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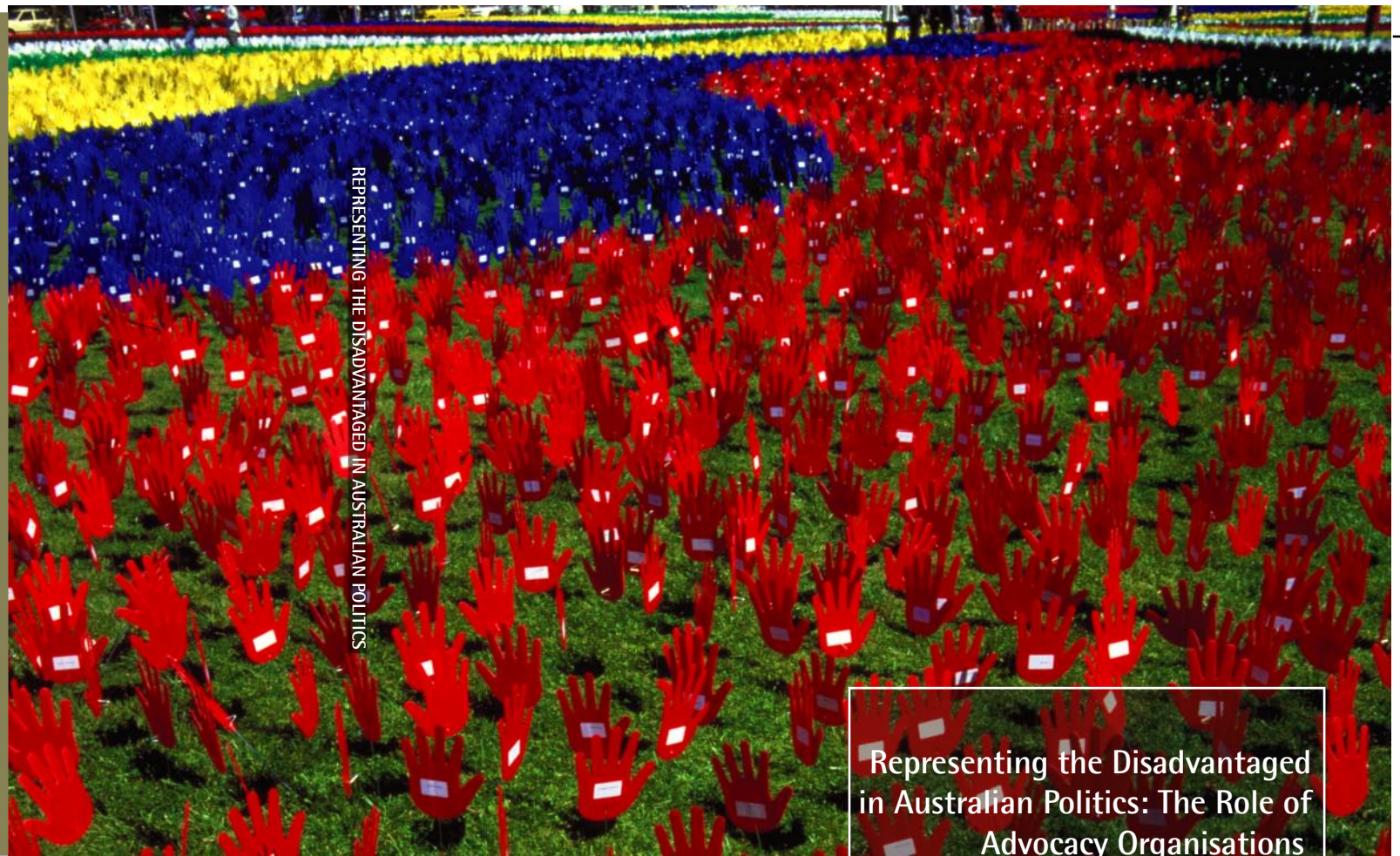
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REPRESENTING THE DISADVANTAGED IN AUSTRALIAN POLITICS

Representing the Disadvantaged
in Australian Politics: The Role of
Advocacy Organisations



BRONWEN DALTON

MARK LYONS

REPORT NO. 5

Prepared by Bronwen Dalton
and Mark Lyons

Centre for Australian Community
Organisations and Management
University of Technology, Sydney

for the Democratic Audit
of Australia

Political Science Program
Research School of Social Sciences
The Australian National University

Report No. 5

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The opinions expressed in this paper are those of the authors and should not be taken to represent the views of either the Democratic Audit of Australia or The Australian National University

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The Democratic Audit of Australia—Testing the Strength of Australian Democracy

From 2002 to 2005 the Political Science Program in the Australian National University's Research School of Social Sciences is conducting an audit to assess Australia's strengths and weaknesses as a democracy.

The Audit has three specific aims:

1. *Contributing to Methodology*: to make a major methodological contribution to the assessment of democracy—particularly through the study of federalism and through incorporating disagreements about 'democracy' into the research design;
2. *Benchmarking*: to provide benchmarks for monitoring and international comparisons—our data can be used, for example, to track the progress of government reforms as well as to compare Australia with other countries;
3. *Promoting Debate*: to promote public debate about democratic issues and how Australia's democratic arrangements might be improved. The Audit website hosts lively debate on democratic issues and complements the production of reports like this.

Background

The Audit approach recognises that democracy is a complex notion; therefore we are applying a detailed set of Audit questions already field-tested in various overseas countries. These questions were pioneered in the United Kingdom with related studies in Sweden, then further developed under the auspices of the International Institute for Democracy and Electoral Assistance—IDEA—in Stockholm, which recently arranged testing in eight countries including New Zealand. We have devised additional questions to take account of differing views

about democracy and because Australia is the first country with a federal system to undertake an Audit.

Further Information

For further information about the Audit, please see the Audit website at:

<http://democratic.audit.anu.edu.au>

Funding

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Executive Summary

When assessing the state of democracy, it is often claimed that the existence of a flourishing non-government organisation (NGO) sector is a key indicator. NGOs are regarded as playing a major role in achieving the democratic values of participation, representation, and deliberation and in promoting government responsiveness. NGO advocacy is viewed as an important contribution to making public debate and policy development more inclusive of diverse sections of the community and, in particular, strengthening the voices of the disadvantaged.

In Australia, however, there has been recent criticism of NGOs and questioning of the legitimacy of their influence on public policy. This audit report reviews recent developments in this debate and discusses the contribution of NGOs, which it calls advocacy organisations, to the political system in general and to the policy process in particular. In this discussion, the report seeks to introduce a wider perspective and to more precisely describe the ways that NGOs and the wider set of non-profit organisations of which they are a part, contribute to democracy. It argues that NGOs or advocacy organisations contribute to democracy in two ways: by their external impact and by their internal processes. Their external impact is obtained by providing citizens with opportunities for participation and obtaining representation of their interests in the political or policy process. But in addition, NGOs and most other non-profit or voluntary organisations provide their members with both skills and opportunities for democratic participation through the internal decision processes, or the governance, of their organisation. In this way, most non-profit organisations (including most NGOs) educate their members for democracy.

However, some NGOs or advocacy organisations make stronger and more effective contributions to democracy than do others. The capacity of any NGO to contribute

to democracy effectively relies on many factors, including the size, income and status of its constituency, the appropriateness of its strategies and the openness and inclusiveness of its internal governance. The complexity of these processes is not well understood. As a result, their critics and defenders are often arguing at cross purposes; critics focussing on alleged failures of internal processes, while defendants point to the effectiveness of their external impact.

The second half of this report presents an analysis of in-depth interviews with senior executives of twelve NGOs or advocacy organisations. Its focus is predominately on their internal processes. Eight of the twelve organisations claim to represent groups or interests that are disadvantaged and four claim to represent more 'mainstream' interests including those of professionals and business people. The analysis highlights the diverse ways that groups identify and articulate the perspectives of their constituency. It shows how a range of variables including size of membership, the amount and source of revenue, socio-economic composition and the range of interests of a constituency can affect the governance of an advocacy organisation. While acknowledging the limitations of interviewing a relatively small sample, the findings suggest that some advocacy organisations fail to meet criteria of internal democracy. They are not alone in this, of course, and the Democratic Audit of Australia has already found that not only do political parties often fail to meet such criteria, despite receiving public funding, but that strong arguments have been mounted as to why political parties should not be internally democratic, despite their important role within our democratic system.

This report also argues that conservative commentators are wrong to single out organisations that represent the disadvantaged for attack. Rather, it suggests that similar variations in approaches to governance are characteristic of organisations that represent more powerful, affluent groups. It also argues that despite some failures to meet certain expected democratic standards, overall the diversity of governance arrangements, taken as a whole, has other positive effects for the political system and society. The study concludes that a positive outcome from the current debate would be to give momentum to efforts to strengthen internal democracy within organisations that engage in advocacy. Such attempts are likely to promote widespread acceptance of advocacy organisations as the legitimate voice for their constituencies and, in so doing, enhance their efficacy in the Australian political system.

1. NGOs, Non-profits and Advocacy

The current 'NGO' legitimacy debate

There has been a recent debate between conservative and progressive commentators over the legitimacy of NGOs engaging in advocacy. This debate arises after a series of events that have heightened tensions in some government–NGO relationships. Before proceeding with a discussion on the contributions of NGOs or advocacy organisations to the quality of Australian democracy from an organisational governance perspective it is worthwhile briefly recounting these events and revisiting the claims and counterclaims made by those engaged in this NGO legitimacy debate.

A great deal of controversy was generated in mid-2003 when the Australian government tabled draft legislation designed to define which organisations were charities. Many believed that a clause in the proposed legislation was designed to prevent charities from criticising government policy. Simultaneously, it was revealed that the government had also funded the Institute of Public Affairs (IPA), a think tank that since 2001 had been involved in a campaign—together with the American Enterprise Institute—to contest the influence of human rights, development and environmental NGOs, and to develop a protocol for public disclosure of NGO standing with government.

To some, these various initiatives represented a further attempt to silence organisations that attempted to speak for disadvantaged groups; organisations which were, perforce, often critical of the government. Earlier evidence of this intention could be found in the cutting of grants to various 'peak' organisations claiming to represent women, young people and the homeless; a requirement

that other peaks receiving government funding give government notice of their intention to release statements critical of government policy, and the use of intellectual property law in contracts with non-profit service providers preventing them from using information gained in the course of delivering contracted services to criticise government policies.¹

In this environment some anxiety on the part of advocacy organisations is understandable. Nevertheless, with regards to the 2003 controversy over the draft charity legislation, much of this anxiety stemmed from a widespread lack of understanding of Australian charity law (see Appendix A).

The IPA report, which appeared in mid-2004, was an oddly innocuous though unbalanced document. It was primarily concerned to argue that when government departments funded NGO research, assisted with their administrative expenses or appointed their representatives to departmental advisory committees, they gave added status to the NGO. The report stated that Departments should be required to report these forms of assistance and provide a link to the website of the respective NGO.² The report made no reference to the impact of business lobbyists and seemed uninterested in incorporating them within its proposed reporting regime.

This was a far cry from earlier reports by the IPA, where Gary Johns had argued that NGOs are often 'self-selected, unaccountable and poorly rooted in society' and any political power conferred on these groups could 'destabilise democracy'. These earlier reports had picked up on a developing thread of international criticism of international NGOs, emanating from some nations and from global corporations stung by NGO criticisms. These earlier reports had targeted large NGOs such as Oxfam, the World Wildlife Fund for Nature (WWF) and Greenpeace, but had implied that the criticism applied to all NGOs, a term never clearly defined. Nonetheless, at least one commentator used the release of the IPA report as an opportunity to re-run the older criticisms of 'unelected groups'.³

Just before the IPA report's release (though after it had been received by government), the Canberra-based think tank, the Australia Institute, released its own study *Silencing Dissent: NGOs in Australian Democracy*. This report relied on responses from several hundred NGOs engaged in advocacy to demonstrate

¹Sawyer, 'Governing for the Mainstream: Implications for Community Representation'; Melville and Perkins, *Changing Roles of Community Sector Peak Bodies in a Neo-Liberal Policy Environment in Australia*; McGregor-Lowndes and Turnour, 'Recent Developments in Government Community Sector Relations: Are You Really My Partner?'.
²Johns and Roskam, *The Protocol: Managing Relations with NGOs: Report to the Prime Minister's Community Business Partnership*.

³Johns, 'NGO Way to Go: Political Accountability of Non-government Organisations in a Democratic Society'; Johns 'Protocols with NGOs: the Need to Know'; Hywood, 'The Unelected Groups We Should Scrutinise'.

that many felt that the federal government (far more than state governments) was trying to ‘freeze out and de-fund uncooperative organisations’ and to do this had resorted to using the ‘tactics of intimidation’.⁴

This report

These various controversies draw attention to an important and, as yet, relatively unstudied dimension of the role that NGOs or advocacy organisations play in Australia’s political system, particularly within the policy process. However, as we have noted, thus far empirical work has relied on self-selected surveys to describe perceptions of those who work in advocacy organisations. This report will locate these issues in a wider context and provide empirical data on the governance practices and advocacy strategies of a small sample of advocacy organisations, most of which claim to represent the interests of the disadvantaged.

In examining the question of whether NGOs are the legitimate voice of the interests they claim to represent, this report pays special attention to advocacy organisations’ internal governance arrangements. Specifically, this study examines the various models of democracy embodied in the governance processes of different advocacy organisations and how these models may operate to support or weaken non-profits’ legitimacy and capacity to give ‘voice’ to the constituencies they seek to represent. Despite this focus, it is important to acknowledge that the relationships between legitimacy and internal governance and internal governance and an advocacy organisation’s contribution to democracy are complex. An advocacy organisation may make a significant contribution to democracy and not necessarily be ‘highly’ internally democratic; it can, for example, enrich the range of perspectives represented in public debate, and enhance deliberative democracy. Nevertheless, knowledge of the models of democracy practised by NGOs within their own organisations may well give us some insight into how they contribute to democracy. In particular, it can improve our understanding of how the perspectives of the disadvantaged are articulated in the Australian political process.

Before presenting the empirical findings of this study, however, it is useful to provide a sketch of the wider context within which this study is located. This requires an overview of both the policy making process, especially the role of extra-governmental actors in that process, and the several ways in which not only NGOs but most other non-profit organisations contribute to the maintenance of democratic institutions and practices. The latter task also necessitates some clarifying of nomenclature.

⁴ Maddison et al., *Silencing Dissent: Non-government organisations and Australian Democracy*, p. viii-ix.

The policy making process

Conventional models used to describe the policy making process in Australia are relatively straightforward. Government ministers receive advice from the public service about the need to change existing policy or develop a new policy. They review this advice then determine a course of action that the public service develops as legislation that in turn is presented to parliament. When passed, the public service implements the modified or new policy. Sometimes the ministers initiate action, believing that some aspect of policy is not working appropriately; sometimes, when a new government is elected, it enters government with a number of policy proposals for which it claims a 'mandate' and which the public service then implements. If the government's policies are unpopular with the electorate, the government will be voted out of office at the next election.

Apart from regular elections, this model allows no involvement in the policy process from outside the government/parliament/public service sphere. This view was once asserted by constitutionalists and is still favoured as an ideal-type by some conservative commentators. Some economists also incorporate this view into their theories.⁵ To conservatives and these economists alike, any intrusion of interests from outside the governmental sphere, except at election time, is a dangerous interference with the task of governing. The IPA critique, referred to above, reflects this view, though applies it rather narrowly.

The reality, as most political scientists and political commentators recognise, is far more complex. Governments in Australia are generally formed by parliamentarians who belong to either one of two major political parties. Political parties have many members and an organisational structure outside parliament. Non-parliamentary party members frequently interact with parliamentarians and ministers. Some community groups seek to use party structures to influence government or opposition policy. But far more extensive than the policy influence of party members, are the many other individuals and groups constantly interacting with actors from within the government sphere and trying to shape policies in their own interests, in the interests of those for whom they claim to act, or in the interests of what they interpret to be a wider public good.

Such interactions are constant and inevitable. Government policies are designed to shape the behaviours of individuals, firms, professions and other groups. But in turn, governments rely on information from these groups to monitor the effects of existing policies. Such information is often interpreted and mediated by specialist groups to which firms, professions and groups of citizens belong. These have

⁵Downs, *An Economic Theory of Democracy*; Buchanan and Tullock, *The Calculus of Consent*.

been known traditionally as interest groups (although, as we discuss later, this term does not adequately describe all advocacy organisations). Sometimes, governments develop formal mechanisms, such as advisory committees or specialist reviews, to which they recruit members of these outside groups. Often, understandably, information provided to government is presented in ways that the interest group from which it comes believes will assist them. Sometimes it is presented along with proposals for new or modified policies. Often these so-called interest groups, but also individual firms and other organisations, employ specialist lobbyists to put, or help them to put, their case to government. In addition to these organised interests are individuals with a prominent public profile who can obtain access to key government figures in their own right.

Generally, all groups or individuals who would shape policy have two routes to government. One is via direct contact with ministers (or their staff), or public servants. The other is via seeking to shape wider public opinion by obtaining favourable coverage in the media. The media is both a major arena wherein politics is played, but also, out of a complex process, media outlets and individual media commentators can become quite powerful in shaping public opinion and thus government policy.

Political science talks of policy communities, and networks of advocacy coalitions and policy entrepreneurs. It acknowledges that successful policy making requires considerable interaction between ministers, public servants and a raft of important interests outside government.⁶ But, inevitably, the necessary interweaving of extra-governmental interests and governmental actors raises questions about inequality in the access of some groups compared to that of others. Accusations of unfair access to decision-makers are often made by those who were unsuccessful in advocating their interests or causes.

Indeed, the relative capacity of different interests to intervene and shape the policy process has long been debated in political science. At one point some on the left argued that there was a group of powerful business interests, that is, a power elite, who determined all important policies.⁷ Another tradition argued that there were many different policy issues, each with its own configuration of interests. Each interest had access to different resources of power and made different judgements of the importance of any issue, and thus of the time to devote to obtaining a favourable resolution.⁸ More recent studies of interest groups argue

⁶Lauman and Knoke, *The Organizational State*; Sabatier and Jenkins-Smith, *Policy Change and Learning: An Advocacy Coalition Approach*; Kingdon, *Agendas, Alternatives and Public Policies*.

⁷Hunter, *Community Power Structure: A Study of Decision Makers*; Mills, *The Power Elite*.

⁸Dahl, *Who Governs?*; Polsby, *Community Power and Political Theory*.

that the interest group system is biased towards those constituencies that are represented by 'well-resourced and politically sophisticated organisations'.⁹ Other studies have found interest groups of the right to be generally much more influential than the groups of the left. For example, a large scale study of American interest groups found that groups are more likely to be represented in the system if they are related to occupations and concentrated monetary interests than to intangible or diffuse interests.¹⁰

This brief account should suffice to demonstrate that claims that governments should be free of the blandishments of advocacy organisations are naïve, and that to pick out just a few of the various interests that seek to shape government policy for special attention is disingenuous or merely the political strategy of a particular interest. Anyone arguing, as does the IPA, that government interactions with a particular group of NGOs should be more widely exposed, but then says nothing about other NGOs such as professional and trade associations or about contracted lobbyists, is either unaware of, or choosing to ignore, the realities of policy-making.

Some definitions

Terms such as NGOs, community organisations, civil society organisations, citizen groups, social movements and advocacy organisations are often used interchangeably by those engaged in democracy assessment around the world. By contrast, the economic literature often refers to these organisations as 'interest groups'. This literature understands interest groups to be those entities that act in ways that deliver the interests they represent direct benefits, such as financial benefits. However, the term 'interest group' does not clearly describe all of those organisations made up of people who try to exert pressure and influence government to realise outcomes that may or may not directly affect the interests (financial or otherwise) of their members or supporters, such as groups formed by those who believe in a common cause, for example the need to ban abortion or change a government's refugee policy.

For the purposes of this research, we refer to these groups, variously called NGOs or interest groups, as advocacy organisations. The term 'advocacy' includes action taken to further the interests of particular groups and, more directly, politically focused activity that has the expressed goal of influencing public policy. Advocacy organisations are organisations whose primary purpose is to influence the decisions of an institutional elite on behalf of collective interests.¹¹ But not all organisations

⁹ Grant, 'Pressure Politics: From 'Insider' Politics to Direct Action?', p. 346.

¹⁰ Baumgartner and Leech, *Basic Interests: The Importance of Groups in Politics and Political Science*.

¹¹ Jenkins, 'Nonprofit Organizations and Policy Advocacy', p. 297.

that engage in advocacy are advocacy organisations. Advocacy organisations are non-profit organisations; the many for-profit lobbying and public affairs businesses that provide lobbying or advocacy services to corporations are not included. It should also be noted that there is some overlap between advocacy organisations and social movement organisations (SMOs). Many, but not all, advocacy organisations can be classed as part of social movements—for example the environment advocacy groups are part of the environmental social movement. Similarly, many, but not all, SMOs would meet our definition of an advocacy organisation.

Finally, given its centrality to the current legitimacy debate, it is also important to clarify what is meant by the term ‘representation’. Broadly speaking, ‘representation’ is the act of representing or standing in for someone or some group and speaking with authority on their behalf. As such, it encompasses notions of delegacy and agency. In practice, however, ‘representation’ has a multiplicity of meanings and different organisations operate with different interpretations of this term depending on what kinds of representation are valued. For example, some interpretations of representation are based on principles of the supremacy of majority over minority rights or collective rights over individual responsibility. As will be discussed later, some of the advocacy organisations interviewed in this report understand representation and, more precisely, their *representativeness* as based on the proportion of a constituency that an organisation can claim as members. Other organisations in our sample believed that they are representative because the organisations’ leaders share characteristics with their membership or constituency that intrinsically made them a legitimate voice for others who share those same characteristics. While an assessment of the validity of these different interpretations of ‘representation’ are beyond the scope of this report it is important to be aware that there are many arguments used to support claims that an organisation is a legitimate voice for a group of interests and that these arguments are currently the subject of ongoing social contestation.¹²

Advocacy organisations and the wider non-profit sector

Advocacy organisations are but one class of a far wider variety of non-profit organisations. And non-profit organisations interact with and underpin democratic systems of politics in several ways.

Non-profit associations are organisations that are independent from government, and usually have a clause in their constitutions, required by tax law in most

¹²Pitkin, *The Concept of Political Representation*, p. 228-9; Sawyer, ‘Feminism, Representation and Impartiality’, pp. 2-4.

common law jurisdictions, prohibiting the distribution of profits to members. This prohibition on profit distribution gives them distinctive behavioural characteristics and helps distinguish them from for-profit firms in economic theory. The non-profit sector has become the most common term in the United States. It is used by national accountants the world over and is the basis of the first rigorous comparative study of these organisations across over thirty countries.¹³ And, as it is probably the most widely used term in Australia, it will be used for the remainder of this report.

It has been estimated that there are 700 000 non-profit organisations in Australia, compared with over one million private businesses. Over 300 000 of these are incorporated, meaning that their members have acquired a separate legal identity for their organisation. But the great majority are small, relying entirely on the voluntary labour of some or all of their members. Around 35 000 are large enough to employ staff.¹⁴ Non-profit organisations can be found in many industries, especially service industries. They provide the majority of community services; educate one-third of school children and provide about half of nursing home beds. Most sports are organised and controlled by non-profit organisations, as are all religions. Most recreation, arts and cultural events that people participate in are organised by non-profit organisations. Most of the large performing arts companies are non-profit organisations. The Australian Bureau of Statistics (ABS) has estimated that in 2000, non-profit organisations employed over 600 000 people, turned over \$33 billion and contributed 3.3 per cent to Gross Domestic Product, equivalent to the contribution of the agriculture industry.¹⁵ But the importance of non-profit organisations lies more in their contribution to society and the political system.

Non-profit organisations and politics

Non-profit organisations impact on the political system in two ways. Membership of non-profit organisations prepares people for participation in democratic politics. As well, a non-profit organisation is the most common form chosen by people with shared interests when they wish to advance these interests in the political system through lobbying or advocacy. We refer to these as internal and external effects respectively.

Various scholars have highlighted the benefits of association. In his seminal study of the introduction of regional government into Italy, American political scientist,

¹³ Salamon and Anheier, *Defining the Non-profit Sector: a Cross-National Analysis*.

¹⁴ Lyons and Hocking, *Dimensions of Australia's Third Sector*.

¹⁵ ABS, *Non-profit Institutions Satellite Account 1999-2000* (Cat No 5256).

Robert Putnam, argued that a strong associational culture underpins the effective democratic governance of a country or region. Putnam referred to this associational effect as social capital.¹⁶

Other political scientists have studied the connection between membership of voluntary associations (non-profit organisations) and political participation. They have found that membership of associations actually encourages participation in wider civic and political affairs. The effect is stronger if a person belongs to several associations and is an office holder. The mechanism seems to be that through membership a person may engage in conversations about politics and acquire skills such as public speaking, working with others and running meetings that are usefully transferred to the political arena. These effects are stronger for associations that participate in the political process, particularly those that have been formed specifically to do so.¹⁷ Recent Australian research confirms similar patterns exist here. In Australia, associational members are nearly three times as likely to participate in political activities (other than voting) than are non-members.¹⁸

Also related to claims that non-profits provide a training ground for citizens to develop their capacities to engage in and contribute to building a democracy are studies focussed on the act of volunteering itself. Some argue that the existence of widespread volunteering is not only a recognisable sign of a healthy democracy but also a core characteristic of organisational democracy within non-profits.

Within this literature on the democratic contribution, or effects, of non-profit organisations, the size of the organisation and the way it is organised has been the subject of specific attention. Putnam has observed that in terms of democratic contribution, organisations with smaller memberships and face-to-face interaction may be more effective in preparing people for participation in democratic politics and in building social capital, as they may be able to communicate more regularly with members and include them in decision-making processes. By contrast, organisations with large numbers of members may lack genuine grassroots political organisation and their thousands of members only link to the group may be periodic financial contributions, the so-called 'cheque book organisations' that Putnam believes contribute little to social capital. Others echo Putnam's concern, focusing on some of the implications of replacing membership-based organisations by professionalised lobby groups. American sociologist Theda Skocpol, for example, argues that these new 'institutions without members, or associations with only mailing list adherents' do not produce the same democratic effects as earlier forms

¹⁶ Putnam, *Making Democracy Work: Civic Traditions in Modern Italy* .

¹⁷ Verba et al, *Voice and Equality: Civic Voluntarism in American Politics* .

¹⁸ Passsey and Lyons, 'Voluntary Associations and Political Participation'.

of association; in particular they fail to enhance grassroots participation in democracy.¹⁹ Other researchers dispute this effect.²⁰ What is likely is that the cheque-book advocacy organisations that Putnam and Skocpol deplore are less effective in contributing to democracy through their internal effects, but are more effective in their external effects.

When groups of people or firms join together to aggregate their individual interests and advance those interests in the political system, they mostly do so by forming a non-profit organisation. In 1995-96, the ABS conducted its only survey of the 'interest group industry', which within its definition comprised entirely of non-profit organisations. It estimated that non-profits employed just under 50 000 people and turned over more than \$3 billion.²¹ Included in this industry are non-profit organisations formed specifically and solely for the purpose of political lobbying or advocacy, but also many others such as trade unions, and business and professional associations that also provide other services for their members. In this category are non-profit organisations formed to represent the interests of other non-profit organisations directly providing services in a particular industry or industry segment, such as housing or care for the elderly. These organisations are generally known as 'peaks', partly to distinguish them from the more conventional industry or trade associations that represent for-profit businesses.

Some advocacy organisations are formed by people who might be considered disadvantaged in some way, for example, through low income, a physical or intellectual disability or chronic illness. In some cases groups of such people will combine to argue for better public support or the removal of some form of discrimination. In the community services industry, such self-help advocacy organisations are known as consumer organisations. In some cases, such as people with a severe developmental disability, other people (often parents or siblings) will form associations to advocate on their behalf. Many peak bodies representing non-profits that provide services to disadvantaged groups will also advocate for better government support for these groups. In addition to these specialist non-profits, individual non-profit organisations directly involved in service provision occasionally directly advocate on their own behalf or on behalf of disadvantaged client groups. For the most part, though, these non-profits rely on the specialist peak bodies to do their advocacy work. Most of these peaks represent the interests of their organisational members and some seek to advocate

¹⁹ Putnam, 'Bowling Alone: America's Declining Social Capital'; Skocpol, *Diminished Democracy: From Membership to Management in American Civil Life*.

²⁰ Selle and Stromsnes, 'Membership and Democracy'; Torpe, 'Democracy and Associations in Denmark: Changing Relationships Between Individuals and Associations?'

²¹ ABS, *Interest Groups, Australia, 1995-96*.

on behalf of the clients of these organisational members as well. It is therefore conceivable that on occasion these peaks can be faced with having to choose between representing the interests of their organisational members and those who use their members' services.

The main contribution of non-profit organisations to the political system in general and to the policy process in particular is to encourage and organise the participation of many more people and interests than would happen if obstacles were placed in the way of forming non-profit organisations. The presence of many interests and a population that is politically active in between elections may be regretted by those in government who wish for an easy life and those close to government who wish to put their views undisturbed, but it clearly contributes to a more knowledgeable and responsive government and is also clearly an essential part of a functioning democratic polity in large complex societies.

Resources, strategies and governance of advocacy organisations

While the contribution of non-profit associations to the political system and to the policy process is significant, this contribution may not always make the political system more equal. While membership of a non-profit organisation can encourage and prepare people for political participation, other factors also have that effect, particularly possession of a university degree. For people of low socio-economic status (SES), membership in an association, particularly active membership, dramatically increases the likelihood that they will participate in politics (and thus give some sort of voice to their interests). But the associational effect also operates on people of high SES, and because many of the attributes of a high SES—particularly tertiary education—are independently highly correlated with associational membership, the overall effect is to maintain and possibly enhance the bias in the political system for registering the views and interests of higher SES groups.²² Associations can also reproduce and even amplify inequalities in the wider society because of the group dynamics that may operate to create a common voice, and, as has been observed by the American sociologist Mark Warren, 'the solidarity required for effective political voice and representation may work to dampen dissent and deliberation within the association'.²³

In a similar way, the income and capacity of advocacy organisations to successfully influence the policy process depends very much on the level of income, wealth

²² Verba & Nie, *Participation in America: Political Democracy and Social Equality*.

²³ Warren, *Democracy and Association*, p. 3.

and the status of the members of those organisations. Thus, the Bar Association when it speaks is more likely to exert an influence than the Association of Social Workers; and the Pharmacy Guild has found it far easier to get its views registered and acted upon than the Association of Friendly Society Pharmacies. Of course, any interest organisation, even the wealthiest, has a sphere of legitimacy outside of which its influence is far less. To put it another way, it is accepted in some policy communities or advocacy coalitions but not others. But despite this qualification, for certain groups, particularly those representing business interests, their sphere of legitimacy is quite wide. For example, the Business Council of Australia appears to wield more influence on economics and tax policy, including programs to help the unemployed back into work than say, the Australian Council of Social Service. So, while participation in the policy process is open to any individual or group, the capacity to have an interest or point of view accepted as legitimate, let alone acted on, depends on possessing or being able to access resources that are far from equally distributed.

Some organisations comprise, or seek to represent, individuals or other organisations so income poor that they must rely exclusively on volunteer support and funding from third parties, such as foundations or governments. Modest government financial support is most commonly provided to peak bodies and consumer organisations in the community services industry. Government funding benefits the groups so aided but also has potential drawbacks. Financial assistance enables such groups to communicate with members, or their wider constituency, to undertake more extensive research and to better package and present their case than they might otherwise be able to do. But it also strengthens the influence of government officials. This influence might be exercised directly, as in a threat to withdraw funding unless a particular set of proposals are modified or a particular line of criticism is abandoned, but also more subtly, by shaping the advocacy organisation's understanding of the aetiology of its grievance and of the remedies that are possible so that these resemble the views of its funding department.

Not all advocacy organisations are membership-based organisations, formed to represent the interests of members. Rather they are modelled on the common law charity or civil law foundation model, where a self-appointing board governs the organisation, and donors or supporters provide much of the financial clout. Many of these have a nominal membership. This is because until recently in Australia, to incorporate as a non-profit organisation it was necessary to have at least five members. This model is particularly common among large environmental organisations and think tanks. These are the Australian versions of the national

advocacy organisation model that Skocpol describes as replacing the membership federations in the United States.

There are many strategies available to and used by advocacy organisations to persuade governments to act (or not act) in a particular way. They range from invoking considerable support in the electorate for a policy change or the retention of a policy the government proposes to change, to invoking a moral argument, to putting forward a convincing research-based case for a particular policy proposal or demonstrating that the public interest is best served by a particular course of action. Some will advocate the case directly to government ministers and staff, others will cultivate the public service while yet others will seek to influence public opinion, and in that way persuade government of the efficacy of a particular course or a combination of these strategies will be used. Most will play within an accepted set of 'rules of the game', while a few will adopt more confrontational tactics, perhaps seeking to disrupt the course of a business or the life of a city by demonstrations or sit-ins.

As noted above, some groups adopt the view that maximising cooperation with governments is an effective way of getting governments to adopt some of their agenda. However, conducting government commissioned research or serving on government committees can be a far cry from influencing policy. Indeed, this kind of 'advocacy' raises two issues of concern.

One issue is that advocacy organisations may be manipulated to deliver goods to political constituencies. On government committees there is the potential for departmental officials to dominate a committee's proceedings or 'screen' advice before it reaches the minister. A ritualistic aspect of advisory committees is especially apparent when they are used by bureaucrats or ministers to 'educate' clients and to engineer support for departmentally favoured policies.

The second issue is that such roles can potentially co-opt these groups' concerns into corporate or government agendas by conceding some of their criticisms while rejecting others, particularly their more fundamental critiques. This approach may result in an organisation choosing to maintain good relations with a funding agency at the expense of the interests of their members, supporters or clients.

The choice of strategies will depend significantly on the types of interests represented and their status and importance. For all but the most disruptive strategies, advocacy organisations depend on a solid reputation for credibility and legitimacy. For some organisations this will depend on the objectivity and quality of their research; for many, it will depend to varying degrees on the credibility of

their claims to represent a particular set of interests, or to understand the views of a wider constituency. Some attempt to do this by claiming to represent a high proportion of the relevant constituency. Other organisations argue that their views are representative by virtue of the fact that their organisation's leaders share characteristics with their membership or constituency that intrinsically made them a legitimate voice for others who share those same characteristics—what is sometimes known as the 'common interest model of legitimacy'.²⁴ To judge by the criticisms most frequently levelled at interest organisations, this is often a weak point. It is a matter that points directly to their governance.

Most advocacy organisations are democratically governed, although in their governance practices they display many different models or types of democracy. These range from direct models embodied by small collectives, to various versions of representative democracy. Some are governed by boards comprised entirely of people drawn from and elected by the membership while others mix such people with supporters possessing an appropriate expertise. Where interests cannot be represented, the organisation may be governed by a mix of experts. Because most advocacy organisations are incorporated entities, they need access to financial and legal advice. The larger ones need expertise in other organisational or business disciplines such as public relations and marketing. These can be obtained by recruiting appropriately skilled staff, but they will often seek to recruit them to their board as well, from among members, or more usually, from among supporters.

Some advocacy organisations, albeit a small minority, demonstrate a common failure of democracies, that is, a tendency toward oligarchy.²⁵ It is through their governance but also through the other ways they communicate and interact with their members that interest organisations provide schooling in political participation, a role that they share with, but seem to do better than, other non-profit organisations. It should be noted, however, that the role of members in the decision-making processes of the organisation is a complex issue. It encompasses several variables: structural (the formal decision-making rules of the organisation); practice (the extent to which these rules are actually followed); and the level of two-way communication between members and the staff or executive of the organisation.

The communication variable is particularly complex. In part, the communication function is merely a mechanism for keeping members informed of relevant developments and the actions of those who represent the association. But

²⁴ Beetham, *The Legitimation of Power*, pp. 76-7.

²⁵ Michels, *Political Parties: A Sociological Study of Oligarchical Tendencies of Modern Democracy*.

communication is a two-way process and part of the communication function is to ensure that the experiences and concerns of members are transmitted to the decision-makers in the organisation. Of course, in small organisations these will be one and the same. But in larger organisations, this two-way process is central to the legitimacy of the advocacy organisation.

To contribute more empirical research findings to the current debate, and to illustrate the variety of forms of governance and strategies adopted by interest organisations, this research concludes with a study of twelve Australian advocacy organisations. These were chosen on the basis of a typology, constructed by the authors, which categorised advocacy organisations that represented the disadvantaged into two categories. The first category included four organisations whose members are drawn from a disadvantaged constituency (the 'governed by the disadvantaged' group, hereafter GI). In the second category we selected four organisations that claim to represent the interests of disadvantaged groups or causes but are not drawn from such groups (the 'governed for the disadvantaged' group, hereafter GII). In order to provide a point of comparison we then selected four advocacy organisations that represent interests that would not be considered disadvantaged, including some mainstream and more affluent professional organisations, and a think-tank ('not disadvantaged' group, hereafter GIII). The organisations were chosen to reflect the diversity of organisations found in each of these categories—notably in terms of size, activities and constituencies. Identification of these organisations was informed by the authors' previous research experience and expertise in the field of non-profit studies.

The following discussion illustrates something of the variety of strategies and governance practices used by Australian advocacy organisations. The findings are based on interviews with Chief Executive Officers (CEOs) of the twelve organisations along with analysis of publicly available resources, such as annual reports and websites. In order to encourage frank discussion of governance practices, we have ensured that the organisations would not be identifiable.

2. Twelve Australian advocacy organisations

The interview questions sought to find out more about advocacy organisation governance processes in order to understand how these organisations aggregate and give voice to the views of their members and constituency. The interview questions covered the following areas:

- organisational characteristics;
- governance arrangements;
- representative functions; and
- the nature and importance of advocacy work.

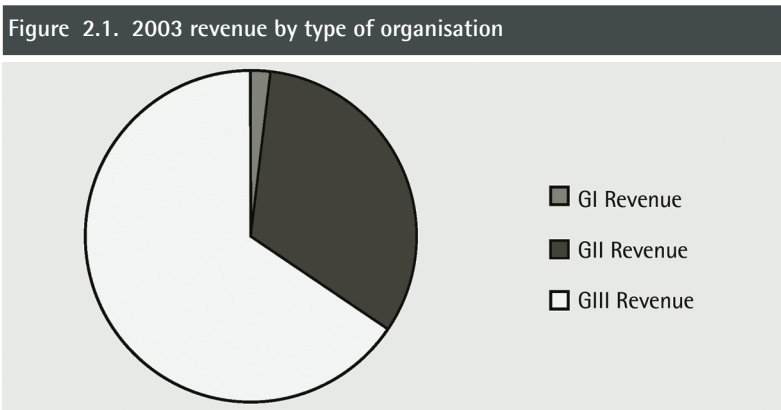
Below is a discussion of some of the relationships between various organisational characteristics including the amount and source of revenue, use of volunteers, size of membership, the composition and the range of interests of a constituency, aspects of each organisation's governance and nature of advocacy activity. It also examines how each organisation determined what issues and strategies were selected during advocacy campaigns and the extent to which members or constituents were involved in these processes.

Size and source of revenue by type of organisation

Interviewees were asked about the amount of revenue their organisation generated in 2003. A summary of their responses appears in Table 2.1 below.

Table 2.1. Size of 2003 revenue by type of organisation			
Revenue:	<i>No. of organisations in each category</i>		
	GI	GII	GIII
\$1 000–\$10 000			
\$10 001–\$50 000	1		
\$50 001–\$100 000	1	1	
\$100 001–\$500 000	2		
\$500 001–\$1 000 000		1	
over \$1 000 000		2	4

Figure 2.1 compares the total revenue generated by the three types of organisations (GI ‘of disadvantaged’, GII ‘for disadvantaged’ and GIII ‘not disadvantaged’) in 2003.



As shown in Figure 2.1, organisations in GIII ‘not disadvantaged’ group generate the highest level of revenue (with each generating over \$1 million per annum).

We also asked respondents about their principal sources of revenue (see Table 2.2 below).

Table 2.2. Principal source of 2003 revenue by type of organisation

Source of revenue 2003	<i>No. of organisations in each category</i>		
	GI	GII	GIII
membership fees	1		
sale goods/services			2
return on investments			1
donations/sponsorship		1	1
governments	3	3	

As shown in Table 2.2, the GI ‘of disadvantaged’ and GII ‘for disadvantaged’ groups relied to a large extent on government grants for their funding while GIII ‘not disadvantaged’ organisations were the least dependent on government for their revenue.

Advocacy role

Advocacy organisations are those for which advocacy is their *raison d’être*, their primary or sole purpose. Nonetheless, advocacy organisations must commit resources to other activities, though the extent of these other activities varies. For example, they must maintain contact with members and/or financial supporters (in this way they have—or fail to have—what we have called an internal democratic effect); they will undertake research into the issues they are advocating; they will engage in a variety of fundraising strategies. As discussed earlier, many political scientists argue that the so-called ‘interest group system’ is biased towards those constituencies that are represented by well-resourced organisations. The financial situation of an advocacy organisation, particularly organisations that have access to significant amounts of untied funds, may translate into a greater capacity to support non-revenue raising activities such as advocacy work.

Interviewees were asked about how much time and resources their organisations devote to advocacy work and whether the organisation would do more advocacy work if possible.

Table 2.3. Organisational commitment to advocacy			
	<i>No. of organisations in each category</i>		
	GI	GII	GIII
Approx % resources on advocacy*			
1–20%		1	1
21–30%	1	1	2
31–40%		1	
More than 40%	3	1	1
Would do more advocacy if possible			
Yes	3	3	1
No			3

*Note: The responses have been placed in percentile bands but all organisations provided an exact percentage of how much of their organisation’s resources were devoted to advocacy

Table 2.3 shows that respondents can be grouped according to the degree to which they engage in advocacy with G1 ‘of disadvantaged’ and GII ‘for disadvantaged’ organisations, on average, devoting the highest percentage of their resources to advocacy work. The majority of GI and GII organisations said they would do more advocacy work if they could, most citing a lack of resources to pursue further advocacy work. One GI CEO said:

We definitely would do more if we could. That’s what we’re about, after all. But it’s a familiar story. We don’t have the money or funds to do more.

This suggests that for these organisations there may always be a gap between a desire to engage in advocacy and the capacity to do so.

Some CEOs remarked that it was sometimes difficult to identify what kinds of activity and resource deployment contributes to their organisation’s overall advocacy function. Three organisations (one from each category) provided a figure but noted that it was difficult to classify what types of activity constitute advocacy. A CEO from a GII organisation said that while advocacy is ‘very important’ it is ‘difficult to tell’ what qualifies as advocacy. He added:

Mostly policy staff spend time researching and undertaking consultation around policy and it’s a minority of their time that goes into delegations or input into the media, public education activities and forums and publications that could fall into that definition of advocacy. You get a bit of a blur with a publication as to whether it’s giving information to give feedback.

A CEO from a GI organisation said that most of the work of the organisation is 'in some way geared towards advocacy':

Advocacy work is critical. It is our core business. All our staff are heavily involved in advocacy, advocacy development and in the carrying through of campaigns.

When asked about their advocacy activity some CEOs went on to describe activities that, arguably, do not fit the definition of advocacy used in this report. A CEO of a GII organisation described advocacy activity as this:

Last year we focussed our advocacy work on helping set up a health centre. We held a conference with members and specialists ... then we developed a constitutional structure, policies, job descriptions and budget. We also asked for donations from our member organisations to pay for airfares and renting a car. Then we called public meetings in towns, then another meeting that nussed out ideas, then we had a second public meeting. That's what we did over the year.

A CEO of a GIII organisation did not regard the term 'advocacy' as an adequate description of its efforts to shape the views of opinion makers and political leaders:

We put ideas out in to the public arena (arguably this helps shape debate and may be drawn on by others for new policies). We are good at getting media coverage for our papers and releases. We do not seek out and try to lobby/speak to ministers or public servants (though sometimes they might come along – or seek advice). We have recently started to give evidence to occasional parliamentary enquiries.

This lack of consensus over the meaning of advocacy may relate to a willingness or otherwise to identify with the political connotations of the term. Some groups may wish to be associated with what they perceive to be the 'positive' connotations of the term advocacy and thereby convey to members and others that their group is about changing attitudes, influencing policies, and informing community action. It could be argued that these groups may have a greater sense of what has been termed 'internal political efficacy'.²⁶ Other groups may wish to avoid associations with what they perceive to be the 'negative' connotations of advocacy, perceiving it to have more radical, agitating or troublemaking overtones.

²⁶ McAllister and Wanna, 'Citizens' expectations and perceptions of governance'.

Organisational commitment to advocacy

The literature suggests that the resources of the interests represented will affect the amount of resources an organisation will devote to advocacy. It is therefore interesting to see if those organisations with large amounts of revenue or greater financial independence from government reported a comparatively greater organisational commitment to advocacy work.

To examine the relationship between size of revenue and commitment to advocacy, Figure 2.2 shows each organisation's 2003 revenue by the percentage of the resources they devoted to advocacy in this same year.

Figure 2.2. 2003 revenue by percentage of resources devoted to advocacy

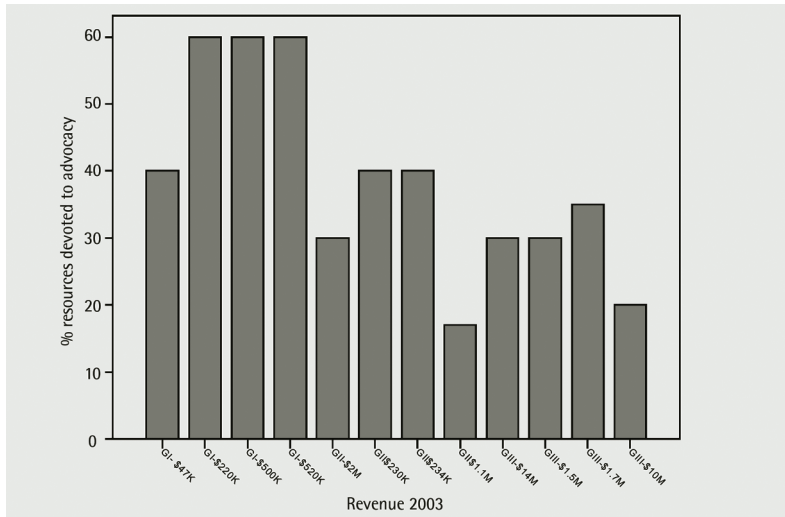
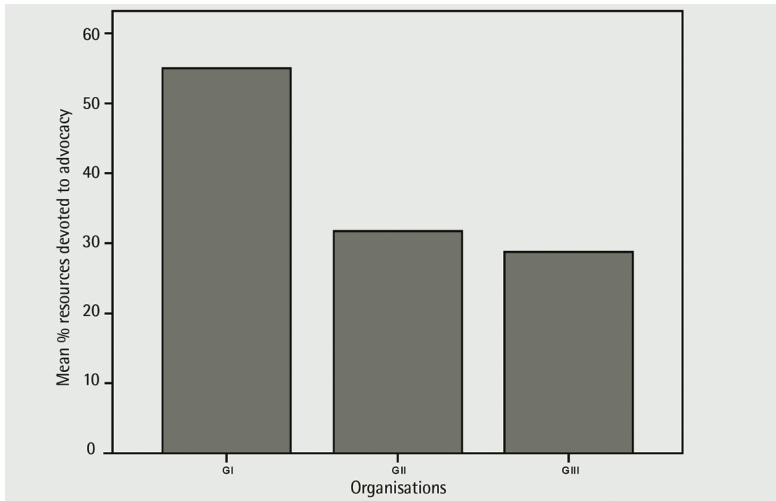


Figure 2.2 shows that CEOs from the relatively 'poorest' groups in the GI and GII categories reported that a significant percentage of resources were still devoted to advocacy. In contrast, Figure 2.3 shows that organisations in the GIII 'not disadvantaged' group committed a comparatively smaller amount of their resources to advocacy. This pattern is highlighted when the mean of the percentage of resources devoted to advocacy is presented by organisational group (GI, GII and GIII), as in Figure 2.4 below.

Figure 2.3. Mean of the percentage of resources devoted to advocacy by group (GI, GII and GIII)



As shown in Figure 2.3, the GIII 'not disadvantaged' group of organisations allocated relatively fewer resources to support advocacy work in percentage terms, although given their high revenue this commitment might not be less in dollar terms.

There are several possible reasons why there appears to be a lower percentage of resources spent on advocacy among GIII organisations. One reason may be that GIII organisations engage in such a wide range of other activities that the resources committed to advocacy appear small by comparison. Another possible explanation may be that GIII organisations enjoy greater access to those in power and that this may translate into regular deployment of relatively low-cost advocacy strategies, for example, a telephone call to a minister. (We discuss some of the preferred strategies of GIII organisations further below.)

Recent reports have pointed out that some advocacy organisations perceive that the current government funding regime has placed constraints on their capacity to engage in advocacy. Figure 2.4 shows each organisation's percentage of revenue from government by the approximate percentage of resources they spend on advocacy work.

Figure 2.4. Percentage of revenue from government by percentage of resources devoted to advocacy

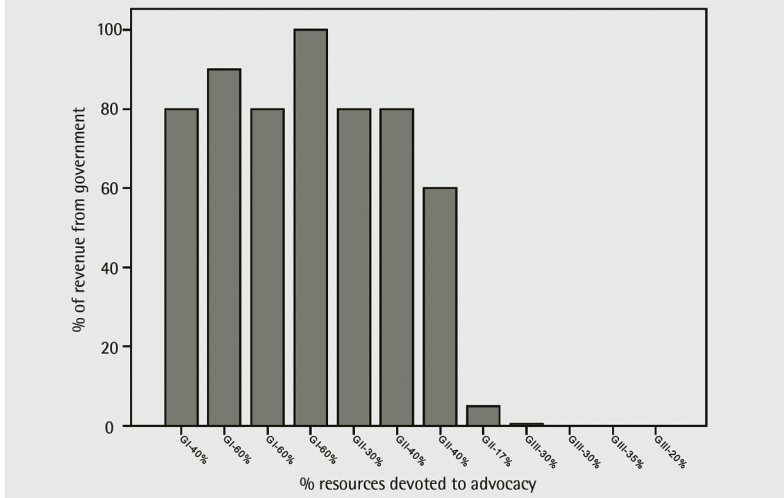


Figure 2.4 shows the majority of organisations in the first two groups (GI and GII organisations) are both significantly reliant on government funds and heavily engaged in advocacy work. This suggests that arguments that there is a growing culture of censorship (including self-censorship) within the sector, particularly among advocacy organisations that receive significant amounts of government funds, requires further testing.

Size of membership

As noted earlier, the number of members or supporters is an important dimension when examining the democratic contribution and representativeness of advocacy organisations. Smaller memberships may be more effective in preparing people for participation in democratic politics and in building social capital, while a larger membership base may lack genuine grassroots political organisation but be able to exert greater political influence by virtue of their electoral clout.

Interviewees were asked to provide details about their membership. All respondents reported that they considered a wide range of categories under the banner of membership, including organisational members, and associate members. We did not include paying ‘supporters’ i.e. donors/subscribers in this category. The number of members in each organisation is shown in Figure 2.5 below.

Figure 2.5. Number of members in each organisation

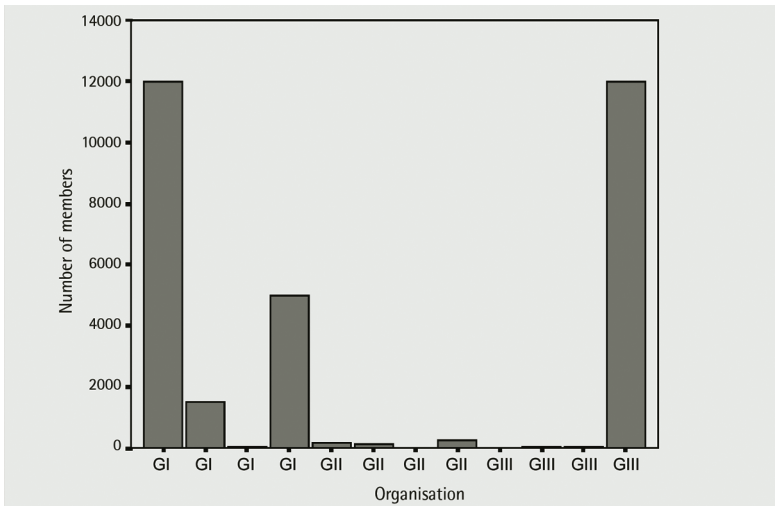


Figure 2.5 shows us that two organisations, one in the GI group and one in the GIII group, had the largest memberships. It should be noted, however, that small membership numbers can be misleading, particularly in cases where the organisation is a peak body (where membership is to a significant extent made up of other organisations) or is incorporated as a company limited by guarantee.

Among respondents, six CEOs described their organisations as peak bodies, three of which were GII 'for disadvantaged' organisations. (This is consistent with our earlier observation that many non-profits involved in service provision to disadvantaged client groups rely on the specialist peaks to conduct advocacy on their behalf). Some of these peaks' organisational members have large memberships of their own. For example, a CEO of a GII organisation described how its 60 organisational members together had 'a client base or membership of approximately 30 000.'

With one exception, GI and GII organisations were incorporated under the Associations and Incorporation Acts while all GIII organisations were companies limited by guarantee. Both sets of legislation require organisations to have members, but as few as five in the case of associations and, after recent amendments to corporations law one member will suffice for a company. Some of our sample had an extensive membership, some had very few, though these often had many financial supporters who were not legally members. For example, the CEO in one company limited by guarantee in the GII category said that it had

approximately 47 000 supporters while another in the GIII category reported over 1000 subscribers.

Interests represented

Interviewees were asked about the source of interests they claimed to represent or advance; whether they were members, constituents or the wider community (that is, act in the 'public interest').

Table 2.4. Interests represented			
	<i>No. of organisations in each category</i>		
What interest(s) claimed to be represented / organisational mission	GI	GII	GIII
- members only	0	0	0
- constituents and members only	4	3	2
- constituency and 'public' interest			1
- 'public' interest only		1	1

Table 4 illustrates the diversity of interests the twelve organisations seek to represent. The majority of CEOs said their organisation represented members and constituents. Three organisations, however, described their organisation's mission in abstract ideological terms. For example, the CEO of a GIII 'not disadvantaged' organisation said:

While we principally represent [people of a certain profession] we are also here to protect and promote justice, freedom and the rights of the individual. It is up to us to represent those people that have been wronged as they currently have no unified voice. So we are about the legal rights of individuals—so we represent a wide constituency.

Two CEOs of peak organisations said interest representation can, on some (rare) occasions, create dilemmas, notably where they must make a choice between the interests of organisational members and the interests of individual members. A CEO in a GI organisation believed that in certain situations the organisation would favour the interests of individuals over those of organisational members.

If, for example, an organisational member wanted to develop a large group home for people with a disability we would take the view that that is an inappropriate way to care for those with disability. We believe this group has the same right as everyone else to live (supported) in their own home and not in some huge care facility. So then we would back

our constituency of individuals with a disability rather than the interests of any organisational member.

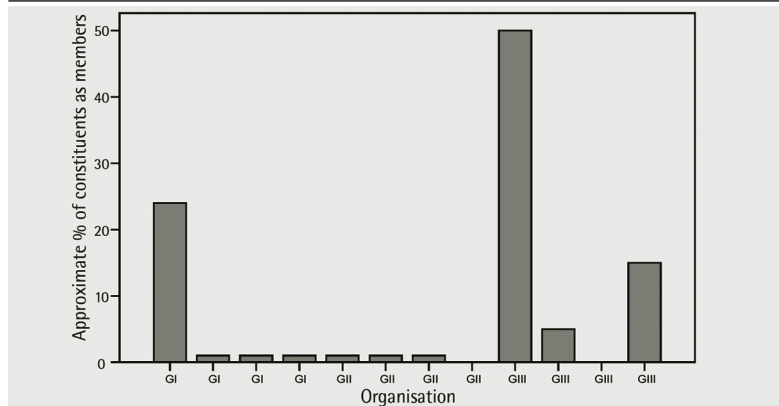
A CEO of a GII 'for disadvantaged' organisation provided another example of when his organisation supported the rights of individual members over those of their organisational members:

It used to be the case that if you were a charity CEO you could salary sacrifice a large part of your income—that means you didn't pay tax on that component. Now part of our intervention in the tax debate over the GST was to say we think that's a tax rort—that it undermines the capacity of the Australian Government to raise revenue to fund social programs and we were directly arguing against the interests of our own member organisations and in particular the CEOs and senior managers.

Proportion of constituency that are members

Some advocacy organisations represent a high proportion of the section of society for which they claim to speak. We asked interviewees to estimate the size of their constituency which has allowed us to compare the percentage of their reported membership with the reported size of their constituency. The percentage of each organisation's constituency that are also members is shown in Figure 2.6 below. (Note that public interest organisations were awarded 0 percent)

Figure 2.6. Percentage of organisation's constituency that are also members



*Note: Different respondents may define constituency differently. While a 'constituency' can broadly be defined as individuals who have an identifiable interest and who share the same representative agent we do not know whether respondents were referring to broader and often overlapping categories of constituencies such as stakeholder constituencies, that is, to those that share an interest in particular outcomes.

Figure 2.6 shows that, on average, GIII 'not disadvantaged' organisations had the highest percentage of their constituents signed up as members. As noted earlier, a high proportion of constituents as members are more commonly found among organisations representing primary producers, employees and the professions. This description applies to the three GIII 'not disadvantaged' organisations that had a high proportion of constituents as members.

Figure 2.6 also shows that, on average, GI and GII organisations had relatively low proportions of constituents as members. One possible reason for a low proportion as members is that the constituencies in question may be very large. However, in this study this does not appear to be the case, with these GI and GII organisations representing groups that account for relatively small sections of the population.

(As we have discussed, a high proportion of constituents as members is only one measure of being representative. For example, some organisations cite what is sometimes known as the 'common interest model of legitimacy' where organisational leaders embody some of the characteristics of their members or constituency.²⁷)

Organisational governance

Governance is about the arrangements or structures and practices whereby important decisions are taken about issues to advocate and the strategies to pursue them. Governance involves members, but sometimes this involvement is limited to the election of a board or executive, by postal ballot or, more usually, to attendance at an Annual General Meeting (AGM).

All organisations had some form of governing body and most referred to this body as the board, a term which we will also use. One way of establishing which of these models of democracy are embodied in the governance processes of the organisations interviewed is to examine what types of eligibility criteria apply to these board members and the different ways these board members are selected or appointed. A summary of eligibility criteria appears in Table 5 below.

²⁷ Beetham, *The Legitimation of Power*, pp. 76-7.

Table 2.5. Board eligibility

	<i>No. of organisations in each category</i>		
	GI	GII	GIII
Board eligibility			
Board must be members (or members of organisations that are members)	4	2	3
Board members need not be members		2	1

Note: With regard to board selection, rules governing the selection process were variable and, in some cases, complex and not amenable to summarising in a table.

All the CEOs interviewed described a range of procedures that take place prior to the finalisation of a board appointment. In the case of two ‘for disadvantaged’ GII organisations, non-members are entitled to be nominated but only by an eligible member. According to one of these CEOs ‘non-members will be elected if members voting believe that they have skills that will assist the organisation’s governance’. In the case of another ‘for disadvantaged’ GII organisation, two board positions were reserved for persons nominated by delegates from member organisations that were formed by and for the disadvantaged. All organisations required all or most of the board be elected by members but in most organisations the number of nominees rarely exceeded the board positions.

Most organisations had constitutions that allowed a board that has been formally elected (albeit by only a small number of members) to then co-opt two or three other directors, who do not have to be elected. This is to enable it to obtain expertise. For example, a CEO of a GIII ‘not disadvantaged’ organisation said: ‘Board members are mostly business types chosen for their contacts and ability to raise donations.’ The CEO of a GII ‘for disadvantaged’ organisation that had just under half of all board positions reserved for expert appointments explained how it used expert panels ‘to couch’ their issues in ways that speak to broader community concerns:

On the board we have people who have particular technical expertise. The idea of these positions is, if there are people who have particular expertise that is not covered on the board or particular contacts or skills not covered in the organisation then we have the opportunity to co-opt people to build those positions. They’re people who understand the sector at the national and state level.

Other organisations recruit persons from within and outside the membership whose views appear not to be represented in the board as elected, or to assist

them in understanding and defining interests. For example, the CEO of a ‘for disadvantaged’ organisation said: ‘Experts help us to correctly identify our constituents’ interests and in some cases the public or national interest.’

We also enquired as to the various methods of chairperson selection, how often their boards meet and who the main spokesperson for their group was. A summary of responses to these questions appears in Table 6.

Table 2.6. Chairperson selection, number of board meetings annually and main spokesperson for the organisation

	<i>No. of organisations in each category</i>		
Chairperson/ president selection:	GI	GII	GIII
- elected by the board	4	3	4
- elected by the membership		1	
The board meets:			
- once a year			
- twice a year	1		2
- more than twice a year	1	4	2
Main spokesperson:			
- CEO	1	2	1
- Chairperson / President	2	2	3

The chairpersons of all but one organisation are elected by board members (i.e. not via a direct election of all or some of the membership). For the majority of these organisations the main spokesperson is the chairperson of this governing body, although three groups qualified this by saying that on specialist topics members of staff were sometimes invited to make comments to the press or speak at other public forums.

Policy making

To learn more about the role of boards, CEOs, staff and membership in organisations’ decision-making processes, we asked interviewees the question—who initiates and sets policy in their organisation?

Each CEO described the role of the board in terms of policy making. Most boards have some policy function and some of these boards are very active in setting policy. For example, a GII CEO said: ‘The board determines the direction and helps choose priorities for the organisation. It does all the work.’ The majority of CEOs, however, said their boards focussed on deliberating over proposals brought

to them by the CEO. The CEO of a GII organisation said: 'My role is to propose, to recommend, to advise, to provide sets of options etc. to the governing body.' Another CEO of a GII organisation said: 'The board considers policy documents and recommendations that are in effect developed in collaboration with me or the relevant personnel at the office.' Some interviewees emphasised the point that in theory most boards had the right to initiate policy but in practice this right was rarely, if ever, exercised. According to a GIII CEO: 'The board has got as much right to suggest an idea as anyone else—but they have never said "we want to do a study on this topic"'. Similarly, another executive (from the GII group) pointed out that '...there has never been an occasion where the board has turned round and said "this idea is no good, throw it out".'

In at least one organisation, policy proposals came to the board by several routes. For each of the various policy areas that the organisation was interested in, the board appointed an expert as policy coordinator. These were required to report to each quarterly board meeting and their reports could contain suggestions for changes in the organisation's policy stance in that area. If a coordinator was a board member this was delivered in writing and orally; where the coordinator was not a board member, a board member was deputed to work with the coordinator and would bring the report forward. In those organisations where the membership elected the chair/president, that person frequently had an important role in initiation and development of policy.

For two organisations (a GII and a GIII organisation), however, boards do not have any policy function, and instead are concerned with organisational maintenance, functions such as fundraising and legal compliance. For example, a GIII CEO said: 'The board's main function is to ensure proper corporate governance and deal with the financial issues of the association. It does not get involved in the policy side.' In one GII organisation the policy role was generally performed by an expert committee.

In all cases however, the CEOs emphasised that their organisation had developed and used a range of supporting mechanisms and processes to also capture member input into policy formulation.

In the case of the GII organisation that deferred most policy decisions to its expert committee, the CEO noted that management also regularly polled its supporters for their views and have given priority to an issue that supporters felt strongly about but that the expert committee had downplayed.

In most organisations, however, CEOs emphasised the value of conferences, particularly their annual conferences, as the most important site to capture member input into the policy-making process. This response from a GI group is typical:

We have a conference in which members come together and talk about issues that affect us—that generally raises a list of issues which are then ratified by the National Secretariat. At the conference members share general ideas and engage in discussion as a way of identifying the issues of priority. These issues are then ratified by national voting delegates, and then taken to National Secretariat. The recommendations then orient the executive officer for the next two years.

In all but two cases the annual conferences were a sounding board, where issues were posed and discussed, but those attending had no power to bind the organisation. In two cases though, delegates at annual conferences voted on resolutions that became organisational policy.

For most organisations, members or representatives of members attend an annual conference although in three cases supporters, constituents and members of the public can attend these conferences. In one case (a GI organisation), where there is a branch structure, branches elect delegates to the national conference who express policy recommendations formulated at the branch level. A CEO of a GI ‘of disadvantaged’ organisation described how office bearers in the organisation do not have a vote at the national conference and all decisions have to be ratified by a majority of sub-branches before they become policy. He said:

Generally an issue will arise from the sub-branches as something that needs attention and an expert committee will be formed to put out a discussion paper which will go around the sub-branches for comment and then get modified into policy and then sent back to sub-branches for formal endorsement.

All the organisations interviewed held an AGM and a national conference. Unlike the AGMs which deal with formal governance requirements including elections and reporting on accounts, national conferences provided a forum dedicated to seeking member feedback. At the conferences members and other supporters who attend have an opportunity to learn of and discuss challenges in the policy environment and to express views about how to approach them. Also, like for-profit enterprises, these forums’ inclusiveness will depend on members’ ability to attend. There are also issues of representation peculiar to peak bodies, where attendance

is made up principally of organisational members as opposed to the clients of these members.

Perhaps aware of some of these potential problems, all of the CEOs described a variety of other techniques they use to capture the input of members into the policy-making process. A GI CEO cited techniques that most other CEOs mentioned in the course of their interviews. He said:

We have a lot of different ways of finding out what our members think. We canvass opinion of our membership constantly. We have a democratic process where all our members have a chance to share their opinions. We get letters all the time ... Our representatives are on the ground all the time. We have a call centre in which we constantly get information from, plus the branch network itself provides an avenue for getting information. We sometimes do surveys.

The influence of boards and CEOs over the policy-making process varies from case to case. There are also a range of mechanisms and processes that these organisations use to learn about and channel the preferences of members into the policy-making process. Overall, it appears that some organisations are about as (un)democratic as the Australian polity, but some are a great deal more democratic in that members are extensively involved in determining and signing off on policy.

Campaign strategies

Advocacy organisations have a vast repertoire of campaigning strategies available to them. These range from engaging in protests to lobbying methods such as petitioning, staging public debates, pamphlet distribution and monitoring committees. The literature suggests that the resources of the interests represented will affect the choice of campaign strategies.

In the interviews we examined some of the different campaign strategies pursued. A CEO from a peak organisation in the GII 'for disadvantaged' group said that it relied on the validity and objectivity of their research as opposed to lobbying tactics:

I don't think our approach to campaigning can be described in terms of lobbying. It's tended to be more of a think tank type approach where we bring a range of expertise, particularly in areas where there is new thinking emerging ... I think it would be fair to say that that kind of

advocacy activity tends to have larger groupings focusing on more narrow areas, and not just within the community services and welfare sector—they're often cross-sectoral.

Another CEO from the GII 'for disadvantaged' group described the strategies used in a recent campaign as follows:

We did some brainstorming to come up with some ideas of examples of people who would be affected and we did some research. We then answered an invitation to make written and oral submissions in front of a senate committee. We also met with members of the political parties to educate them on our position. We also did media interviews. We were not proactive enough to reach the tabloid but made it in the *Fin Review* [*Australian Financial Review*] and [Australian Broadcasting Corporation's] *Lateline*.

Some organisations believe advocacy did not need to involve adopting a radical approach of political activism and instead conceptualised advocacy as involving the provision of the 'expert' advice that governments need to ensure the responsiveness of services. For example, a CEO from a GII organisation said:

I think there's an important point to make here, that advocacy does not need to be adversarial. There are many issues where our advocacy is trying to be constructive—basically saying to government 'well here's a way out' ... Then there is other advocacy we're doing where we are commissioned to do research by the [government department]. We're also on ministerial advice committees, so there are lots of opportunities for substantive discussion on policy issues. There are many things that the department identifies as not working properly and we are about gathering the information that is necessary to help them form a new policy or to develop new programs.

These groups adopt the view that maximising co-operation with governments is an effective way of getting governments to adopt some of their agenda. But, as we have observed, conducting government commissioned research or serving on government committees can be a far cry from influencing policy. Indeed, this kind of 'advocacy' carries several risks, including risks of sidelining or co-optation. In our interviews, for example, one GII organisation representing refugees said it is committed to 'working with government and regional communities to put in place the structural support that is needed for successful settlement of refugees

in regional communities.’ This may reflect government preferred policy rather than the preferences of refugees themselves.

It has been argued that organisations with resources, particularly those whose members are drawn from business elites, often use their privileged access to those in power to engage in less formal strategies, such as seeking to influence government through contributing to political party funds or striking ‘back room deals’. In the GIII ‘not disadvantaged’ group, which was made up of more mainstream, affluent organisations, various accounts of advocacy campaigns point to the range of strategies open to groups with resources and influence. A CEO of a GIII described how a recent campaign unfolded:

We had a special committee which produced a large report which served as the basis for the legislation. So we were there from the start. We had staff talking to the Minister’s office virtually every day ... lobbied the government for amendments. We also formed alliances with other influential advocacy organisations.

A range of other campaign strategies were cited, many of which directly involved members. A discussion of some of these methods follows.

Members’ role in campaigns

The extent to which members are involved in these campaign strategies is of particular interest as member involvement can be another way in which an organisation can give ‘voice’ to its constituency. We asked interviewees about the factors influencing the selection and content of advocacy campaigns and the extent and manner in which members were involved in executing advocacy strategies.

A CEO of a GI ‘of disadvantaged’ organisation said their campaign issue was selected because ‘it was persistently raised by the clients, by our members—and others seeking help.’ In terms of the position decided on during a campaign a CEO of a GIII organisation said it was driven by ‘our policy subcommittee.’

Other organisations attempted to involve members in the execution of the campaigns. A commonly cited method was encouraging ‘members to write letters to their MPs’ (one from GI and three from GII). Other member involvement was more direct. The CEO of a GI group said:

We can use members to bring people into embarrassing scenes of confrontation. While it is an overall goal of the organisation to change

the way people/society as a whole thinks of people with a disability—we can use the prejudiced view with the media to our advantage. For example, in a protest by a sister organisation in the US, folk took themselves out of their wheelchairs and dragged themselves up the stairs. This created a powerful image and the protest got enormous press coverage.

Four of the organisations interviewed attempted to involve members in their campaign by encouraging them to make public how current government arrangements had adversely affected them, often described by interviewees as ‘member testimonials’. Interestingly, this strategy was not only the preserve of groups representing the disadvantaged. A CEO of a ‘not disadvantaged’ organisation said that during their campaign:

We try to involve our members’ clients by getting them to speak to senate committees and the media to let the world know how they have suffered under current government policy—the policy we wish to change.

Factors giving weight to advocacy

The success of some of these strategies depends on the perceived legitimacy of claims made by an organisation that they represent the interests of members. In other cases, where an advocacy organisation claims to be representing or advocating the interests of parties not members of the organisation, the extent and manner in which the views of those groups were canvassed will bear upon the legitimacy and thus the effectiveness of the representation.

In the interviews we examined how these different organisations presented their cases to government, noting a range of factors they cite to lend weight to their position.

All GI ‘of disadvantaged’ and three GIII ‘not disadvantaged’ organisations said that they cited their representative character as the main justification for why their views should be taken seriously. For example, a GI CEO said: ‘We work closely with all members and constituents and we are in a better position than anyone to know what our [constituents] think.’ According to a GIII CEO, the percentage of constituents who are members and the significance of members’ contribution to the economy were important arguments:

We argue that not only do we represent half of all our [constituency] but that we represent 'x' billion dollars of exports—all those economic contribution figures are trotted out to support our case.

We have observed that a high proportion of constituents as members is only one measure of legitimacy. All GI 'of disadvantaged' organisations argued that their views are representative by virtue of the fact that their organisations' leaders share characteristics with their membership or constituency that intrinsically made them a legitimate voice for others that share those same characteristics. As one GI CEO explained:

If any group of people understand what is needed for those that live with a disability it's our board. After all, the board and staff all live with the same condition.

Analysis summary

It is clear that there are a variety of ways that these organisations govern themselves and as a consequence there are various grounds on which they may claim to be the legitimate representative of their constituency. The main findings from the interviews as they relate to this claim are summarised below.

- *There is a range of ways advocacy organisations claim legitimacy.* Some organisations argue that they are legitimate representatives because they have a high proportion of constituents signed up as members. For other organisations, principally from the 'of disadvantaged' GI group, it is claimed that they are legitimate representatives by virtue of the fact that they share the same disadvantage as those they claim to represent.
- *Organisations that speak 'for the disadvantaged' are made up predominantly of peak organisations.* The size of membership varies across the three groups but in the GII 'for disadvantaged' group, membership tends to be smaller because the majority are peak bodies. This may be characteristic of this category and have implications for how the disadvantaged are represented in the policy process (see point below).
- *Representing both organisational membership (i.e. peaks) and a constituency may create dilemmas in terms of representation.* On occasion CEOs from peak bodies in the GII 'for disadvantaged' group said that the interests of members and those of their larger constituency were at times incompatible.
- *Representative democracy is the most common form of governance model but there are many variations on the theme.* There are various models of

governance at work but most operate with some form of representative democracy. Under this label, however, a range of methods is used to enhance the influence of members in board selection, campaigning and other policy and decision-making processes. Some of these organisations also appointed professionals to their boards to provide expertise and contacts with other influential networks.

- *Members are involved in deliberations, decision-making through conferences /AGMs.* In the course of all interviews, the majority of CEOs reported how they rely on conferences or AGMs to capture member feedback, participation and input into the deliberations and decision-making processes.
- *In most, but by no means all advocacy organisations, policy is initiated by a small group that includes CEOs and some board members, including the chairperson.* Member input in policy-making is captured through a range of mechanisms although most CEOs cited the value of the annual conference in this regard.
- *In most advocacy organisations the chairperson is the public face of the organisation.*
- *Members are more involved in the execution of campaigns conducted by advocacy organisations that represent the disadvantaged.* For GI 'of disadvantaged' and GII 'for disadvantaged' organisations, various strategies involve members directly or indirectly in campaigns.
- *In terms of advocacy strategies, resource rich organisations can use access to politicians and their staff as a campaign strategy.* The GIII 'not disadvantaged' group reported that strategies regularly involve directly contacting politicians and their staff.
- *In contrast, conducting government commissioned research and serving on government committees is favoured by the majority of the GI and GII organisations.* This type of approach may signal greater access to and therefore influence over government but also carries with it risks of co-optation.
- *Reliance on government funding among advocacy organisations that represent the disadvantaged may not affect commitment to advocacy.* Organisations that rely substantially on government funds continue to devote significant resources to advocacy work while relatively resource rich advocacy organisations do not devote as high a percentage of their resources to advocacy activity. This could reflect either the diversity of these richer organisations' activities or the fact that they engage in more cost effective advocacy strategies. Also, unlike the richer organisations, most organisations that represent the disadvantaged expressed a desire to do more advocacy

work if possible, suggesting that there may always be a gap between organisational commitment to advocacy and the resources available to support such commitment.

This is a small sample, but given the implications of these findings for current claims about the federal government 'silencing dissent' on the one hand and 'self selected and unaccountable' NGOs on the other, it is clear that further empirical research on a larger number of cases is warranted before sufficiently sound generalisations and conclusions can be drawn.

Conclusion

Recent reports have raised the issue of the legitimacy of non-profit organisations to seek to influence the policy-making process. Our analysis of in-depth interviews with senior executives of twelve non-profit organisation has given us some insight into the implicit models of democracy embodied in the governance processes in these groups and how these models operate to either support or weaken their legitimacy and capacity to give 'voice' to their constituents.

The analysis of responses highlights the diverse ways in which the groups learn about and articulate interests and how a range of variables, including size of membership, the amount and source of revenue, and the socio-economic composition and the range of interests of a constituency, can affect the governance and the democratic character of an advocacy organisation. Based on this analysis it becomes apparent that some advocacy organisations may fail, on occasion, to meet what is broadly expected of democratic institutions.

This finding, however, must be qualified by two important points.

First, conservative commentators who question the legitimacy of non-profits should not single out organisations such as those that represent the disadvantaged for attack. Rather, our research suggests that similar shortcomings are just as likely to be characteristic of organisations that represent more powerful, affluent groups.

Second, it is not clear, or even desirable, that one model of organisational democracy can or should operate in all advocacy organisations. Different models achieve different things and have different 'democratic effects'. Some models, for example, may deliver to their members greater levels of sociability, intimacy or freedom of choice but amplify the influence of those with the most resources. Other models of democracy may deliver to members more information and professional advice but be vulnerable to oligarchic tendencies.

The reasons why deficiencies are found within each model—and therefore across all kinds of organisations in the non-profit sector—and that each model can simultaneously have both positive and negative effects on democracy are two-fold. One reason is that associations are organic; they spring from the same soil as other societal institutions and thus, inevitably, will to a greater or lesser extent reflect the broader inequalities in their host society. Another reason for these deficiencies may be internal to democracy itself.

Mobilising a collective identity and articulating the views of a group involves forging and expressing a common voice. While such solidarity may enhance a group's political efficacy, the trade off will sometimes be that not each voice within the group is heard or heeded. These issues relate to the potential tension that exists between the democratic value of political equality and that of civil liberties/human rights. The Democratic Audit of Australia has recognised the fundamental nature of such tensions within the institutions of representative democracy—the threat that may be posed by a majoritarian version of political equality to the equality of respect and voice for individuals entailed by human rights principles.

These deficiencies are not, however, something to be lamented or perceived as a threat to democracy. On the contrary, the fact that all groups have aspects of their governance that serve both to support and weaken their legitimacy as political actors is, on the whole, probably good for democracy. Diversity not only enriches the soil in which democracy can flourish, it also contributes to building a tolerant, informed and cohesive society, that is, a type of society that provides the necessary conditions for democracy to 'work'.

The input of commentators with a political agenda and a lack of conceptual clarity, has meant the current debate concerning the legitimacy of non-profits to engage in advocacy tends to generate more heat than light. Nevertheless, the debate has raised an important issue that may well stimulate more serious scholarly attention. If legitimacy becomes the focus for further in-depth research, perhaps the most positive outcome from the current debate will be practical. It may spur scholars to assist non-profits in their efforts to develop governance processes that are at least weighted in favour of greater internal democracy. This would connect with a growing desire among senior managers in the non-profit sector, expressed through the National Roundtable of Non-profit Organisations, for a thorough review of the legal and regulatory framework of the non-profit sector. Such attempts are likely to promote greater acceptance of advocacy organisations as a legitimate

voice for their constituencies and, in so doing, enhance their contribution to Australian democracy.

Appendix A

The Federal Treasurer and many other commentators seemed to believe that an organisation that was a charity was thereby entitled to give a tax deduction to its donors. Thus a loss of charitable status could impact heavily upon an organisation's finances. In reality, however, while some charities and many non-charities are so entitled, many charities are not. Most advocacy organisations cannot give a tax deduction, and while a few are charities, most are exempt from income tax.

The controversial part of the bill concerned a constraint on the political activity of charities. The charities bill was part of the government's response to an inquiry into the definition of charities that had reported a year earlier.²⁸ All that the contentious clause proposed was to put into statute law what had been previously part of the common law. For many years it had been the law that if a non-profit organisation wished to be a charity it could not engage in political activity. Unlike the position in other common law jurisdictions, Australian case law was vague on what constituted political activity. In Australia, unlike other jurisdictions, charitable status gave few advantages, so the prohibition on political activity was largely ignored. The government's inquiry had recommended a clearer definition that would have prohibited only direct support for a political party or standing candidates in elections. The draft legislation, by repeating the older and more ambiguous definition, indicated unwillingness by the government to forgo the advantages of the law's existing ambiguity.²⁹ Subsequently, as it realised the administrative and legal complexities of statutorily defining 'charity', the government abandoned its bill.

²⁸ CGOA, *Report of the Inquiry into the Definition of Charities and Related Organisations*.

²⁹ Lyons, 'The Commonwealth Government and Charities: Conspiracy or Confusion?'

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