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Research that matters.

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Many welfare organisations have discovered that criticising policy is unacceptable to this Government, write Sarah Maddison and Clive Hamilton.

A decade is a long time to be in government. Any government in power for so long will leave an indelible mark on the society it governs, changing the culture, identity, values and direction of the nation. For those in the community who disagree with government policy, there is some comfort in the knowledge that at the very least they can publicly express their dissenting opinions through the recognised institutions of democracy. This capacity for public debate and dissent ensures that governments must continue to publicly justify their decisions - a hallmark of democracy. But what happens when these democratic institutions are themselves eroded by government. What are the costs when a government tries to ensure that its values are the only values heard in public debate? What are the consequences for a nation whose citizenry is denied essential information about controversial policies?

The Howard Government has been progressively dismantling the democratic processes that create the capacity for public debate and accommodate dissenting opinion. The tactics used to silence critics are diverse, including the withdrawal of government funding, threats to destroy the financial viability of dissenting organisations, appointment of party functionaries or friends to key positions, strict interpretation of laws governing release of information, and the targeting of individuals. One sector that has been a particular target of these efforts to silence dissent is the non-government sector.

In Australia, recent years have seen an unprecedented attack upon non-government organisations (NGOs), most particularly upon those organisations that disagree with the Federal Government's views and values. The attacks have come both from the Government itself and from close allies such as the Institute of Public Affairs (IPA). Questions have been raised about NGOs' representativeness, their accountability, their financing, their charitable status and their standing as policy advocates in a liberal democracy such as Australia.

The most public and visible attack on NGOs has been led by the IPA, a right-wing Melbourne think tank, 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. In the world view of the IPA, NGOs are seen as selfish and self-serving interest groups with little representative legitimacy.

The vast store of knowledge of disadvantage and marginalisation held by NGOs such as the Red Cross, the Brotherhood of St Laurence, Oxfam and the Australian Conservation Foundation is dismissed. Instead, they are seen as a group of professional stirrers who are not really interested in the welfare of those they claim to represent, but want only to feather their own nests, keeping their salaries and building their power bases.

The IPA has been particularly critical of the legitimacy of NGOs in the policymaking 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.

There is an uncomfortable match between the IPA's campaign against NGOs and the known views of the Prime Minister, John Howard, and several of his parliamentary colleagues. Before Howard's election in 1996, he outlined his view 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 with scant regard for the national interest". More recently, in an address to the Menzies Research Centre, he repeated his pledge not to govern "for the boutique interests of the few while ignoring the everyday concerns of the many".

The Prime Minister's public views do not always match his Government's more covert behaviour. Other highly organised groups that are active in policy debates, notably business interests, escape the tests of "mainstream representativeness" demanded of NGOs, despite the fact they are clearly self-interested.

We now know from doctoral research by Guy Pearce [a Liberal Party member and former speech-writer for then environment minister and senator, Robert Hill] that for a decade the Howard Government's climate change policies have been not so much influenced by but actually written by a tiny cabal of powerful fossil-fuel lobbyists, self-described as the "greenhouse mafia", representing the very corporations whose commercial interests would be affected by any move to reduce Australia's burgeoning greenhouse gas emissions. This group consists of the executive directors of a handful of industry associations in the coal, oil, cement, aluminium, mining and electricity industries. Almost all of these industry lobbyists have been plucked from the senior ranks of the Commonwealth public service, where they wrote briefs and cabinet submissions and advised ministers on energy policy.

Cabinet deliberations, ministerial committees and preparation of cabinet submissions are meant to be confidential and beyond the reach of lobbyists, yet the greenhouse mafia has unrivalled access to internal government processes.

As the existence of this lobby group demonstrates, the problem with NGOs is not influence per se, it is about who has influence and the sorts of values that inform their work. It is not NGOs as such that have been targeted but those NGOs that are seen to have an agenda that differs from that of the Government.

Certain NGOs have been spared criticism and threats, however, and have been actively cultivated through increased public funding and the promotion of individuals to various government boards and bodies.

While the World Wide Fund for Nature Australia appears to have had a close relationship with the Howard Government since the 1996 election, the events surrounding the enactment of the Environment Protection and Biodiversity Conservation Act (1999) were a turning point in this relationship. This act brought wide-ranging and controversial changes to Commonwealth environmental laws. The endorsements of the act provided by WWF Australia - joined by three other smaller groups - contrasted with the often scathing criticisms made by opponents of the legislation, including the Australian Conservation Foundation, the Wilderness Society and Greenpeace.

After the legislation was enacted, people associated with WWF Australia and the other supportive groups were appointed to serve on Federal Government environmental advisory committees. WWF Australia was also awarded a contract to disseminate information about the act among environment NGOs. A report in 2004 concluded that WWF has enjoyed extensive financial support from the Howard Government, with a five-fold funding boost since 1996. Funding to other environment groups, notably ACF and the Wilderness Society, both of which were critical of the bill, has been slashed.

A similar strategy of divide and rule has been applied in the welfare sector. Organisations that have been critical of the Government, such as the Australian Council of Social Service and the Brotherhood of St Laurence, have been frozen out of debates. Others that have been friendly to the Government have been favoured with funding, contracts and appointments of senior staff to various boards and inquiries. Two of the most favoured organisations have been the Salvation Army and Mission Australia. The rise in influence of the former chief executive of Mission Australia, Patrick McClure, who played a prominent role in debates concerning the introduction of the GST that was in some respects counter to the position of other major welfare groups, is a case in point. McClure was subsequently appointed to head the Government's review of the welfare system, which produced a report that became the blueprint for the Government's controversial approach to welfare reform, and is he now a member of the Government's Community Business Partnership.

In 2004 the Australia Institute conducted a survey of Australian NGOs that include some advocacy in their role. Among other things, the survey explored their perceptions of government attitudes to debate, and whether they believed that dissenting views were welcomed or discouraged.

The respondents expressed strong views about the the way in which governments, particularly the Howard Government, subdued their often-critical voices. They reported tactics including bullying, harassment, intimidation, public denigration, and the threatened withdrawal of funding. Sometimes these threats came directly from ministers or ministers' offices.

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'." 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." Ninety per cent of

respondents believed that dissenting organisations risked having their funding cut. Three-quarters (74 per cent) believed that NGOs were being pressured to make their public statements conform with Government policy.

Since 2003 the Government has escalated its attacks on the NGO sector through a range of strategies designed to restrict the advocacy capacity of the sector as a whole. In 2003, the Treasurer, Peter Costello, undertook to introduce a Charities Definition Bill that would disqualify charities that engaged in advocacy work, other than that which is ancillary and incidental to their main purpose. The threat was that lobbying or advocacy could result in the loss of an organisation's charitable tax status or status as a deductible gift recipient (DGR). As many foundations can only donate to organisations that have DGR status (which makes the tax-deductibility of donations possible), this could result in the indirect defunding of many such organisations. Although the Government subsequently abandoned most of the draft bill and retained the common law definition of charity, many NGOs remain concerned that there will be a crackdown on their charitable status.

These fears were strengthened by a draft tax ruling released in May 2005 in which the Australian Taxation Office stated "political and lobbying purposes are not charitable. While such purposes may use educational means, this is not sufficient to show a charitable purpose", although the Tax Office did allow that "political or lobbying activities that are merely incidental to a purpose that is otherwise charitable do not by themselves prevent that purpose being charitable".

These continued attacks on the advocacy work of NGOs, along with the survey responses described above, paint a bleak picture of the state of public debate in Australia, suggesting a high degree of coercion on the part of Australian governments.

The outcome for the broader Australian polity is that the knowledge and breadth of experience collected together in the NGO community is having much less influence on how we develop as a society than it should. Like individual citizens, community groups are being increasingly reluctant to engage in the democratic process because they no longer believe that they can make a difference. Certain influential business lobbies have been brought into the fold, along with a few tame or uncritical NGOs like Mission Australia, the Salvation Army and WWF. There are grounds for serious concern that the longer this continues the more difficult it will be to reshape and rebuild the structures of democratic participation.

This is an edited extract from *Silencing Dissent: How the Australian Government is Controlling Public Opinion and Stifling Debate*, edited by Clive Hamilton and Sarah Maddison, to be published next week by Allen & Unwin.