

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.