

The right to advocate

The community sector can look forward with hope to a new era of freedom in advocacy as the Federal Labor Government has announced plans to rewrite government contracts that have slowly been silencing the not-for-profit sector and discouraging NGO advocacy. Estimates suggest there are now several thousand contracts between not-for-profits and the government with "gag" clauses, in the employment, housing and social services sectors. The challenge now lies in dismantling entrenched systems which now exist in many government departments and it is also up to the NGO sector to help restore bureaucratic respect of the sector.

While consulting with not-for-profits in the run-up to the Federal election, Deputy Prime Minister Julia Gillard reported finding a 'climate of fear' that had developed under the Howard government, resulting in general anxiety about speaking out and advocating for risk of losing funding.

In an interview with *The Australian* on 9 January, Ms Gillard accused the Howard government of silencing the advocacy efforts of the not-for-profit and volunteer sector by reserving the right to censor their public statements in contracts for delivery of government-funded welfare services. Ms Gillard referred to the new Labor government's initial commitment, stated within its new social inclusion policy, saying, "We don't want to stifle debate, we want to ensure that this country ends up with the best possible policy. This requires us to get the gag off and listen to those who know what's going on".

In its Winter 2004 edition of *View from the Peak*, MHCC outlined the outcomes of a report released by the Australia Institute, *Silencing Dissent: non government organisations and Australian democracy*, which painted a disturbing picture of the limits on public debate in Australia. The report begins with an account of the role played by NGOs naming them as an essential component of a healthy and robust democracy. The report went on to present the outcomes of a survey of 290 NGOs and showed that: 92 per cent did not believe that individuals and organisations that oppose government policy are valued by the government; and 90 per cent of respondents believe that dissenting organisations and individuals risk having their government funding cut.

The newly elected Labor government has promised to get rid of stifling clauses in future contracts and review all existing agreements with a view to restoring freedom of speech. In her recent interview with *The Australian*, Ms Gillard pointed out that the Government does have a right to dictate terms related to the delivery of particular contract work but this should not be extended to ban rights over public statements that have nothing to do with contracted services. She said welfare groups could have confidence under Labor that they could express views critical of the government without fear of punitive action. We can now look forward to a government consultation with welfare groups ahead of a crackdown on red tape on government contracts. This should eventually mean less time on administration and more money for service delivery and importantly, better policy for the country.

Before we get too comfortable with the good news we might heed warning from Joan Staples in her article, 'What future for the NGO sector' (*Dissent Summer 2007/2008*) in which she highlights the difficulties ahead in changing an ingrained culture of disrespect from the bureaucracy towards NGOs. Staples has also pointed out that the Federal government has emphasised 'investment' through 'human capital' and that 'the worth of the sector is to be measured in relation to its economic-productivity, rather than its democratic-social value.' Staples asserts that it will depend on the skills and willpower of the sector to promote its democratic role, rather than the goodwill of the politicians.

Staples believes a healthy relationship between NGOs and government should be one that is

open to debate. We might also be reminded of our traditional role in the community from her articulate assertion. "NGOs are the engine for ideas and aspirations of what sort of society we might become, how we might choose to live together and alternative directions for us to consider and debate. As well, they provide places for learning the democratic process, they build a sense of community and they help the average citizen wanting to speak to government about an issue".

Despite the obvious challenges ahead, it is clearly a time of renewed hope and opportunity for the sector to work with and lobby the Federal government for positive change and work to restore our rightful role as social advocates.