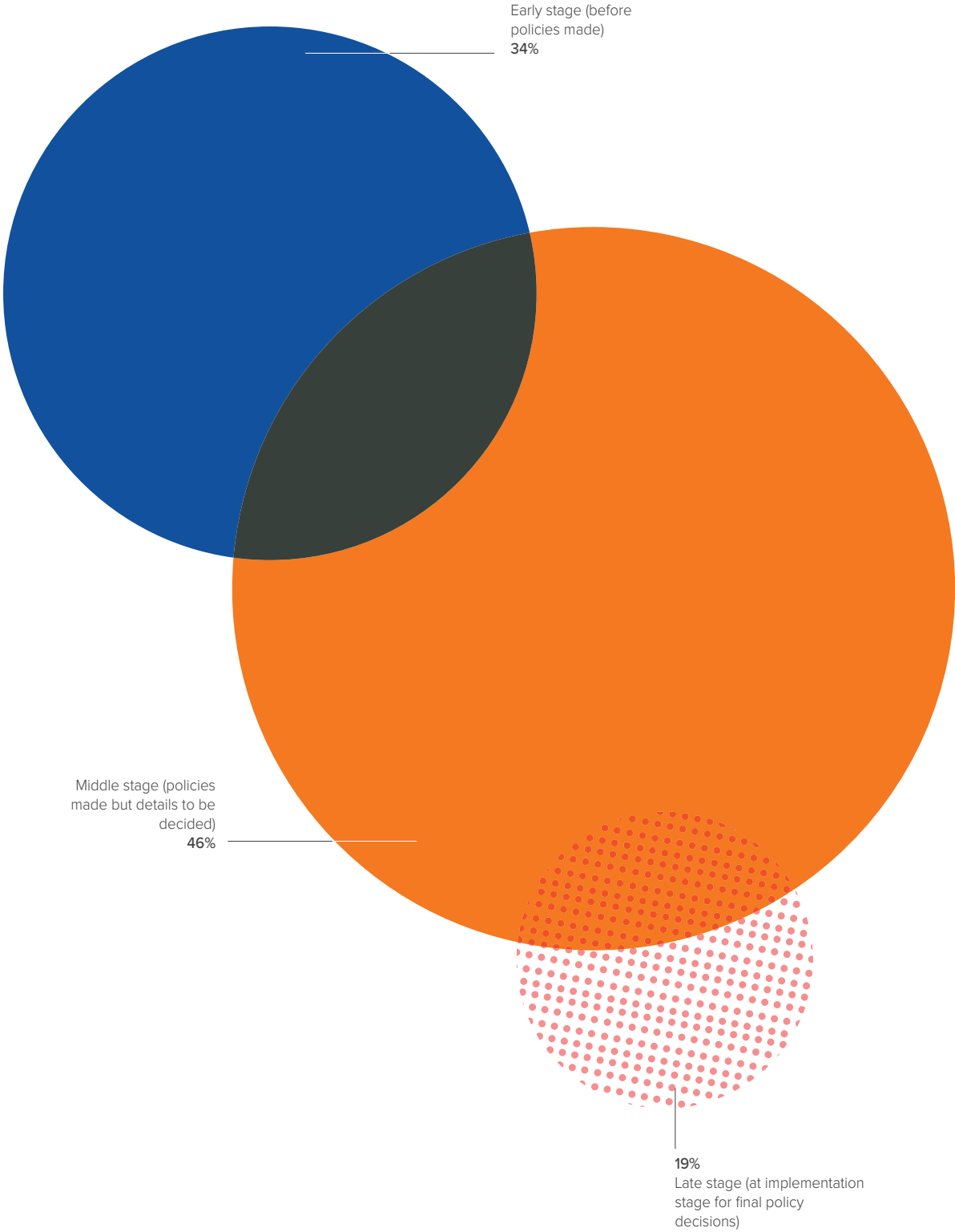
Forms of government consultation



Source: Authors 2017 data, multiple selections allowed; Maddison et al. 2004 data p. 33.

Figure 12

The stages when NGOs believe they are consulted about policy



Source: Authors

of financial support for organisations participating in government-led consultation had slightly worsened since 2004. Only 4 per cent (1 per cent less than 2004) of organisations were fully funded to enable participation compared to 78 per cent that were not funded (2 per cent higher than 2004). Organisations report on the costs involved if they are to participate in government consultations, including travel, research, time and additional organisational resources including staff (Question 23).

Further analysis of the respondents' experiences of government consultation (Question 26) reveals a lukewarm picture of a costly process with limited meaningful outcomes for NGOs. For just over half of the respondents, participating in consultation was considered more harmful than beneficial for organisations' relationship with government (see Appendix B).

Despite this negative assessment, however, just over half of the surveyed NGOs (54 per cent) believe the concerns that they had raised during a consultation process were reflected in current government policy (Question 38). Digging deeper, a cross tabulation analysis shows that organisations that are nationally focused were more likely to see their concerns taken up (58 per cent). The data also suggests that collaborations play a role here. NGOs that collaborate with others were also more likely to believe that their concerns were reflected in current policy (58 per cent).

This figure increases when the data is isolated to consider NGOs that are "always" or "often" supportive of government policy when communicating their key messages (Question 14). Under these circumstances where a positive bias about a policy exists, 63 per cent of organisations believe that the concerns they have raised during consultation processes are later addressed in government policy. This falls to 50 per cent in the case of organisations that state they are "always" or "most of the time" critical of government policy in their public engagement.

For most organisations, consultation with

government occurs in the middle of the policy cycle. This is when policies have already been determined by government and NGOs are then consulted about the finer details of a policy (see Figure 12).

The timing of NGO participation in policy consultation varied by sector. For example, NGOs that had "science and technology" as their main activity were mostly consulted in the early stages of policy formation, before policies were made (67 per cent) suggesting their expertise was valued. This was also true of the organisations focusing on LGBTIQ issues (48 per cent). In contrast, NGOs that focused on "men's services/issues" were unlikely (13 per cent) to be consulted at the outset of policy formation. Conservation and environmental groups were the most likely to be consulted in the late stage of a policy process.

The overall finding that interest groups such as NGOs are mostly consulted during rather than at the start or end of the policy cycle is consistent with the findings of John Kingdon's (2003: 67) well documented work on policy formation in the USA. Kingdon concluded that interest groups are the most important participants outside government involved in the policy process. However, interest groups rarely set the agenda but rather "insert their preferred alternatives into discussion once the agenda is already set by some other process or participant".

4.9 Policy advocacy and the state of Australian democracy

Despite the many changes in the civil society landscape since 2004, including the burgeoning use of social media and continuing, of not always rewarding, engagement in government consultation processes, the 2017 survey data finds that the state of debate in Australian democracy remains poor. It is clear from the 2017 survey that, as in 2004, governments continue to use funding to limit dissenting voices, whether through implied threats or through explicit restrictions in funding agreements.

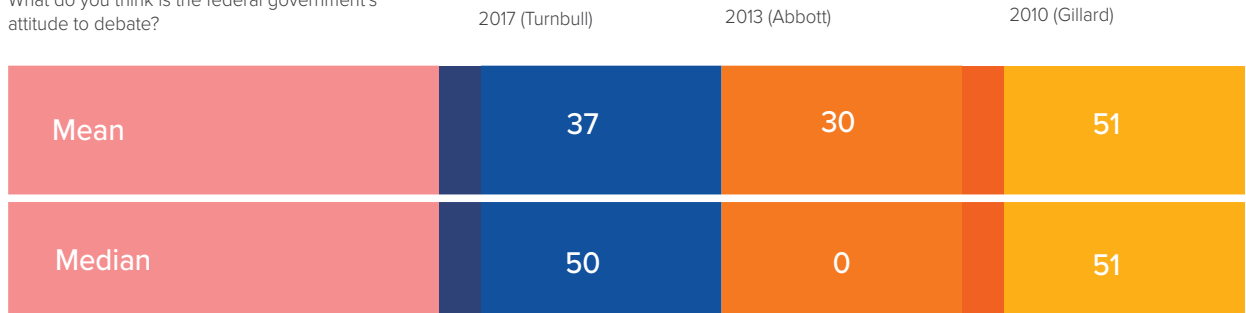
The 2017 survey explored the question

Table 3.

NGO perceptions of government attitudes to debate

Q. 41

What do you think is the federal government's attitude to debate?



Source: Authors; n>482

Table 4.

NGO perceptions of the role of difference and dissent in public debate

| | Strongly agree | Somewhat agree | Neutral | Somewhat disagree | Strongly disagree |
|--|----------------|----------------|---------|-------------------|-------------------|
| Current Australian political culture encourages public debate | 4% | 25% | 12% | 35% | 24% |
| Economic power and strong vested interests are major drivers of government policy | 67% | 25% | 4% | 2% | 1% |
| NGOs are pressured to amend public statements to be in line with government policy | 17% | 36% | 31% | 13% | 3% |
| The Australian media fosters a tolerant political culture | 5% | 17% | 17% | 38% | 23% |
| Individuals/organisations that dissent from current government policy are valued as part of a robust democracy | 9% | 17% | 16% | 36% | 22% |
| Dissenting organisations and individuals risk having their funding cut | 31% | 38% | 21% | 8% | 2% |
| Dissenting organisations risk losing their DGR status | 17% | 23% | 41% | 14% | 4% |
| The Australian Charities and Not-for-profits Commission is of great benefit to the sector | 39% | 28% | 25% | 5% | 3% |
| Australian debate is politically polarised between the left and right ideological spectrum | 31% | 40% | 17% | 9% | 3% |

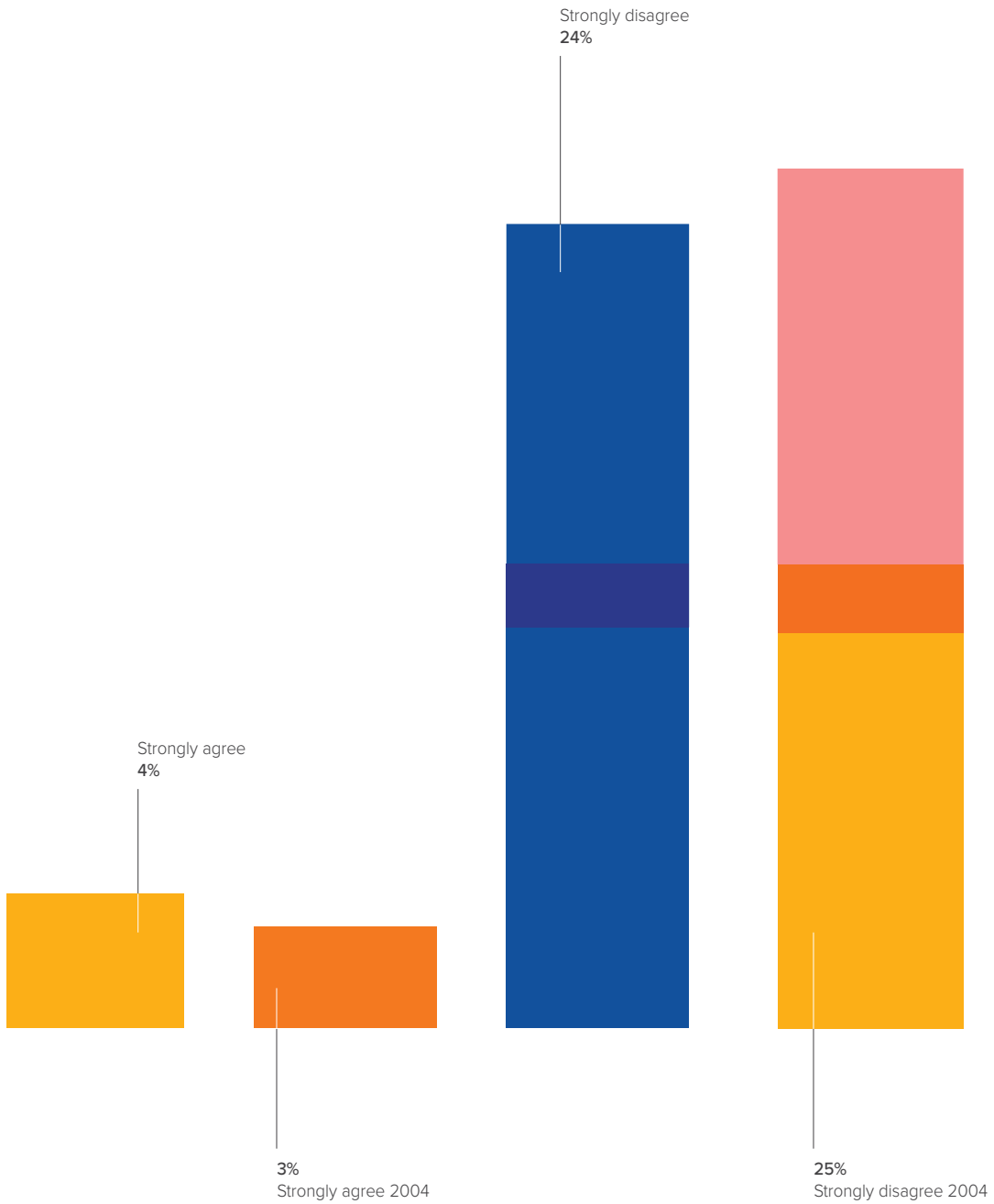
Source: Authors. N>662

Figure 13.

NGO perceptions about Australian political culture and its support for debate

Q. 43a

Current Australian political culture encourages public debate 2017 v 2004.



Source: Authors (2017); Maddison et al. 2004 p. 39.

of tolerance for public debate in Australia further. Respondents were asked to rate various recent federal governments' attitudes to public debate on a scale of 0 to 100. Zero represents debate that is silenced and 100 represents debate that is fully encouraged. Results are summarised in Table 3.

Table 3 reveals a particularly unflattering view of the Abbott government. Fifty-nine respondents gave the Abbott government a zero, meaning they considered the Abbott government had no tolerance for public debate at all. The Gillard government was considered to be the most open to public debate.

A series of questions (see Table 4) sought to better understand how NGOs perceive the state of Australian democracy and government tolerance for dissenting viewpoints. Five of these questions were also asked of respondents in 2004. The first is about whether respondents think Australian culture is supportive of public debate. Taking the extreme responses, (full responses are in Table 4) we see remarkably similar results from 2004 and 2017. Australians today are slightly more pessimistic about the state of Australian political culture for encouraging public debate than they were in 2004 (See Figure 13).

Of significant concern is the fact that 92 per cent of NGOs believe that "economic power and strong vested interests are major drivers of government policy". More than half (53 per cent) also believe that "NGOs are pressured to amend public statements to be in line with government policy". Echoing this sentiment, 58 per cent believe that those who dissent from current government policy are not valued as part of a robust democracy. Consistent with the earlier question responses, a large minority (40 per cent) directly link the airing of dissenting viewpoints as a threat to their DGR status. The state of Australian debate according to most NGOs (71 per cent) is one that can be characterised as politically polarised.

The respondents also hold a dim view of the media, with 61 per cent disagreeing that the media fosters a tolerant political culture.

For the most part, these findings present a less critical view of the state of democracy in Australia than did the findings in the 2004 survey. For example, in 2004, 92 per cent of respondents disagreed with the view that dissenting voices are valued by government and 90 per cent of respondents believed that dissenting voices risked having their government funding cut (Maddison et al. 2004: 39). Yet despite these improvements, the 2017 survey findings do not speak positively to the health of Australian public debate or policy advocacy.

Compared to respondents' perceptions of the poor health of public debate in 2017, respondents were less pessimistic about Australia's democratic principles. Three quarters believed these were upheld in Australia. But more than half (57 per cent) were of the view that Australian institutions were not taking appropriate action to guarantee civic space in Australia (Question 46).

The 2017 survey also asked questions intended to compare the responses from civil society organisations with results in Australia's longest running study on trends in Australian Political Opinion 1987-2016 (Cameron and McAllister 2016). The same questions asked in this survey produced very similar findings. For example, when asked: "In general, do you feel that the people in government are too often interested in looking after themselves, or do you feel that they can be trusted to do the right thing?" (Question 47) 71 per cent of NGOs believed people in government look after themselves. This compares with 74 per cent in the representative survey of the Australian public. Our survey respondents were more sceptical than the general public when asked: "Would you say the government is run by a few big interests looking out for themselves, or that it is run for the benefit of the people?" (Question 48). Sixty eight percent said it was run by big interests compared to 56 per cent of the public.

The Australian public opinion survey results over time reveal that the negative opinions expressed in relation to these two questions have been increasing since the

election of Kevin Rudd in 2007.

In the final free text question of our survey, respondents were asked if they had anything else to add. Almost 200 took this opportunity. A quarter of them (53 NGOs) referred to advocacy and its role in Australian society. Typical comments included:

Needs to be more work done by not-for-profit in bringing balance to the debate about what is in Australian interests.

Very glad Pro Bono is taking this issue up. When John Howard did his massive cut to core funding and attack on advocacy, he changed the community sector impact dramatically. We struggle to insert good discussion into all issues and for our members, the risks of speaking up publicly increase (e.g. naming welfare dissenters and the impacts of the Border Force Act), so having PB interest and support is fantastic. Thank you.

“We desperately need to find ways to fund advocacy in Australia - we self-fund it in my organisation, but it’s really hard. Places like the US have a much better tradition of trust/foundation/philanthropic funding for advocacy - sorely lacking here in Australia.”

I believe Advocacy should be funded by the mechanism of government. It should always be an independent tool for all people to access.

We desperately need to find ways to fund advocacy in Australia - we self-fund it in my organisation, but it’s really hard. Places like the US have a much better tradition of trust/foundation/philanthropic funding for advocacy - sorely lacking here in Australia.

We seem to be at a low point. Too much current government policy lacks an evidence base and is driven by populist and vested

interest agendas. The previous Labor government was also prone to this, but it is worse under the current federal government. Our organisation has not been targeted for being critical of government because our areas of interest are not currently as controversial as some other policy areas. But we observe other charities/sectors being targeted for being outspoken and holding government to account.

I think the NGO sector has been effectively and progressively neutralised through funding policy and the continual shift away from small ideologically/place-based driven such that in today’s environments they are increasingly adopting a business mentality.

Advocacy needs to remain independent and robust.



Five.

Conclusion

Five.

Conclusion

The data presented in this report suggests that public debate in Australia is not as healthy as it ought to be in a developed liberal democracy such as ours. The 2004 survey of the NGO community painted a “grim picture of the state of public debate in Australia” (Maddison et al 2004, p. 39) and 13 years later, notwithstanding several changes of government, many voices remain muted or unheard.

In 2004, the federal government was singled out for being intolerant of dissenting voices with respect to the NGO sector. In 2017, it appears that state governments are also silencing debate using very similar methods. And perhaps most concerning of all, despite some disquiet across the sector, many organisations report that they engage in some form of “self-silencing” – treading very carefully in their advocacy work less they risk financial security and political retribution.

The researchers and organisations that have produced this report have done so from a starting assumption that robust public debate on policy issues is essential to a healthy democracy. Further, we believe that non-government organisations should be a vital and central part of such debate, as their experiences in service provision with some of Australia’s most vulnerable and marginalised communities and issues provide crucial data that should be highly valued. That it is not, and that so many of the organisations that participated in this survey report the challenges, obstacles and threats involved in advocacy work, should be of great concern to both politicians and the wider public.

Australian civil society needs to be reinvigorated, supported, and encouraged to engage in frank and fearless advocacy. There is need for reforms to ensure that the current definition of charities, which recognises advocacy as a part of an organisation’s charitable purpose, be protected and advanced. Philanthropy also has a role here,

as by funding advocacy philanthropists can provide a signal boost to a muted and anxious sector.

Australia remains much better off than many countries that do not experience our level of democratic freedoms – including freedom of speech. It would be foolish, however, to allow ourselves to become complacent in this regard. The more the silencing of civil society is normalised the higher the risk becomes to the overall quality of Australian democracy. There is much we can do to support civil voices and enable their participation in advocacy and public debate. This is vital if we are to ensure that our democracy remains vibrant and robust.

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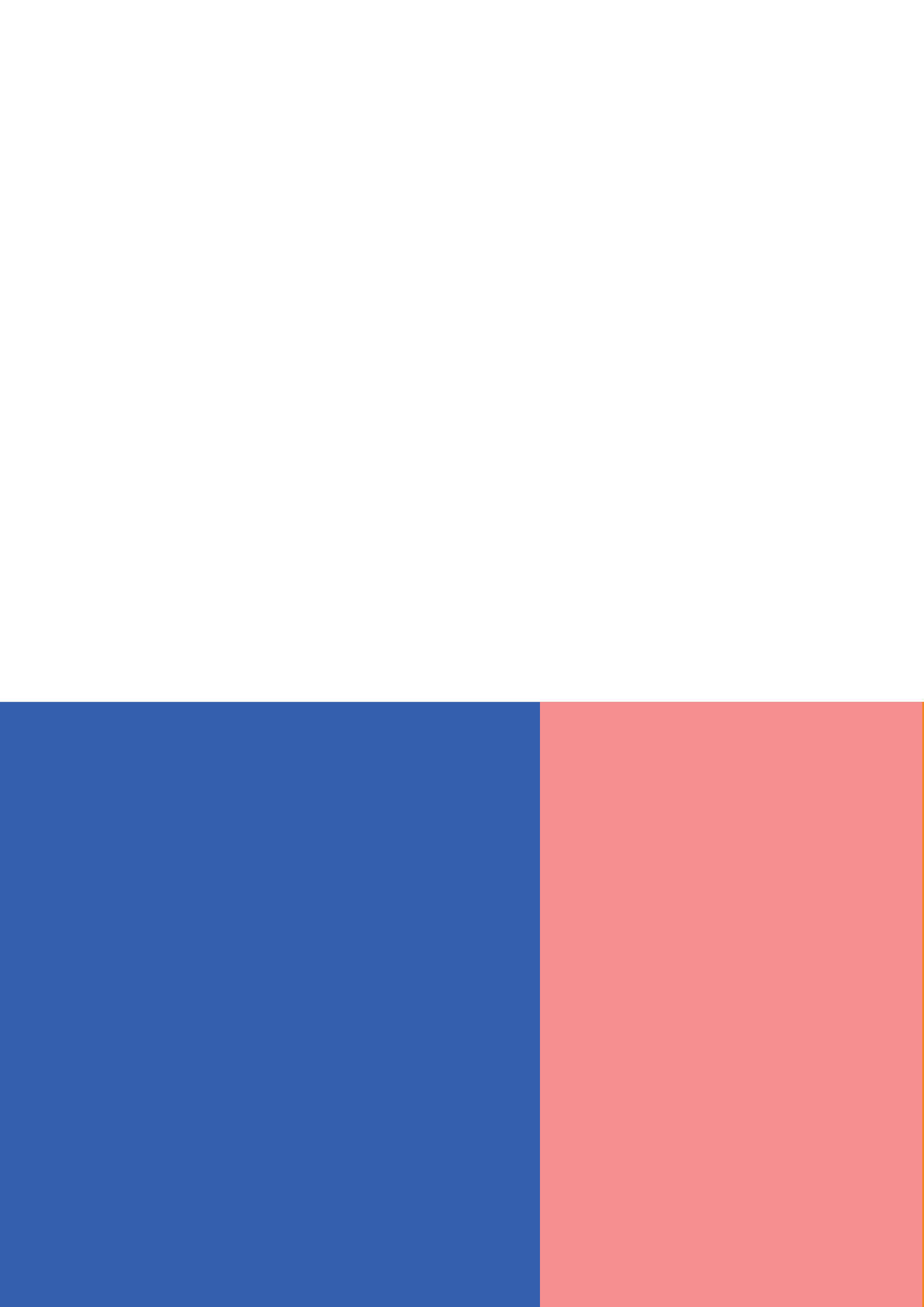
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Appendices

Appendix

Appendix A.

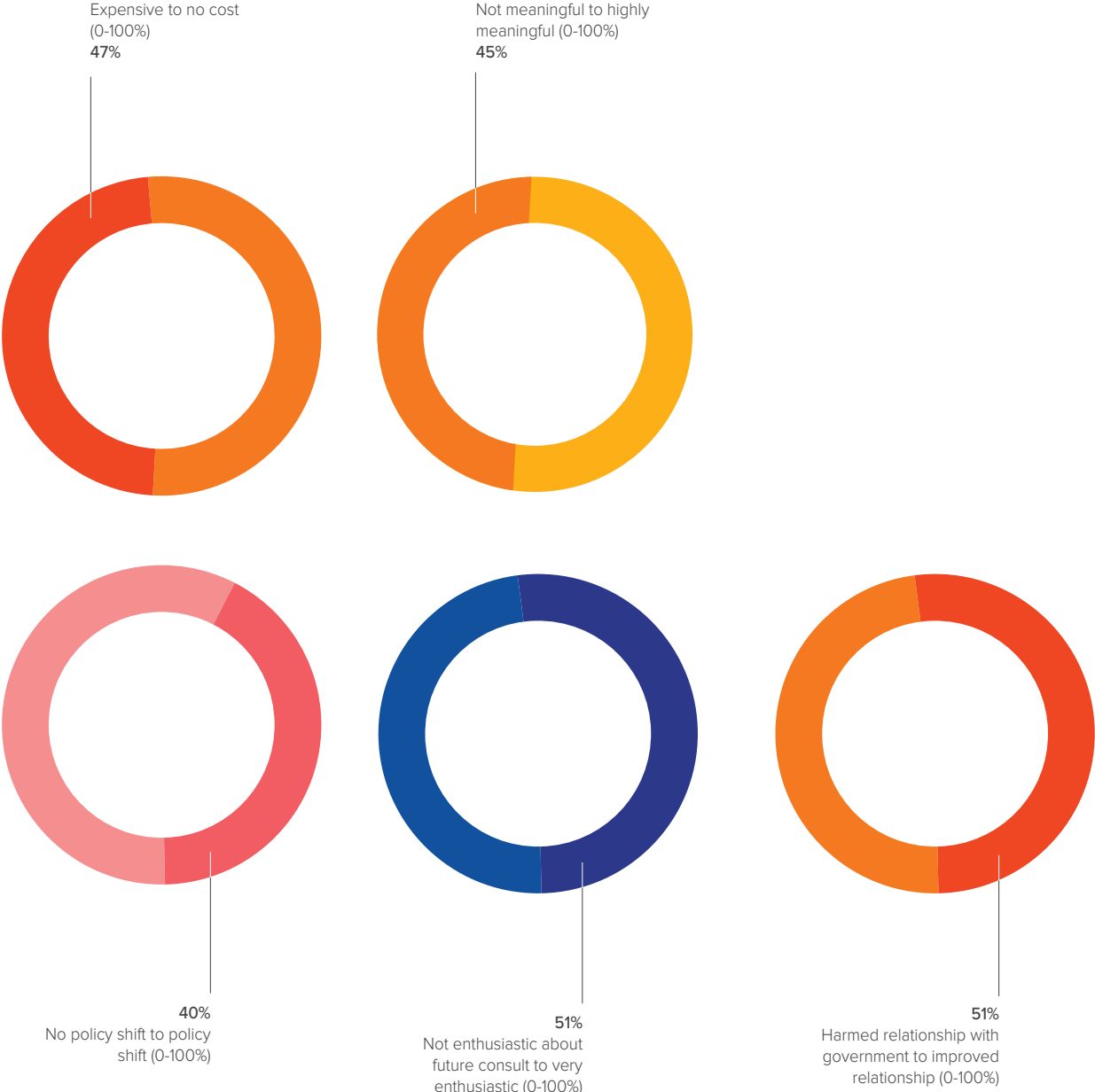
Civil Voices: Researching not-for-profit advocacy in Australia, Cross Tabulation

| | | Conservation & environment (1) | Law, justice and human rights (2) | Social justice (3) | Social welfare (4) | Aged services/ issues (5) | Health (6) | Mental health (7) | Immigration & refugees (8) | Overseas aid & (9) | Indigenous services /issues (10) | Women's services/ issues (11) |
|--|---------------------------------|--------------------------------|-----------------------------------|--------------------|--------------------|---------------------------|-------------|-------------------|----------------------------|--------------------|----------------------------------|-------------------------------|
| What kinds of activities does your organisation engage in? (Answer more than one if appropriate) | Service provision (1) | 4% 50% | 9% 56% | 13% 61% | 18% 81% | 16% 80% | 17% 69% | 14% 68% | 7% 76% | 6% 72% | 8% 64% | 11% 71% |
| | Research (2) | 7% 49% | 13% 43% | 18% 44% | 15% 36% | 11% 29% | 23% 51% | 16% 41% | 7% 40% | 5% 35% | 9% 40% | 13% 42% |
| | Advocacy (3) | 5% 58% | 15% 84% | 21% 85% | 17% 67% | 14% 61% | 18% 64% | 17% 72% | 7% 74% | 5% 52% | 10% 70% | 14% 76% |
| | Lobbying (4) | 8% 41% | 17% 44% | 23% 46% | 16% 29% | 14% 30% | 19% 34% | 17% 35% | 7% 33% | 3% 19% | 10% 34% | 12% 33% |
| | Education /public awareness (5) | 7% 82% | 13% 74% | 17% 72% | 16% 62% | 11% 52% | 19% 72% | 16% 67% | 6% 68% | 5% 60% | 10% 72% | 12% 71% |
| | Other (6) | 7% 21% | 10% 15% | 15% 17% | 12% 13% | 10% 13% | 17% 17% | 12% 14% | 4% 12% | 5% 15% | 9% 17% | 12% 18% |
| Are you a state or national organisation? | State (1) | 4% 41% | 11% 50% | 14% 50% | 17% 59% | 14% 60% | 14% 47% | 15% 56% | 5% 47% | 1% 10% | 7% 41% | 11% 56% |
| | National (2) | 7% 29% | 12% 24% | 15% 24% | 14% 22% | 8% 15% | 19% 29% | 12% 20% | 6% 24% | 12% 59% | 11% 29% | 8% 17% |
| | Both (3) | 9% 31% | 16% 26% | 21% 27% | 15% 18% | 16% 25% | 20% 24% | 18% 25% | 9% 29% | 8% 31% | 13% 29% | 16% 27% |
| Question Total | | 5% 100% | 11% 100% | 14% 100% | 15% 100% | 13% 100% | 16% 100% | 14% 100% | 6% 100% | 5% 100% | 8% 100% | 11% 100% |

| Other (12) | Youth services/ issues (13) | Family services/ issues (14) | Children's services/ issues (15) | LGBTIQ services/ issues (16) | Student welfare/ education (17) | Disability services/ issues (18) | Arts & culture (19) | Religion & religious groups (20) | Sport & recreation (21) | Science & technology (22) | Men's services/ issues (23) | Question Total |
|-------------|-----------------------------|------------------------------|----------------------------------|------------------------------|---------------------------------|----------------------------------|---------------------|----------------------------------|-------------------------|---------------------------|-----------------------------|----------------|
| 15% 69% | 18% 81% | 17% 81% | 15% 79% | 3% 62% | 8% 70% | 26% 72% | 5% 72% | 3% 73% | 2% 80% | 1% 46% | 5% 79% | 100% 67% |
| 16% 38% | 14% 34% | 16% 39% | 15% 42% | 4% 38% | 8% 37% | 17% 25% | 4% 32% | 2% 24% | 2% 30% | 3% 63% | 4% 40% | 100% 36% |
| 15% 63% | 16% 63% | 17% 70% | 14% 67% | 5% 77% | 7% 55% | 26% 63% | 3% 46% | 2% 49% | 2% 57% | 1% 42% | 5% 79% | 100% 59% |
| 19% 37% | 14% 27% | 15% 31% | 14% 32% | 5% 37% | 5% 19% | 26% 31% | 4% 25% | 2% 20% | 1% 20% | 1% 17% | 4% 28% | 100% 28% |
| 17% 71% | 15% 63% | 15% 62% | 13% 62% | 5% 81% | 9% 74% | 21% 52% | 5% 63% | 3% 59% | 2% 63% | 2% 63% | 5% 77% | 100% 60% |
| 28% 31% | 14% 15% | 12% 14% | 11% 14% | 3% 15% | 6% 13% | 20% 13% | 5% 18% | 2% 10% | 3% 20% | 1% 13% | 3% 14% | 100% 16% |
| 14% 55% | 18% 63% | 15% 58% | 14% 57% | 3% 55% | 8% 57% | 28% 61% | 6% 66% | 2% 43% | 3% 77% | 1% 21% | 4% 54% | 100% 46% |
| 14% 25% | 11% 17% | 12% 21% | 12% 21% | 3% 21% | 8% 24% | 17% 17% | 3% 14% | 3% 23% | 1% 8% | 2% 37% | 3% 17% | 100% 20% |
| 14% 20% | 16% 20% | 16% 22% | 15% 22% | 4% 24% | 8% 20% | 27% 22% | 5% 20% | 5% 34% | 2% 15% | 3% 42% | 6% 29% | 100% 16% |
| 15% 100% | 15% 100% | 14% 100% | 13% 100% | 4% 100% | 8% 100% | 24% 100% | 4% 100% | 3% 100% | 2% 100% | 2% 100% | 4% 100% | 100% 100% |

Appendix B.

NGO assessments of their experiences of consultation processes with government



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