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# Saints or Communists?

## Non-government organisations in Australia

Address to the Communities in Control Conference  
Melbourne, 7th June 2004

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(\*If quoting from this speech, please acknowledge that it was presented to the **2004 Communities in Control conference, convened by Our Community and Catholic Social Services.**)



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<sup>1</sup> Thanks are due to Sarah Maddison for providing comments on this paper. Parts of it are drawn from S. Maddison, R. Denniss and C. Hamilton, *Silencing Dissent: Non-government organisations and democracy in Australia*, Discussion Paper No. 65, The Australia Institute, June 2004

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

Dom Helder Camara, Archbishop of Recife, Brazil

## **NGOs and democracy**

Non-government organisations (NGOs) have been embedded in Australian society for decades. Organisations such as the Red Cross, the Brotherhood of St Lawrence, Community Aid Abroad and the Australian Conservation Foundation, along with the thousands of smaller organisations all around the country, are admired and respected not just for the services they deliver to marginalised and disadvantaged groups but for their contribution to public debate and the democratic process.

Debate is fundamental to the development of good public policy. Good policy must reflect a range of perspectives and be based on knowledge of real people’s lives and experiences. Community groups – NGOs – are the repository of an enormous amount of information about how things work in their part of the world and governments today simply cannot make effective policy without access to that bank of knowledge.

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

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

- They create deliberative forums – such as this one;
- They represent marginalised and stigmatised groups that otherwise have no public voice – such as those who speak for people with disabilities;
- They provide for those most affected by government decisions to be involved in policy formation and evaluation – the Combined Pensioners Association and the Council on the Ageing provide essential feedback to governments on the effects of their policies on older Australians;
- They provide a cost-effective channel for consultation – hundreds of community groups help government gauge community opinion on proposals for new roads, new developments in a national parks and changes in land clearing laws;
- They promote a richer public debate by providing information and opinions that would otherwise not be heard – think of the vital role played by ACOSS, for example, in analysing the effects of tax changes on the poor, or the Red Cross alerting the Government of human rights abuses in Iraq;
- They help keep government accountable to the wider community through their connection to NGOs’ broad constituencies – organisations representing Vietnam veterans, for example; and

- They counterbalance the influence of corporate organisations over government decision making, such as the role played by environment organisations in countering the influence of the fossil fuel lobby over ratifying the Kyoto protocol.

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

It is widely accepted that in the last decade or two ordinary citizens have become more and more disillusioned with formal political processes and have become disengaging. In the UK and the USA this has been reflected in record low turn-outs for elections. There is widespread disenchantment, in many cases bordering on contempt, for political parties. This cannot be healthy for democracy.

Many people have turned to community organisations as a means of remaining engaged in something bigger than the next pay rise and when they can afford to upgrade to a plasma screen TV. In other words, more and more citizens, frustrated with the political process have turned their energies to community organisations, and hope to help create a better society through them. If this is so, then NGOs are even more important now than they have ever been to sustaining our democracy.

## **The threat**

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

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

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

The IPA has been particularly critical of the legitimacy of NGOs in the policy making process and has urged the Federal Government to withdraw financial support from NGOs that engage in advocacy. It argues that NGOs often 'invent' social and environmental problems and undermine the legitimacy of elected representatives in

democratic states, referring to them as a 'tyranny of the minorities'.<sup>2</sup> The IPA's chief campaigner against NGOs, Gary Johns, has argued that NGOs undermine the sovereignty of constitutional democracies.

Needless to say, this has not been well-received by some charities. Oxfam has criticised the IPA's "ongoing smear campaign against charities, welfare and aid agencies" and its "ongoing vilification of organisations that campaign for human rights, corporate social responsibility and environmental protection".<sup>3</sup>

There is something absurd about the IPA's attacks on the legitimacy of NGOs. The legitimacy of NGOs is granted by the communities they represent and it is to these same communities that they must be accountable. If members don't like what they see they can seek to change their organisations or leave. In the survey of NGOs discussed next, NGOs say that communicating with their members is the method they use most often to get their message heard, with 82 per cent identifying this as a method they use 'often' or 'always'.

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

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

## **NGOs and the Howard Government**

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

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

The alarm bells in NGOs began to ring louder when the Treasurer Peter Costello undertook to introduce a Charities Bill that would disqualify charities that engaged in

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<sup>2</sup> See Martin Mowbray, 'Getting NGOs out of the tent: The IPA's campaign against charities', *Harambee*, Vol. 13, Issue 1, March 2004 [www.tear.org.au/resources/harambee/041/04\\_ngo-out-ofthe-tent.htm](http://www.tear.org.au/resources/harambee/041/04_ngo-out-ofthe-tent.htm)

<sup>3</sup> Brendan Nicholson and Gary Hughes, 'Attack on covert project for IPA', *The Age*, August 10, 2003

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

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

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

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

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

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

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

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

## The survey

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

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

**Table 1 Percentage of respondents by main field**

Main field	%
Social justice/welfare	27
Family/youth/older people	15
Environment	12
Human rights	11
Disability and mental health	11
Women's issues	9
Education and student welfare	6
Other	9

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

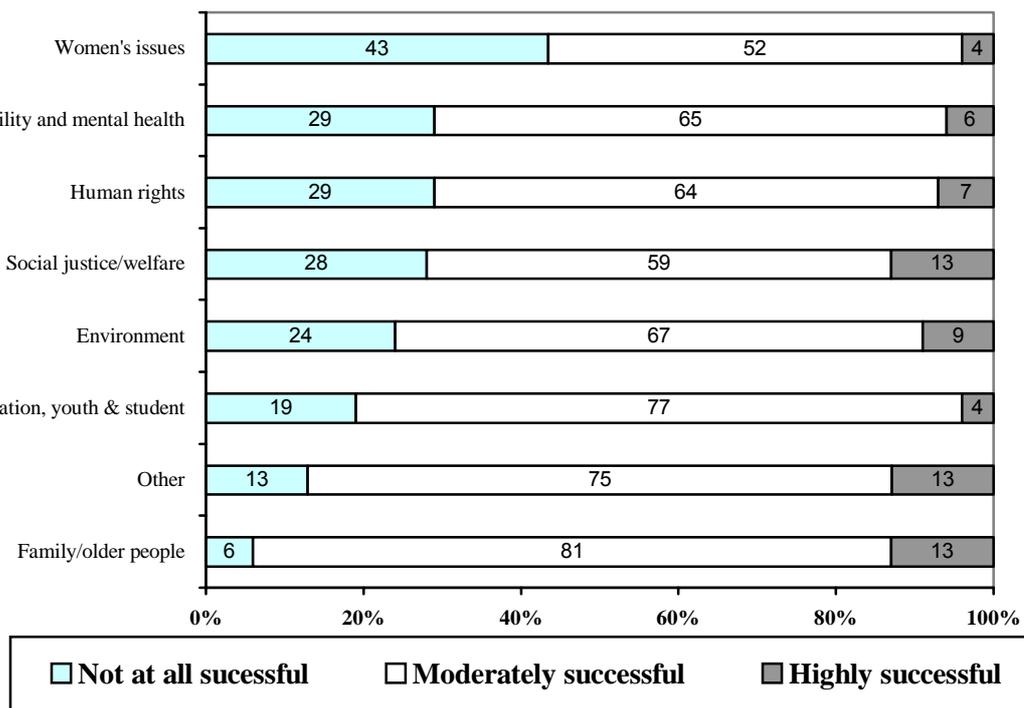
When asked to compare, respondents said that they are more likely to be supportive of the previous rather than the current Federal Government. NGOs find the current Federal Government to be less sympathetic to their concerns than the previous Federal Labor Government – 58 per cent say they are often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

**Table 2 Percentage of respondents who believe their organisation's key messages are supportive or critical of government policy**

	Current Federal Government	Previous Federal Government	Current state Government	Previous state Government
Often supportive	5	17	11	8
Often critical	58	26	34	47

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

**Figure 1 Perceptions of NGO success in having their message heard by government (%)**



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

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

**Table 3 Main barriers to NGOs getting their message heard (%)**

	Never	Rarely	Sometimes	Often	Always
Media not interested	1	17	44	37	1
Federal Government not interested	1	6	32	50	11
State government not interested	2	12	52	28	6
Lack of analytical resources	3	14	35	37	11
Lack of media liaison resources	5	18	29	33	16
Your funding agreement restricts your ability to comment on government policy	43	23	21	8	6

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

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

Many commented on implicit pressure to censor themselves. In the words of three:

*While not openly stated, it has been unequivocally conveyed that "We do not fund organisations to criticise us".*

*The perception is that you toe the line or you risk getting defunded.*

*It does have a chilling effect, however, wondering whether critical comment may ultimately affect our funding security.*

Some make a conscious decision to avoid being compromised. As one wrote:

*We don't take government funding so we can criticise them.*

And another:

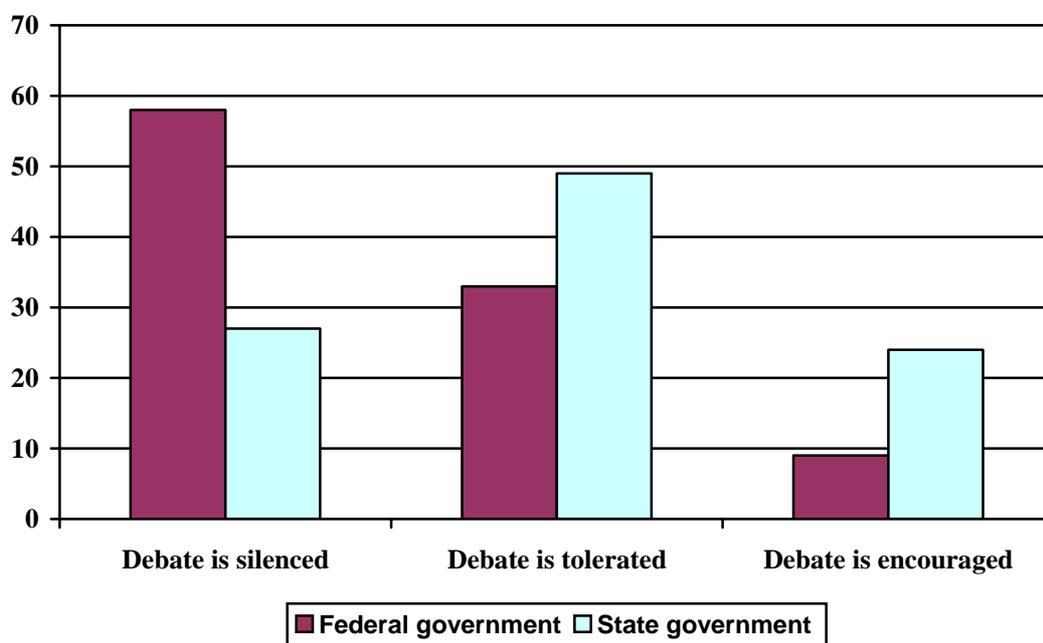
*To have no government funding is liberating.*

It is widely believed among NGOs that the Federal Government, and to a lesser extent state governments, want to silence public debate. We asked what they think the attitude of the government is to debate in their area of interest. Is it actively encouraged, just

tolerated or actively silenced? It is clear from Figure 2 that only a small minority of respondents believes that debate is encouraged by the Federal Government (nine per cent), with 58 per cent believing that debate is silenced and 33 per cent believing it is tolerated. State governments are perceived less negatively, with around half believing that debate is tolerated and around a quarter each believing that debate is either encouraged or silenced.

Respondents were asked to express their agreement or disagreement with a number of statements about the role of dissenting voices in Australian public debate – see Table 4. Three quarters of respondents (76 per cent) disagreed with the statement that ‘current Australian political culture encourages public debate’, with one quarter disagreeing strongly.

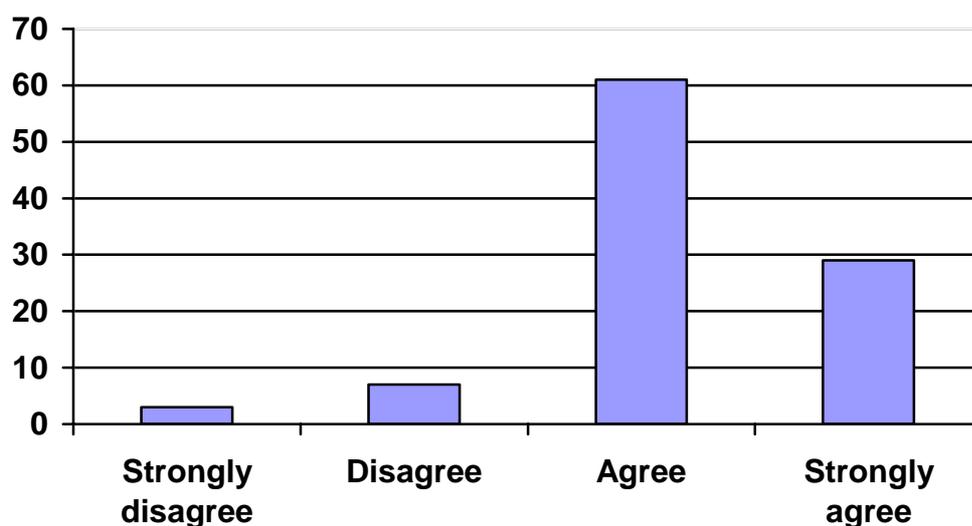
**Figure 2 Attitudes of state and Federal governments to debate (%)**



**Table 4 NGO perceptions of the role of difference and dissent in Australian public debate (%)**

	Strongly disagree	Disagree	Agree	Strongly agree
Current Australian political culture encourages public debate	25	51	20	3
NGOs are being pressured to amend their public statements to bring them in line with current government policy	3	23	57	17
The Australian media provides a forum for a range of perspectives in public policy debates	13	46	37	3
Individuals and organisations that dissent from current government policy are valued by the government as a part of a robust democracy	42	50	6	2
Dissenting organisations and individuals risk having their government funding cut	3	7	61	29

**Figure 3 Dissenting organisations and individuals risk having their government funding cut (%)**



Similarly, 90 per cent of respondents believe that dissenting organisations risk having their funding cut (Figure 3).

*Peak bodies have had to tread very carefully in terms of retaining funding agreements during the Howard Government.*

And, three quarters (74 per cent) believe that NGOs are being pressured to make their public statements conform with government policy.

## **Other means of silencing critics**

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

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

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

Denigration and public criticism is a commonly used method.

*The Fed Govt strives to silence or weaken debate by Fed Govt ministers or parliamentarians openly denigrating certain sections of the community. This influences community opinions even though the community is not in possession of all of the facts.*

*Automatic visceral attacks on opinions counter to party line.*

*Persistent dismissal of contrary views by Government; attacks on the credibility of NGOs*

Bullying was referred to by quite a few.

*Reactions to public comment are extreme ... e.g. phone calls from senior staff keen to reduce further public debate.*

*Threats, bullying, personal attack unless debate is 'commissioned' by and 'controlled' by the Agency.*

Management of consultation processes is something many NGOs are familiar with.

*It is clear from our funding contract with Government that it sees our role not as a peak body in a democratic society but as a mechanism to help the Government 'get its message out' and help the Government implement its policy objectives.*

NGOs see the Howard Government as particularly skilful at using diversionary tactics.

*Government is very clever at pre-emptive announcements ... Also clever at keeping the debate on its own terms through public comment, question time in*

*Parliament and denial of problems by consistently producing Government's record rather than considering what still needs to be done.*

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

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

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

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

Other liberal democracies have recognised the benefits of a more engaged relationship between NGOs and governments. Anything less reduces government accountability, sustains existing inequities in many sectors and communities and, ultimately, diminishes the quality of Australian democracy.

The strategy of persistent attempts to silence critics is not confined to the NGO sector. I think we can see a pattern of attacks on the independence of various institutions that provides checks on the power of government.

The Australian Public Service has been transformed radically from one that understood it had a duty to serve the public to one that simply takes orders from the Minister. While once there was scope for competing ideas, and senior bureaucrats would warn Ministers that certain actions were contrary to the public interest, there is no place for contending views today. Sycophancy is the order of the day.

The military has a proud reputation for providing fearless advice to the Government while maintaining strict loyalty. The separation of the political and military spheres was always respected, indeed, fiercely defended. Yet during the children overboard affair, highly respected officers were gagged or verbally abused, and there is now a deep resentment within the armed forces over the way they have been politicised.

Earlier this year Federal Police Commissioner Mick Keelty warned the Australian public that, on the basis of his expertise, the risks of a terrorist attack on Australia

were higher than ever as a result of our intervention in Iraq. The Government browbeat him into issuing a humiliating retraction.

Early in its term, senior members of the Howard Government hit out at the so-called 'judicial activism' of the High Court targeting judges they disagreed with. In the face of virulent attacks on the integrity of the High Court by right-wing commentators, the Attorney-General refused to defend the Court. Justice Michael Kirby has spoken out on a range of human rights issues and for his troubles he was the subject of a scurrilous attack on his character by Senator Heffernan in the Parliament. The message was clear: speak out and suffer the consequences.

So much has been written about the suppression of the independence of the ABC that it hardly needs comment. So worn down is it after the constant badgering from Canberra that ABC news and current affairs are now only a shadow of their former selves.

Finally, a report published by The Australia Institute in 2001 identified widespread disquiet amongst university teachers and researchers about the deteriorating state of academic freedom in Australia. Almost all of the respondents to a survey of academics in the social sciences reported a degree of concern, with over one third expressing major concern. Three quarters said that academic freedom had declined over the previous four years, that is, since 1996. Many expressed disquiet at the erosion of their freedom to teach what they thought best and nearly half said they were reluctant to publish contentious research results especially if these were critical of the institutions that provided financial support for their research.

There appears to have been a systematic attempt by the Howard Government to reshape Australian society, to remake it in the image of the economics textbook, in which we are each imagined to be no more than self-interested consumers. In this world, the market values of self-interest, profit maximisation, radical individualism and competition prevail.

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

Last year the Treasurer Peter Costello gave a lecture in which he said, in contrast to totalitarian regimes such as Saddam's Iraq which punish dissent, he upheld the value of a tolerant country that allows dissenting views to flourish.<sup>4</sup> He bemoaned the disengagement of people from their communities and praised voluntary groups for their role in building social capital, trust and civic engagement. He asked: What can government best do for the non-government sector, and answered:

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<sup>4</sup> Hon. Peter Costello, 'Building Social Capital' Address to the Sydney Institute, Sydney, 16 July 2003

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

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

Last week Mr Costello called for greater Christian faith as the answer to the decline of moral values represented by rap music and drug barons. Whatever Mr Costello may say in a speech to a religious meeting, for nine budgets wearing his Treasurer’s hat he has relentlessly promoted the belief that we should not rely on our fellow citizens, and certainly not the Government, in times of need but should be self-reliant. Despite record rates of economic growth, life for the disadvantaged in Australia has become harder. But Mr Costello tells us that charity and welfare handouts only make people dependent. And we now know that if NGOs criticise this view they are threatened with loss of funding.

Of course Jesus was above all a dissident, and he paid with his life for speaking out against the injustices of the powerful of his day. So instead of making worthy appeals for a rediscovery of Christian values, perhaps Mr Costello would do less harm by giving a greater voice to those who represent the marginalised and disadvantaged and those who cannot speak for themselves.