

Panel Title: Advocacy in the Age of Compacts: Australian Perspectives

Participants:

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Panel Abstract

One of the key features of government-Third Sector relations in the last decade has been the development of 'compacts' (Osborne and McLaughlin 2002, Casey and Dalton 2006). While the UK Compacts are the best known examples, similar documents have been developed in a wide range of countries and in supranational entities. This panel examines the worldwide movement to develop compacts and its impact on government-Third Sector relations, with a particular focus on Australia. There is no national-level compact in Australia, but similar written agreements have recently been signed in five jurisdictions (Australian Capital Territory, New South Wales, South Australia, Queensland and Victoria), and they are currently being considered in other states.

The purpose of this panel is to present various results from a two-year research project funded by the Australian Research Council that evaluates how Australian state-level compacts are shaping the future evolution of policy input by the Third Sector. The primary focus of the research was on the advocacy role of Third Sector organisations and on how compacts seek to regulate this role. Through extensive interviews with key stakeholders and an analysis of compact documents, the research project analysed the changing context of policy development under the emerging of compact regimes and explored how the varying compact processes in Australia are impacting on the effectiveness, strategies and opportunities for Third Sector organisations engaging in advocacy.

The four coordinated papers are all co-authored by the four presenters (note that on some papers there are additional authors who will not be presenting at ISTR).

- The first paper is the result of the international literature review that formed the background of the Australia research.
- The second paper examines the changing context of policymaking in Australia and the evolving role of Third Sector organisations.
- The third paper examines the relationship between individual and systemic advocacy by Third Sector organisations.
- The fourth paper examines how government funding has impacted on Third Sector advocacy in Australia and suggests alternative models.

The following four Abstracts identify the first author of each of the papers, who will present the paper at the ISTR conference.

References

Casey, J. and Dalton, B.(2005 'The Best of Times, the Worst of Times: Community-sector Advocacy in the Age of 'Compacts' in *Australian Journal of Political Science*, 41 (1): 23-28.

Osborne, S. and McLaughlin, K. (2002). Trends and Issues in the Implementation of Local 'Voluntary Sector Compacts' in England. *Public Money and Management*, Jan-March, pp. 55-63

Paper 1

Title: Advocacy in the Age of Compacts: Regulating Government-Third Sector Relations -- International Experiences and Evaluative Frameworks.

First Author/Presenter: John Casey (CUNY): casey2067@gmail.com

Co-Authors: Rose Melville (UQ), Jenny Onyx (UTS), Bronwen Dalton (UTS)

Abstract

In recent years, governments around the world have sought to better define and formalise their relations with the array of nonprofit and voluntary organisations that make up the Third Sector. In many jurisdictions this has led to the development of written agreements which constitute an explicit recognition of the key role that Third Sector organisations play in contemporary society. Compact became the term of choice for such written agreements in the UK where such protocols were first widely adopted and it has become the most commonly used descriptor for them. At the same time other terms such as *accord*, *agreement*, *charter*, *concordat*, *cooperation program*, *framework*, *partnership* and *strategy* are also used throughout the world to describe formal government-community sector protocols. Supranational entities use terms such as *consultative status* (UN) and *quadrilogue* (European Commission) to describe similar arrangements.

Typically, the texts of compacts include the following elements: a statement of representation that identifies the parties representing the sectors in adopting and implementing the compact; a statement of principles addressing the roles and functions of the signatories, including recognition of their autonomy, as well as their rights and obligations; an outline of the areas of cooperation, such as service delivery and policy formulation in various areas of interest; an outline of instruments of cooperation, including codes of good practice and joint consultative and decision-making bodies; and a statement on implementation activities, including proposed monitoring and evaluation processes, provisions for review and revision, and a mechanism for settling disputes (CEDAG 2007, Bullain and Toftisova 2005).

Debates about compacts and the new frameworks for collaboration they create are embedded in wider discussions of the evolution of *New Public Management* and *governance* approaches to the management of public goods and services. Reform and partnership agendas under these approaches include a broad range of dynamics and processes, of which compacts are just one example (Osborne and McLaughlin 2002, Casey and Dalton 2006). Compacts are distinguished from other government-Third Sector partnerships and collaborations by their sector-wide focus and by their inclusion of a broad range of interactions between signatories. Within governance debates, compacts can be seen as a part of a *mutual obligation* approach to partnerships and accountability (Brown and Jagadananda 2006).

This paper documents the advent of compacts in a number of countries and in supranational entities. The different evaluative frameworks that have been used to assess the impacts of the compacts are examined and a number of case studies are presented. Particular emphasis is given to compacts in the UK, where they appear to have been most successful, and Canada, where a widely-touted compact process appears to have faltered. The conclusion to this paper is presented as an analysis of 'lessons learnt' and speculation about future compact development.

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Paper 2

Title: Participation in Policy Making in Contemporary Democratic Welfare States – an Australian Case Study of Third Sector Organisations.

First Author/Presenter: Rose Melville (UQ) r.melville@uq.edu.au

Co-Authors: John Casey (CSU), Jenny Onyx (UTS), Bronwen Dalton (UTS)

Abstract:

Contradictory changes have taken place between governments and citizens in western liberal democracies in recent years. On the one hand, contemporary policy writers and political scientists have pointed out that the nature of representative democracy has been undergoing significant change during the two decades (Nye, Zelikow & King, 2007). The outcome of this change to the way in which democratic institutions are functioning includes a declining level of trust in political institutions, politicians and public servants. This in turn has led to an increase in governing by members of the parliamentary executive (in Westminster systems) and increase in the power of public servants to set the policy agenda (Barnes, Newman, Knops & Sullivan, 2003). In the past, in countries such as Australia, Third Sector organisations have been drawn into both informal and formal extra parliamentary processes which have facilitated their input into policy making processes. Many of these instructional arrangements have been dismantled or sidelined under the rhetoric of public choice theory, and decreased the input of voices outside the formal institutions of government.

In marked contrast to these developments, there has been increasing pressure on governments by transnational organisations to involve citizens more directly in policy making decisions. This is in part an attempt to respond to pressures of economic globalisation, increased social and economic inequality, and increased emphasis on individual management of risk accompanying a reduction in social citizenship rights and decreased welfare state support. The language of social capital, communitarianism, partnerships and community has been used to frame these new relationships between citizens and the state. One tangible outcome of this rhetoric has seen a growth in the development of written protocols governing the relationships between state governments and CSO's in countries around the world. Similar processes have occurred in Australia. A number of state governments have developed formal partnership agreements with CSO's during the last decade. CSO's have argued that agreements recognise their legitimacy to engage in political advocacy and policy making processes.

The paper examines two main issues. First, it outlines the current parameters around policy making in the contemporary policy environment and its implications for advocacy organisations (Casey & Dalton 2006). Second, this paper reports on some of the findings of an empirical study conducted with CEOs of 24 Third Sector organizations undertaken across two Australian state jurisdictions. Third, the authors discuss some of the innovative ways in which a range of Third Sector organisations (environment, disability, families and children and homelessness) are responding to the challenges thrown up by more centralist policy making tendencies. Finally, the paper examines alternate models of policy making which are grounded in deliberative and participatory democratic models (Fung 2006).

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Paper 3

Title: The Relationship between Individual and Systemic Advocacy in Australian Third Sector Organisations.

First Author/Presenter: Bronwen Dalton (UTS): bronwen.dalton@uts.edu.au

Co-Authors: Jenny Green (UTS), Jenny Onyx (UTS), John Casey (CUNY), Rose Melville (UQ)

Abstract

In Australia some commentators have recently questioned the legitimacy of many Third Sector organisations that attempt to influence public policy (Johns 2000, 2001; McGuinness 2003a, 2003b; Hywood 2004). These critics have focused on alleged failures of their internal processes, specifically that they do not consult or hear from the groups that they claim to represent. They claim that some advocacy organisations not only get in the way of democratically elected governments, but in fact are undemocratic in their own processes. Such criticism has highlighted an important question: are Third Sector organisations that engage in advocacy the legitimate voice of the interests they claim to represent? This paper argues that part of the answer to this question lies in a greater understanding of how Third Sector organisations involve their members or constituents in their advocacy activities in ways that support or weaken their organisation's capacity to give 'voice' to those they seek to represent. This, in turn, can improve our understanding of how the perspectives of the disadvantaged are articulated in the Australian political process. One approach to gain some insights into these processes is to examine the relationship between individual advocacy, i.e. representing the interests of individual clients to improve the situation for a person or small group of people, and systemic advocacy or activities that seek to change institutions' policies in ways that are expected to benefit a whole constituency. This examination highlights the diverse ways that groups identify, articulate and represent the perspectives of their constituency. It also reveals that individual advocacy within the Australian Third Sector organisations, particularly within the community services sector – those non-government organisations working to deliver services or to represent the interests of a specified constituency in regard to such services – is a growth area. The paper explores some of the possible drivers behind this trend. In particular it examines if an increased focus on individual advocacy is related to what some Australian political scientists argue is the growing dominance of neo-liberalism and the public choice paradigm at the Federal level of Australian politics (see for example Melville, R. and R. Perkins. 2003; Mowbray 2003; May 2001, p. 254; Pixley 1998, p. 138; Brennan 1998, p. 133; Marsh 1999, p. 6; Orchard 1998, p. 114; and Sawyer and Jupp 1996). The discussion in this paper is informed by an analysis of in-depth interviews with senior executives of 24 advocacy organisations from across the Third Sector community service advocacy 'industry'.

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Paper 4

Title: Implications of government funding of advocacy for Third Sector independence and exploration of alternative advocacy funding models.

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Co-Authors: Bronwen Dalton (UTS), Rose Melville (UQ), John Casey (CUNY) and Robin Banks (PIAC).

Abstract

This paper examines the effect of funding contracts on the capacity of organizations to effectively advocate. The relationship is not simple or obvious, with some organizations reporting “mature relationships” with particular (state) departments, and others reporting difficulty with state or federal government jurisdictions. The paper spells out the negative effects of conflating service funding and advocacy. The paper concludes by exploring alternative institutional arrangements for the resourcing of advocacy.

Funding is an issue for all Third Sector organisations. It is particularly an issue for those human service and environmental organisations that both depend on government funding to conduct their business, and also wish to engage in systemic advocacy on behalf of their target group.

Apart from the length of funding, the conditions of funding are problematic for advocacy. The new models of government funding in effect mean that advocacy can only be funded from the shrinking pool of uncommitted funds, private membership or fundraising. Any use of government funds may lead to de-funding, or removal of tax- exempt status.

An interesting issue raised by research participants in this study is the way in which they defined advocacy. For example, a number of participants defined advocacy in terms of influencing policy making and implementation and not in the more conventional forms of ‘political advocacy work’. Governments of all persuasions were more receptive to negotiations behind the scenes, with representatives of many key Third Sector organisations sitting on various government committees. This provided them with opportunities for policy impact, which some organisations valued. For others committee work is an extremely time consuming process which deflects energy from more direct advocacy. Some organisations expressed a frustration that by taking part in a committee, they were largely co-opted into the government agenda, with reduced capacity for independent critique. One condition of being on these committees was that they could not consult with other Third Sector organisations, or claim to represent a wider constituency.

For most organisations it is simply not feasible to obtain significant funding from non-government sources while maintaining an advocacy program. The most obvious source of non-government funding is self-funding; usually in the case of peak organisations this refers to levies or contribution drawn from member organisation. However those member organisations are rarely in a position to contribute significant funds as they are themselves struggling to meet enormous service demands. Even where the advocacy program is funded from independent sources, but where the main service delivery is funded from government sources, that dependency renders the organisation vulnerable to government pressure, and the threat of losing tax exempt status. This of course varies enormously depending on which department, what kind of advocacy and what level of government

We may conclude that all is not well in the world of systemic advocacy, and that this situation places a grave threat to the maintenance of a healthy democracy. The need to separate the funding mechanism of non-profit human service organisations from the monitoring, evaluating

and regulation of state human service delivery of programs has long been a contentious issue between the state and Third Sector. To rectify this situation alternative funding sources need to be made available for systemic advocacy, alternatives which nonetheless draw on a public purpose fund and are accountable to the state, but not to a specific service department. Such alternatives are not only possible, but already exist in some jurisdictions. Urgent action is required to support a basis for responsible autonomy within the Third Sector for systemic advocacy.