



Voices for Change

Researching not-for-profit advocacy in Australia



Voices for Change was prepared by
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for the Stronger Charities Alliance in
collaboration with ProBono.
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**This report was written on the territories of the
Wurundjeri and Bunurong/ Boonwurrung Peoples,
and on lutruwita, land of the Palawa people; land that
always was, and always will be, Aboriginal land.
Sovereignty was never ceded.**

**The authors and organisations involved in this
project respectfully recognise Elders past,
present and emerging.**

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Executive Summary



For much of the last three decades, the advocacy role of Australian civil society organisations has been a source of political tension. While many Australians, and certainly the majority of charities and not-for-profit organisations, understand public policy advocacy as central to their role, this view has not always been shared by the government. The resulting ideological push and pull around civil society advocacy has produced a regulatory and legislative environment characterised by constant change, and sometimes by outright hostility, including continued financial threats and instability arising directly from attempts to restrict the sector's ability to advocate for the communities and issues they are concerned with.

The experiences of the sector during this turbulent time have been captured in a series of surveys of the sector. 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. In 2017, the *Civil Voices* report examined how public debate and advocacy had changed since 2004 and re-examined the sector's perceptions of their capacity to participate in public debate. This later report found that the charities had internalised the threats to their advocacy capacity and were engaging in what was described as "self-silencing" – treading very carefully in their advocacy work to avoid the risk of financial security and political retribution.

Five years after the *Civil Voices* survey, the Stronger Charities Alliance has partnered with ProBono Australia and the University of Melbourne to again survey the sector about their experiences as advocates for better and more just public policy. The findings are presented in this report.

This most recent survey had 401 responses from organisations working in a wide range of policy areas. This was a significantly smaller number than in 2017 when 1,462 organisations responded. Given other findings from this survey, we might speculate that this smaller number reflects the fact that there is less anxiety across the sector about the potential for punitive consequences arising from policy advocacy.

Despite this relatively smaller of respondents, however, the internal diversity of the sample across a range of fields and jurisdictions, and in terms of the size of the organisations represented, we have confidence that the results of this survey provide a realistic overview of the mix of views among Australian civil society organisations that engage in public debate and advocacy.

The results of the survey reveal a complex environment in which civil society organisations are focused on a range of policy advocacy work. Advocacy appears to be a larger focus for the sector than was evident in the 2017 survey, and it is clear that many organisations have made internal changes in order to develop their capacity for advocacy. In contrast to the idea of 'self-silencing' that was voiced in previous surveys, 2022/23 survey suggests many organisations have recognised that when they invest in their advocacy capacity, they see results.

Indeed, in contrast to the surveys in 2004 and 2017, there is a sense of optimism in the sector to be gleaned from the data in this survey. The data presented in this report suggest that the charities and not-for-profit sector now has greater confidence in the health of Australian democracy than they have held in previous years, including a sense that their advocacy work will not be met with a punitive response. It seems the sector is being consulted more often and more genuinely and is seeing policy change that they attribute (at least in part) to their advocacy work. 79 per cent of respondents to this survey reported that they felt their advocacy on federal policy

issues had become more successful in the last five years. They also reported that they were experiencing better relationships with the government.

The qualitative, free text responses in this survey, however, suggest that this improvement in relations with the government cannot be attributed entirely to a change of government or government attitudes. A significant number of survey respondents indicated that they had enhanced the advocacy capacity of their organisations, devoting more time, effort and resources to having their voices heard. Given the 2017 finding in the Civil Voices report that organisations were “self-silencing” it is particularly encouraging that the sector has found its courage once again and is prioritising its advocacy function, even when finances remain stretched.

Despite these encouraging findings, however, it is clear the sector is still concerned that their role as policy advocates is not well understood. Only 26 per cent of respondents reported that state and federal governments have a very good understanding of the importance of advocacy. 76 per cent of respondents believe the public ‘slightly’ or ‘partially’ understand the importance of advocacy, and 19 per cent of respondents believe the regulatory bodies, such as the Australian Charities and Not-for-profits Commission (ACNC), have a good understanding of the role of advocacy.

It is also true that many charities and not-for-profit organisations remain financially insecure, and this insecurity continues to limit the sector’s capacity for advocacy. 71 per cent of respondents reported receiving some kind of funding from the government. 72 per cent reported having Deductible Gift Recipient (DGR) status, which they reported as vital for their financial sustainability: 67 per cent of respondents indicated that DGR status was ‘extremely important’ or ‘very important.’ Having DGR status means that donations to an organisation are tax-deductible, making organisations with DGR status more attractive to donors. The finding suggesting that DGR status remains vital for the financial viability of a majority of organisations indicates that government funding levels across the sector remain worryingly low.

Certain sectors within the sample continue to experience higher levels of anxiety about the potential for negative impacts arising from their advocacy work. Key among these are government-funded immigration and refugee organisations, where the majority of respondents expressed concern that engaging in advocacy work may

put their government funding at risk. These organisations also expressed fear that their advocacy could see them lose DGR status. Environment and climate organisations are concerned about the hostile political climate created by new anti-protest laws and connect these new political constraints with potential risks to their DGR status and financial survival.

Taken together, the data captured in this project suggest that the policy advocacy landscape in Australia has changed for the better since the last survey in 2017. There is considerably more optimism across the charities and not-for-profit sector that advocacy work will not be met with a punitive response. This is a welcome finding.

Yet, despite this new sense of optimism, the sector remains concerned that engaging in advocacy work may still risk government funding, DGR status, and accidental non-compliance with complex electoral laws. Some organisations see the advent of new anti-protest laws as having a chilling effect on Australian democracy. Too many organisations are under-funded, particularly in relation to advocacy work, and a combination of regulatory and legislative factors create obstacles and threats to the sustainability and efficacy of civil society organisations that seek to be voices for change.

What this reminds us, then, is that the sector cannot become complacent. Changes in political leadership at the federal level, and in the leadership of the ACNC are welcome and are likely boosting the current optimism in the sector. But, like all politics, these developments are subject to change. The ideological contest over civil society advocacy is far from over. To sustain a political and regulatory climate in Australia that genuinely and consistently supports civil society advocacy will, in itself, require advocacy.

Frank and fearless advocacy from those closest to the problems that policy seeks to solve is vital for a vibrant and robust democracy and a society that is more just and fair. It will always be the case that Australian civil society organisations require support and encouragement in order to be the voices for change that our society needs. There is an opportunity to be grasped in the present moment to secure and protect civil society advocacy. Let us not squander this opportunity but instead focus on the kinds of reforms that the sector deserves.

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1. Introduction:

The challenges facing not-for-profit advocacy in Australia



1.1 Advocacy in contemporary Australian civil society

A vibrant civil society sector is a vital element of any democracy, and Australia is no different. Australian civil society plays many roles. Civil society organisations are service providers, community builders, and advocates for social change (Philips & Goodwin 2013, pp. 569–574), all important contributions that are integral to the fabric of Australian society.

But while the role of the sector in service delivery and community support is generally well understood and supported, the role of Australian civil society in advocacy and public debate remains controversial. Civil society organisations give voice to the lived experiences of marginalised communities, providing a feedback loop to the government about the impact of policies that affect these communities. One notable example is the role that civil society organisations have played in assisting refugees seeking asylum in Australia to connect with one another, access resources, and represent themselves in political debate (Rother & Steinhilper 2019, pp. 249–251). Civil society advocacy was also critical in bringing the harms of the failed ‘robodebt’ scheme to public attention, mobilising test cases, and eventually ensuring that the scheme was subject to enquiry through a royal commission (Bromfield 2023, p. 1012). They also give voice to the otherwise voiceless – elevating concerns about the environment, climate change and animal welfare to generate greater public awareness about issues that impact the whole of our society. Australian civil society advocacy may also have international reach, for example, in advancing Australia’s effort to meet the United Nation’s Women, Peace and Security agenda, which serves to ensure that women are able to participate and influence in security and peace governance, while

also ensuring that women’s rights are protected within the participating countries (Mundkur & Shepherd 2018, pp. 84–86).

The Australian political and regulatory climate in which the charities and not-for-profit sector engages in policy advocacy, however, is not always supportive. As we have seen over at least the last three decades, government policy can either embrace or constrain civil society advocacy (Maddison & Dennis 2005). From the beginning of the 21st century until the present day, there has been almost constant political agitation about the advocacy function of civil society organisations, and research into these dynamics provides the background to this report.

In the early 2000s, for example, there was growing concern that Australian civil society was under attack from the federal government. In particular, the election of the Howard government in 1996 had seen civil society-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 sectors within the broad civil society landscape. The Howard government raised questions about the legitimacy and the right of civil society organisations to engage in policy advocacy and began threatening the financial stability of non-governmental organisations (NGOs) and their charitable status.

In an effort to better understand these concerns, the author 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, Dennis, and Hamilton 2004). The 2004 survey and report concluded that non-governmental organisations (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.

In 2017, this work was updated in a partnership between the University of Melbourne, Pro Bono Australia and the Human Rights Law Centre (Maddison & Carson 2017). The years between 2004 and 2017 saw major changes in the political and regulatory landscape, which shaped the ways in which Australian civil society was navigating the opportunities and risks associated with advocacy. The *Civil Voices* report, which drew on 1,462 survey responses, suggested a significant change in the dynamics curtailing civil society advocacy. While the political and regulatory landscape was still experienced as sometimes threatening and hostile, more concerning was the finding that efforts by the government to silence the sector seemed to have been thoroughly internalised, with many organisations reporting forms of 'self-silencing' born primarily of a desire to maintain funding (Maddison & Carson 2017).

These past projects, along with the updated analysis contained in this report, are a small contribution to a burgeoning field of research into the work of Australian civil society, 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). Further research has also argued that while the Howard government was active in silencing dissenting voices across civil society, it was the government led by Tony Abbott who furthered this agenda most dramatically, effectively 'criminalising dissent' and weakening other independent voices (Star 2016, p. 37). 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 vocal 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).

Trends such as these continue to be concerning, although on the whole, the findings presented in this report suggest that the temperature has warmed up a little in relation to the importance of civil society advocacy with the change in government. This is a welcome finding, as policy debate involving a wide range of voices across all sectors of Australian civil society is as important as it has ever been. And the sector must stay vigilant. There are still threats to civil society advocacy and ongoing turbulence in the political and regulatory environment, which require long-lasting changes to secure the charity sector's advocacy role. How civil society organisations are navigating these challenges is the subject of this report.

1.2 Changes in the regulatory landscape

Turbulence in the regulatory and legislative environment continues to impact the sector's ability to engage in advocacy. Many changes to civil society regulation have been aimed at increasing transparency, accountability and public trust in the charity sector in Australia. The findings of this survey confirm that this is an aspiration shared by many civil society organisations, who agree that regulation and oversight of the sector are important. At the same time, however, it is clear that there is more to do to support a robust regulatory environment that does not undermine the sector's capacity and confidence to undertake policy advocacy.

It is now just over a decade since the creation of the Australian Charities and Not-for-profits Commission in 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).

A regulator such as the ACNC was first proposed in the 2010 Productivity Commission report *Contribution of the Not-for-Profit Sector*.¹ The report 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).

Following its establishment, the ACNC played an important role in bringing to an end a lengthy debate concerning the definition of a charity for Commonwealth purposes (McGregor-Lowndes 2016b, p. 37). Guided by the new regulatory body, the *Charities Act 2013* (Cth) passed a new definition of charities and their purpose (discussed further below), which helped move the sector away from an outdated 400-year-old definition and confirm in legislation that advocacy is compatible with the charitable purpose of many organisations.

That, however, was not the end of the story. Less than two years after its establishment, 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 “against the advice of that organisation” and despite “strong opposition from the sector” (Onyx et al. 2016, pp. 179–80). The government argued 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 in March 2014 but subsequently stalled in the Senate. Ultimately, the ACNC survived this direct attack by the Abbott government but was nonetheless politicised by a government broadly hostile to the sector. The inaugural commissioner, Susan Pascoe, concluded her five-year contractual term in September 2017, without renewal. Her eventual replacement caused jaws to drop across civil society.

Indeed, the December 2017 appointment of former ALP MP-turned-arch-conservative Gary Johns sent shockwaves through Australian civil society. During his time as head of the right-wing think tank the Institute for Public Affairs (IPA – ironically, itself a registered charity), Johns had been the driving force behind the ‘NGO Watch’ campaign, which specifically targeted civil society organisations engaged in policy advocacy. In his critical view, Johns considered the relationship between charities and donors to be a ‘market’, in which the donors provide funding with the expectation that they would be given information and the ability to observe how their funding is used (Johns 2019, 259–260). He was critical both of the funding the sector received from the government and of the majority of advocacy undertaken across the sector.

As Commissioner, Johns focused on his concerns with regulatory compliance (Johns, 2022) and emphasised the role of the ACNC in creating greater transparency and accountability over civil society and its funding and its funding (Johns 2019, 260–261). He was also highly critical of advocacy by specific organisations and sectors – for example, in his critique of the organisation Beyond Blue’s queer mental health advocacy (Williams 2017). Following the election of the Albanese Labor government in May 2022, Johns resigned as ACNC Commissioner in June of that same year.

Other challenges have continued to beset the sector since the *Civil Voices* report was published in 2017. In June 2021, the Morrison Government passed an amendment to the legislation governing the ACNC (the *Australian Charities and Not-for-Profits Commission Amendment (2021 Measures No.2) Regulations*, s3.3), which gave the Commission the ability to deregister charitable organisations for promoting or participating in peaceful protests, or for using their resources to ‘actively promote another entity’s acts or omissions.’

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.

Charitable organisations would risk deregistration by undertaking otherwise completely lawful activities such as promoting certain types of rallies or peaceful protests or establishing an email list that was used (without the charity's knowledge) to plan a protest involving minor trespass such as a sit-in (Human Rights Law Centre 2021). The 2021 amendment to the ACNC's governing legislation sought to further constrain the sector's advocacy activities based on the view (held by some politicians) that some charities were supporting groups and individuals engaged in unlawful protest (Coggan 2020). To the relief of many, this amendment was repealed through a successful disallowance motion introduced by Senator Rex Patrick in November 2021, meaning that organisations should have felt safe to resume their advocacy activities without fearing the loss of their charitable status. Despite this victory for the sector, however, these political manoeuvrings were a reminder that there was little security or support for civil society advocacy work.

1.3 Federal political campaigner legislation

Compounding these anxieties, in late 2021, the Morrison government proposed legislation to lower the threshold of electoral expenditure from \$500,000 to \$100,000 for an organisation to be required to register as a 'Political Campaigner' (*Electoral Legislation Amendment (Political Campaigners) Bill 2021* (Cth), s. 1, p. 3). Charities raised a range of concerns with the proposed legislation, including how being labelled a 'Political Campaigner' could lead the ACNC to view the charity as having a disqualifying political purpose and how the additional reporting requirements mean that charities would refrain from undertaking electoral advocacy (Crosbie 2021).

Responding to these concerns, the Labor Opposition secured amendments that changed the name of the category to 'Significant Third Party' and brought the threshold to \$250,000. However, the Bill still included a provision to broaden the definition of electoral expenditure for Significant Third Parties, with some advocates arguing that the legislation functions as a spending cap for charities (Williams 2021) and restricts the sector's capacity to advocate for particular groups and interests (Browne 2021, pp. 6–8, Kutchel 2021).

1.4 Advocacy and financial stability

Central to concerns about advocacy that have been detailed in earlier reports on civil society advocacy is a concern about financial stability across the sector, particularly as that pertains to Deductible Gift Recipient (DGR) status. 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. Donations to organisations that hold DGR status are tax deductible, an arrangement that significantly increases the likelihood that organisations will receive donations to support their work (Zappalà & Lyons 2006, p. 404). Incentivising donations in this way gives civil society organisations more resources to (potentially) direct towards advocacy. 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). Even more fundamentally, however, many civil society organisations rely on their DGR status for their survival.

Both the 2004 *Silencing Dissent* report and the 2017 Human Rights Law Centre report *Defending Democracy* (Howie et al. 2017) detailed the financial threats and instability that charities faced as a result of government efforts to restrict advocacy. *Defending Democracy* quotes the then Attorney-General's argument that government should only fund organisations that help a real "flesh and blood individual". These arguments, with their explicit criticism of civil society advocacy, continue to fuel concern across the sector about how to best maintain their advocacy role without risking their financial stability.

DGR follows a complex system written in bureaucratic language that many charities find difficult to understand. In order to receive DGR Status, an organisation or another entity operating within an eligible organisation must fall under one of the prescribed fifty-plus DGR categories – which include domains such as health, education, welfare, family, culture, inter alia (Australian Tax Office 2021). However, many consider the DGR categories to be outdated as they do not capture the diversity of all Australian charities. For example, there is no specific category for democracy or advocacy organisations. As DGR is a complex system, many charities are unable to access it, smaller charities have felt particularly

disadvantaged. Noting these and other complexities in the DGR system, the 2010 Productivity Commission review and 2013 Not-For-Profit Sector Tax Concession Working Group suggested simplifying the DGR system and progressively extending it to all registered charities.

In 2017, however, the treasury released a discussion paper that proposed reforms to the DGR arrangements that raised concerns about heightened surveillance of the sector, the financial stability of many civil society organisation, increased red tape, and the freedom of organisations to advocate and participate in public discussions. The paper also raised concerns about the lack of regular review of organisations with DGR status to ensure their compliance with their declared charitable purpose, and specifically contemplated limiting or imposing additional reporting requirements on advocacy activity by charities with DGR status (Ryan 2017).

In presenting the government's 2017–18 Mid-Year Financial Outlook statement, the then treasurer Scott Morrison, and finance minister Mattias Cormann justified the proposed change as a measure for reducing administrative burdens while also improving governance and regulatory capacity with regard to the oversight of DGR status (Morrison and Cormann 2017, p. 110). In addition to these changes, the ACNC and the Australian Tax Office (ATO) received greater funding in order to assure that there were no entities or charities that held DGR status improperly (p. 111). These changes became law in September 2021 when the *Treasury Laws Amendment (2021 Measures No. 2) Act 2021* was passed. These legislative changes meant that numerous organisations were subjected to new guidelines and restrictions.

Beyond donations, government funding also remains 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 in terms of their capacity to advocate. On the 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 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 emphases 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”.

1.5 The advent of anti-protest laws in Australia

Further complicating the political environment in which civil society organisations navigate their advocacy roles, a number of Australian states have recently passed anti-protest legislation. In Tasmania, contemporary anti-protest law debates entered the Australian High Court in 2014 when the Tasmanian Government (*Workplaces (Protection from Protesters) Act 2014* (Tas)) proposed regulations limiting the capacity for individuals to protest in ‘business access areas’, meaning any space required to enter a business premise or working location ((*Workplaces (Protection from Protesters) Act 2014* (Tas))s. 3, s.6). Following the arrest of former Greens leader Bob Brown in 2017 under these laws, a counterclaim was launched by Brown who claimed that the legislation infringed on the implied freedom to communicate political beliefs within the Australian Constitution (Wood & Howie 2018, p. 28). As a result of this case and their arguments against the 2014 Act, changes were made to alter aspects of the legislation deemed to encroach on individual freedoms (pp. 28–29). Not satisfied with this outcome, the Tasmanian Government again proposed anti-protest laws with the *Police Offences Amendment (Workplace Protection) Bill 2022*. Despite strong opposition from civil society groups, the Bill was legislated after a number of amendments were secured by the parliamentary crossbench (Beavis 2022).

In New South Wales, legislation has been passed that limits the capacity of individuals to participate in large, coordinated acts of protest. In March 2022, laws were enacted that placed penalties on protests that disrupt

transportation routes (roads, highways, etc.) and industrial facilities, including bus and train stations – with organisations and individuals potentially facing fines of over \$20,000 dollars plus two years of imprisonment (McIlory 2022, p. 6). The only exception to this law occurs when an individual protesting is participating in industrial action or if the individual works or owns the location that is being affected by the protest (*Roads and Crimes Legislation Amendment Bill 2022* (NSW), s. 3, 1–4). While this affords some protections for individuals protesting their working conditions, individuals protesting any other issue remain vulnerable to significant penalties and thus are likely to be deterred from taking part in protest activities.

In Victoria, the most significant impact of anti-protest laws can be in relation to protests against logging and the timber industry. Concerns have long been raised with regard to logging in Victoria due to the lack of adequate protection in so-called conservation zones for diverse fauna that are dependent on forested locations – with fauna-dense locations still found in numerous logging sites (Taylor & Lidenmayer 2019, pp. 1079–1088). In addition to this, critiques have been raised surrounding native logging in Victoria due to the additional implications that deforestation has in relation to climate crisis response efforts (Greber, 2022). Despite these criticisms and concerns raised by many members of the public, in 2022, the Andrews Labor government passed legislation that limits the right to protest.

The *Sustainable Timber Amendment (Timber Harvesting Safety Zones) Act 2022* (VIC) has increased the penalties for activities considered to be illegal in locations designated for timber harvesting in Victoria (s1). Under

this legislation, police officers have the authority to search and seize objects from individuals found in a timber harvesting zone if they are believed to be trespassing or are there with the intention of disrupting timber harvesting operations (s13). Anyone charged with attempting to obstruct, interfere with or hinder operations in a timber harvesting zone now faces up to 12 months imprisonment (prior to this reform, the maximum penalty for this offence was six months in prison) (s17). This amendment is intended to act as a deterrent to anti-timber protests.

The impact of anti-protest laws on political expression can be seen clearly. Each piece of legislation acts to limit the capacity of the general public to participate in the protest, despite the fact that public protest is widely understood as a legitimate part of democratic expression. Anti-protest laws primarily affect individuals and small groups engaging in public protest; however, they also have a wider chilling effect on the social and political context in which civil society advocacy takes place. They are an example of democratic constraint, not embrace, and they fuel concern in the charities and not-for-profit sector that their policy advocacy will be met with punitive consequences.

2. The survey



Understanding the experience of civil society organisations in relation to policy advocacy remains an important aspect of understanding the health of Australian democracy. Picking up where the Civil Voices report of 2017 left off, a new survey of the sector was proposed by the Stronger Charities Alliance, supported by Pro Bono Australia, and undertaken by political science researchers at the University of Melbourne. 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. In 2017, the Civil Voices survey found that organisations had internalised these threats and were engaging in ‘self-silencing.’ The aim of this updated survey, undertaken in late 2022, was to understand what had changed in the five years since 2017 and how this was impacting on public debate and civil society advocacy.

This report commenced with a review of developments in legislation and regulation surrounding the not-for-profit sector and charitable organisations in order to update the survey and address changes between 2017 and 2022. An important dimension of this research was exploring the impact of new legislation and its impact on civil society’s freedom to operate and capacity to advocate.

As in 2004 and 2017, 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 and the 2017 versions of the survey to provide points of comparison and continuity, as well as new questions relevant to 2022, such as those on Australian anti-protest laws (Q 23–Q24).

Using Qualtrics survey software, 34 questions were formulated and asked in four sections:

- Section A – Organisation Information and Advocacy
- Section B – Funding
- Section C – Government attitudes to policy debate and advocacy
- Section D – About you

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 19), then they would not receive the next four sub-questions that focused on DGR status.

The questionnaire informed participants that their responses would be anonymous. It was made available via an email link for around 12 weeks and could be completed through either a desktop or mobile interface for convenience.

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

The questionnaire was sent to Stronger Charities Alliance’s members and Pro Bono Australia subscribers and distributed through their partner networks between November 2022 to January 2023. The welcome message of the survey stated:

Voices for change: researching not-for-profit advocacy in Australia.

Thank you for taking the time to complete this survey. The findings of this research will be used by the Stronger Charities Alliance, Pro Bono Australia, and the University of Melbourne to better understand the challenges and opportunities facing not-for-profit organisations in Australia that contribute to public policy debate.

We begin with some general questions about your organisation and your engagement in policy debate and advocacy. We then ask some more specific questions about the funding environment for your organisation. We then ask for your general perceptions about the state of Australian democracy. We finish with some basic questions about you, the person filling out this survey on behalf of your organisation. Unless otherwise stated, all questions relate to the federal government when government is mentioned.

This survey will take approximately fifteen minutes to complete and will remain open until 29 January.

2.1 Description of the Sample

In total, the survey received 401 responses, a significantly lower response rate than in 2017. We can only speculate on the reason for the reduced response rate, but our analysis of the findings suggests that the sector may, on the whole, be less concerned about the advocacy environment than they were in 2017, perhaps because of the change in government at the federal level in May 2022

Demographic questions provided at the end of the survey (Q 29 to 33) showed that most respondents (76 per cent) held senior roles in their organisations (CEO, senior management or board member), as shown in Figure 1. This confirms that the survey reached its target audience of senior figures in civil society organisations.

Figure 2 shows that a mix of organisations in terms of size responded to the survey, and Figure 3 reports the jurisdiction of those that responded. Overall, 64 per cent of surveyed organisations work at the national level, 57 per cent at the state level and 48 per cent at the local level, indicating that many organisations work across jurisdictions. Most respondents were aged 50 and over (49 per cent), suggesting that they likely had good knowledge and experience of the Australian political landscape over time.

Figure 1. Position of respondents within their organisations

162 responses • Source: Author

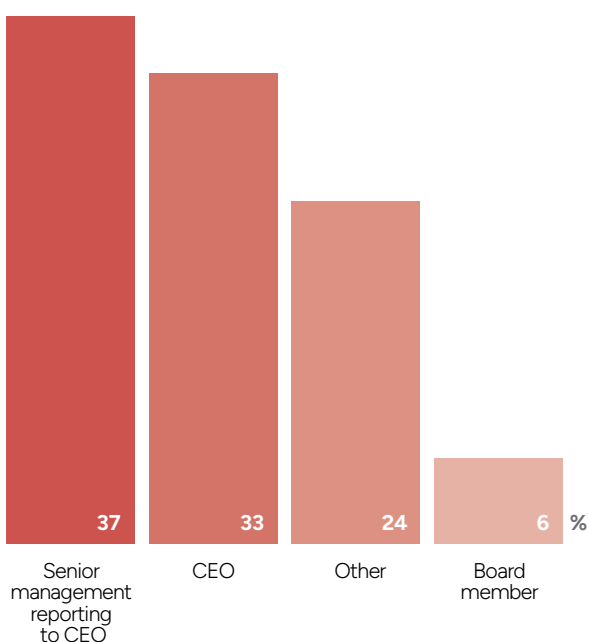


Figure 2. Size of the responding organisation in terms of annual revenue

251 responses • Source: Author

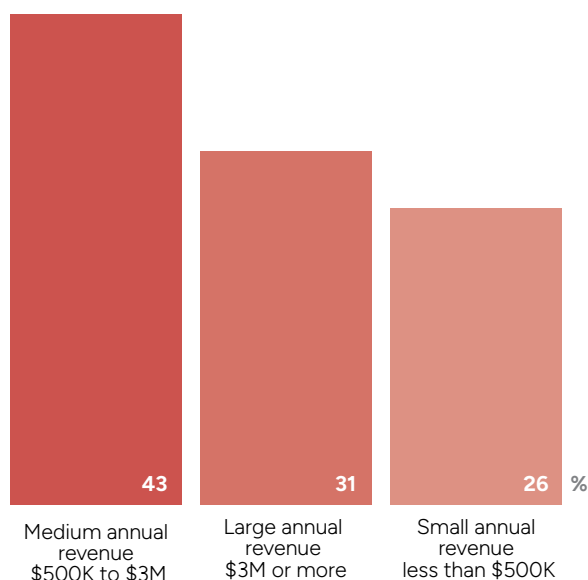
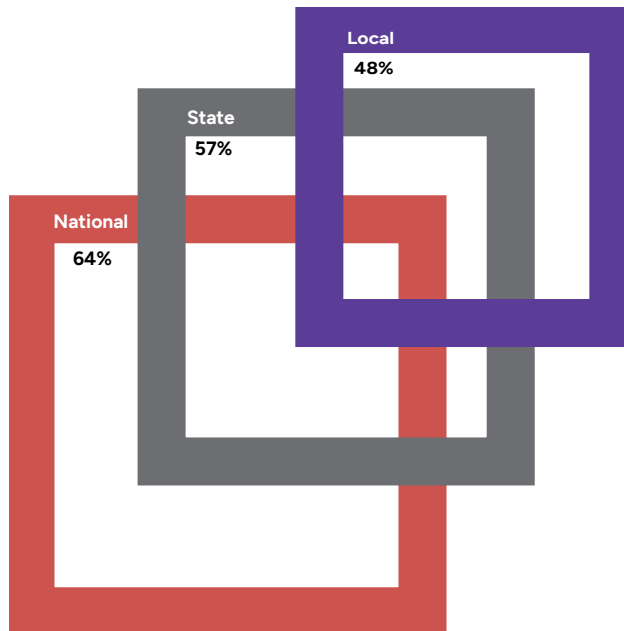


Figure 3. Jurisdictions of responding organisations

251 responses • Source: Author

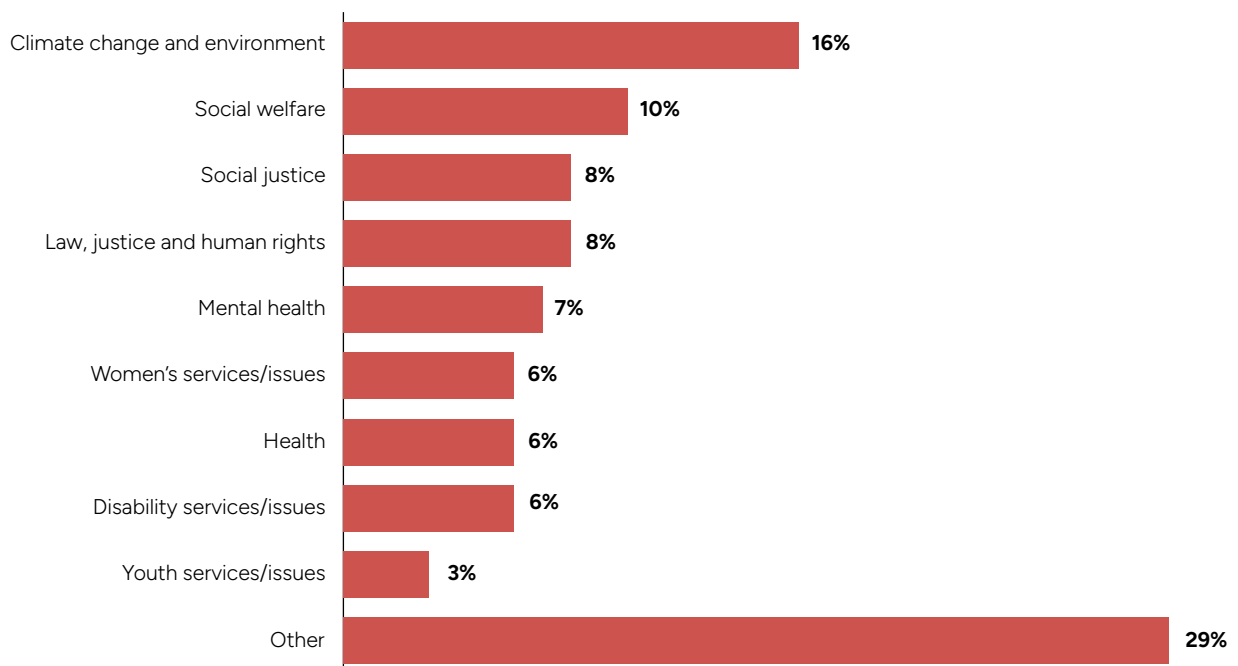


The survey respondents reported working in a range of policy areas in both state and federal jurisdictions. In response to the question “What would you describe as your main field in which your organisation is working?” (Question 2) the most common response (out of 23 options) were climate change and the environment (16 per cent) and social welfare (10 per cent) followed by a spread of policy areas that each constituted of 8 to 3 per cent of the sample. These included social justice, law, justice and human rights, mental health, women’s services/issues, health, disability services, and more.

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 civil society organisations that engage in public debate and advocacy. Nevertheless, the significantly smaller number of respondents, when compared with the 2017 survey, may indicate less internal representation of each advocacy area.

Figure 4. Main fields of work

254 responses • Source: Author



3. Results of the Survey

The results of the survey reveal a complex environment in which civil society organisations are focused on a range of policy advocacy work, including providing educational and public awareness services. Advocacy appears to be a larger focus for the sector than was evident in the 2017 survey, and as some of the free text responses discussed below would suggest, many organisations have made internal changes in order to develop their capacity for advocacy. As noted above, most organisations participating in the survey were state-focused (64 per cent), with over half of respondents also indicating operation on the national level (57 per cent). This survey captures the period from the last survey in 2017 (1,462 respondents) to 2022 (401 respondents).

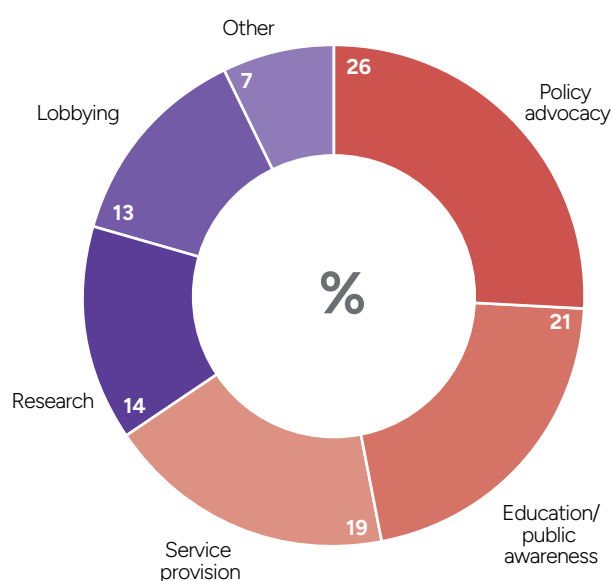
3.1 The state of the sector

The results of the survey reveal a complex environment in which civil society organisations are focused on a range of policy advocacy work, including providing educational and public awareness services. Advocacy appears to be a larger focus for the sector than was evident in the 2017 survey, and as some of the free text responses discussed below would suggest, many organisations have made internal changes in order to develop their capacity for advocacy. As noted above, most organisations participating in the survey were state-focused (64 per cent), with over half of respondents also indicating operation on the national level (57 per cent). This survey captures the period from the last survey in 2017 (1,462 respondents) to 2022 (401 respondents). Where possible, we compare the findings of the 2022 survey with the results from the 2017 *Civil Voices* survey.

As shown in Figure 5, the most common activities for the organisations that responded to the survey are policy advocacy (26 per cent) and education or public awareness (21 per cent), followed by service provision (19 per cent), research (14 per cent) and lobbying (13 per cent). Among the activities that were included in the category 'other' (7 per cent) for this question were individual advocacy, religious/spiritual services, sector development and financial support.

Figure 5. Primary activities undertaken by survey respondents

254 responses • Source: Author



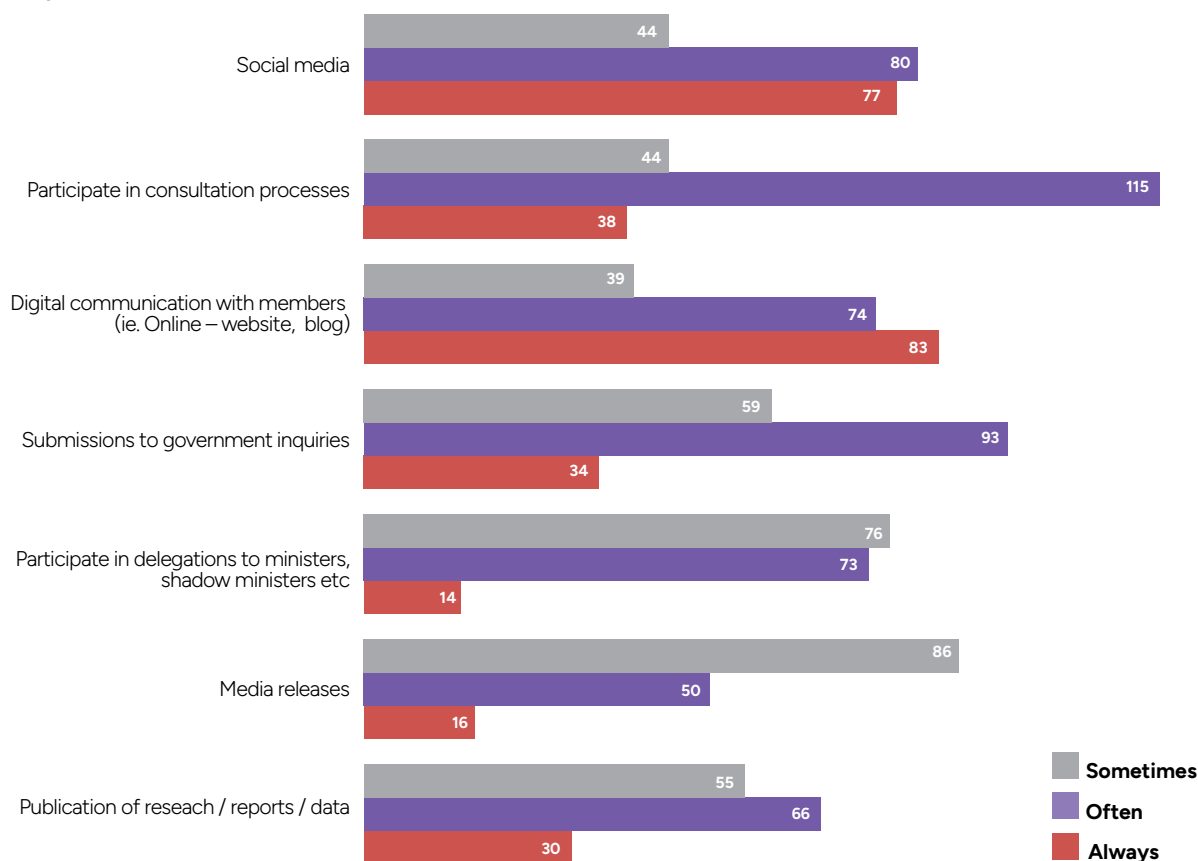
3.2 Communication and advocacy

The survey explored the methods of communication used by civil society organisations to influence government policy and decision-making. The most commonly used method was reported to be participation in policy consultation processes (115 respondents), followed by submissions to government enquiries (93 respondents), and then digital communications and social media use. Digital communications (83 respondents) and social

media (77 respondents) were reported to always be used by 160 respondents to engage in policy influence. This suggests that, despite the prominence of the more traditional methods of policy advocacy, there continues to be increasing use of digital communication and advocacy across the sector. Civil society has clearly adapted to the manifold changes in technology (and access to technology) that have taken place since the *Silencing Dissent* report in 2004.

Figure 6. Methods of communication for influencing government policy

232 responses • Source: Author



3.3 Policy advocacy and political support

The survey asked respondents how well they believed the role of civil society advocacy was understood by key stakeholders. Figure 7 indicates that only 9 per cent of respondents believe the public has a good understanding of the importance of advocacy. In comparison, 19 per cent of respondents believe that regulatory bodies such as the ACNC have a good understanding of the role of advocacy. 76 per cent of respondents believed the public 'slightly' or 'partially' understood the role of advocacy in the civil society sector. In comparison, state and federal governments were reported to have a very good understanding of the importance of advocacy, according to only 26 per cent of respondents. In contrast, the responses suggest a high degree of confidence that the members and supporters of the responding organisations either 'completely' or 'very well' understand (54 per cent) the role of advocacy by the sector.

Figure 8 indicates that 77 per cent of survey respondents reported that policy advocacy is extremely important or very important to their organisation's purpose. Question 9 asked NGOs to report on their experience of influencing government policy in the six months prior to the survey. 96 respondents reported moderate levels of success,

Figure 7. How well do stakeholders understand the role of advocacy by charities and not-for-profits in Australia?

184 responses • Source: Author

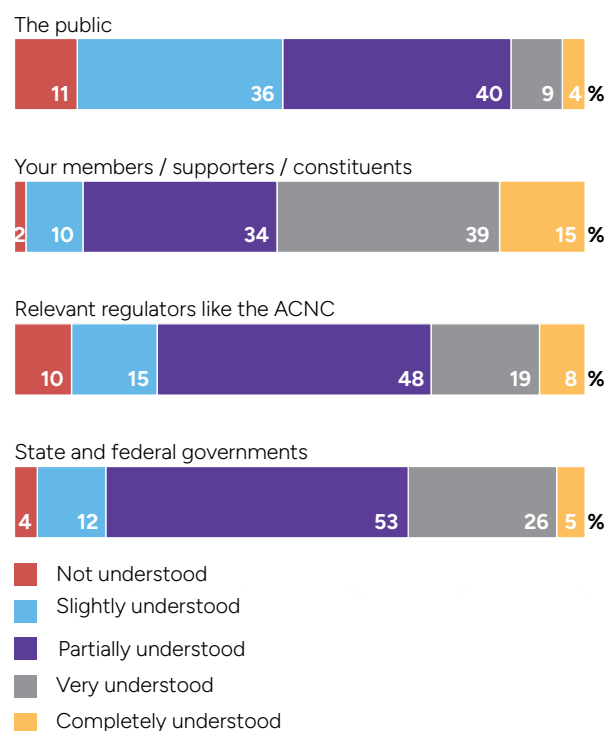


Figure 8. Importance of policy advocacy to organisation's purpose

186 responses • Source: Author

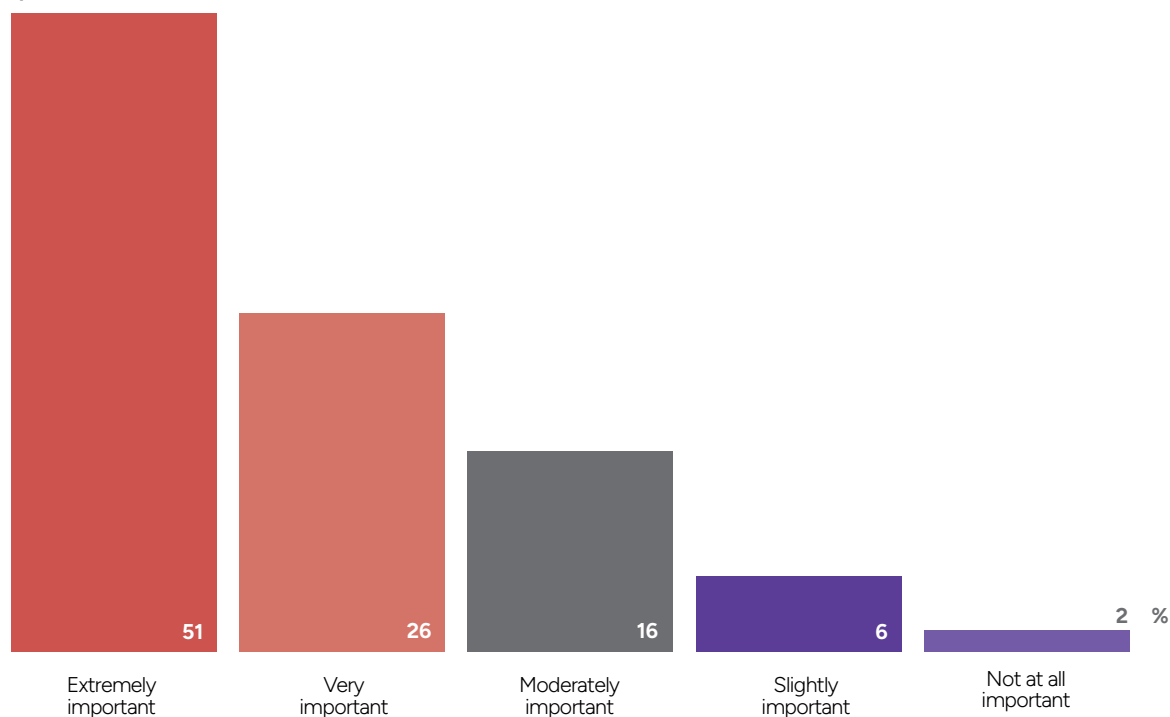


Figure 9. Reported experience of success in influencing federal policy and decisions during the six months prior to the survey

203 responses • Source: Author

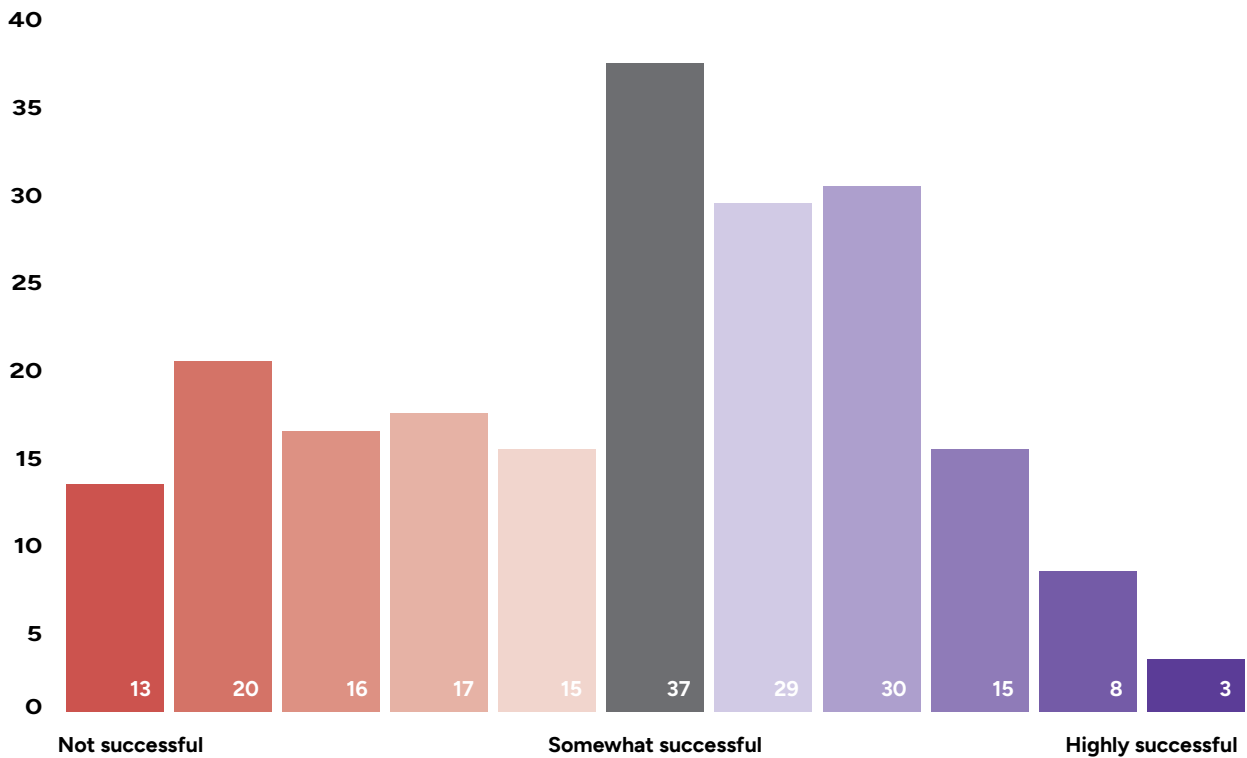
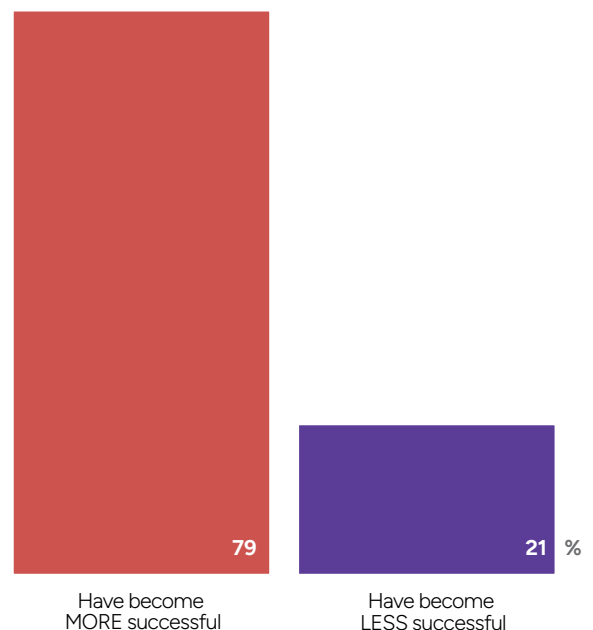


Figure 10. Reported experience of success in influencing federal policy and decisions during the last five years

213 responses • Source: Author

while 66 respondents reported low to minimal levels of success, as seen in Figure 9. Despite the positive leaning of this data, many respondents still reported challenges to the success of their advocacy work.


The findings reported in Figures 9 and 10 indicate changing experiences of perceived success in influencing policy through advocacy. When asked how successful they believed their advocacy to have been in the six months prior to the survey (i.e. since the change of government at the federal level), there is a reported trend towards experiencing greater success. This trend is even more clearly evident over a longer timeframe. When asked whether they perceived that their organisation had become more or less successful in influencing government policy over the last five years, 79 per cent of respondents reported that they were experiencing more success.




Survey respondents reported a range of measures for assessing their advocacy success and in understanding how they had achieved greater success in influencing government policy and decision-making.

Some respondents saw evidence of their success in changes to government policy, for example:

- *Policy shifting closer to our priorities.*
- *Policies which we've been advocating for a decade have been funded in the most recent budget.*
- *Direct policy outcomes from lobbying activities.*
- *Changes have occurred in the legislative change process that were driven by my organisation.*
- *Policy decisions in line with asks; centrality of our key messages in federal election debates; feedback from key stakeholders.*
- *We have been seeing changes in public policy that we want to see.*
- *More policies directly picked up that we have researched and advocated for. Being credited with policy influence by public servants and Ministers.*
- *Measurable changes in policy from drafting to passing into law. Mention of our organisation by Government in reference to the policy making process.*
- *Direct and indirect attribution from state governments on core campaigns on policy announcements.*
- *We talk to government. They say what they are planning, we convince them to do something better. Or government asks our advice, and implements it.*
- *Very hard to measure contribution v attribution etc. However, especially with the recent change of government, we can see: 1. Policies and election commitments that are aligned with our policy advocacy 2. Significant references in government inquiry reports 3. More frequent invitation/ acceptance of request to meet with Ministers.*
- *What we have been seeking has been occurring in policy change and practice change within government agencies.*
- *Seeing changes reflected in government policy, our research used as evidence, our messaging being utilised by Government Ministers. Ministers and Departments engaging in pilot projects to test capacity to engage in complex environments.*




We talk to government. They say what they are planning, we convince them to do something better. Or government asks our advice, and implements it.




Other respondents note qualitative improvements in the relationship with the government, for example:

- *Acknowledgement by ministers, advisers and their shadow equivalents.*
- *Deeper stronger relationships.*
- *We have regular and strong engagement with political representatives across the spectrum and good social media and reach out engagement from decision makers. Routinely invited to invite only taskforces or advisory bodies to provide insight to government on issues.*
- *Despite not being a peak body, [my organisation] is frequently included in consultations with the Federal and State governments on policy areas related to our ... services provision and advocacy work. Recently, there has been a noticeable increase in direct approaches from the government seeking feedback and input at the early stages of the development and design of laws and policies related to our strategic issue areas.*
- *More access to decision-makers and more influence with decision-makers.*
- *Requests for input and advice from Ministerial offices and Depts Citations of research and media releases in official reports to inquiries.*
- *It has been easier to meet with Ministers and MPs and raise issues and opportunities and discuss ways to reduce barriers.*
- *We have influenced first assistant secretaries from departments that intersect with [our work], to meet every six months as we develop a multigenerational new policy proposal for young parents with then, which is proposed to be funded across those intersecting departments. The office of Prime Minister and Cabinet is convening these bi-annual meetings.*
- *We are asked by government to comment on policy, invited to be part of advisory or working groups. We are asked to stand with Ministers in policy announcements.*



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Other respondents reported improvements in their standing in the domain of public debate, and some reported improvements across all three of these measures:

- *Election platforms and budget announcements have reflected our policy and advocacy recommendations and member priorities. Government is using the language we use. Media more receptive, asking for comment more often. Requests for advice and consultation about issues are more frequent and come from outside our usual engagement circles.*
- *Government reaches out to us for advice and consultation prior to decision making. We've seen a change in some language that Government uses when presenting policy decisions (more inclusive). More present in the media and in public debates on social issues – looked for to provide comment on key issues.*
- *Issues we have raised are in parliamentary agreements, enquiry recommendations. Programs are being evaluated and funded. The conversation (understanding and discussion) on certain issues has changed to reflect our stance – in government departments, media and general community.*
- *The outcomes we were lobbying for on the policy decisions that we have advocated around. Ministers and decision-makers being more interested in engaging with us, and seeking advice/ongoing conversation about areas we are advocating on. Forcing public responses on our issues through media / Senate Estimates processes, when the issues weren't otherwise on the public agenda.*

Organisations focused on climate change and the environment noted specific changes in the political environment that were more favourable to their advocacy work:

- *An independent Federal (Teal) candidate with strong climate and integrity policies was elected following years of local advocacy for better representation on these matters. That MP now meets regularly with our group and raises the issues that concern us in the Parliament and with the relevant ministers and her fellow cross-benchers. After years of campaigning, the last local government election returned more councillors supportive of climate action and our once conservative Council has now declared a climate emergency and is implementing a Climate Action Plan. Council's climate committee is now working closely with community groups to achieve the rapid, effective implementation of that Plan.*
- *It's difficult to tell if it's our organisation as a whole, but the climate movement was a driving force in the federal and state elections and one of the most concerning issues for voters (especially young voters).*
- *I think by having a loud, public movement calling for action on climate change has forced climate back on the agenda and strengthened ALP policy on climate/ helped get TEALs elected. But we have no way of measuring this.*

Some organisations attributed their increased success in policy advocacy to changes in the sector, particularly the development of new alliances designed to achieve greater change:

- *There have been changes in policy/ funding that were unprecedented. The greater unity there has been amongst those advocating the more we have seen government (MPs and Bureaucracy) take notice and want to listen.*
- *We are involved more frequently after aligning with 'like' organisations. We are consulted more frequently for our expert opinion.*
- *As part of a wider lobby group which achieved a positive result regarding funding. As an individual organisation we have not been as successful.*
- *Doing more advocacy than before. All is in coalition with peak bodies or larger organisations to have more influence.*

Still others attribute their increased success to changes their organisation has made specifically to strengthen their advocacy capacity:

- *Our advocacy unit was only created four years ago. We have gone from positive but haphazard interactions with Govt to systematic engagement at all levels.*
- *Five years ago we didn't complete any submissions or make representations on any federal issues. Now we do so several times/year.*
- *Over the last five years we've created a policy and advocacy function in our organisation for the first time and established ourselves as an advocacy voice in the space. Prior to that we really did no advocacy so we have definitely become more impactful since doing so.*
- *We have a logic model for our advocacy that we use to measure the success of our strategies in terms of inputs, interim outcomes, and policy outcomes.*
- *Networking better and building our team.*
- *We have sharpened out political engagement – moving our interactions away from the APS and towards parliamentarians.*
- *A dedicated position for a social justice advocate has meant our organisation is more successful, as we can now contribute to policy consultations etc.*

However, some attributed new successes more to growth in the overall size of the organisation rather than any new/ renewed commitment to advocacy:

- *Merely because we have more staff working across more areas of work with equal success, rather than necessarily logging more "wins".*
- *Scale and volume of work we are influencing has grown enormously as organisation has grown enormously.*
- *We have grown bigger as an organisation, meaning our voice is louder and we have more employers, meaning we are able to contribute to more topics.*
- *Our ability to engage in this space has changed considerably via more staff roles – we can do more.*

These findings are significant when compared to the findings reported in the Civil Voices report, which noted a significant degree of 'self-silencing' across the charitable and not-for-profit sector. For a range of reasons, including perceived changes in the political environment, organisations are feeling more confident in the success of their advocacy work and believe they are seeing this success reflected in changes to policy and improved relationships with the government. Importantly, organisations are reporting on the steps they have taken to develop their advocacy capacity, a positive trend compared with the findings in 2017.

Some organisations, however, clearly still find advocacy to be challenging and beyond their capabilities:

- *We are a small organisation focused primarily on service delivery. Occasionally we will make a comment noting our support for a change in policy – for example, supporting the “Raise the Rate” campaign. We do not consider we have any influence and we have limited time (if any) to give to actions seeking to influence.*
- *We are still not making a significant impact on most of our substantive issues, but one key issue is progressing mainly because of the change of government and the personal position of the new PM. We are working more closely now with Greens and independents, and more generally have changed our strategic approach.*

Organisations reporting that they had become less successful in their advocacy over the previous five years reported funding and funding insecurity as major concerns, for example:

- *There has been a lack of time and funding to allow ourselves to research and write/meet with government*
- *They haven't changed their policies or provided us with more funding to undertake the changes.*
- *We have a continuing issue with funding, lack of.*
- *Less funding means less working hours therefore less activity in the realm of influencing government policy.*

Most concerningly, one organisation reported that their funding is still under direct threat if they raise concerns in the media:

- *Please note we are not allowed to go to the media without the department's approval. The threat is to lose funding.*

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3.4 Government funding and DGR status

Across the responses to the survey, 71 per cent of respondents reported receiving some kind of funding from the government, with 33 per cent of respondents indicating that they received funding from both state and federal governments, 24 per cent reporting that they received state government funding only, and 14 per cent indicating federal funding only (Figure 11). Information was not collected to indicate which states were providing the most funding to organisations operating in their jurisdiction.

Almost three-quarters of respondents, 72 per cent, reported having DGR status, which they reported as vital for their financial sustainability: 67 per cent of respondents indicated that DGR status was 'extremely important' or 'very important' (Figures 12 and 13). Findings suggest that government funding to the charitable and not-for-profit sector does not allow most organisations to undertake their core programs, including policy advocacy, meaning that most organisations must continue to rely on public support through donations. In an important finding for this survey, however, it is clear that fewer organisations are concerned that their advocacy activities may threaten their DGR status, with additional free-text responses suggesting that the appointment of Sue Woodward as ACNC Commissioner (discussed further below) has considerably alleviated these concerns.

Despite the continued reliance on donations, however, it is also clear that civil society is still encountering reluctance by the philanthropic sector to support policy advocacy. 67 per cent of respondents reported the view that the philanthropic sector is reluctant to fund advocacy work, while only 33 per cent reported the view that the sector is willing to support advocacy (Figure 14). Cross tabulation showed that the survey respondents believe the philanthropic sector is most reluctant to fund health advocacy (30 per cent), social justice advocacy (29 per cent) and immigration and refugee services advocacy (25 per cent). The philanthropic sector is considered to be slightly more willing to support law, justice and human rights advocacy (40 per cent), social welfare advocacy (38 per cent) and advocacy by climate change and environmental organisations (32 per cent).

Organisations that did not have DGR status reported the primary reason for this as ineligibility (38 per cent), followed by resource constraints (30 per cent). 18 per cent of respondents reported that they are or have been in the process of applying for DGR status and are either waiting for approval or have been denied. These organisations had mixed views about the impact the lack of DGR status would have on their advocacy work. 50 per cent of respondents without DGR status reported that having DGR would increase their advocacy activities, while

Figure 11. Source of government funding

187 responses • Source: Author

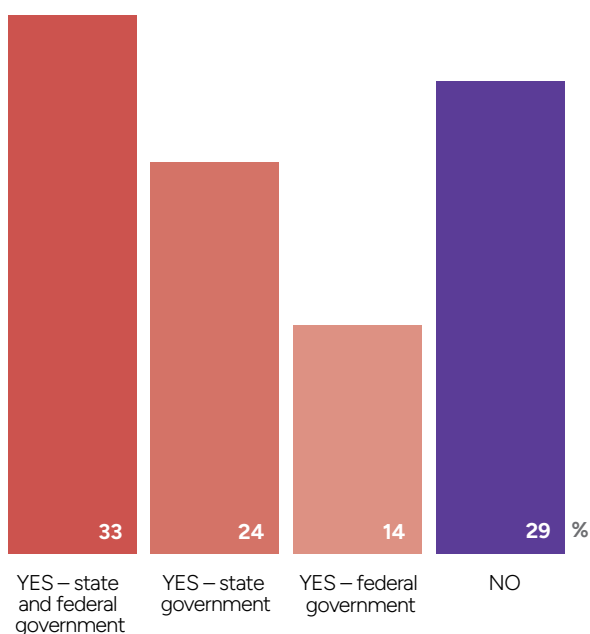


Figure 12. DGR Status

184 responses • Source: Author

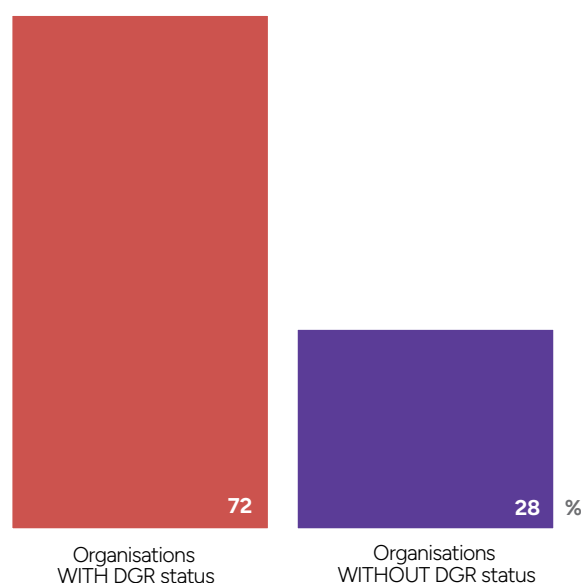


Figure 13. Importance of DGR status to financial well-being

129 responses • Source: Author

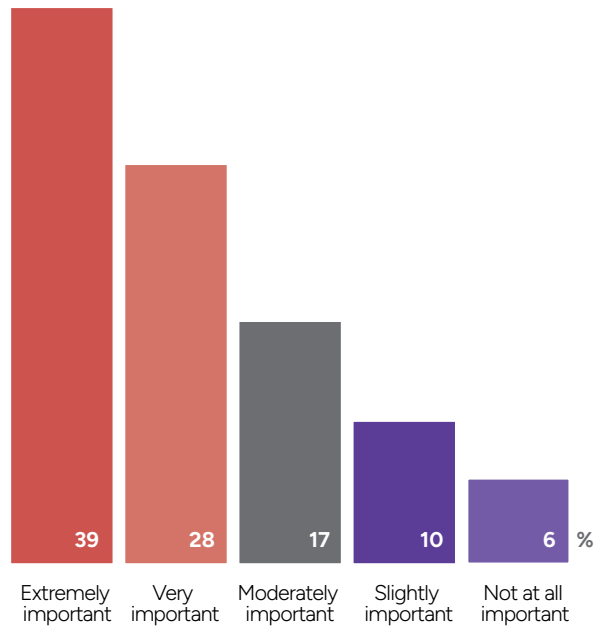


Figure 14. Perceived reluctance of the philanthropic sector to support civil society advocacy

170 responses • Source: Author

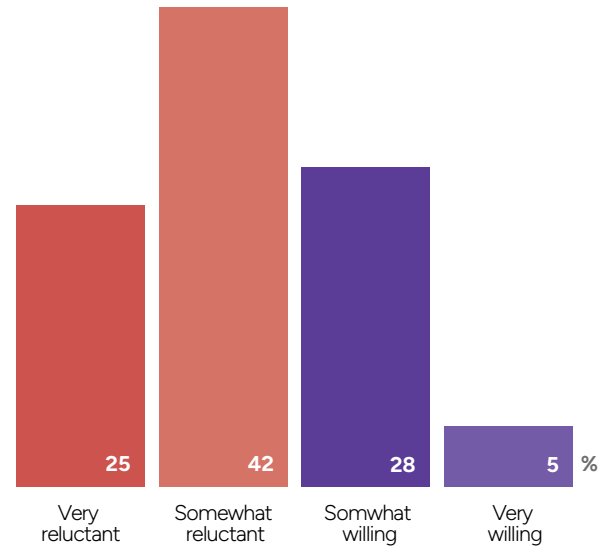


Figure 15. Reported reasons for lack of DGR status

50 responses • Source: Author

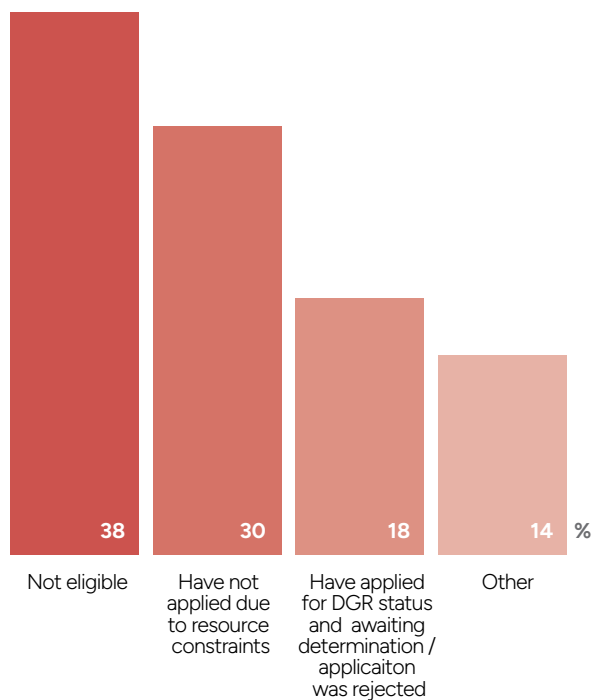
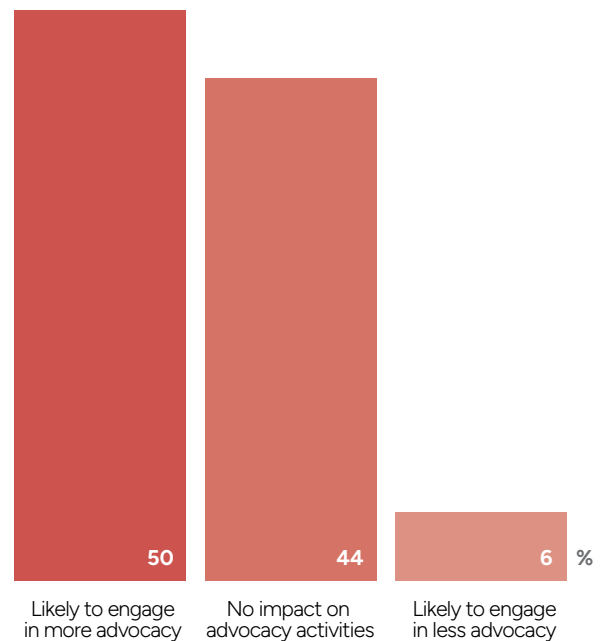


Figure 16. Potential impact of DGR status on political advocacy

50 responses • Source: Author



44 per cent reported it would have no impact on their advocacy. Only 6 per cent reported that DGR status would negatively impact their capacity to engage in advocacy.

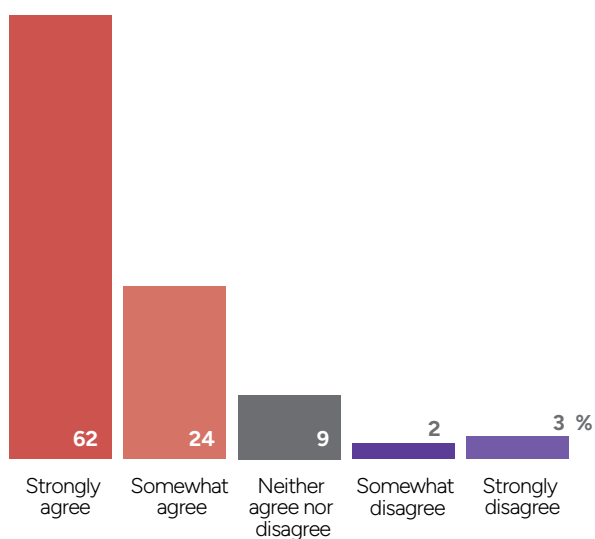
Specific sectors within the sample for this survey are experiencing different levels of anxiety about the potential for negative impacts arising from their advocacy work. As outlined below, environment and climate organisations are drawing the link between the new anti-protest laws and the potential risk to their DGR status. Cross-tabulation of the survey data also shows that government-funded immigration and refugee organisations were the only sector in which the majority of respondents expressed concern that advocacy work may risk withdrawal of their funding. These organisations also reported the importance of DGR status for them to operate effectively and expressed fear that their advocacy could see them lose DGR.

3.5 Regulation and the ACNC

Echoing earlier findings, a majority of respondents to this survey recognised the need for regulation in the not-for-profit sector. As shown in Figure 17, when asked whether a well-run charities and not-for-profits regulator is essential

Figure 17. Belief in the necessity for a civil society regulatory body in Australia

66 responses • Source: Author



for the sector to thrive, 62 per cent of respondents strongly agreed. Another 24 per cent somewhat agreed with this statement, while 5 per cent disagreed somewhat or strongly.

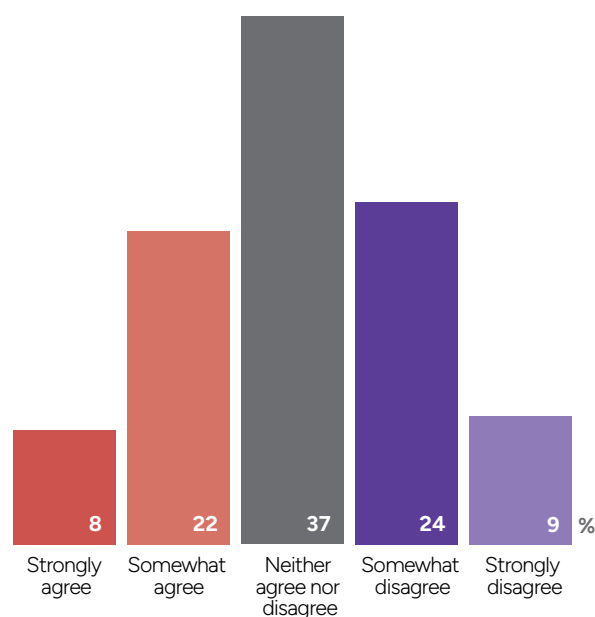
The mixed results shown in Figure 18 are a stark contrast to the findings shown in Figure 17 – while there is a clear view among the respondents that some regulation of the sector is needed, confidence in the ACNC is low.

However, when the respondents were asked whether the current regulator, the ACNC, is supportive of charities engaging in advocacy in pursuit of their charitable purposes, responses were mixed. As seen in Figure 18, only 22 percent of respondents agreed with the statement while 24 per cent of respondents disagreed that the ACNC is supportive of advocacy in the sector, while 36 per cent of respondents neither agreed nor disagreed with this statement.

Discontent with the ACNC is further explored in Figure 19, which reports views on the statement that the ACNC is free from political influence and is independent of government. Only 20 per cent of respondents to this question agreed with this statement, while 47 per cent somewhat or strongly disagreed (33 per cent neither

Figure 18. Belief that the ACNC is supportive of charities engaging in advocacy in pursuit of their charitable purposes

165 responses • Source: Author



agreed nor disagreed). Dissatisfaction with the ACNC is underscored by the results discussed above in Figure 7, in which only 19 per cent of respondents believed the ACNC has a good understanding of advocacy in the charitable and not-for-profit sector.

During the period that this survey was in the field, it was announced that Sue Woodward would be the next Commissioner of the Australian Charities and Not-for-profits Commission for a five-year term commencing in December 2022. Woodward has deep experience in not-for-profit law and regulation and has long been active in supporting the advocacy work of the sector. Her appointment was met with widespread approval – a view that was reflected among survey responses that were completed after Woodward's appointment was announced.

As one respondent noted, 'I feel a lot more confidence in the political neutrality of the ACNC with its new Commissioner.'

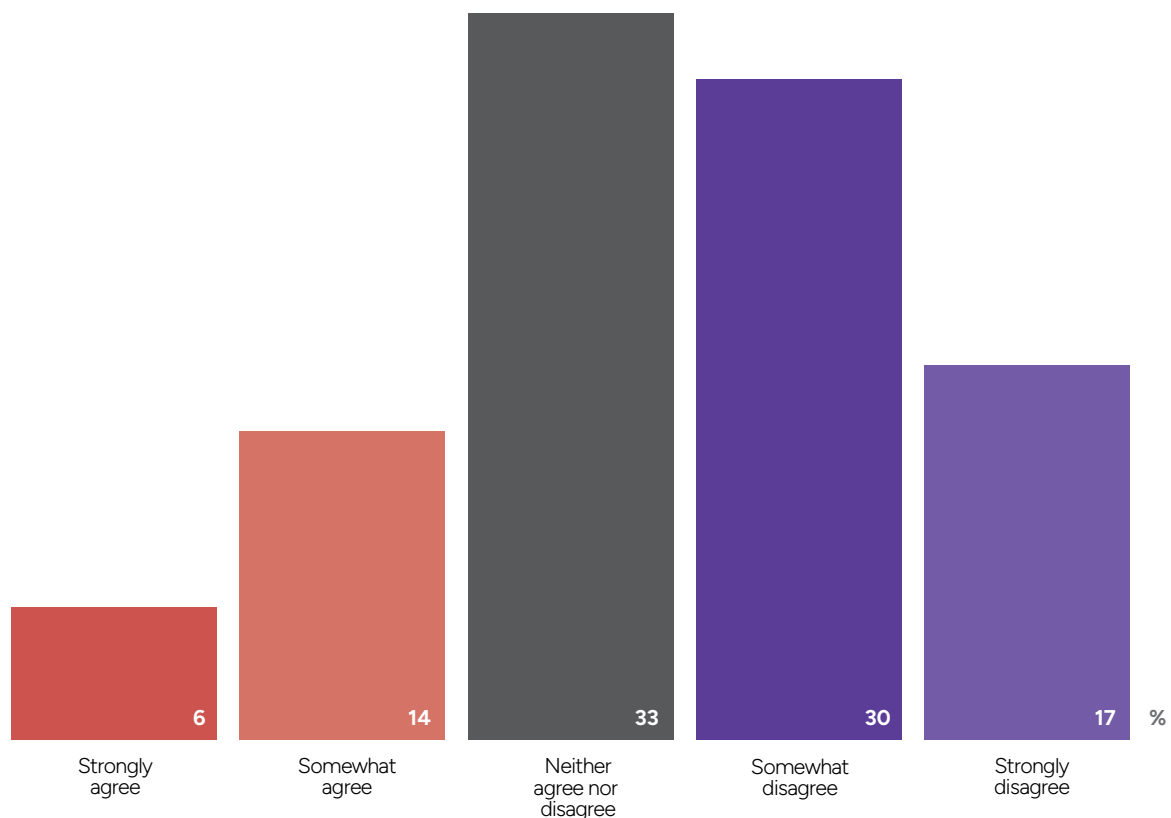
Another commented that it is 'time for the big stick approach [to regulating the charities and not-for-profit sector] to go'. There was optimism, too, that the relatively new federal government shares that view, with one respondent commenting that 'Forums with the new Minister [for Charities] show that there has been a shift with a view to working collaboratively to support the NFP sector and that includes advocacy work.'

3.6 Anti-protest laws and trust in government

One significant change in the political environment as it relates to policy advocacy concerns the spread of anti-protest laws discussed earlier in this report. Figure 20 shows that when asked how concerned they were about new anti-protest laws in Australia, 45 per cent of respondents described themselves as being 'extremely

Figure 19. Belief that the ACNC is free from political interference and is independent of government

166 responses • Source: Author



concerned' about the legislation, while another 27 per cent were 'somewhat concerned' and only 12 per cent considered themselves to be 'somewhat unconcerned' or 'extremely unconcerned'.

There is a link to be drawn here between concern about the growth of anti-protest laws and confidence in the government. Examining beliefs about the interests served by the Australian government, as shown in Figure 21, 37 per cent of respondents consider the government to be mostly influenced by the corporate sector, with another 37 per cent believing the government to be half focused on corporate interest, half on self-interest. Less than 1 per cent of respondents believed the Australian government to be concerned with benefiting all parties. This is a significant trust deficit that will only deepen through the advance of anti-protest laws that seem designed to protect corporate interests from the 'inconvenience' of protestors.

Respondents to the survey also drew links between the advent of anti-protest laws and the security of their DGR status. As discussed above, 67 per cent of respondents

indicated that DGR status was 'extremely important' or 'very important', and many still express concerns that public advocacy could pose a threat to their DGR status. Cross tabulations showed that those organisations expressing the most concern about the DGR status also had some of the highest levels of concern regarding the anti-protest laws. In particular, analysis of the survey data showed higher levels of concern about both anti-protest laws and the risk to DGR status among climate and environment organisations. These organisations were also the least likely to receive government funding, putting their advocacy work at risk on multiple fronts.

Anti-protest laws may impact civil society organisations that are involved in grass-roots advocacy networks and union support. While new state legislation may not directly restrict an organisation's ability to function in the everyday, it does send a troubling message about the consequences of publicly expressing dissent, which in turn may impact both individual freedom and confidence across the sector regarding the capacity for civil society organisations to engage in public advocacy without penalty.

Figure 20. Concern about anti-protest laws in Australia

168 responses • Source: Author

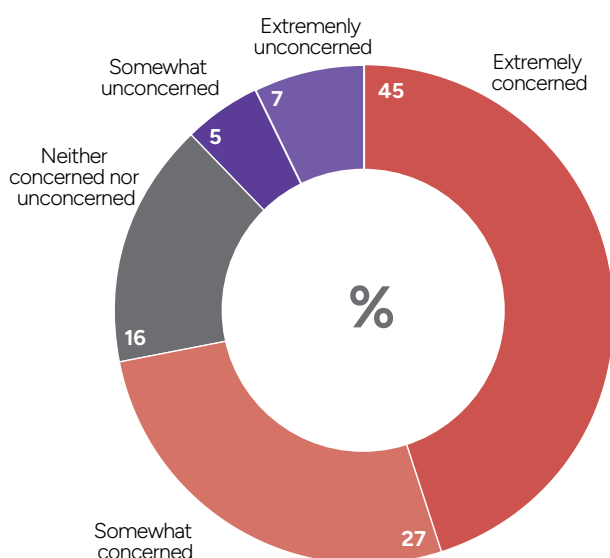
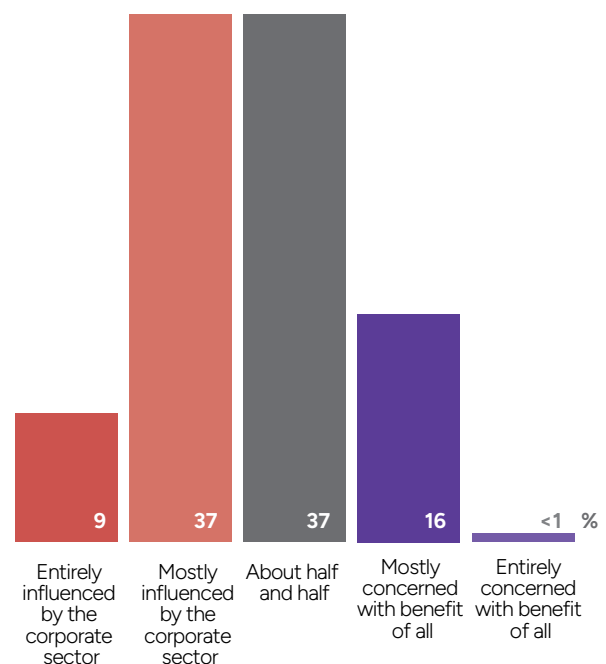


Figure 21. Belief that government is influenced by corporate interest, self-interest, or is focused on providing benefits for all

166 responses • Source: Author



4. Conclusion



The data presented in this report suggest greater confidence across civil society in the health of Australian democracy and more optimism across the charities and not-for-profit sector that advocacy work will not be met with a punitive response. This is a significant change from the 2004 survey, which painted a “grim picture of the state of public debate in Australia” (Maddison, Denniss, and Hamilton 2004, p. 39) and from the 2017 survey, in which a majority of organisations were still concerned that policy advocacy would come at too high a cost, and so were silencing their own contributions to public debate.

The most recent changes in political and regulatory leadership for the charitable and not-for-profit sector are certainly a cause for optimism. Combined with the views reported above that suggest both an increase in confidence across the sector about the success of civil society advocacy and indicate that many organisations in the sector have taken positive and deliberate steps to increase their advocacy, there is a clear sense that the policy advocacy landscape in Australia has changed for the better since the last survey in 2017. Despite this, there are abiding concerns that organisations engaging in advocacy work still risk government funding, DGR status, and accidental non-compliance with complex electoral laws. The sector remains concerned about the political independence of the ACNC, and some organisations see the advent of new anti-protest laws as having a chilling effect on Australian democracy.

The driving belief behind this report and its predecessors is that robust public debate on policy issues is essential to a healthy democracy. As both the *Silencing Dissent* and *Civil Voices* reports contended, civil society has a vital and central part to play in any such debate, as their experiences in service provision with some of Australia’s most vulnerable and marginalised communities are essential to the production of good and just policy. Too many organisations are still reporting the challenges, obstacles and threats involved in advocacy work, as well as the continued lack of funds for this important aspect of their charitable purposes. Specific sectors—namely those working on environment and climate change issues and those working in immigration and refugee support—expressed the greatest concern that their advocacy work remains under threat from a combination of regulatory and legislative factors.

Certainly, there is more work to be done in order to create and sustain a political and regulatory climate that genuinely and consistently supports the advocacy work undertaken by Australian civil society. There is still a persistent sentiment that government does not fully understand the importance of dissenting voices in public policy debate. A comment from one respondent in the final free-text question in the survey sums up this view:

What has happened to democracy? It is our right to object to inappropriate policies, legislation and counterproductive decision-making in a peaceful manner. Change requires a level of agitation if it is to be generated. Naturally those in power won’t like this but preventing that from happening is a direct line to a dictatorship. Surely our democratic system can deal with dissenters using evidence and logic rather than punishing those who speak out.

Policy does not become more just and inclusive just because people wish it to be so. Policy change takes work. It requires input from both experts and those with lived experience of the impacts of current policies and programs. It demands advocacy from those organisations that hold both expertise and knowledge of lived experience, and this advocacy work must be valued, protected, and supported if we wish to improve the overall quality of Australian democracy. This report suggests some improvement in this regard, and that should be cause for celebration. It should not, however, be cause for complacency. As previous reports have made

abundantly clear, support for civil society advocacy is too-often subject to the politics of the day, which in turn has created considerable anxiety across the sector. The attacks on charities in the last ten years are evidence of this. But they also suggest that more legislative reforms are needed to secure a long-lasting advocacy role for charities. The present moment offers an opportunity for more robust and substantive change, and it is incumbent on political and regulatory leaders in the sector to understand and enact the kinds of reforms that the voices for change in this report are calling for.

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About Stronger Charities Alliance

The **Stronger Charities Alliance** was formed in 2017 in response to a number of bills which would have silenced charities on issues of national importance.

The vision of the alliance is of a thriving not-for-profit sector, where charities are empowered to advocate for lasting change in pursuit of their charitable purposes.

Together, the members of the Stronger Charities Alliance represent millions of Australians concerned with a wide range of issues, including: education; social welfare; human rights; international development; animal welfare; the environment; health; climate change; disability rights and philanthropy.

Our organisations, the issues on which we work , and the communities that we represent are diverse, but we all share a fundamental commitment to serve the public interest.

The alliance was formerly called *Hands Off Our Charities*, but has changed its name to reflect a renewed focus on bringing civil society organisations back into the heart of government policy making.

The alliance is managed by a steering committee of members and is coordinated by the Australian Democracy Network.

To join the Alliance email: strongercharities@australiandemocracy.org.au

Website: www.strongercharities.org.au