

**Non-government Organisations and the Australian  
Government: A Dual Strategy of Public Advocacy for NGOs**

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Tackling this project has been a learning experience *par excellence*. It has not only meant learning about completing a large academic study, but it has also been a project of self-discovery—giving meaning and shape to some of my work in past years. It has been an opportunity to re-examine my time as Australian Conservation Foundation lobbyist during the Hawke Government, and to investigate those political events of the past quarter century that impacted on the NGO environment sector. It is also satisfying to end the project with a concept of the democratic role of the NGO sector that is based on both a theoretical and practical understanding.

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## **Abstract**

This thesis asks the question, ‘What are the most effective, long-term strategies for engagement with the state by non-government organisations’ (NGOs’) and how might such strategies be conceptualised?’ A ‘dual strategy’ of NGOs working both outside the state and in conjunction with it has been suggested by a number of authors as an effective strategy for NGOs, and a specific formulation of a ‘dual strategy’ that also includes NGOs maintaining their independence of political parties is developed by the author. The case study examined by the thesis is the relationship between the Australian government and two environment organisations, the Australian Conservation Foundation (ACF) and The Wilderness Society (TWS), during the Hawke, Keating and Howard governments (1983–2007). Using primary and secondary research, the thesis seeks to test its formulation of a ‘dual strategy’ by researching the extent to which ACF and TWS adopted or moved away from it and how this impacted on their advocacy.

The various orientations that the Hawke, Keating and Howard governments expressed in their relationships with NGOs, and with ACF/TWS in particular, are conceptualised within three analytical frameworks: pluralism, corporatism and public choice theory. The primary research includes interviews with 21 former federal ministers, shadow ministers, parliamentary advisors and non-government leaders who were significantly involved in the relationship between ACF/TWS and the federal government during the 24-year period. The conclusions of the thesis confirm the effectiveness of a ‘dual strategy’, but also refine its application. These findings aim to extend contemporary debate on the democratic role of NGOs in Australia and to suggest some principles and practices in relation to public advocacy for the sector to consider.



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## **List of Main Abbreviations Used in the Text.**

AAT	Administrative Appeals Tribunal
ABC	Australian Broadcasting Corporation
ABRCC	Australian Business Roundtable on Climate Change
ABS	Australian Bureau of Statistics
ACOSS	Australian Council of Social Service
ACF	Australian Conservation Foundation
ACFID	Australian Council for International Development
ACTU	Australian Council of Trade Unions
AJA	A Just Australia
ATO	Australian Tax Office
ESD	Ecologically Sustainable Development
EPAC	Economic Planning Advisory Council
FOE	Friends of the Earth
IPA	Institute of Public Affairs
NGOs	Non-government organisations
NLO	National Liaison Officer
NPM	New Public Management
RAC	Resource Assessment Commission
TWS	The Wilderness Society
WWF	World Wildlife Fund

## Introduction

In mid-1987 there were rumours that the Australian Labor government was about to go to an election. At this time, I was stopped in the corridors of Parliament House by the ‘numbers man’ to Prime Minister Bob Hawke, Senator Graham Richardson, who asked, ‘What is the big one we have to do for this election? Is it the Wet Tropics?’ As environmental lobbyist for the Australian Conservation Foundation (ACF), I simply replied, ‘Yes’. Within a few days, the election was announced and the prime minister publicly undertook that his government, if returned, would stop the logging that was destroying Queensland’s rainforests by nominating them for World Heritage listing. This was the only lobbying I ever needed to do with Senator Richardson on the Wet Tropics. Prior to this I had been working with him over a period of eighteen months on other major national issues. By this time I was confident that the Australian Labor party would promote the environment, and specifically four major issues, including the Wet Tropics, as a major plank in their 1987 election platform. As a result, the ACF and the Wilderness Society (TWS), the two major national environmental non-government organisations (NGOs), endorsed and encouraged a vote for Labor at the election.

Fast forward eighteen years to 2005 under the Howard Government. The ACF and TWS no longer talked to government ministers, nor did they meet with any government representatives (Tupper 2008). Both organisations felt under siege from attacks in parliament on NGOs generally, and on environmental NGOs in particular. The director of TWS described his antagonistic relationship with the government as having ‘daggers drawn’ (Marr 2008). These two snapshots, nearly two decades apart, represent very different relationships between environmental NGOs and the Federal government. How can these two different situations be conceptualised?

A central idea for this thesis crystallised in 2006 when I published a discussion paper for the Democratic Audit of Australia, *NGOs out in the Cold: The Howard Government Policy towards NGOs* (2006), in which I linked the neoliberal public choice theory with Howard government policies. The paper argued that the NGO/government relationship at the time was dominated by the logic of public choice, which was proving to be an

unsatisfactory democratic model for NGOs. This led considering what has become the question of this thesis, which asks: What are the most effective, long-term strategies for engagement with the state by NGOs and how might such strategies be conceptualised?

A review of the literature suggests that the concept of a 'dual strategy' or 'dual logic' of action both inside and outside the state has a sound base as a model or strategy for NGOs. Cohen and Arato (1992) and Wainwright (1994) proposed such a dual logic as the most effective strategy for the sector. Dryzek (1996) also explored the use of a dual logic in a discussion of how democratisation of the state may occur. Chapter 2 examines the approaches of these authors in more detail and draws on them to develop a concept of a 'dual strategy' for NGOs that is applied to this thesis. The methodology of the thesis examines the case study of the relationships of the ACF and TWS with the Australian government through the Hawke, Keating and Howard Governments - 1983 to 2007. In so doing, it tests the proposed dual strategy by measuring the extent to which ACF and TWS adopted or moved away from it, and how this impacted on their advocacy. The appropriate historical literature is utilised, as well as interviews with government and NGO representatives from the period.

In relation to the second part of the question, 'How might such strategies be conceptualised?', the thesis draws on the theories of pluralism, corporatism and public choice in order to analyse the context in which NGO action took place throughout the period in question. Conceptualising a dual strategy for use in these various contexts may be helpful in extending contemporary debate on democratic theory and long-term effective strategies for Australian NGOs.

The contribution of the thesis to the literature is in its assertion of a model of NGO strategic positioning, based on an examination of changed government orientations over a significant number of years. This is in contrast to publications that are a reactive response to current events or that examine a shorter research period. Throughout the period of the Hawke, Keating and Howard Governments, it took some years for the academic literature to reflect the full implications of the contestation between the earlier hegemony of pluralism and the newer theory of neoliberalism. It was only with the significant repression generated by the implementation of policies reflecting the values of public choice theory during the Howard governments that Australian academic

literature began to reflect more specifically on the democratic role of the NGO sector. This academic focus clarified the process that was occurring, but being reactive in nature, it was limited in scope. The focus of research was mainly on the threats to democratic advocacy practice, not with the broader question of what would make for good practice. Therefore, the contribution of this thesis to the Australian literature is in articulating long-term, effective strategies for NGO advocacy consistent with democratic practice by identifying a model for NGO advocacy that would be appropriate through changed political orientations of government.

The application of this thesis' findings are of relevance to the whole NGO sector because, despite the passage of time, the sector is still coming to terms with the effects of eleven years of Howard Coalition governments. During the four Howard governments, the implementation of policies that were consistent with neoliberalism, and specifically with public choice theory, had a repressive, silencing impact on NGOs' advocacy role (Maddison & Denniss 2005; Staples 2006; Hamilton & Maddison 2007). The relevance of public choice theory to NGOs will be examined in chapter 2, but it is worth noting here the wider theory of neoliberalism because policies consistent with it have had an effect throughout Australian society, not just within the NGO sector. Neoliberalism can be seen as both an economic and political doctrine (Va'zquez-Arroyo 2008). Harvey (2005, p. 2) has described it as,

a theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade.

The role of the state, according to neoliberal ideas, is 'to create and preserve an institutional framework appropriate to such practices' (Harvey 2005, p. 2). The theory is often linked to practices such as privatisation and deregulation, trade and financial liberalisation, shrinking the role of the state, and encouraging foreign direct investment (McLean & McMillan 2003). The cultural consequences of the domination of neoliberal economic theory are that 'it seeks to bring all human action into the domain of the market' (Harvey 2005, p. 3). Social, cultural and political practices have been affected by the theory and its economic language has been applied to them. The significant impact of the theory on practice in Australia has been widely noted (Pusey 1991; Johnson 2007). Public choice theory is part of the neoliberal theoretical framework. It is

relevant to this study, because, among other things, it addresses the role of interest groups. Throughout the period covered by this thesis, particularly during the years of the Howard government, many political decision-makers came to adopt ways of framing NGO relations that were derived from neoliberalism, and specifically from public choice theory. Strong echoes of a point of view consistent with public choice theory still remain in the Australian polity.

## **NGO Context in Australia**

The Australian situation during the Howard government was similar to that earlier experienced by NGOs in the United Kingdom (UK) after UK Prime Minister Margaret Thatcher implemented a repressive regime applying the logic of public choice theory. Dryzek, Downes, Hunold and Schlosberg with Hernes (2003) noted that in the UK, when the Thatcher government ended, environment groups were relieved that the repression had lifted, but they did not become strong advocates for their cause. The negative effect of this period of active repression was evident ‘in just how little’ improvement in policy environment groups were ‘prepared to settle for once it was lifted’ (Dryzek et al. 2003, p. 124). The situation that occurred in the UK is a warning to Australian NGOs of the need to continually assess their strategic position in relation to advocacy and the orientation of government.

Soon after the Rudd Labor government took office, Julia Gillard, the then Minister for Social Inclusion and Deputy Prime Minister (who was also Acting Prime Minister at the time), affirmed the right of NGOs to advocate. She said that NGOs ‘had been operating in a “climate of fear” under the Howard government’ and she promised that the Labor government would remove the contractual clauses that had gagged debate. She also affirmed a pluralist orientation towards NGOs saying, ‘We take the view that debate and hearing everybody’s voices is much better’ (Franklin & Lunn 2008). Since 2007, the NGO sector has looked to the possibility of a new relationship with government in which policies characteristic of public choice might ease. Although the Labor governments since 2007 have been less repressive than the Coalition in their attitudes towards NGOs, the impacts of changes affecting NGOs that were introduced during the Howard government were profound and widespread, striking as they did at the very

conception of NGOs' democratic role. Not surprisingly, the impacts of the changes that were experienced under the Coalition have not disappeared, even after five years of Labor in power (Butcher 2011). As well, the likelihood of a change of government at the next federal election remains high (Newspoll 2011) with the possibility of a re-emergence of repressive government policies. To maintain practice in the sector consistent with a healthy democracy, it would be wise for NGOs to strategically position themselves so they are able to promote their issues with principled advocacy, regardless of whether there is a change of political party in power, or a change in government orientation for other reasons. The aim of the model suggested here is relevant.

The wider NGO sector faces many issues that impact on its role. Prominent amongst these are a need for an updating of its regulatory framework,<sup>1</sup> a new emphasis on social entrepreneurship and social enterprises,<sup>2</sup> and increasing managerialism within the sector.<sup>3</sup> The Labor government also identified closer collaboration with the NGO sector as necessary for the delivery of its social inclusion agenda, and there has been an increasing use of NGOs for the delivery of what were formerly government services (National Compact 2011), which creates tensions between NGOs' advocacy role in a democracy and their responsibility to their government funder.<sup>4</sup> The Labor government has also introduced an agreement or National Compact between the government and NGOs (National Compact 2011)<sup>5</sup>, created the position of a Minister for Social Inclusion and a Social Inclusion Board (Social Inclusion Board 2011), and is proposing to introduce an Australian Charities and Not-for-profits Commission to oversee regulation in the sector. Therefore, as NGOs find themselves in a changing political environment,

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<sup>1</sup> The Productivity Commission in February 2010 recommended a comprehensive suite of reforms including 'a national one-stop shop to consolidate regulatory oversight and tax endorsement' and various regulatory, educational and capacity building elements for NGOs receiving government funding (Productivity Commission 2010). The government has responded by setting up an implementation taskforce made up of public servants to establish streamlined regulatory arrangements for the not-for-profits, and to prepare for the new Australian Charities and Not-for-Profits Commission to become a regulator of the sector from 1 July 2012. There is a need for the sector to fully engage in this process while there is a government that will implement it sympathetically, but there is a danger that the sector may not be sufficiently co-ordinated to ensure this happens.

<sup>2</sup> Social entrepreneurship and social enterprise use market models to deliver social welfare outcomes.

<sup>3</sup> The extent of managerialism within the NGO sector and whether it is conducive to, or stifling of, its other roles such as advocacy may be an area for further research.

<sup>4</sup> The increasing use of NGOs to deliver government services may be another area for further research relevant to the findings of this thesis.

<sup>5</sup> See chapter 3 for a discussion of compacts, and the Australian National Compact.

both politically and in the roles they are expected to fulfil, this thesis proposes a model for those engaged in public advocacy that can be effective long-term

## **The Value of NGOs to Democracy**

Underlying this thesis is an assumption that NGOs are of value to democracy. Almond & Verba (1963, p. 245) have described NGOs as ‘the prime means by which the function of mediating between the state and the individual is performed’ and through them the individual is able to relate ‘effectively and meaningfully to the political system’. This study is particularly interested in the many mediating roles of the NGO sector in addressing what is known as ‘the democratic deficit’. Hindess (2002, p. 32) identified the deficit as being intrinsic to the design of representative government, arguing that because representative government ‘places the work of government in the hands of representatives and unelected public servants, representative government is not in the hands of the people themselves’. It is argued that the democratic deficit isolates people from the practical work of government that is conducted by the elected representatives and other assemblies or organisations, such as the public service (Hindess 2002, p. 33). The size and power of modern governments have also increased their inaccessibility (Painter 1992, p. 22), and have led to calls for ‘more and better participation in policy making’ (Bishop & Davis 2002, p. 14).

The intermediary role of NGOs is a key contribution in redressing the democratic deficit (Maddison, Denniss & Hamilton 2004; Bishop & Davis 2002). There are many ways this intermediary role is expressed, but public advocacy in a pluralist context is generally common to all.<sup>6</sup> NGOs mediate with government in trying to influence public policy and assess good governance. They mediate in the public sphere in fora such as the media, including the internet, public gatherings, official government enquiries, in lobbying of members of parliament and by more confrontational means such as direct action. The pooling of the financial and intellectual resources of individuals in NGOs can improve the quality of both research and of debate. Smaller regional or specific interest groups can provide information relevant to their members or their members’

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<sup>6</sup> Pluralism is intrinsic to this discussion of the intermediary role of NGOs. The theory is discussed more fully in Chapter 2.

networks and so improve the specificity of policy. NGOs can promote equity. The mediating role of NGOs can show the extent of public support for a position, and NGOs can also provide a balance to the views of powerful organised, economic interests (RPR Organisational Consultants 1996).

The flexibility of the NGO sector allows for rapid response to new political situations and for the creation of new ‘deliberative forums through which the policy claims of new constituencies can be crystallised’ (Sawer 2002, p. 41). This flexibility can be seen as a reflection of the variety, dynamism and vitality of the community from which NGOs arise. The flexibility can also reflect different political and cultural ways of expressing concern about the same issue and can tap into different parts of society. For example, the political situation of ‘the Tampa crisis’ in 2001<sup>7</sup> saw new deliberative forums created expressing community concern about treatment of asylum seekers, each having a different culture that reflected its roots. ChilOut was a grassroots organisation created by women concerned about children being kept in detention (ChilOut 2008), Rural Australians for Refugees presented a rural and regional perspective (Rural Australians for Refugees 2008), and A Just Australia was formed by high profile, influential members of the community who set up a more formal, traditionally-structured organisation (A Just Australia 2008). The different cultural roots of these constituencies were also reflected in the advocacy methods used and the organisational structures developed, reinforcing their appeal to different sections of the community.

NGO advocacy also has particular value in promoting policy that is relevant to the long-term. An ethical aspect of this has been encapsulated in the term ‘intergenerational equity’ - a concept focussing on the rights and interests of future generations.<sup>8</sup> Sociologists sometimes divide society into three sectors: the state, market and community.<sup>9</sup> In contrast to NGOs, governments or the state are primarily sensitive to the short electoral cycle, and the market or corporate sector is primarily interested in maximising profits. It is a unique contribution of the NGO sector that it has the

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<sup>7</sup> In August 2001, the Howard Government refused permission for a Norwegian freighter, MV Tampa, carrying 438 Afghan asylum seekers rescued from a distressed fishing vessel in international waters, to enter Australian waters. The action triggered an Australian political controversy in the lead up to a federal election.

<sup>8</sup> Intergenerational equity is implicit in the concept of ecological sustainability.

<sup>9</sup> See Venn diagram on p. 13.

flexibility to accommodate the long-term in its policy interests and in its desired outcomes. This is clearly demonstrated by the climate change debate in Australia, which has been plagued by government short-term perspectives concerned with gaining or retaining power in each electoral cycle, as well as by corporate economic self-interest, particularly from the energy sector (Pearse 2007). In contrast, the NGO sector should be unrestrained by electoral or economic self-interest and therefore able to promote intergenerational equity.

NGOs can also provide an accountability function (Bay 2008, p. 47). In reporting to the community on the behaviour of governments, NGOs call governments to account. They can claim legitimacy for this role if their roots are in the community and they are informed by the practical impact of policy on themselves or their members. When these conditions are met, NGOs are uniquely placed to respond to the impact of government policy, the impact of lack of policy, failure to implement promises, unintended consequences of policy and unethical or corrupt behaviour.

The lack of representation for marginalised and disadvantaged individuals and groups is another important equity argument put forward in support of the democratic value of NGOs. Sawyer describes such individuals who ‘would otherwise lack voice’, as not being ‘vote winners’, and as the people ‘most affected by government decisions’ and ‘most reliant on government intervention for equity of life chances’ (Sawyer 2002, p. 41). NGOs made up of such people or otherwise representing them provide the advocacy required to address equity in a democratic society.

In referring to the democratic role of the NGO sector, this thesis is referring to the many mediating roles of the sector in addressing the democratic deficit. As described here, this mediation is multifaceted. Public advocacy covers all these mediating roles and will frequently be used as the term that encompasses them.

## **Overview of the Thesis**

Chapter 1 discusses the methodology used in the study and issues in its design. This includes addressing the difficulty of describing the sector, and defining what groups are

its concern. It also explains why the two environment organisations, ACF and TWS, were chosen in evaluating the research question.

Chapter 2 considers the literature of pluralism, corporatism and public choice theory, as theories relevant to NGOs and the state that are useful to describe the context of NGO-state relationships during the period of study. A dual strategy is also proposed as an optimum orientation for NGOs in establishing a long-term advocacy strategy in relationships with the state. This dual strategy is tested in the empirical chapters by examining how the advocacy of ACF and TWS was affected when they adopted or moved away from this proposition.

Chapter 3 provides a bridge between the theoretical framework established in chapter 2 and the empirical chapters 4, 5 and 6 by examining some of the Australian literature of the period on NGOs. It traces the impact of the rise of neoliberal ideas during the Hawke, Keating and Howard governments and the resulting contestation with the practices of pluralism that had previously been the dominant theory.

Chapter 4 on the Hawke government begins examining the empirical material of the thesis against the dual strategy proposed in chapter 2. It argues that ACF and TWS held a balanced dual strategy of both inside and outside activity during the Franklin Dam campaign, and from that period it traces how the two organisations gradually evolved different emphases by the end of the Hawke government. It contends that the actions of the Hawke government suggested that their orientation towards ACF/TWS was corporatist in nature, whereas the behaviour of ACF/TWS suggested they held a pluralist view of the relationship.

Chapter 5 examines a period of transition at the end of the Hawke government and during the Keating government. It is a period that bridges two very different contexts for NGOs – the corporatist tendencies of the Hawke government and the policies consistent with a public choice perspective of the Howard government. It endeavours to explain the factors bringing about Labor's change in attitude towards the environment organisations, concluding that during the Keating government the experience of environment groups was one of antagonism and exclusion from government processes.

However, the discourse was not yet one influenced by public choice, and neither were there attempts by government to silence public advocacy.

Chapter 6 on the Howard government traces the development of policies reflecting public choice theory and the response of ACF/TWS to those policies. Despite an inside agreement negotiated for the 1996 election, policies consistent with public choice dominated government action, becoming particularly repressive after the 2004 election when the Coalition gained control of the Senate. Eventually, ACF developed a proactive response to cope with the situation, while TWS found itself in a defensive position throughout most of the Howard government.

Chapter 7 describes four conclusions that can be drawn from the empirical evidence by assessing the extent to which ACF and TWS adopted or moved away from the dual strategy proposed in this thesis and how this has impacted on their advocacy. It argues that the findings have relevance for the whole NGO sector and it briefly references a number of current situations in the NGO sector to which the conclusions can be applied.

# **Part 1: Theoretical and Historical Framework**

## **Chapter 1: Methodology**

### **Defining the Sector**

Defining the NGO sector has challenges because its boundaries are imprecise. The sector itself identifies with different names and researchers have applied different definitions (Maddison & Denniss 2005, p. 375). Even the Productivity Commission, Australia's pre-eminent economic research authority, had problems delineating the sector and in a 2010 report resorted to describing its boundaries as 'fuzzy' (Productivity Commission 2010, p. 4). However, it is still appropriate to ask how the sector can be characterised, whether all or only part of the sector is relevant to this study and what name is most appropriate to identify it.

Some of the sector's names define it by what it is not - not-for-profit or nonprofit sector, non-government organisations (NGOs), - and others attempt positive nomenclature - third sector, civil society, community sector, voluntary sector, social economy, charities, public interest groups. Writing on the variety of terms applied to the sector, the major national grouping of peak advocacy NGOs, the Australian Collaboration<sup>1</sup> says on its website:

There is no single widely accepted term to describe the myriad of community organisations and their roles in established democracies. They are at times referred to as belonging to Civil Society or The Third Sector, or as Non-Government Organisations (a description used internationally for the major public advocacy bodies), Non-profit or Not-for-profit Organisations or sometimes Community Organisations. All such descriptions recognise that organisations that are "not for profit", and operate to promote the public good belong to a third civil society sector separate from the government and business sectors (Australian Collaboration 2008).

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<sup>1</sup> The Australian Collaboration describes itself as 'a consortium of peak national community organisations representing social, cultural and environmental constituencies and interests' (Australian Collaboration, 2008). Its 7 members are the Australian Conservation Foundation, the Australian Council of Social Service, the Australian Council for International Development, CHOICE, the Federation of Ethnic Community Councils of Australia, the National Council of Churches in Australia and its Social Justice Network, and the Trust for Young Australians.

Cohen and Arato (1992, p. ix) also make the distinction between three similar sectors of civil society, the administrative state and economic processes arguing that,

...it is necessary and meaningful to distinguish civil society from both a political society of parties, political organizations, and political publics (in particular, parliaments) and an economic society composed of organizations of production and distribution, usually firms, cooperatives, partnerships, and so on.

However, they also assert that it would be misleading to identify civil society with all forms of social life outside the administrative state and economic processes.

Nevertheless, they propose a wide definition as follows:

We understand “civil society” as a sphere of social interaction between economy and state, composed above all of the intimate sphere (especially the family), the sphere of association (especially voluntary associations), social movements, and forms of public communication. Modern civil society is created through forms of self-constitution and self-mobilization. It is institutionalized and generalized through laws, and especially subjective rights, that stabilize social differentiation. While the self-creative and institutionalized dimensions can exist separately, in the long term both independent action and institutionalization are necessary for the reproduction of civil society (Cohen & Arato 1992, p. ix).

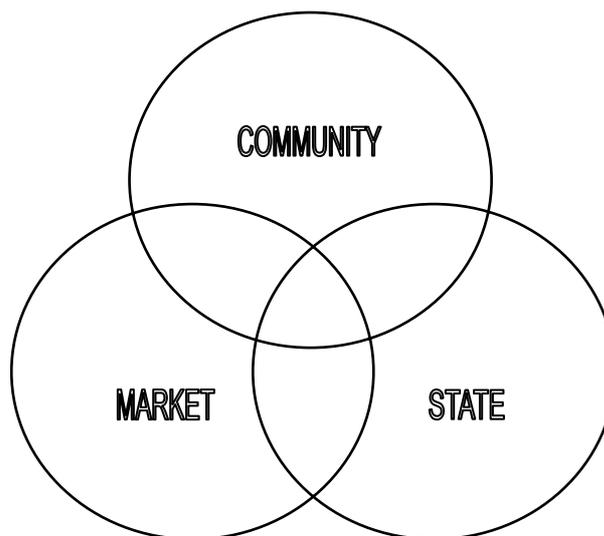
This wide definition is a useful starting point, but it does not specifically reference the indeterminate nature of the boundaries between the three sectors, nor the various names by which the sphere of association is known.

The Australian Bureau of Statistics (ABS) has used its statistical rigour to attempt to quantify the size, structure and economic contribution of Australian’s nonprofit institutions for the financial year 2006–2007 using government data, including Australian Taxation Office (ATO) information. Their concepts and methods were based on international standards described in the United Nations (UN) Handbook on Nonprofit Institutions in the System of National Accounts, which is intended to facilitate international comparisons of nonprofit institutions. They found that there were 58,779 non-profit organisations registered with the ATO and that they contributed 4.1 per cent to Australia’s gross domestic product and employed 889,900 persons and over 4.6 million volunteers (Australian Bureau of Statistics 2009, p. 4). The UN international standards definition of nonprofit institutions used by the ABS is wide. It says nonprofit institutions are:

legal or social entities created for the purpose of producing goods and services whose status does not permit them to be a source of income, profit or other financial gain for the units that establish, control or finance them (SNA93, paragraph 4.54. cited by Australian Bureau of Statistics 2009).

This definition, apart from being very broad in scope, does not reference the part of the sector that is of special interest here. The ABS also points out that nonprofit ‘does not mean that such institutions do not, or are not capable of making a profit in the generally accepted sense’ (Australian Bureau of Statistics 2009, p. 31) - a reference to the Productivity Commission’s comment on imprecise boundaries.

However, imprecise boundaries about whether or not organisations make a profit are not the only area where boundaries are unclear. A commonly used Venn diagram of the three sectors emphasises the indeterminate nature of the boundaries, not only between for-profit (market) based entities, but also between government (state) and non-government (community) entities. It also helps to explain the term ‘the third sector’, because, like Cohen and Arato (1992, p. ix), it postulates the state and the market as the two other sectors.



**Figure 1: The three sectors of State, Market and Community have imprecise boundaries (Hudson 1995, p. 27)**

The United States (US) 1969 *Tax Reform Act* is sometimes credited with introducing the use of the term ‘the third sector’ (Productivity Commission 2010, p. 4). Like the UN international standards definition used by the ABS, it has wide application, and was used by the Australian academic, Mark Lyons, in his seminal account of the Australian sector, *Third Sector: The contribution of nonprofit and cooperative enterprise in Australia*, (2001). Lyons illustrated the breadth of the sector by listing ten components: community services, health, education and related services, other human services, religion, arts and culture, sport and recreation, interest organisations, economic

cooperation, and philanthropic intermediaries (Lyons 2001). His carefully crafted definition said:

The third sector consists of private organisations

- (a) that are formed and sustained by groups of people (members) acting voluntarily and without seeking personal profit to provide benefits for themselves or for others,
- (b) that are democratically controlled and
- (c) where any material benefit gained by a member is proportional to their use of the organisation (Lyons 2001, p. 5).

The difficulty for this thesis, which is focussing on the democratic advocacy role of organisations, is that these definitions by Lyons (2001), Cohen and Arato (1992), and the ABS (Australian Bureau of Statistics 2009) are so wide as to encompass organisations such as schools, hospitals, sporting clubs, licensed clubs, co-operatives, financial mutuals and business or industry associations whose main *raison d'être* is not related to public advocacy.

Authors using the term not-for-profit (NFP) or nonprofit organisations are emphasising the separation from, or contrast with, for-profit entities. The ABS study relied on taxation treatment of organisations by the ATO, but other usages of not-for-profit or nonprofit may be referring to the manner of incorporation of the organisation. At present in Australia, this is either a company limited by guarantee and regulated under the Australian Securities and Investments Commission (ASIC), or an organisation incorporated under state or federal association legislation. The National Roundtable of Nonprofit Organisations offers associate membership to all incorporated organisations working in the nonprofit sector and full membership to all national nonprofit peak bodies. It uses the term nonprofit. However, it does not restrict itself to companies limited by guarantee. Its website advises that there are 380,000 incorporated nonprofit organisations in Australia. This indicates the breadth of the National Roundtable's use of the term. (However, its membership is made up of some 20 organisations who have applied to join.) Its use of statistics in relation to size of the sector, number of employees, and economic contribution to GDP reinforces the broad definition it gives to the term nonprofit (National Roundtable of Nonprofit Organisations 2009). The breadth of the usage of the term not-for-profit or nonprofit is so wide that it does not bring any focus to the democratic, advocacy interest of this thesis.

Civil society is another common term. The name is used in the world of the UN and international human rights and the UN has a large webpage entitled the 'UN and Civil Society' on which it uses the terms NGO and civil society interchangeably (UN and Civil Society 2010). The London School of Economics provides the following definition:

Civil society refers to the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organisations such as registered charities, development non-governmental organisations, community groups, women's organisations, faith-based organisations, professional associations, trades unions, self-help groups, social movements, business associations, coalitions and advocacy groups (London School of Economics 2010).

This definition references the democratic advocacy role that is of importance to this study and distinguishes it from the 'state, family and market'. However, it also includes business and professional associations that serve the interests of their members rather than the public interest, so it is not suitable for this study.

Another term that has been used is charity. However, the concept of charity has fallen out of favour in Australia because of its paternalistic overtones and today a human rights-based approach to social services and international development has replaced the older concept (Reimer & Nixon 2004, p. 14). Use of the term charity to describe an organisation, is most frequently found in the context of regulatory or taxation issues, because the term appears in ATO regulations pertaining to entities entitled to tax deductibility.<sup>2</sup> In the modern context, particularly with the development of a rights-based language for the community and international development sectors, its paternalism makes it inappropriate for this thesis and it does not provide a suitable description for a use related to models of democracy.

In Australia, community sector is the name most frequently used by practitioners from social service and Indigenous organisations to describe themselves (Rawsthorne 2005),

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<sup>2</sup> In the 2011-12 Federal Budget, the Gillard Labor government announced that it will consult on and introduce a statutory definition of 'charity' for all Commonwealth laws to take effect from 1 July 2013.

while voluntary sector is also occasionally used by the social service sector. The term public interest organisation is used by organisations that recognise that a key part of their work is to have an advocacy role for the common good and it is often associated with organisations that use legal advocacy as a key component of their work: for example, Sydney's Public Interest Advocacy Centre (Public Interest Advocacy Centre 2011). The terms community, voluntary and public interest are too limited in their common usage to be appropriate to use in this study.

The term, interest groups, pertains to groups that advocate on behalf of specific interests. It has been used throughout the political science literature and its use incorporates advocacy organisations from across the political spectrum (Plamenatz 1958, p. 9; Scott 1980, p. 240). Marsh divides interest groups into four main categories: producer organisations, welfare state client organisations, welfare state producer organisations, and professional organisations (Marsh 1995, p. 47). During the Howard government, the term interest group was frequently associated with the discourse of public choice theory. (See chapters 2 and 3.) The result was that frequent use in this context served to suggest that all public interest advocacy was special interest advocacy and that it reflected 'rent-seeking'<sup>3</sup> and excessive expectations of government, so that the term took on a negative connotation. However for my purpose, the fact that the term interest group is so wide as to incorporate professional, business and producer associations is sufficient reason to discard it, regardless of recent connotations relating to public choice theory.

This thesis focuses on the democratic advocacy role of groups that advocate for policy interventions to promote the community interest, not the interest of members of their association. Casey and Dalton (2005) use the term advocacy organisations, which might seem to address the usage this thesis seeks and their paper is discussed in chapter 3. Unfortunately, they restrict their discussion to the social service sector, take an approach of accommodating a public choice paradigm and promote the development of a corporatist compact with government. This approach is at odds with the dual strategy

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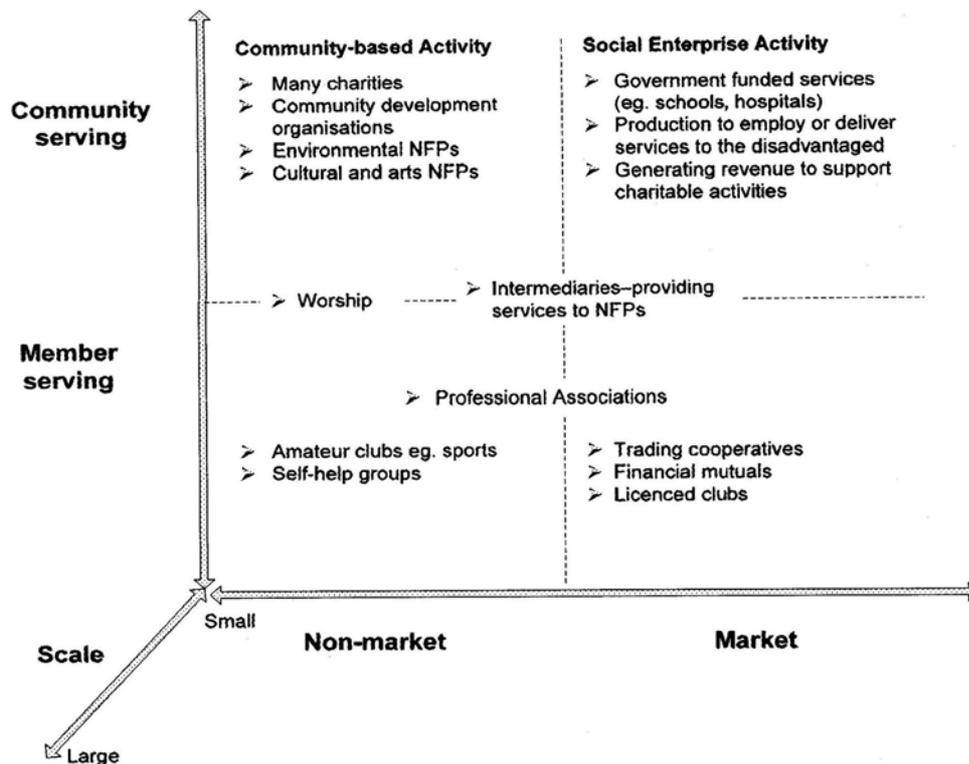
<sup>3</sup> In economics, 'rent seeking' is an attempt to obtain advantage by manipulating the social or political environment in which economic activities occur, rather than by creating new wealth. It implies the extraction of value from others without making any contribution to productivity. See p. 44 for a reference to 'rent seeking' in the context of public choice theory.

approach of working both inside and outside the state that is being examined by this thesis, and therefore this thesis does not adopt this terminology.

The group this thesis seeks to describe is not the government or the market. It serves the public interest and it advocates on behalf of the community. The recent Productivity Commission Report, *Contribution of the Not-for-profit Sector* (Productivity Commission 2010), is broad in its sweep in describing the sector and the following diagram illustrates that the organisations of interest to the Productivity Commission are diverse and their boundaries are imprecise. However, in representing this, their diagram provides a useful illustration of the part of the wider sector most relevant to this thesis. The analysis into the four quadrants of market, non-market, community serving or member serving is a useful further breakdown of this sector that includes large and small, incorporated and unincorporated organisations. The table clarifies that the groups of interest to this thesis fall within the sector of community-serving and non-market<sup>4</sup> and, as noted in the diagram, include many charities, community development organisations, environmental not-for-profits and cultural and arts not-for-profits. However, the diagram provides no nomenclature to identify this sector.

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<sup>4</sup> In Chapter 2, I note that Schattschneider made the useful distinction of looking at whether benefits sought by groups served the public interest or the interests of members in order to categorise them, arguing that 'The distinction between public and private interests is an indispensable tool for the study of politics' (Schattschneider, 1960, p. 27).



**Figure 2: The NFP sector is diverse and boundaries are fuzzy (Productivity Commission 2010, p. 8)**

In this study, I will use the term non-government organisations or NGOs to identify this quadrant of the sector described by the Productivity Commission that includes community-serving and non-market organisations, acknowledging as does the Commission, that its boundaries are imprecise.

In practice, the term NGO is widely used in the Australian context by nonprofit organisations that serve the community or public interest and that frequently advocate on behalf of those interests with government. ACF, TWS, ACROSS and the Australian Council for International Development (ACFID) are typical of organisations that refer to themselves (and/or their member groups) as NGOs (Australian Collaboration 2008). This thesis therefore uses the term NGO to describe this sector of non-market, non-government, non-member-serving organisations that advocate publicly on behalf of the public interest and community, acknowledging at the same time that the sector's boundaries are imprecise.

## **Issues in the Thesis Design**

Issues examined in designing this study's methodology include the use of qualitative method, the value of practical knowledge, the factors relevant to interviewing as both a participant and an insider, the effect of the timing of the interviews, and concerns in relation to interviewing elites. My personal role as researcher, participant and insider is discussed within these contexts.

This study has used qualitative method in interviewing key participants involved in the relationship between the environment organisations, ACF/TWS, and the Hawke, Keating and Howard governments. The aim of these interviews was to explore something of the subjective experiences of the participants and the meanings they attached to those experiences. Fiona Devine (2002) identifies this aim as being particularly suited to qualitative methods. She also identifies four strengths of qualitative methods. Firstly, they are good at 'tapping into thought processes and narratives' held by interviewees. Secondly, in-depth interviews allow people 'to tell their own stories' in their own words and in the format with which they are familiar. Thirdly, when the discussion of issues flows naturally, 'it is possible to understand the logic of the interviewee's argument and the associative thinking that led them to particular conclusions'. Finally, qualitative methods 'draw particular attention to contextual issues', by putting an interviewee's attitudes and behaviour into the context of their individual story and the wider social setting (Devine 2002, p. 199). All of Devine's four aspects of qualitative method are relevant to this study for establishing meaning, process and context in the interviews of government representatives and NGOs. Allowing people to talk freely and offer their interpretations of events is central, because it is their point of view that is of most value to the study (Harvey 1990).

I have chosen to research an area where I have practical knowledge. The empirical material covers issues and happenings with which I was closely involved, particularly during the 1980s. Yeatman (1996, p. 298) encouraged the 'reflective clarification of the pragmatics of ordinary knowledge, interaction and social learning' and encouraged 'collaborative partnership between practitioners and academics' to broaden the scope of

academic research. Therefore, as well as drawing on the practical knowledge of interviewees, I also draw on my own knowledge as a former practitioner.

I conducted the interviews having been both a participant and an insider during much of the period under investigation. From early 1983 to mid-1987, I was the national liaison officer (NLO) for the ACF based in Canberra. I had a parliamentary security pass allowing me direct access to parliament house and, for much of that period, I was the only representative of any environment group working directly with the federal parliament. I had a director who rarely visited Canberra from the ACF headquarters in Melbourne and my work schedule was entirely self-generated. The freedom of such a work regime was both an advantage and disadvantage. It took me some time before I understood the full range of parliamentary and political party processes that could be used to advantage by a lobbyist, particularly some of the informal practices and idiosyncrasies of the old parliament house and of the Labor party that was then in power. However, once I gained a basic understanding and some confidence, this freedom allowed me to develop working relationships with all of the key environmental players in government and opposition during that period.

In the early 1990s, I worked for the Cape York Land Council, helping to develop a heads of agreement between Indigenous owners, the pastoral industry, ACF, TWS and local environment groups. This period also involved having direct contact with the offices of both Prime Minister Keating and the environment minister and with the leaders of ACF and TWS. Other positions I have held, such as executive secretary of the Torres Strait Island Coordinating Council, also entailed direct contact with the offices of relevant federal ministers, occasionally including the environment minister. Although I have not worked directly for an environment organisation since 1987, I have continued to have professional and personal relationships with leaders of both ACF and TWS up until the present day.

While I am not active in any political party, I do have continuing relationships with parliamentarians and staffers from most parties, and most notably with various senators from the Australian Greens. This is because I spent two years in the late 1980s organising in Tasmania for Bob Brown and his Green Independents and co-ordinating the 1989 election campaign that gained the balance of power, allowing them to put the

Tasmanian Labor party into government. The choices of interviewees for this thesis were dictated entirely by their official positions. However, because of my work history, all have been work associates or colleagues at some time, with the exception of Malcolm Turnbull, who was included because he held the position of environment minister in the last Howard government.

As both an insider and a participant, I bring insights and knowledge that enable my research to contribute to knowledge in the field in a manner not possible from a traditional positivist approach (Valentine 2002, p. 117). However, there are also disadvantages and dangers in the role of insider and participant. Past political issues can impinge on the interviewing relationships and affect whether access is obtained, or they can affect the quality of the interview (Crawford 2006, p. 7). I was unable to obtain access to two current Coalition senators who I believe may have been aware of my background. There can also be a disadvantage when interviewees presume that the interviewer understands more than they actually do, and so limit their response or speak in political colloquialisms (Farnsworth 1996, p. 3). Much political language around parliament house is colourful and metaphoric, often with overtones that emphasise power or the lack of it, and is full of insider references. This was particularly notable in interviews with Graham Richardson, former Hawke government environment minister, and with Simon Balderstone, former advisor to Richardson, Hawke and Keating. Both Richardson and Balderstone spoke in political colloquialisms that conveyed information that I understood as an insider, but which was often not directly quotable. Requests to explain further can impinge on the smooth conduct of an interview as the interviewee can find such extra questioning unnatural because they assume the interviewer has intimate knowledge. However, there is also a danger that the interviewer can presume to understand and so close themselves off from new perspectives (Robertson, J. 2002, p. 788). To the best of my ability, I have endeavoured to take into account both the advantages and disadvantages of being an insider and a participant.

My background and experience as an insider and as a participant in relation to the research material and interviewees should be seen as a shifting relationship that is both relative and fluid. My position within the research schema has changed with time because it is now almost 30 years since the events at the beginning of the period that is being considered. There is also a difference between research on the period in which I

was a direct, active participant, as in the mid-1980s, and research when I was more of an observer, as in the last decade. As well, the status of most of my interviewees has changed since they fulfilled their respective roles relative to my thesis inquiries. This has resulted in changes in my relationships with them and their relationship to the content of the study. It seems clear that my relationship with interviewees and with the research material is not a static, dualistic relationship of insider *versus* outsider or participant *versus* non-participant, but rather a series of shifting relationships that are both relative and fluid (Crawford 2006, p. 3).

The timing of the interviews in relation to the period being researched was relevant to both access and openness on the part of interviewees (McDowell 1992; Desmond 2004). The fact that the period under study was at times almost 30 years earlier meant that current policy factors did not impinge. A notable exception was that many interviewees wanted to confirm their positive actions decades earlier in relation to climate change, which is now at the forefront of public policy.

It was also relevant to interviewees' responses that the research period ended at 2007 with a change of government and a change of the political party in power because interviewees were freer to discuss recent happenings under the previous Coalition government without it impinging on their current political relationships. For example, Turnbull was interviewed because of his role as environment minister in the latter years of the Howard government. When interviewed, I thought he took into account his then current role as Opposition shadow treasurer and as a possible future party leader. However, he would probably have been much more constrained had he been a practising environment minister in a government holding power. Importantly, the NGO interviewees who provided material on the Howard government were released from any constraints they might have experienced had they still been dealing with that government. Lobbyists need to be cognisant of the continuing relationships they have with individual officials and government members. Criticism of public policy is to be expected in that relationship, but discussion of individuals and the role they play needs to be muted in a continuing relationship. That constraint was largely removed for my NGO interviewees after the demise of the Howard government in 2007.

The method of semi-structured interviews was deliberately chosen because all of the interviewees could be described as members of an elite group. This is a recommended method in such circumstances (Berry 2002) and is consistent with the judgement I made from my lobbying experience with elites and my personal knowledge of the interviewees. I believed interviewees would be more relaxed and forthcoming if they were not exposed to a rigid set of questions. Semi-structured interviews and my personal knowledge of each individual also allowed me to maximise the comfort level of each interviewee with an individualised approach and therefore to probe some delicate issues specific to the interviewee. For example, it allowed me to question Prime Minister Hawke's environment advisor, Craig Emerson, about a disagreement we had in 1987 when I put out a media release criticising Prime Minister Hawke after meeting with him. The result was that Emerson provided new material suggesting that, at the time, he and the prime minister were having great difficulty with Treasury, which had opposed the issue in question. Emerson confirmed my belief that putting out the media release was appropriate to achieve a positive environmental outcome, despite having opposed my action strongly in 1987. Semi-structured questioning also allowed me to question former Environment Minister Graham Richardson on why he pressured me in the 1980s to have ACF form a peak environment group. It also allowed me to explore the question of whether his support for environment issues and his work with ACF and TWS was influenced by any concern he had that a green political party might be formed. Rigid formulaic questioning would not have allowed the exploration of individual issues like these of which I was aware and which made for much richer interview material.

All interviewees appeared proud of the personal contributions they have made in the public arena. This made them place a high value on having their personal history of events recorded and on being able to cover issues important to them with their own personal emphases. Tightly structured interviews with the same questions for all interviewees would have downplayed their particular stories and unique experiences. Using semi-structured interviews with these elites also intersects with my role as an insider. Interviewees would expect my questioning to utilise my insider knowledge and my personal relationships with them. To not do so, would have been confusing to them and might even have caused offence.

## **Choice of ACF and TWS**

This thesis attempts to answer questions relevant to effective, long-term NGO strategy and to conceptualising relationships between the wider NGO sector and government. In order to make its empirical material manageable, the focus was limited to a case study of two environment organisations: ACF and TWS. The choice of environment organisations rather than other parts of the NGO sector reflects the fact that the environment movement represents one of the most politically active parts of the NGO sector, with Warhurst (2004, p. 169) going so far as to claim it has been ‘the most prominent of all organised interests’ in Australian politics over the past 50 years. Singling out ACF and TWS from the NGO environment sector is consistent with them being the two largest national home-grown environment organisations in Australia. There are other organisations operating in this country that have big budgets or public profiles, but they are part of larger international NGOs—organisations such as Greenpeace, Friends of the Earth (FOE) and the World Wildlife Fund (WWF). ACF and TWS also have wide briefs in relation to the Australian environment in that they cover the whole of the country. The objects of ACF as defined in its constitution are particularly broad, having a preamble stating, ‘the objects of the Foundation are to make every effort to achieve ecological sustainability for the planet Earth...’ (Australian Conservation Foundation 2010). The focus of TWS began with an emphasis on wilderness in relation to Tasmania’s Franklin River. In 1984 it became a national organisation and since that time both these organisations have significantly widened their briefs (Krockenberger 1996, p. 23). The issue of ecological sustainability emerged in the 1980s and gradually evolved into the more specific issue of addressing climate change in the 1990s. As a result, climate change and ecological sustainability have dictated a more holistic approach by the two organisations. TWS continues to emphasise preserving natural areas, but often with a focus on how this is relevant to climate change and sustainability. ACF has broadened its campaigning to include all aspects of modern consumer life from economic, social and environmental points of view, but with sustainability and climate change underpinning most campaigns. Both organisations have developed to including Indigenous points of view in their work.

Environment organisations, and ACF and TWS in particular, were also chosen because they are organisations about which I have previous expertise and knowledge. They are organisations with which I have relationships that facilitate access to key individuals thus enhancing the quality of information obtained.<sup>5</sup>

The choice of ACF and TWS, rather than other parts of the NGO sector, is also consistent with their engagement with government through political party endorsement at elections. This is a highly political form of engagement worthy of close investigation. The role of ACF and TWS in relation to electoral endorsement is central to Australian environmental history during the period of study, not just during the Hawke government, which they politically endorsed, but during the Keating government, which reacted against this endorsement (Parlane 2010).

Throughout the study, I refer to these two environment organisations as ACF/TWS, because much of the material relates to the two organisations collectively *vis-à-vis* the government and government policies. It provides for much simpler expression to link the two organisations in these situations. Where I wish to identify nuances between their positions, or distinguish significant differences that existed between the two NGOs, I refer to them separately.

## **Method**

The original design of my empirical research was to undertake interviews with approximately ten government and NGO representatives to provide two separate pictures exactly 20 years apart - one focussing on material relevant to 1987 and one on material relevant to 2007. The interviews were intended to explore the relationship between NGOs and government in order to create a historical record of how participants viewed the relationship in 1987 or 2007, to establish whether there might be significant differences between these two marker years, and to identify different practices applying in the two periods. However, when interviewing began, it became obvious that the

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<sup>5</sup> Note the earlier discussion on the methodological implications of being an ‘insider’.

detail of material obtained required a different treatment. The unique nature of some of the information in the interviews meant there was much material that was worthy of examination in years other than 1987 and 2007. In particular, revelations by former prime ministerial and ministerial advisers provided new insights on the Hawke and Keating governments, and revelations from NGO leaders on the transition from the Keating Labor government to the Howard Coalition government provided new material hitherto unpublished. It became clear that to provide an intellectually coherent description of the relationship it would be necessary to describe more fully how the relationship developed and changed *within* each administration, as well as *between* administrations. This allowed for the development of themes and more in-depth analysis including comparisons and showing the evolution of policies and practices.

The project has therefore been extended to interviewing 21 former federal ministers, shadow ministers, members of parliament and NGO environment leaders who fell into two groups. One group were persons significantly involved in the relationship between environment NGOs and the Australian government during the Labor governments of Hawke and Keating. The second group comprised similar respondents who were significantly involved in the relationship between environment NGOs and the Australian government during the Howard Coalition government. After being interviewed, interviewees were given the transcript of their interview and offered the opportunity to deny use of the material, to claim anonymity or to endorse the material and its use with attribution to them. None denied use or chose anonymity and all endorsed the transcripts they received. Ethics approval was granted by the University of NSW and each interviewee was given a copy of the ethics agreement for their own records, which also allowed them to withdraw consent, and discontinue participation at any time, without prejudice. No interviewee took this latter option.

The first group of interviewees from the Hawke/Keating period, included:

- former Prime Minister Bob Hawke;
- former Environment Minister Graham Richardson;
- former Hawke advisor, Craig Emerson;
- former advisor to Richardson, Hawke and Keating, Simon Balderstone;
- former Liberal Shadow Environment Minister, Chris Puplick;

- former ACF Executive Director, Phillip Toyne;
- former ACF President, Hal Wootten; and
- former TWS lobbyist and advisor to Environment Minister Ros Kelly, Judy Lambert.

During the course of the research, other informants were added as they expressed interest and provided extra information. These included former ACF president, Murray Wilcox, former TWS director and ACF policy director, Karen Alexander, and former board member of Greenpeace International, Judy Henderson.

The second group of interviewees for the Howard period included:

- former Liberal Environment Minister, Malcolm Turnbull;
- Australian Greens Senator, Bob Brown;
- former TWS Executive Director, Alec Marr;
- ACF Executive Director, Don Henry;
- ACF, National Liaison Officer, Graham Tupper;
- Chair of Environment Victoria, Russell Fisher; and
- former Director of Environment Victoria, Linda Parlane.

In the course of my research, I also recorded comments from Guy Pease, former advisor to Howard Government Environment Minister, Robert Hill, and author of *High and Dry: John Howard, climate change and the selling of Australia's future* (Pearse 2007); and David Yencken, former ACF president. With the extension of the study from two snapshots to covering the whole period, the contribution of a number of interviewees such as Karen Alexander, Alec Marr and Linda Parlane spanned the transition from the Keating government to that of Howard. Bob Brown's involvement was relevant throughout the 24-year period first as a representative of ACF and TWS and later as an Australian Greens Senator.

Access to ministers of the former Howard government was not as readily granted as it was by those from the Hawke and Keating governments. This may be partly due to these former ministers holding a perspective that is not sympathetic to NGO advocacy and the concerns of this thesis, and/or it may be due to distrust of myself as interviewer, given my personal history that includes both work for Bob Brown in the 1980s in Tasmania and my record as an environmental lobbyist. Coalition Senators Eric Abetz

and Brett Mason, who have both been highly critical of the advocacy role of NGOs, did not agree to interviews, giving no reason except that they were not available. Instead, I make use of the parliamentary record and other public speeches of relevant leaders and ministers and I complement this with the numerous relevant secondary sources on the role of NGOs that were published during the Howard government.

Questions for both government and NGO representatives focussed on the relationship between government and ACF/TWS with specific issues such as the role of a peak group, of electoral endorsement, and of the access of NGOs to government being common themes. Questions were tailored to ensure that they explored specific aspects of the relationship relevant to the role of the interviewee and relative to aspects of pluralism, corporatism and public choice theory. An iterative process allowed issues that emerged to be followed if they appeared relevant to the relationship or to the theoretical framework. Each interview was recorded, transcribed and provided to the interviewee for approval.

After transcription, material relevant to pluralism, corporatism and public choice theory was identified. At the same time, other themes emerged that were duly noted and highlighted, sometimes requiring reassessing interview material a number of times. These other themes included the effects of a change of government, or of an election, the difference between NGO views and Hawke government views on their relationship, the significant roles individuals can play in shaping events, the danger for NGOs of co-optation, Prime Minister Keating's views on the environment, the effect of the rise of the Australian Greens, and increased antagonism of the Coalition government after they obtained control of the Senate after 2004. In writing the thesis, the interview material has also been triangulated against published material to ascertain its originality, or its confirmation of previously published views.

The period chosen from 1983 to 2007 covers three prime ministers - Bob Hawke, Paul Keating and John Howard - representing the two main Australian political groupings, the Australian Labor Party and the Liberal-National Party Coalition. It is a length of time that allows for change and evolution in the relationship between NGOs and government. It includes years in which it is claimed that 'more was achieved to protect the environment than any period before or since' (Toyne & Balderstone 2003, p. 170)

and the relationship appeared to be close between ACF/TWS and government. It also includes many years of an antagonistic relationship between ACF/TWS and the government when the environment organisations were not only unable to have their voices heard, but also had to negotiate attacks on their advocacy role. The material provided by the 21 interviewees who played interesting historical roles, the length of the period researched, and the dramatic changes in the NGO-government relationship that took place over time, all provided valuable resources to explore in answering the questions of this thesis.

The orientations of governments during the period of study will be conceptualised within the contexts of pluralism, corporatism and public choice theory, and the research will attempt to answer the question posed by the thesis by examining the extent to which ACF and TWS adopted, or moved away from, a proposed dual strategy, and how this impacted on their advocacy. In the next chapter, I will examine the three theories of pluralism, corporatism and public choice theory, and I will propose the details of a dual strategy.

## **Chapter 2: Pluralism, Corporatism, Public Choice Theory and a Dual Strategy**

This chapter reviews the theories of pluralism, corporatism and public choice to describe three different orientations of the state towards interest groups. Also developed in this chapter is the concept of a proposed ‘dual strategy’ for NGOs, by which individual NGOs work both within and outside the state. The three theories of pluralism, corporatism and public choice will provide the tools to analyse the context of government orientation towards NGOs in later empirical chapters. The proposed concept of a dual strategy will be tested in the empirical chapters by examining the extent to which ACF and TWS adopted or moved away from that strategic framework and how that impacted on the effectiveness of their advocacy.

### **Pluralism**

This thesis is concerned with pluralism in modern democratic theory and in particular with the version of pluralism that attaches major significance to the role of multiple and cross-cutting interest groups in a modern society (Robertson, D. 2002). The modern pluralist tradition has a history stretching throughout the twentieth century. Acknowledging this tradition, Schlosberg (2006, pp. 142-143) points out that the pluralist discourse has had a ‘focus on developing ways to engage authentically across difference’. He claims that in so doing, it has challenged both monism and liberalism, with much recent pluralist theory examining the interplay of pluralism and liberalism. Schlosberg (2006, p. 144) claims that early pluralist theorists such as Bentley (1908, cited in Schlosberg 2006, p. 144) and Laski (1919, 1921 cited in Schlosberg 2006, p. 144)) sought the acceptance of the legitimacy of difference arguing that ‘a focus on unity, in particular the unified state,...came only at the expense of the diversity of individual and groups’ experiences’. These early pluralists did not agree on the best model for state design and they faced harsh criticisms during the 1920s. The following two decades saw a growing concern with the theory of liberalism that pushed pluralist concerns into the background (Gunnell 2004).

Pluralism re-emerged after the Second World War as a significant body of analytical work, but in a way that did not reference 'the writings and frameworks of the earlier generation' (Schlosberg 2006, p. 145). Instead, with theorists such as Robert Dahl (1961), there was an 'elevation of liberal institutions as universally applicable to solving the problem of group (more particularly, interest) difference' (Schlosberg 2006, p. 145). Dahl's major work, *Who Governs?* (1961), was a groundbreaking study of power and influence in New Haven, Connecticut that dissected both the formal and informal patterns of influence amongst different groups in that city using field research and historical analysis. Dahl's findings emphasised the diverse nature of power and indicated that many interest groups compete for power in the political sphere, with the government acting as a mediator between those groups. He also articulated a dynamic model in which the relations between interests and government were continually changing, in which any consensus between those two parties was continually shifting, and in which even the political system was changing (Dahl 1961, p. 325). Dahl's concept of polyarchy, which argued that democracy was assured as long as no group or sector had influence across too broad a range of areas, developed wide currency and had significant influence on US political science of the period (Robertson, D. 2002). This was essentially 'a political and institutional pluralism, uninformed by the philosophical and empirical grounding in difference that was the foundation of earlier pluralism' (Schlosberg 2006, p. 145).

Despite its wide influence, Dahl's version of pluralism was criticised both for its failure as an explanation of the political reality of difference and for its uncritical support for the US political system. Kariel (1961) argued that it was not analytical and was simply supportive of the existing state design. One refinement of the theory, sometimes identified as neopluralism, recognised that some interests exerted more influence than others and that public debate was not necessarily between those holding equal political power and influence. A business or upper class bias towards those holding power in the US was identified by a number of writers (Schattschneider 1960; Kariel 1961; Connolly 1969; Lukes 1974; Lindblom 1977). In developing this argument, Schattschneider (1960, p. 27) categorised groups according to whether the benefits they sought were in the public interest or for private aims – a distinction that is relevant to this thesis. He argued that 'the distinction between public and private interests is an indispensable tool for the study of politics'. He identified the National Child Labor Committee, the World

Peace Foundation and the American League to Abolish Capital Punishment as among those looking for benefits that were not for themselves or their members but for the public interest, whereas the Petroleum Institute, the National Association of Manufacturers and the American Bankers Association were looking for benefits for their constituent members. He developed this distinction using various objective lists, such as the Lobby Index, which showed an over-preponderance of business representation and that also revealed that business spent more dollars than other groups on lobbying. He concluded that this demonstrated the business or upper class bias of the 'pressure system' (Schattschneider 1960, p. 31).

Neopluralism was further developed with Connolly articulating the view that, as well as some groups having a disproportionate access to power, there was often an elite bias, with some sections of society less likely to be represented (Connolly 1969). It was also suggested that the whole political process was biased in favour of business interests, primarily because of the control business exercised over investment and economic development, which are crucial to the well-being of governments (Lindblom 1977). In this argument, government was no longer represented as simply a mediator between interests, but was significantly influenced by a bias that favoured the welfare of business interests. A more radical argument suggested that business was not only powerful in influencing government, but that it actually shaped the way societies envisaged themselves or constructed meaning in society (Lukes 1974). A generation of pluralist authors following Dahl tried to explain the US system as one of shared power amongst groups, while at the same time critics saw that economic status (and other aspects of group identities) placed many groups at a disadvantage. This neopluralist criticism continued for over two decades (Manley 1983).

Schlosberg levels harsh criticism at pluralist authors of this period claiming that they lost a focus on plurality, instead turning to defend a discourse of liberalism against that of a unitary elitism. He says,

With criticism plentiful and growing, pluralism took on a shameful and haunted connotation in political thought, signifying the lack of political critique and imagination in the discipline of political science and the field of political theory specifically (Schlosberg 2006, p. 146).

Nevertheless, by the 1980s, a number of authors were turning again to resurrect some aspects of pluralism encouraged by feminist epistemology (McClure 1992). Because of the negative connotations pluralism had gained, many chose to refer to discourses of difference, rather than to pluralism, but as Bonnie Honig (1996, p. 251) pointed out ‘difference is just another word for what used to be called pluralism’. Others such as William Connolly have been engaged in a specific resurrection of pluralism on new terms. Connolly has come to support a critical pluralism in the public sphere and is an important theorist espousing a process of what is termed agonism, meaning a process of engagement across difference (Connolly 1995). Schlosberg argues that there has been a move from the theoretical argument regarding the structures of pluralism to ‘the much more practical and political issue of how to bring that existing plurality into political and institutional engagement’ (Schlosberg 2006, p. 151). Today, some pluralists emphasise pluralism as a goal to be actively encouraged and argue its value is more than just a description of the status quo or a reaction to fear of interest group behaviours. Instead, it is put forward as an important democratic principle (Chambers & Carver 2008).

Dennis Altman’s (1980) contribution, *Rehearsals for Change*, is relevant in the context of pluralism because of its contribution to Australian political thought. The volume was reprinted in 2004 in recognition of its significant social and political impact during the 1980s. Altman’s work is consistent with more recent pluralist writing that is concerned with the ‘practical and political issue of how to bring...existing plurality into political and institutional engagement’ (Schlosberg 2006, p. 151). The publication had particular importance for Australian social change movements, and especially for environment organisations. It appeared as the Franklin Dam campaign<sup>1</sup> was gaining momentum and becoming a national issue and the publication was relevant in shaping the political thinking of the growing group of environmentalists, myself included, who were active at the time of the Hawke Government (Alexander 2010). In *Rehearsals for Change* Altman took a pluralist stance, but recognised that some interests exerted more influence than others and that public debate was not necessarily between those holding equal political power. In so doing, he echoed the view of neopluralist writers such as Lukes (1974) that not only is business powerful in influencing government, but

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<sup>1</sup> Chapter 4 includes a discussion of the significance of the decade-long campaign to stop the damming of the Franklin River in Tasmania, and the advocacy strategies of ACF/TWS at that time.

economic interests can shape a society's perception of itself. Altman (1980, p. 2) argued that:

The real reason for the conservatism of our political life has relatively little to do with the constitutional framework, and much more to do with the existence of certain values and perceptions which act to maintain the *status quo* and enable the continuing dominance of certain private business interests.

Altman rejected the practice of social change being sought through the Labor Party's social-democratic traditions or through a Marxist approach. Instead, he looked for social change to be brought about by the efforts of interest groups. At the same time, he did not overlook the importance of the state. He noted the potential influence of 'the various anti-war, counter-cultural, ecological, women's, gay, black, residents', and student movements', while also saying, 'we cannot afford to deny the real power of the state (Altman 1980, p. 5). Altman's model for change was a pluralism based on the acceptance of difference, while promoting the values of the social change movements. It was a pluralism that did not analyse how society worked, but provided a normative framework. Altman's examination did not result in his rejection of Australian political institutions. His view was to look to the social change organisations to bring about a cultural shift that would impact on government. His was a sophisticated Australian political reworking of the counter-cultural view promoting change from the bottom up. His importance for the environment organisations was his emphasis on 'the crucial role of feminism and ecology' to challenge the paradigm of unlimited growth and the existing hierarchy based on capitalism (Altman 1980, p. 120). Altman's work is a specific Australian articulation of pluralism that owes something to the focus on interest groups generated by Dahl, while also being neopluralist in its acknowledgement of the influence of business. It saw NGOs as mediating a dialogue between the community and the state, despite the 'dominance of certain private business interests' (Altman 1980, p. 2). It recognised the institution of the state, but looked to NGOs to bring about change by shaping the way debate was conducted and by influencing the policy formation of decision makers. Altman's model was important in influencing the thinking of a generation of activists who were operating during the Hawke Government's term of office. His contribution is therefore relevant in assessing empirical material of that period, particularly with regard to how activists at the time were conceptualising their work.

In summary, pluralism can provide some contextual understanding of the role of interest groups. It was an important model that influenced Altman's contemporary Australian articulation during the 1980s of what he saw as the potential role of NGOs. As an ideal for group interaction, pluralism continues to infuse democratic debate.

## **Corporatism**

Prior to the late 1960s, pluralism was the major body of theory used to analyse the role of interest groups and associations. During the 1970s, some theorists developed theories of corporatism to explain the existing reciprocal relationships that had developed between the state and major organised interests in western countries in the post-war period. Some of corporatism's major theoretical proponents saw pluralism and corporatism as two quite distinct models (Schmitter 1974), while some pluralists argued that corporatism was no more than a sub-type or formalised variety of pluralism (Almond 1983, p. 251; Martin 1983). Different views of the role of the state were frequently the basis for these varied interpretations (Berger 1981; Cawson 1986; Williamson 1989). Thus, the conceptualisation of two 'pure' or distinct models of pluralism and corporatism is essentially a hypothetical construct with empirical studies revealing a multiplicity of variants (Lehmbruch 1982, p. 7).

Nevertheless, Schmitter's (1974) definition of corporatism is a useful starting point into the genre, being much quoted in corporatist literature. He described it as:

A system of interest representation in which the constituent units are organised into a limited number of singular, compulsory, noncompetitive, hierarchically ordered and functionally differentiated categories, recognised or licensed (if not created) by the state and granted a deliberate representational monopoly within their respective categories in exchange for observing certain controls on their selection of leaders and articulation of demands and supporters (Schmitter 1974, pp. 93–94).

Unlike pluralism, corporatism has not been strongly identified with American political practice. In the US, early pluralist traditions were important in establishing pluralism as a normative concept, and other factors such as a weak labour movement and possibly fewer peak associations may have contributed to the failure of corporatism to take hold (Salisbury 1979; Wilson 1982). In fascist Italy, attempts to create new political economies that were neither communist nor capitalist saw corporatist structures emerge

that were also seen as a solution to the country's economic underdevelopment and as a modernisation strategy (Barker 2006, p. 245). However, the form of corporatism, or '*corporatismo*', under Mussolini 'centred mainly on the brutal dismantling of the independent trade unions and the obligatory incorporation of workers within corporations under fascist peak organisations' (Barker 2006, p. 233). Despite this negative history, corporatist practice emerged in the 1970s as an explanation for the role of the state in modern capitalist economies (Capling & Galligan 1992, p. 42), and some literature refers to this version of corporatism as neo-corporatism to distinguish it from earlier versions, such as those associated with fascism. This modern reworking of corporatism is also described as societal corporatism (Zeigler 1988, p. 17) and has been associated with European countries that have social democratic governments or traditions where peak associations of business and unions have worked with governments on industry policy and social welfare. The existence of centralised labour movements is often seen as a critical factor assisting in the development of corporatism, and small, affluent countries with an incentive to retain highly specialised niches in export markets have also been likely to turn to corporatist arrangements (Grant 1985, p. 7; Katzenstein 1985). A variety of corporatism, perhaps better described as state corporatism, articulates the relationship between the state and interest groups in countries with single-party systems and is more common in Latin America and Asian non-communist countries such as Singapore, Taiwan and South Korea (Zeigler 1988, p. xi). In using the term corporatism in this thesis, I am referring to the neo-corporatism or societal corporatism that is most characteristically found in European countries such as Austria, Switzerland and Scandinavia. In particular, I will be questioning whether the relationship between ACF/TWS and the Hawke government was corporatist in this sense, and if so to what extent.

Corporatism is more than a system of interest representation, being closer to a collaborative means of policy formulation in which the role of the state is not necessarily dominant. In contrast, the pluralist model places the state as the arbiter between interests, or the object of persuasion in relation to policy. Under corporatism, the role of the state has less clarity (Harrison 1980, p. 188), although it is still crucial. Corporatism requires the state to initiate a relationship with interest groups that restructures the relationship in a manner intended to produce results favourable to the state. In practice, by attributing public status to interest groups the state establishes a basis for licensing their behaviour. The outcome of corporatist relationships between the

state and interest groups is that the licensed interest groups have a role to play in ensuring compliance with the agreements negotiated between them and the state. For the system to function satisfactorily, power within the interest groups needs to be hierarchical so that authority flows downward and hence their leadership can ensure compliance with the agreements they negotiate with the state (Harrison 1980).

Sometimes barriers are erected to encourage group acceptance of the representative role of the peak, or licensed, interest group. Under corporatism, barriers can include no provision of access to government unless through the accepted interest representation, or making membership of the licensed interest group compulsory. The more a compliance role is handed over to the interest group, the more developed is the form of corporatism (Williamson 1989, pp. 223–224). The majority of corporatist writing focuses on the macro level where there is tripartite bargaining between government, labour and capital on a national basis as occurred to some extent in Australia under the Hawke Government (discussed below.). There is also recognition that corporatism has occurred at the meso level of industry sector and at the micro individual group or organisation level (Schmitter 1982; Wassenberg 1982).

The emergence of corporatism in government practice in the 1970s occurred in conjunction with a sense of insecurity about long-standing political traditions. After World War II, developed countries experienced rapid economic growth, increasing affluence, reducing class differences, a politics of consensus, and a decline in reforming ideologies. All this was rapidly undermined by the protest politics of the 1960s and the severe economic difficulties of the mid-1970s. Long-standing political traditions no longer seemed permanent and alternatives were sought (Harrison 1980, pp. 183–185). Formalising tripartite arrangements between labour, capital and government was one means by which to seek stability while also coordinating benefits for the various parties. Before examining the disadvantages of corporatism, it is appropriate to examine the practical application of corporatist mechanisms under the Hawke Government in order to provide both theoretical and historical background for the empirical material of chapter 4.

***Corporatism and the Hawke Government.*** In the theoretical sphere prior to 1983, the dominant paradigm amongst scholars of business-government relations and industrial

relations to describe the Australian situation was ‘a version of pluralist interest group theory’ (Capling & Galligan 1992, p. 45). In practice prior to the accession of the Hawke Labor government, neither the politics nor the economics of the preceding decade had been conducive to the practice of corporatism in Australia. Yet, the first major act of the new Labor government was ‘to call a National Economic Summit to formulate a national economic strategy and establish tripartite institutions’ (Capling & Galligan 1992, p. 44). This high profile summit meant that the practice of corporatism appeared to arrive in Australia very dramatically and in a way not anticipated by the scholarship. There followed a long debate in the literature defending interest group pluralism against the new corporatism (Capling & Galligan 1992, p. 45). Empirical evidence suggests that the tripartism of the Economic Planning Advisory Council (EPAC), which was set up with union and employer representative to advise government, was largely symbolic because of its advisory role with no enforcement mechanism, and because its non-union participants retained their distinct group interests that conflicted with those of the unions (Singleton 1985, p. 25).

The most detailed expression of the Hawke government’s practice of corporatism was shown in the Accords established with the Australian Council of Trade Unions (ACTU). It is relevant to explore this example for three reasons. Firstly, there are parallels between trade unions and NGOs as advocacy organisations. Secondly, the Accords demonstrate the potential negative impact of peak groups on the advocacy of individual groups (see following discussion). Thirdly, because the Hawke government minister, Graham Richardson, repeatedly urged ACF representatives to form a peak body ‘like the ACTU’ suggesting that Richardson saw similarities between the ACTU and the environment NGOs (Lambert 2008). Thus, the Accords and the Hawke government’s attitude to them may provide a background to understanding the way the Hawke government viewed its relationship with ACF/TWS.

For the entire period of the Labor Government between 1983 and 1996 there was an Accord with the trade union movement (Kelty 2003). The first Accord was created by the government to rein in wages growth and to cope with the projected \$9.6 billion budget deficit that the new government faced when it came to power (Kelly 1994, p. 57). Under the agreement, there were three key trade-offs: the ACTU accepted wage restraint in order to generate more jobs, there was a shift in union emphasis from money

wages to the social wage, and there was ‘immunity from punitive civil laws or common law penal sanctions in return for settlement of disputes by conciliation and arbitration’ (Kelly, p. 62). The agreement was corporatist in nature because of the collaborative nature of policy development in the arrangement that required the government to consult with the unions before developing policy, and the unions to reciprocate with restraint on increased wage demands. Kelly (1994, p. 62) says that the Accords:

covered every area of domestic concern: industrial relations, tax, welfare, foreign investment, health, education, industry and immigration. Prior consultation with the unions was required for virtually all government decision making. An Economic Planning Advisory Council (EPAC) was to be set up with union and employer representatives to advise government. No previous Australian government had been elected with such a formal policy agreement with one sector of society.

The ACTU’s relationship with the government was highly integrated. The Accords helped in creating thousands more jobs and in easing Australia out of recession. It also assisted in the introduction of Medicare, the superannuation guarantee, and various aspects of what was called the ‘social wage’ (Kelly 1994; Kelty 2003). The high point of national consensus was the National Economic Summit of 1983, which brought together national political, business, financial and union leaders, including social welfare and consumer representatives (Kelly 1994; Kelty 2003), but not environment organisation representatives. The Accords also had the effect of centralising unionised labour power in the ACTU and weakening the broad base of power across many unions (Kelly 1994, p. 64). The Accords had no mechanism to enforce accountability from the private sector, and compliance depended on the Industrial Relations Commission (IRC), an independent national tribunal dealing with employment issues. Bill Kelty, who was Secretary of the ACTU from 1983 to 2000, claims that a number of decisions of the IRC failed to deliver for the ACTU, and the private sector often took the gains of wage restraint without reciprocating (Kelty 2003, p. 344). By the time Paul Keating became prime minister in December 1991, wages were falling and unions were struggling to justify the Accords to their members.

Although trade union leaders, such as Kelty, justified the Accords as providing more benefits than losses, their corporatising effects resulted in a centralisation of power that weakened the ACTU’s individual member groups (Kelty 2003, p. 344). As well, the skills base of the trade union movement was affected because traditional bargaining and

advocacy tactics were not being passed on to a newer generation. The Accords' debilitating effect on the advocacy skills of unions is revealed in a statement by Kelty, who said that the last term of the Keating Labor government gave the unions 'an extra 3 years to rebuild their own strength, to re-learn the capacity to bargain and to reform to the extent possible on their own terms' (Kelty 2003, p. 344). With the likely change of government to another political party, the trade unions were struggling to re-learn a more adversarial relationship and to respond to accusations from business interests of being too influential on government. The Accords were of great benefit to the Hawke-Keating governments in providing a stable industrial relations environment. However, because there was no enforcement mechanism on business employers, the imbalance in the corporatist arrangements whereby business could take the benefits of wage restraint without reciprocating, made the longer-term value of the Accords questionable for trade unions. This example suggests that overall the corporatist arrangements of this period had significant disadvantages for unions. The Accords and the Hawke government's attitude to them may assist in providing a background to understanding the way the Hawke government viewed its relationship with ACF/TWS.

***Disadvantages of Corporatism.*** As the history of the Australian Accords indicates, for interest groups, particularly those representing the interests of labour, the practices of corporatism can have a number of disadvantages. The following three issues represent significant possible disadvantages that are suggested in the literature: the exclusion of some parties, particularly vulnerable groups; the possible weakening of organised labour; and the weakening of the advocacy role of interest groups by what is termed 'interest intermediation'.

In practice, the structure of corporatism can exclude weak and vulnerable parties. In theory, most corporatists recognise the risk that organised interests are likely to benefit at the expense of the unorganised or the excluded (Grant 1985, p. 25), and that the excluded are likely to be the socially vulnerable. However, the risk is justified by the argument that, in the main, the arrangements are for the greatest good, despite the fact that the interests of the state, capital and labour are not necessarily congruent with those of consumers or the democratic rights of all citizens. An even more encompassing question is that the interests of consumers, or individual citizens, may be excluded in corporatist arrangements.

The structure of corporatism can weaken organised labour by integrating it into the state. One important criticism of corporatism is that it is designed to integrate organised labour into the capitalist state (Panitch 1980; Strinati 1982). Corporatists acknowledge that at times, governments have used corporatist bargains with trade unions to damp down labour discontent and keep wage settlements down to levels acceptable to governments (Grant 1985, p. 23). Corporatists argue in favour of such settlements on the basis that workers should recognise that high levels of employment are the result, despite some workers losing out (Goldthorpe 1984a).

Interest intermediation, which fuses the roles of policy formulation and policy implementation, is a key factor in limiting the democratic right of interest groups to fully pursue their members' interests in corporatist theory. In practice, the specific role of peak groups needs to be articulated in order to define this problem. It has been claimed that one shortcoming of pluralism is its use of the term 'pressure group' to embrace organisations of a fundamentally different nature such as individual lobby groups and peak groups (Goldthorpe 1984b, p. 322; Cawson 1986, p. 71). A lobby group such as an environment organisation, trade union or welfare organisation has a different nature to a peak group such as ACFID, the ACTU or ACOSS made up of many constituent member groups. The main distinguishing characteristic of peak groups is that they primarily serve their member groups rather than the interests of individuals or clients (Melville 1999b, p. 3). Some have tried to define peak bodies as not providing services (Industry Commission 1995) and this is generally the case, although not universally (Melville 2003, p. 3). A more important distinction for corporatism is the legitimate representative nature of the peak group in being able to negotiate within a corporatist model. It is the peak group that has the representative legitimacy to be able to negotiate on behalf of a whole sector. However, in order to obtain agreement or a consensus, its policy position may be more moderate than that of many of its constituent members. The distinction between the lobby group and the peak group helps to highlight the two different roles of advocacy/policy formulation, and policy implementation – both roles being aspects of corporatism. Lobby groups have only the authority to advocate and propose policy, whereas under a corporatist arrangement, the peak group is likely to have some role in implementation and possibly enforcement. This fusion in corporatism of policy formulation and policy implementation is known as

interest intermediation (Schmitter 1974, 1981). It has significant democratic implications, because it includes not only collective advocacy to represent members, but also social control imposed on its members. Schmitter (1981, p. 295) describes interest intermediation as encompassing:

both the means through which interests are transferred from, aggregated over, and articulated for members to collective decision-making bodies, public or private (*representation*), and the ways in which interests are taught to, transmitted to, and imposed on members by associations (*social control*).

This definition suggests that interest intermediation is one of the key distinguishing factors between pluralism and corporatism. Interest intermediation is also an important factor limiting the democratic advocacy role of organised labour and public interest groups under corporatist arrangements, through the granting of power to peak groups that may hold different policy positions to that of individual groups. This power allows a peak group to enforce compliance with corporatist agreements that could stifle the individual groups holding minority positions within the peak group. It fuses or limits the multiplicity of policy positions that may be found in its member groups, most likely resulting in a weaker policy outcome than some members would hold.

The conclusion to be drawn from this examination of corporatism as a practice of governance is that it is not an ideal model to strengthen the democratic/advocacy role of NGOs and it has significant negative implications. It can provide some advantages for larger groups in relation to access to policy-making, but weaker voices may not be heard and advocacy may be muted in exchange for benefits. Corporatist practice can display some marked differences from pluralism (and from public choice that will be discussed below), because interest intermediation requires the co-operation of interest groups with the state in policy development and implementation. Despite this co-operation, it is essentially a framework for describing the practice of a state's orientation towards NGOs. For this study, it provides an important lens for analysis of the empirical material of later chapters.

## Public Choice Theory

The logic of public choice theory has been identified in policies of the Howard government (Staples 2006) and understanding its precepts may throw light on actions of that government. Public choice theory is that part of the neoliberal paradigm that addresses the role of interest groups in most detail. Mueller (1989, pp. 1–2), the public choice theorist, has described the theory in the following way:

Public choice theory can be defined as the economic study of non-market decision making, or simply the application of economics to political science. The subject matter of public choice is the same as that of political science: the theory of the state, voting rules, voter behaviour, party politics, the bureaucracy, and so on. The methodology of public choice is that of economics, however. The basic behavioural postulate of public choice, as for economics, is that man [sic] is an egoistic, rational, utility maximizer.

In applying market principles of human behaviour to the public political sphere, public choice assumes that people's political behaviour is influenced mainly by their own self-interest and that the motivation of people in the development of public policy is no different from their motivation in a commercial market environment. It has been developed to apply to interest groups. This formulation is in direct contrast to a pluralist democratic model in which debate across difference, and a contested public sphere allow for many voices such as corporations, NGOs and others to be seen as legitimate players in the public policy debate. It also contrasts with a corporatist model, which includes interest groups within the sphere of policy formulation and implementation by interest intermediation.

The US economist James Buchanan and his colleague Gordon Tullock are generally credited with founding the field of public choice theory in the 1950s. Buchanan won the Nobel Prize for Economics in 1986 for his work on the theory, which he first called non-market decision-making. He has described how in the 1940s he believed that the study of politics was crying out for explanatory models, and informed by his economic perspective, he set out to explore this area (Buchanan 2003). Buchanan and Tullock took the idea of economic incentive to motivate individuals and applied it to politics in relation to individuals gaining something of value. Buchanan said:

At base, the central idea emerges from the natural mind-set of the economist, whose explanation of interaction depends critically on the predictable responses of persons to measurable incentives. If an opportunity that promises to yield value arises, persons will invest time and resources in efforts to

capture such value for themselves.....The extension of this motivational postulate to the share of value allocated through politics or collective action seems elementary now, but until Tullock explicitly made the connection, no attention had been paid to its profound implications. If there is value to be gained through political action, persons will invest resources in efforts to capture this value (Buchanan 2003, p. 6).

It is this move from the economic arena to the political sphere that is at the heart of criticism of the theory.

In listing the many aspects of his work, Buchanan sees the concepts of the 'logic of collective action' and 'rent-seeking' as a major contribution within public choice theory because they allow the rationale of public choice to be applied to the motivation of interest groups including NGOs. Public choice theory claims interest groups and NGOs are predatory, and will try to obtain 'benefit' for their members, and it narrows the motivation of 'benefit' to a narrow range of self-interest (Marsh 1995, p. 49). An analysis based on self-interest denies the existence of altruism in the behaviour of NGOs. Many of today's NGOs grew out of the concept of charity, from the Latin *caritas*, meaning love of other people or beneficence or liberality to those in need or distress (Hudson 1995, p. 19). Public choice theory is also contrary to the rich variety of theories in social science disciplines, such as sociology and psychology, which seek to explain human motivation and behaviour in a more holistic manner inclusive of our social, intellectual, sexual and spiritual needs.

Following Buchanan and Tullock, the economists, Mancur Olson (1965) and Samuel Brittan (1975) further developed the concepts of the 'logic of collective action' and 'rent-seeking'. It is their ideas of public choice that most closely relate to NGOs. In 1965, Olson wrote *The Logic of Collective Action: Public Goods and the Theory of Groups* in which he concentrated on the effect that advocacy groups had on the democratic process, directly challenging the traditional Dahl-inspired version of pluralist theory of the development of public policy. Olsen argued that 'even if a pressure group system worked with perfect *fairness* for every group, it would still tend to work inefficiently'. Even more specifically, he claimed 'coherent rational policies cannot be expected from a series of *ad hoc* concessions to diverse interest groups' (Olson 1965, p. 187). Olson argued that interest groups arise in order to take advantage of opportunities for the few at the expense of the many. He noted the considerable effort

needed by interest groups in order to organise and he proposed that there must be considerable psychological or financial gratification for them to do so. In an even more detailed way than Buchanan, Olson's analysis imposed an economic model on the political sphere of NGO/government relationships. His analysis did not incorporate the complexities of NGO motivation, including altruism, nor that NGOs are able to take a long-term perspective, even past the lifespan of individuals or the life of the interest group.<sup>2</sup>

Building on Olson's analysis, Brittan wrote a classic essay in the *British Journal of Political Science* in 1975, in which he predicted the end of liberal democracy as a result of the activities of interest groups. His analysis was one of the clearest in its articulation of public choice as the underlying premise explaining the activities of NGOs and interest groups. He began by hypothesising two endemic threats to liberal representative democracy, the 'generation of excessive expectations', and the 'disruptive efforts of the pursuit of group self interest', which were closely interrelated (Brittan 1975, p. 142). 'Excessive expectations' and 'self interest' were fuelled by advocacy groups, which he claimed did not have national budgetary constraints on their demands (Brittan 1975, p. 142). For example, he said:

Nor are distribution and growth *per se* the only sphere on which excessive demands are made from the political process. The US administration is expected to prevent pollution without increasing transportation or energy costs, to protect forests and lower timber prices – and in general to protect the environment – without paying any obvious price (Brittan 1975, p. 142).

Brittan's concern, that environmental groups are not constrained by requirements of balancing a national budget, was linked to a narrow, classical view of representative democracy. It was a view that only elected representatives have the right and responsibility to decide public policy. It directly rejected a pluralistic model of debate across difference in which many interests compete with ideas in a public sphere to develop and refine public policy proposals.

A public choice model of political activity has significant political implications in that it 'presumes as an ideal a "frictionless state" in which groups would be absent' (Marsh

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<sup>2</sup> Olson visited Australia in 1984, and wrote *Australia in the Perspective of the Rise and Decline of Nations*, an essay promoting the benefits of free trade for Australia's manufacturing industries (Olson, 1984). An interesting prospect for future research is to enquire into the background to the visit and into what influence it had, if any, on Australian policy makers and politicians.

1995, p. 50). In its ideal political model, advocacy NGOs with their ‘disruptive excessive demands’ would be reined in and discouraged (Brittan 1975, p. 142). Political associations and institutions incorporate seemingly illogical (and often contradictory) activities, values and behaviours that make up the complexity of humankind’s inheritance. It may be intellectually elegant to describe the political sphere without such complexity, but to do so removes the reality of the total political and cultural environment (Stretton & Orchard 1994).

Brittan’s idea that NGOs generate ‘excessive expectations’ (Brittan 1975, p. 142) is directly linked to the more recent emphasis on ‘accountability’ directed at NGOs by neoliberal critics in Australia (Johns 2000, p. 2). Public choice theorists’ interest in ‘accountability’ is primarily derived from the fact that interest groups do not have direct responsibility for the country’s economy, because they are not elected as part of representative democracy. Interest groups collectively were said to make claims on the economy, that is, ‘excessive expectations’ (Brittan 1975, p. 142), which were greater than the economy’s ability to deliver, and this was described as a ‘lack of accountability’ (Johns 2000, p. 2).

A number of Australian academics have written on the internal governance accountability of NGOs, without noting this public choice definition of ‘accountability’ (Phillips 2004; Woodward & Marshall 2004b).<sup>3</sup> It is both desirable and necessary that NGOs have their internal governance arrangements in order, but it is doubtful whether rigorous governance arrangements in NGOs could blunt public choice inspired criticism of NGO ‘accountability’, as it is based on a public choice conceptualisation of representative democracy. Understanding this interpretation of ‘accountability’ can be helpful in moving debate away from internal governance arrangements of NGOs to the question of models of representative democracy (Staples 2008). This overview of public choice theory shows that the theory is not supportive of NGOs having a democratic/advocacy role in any of its articulations. However, as a model for governance it provides a valuable framework for describing many of the policies of the Howard government towards NGOs.

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<sup>3</sup> See the following chapter for a discussion of the treatment of ‘accountability’ in the Australian literature.

Pluralism, corporatism and public choice are theories that will be used in later chapters on the Hawke, Keating and Howard governments in order to describe relations between government and NGOs. However from this overview of the three theories, some conclusions can be drawn as to how sympathetic each theory might be to the concept of independent advocacy by NGOs. Pluralist debate has given interest groups a significant place in the democratic schema, whether expressed in its modern form of discourse across difference or in an earlier articulation such as that of Dahl (1991). For this thesis, the work of Altman (1980) has been identified as significantly influencing the attitudes of activists during the Hawke government and his articulation includes a central role for NGOs' advocacy to bring about positive change in a democracy. Corporatism in practice has been identified as providing a means for NGOs to have a place within government to shape policy. Nevertheless, interest intermediation, which fuses the roles of policy formulation and policy implementation, limits the ability of some interest groups to fully pursue their members' interests providing less democratic equity as a model for NGO interaction with the state. Interest intermediation also results in demands of NGOs being weakened in order to obtain agreement between groups holding different positions. So, that corporatism is not fully supportive of independent advocacy by NGOs. Of the three theories, public choice is the most antagonistic to providing a role for NGOs and their advocacy. Its formulation by Brittan (1975, p. 142) rejected NGO advocacy as 'excessive expectations' on government, and labelled this advocacy as 'self interest'. Of the three theories, pluralism emerges as the most sympathetic of the three towards independent NGO advocacy.

## **A Dual Strategy**

This thesis formulates a dual strategy that will be tested in the empirical chapters. Pluralism, corporatism and public choice are theories that seek to describe or explain relations between government and NGOs, and thus they provide a means to understand the context of NGO relationships with government. However, in any state orientation, NGOs must themselves decide on an appropriate stance, which best positions them to maintain their democratic/advocacy role, both in the short and long term.

The literature suggests that a dual strategy for NGOs in which they work both within and outside the state can be effective as a strategy. Cohen and Arato (1992), Wainwright (1994) and Dryzek (1996) are significant authors whose work contributes useful conceptual material to the dual strategy proposed in this thesis. Cohen and Arato (1992) used the feminist movement to illustrate the effectiveness of a dualistic logic whereby the movement used sustained, simultaneous action both in civil society and the state. They argued that,

the dual logic of feminist politics...involves a communicative, discursive politics of identity and influence that targets civil and political society and an organized, strategically rational politics of inclusion and reform that is aimed at political and economic institutions (Cohen & Arato 1992, p. 550).

Cohen and Arato claimed that 'almost all major analyses of the feminist movement (in the United States and Europe) have shown the existence and importance of dualistic politics' (Cohen & Arato 1992, p. 550). They illustrated their argument with the history of the US women's movement in which dualism first found expression in two branches - an 'older' branch that focussed on political and economic inclusion and used the political and legal system to fight discrimination and attain equal rights, and a 'younger' branch of grass-roots groups targeting male dominance through consciousness raising. They argued that 'by the end of the 1960s, the two branches of the movement started moving closer together' so that despite the movement's diversity more organisations used 'a wide range of strategies' (Cohen & Arato 1992, p. 551). Cohen and Arato then broadened their argument to encompass all civil society, not just the feminist movement. They summarised the political task of dual politics in terms of 'the acquisition of influence by publics, associations, and organizations on political society, and the institutionalization of their gains (new identities, autonomous egalitarian associational forms, democratized institutions) within the lifeworld' (Cohen & Arato 1992, pp. 555-556).

Wainwright (1994) also articulated the need for a dualism in social movement strategy. Her contention in *Arguments for a New Left* was focussed on reconciling the perspectives of East European activists (who rejected socialism only to be attracted to the arguments of the free-market right), with those of western activists from the left (Wainwright 1994, p. 283). As Altman (1980, p. 5) had done earlier in Australia, Wainwright (1994, p. 193) positioned NGOs as part of a democratic framework in

which ‘the social movements of the last twenty five years’ provide the leadership on social and economic change, rather than the traditional left or socialist democratic political parties’. Within this framework, she saw the strength of the social movements in ‘the fact that mostly they aim to act with the people on the ground’ (Wainwright 1994, p. 195). While recognising this strength, she also acknowledged the need for social movements to influence formal political and legal authority, saying,

Their base and the source of power is local (that is, where people live, work and socialize); but these movements can only achieve their goals if they are able to mobilize and exert this localized strength against corporations and unaccountable political bureaucracies whose power is national, and increasingly international. Moreover, several of the goals themselves – economic equality, ecological safety and sustainability, and the provision for social need among them – require democratic decision making with binding national and international authority (Wainwright 1994, p. 195).

Wainwright’s dualism saw working with the state as primarily seeking a voice within parliamentary forums, and she looked to the new parties such as the Greens to provide,

a means by which the practical knowledge shared and accumulated by people to define and find solutions to their needs, influences the exercise of political power. It is a relationship between two distinct sources of power and knowledge, one based in society, the other within the state (Wainwright 1994, p. 198).

She specifically described these two sources of power as distinct from the normative strategies suggested by corporatist literature, where ‘a social group pursues its interests through becoming a part of the state’ (Wainwright 1994, p. 198). Wainwright’s goal of seeking a voice within parliamentary forums is acknowledged, but is conceptualised slightly differently: not as becoming part of a political party such as the Australian Greens, but as a choice to appear before committees, make submissions, directly lobby parliamentarians and use the many ways by which the parliamentary process is open to intervention. Unlike Wainwright, this thesis makes a distinction between the social change movements and political parties such as the Australian Greens. As the party’s membership broadens and it begins to hold the balance of power in various governments, it is clearly a political party and should not be treated as an extension of civil society or the voice of progressive NGOs. The expressed desire of the Australian Greens to develop a different style of working from that of the traditional parties is to be

commended, but the emphasis in this thesis is on a clear dichotomy between Australian NGOs and the Australian Greens in the roles they fulfil in a pluralist democracy.<sup>4</sup>

Dryzek (1996), in a paper on how democratisation of a state may occur, made distinctions relevant to the concepts of inside and outside NGO activity. The distinctions he made provide conceptual material that is useful in developing the concept of a dual logic for this thesis. Dryzek's purpose was to point to the importance of having an oppositional sphere for the project of increasing democratisation. In so doing, he argued that inclusion in the state could occur by,

organization as an interest group and associated lobbying activities; participation in policy development and implementation through ongoing negotiation between group leaders and public officials; participation in conventional party and electoral politics, either by organizing as a party or in formal affiliation with an established party; acceptance of governmental appointments by group leaders; or enhancing the group's ability to participate in policymaking through changes in public policy (Dryzek 1996, p. 475).

He argued that inclusion was only benign if two 'demanding criteria' were met and when they were not met 'inclusion in the polity beyond the state is more appropriate' (Dryzek 1996, p. 475). The criteria he articulated were, firstly, whether the defining interest of the group can be assimilated to any state imperative and, secondly, whether the group's entry into the state would leave behind a healthy civil society (Dryzek 1996, pp. 484-485). In relation to the first, he recognised that state imperatives can change and one example quoted was of environmentalism in 1980 being outside the state's core imperatives, whereas today it is within. In relation to the second criterion, Dryzek noted that the success of socialist politics saw the decline of grassroots movements in favour of electoral party strategies, and after 1989 in Eastern Europe the migration of civil society into the state left behind 'little or nothing in terms of oppositional public spheres' (Dryzek 1996, p. 485). He also noted that in the UK 'the entry of the Campaign for Nuclear Disarmament into the British Labour Party around 1960' left behind a much weakened nuclear disarmament movement (Dryzek 1996, p. 485).

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<sup>4</sup> One significant difference between a political party and an NGO in a pluralist democracy is the direct power that a political party holds that will sometimes require it to compromise its policies - particularly a minority party like the Australian Greens that may hold the balance of power. In contrast, an NGO does not have this direct power of implementation and does not need to compromise in the same way. If it wishes, an NGO can continue to assert its policy positions, leaving it to the elected representatives to choose what policies will be implemented by compromise amongst other parties holding direct legislative and/or executive power.

Dryzek argued that his two criteria have ‘an instrumental as well as a democratic aspect’, because they ask a group to question whether they will have real influence and whether their wider sector will have influence (Dryzek 1996, p. 485). While supporting the wider democratisation agenda that is behind Dryzek’s two criteria for engagement, the dual strategy proposed in this thesis is advanced via an ‘instrumental’ argument (Dryzek 1996, p. 485). Nevertheless, Dryzek’s criteria provide useful distinctions to consider in the formulation of an effective dual strategy for this study.

While agreeing with much in the positions advanced by Cohen and Arato (1992) and Wainwright (1994), Dryzek also sees their arguments in favour of a dual logic as implying a benign view of the motivation of governments towards NGOs (Dryzek 1996, p. 484). In contrast, he argues that,

beyond laws protecting the basic citizenship rights of expression and association, one should not expect much in the way of positive state action to promote the well-being of civil society (Dryzek 1996, p. 484).

Dryzek reiterates that if movement goals clash with the core imperatives of the state, there is little reason for governments to behave in a benign fashion towards NGOs. This is an assessment of the relationship between NGOs and the state that is consistent with the dual strategy I wish to describe, as will be articulated below.

The authors of these three papers have each approached the question from slightly different perspectives to one another, but they mainly couch their arguments within the role of the wider NGO sector and/or social movements. While acknowledging their findings in this regard, this thesis emphasises the importance of a dual strategy in relation to individual NGOs and their day to day decisions in Australia. It is at the level of individual organisations that most formal strategising occurs, rather than the whole membership of any movement jointly developing a strategy. In retrospect, academics can analyse the behaviour of various social movements and can evaluate the behaviour of the group in the light of their actions. In practice, these collective behaviours are frequently iterative in the way they develop and it is often impossible to link the activities of a whole social movement to any specific joint ‘decision’ on strategy. The dual strategy of this thesis focuses at the level of individual environmental NGOs making operational and policy decisions. However in the conclusion, consideration will

be given as to whether the findings of the thesis might be applied to NGOs practising in the wider sector (that is, other than environmental NGOs), and whether the findings might also be relevant for issues facing the NGO sector as a whole.

***Describing a Dual Strategy.*** The conception of a dual strategy advanced in this thesis advocates normatively that individual NGOs should operate both inside and outside the state simultaneously or in various configurations. This allows for a wide range of actions. Activities both inside and outside can complement one another, amplifying the effect of each. It is most likely that NGOs' short term goals involve inside activity to bring about government action, whereas longer term vision may be the province of outside activity such as persuading public opinion. Importantly in this definition, inside activities need outside activities to give them legitimacy, and to persuade governments that NGOs' issues have public support.

Working outside the state is the bedrock of NGO activity. It is the critical component that builds a support base to influence elected politicians in a democracy. Affecting public opinion and keeping in touch with their community support base are the very foundation of NGO's activities. It is part of the legitimacy of NGOs that they can demonstrate that they have public support for their policies. In fact, public support is the 'capital' that gives NGOs authority, it is their most valuable asset and building it is essential to their operations. Working outside the state to build public support is important for two reasons that Dryzek has articulated. Firstly, it is relevant for issues that are already accepted as part of the core imperatives of the state in order to influence elected politicians in a democracy. Secondly, working outside the state is important for introducing radical arguments that are not currently part of the state's core imperatives. As discussed in the introduction to this thesis, the freedom to propose ideas that are outside the current perspective of mainstream society, to expound alternative visions of the future, and to consider a long term perspective is one of the most valuable contributions that the NGO sector can make in a democracy. In relation to environmental NGOs, although some aspects of environmentalism may have been accepted by the state (Dryzek 1996, p. 485), wider implications that impact on industrial society and traditional economics have not been incorporated into core imperatives. I refer in particular to the challenge posed by the paradigm of unlimited growth identified by Altman (1980, p. 120). Therefore, the process of incorporation of the more radical

arguments of environmentalism that challenge the capitalist concept of unlimited growth still have a long way to go before being accepted by the state.

The dual strategy proposed for this thesis accepts that it is intellectually coherent for individual NGOs to simultaneously work both within the state and outside it, so long as the short term goals of policies pursued inside are consistent with a longer term vision. In practice, NGOs often combine the practical world of day to day politics with having a vision of alternative paradigms. It is possible to address government about immediate threats to a forest because of logging guidelines in one forum, while at the same time arguing in the public sphere in favour of new economic theories that address unlimited economic growth. In fact, the process of addressing both aspects of environmentalism may even contribute to the acceptance of the more radical concept.

The outside activities of the dual strategy of this thesis are those involving informing, educating, motivating and organising in the community. The methods used can include all aspects of the media, print publications, the use of information technology in its various forms, paid advertising, and organising groups of people for educational purposes or to convey support for policies (or against them) to elected representatives. Organising groups of people can vary from very small groups to mass mobilisation. Outside activities also include organising or encouraging individuals to send messages (via letters, emails, phone calls, personal representation or the vote) to elected representatives, but acting as individuals not as representatives of the NGO. The variety of outside activities possible is only limited by the creativity of those initiating them within NGOs.

Working inside the state requires engagement to be meaningful, and requires that NGOs recognise potential dangers such as co-option.<sup>5</sup> However, it is possible for inside activities to positively affect outcomes in governmental policy. For example, the quality of government policy can be greatly improved because of the extra understanding contributed by NGOs' on-the-ground knowledge of issues. Inside activity can also result in governments addressing issues that they might otherwise ignore. Inside activity

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<sup>5</sup> Co-option in this sense means having an NGO's influence neutralised or taken over by government or political party. This frequently involves the NGO identifying too closely with the aims and interests of government or a party.

provides opportunities to publicise campaigns in the media and to encourage community involvement in the participation process. If used expertly, publicity from inside activity can encourage the outside activity of developing public support for NGO issues, thus creating a loop of influence enhancing both activities.

Dryzek's two criteria for working inside the state contribute to the concept of a dual strategy being advanced in this thesis. As noted above, Dryzek's first criterion in relation to democratisation concerns whether the defining interest of the group can be assimilated into any state imperative. For the dual strategy of this thesis, this might be expressed as: inside activities are most appropriate when they relate to issues already accepted as part of a state's core concerns. However, the core concerns of the state are often unclear and over time transitions can be identified. Dryzek recognises that state interests can change and he notes that environmentalism during the 1980s was undergoing a transition, so that at the beginning of that decade it was outside the state's core imperatives, yet today it is within.<sup>6</sup>

Dryzek's second criterion that contributes to the proposed dual strategy of this thesis is whether the group's entry into the state would leave behind a healthy civil society. This criterion can be modified for this thesis to suggesting guidelines for meaningful engagement in inside activities. Meaningful engagement might be described as engagement that actively progresses a campaign while not weakening the organisation itself or the sector. Day to day decisions faced by NGOs are multiple and complex. For example, participation in a consultation can raise the questions of whether the consultation is genuine, whether the decision has already been made, whether the government is stalling, whether offering participation is simply a means to keep NGOs quiet, whether participation will drain resources better spent elsewhere, or whether a committee's terms of reference are constructed too narrowly to address the issues that the NGO and the sector consider central. Participation in any of these contexts could be wasteful of NGOs' time and energy and could be harmful by weakening the NGO's credibility. Whether an inside activity weakens the organisation itself or the sector will be a useful measure by which to examine the activities of ACF and TWS.

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<sup>6</sup> Chapter 4 will consider this argument in relation to whether Australia was going through this transition under the Hawke government, such that the defining interest of ACF/TWS in environmentalism was being assimilated into state imperatives.

In the dual strategy model conceptualised here, inside activities includes activities associated with parliament and parliamentary representatives, and activities associated with the bureaucracy and government authorities. They do not include organising as a political party, or formal affiliation with a party such as practised by trade unions in relation to the Labor party. As indicated earlier, this thesis makes a clear distinction between the role of political parties, including the Australian Greens, and the role of NGOs. It is argued that affiliation with a political party is inherently a corporatist model because of the restraints affiliation entails and is not consistent with a dual strategy.

For the purpose of this thesis, inside activities are those activities associated with making direct approaches on behalf of an NGO to individual parliamentarians, and to any of the structures for participation associated with parliament. They also include activities associated with the bureaucracy and government authorities. Direct approaches to parliamentarians include the many ways in which an NGO may relate to parliamentarians whether they are opposition, government, minor parties, backbenchers or ministers. The main structures for participation associated with parliament are the committee system, including standing committees and select committees of both houses of parliament, as well as joint committees. NGOs will also approach sympathetic parliamentarians to encourage them to use their place within a political party to progress issues internally within their party structures. Activities associated with the bureaucracy and government authorities cover a wide range. Although it was much stronger in previous decades, the legacy of consultation with stakeholders still continues, (Lambert 2008), and governmental inquiries are initiated on many topics by government departments and instrumentalities. It can also be helpful for NGOs to work effectively on inside activities by developing relationships with bureaucrats who implement and develop policy. Inserting themselves as actors within the policy cycle is an effective strategy if they can avoid the risk of identifying too closely with bureaucrats or the internal politics of a department.

The operation of both aspects of a dual strategy can frequently be seen in the campaigns undertaken by larger NGOs such as ACF and TWS. For an established national NGO, campaigns that target change to current policy, or the introduction of new policy are the

main advocacy activity.<sup>7</sup> Social movements such as the Occupy movement,<sup>8</sup> may have more diffuse goals, but organisations such as ACF and TWS generally judge that efficient use of their resources is best directed to campaigns that will bring tangible success – both to bring about change and to keep their supporters and donors motivated. To progress these campaigns both inside and outside activity are usually called into play. The decision maker (usually a minister, or ministers, in the government) is identified and the campaign constructed around how best to exert the appropriate pressure on him or her to bring about change. This involves inside activity that mobilises the internal pressures of the party in power, and it may also mobilise the Opposition and any minor parties. To be effective it also uses pressure from outside activities that educate the public on the issue and mobilise public support that is meaningful to the decision maker (or to his or her party). So, specific campaigns aimed at policy change are probably best conducted with a mixed suite of inside and outside activity. The way in which these suites of inside and outside activity are constructed is the creative side of campaigning.

The proposition that NGO strategy is assisted by the holding of a non-partisan or ‘neutral’ perspective towards those holding power flows from the proposition that the role of NGOs is separate from that of government and the economic sphere (Hudson 1995, p. 27). This suggests that long-term advocacy strategy for NGOs should include a non-partisan or ‘neutral’ perspective towards political parties *based on the merits of parties’ policies*. This could include NGOs commending, encouraging or criticising in relation to policy issues. However in this definition, it might also include endorsing a party and its policies at an election if there was a significant difference between the endorsed party and others, so long as the orientation of the NGO did not identify its interests with those of the political party. The use of the word, ‘neutrality’, in this thesis incorporates working closely with decision-makers, but recognising while so doing that the interests of the party are not identical with the NGO, and remaining focussed on the

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<sup>7</sup> The day to day activities of NGOs such as ACF and TWS should not be confused with their constitutional aims and their strategic plans, which may set out more ambitious goals. For example, ACF’s constitutional preamble states ‘the objects of the Foundation are to make every effort to achieve ecological sustainability for the planet Earth...’ (Australian Conservation Foundation 2010).

<sup>8</sup> The Occupy movement is an international protest movement primarily directed against economic and social inequality. It began on 17 September 2011 when an Occupy protest in Wall Street received wide coverage. By October 9, Occupy protests had taken place or were ongoing in over 95 cities across 82 countries. The diffuse and spontaneous nature of the protests means that the movement’s aims are difficult to distill to a few demands.

role and the aims of the NGO in relation to policy. Working effectively within government (and with political parties) can include close and frequent interactions with those holding (or potentially holding) power. This can be seductive if successful outcomes ensue, and NGOs need to be wary of being seduced into political partisanship. Key times that may test whether NGOs have related to parties only on the merits of their policies are likely to be during elections. If corporatist arrangements are avoided and the relationship with each political party is based on the party's policies, then an NGO is reinforcing its place in a pluralist democratic schema.

***Definition of a dual strategy for this thesis.*** The definition of a dual strategy that will be tested in the empirical chapters emphasises the importance of developing public support outside government, firstly, in order to influence public policy that is already part of the government's core imperatives and, secondly, to promote more radical, long-term issues that are not currently core government concerns. It also recognises that working inside government with meaningful engagement can result in influencing policy outcomes, including governments addressing issues that they might otherwise choose to ignore. Working inside uses simultaneous outside activity to reinforce and legitimise inside activity. Meaningful engagement by inside activities within a dual strategy framework includes asking whether inside participation will actively progress the issue or will weaken the organisation itself or the sector. With respect to long term effectiveness, it includes asking whether there is non-partisanship or a neutrality of perspective *based only on policies* when dealing with political parties.

Of the three theories of pluralism, corporatism and public choice discussed earlier, pluralism was identified as most sympathetic to the independence of NGO in their relationship with government. The corporatist structure of peak groups that currently exists in the Australian NGO context is rejected as limiting the ability of some interest groups to fully pursue their members' interests using a dual strategy, and the model of public choice emerges as antithetical to the dual strategy because of its rejection of NGO legitimacy.

## **Summary**

This chapter has provided the tools that will be used for analysing the empirical material of later chapters. Three main relevant theories, namely pluralism, corporatism and public choice, provide normative models to describe relations between the state and NGOs, and they are also a framework to explain the tenor of the political environment in which NGOs were operating during the Hawke, Keating and Howard governments. The dual strategy for NGOs that has been proposed in this chapter will be tested by examining how ACF/TWS chose to respond to different government orientations. Before moving to the empirical material, the next chapter will examine Australian NGO research and the Australian policy framework to which NGOs were exposed during the relevant period of this study.

## **Chapter 3: Understanding Australian NGOs: The Research and Policy Environment.**

NGOs have been a part of the Australian social and political landscape since Australia's colonial beginnings. The first Australian NGO was the Benevolent Society, established in 1813. In that year, six 'like-minded gentlemen' approached Governor Lachlan Macquarie who became the patron of the new society. By 1815, the Society was supporting 'more than 150 poor and destitute people', mostly 'older men and unmarried mothers' (Benevolent Society 2010). The role of NGOs has changed and developed significantly in the two centuries since this modest beginning. This chapter focuses particularly on their democratic advocacy role and how they were viewed in the period from 1983 to 2007. Its content provides a bridge between the theoretical framework established in chapter 2 and the empirical chapters 4, 5 and 6 by reviewing the dominant themes in the literature on NGOs in Australia as they developed during the Hawke, Keating and Howard governments, with a particular focus on neoliberalism and its contestation with pluralism.

### **The Changing Political Context**

The election of the Hawke government in 1983 took place at a time when there was a broad public consensus that pluralism and the welfare state remained the status quo (Capling & Galligan 1992). This consensus included the assumption that NGOs played a legitimate role in the democratic schema. Despite this, there had been significant changes taking place within the bureaucracy for some years - changes that later became known as New Public Management (NPM), and from the late 1970s, the beginnings of neoliberal-inspired policies such as contractualism in the public service were being introduced (Considine 1996, p. 78; Sawer 2002, p. 44).

In retrospect, it is the economic reforms of the Hawke government that many academics identify as ushering in neoliberal policies. However at the time, most authors writing on theory were steeped in a pluralist tradition and the threat to pluralism from neoliberalism was not easily grasped. As a result, the new contestation in public policy between pluralism and neoliberalism was not always clearly identified. There were two factors contributing to this: the long period in which a pluralist interpretation was

accepted as the status quo did not provide the intellectual foundation for the necessary critical analysis on the basis of theory, and on the normative plane, Labor's use of a public relations discourse to portray their wider neoliberal reforms in a softer light by claiming that they were still the party of social reform.

The first attempts at explaining the changes that were taking place were not couched in terms of a contestation between the values of a pluralist, social democracy and the increasing domination of neoliberal ideas. Instead, they were couched as debates asking whether Labor had betrayed its traditions (Jaensch 1989; Maddox 1989). At the same time, political economists tended to concentrate on the arguments for or against neoliberalism, (which was referred to as 'economic rationalism'), rather than assessing the significant changes that were taking place in the democratic model or clarifying the contestation of two different paradigms (Johnson 2007, p. 11). All of these factors masked the recognition that in practice a contestation of political paradigms was now occurring.

The Hawke-Keating Labor governments portrayed their introduction of deregulation and other free market policies as inevitable in order to increase Australia's international economic competitiveness, while also claiming that Labor protected the interests of the disadvantaged (Beazley 1995). Johnson (2007, p. 30) has argued that, while Labor did not go 'as far as right-wing economists or the Liberal Party might have wished', they did in fact 'draw on watered-down versions of a minimalist welfare state'. She cited as evidence the repeated cuts to welfare and Medicare entitlements in Keating's early budgets as treasurer, as well as the decline in social security and welfare payments in the 1990–1991 budget. Johnson argued that Labor had an integrated neoliberal policy in both the economic and social spheres, although some writers have questioned the extent of this integration (Walter 1996). The issue here is that, while arguing for the necessity of its neoliberal economic policies, the Labor government also tried to portray itself as not introducing a neoliberal perspective with its social policies.

Although public debate during the early years of the Labor Governments may not always have focussed directly on the contestation between the major theories in policy developments, nevertheless, there were significant debates relevant to the NGO sector. These included the effects of what became known as 'New Public Management' (NPM)

including funding and contractualism, competition policy, and an attempt to reframe the debate through the introduction to Australia of a 'social capital' discourse.

New Public Management (NPM) is the term applied to a range of neoliberal reforms that began reshaping public sector organisations and approaches to service delivery and management from the late 1970s (Marsh & Spies-Butcher, 2009). Using OECD surveys of public sector management as well as cross-national consultancy reports, Hood identified Australia as one of those countries where these changes were implemented to a significant degree during the 1980s (Hood 1995, p. 99). It was only later that the term New Public Management (NPM) was coined to describe these changes. NPM proposed that the bureaucracies that had delivered the welfare state should be opened to competition and reorganised, so that the operations of government were restricted according to market theories of neoliberalism (Alford & O'Neill 1994; Self 1995). Advocates argued that it was government's role to set general policy directions, but the actual delivery of services should be undertaken by private providers who would compete with each other to win government contracts. Over time, the social democratic culture of service and equity was replaced by a market culture of competition and consumer choice such that:

A range of providers would replace the one-size-fits-all model of the bureaucratic welfare state with the choice and flexibility required by a diverse population. Members of the public became customers and clients entitled to services tailor-made to their needs. And competition between providers would ensure that services were provided with maximum efficiency (Brett 2003, p. 171).

All this was done with the aim 'of reducing the size of government', but at the same time there was 'an increase in the exercise of direct political control'. Workplace ideas of equity and service were replaced with the idea of providing 'rewards for quantifiable individual performance' (Brett 2003, p. 172).

The NPM had implications for the NGO sector. It could be seen as influencing a number of government-initiated Industry Commission inquiries into the public service, and in 1995, the spotlight was thrown on the NGO sector when the Industry Commission held an Inquiry into Charitable Organisations in Australia. The influence of NPM can be seen in its terms of reference, which required it to report on:

- (a) the size, scope, efficiency, and effectiveness of the services provided in Australia by charitable organisations;

- (b) the size and scope of, and funding arrangements for, those services delivered overseas by charitable organisations; and
- (c) the administrative efficiency of charitable organisations (Industry Commission 1995).

In its final report, the Commission did propose some regulatory changes that were recognised as useful, but its work was conducted within a framework of ‘uncritical adoption by governments of competition principle and market-based relationships’ (Rogan 1996, p. 151), so that its recommendations were generally consistent with a NPM perspective. Its findings were primarily concerned with service delivery by welfare and international development organisations, rather than the wider NGO sector. Although Rogan (1996) provides a largely negative critique, he does not identify any specific threat to NGO advocacy or to their democratic role. The Keating Labor government lost office soon after the report was completed and none of its recommendations were implemented by the Howard government, which eschewed general regulatory reform for the NGO sector based on any sector-wide review.<sup>1</sup>

Also under threat during the 1980s and 1990s was the funding tradition in relation to NGO activities that had been introduced by the Whitlam government in the 1970s. Much of the rationale for this funding was to ensure the ‘strengthening of weak voices’ that would otherwise be unheard in policy development (Sawer 2002, p. 39). This pluralist practice was continued in the early years of the Hawke government. However during that government, corporatist policies developed in government funding strategies, so that by the early 1990s financial support to the NGO sector was focussed mostly on peak groups that did not directly deliver services to the community, but whose main responsibility was to represent the interests of their member groups in policy advocacy (May 1996; Melville 2003). During the Keating government there was a notable shift from operational funding for peak groups to project funding, or

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<sup>1</sup> For further discussion of individual regulatory changes during the Howard Government, see chapter 6 in relation to the Australian Tax Office’s two rulings on charities and multiple audits of TWS; the so-called, *Charities Bill, 2003*, and its associated Board of Taxation Inquiry; and the implementation of the *Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Act 2006*. The current situation on regulatory reform is not pursued in this thesis because it is considered to be outside its focus on public advocacy. However, Labor governments since 2007 have conducted major reviews and the results are being implemented, including the establishment of an Australian Charities and Not-for-profits Commission (ACNC) mentioned in the introduction (Australian Charities and Non-for-profits Commission 2012).

contractualism tied to outcomes relevant to government aims (Sawer & Jupp 1996, p. 87). Associated with this was a push to have interest groups adopt a more managerial structure and administration.

Contractualism was an important part of NPM. It involved competitive tendering and contracting and was introduced by governments in the belief that it would generate substantial savings in the cost of providing public services (Quiggin 2002, p. 88). Considine (1996) identified two periods of change affecting the public service during the Hawke-Keating governments. The first, which actually began in the late 1970s and continued into the Labor years of the early 1980s, is characterised as 'program budgeting, corporate planning and financial management'. The second period, which coincided with the Keating government, is described as 'quite different' being dominated by 'cutting back the size and scope of public organisations, shifting functions into the private sector, and using market methods inside public organisations' so that there was a restructuring of 'the way citizens, communities and clients' were managed by 'politicians and interest groups' (Considine 1996, p. 78). Many government service delivery functions were moved to the NGO sector in order to promote smaller government. Competitive tendering or contracts brought NGOs into competition with one another and with the for-profit sector. Governments, think tanks and conservative commentators began to encourage NGOs to manage their affairs and their organisations as if they were corporations.

It was particularly during the Keating years, and immediately after, that the neoliberal-inspired NPM and contractualism began generating considerable scholarship (Considine 1994; Probert 1994; Boston 1995; Considine & Painter 1997; Davis, Sullivan & Yeatman 1997; Capling, Considine & Crozier 1998). However, this literature did not focus on the effects these policies had on NGOs. The few authors who discussed NGOs continued to emphasise administrative policy, not the impacts on advocacy or NGOs' democratic role. The discourse was administrative theory and practice, not pluralism or democracy theory (Yeatman 1994; Yeatman 1995; Travers 1995). Anna Yeatman (1990) questioned the impact of the new managerial practices on the delivery of services during the Hawke years and became a major contributor to the debate on contractualism and managerialism. Coming from a feminist and social service perspective, she positioned herself as 'one of the critics of managerialism in the

Australian jurisdictional context' (Yeatman 1994, p. 287). However by 1994, she refined her position to describe two models of NPM that she called a post-bureaucratic model and an economic rationalist model. Her aim was to justify the need for changes in public service delivery that made it more efficient without too narrow an emphasis on economic efficiency and utility maximisation (Yeatman 1994).

Competition policy emerged during the Keating years as one of the most significant public policy issues of the period. The term has become closely linked with the Hilmer Report of 1993 that instituted major microeconomic reforms through the Council of Australian Governments (COAG) (Hilmer Report 1992). The implications of competition policy for the public service and NGOs were consistent with the reforms that had been taking place as part of NPM. The different strands of competition policy all treated the citizen as a consumer (Sawer & Jupp 1996) and had a neoliberal emphasis on economic rights, as opposed to social goals (Ranald 1996). For human services and international development NGOs, competition policy brought increased competition for contracts in which NGOs competed not just amongst themselves, but often with large corporate for-profit service providers.

At the time, the reaction of peak NGOs such as ACOSS was not expressed as concern about the results of competition policy, but on the lack of transparency in its introduction. ACOSS (quoted in Rogan 1996, p. 103) complained that COAG decisions were made behind closed doors saying:

The community sector has a legitimate right to be part of shaping the future national agenda for the delivery of human services [that] have a direct impact on low income and disadvantaged people, as well as having far reaching implications for the future partnership between community organisations and governments.

ACOSS drew attention to the fact that increased competition would have an effect on their relationship with government, but what this effect might be was not spelt out. Rogan (1996) emphasised that ACOSS was unhappy both at being excluded from the process and with the limited number of participants in its development, but he did not go further.

Consultation with governments and involvement with policy development is an area of interest to most advocacy NGOs. A strand in the Australian academic literature

discussed the value of governments initiating consultation (Munro-Clark 1992; Painter 1992; Dalton 1996) and a decade later Bishop and Davis (2002) continued this debate. However, this strand of research was directed primarily towards the role of citizens and how to re-engage individual citizens with government. It did not canvass the mediating role of NGOs between citizens and government, nor any of the contributions that NGOs make to democracy.

Debate about the right of NGOs to engage in pluralist debate and advocacy came to the fore during the Howard government, but the policy change had begun long before this period. Evidence for the manner in which neoliberal policies were introduced during the 1980s was provided when Michael Pusey published his *Economic Rationalism in Canberra* (1991). His groundbreaking study of senior public servants in the national capital was a seminal work that showed the transformation of the Australian state during that decade through the influence of senior bureaucrats who held a neoliberal perspective. Pusey's description also suggests how the seeds of change towards public choice theory might have been sown during the Hawke government and earlier.

In 1991, an Inquiry by the House of Representatives Standing Committee on Community Affairs into the funding of NGOs stated that:

An integral part of the consultative and lobbying role of these organisations is to disagree with government policy where this is necessary in order to represent the interests of their constituencies (House of Representatives Standing Committee on Community Affairs 1991, pp. 16–17).

This finding is a strong pluralist statement about the advocacy role of the NGO sector. Authors have appropriately cited it as evidence of the contrast between Labor governments and the subsequent Howard Coalition government in their attitudes towards advocacy (Sawer 2002, p. 41). However, there was also an increasingly neoliberal perspective emerging within the Hawke government at the time of this statement. Keating (who was about to become prime minister), and other ministers with a neoliberal perspective were in the ascendancy (see chapters 4 and 5). At the same time, the effects of NPM were being debated in the literature and Pusey had completed his study on how neoliberal ideas were introduced during the previous decade. When the statement is viewed within this context, it can be seen as perhaps an attempt to stand against the tide of change that was taking place. Members of parliament generally place

themselves on committees in which they already have an interest. It may be that the membership of the Standing Committee on Community Affairs was sympathetic to NGO advocacy and was reacting to the rise of neoliberal attitudes within the parliament and the bureaucracy. The fact that it is such a strong statement, when there had not been such statements previously, suggests that this might be so.

Towards the end of the period of Labor governments, the concept of social capital was introduced into the Australian academic and NGO discourse by Eva Cox (1995). As a reaction to the neoliberal agenda and to NPM, her Boyer lectures of 1995 were an important contribution to public debate (Cox 1995). Cox was influenced by Putnam whose work in northern Italy and in the US suggested that a strong and active civil society contributed to democracy, civic culture and economic outcomes (Putnam 1993; Putman 1995). She based her lectures around the three principles of trust, reciprocity and mutuality and extended her definition of social capital to include the household and informal sectors. Her argument was strongly pluralist as she argued in her first lecture, 'we need the widest trawl of views to make the best decisions; the issue is not so much equity but effective public policy' (Cox 1995, p. 3). Cox was also specifically opposed to the neoliberal agenda, which she described as 'dangerous' saying:

The dominant ideas of competition and deregulation of markets, and the attacks on the redistributive roles of government are not only dysfunctional but positively dangerous (Cox 1995, p. 3).

The danger Cox emphasised was primarily in relation to the quality of service delivery and the impacts on social capital. She also specifically rejected the Hawke Government's corporatism, emphasising that, in practice, the Hawke experiment excluded those voices that were not at the table (Cox 1995, p. 4). Her argument was a creative attempt to reframe the Australian public debate by using the concept of 'capital' in a different context from that of the increasingly dominant neoliberal discourse. By so doing, she hoped to re-insert discussion of social values into Australian public policy. The concept of social capital was subsequently adopted by many academics and commentators, including the influential Australian Institute of Family Studies, which produced many working papers, reports and books supporting the concept (Winter 2000; Stone 2001). While Cox's Boyer lectures were a strong criticism of neoliberal values and an attempt to posit an alternative pluralist model based on

socially supportive values, they did not specifically mention NGOs nor their democratic or advocacy role.

Writing in 1996, Sawyer and Jupp (1996, p. 97) argued that prior to that date despite the managerial changes of NPM, there had been no widespread government attempt to remove funding and NGOs were still 'able to exert independent influence on the policy agenda'. Evidence of a significant change of policy under the Howard government is the widespread removal of funding from NGOs that had been critical of government policies that occurred immediately after the election of the Howard government (Melville 2003, p. 48). In retrospect, however, changes to the extent of NGO influence can be discerned before the Coalition took power. A collection of essays edited by Farrar and Inglis (1996) suggested that influence on the policy agenda was declining during the Keating Labor government, and the influence of environment organisations on the policy agenda disappeared almost entirely during Keating's term (Economou 1996; Marr 2008, Parlane 2010). One state-based council of social service also experienced change, with John May (1996, p. 270) reporting on conservative think tank attacks on NGOs and on moves towards a public choice agenda in Western Australia.

In 1996, the year of transition from Labor to a Coalition government, ACOSS was associated with the publication of a collection of essays, *Keeping it Together: State and Civil Society in Australia* edited by Farrar and Inglis (1996). These essays evaluated the changing policy framework under which NGOs had been operating during the Hawke-Keating governments. Their contents suggested that the impact of neoliberal policies was beginning to be seen as relevant to NGOs. Some authors in the collection were concerned with the reduction of the role of the state (Brennan 1996; Porter 1996), others discussed contractualism, competition policy and NPM (Considine 1996; Rogan 1996; Carver 1996; Ranald 1996), and the effect of the trade union Accord was also evaluated (Smith & Ewer 1996). The analysis in many of these essays would have been useful to NGO practitioners by helping them understand the policy environment in which they were operating. However, most of these authors did not address the effects on NGOs of the new policies in relation either to advocacy or to democratic practice.

The most significant contribution in Farrar and Inglis (1996) comes in its preface by Robert Fitzgerald, who was president of ACOSS at the time of writing. His piece is

short, but it stands out for its clarity and accuracy. In it, he articulates clearly the contestation of pluralist and neoliberal paradigms by spelling out the tension in relation to advocacy between a pluralist view of NGOs and the view being espoused through NPM and policies reflecting public choice. He noted that ‘the role of government is being redefined’ by ‘the growth of tendering and contracting out in service provision’, and that ‘the role of the non-government sector is being called into question’ especially in relation to its advocacy role and to ‘its redefinition as a “special interest group”’ (Fitzgerald 1996, p. v). The term ‘special interest group’, was used extensively by those having a public choice perspective, including Howard himself.<sup>2</sup>

The contest between pluralism and neoliberalism had been addressed by a number of authors by the time the Howard government was elected, and NPM, contractualism, project funding and competition policy were all areas where the debate focussed. The seeds of policies related to public choice were present before Howard came to power. However, it was with the implementation of policies during the Howard administrations that the academic literature began to specifically address the threat to NGO advocacy and to document the rise of a public choice perspective.

## **The Howard Government and Public Choice Theory**

One of the first acts of the Howard government in 1996 was to set up a National Commission of Audit. Its terms of reference included examining the finances of the Commonwealth in order to establish whether existing arrangements were appropriate; to establish a methodology for developing and implementing financial performance targets for Commonwealth departments; and to identify duplication, overlap and cost shifting between the Commonwealth and the state governments in service delivery (National Commission of Audit Report 1996). A number of commentators recognised that its purpose was not really that of an ‘audit’, but rather it was a mechanism through which to introduce neoliberal assumptions about the role of government. (See for example, Hamilton 1996a, p. 29; Walker 1996, p. 1). Clive Hamilton immediately identified the threat to NGO legitimacy arguing that the report reflected a world view that was:

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<sup>2</sup> See discussion later in this chapter.

consistent with the belief that society essentially consists of self-seeking individuals pursuing their interests in private markets, a world in which civil society is, if not otiose then certainly secondary, and in which the public sector always represents a potential threat to individual liberty (Hamilton 1996a, p. 31).

The report was an influential mechanism that facilitated the Howard government's introduction of neoliberal policies. Its immediate relevance for NGOs was in the manner in which it reinforced policies of contractualism and the withdrawal of funding from NGOs, but its wider significance was in reinforcing a public choice perspective that questioned the legitimacy of NGOs.

Howard indicated his views on the NGO sector both before and after his election, and some authors such as Fitzgerald and Hamilton recognised the implication for NGOs (Fitzgerald 1996, Hamilton 1996a). However, it was not until the third Howard government from 2001 to 2004 when policies consistent with public choice theory were becoming widespread that a small number of academics began responding with analyses that specifically focussed on NGOs' advocacy role. By the time of the final Howard government from 2004 to 2007, the contestation of political paradigms was being strongly argued in the literature (Maddison, Denniss & Hamilton 2004; Maddison & Denniss 2005; Hamilton & Maddison 2007).

Probably the most significant articulation of the changing relationship between NGOs and the state came from Howard himself, in two speeches in 1995 and 1996. In hindsight, they can be seen as announcing a new phase in government policy. In these speeches, Howard heralded the introduction of ideas consistent with public choice that would provide the logic underlying his government's relationship with NGOs during the following eleven years (Staples 2006). In Howard's (1995) first speech entitled *The Role of Government: a Modern Liberal Approach*, delivered before he became prime minister, Howard suggested that 'mainstream' Australia felt unable to be heard because of vested interest groups and that, if elected, he would change this and measure policy against the interests of 'mainstream' Australia.

The following year, as prime minister, Howard spelt out more clearly his program in relation to NGOs, signalling a move away from a pluralist and inclusive role for public interest lobbyists (Howard 1996). His speech drew on the language and logic of public

choice theory, speaking of ‘single-issue groups’, ‘special interests’, ‘elites’ and ‘accountability’ (Howard 1996, p. 2) with the presumption that the demands of interest groups would interfere with the efficient operation of the economy. The logic of Howard’s attacks is evident in the words of public choice theorist Brittan (1975, p. 142) who wrote of the ‘disruptive effects of the pursuit of group self interest’ that ‘generate excessive expectations’ on the economy. Howard claimed that his government would relate to the mainstream ‘rather than the narrower agendas of elites and special interests’ (Howard 1996, p. 2). He promised that his government would be ‘owned by no special interests, defending no special privileges and accountable only to the Australian people’ (Howard 1996, p. 2). He specifically rejected an older pluralist concept of many voices debating issues in the public sphere to develop public policy, saying that the ‘mainstream’ must build ‘a genuinely shared sense of public purpose rather than an amalgamation of special interests’ (Howard 1996, p. 3). In Howard’s language there is a striking similarity to Olson’s statement that, ‘coherent rational policies cannot be expected from a series of *ad hoc* concessions to diverse interest groups’ (Olson 1965, p. 187).

This 1996 speech was presented as expressing traditional Liberal party values, being entitled, *The Liberal Tradition*. However, the pluralism of the traditional Australian ‘fair go’ and the liberalism of the Liberal party of Menzies were replaced by a much narrower, more conservative public choice model of representation. From the first days of his administration, funding was withdrawn from NGOs that had been critical of the Liberal party or that represented groups thought to represent views divergent from ‘the mainstream’ (Sawer 2002, p. 44; Melville 2003, p. 48).

During the 1990s, a number of conservative think tanks were observed to be prominent supporters of Prime Minister Howard. These organisations were both advocates for the neoliberal policies that were taken up by the Coalition government, and active protagonists critical of elements seen to be opposed to a market view of the state (Cahill & Beder 2005; Mowbray 2003). The two most prominent were the Institute of Public Affairs (IPA), and the Centre for Independent Studies (CIS) (Cahill 2002). Both contributed much intellectual support to the discussion of neoliberal policies in the Australian context during the 1990s (Cahill 2002). However, as the dominance of neoliberal views in the debate became evident during the early years of the Howard

government, a shift in specialisation occurred between the two organisations. The CIS continued to promote a broad range of programs within a neoliberal paradigm, while the IPA focussed on ‘undermining the standing of its adversaries through generating and disseminating negative messages about their role in democracies, their motives and their integrity’ (Mowbray 2003, p. 11). In 1998 the activities of international NGOs opposing free-market policies had led to the demise of the Multilateral Agreement on Investment (MAI)<sup>3</sup>, and it was claimed that the success of this NGO campaign caused a shift in the IPA’s focus (Goodman & Ranald 2000; Mowbray 2003, p. 4). The demise of the MAI ‘palpably energised’ conservative forces (Mowbray 2003, p. 11), and saw the 1999 launch of the IPA’s ‘NGO Project’, which aimed ‘to look at the role of NGOs in our society, particularly in public policy and public debate’ (*In touch* 1999, p. 1). This shift resulted in the IPA becoming the major protagonist in Australia acting to promote policies consistent with public choice as the desired framework for relations between NGOs and government. From that time, the IPA’s website focused strongly on its role as a protagonist against NGOs and as an active proponent of public choice inspired policies (Institute of Public Affairs 2007).

Former Labor minister, Gary Johns, became director of the IPA’s NGO Project seeking to undermine the role of NGOs. His involvement suggests that ideas and policies consistent with public choice are not the exclusive domain of the Coalition parties. Johns expressed concern that democratic governments, which were answerable to the electorate, were being unduly influenced by pressure from interest groups. He blamed NGOs for an erosion of public confidence in the institutions of representative democracy and instead promoted a public choice perspective arguing that:

In democratic societies with accountable governments, strong regulation of the corporate sector and an absence of endemic corruption in business-government dealing, the role of NGOs is problematic (Johns 2001, p. 1).

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<sup>3</sup> The Multilateral Agreement on Investment (MAI) was a draft agreement negotiated between members of the OECD in 1995–1998, ostensibly to develop multilateral rules to govern international investment in a more systematic and uniform way. It drew widespread criticism from NGOs and from developing countries, over the possibility that the agreement would make it difficult to regulate foreign investors. After an intense global campaign was waged against the MAI by NGOs, the host nation France announced in October 1998 that it would not support the agreement, effectively ending it due to the OECD’s consensus procedures.

This public choice inspired argument suggests legitimacy is held only by elected representatives. It echoes Marsh's (1995, p. 50) description of public choice theory as proposing a 'frictionless' state in which groups would be absent. Johns' language was neither measured nor temperate in attacking NGOs. In one article, he referred to 'cashed up NGOs', 'a dictatorship of the articulate', a 'tyranny of the articulate' and a 'tyranny of the minorities' (Johns 2002, pp. 4–5), and in another article to 'mail-order memberships of the wealthy left, content to buy their activism and get on with their consumer lifestyle' (Johns 1999, p. 14). The IPA's message was conveyed through its website and its publications such as the magazine, the *IPA Review*, and the newsletter, *In Touch*, as well as by *IPA Backgrounders* and *NGO Watch*, and its authors, including Johns, appeared frequently in the mainstream media. The widespread dissemination of the IPA's message in the mainstream media can be judged from *In Touch* October 1998-February 1999. That issue of *In Touch* apologised that it was unable to note all the publications of its staff, but listed 100 articles published mostly in the mainstream press during that five month period (*In touch* 1999). It is clear that from 1996, and particularly after 1999, NGOs faced a Coalition government in which the logic of public choice informed its NGO policies, backed up by a powerful information campaign from the IPA.

Although the first years of the Howard Government brought significant change and the de-funding of many groups, this was not immediately reflected in the literature on NGOs. The work of Rose Melville (1999a; 1999b) was notable as an early response. In 1999, she reported on a small study of Australian welfare sector peak bodies suggesting that these organisations were being affected by neoliberal government policies and that further research was required. Although this study examined only 24 organisations in the welfare sector, it was an important early recognition of the effect of public choice policies on the sector (Melville 1999a).

Contractualism, which had developed under the Labor governments and was well covered in the literature, became the main link that led academics to look more closely at the changes under Howard. Also in 1999, Melville (1999b) published a comparative study of contractualism in the US and Britain in order to throw light on changes taking place under the Howard government. She specifically reported on impacts on advocacy in the US and Britain and identified changes as being consistent with a public choice

perspective. Prophetically, she wrote, ‘we have yet to feel the full impact of the introduction of a contracting culture in the Australian community services industry’ (Melville 1999b, p. 6). Two years later, the legal academic Spencer Zifcak (2001), in a paper entitled *Contractualism, Democracy and Ethics*, linked the practice of contractualism to prejudicing ‘the democratic project’ (Zifcak 2001, p. 96). He developed his argument on the basis that transparency, probity and public deliberation are central to the democratic process and contractualism was not conducive to any of these (Zifcak 2001). His argument included government outsourcing in relation to both ‘private and voluntary associations’, but he did not specifically develop an argument for the unique position of voluntary associations or NGOs relative to the ‘democratic project’ (Zifcak 2001, p. 96). The same year, Zappala and Sawer (2001) noted the impact of Howard Government policies and public choice theory on NGOs in the context of a wider discussion of political representation.

Increasing attacks on NGOs following the formation of the IPA’s NGO Project and continuing government policy based on a public choice perspective eventually brought about a response from the NGO sector itself. Two organisations were formed with the intention of bringing the sector together nationally. They were the Australian Collaboration formed in 2000, and the National Roundtable of Nonprofit Organisations formed in 2002. The Collaboration, with seven members representing the major national components of the sector (environment, social services, international development, consumers, ethnic community, churches, and youth), was proactive in publishing a wide variety of books and papers and positioned itself as a think tank on NGOs (Australian Collaboration 2008). The Roundtable, with 20 members including major national peak groups, was reactive in defending the sector from regulation that would affect it negatively (National Roundtable of Nonprofit Organisations 2009). Despite setting out to contribute to the debate, it was not until 2006 that the Australian Collaboration began a ‘Democracy Watch’ section on its website that focussed on the important role in democracy played by the sector and that drew on the contemporaneous literature (Australian Collaboration 2008). A primary motivating force in the formation of these two national NGO representative organisations was the contested environment that NGOs faced.

The publication in 2001 of the *Third Sector: The Contribution of Nonprofit and Cooperative Enterprise in Australia* by Mark Lyons (2001) was an important indicator of the gradual development of the topic of NGOs as a legitimate area of academic research in Australia. It was the first major attempt to describe and define Australia's 'third sector' and Lyons' definitional work became a benchmark for academics. The book was largely descriptive in attempting to place the sector within contemporary Australian society and Lyons identified his purpose as being 'to introduce Australia's third sector and to describe the challenges that it offers and the challenges it faces' while redressing 'the low level of awareness and interest in the third sector in Australia' (Lyons 2001, p. 195). The role of NGOs in Australian democracy was not a feature of the book, even though a short section towards its end provided a theoretical historical perspective. Throughout it was possible to discern an economic and business bias in the text. Lyons (2001, p. 229) covered the sector's contribution to the economy in great detail and in his final chapter he exhorted third sector organisations to learn from business about organisational management, and he urged them to make stronger links with the business sector. This theme was evident in Lyons' subsequent writing explored later in this chapter. In this 2001 book, Lyons did not describe activism or advocacy as a significant or necessary part of the role of the third sector. Moreover he suggested that the 'activist tradition' was outside most Western academic theorising about the sector (Lyons 2001, p. 209). Lyons' position was not one that supported neoliberalism, but rather one that accepted neoliberalism as the dominant economic paradigm. Therefore, he focussed on justifying the value of the sector within that paradigm and advising on how to operate within it.

### **Misinterpreting NGO 'Accountability' and Accommodating Public Choice Theory**

It became a common refrain during the Howard years to hear representatives of both the government and conservative think tanks repeatedly accuse NGOs of not being 'accountable'. These claims were an expression of the narrow view of representative democracy found in public choice theory and rejection of a pluralist advocacy role for NGOs (Staples 2008). For example, on NGO accountability, Coalition Senator Brett Mason argued that:

Politicians are responsible for their decisions, and the electorate periodically passes judgement over them. The NGOs are accountable to no one and answer to no one. Voters are surely entitled to expect that groups that claim to speak on their behalf and collectively represent their interests do have sufficient standing and are sufficiently representative (Mason 2004a).

His Coalition colleague, Senator Eric Abetz also said:

But bear this in mind: politicians are responsible for their decisions, and the electorate periodically passes judgement over them. The NGOs are accountable to no one and answer to no one (Abetz 2004).

In these remarks, both Senators are reflecting the logic of public choice theory by which only elected representatives have legitimacy and NGOs are characterised as ‘special interests’ that will ‘interfere with the market’. At the same time, the senators are rejecting a pluralist view of democracy in which NGO advocacy in the public sphere plays a central role.

The IPA pursued a similar argument about the lack of accountability of NGOs. Johns (2005) made it clear that the IPA was opposed to ‘participative democracy’ and was concerned that NGOs were ‘not constrained by means of a public election’. The introduction to NGO Watch on its website stated that the IPA ‘accepts’ the development of NGOs in a democracy, but argued that their role has ‘illiberal elements which challenge aspects of representational democracy’ (Institute of Public Affairs 2007). The logic of public choice theory is evident in such statements.

In responding to these attacks on NGO accountability, many academics focussed on the internal governance of NGOs, producing a significant body of research (Phillips 2004; Woodward & Marshall 2004a; Casey & Dalton 2005; Dalton & Lyons 2005; Cribb 2006). This focus can be found in volume 12, issue 1, of the Australian academic journal *Third Sector Review* in 2006 that saw three of the five articles focus on accountability as it relates to governance (Third Sector Review 2006). This body of work did not take into account the political dimensions of accountability that can be understood by examining the logic of public choice theory. Unfortunately, as a result, much of this research diverted attention to NGO governance and did not address the issue of the democratic legitimacy of NGOs. Although good governance is a topic worthy of attention, the authors who pursued this reinforced the implied neoliberal questioning of NGOs’ democratic role, and distracted debate from the contestation between pluralism and public choice theory. Onyx and Dalton (2006) did attempt to

identify a number of different meanings of accountability. However, although they ventured into the political arena, they did not identify the hegemony of public choice under Howard, nor its specific interpretation of accountability (Onyx & Dalton 2006). In the US, Keohane and Nye (2002) made a useful contribution to the accountability debate in identifying five different types of processes through which accountability can occur, one of these being through direct representation in the electoral process. However, the distinctions are not sufficiently developed to help clarify the meaning that is associated with the logic of public choice (Keohane & Nye 2002).

One important paper that pursued the issue of internal governance but did not recognise the public choice meaning of accountability was Dalton and Lyons' (2005) Focussed Audit entitled *Representing the Disadvantaged: The Role of Advocacy Organisations*. Commissioned by the Democratic Audit of Australia, the Focussed Audits are intended to provide 'a more intensive audit of important issues' and to 'assess Australia's strengths and weaknesses as a democratic society' (Dalton & Lyons 2005, p. v). Disappointingly, the paper did not canvass the democratic role of NGOs. Instead, it addressed attacks on NGO accountability by discussing internal governance (Dalton & Lyons 2005, p. 3). As well, its findings were based on a small selective sample and a narrow definition of NGOs' role and tended to dismiss the 'silencing dissent thesis'.<sup>4</sup> The paper stressed that internal governance shortcomings were just as likely to be found in more powerful groups and that NGO governance arrangements in the organisations studied varied in their internal democracy arguing 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 (Dalton & Lyons 2005, p. 40).

The authors' arguments in relation to this and to internal governance are well made, but their paper failed to address what is set out in the preamble to their paper as one of the Focussed Audit's most 'important issues'. That is, its aim to assess 'Australia's strengths and weaknesses as a democratic society' (Dalton & Lyons 2005, p. v). Unfortunately, the arguments about internal governance distracted debate from the key democratic issue of the contestation between the theories of pluralism and public choice.

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<sup>4</sup> See discussion later in this chapter that reviews the work of various academics who articulated the argument that Howard government policies were silencing dissent.

There were also a number of authors, such as Dalton and Lyons (2005), Casey and Dalton (2005), and Lyons and Passey (2005) who took the approach of accommodating the public choice paradigm, rather than addressing any contestation between pluralism and public choice theory. For some, this included promoting the development of a corporatist compact with government (Casey & Dalton 2005; Lyons & Passey 2005; Lyons 2007). Casey and Dalton (2005) did not discuss the democratic role of advocacy nor did they develop a pluralist analysis. Instead, they developed an argument that was consistent with support for corporatism. Their position was based on compacts, agreements or partnerships with government and on accommodating the government's public choice agenda. They argued that, 'both government and community sectors must make adjustments' and 'community organisations must accept that new governance regimes require new modes of participation in the policy process' (Casey & Dalton 2005, p. 23). Like Melville, they restricted their interest to the social services sector that delivers 'services or represents the interests of a specified constituency in regard to such services' (Casey & Dalton 2005, p. 25). Environment and human rights organisations were not included, and the paper did not acknowledge that there is a wider NGO sector that is concerned with public interest advocacy. Instead Casey and Dalton argued that compacts, such as the one negotiated by the social service sector in the UK, provided opportunities for better service delivery and that 'the death knell' had 'been rung' for New Public Management (NPM), which they claimed was being replaced by such compacts (Casey & Dalton 2005, p. 28). Casey and Dalton (2005 p. 28) were dismissive of the mediating role that NGOs can play between citizens and government. They justified the use of mechanisms of e-democracy and the internet to 'bypass community groups to reach individual citizens' on the grounds that NGOs could use these processes by masquerading as individuals. A number of references throughout the paper actively expressed disagreement with authors who proposed the 'silencing dissent' thesis. In a reference to Maddison and Dennis's (2005) paper, *Democratic Constraint and Embrace: Implications for Progressive Non-government Advocacy Organisations in Australia*, they argued that,

the metaphor of arms of government embracing or constraining non-government advocacy offered by Maddison and Dennis (2005) may be evocative but it perhaps does not reflect the complexity of government-community-sector relationships' (Casey & Dalton 2005, p. 33).

Instead, Casey and Dalton proposed a strategy of NGO accommodation to policies consistent with public choice.

Another author who proposed a strategy that would accommodate policies reflecting public choice was Mark Lyons (2007). Lyons was probably the most published and significant author amongst those writing on NGOs in Australia at this time.<sup>5</sup> Given his status, it is notable that his work did not emphasise the sector's pluralist democratic role nor confront the dominant neoliberal paradigm. Instead, his strategy was to propose ways in which to accommodate neoliberal-inspired policies. In his keynote address to the Australian New Zealand Third Sector Review Conference in 2006, Lyons (2007, p. 9) acknowledged the lack of financial support for the sector by government and the government's neoliberal policies, but proposed the solution to be through the sector embracing financing by philanthropy and business, and by adopting 'business methodologies', rather than in challenging the policies themselves. His proposed solution was at odds with his earlier claims that the sector needed to be viewed as markedly different from government and business. He began his book, the *Third Sector*, by saying 'the first task of this book is to convince its readers that there is a distinctive third sector' (Lyons 2001, p. 5). He then elaborated by distinguishing it from government and business.

In Lyons' (2007) discussion of neoliberalism, he equated economic rationalism with managerialism and NPM. This is a much narrower version of economic rationalism than that understood by most Australian scholars, who have generally equated economic rationalism with a wider neoliberalism. Lyons' (2007) judgement that managerialism and NPM were the main obstacles faced by the sector in dealing with governments not only narrowed his focus to government economic support for NGOs, but emphasised his lack of interest in democratic models. This was reinforced by his wide definition of the third sector, which incorporated cooperatives, mutuals and all nonprofit associations that were unlikely to demonstrate an interest in public advocacy. His position appeared to be one of opposing neoliberal policies, at least in their manifestation in the bureaucracy, but not of actively supporting a pluralist discourse.

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<sup>5</sup> See earlier discussion in this chapter of the significance of Lyons' book, *The Third Sector*.

There has been however a further strand of debate in the literature that addressed NGO accountability and professional needs within the wider regulatory system of government by focussing on the need for regulatory reform (Woodward & Marshall 2004a; Woodward & Marshall 2004b; Onyx et al. 2008; McGregor-Lowndes & O'Halloran 2010). That strand should not be equated with confusion over the public choice meaning of accountability.

### **The 'Silencing Dissent' Thesis**

It was not until 2002 that the threat to NGOs' democratic advocacy role became clearer and scholarly papers specifically on that topic began to appear. The publication of Marian Sawer's (2002) paper, *Governing for the Mainstream: Implications for Community Representation* provided a comprehensive political analysis from a pluralist perspective. Sawer analysed the breadth of the Howard government policies on NGOs and documented their effects on democratic processes. Her paper articulated the democratic implications of both contractualism and the wider changes implemented by the Howard government. In relation to contractualism, she pointed out the silencing effects of 'confidentiality clauses' in contracts that prohibited media activities by NGOs, and she also focussed on the de-funding that had been occurring for six years under Howard, particularly the de-funding of marginalised and non-mainstream groups that had been linked to their advocacy (Sawer 2002, p. 46). Sawer documented the effects of forced amalgamations of groups, and the abolition of many consultative mechanisms. Although, she did not specifically name public choice theory, she did argue that 'the shift to governing for the mainstream discourse rather than simply the managerialism of the Keating era' was what 'brought into question the legitimacy of representation' of NGOs (Sawer 2002, p. 48). Following the publication of this paper, the debate on the relationship between NGOs and government became more focussed. Even so, it was a relatively small coterie of authors who contributed to this debate, and only some of these authors addressed NGOs' democratic role.

In 2003, Melville (2003) published the results of a three-year study entitled *Changing Roles of Community-sector Peak Bodies in a neo-liberal policy environment in Australia*, which served to project the voices of the affected NGOs into the debate for

the first time. Melville referred to the impact of public choice theory on policies, but only briefly. The study surveyed 142 state and national peak organisations that were drawn from the social service sector, including in-depth interviews with 89 individuals who were either executives of peak bodies or government officers. It also included case studies of three social service peak organisations. A significant part of the study was a discussion of the definition of a peak group. One of the main themes identified was ‘the problematic relationship between peaks and government ministers and bureaucrats’. Melville claimed the data collected demonstrated that the theory of public choice had a ‘profound influence on social policy and many of the politicians and bureaucrats working with the Howard Government’ (Melville 2003, p. 104). To a large extent, she allowed the respondents to speak for themselves and, while this was an important contribution, one weakness of the report was that the respondents were not in a position to provide in-depth analyses of their experiences. Melville’s conclusion provides only the briefest of theoretical analysis.

The strength of Melville’s report was in the richness of the direct quotations from social service NGOs affected by the policies. This allowed it to complement the perceptive political analysis in Sawyer’s (2002) *Governing for the Mainstream*. Yet Melville dismissed Sawyer’s contribution in *Governing for the Mainstream* as relying ‘on notions of extra parliamentary institutions, deliberative democracy and democratic theory’ to analyse the situation. She pointed instead to public choice theory, neoliberalism, globalisation of social policy, welfare state contraction and major shifts in mass communication (Melville 2003, p. 108). Unfortunately, she did not elaborate on this and her one page summary entitled ‘Theoretical and Policy Implications’ did not explore these theoretical concepts. Although Melville (2003, p. 108) states that ‘there has been an overwhelming erosion of democratic institutions and policy-making processes under a neo-liberal regime’, the content of her paper is mainly reportage and her discourse is primarily descriptive of her findings. Close analysis of both Melville (2003) and Sawyer (2002) does not identify significant differences in the direction of their arguments. Both express concern over the negative impact of government policies on public advocacy and service delivery by the NGO sector. Instead, any difference appears to stem from the focus of their different disciplines and the nature of the two papers. Sawyer (2002) wrote from the perspective of a political scientist who was concerned about the health of Australia’s democracy and NGOs’ place in it, and she did so in a political science

journal. In contrast, Melville (2003) wrote from the perspective of a social work academic reporting on an extensive three-year study and concerned primarily with the ability of NGOs to deliver services.

In 2003, the Federal Government introduced *A Bill for an Act to define charities and charitable purpose, and for related purposes*, generally referred to as the Charities Bill, which threatened to seriously curtail the advocacy of NGOs by using government financial mechanisms (Charities Bill 2003). The NGO sector was galvanised into action and interest was aroused in academia. Attacks by the IPA's NGO Project might have worried NGO practitioners active in public advocacy, but the Charities Bill threatened NGOs' financial base and elicited sector-wide responses. A Board of Taxation review of the Bill received 255 submissions that were almost exclusively from NGOs, and the issue was canvassed in the media (Board of Taxation 2004). The Bill and subsequent inquiry provided significant stimulus to the debate and a number of authors responded (Maddison, Denniss & Hamilton 2004; Manning 2004; Phillips 2004). Ultimately, the Bill was not pursued by the government and it was dropped immediately prior to the 2004 election.

The 'silencing dissent thesis' was articulated in 2004 when Maddison, Denniss and Hamilton (2004) reported for the Australia Institute on a survey that built on Melville's (2003) work, by conducting an on-line survey of 290 organisations. In contrast to Melville (2003), their paper, *Silencing Dissent: Non-government organisations and Australian democracy*, did not limit itself to peak social service organisations and specifically included NGOs that conducted public advocacy. Its more comprehensive coverage of the NGO sector, included not just social service organisations, but also environment and human rights organisations, as well as large and small groups from all states and territories. The numbers of organisations were representative of population numbers in the various states. The data was collected through a web-based survey to which 'most of the largest and best known NGOs responded' (Maddison, Denniss & Hamilton 2004, p. 28). The report's findings echoed those of Melville, but the authors were more forthright both in their conclusions and in their language arguing that 'the Howard government's willingness to smother dissent poses a disproportionate threat to the democratic process in Australia', and that 'the Federal Government has set out to stifle democratic debate' (Maddison, Denniss & Hamilton 2004, pp. 43–44). The survey

findings were useful in providing a more comprehensive spread of evidence to reinforce Melville's outcomes, but its longer-term contribution was in its comprehensive compilation of arguments that supported the democratic advocacy role of NGOs.

Maddison, Denniss and Hamilton's (2004) theoretical framework was clearly pluralist in nature. They referred to Hindess's work on the democratic deficit, which had described the design of representative government as placing 'the work of government in the hands of representatives and unelected public servants, [so that] representative government is not in the hands of the people themselves' (Hindess 2002, p. 2). They argued that the existence of the deficit reinforced the need for participation, particularly by NGOs, and listed multiple ways in which NGO participation can overcome the democratic deficit. These included arguments relevant to NGOs, which provide 'extra-parliamentary modes of representation for marginalised groups'. They also included arguments as to how NGOs provide better government accountability, policy formulation, public understanding of programs, information dissemination, consultation, and balance in debate against the weight of organised corporate voices (Maddison, Denniss & Hamilton 2004, p. 16). The authors concluded 'that the extra-parliamentary representative role that NGOs play when they act as advocates in public policy processes is, in fact, essential to a healthy democracy' (Maddison, Denniss & Hamilton 2004, pp. 15–17). Although their arguments can be read independently as strongly articulating the democratic value of NGOs, because of the historical imperative of the time they were inevitably couched within the framework of responses to policies that reflected public choice values. Maddison and Denniss (2005) subsequently recorded the same survey results and discussed similar arguments for NGO legitimacy in a paper published in the *Australian Journal of Political Science*, and Hamilton and Maddison (2007) discussed similar material in a chapter on NGOs in their book, *Silencing Dissent*. These arguments spelt out by Maddison, Denniss and Hamilton (2004), Maddison and Denniss (2005) and Hamilton and Maddison (2007) continue to be one of the most persuasive and comprehensive articulations for the democratic role of NGOs to be found in the Australian literature.

The period after the proposed Charities Bill saw a number of authors taking similar positions to the above authors. Social work scholar, Ruth Phillips (2004, p. 1), presented a paper at the 2004 Australia New Zealand Third Sector Review Conference, that 'was

primarily motivated by an increasingly vocal neoliberal critique of NGO legitimacy in policy governance' and she articulated a contestation between pluralism and neoliberalism posed by NGO policies of the Howard government. An impending federal election in 2004 prompted journalist, Margo Kingston (2004), to commission her colleague, Paddy Manning (2004), to contribute a chapter on NGOs to her book *Not Happy, John*. Kingston's (2004) title indicated the book's opposition to policies of the Howard government. In an introduction to the relevant chapter, Kingston (2004, p. 261) explicitly discussed the issue of neoliberalism being threatened by 'groups of citizens pushing for the "common good"'. The book was a populist advocacy document, but Manning's (2004) chapter nevertheless covered many of the arguments for the democratic place of the NGO sector in the Australian polity. It was avowedly pluralist in arguing for NGOs to participate in public debate in order for democracy to operate (Manning 2004). In 2006, I attempted to link the silencing techniques described in the 'silencing dissent thesis' more closely with the logic of public choice theory (Staples 2006). Although a number of authors had referred to public choice theory or had articulated its precepts, there had not previously been an attempt to spell out the theory so specifically in relation to the 'silencing dissent' thesis.

Despite the strength of the 'silencing dissent' critique in the period after the Charities Bill, authors such as Casey and Dalton (2005) who took a stance of accommodating a public choice paradigm, also promoted the development of a corporatist compact with government. Chapter 2 of this thesis outlined the disadvantages of corporatism, such as under the Hawke government's Accords. An agreement or compact between government and the NGO sector is similarly corporatist in nature. A critique of this literature that proposed a compact was subsequently published by Gemma Edgar (2008) who found that compacts were not an appropriate response to public choice policies directed at NGOs. She concluded: 'Compacts themselves are unable to guarantee the enduring legitimacy of NGO advocacy...They require significant energy to create and to maintain but even where this is done successfully...when governments change...compacts tend to fall off the agenda (Edgar 2008, p. 38).

I have thus far argued that most of the literature on NGOs' democratic role throughout the Hawke, Keating and Howard governments was largely reactive in response to the implementation of neoliberal-inspired policies. Nevertheless, Maddison and Edgar's

(2008) essay, *Into the Lion's Den*, developed a proactive argument of strategic positioning for NGOs that used the concept of 'political opportunity structure'.<sup>6</sup> Although they did not discount strategies involving direct advocacy to government, their emphasis was to argue in favour of outside activities. Their essay analysed the consequences for some NGOs that choose to become close to government, arguing that 'a close relationship with government is often seen as a strategic goal for not-for-profit organisations that engage in advocacy work', but they took 'a more cautious view of these relationships' (Maddison & Edgar, 2008, p. 188). The authors concluded that there is something 'to be learned from stories of organisations that continue to work *outside* the political system to achieve their goals' (Maddison & Edgar 2008, p. 205). Maddison and Edgar were not proposing the dual strategy of this thesis. Rather they were cautioning against NGOs getting too close to government and becoming 'insiders'. Their 'insiders' had some of the colloquial meaning of that word, not as the word, 'inside' is used in this thesis, and their examples of 'insiders' were of organisations getting so close to government as to be co-opted. The similarity of their proposal to this thesis was in the value it placed on organisations working outside government using mass mobilisation to strengthen their positions.

## Summary

Tracing the impact of neoliberal ideas on Australian NGOs, and the reaction of academics, as neoliberal ideas and practice gradually developed during the Hawke, Keating and Howard governments, provides a bridge between the theoretical framework of this thesis and the following empirical chapters. It shows that, although the bureaucracy experienced some of the effects of neoliberal ideas earlier, this change in political philosophy was still unexpected at the beginning of the Hawke Government in 1983. It took time for the full impact of neoliberalism in practices and policies to be felt and for scholars to begin to analyse the effects. The changes in policy and practice by governments were evident across the political divide as both Labor and Liberal

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<sup>6</sup> While acknowledging the various theoretical understandings of the term, 'political opportunity structure', Maddison and Edgar explained that they used Eisinger's original version of the concept, which suggested that the style of activists' efforts will be influenced by political opportunity structures and that 'the manner in which individuals and groups in the political system behave...is not simply a function of the resources they command but of the openings, weak spots, barriers, and resources of the political system itself' (Eisinger 1973, p. 12). Maddison and Edgar argued that exploiting political opportunities offered by government structures may not always be the most effective long-term choice.

Governments introduced neoliberal ideas. The significant difference when the Howard Coalition government came to power in 1996 was not in the introduction of neoliberal policies affecting NGOs, but rather in the proactive expression of policies and rhetoric referencing the logic of public choice, and in the suppression of NGO advocacy. However, even during Howard's four administrations, it was only over time that the full extent of his philosophy was implemented. Understanding the tenor of this policy and research environment provides a foundation for understanding the empirical material of the following three chapters.

## **Part II: ACF/TWS and the Australian Government: 1983–2007**

### **Chapter 4: The Hawke Labor Government**

In 1989, the Hawke government Environment Minister, Graham Richardson, took a submission to cabinet to reduce carbon emissions by 20 per cent of 1988 levels by 2005. On this first occasion, he was not successful in persuading the resource and finance ministers (Kelly 1994; Richardson 2008), but the following year cabinet agreed to the same proposal with the proviso that the decision should not impact on the economy. Even with this proviso, the Hawke cabinet decision looks remarkably progressive in the light of events now, over 20 years later when climate change is far more pressing and the current Gillard Labor government has chosen a target of 5% reduction in emissions by 2020. The 1989 proposal is a striking example of how the years of the Hawke government were a time of unprecedented environmental political activity in Australia.

In fact, Toyne and Balderstone claim that the Hawke government represents the pinnacle of environment achievement of any Australian government and they support this claim with an impressive list of eleven achievements:

- Stopped the damming of the Franklin River;
- Expanded enormously the Kakadu National Park, adding Stages 2 and 3 (and getting the World Heritage Area extended), and blocked the proposed Coronation Hill mine;
- Blocked international moves to allow mining in Antarctica;
- Protected the Wet Tropic Rainforests of North Queensland by nominating them to the World Heritage List;
- Handed back ownership of Uluru-Kata Tjuta National Park to its traditional owners;
- Introduced Landcare, the first real attempt to deal with Australia's massive land degradation problems in a comprehensive way, and the One Billion Trees program—both part of the country's first prime ministerial environment statement, 'Our Country, Our Future';
- Secured the protection of the Lemnathyme Forests in Tasmania, and tens of thousands of hectares of other icon (sic) forests around Australia;
- Added a vast area to the Great Barrier Reef Marine Park;
- Stopped the proposed Wesley Vale Pulp Mill in Tasmania;
- Added other important parts of Australia to the World Heritage List, such as Shark Bay in Western Australia, Uluru-Kata Tjuta National Park and

the Central Eastern Rainforest Reserves (around the escarpment of north-eastern New South Wales; and

- Established the Ecologically Sustainable Development (ESD) process, with a discussion paper, and then 9 working groups being set up to consider the implementation of ESD principles in sectors of Australia's economy with major impacts on the environment. This was particularly remarkable, pre-dating as it did the Earth Summit in Rio de Janeiro by several years (Toyne & Balderstone 2003, p. 170).<sup>1</sup>

If so much was achieved by one government, why was this environmental success not maintained? What was the role of NGOs in achieving this success? To what extent did ACF and TWS use a dual strategy of action both inside and outside the state during those years, and how did ACF/TWS and the Hawke government each conceptualise the relationship that achieved these successes? These are some of the questions to be explored in this chapter.

### **Entering into Electoral Endorsement in 1983**

ACF/TWS's recommendation of a vote for Labor, and the Labor government's subsequent implementation of their electoral promises on the environment, were the key factors in making the Hawke government a remarkable period in Australia's environmental history and in returning Labor to power at elections. Electoral endorsement by ACF/TWS in 1983 not only contributed to the best post-war result Labor had ever achieved (Runciman et al. 1986; Button 1998; Hogg 2003), but later endorsement also significantly increased their vote in 1987 (Balderstone 2008; Lambert 2008) and endorsement was the crucial factor in returning Labor to power in 1990 (Kelly 1994; Richardson 1994). It is unfortunate, then, that some publications on the Hawke government choose to almost ignore the environment story of the Hawke years or make only cursory references to it (Johnson 1989; Maddox 1989; Mills 1993; Steketee 2001). In publications where the environment is mentioned, all the initiative for the relationship is given to the Labor Party (Hawke 1994; Kelly 1994), or the emphasis is strongly narrative (Richardson 1994; Toyne 1994; Toyne & Balderstone 2003). There has been little analysis as to why this remarkable period of progressive environmental action occurred or why it did not continue. ACF and TWS were proactive in this

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<sup>1</sup> One issue not mentioned by Toyne and Balderstone is the work on climate change by the Hawke government. For a comprehensive description of this see, J. Staples 2009, 'Environment: What was right was popular', in Bloustein, G., Comber, B. & Mackinnon, A. (eds), *The Hawke Legacy*, Wakefield Press.

relationship throughout the Hawke years. Both government and environment organisations benefited and tried vigorously to optimise the relationship for their own ends, but, as I will argue, each side held different views as to the nature of the relationship and the context in which it was being conducted. I will also argue that electoral endorsement by itself is not inconsistent with a dual strategy, but will become so if used repeatedly.

The eleven achievements cited by Toyne and Balderson (2003) at the beginning of this chapter represent a convincing argument that the Hawke government showed great interest in the environment. However, in reality, an environmental emphasis was not a consistent theme of the Hawke years. Ten of these eleven very significant achievements occurred between 1987 and 1991, and almost all of them were in the three-year term of Environment Minister Richardson from 1987 to 1990. While the list is a remarkable achievement, its short time frame linked to one minister suggests that environment was not seen by all in the Labor cabinet as a core state imperative. These significant gains relied heavily on the efforts of particular individuals, such as Richardson and Hawke, in order to deliver the results, and this reliance raises questions about the use of electoral endorsement, such as whether it was effective and whether it could be sustained.

Both ACF and TWS began their relationship with the Hawke government from a pluralistic stance and using a dual strategy. ACF had been founded in 1966 by industrialists, businessmen, and establishment figures, including Malcolm Fraser (Crawford 2010), who was the prime minister prior to the 1983 election. Soon after its founding, ACF failed to oppose the flooding of Tasmania's Lake Pedder. The sympathy of its leadership was politically conservative and in favour of inside activities rather than of grassroots activism. However, the rise of the new social movements and student radicalism of the 1970s soon threw up new leaders and saw the organisation undergo major changes including breaking with its establishment roots (Jones 1981). The result was that, by the time of the Franklin campaign, the stance of the newer ACF leaders incorporated not just the inside activities of lobbying government, but also the outside activities of membership involvement and vigorous public education, combined with a more politically neutral or non-partisan stance towards political parties.

In contrast, TWS's origins were in grassroots activism and exclusion from the political process. This shaped its attitude to engagement with the state from its inception. TWS's relationship with the political parties in Tasmania was always fraught. The state Hydro Electric Commission (HEC) dominated Tasmanian political life, so that both major parties were subject to its influence. Earlier opposition to the flooding of Lake Pedder in the 1970s and the decade of opposition to the damming of the Franklin River were both aimed at challenging the power of the HEC. Such opposition in Tasmania made TWS excluded outsiders and the unsympathetic attitude of both national political parties produced a non-partisan, neutral stance in TWS. Although they felt themselves to be excluded from having public policy influence, they explored a dual strategy approach, participating in government activities that might progress their campaign, while also seeking to build public support and generally favouring grassroots mobilisation in order to exercise political pressure.

The *modus operandi* of ACF/TWS and their commitment to a dual strategy was evident during the Franklin Dam campaign in the decade leading up to their first endorsement of Labor at the 1983 election. That long campaign was important in demonstrating these two organisations' mobilising power and the skill of their campaigners, who developed a sophisticated understanding of the intersection of outside grassroots mobilising and the inside working of the Australian political process. The campaign was the training ground for a generation of environmental activists and it is worth examining in detail as evidence of a commitment to a dual strategy. The campaign demonstrated outstanding outside organising over many years culminating in the blockade of the Franklin River in December 1982 when almost two thousand people from the mainland went to Tasmania at their own expense to participate in non-violent direct action. There were also marches in mainland capital cities that attracted thousands of participants (Law 2008).

As well as outside grassroots mobilising, the campaigners used inside interaction with government where and when they could gain advantage. They learned how to 'do the numbers' to gather sufficient support when lobbying backbenchers and ministers in parliament house. They provided sophisticated submissions to government that addressed issues such as electricity supply and demand and the intersecting economic, environmental, and social factors relevant to the construction of the dam. The campaigners were not merely reactive, but were proactive and strategic in the way that

they interfaced with governments. They were instrumental in ensuring that inquiries such as the Senate Select Committee Inquiry into South West Tasmania took place, and that World Heritage nomination was promoted to create legal justification for Commonwealth involvement. They even wrote a Bill for the Democrats that was passed in the Senate and was drafted with the possibility of a High Court challenge in mind (Wilcox 2009).<sup>2</sup> The campaigners were strategic in their interaction with government maintaining a non-partisan, neutral perspective with all parties, and being clear where the power lay to halt the construction. For example, all their efforts were originally directed towards the Tasmanian government, which was the jurisdiction able to halt construction. However, once the area had been nominated for World Heritage status they were already prepared to move their lobbying pressure to the Commonwealth government. The international treaty obligations of World Heritage gave the Commonwealth responsibilities and created a relevant new jurisdiction. Therefore, a dual strategy of outside grassroots mobilisation and inside high level lobbying, combined with sophisticated strategic political analysis were the background against which ACF and TWS began their relationship with the Hawke government.<sup>3</sup>

The decision to endorse Labor in 1983 was only taken after all bipartisan options to stop the dam seemed to have been exhausted. Right up until eight weeks before the election announcement, both ACF and TWS had tried not to take sides politically and kept a genuinely neutral perspective towards both major parties. Enormous pressure was brought to bear on the federal Coalition government. Prime Minister Fraser had seemed to indicate some sympathy when his government nominated the area for World Heritage listing and he even unsuccessfully offered first \$500 million and later \$870 million to Tasmania not to build the dam (Runciman et al. 1986, p. 70). The ACF was certainly of the opinion that Fraser was going to intervene (Wilcox 2009). However, on 8 December 1982, when Fraser was absent due to ill health, Doug Anthony as Acting Prime Minister announced a Cabinet decision against intervention on the dam issue (Runciman et al. 1986).

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<sup>2</sup> This Bill became the basis for the *World Heritage Properties Conservation Act* passed in 1983 by the Hawke Government to justify its intervention in Tasmanian affairs. The Act was later challenged unsuccessfully by the Tasmanian Government in the High Court.

<sup>3</sup> For a brief overview of the Franklin Dam campaign see chapter 3 of P. Toyne, 1994, *The Reluctant Nation: Environment, Law and Politics in Australia*, ABC Books, Sydney, and for a longer view from a key participant, see G. Law, 2008 *The River Runs Free: Exploring and Defending Tasmania's Wilderness*, Camberwell, Vic, Viking/Penguin.

Labor Party policy opposed to the construction of the dam had been established at the 1982 ALP federal conference. The decision by ACF/TWS to endorse Labor took place in a highly charged atmosphere, with the construction of the dam proceeding apace and with the blockade by thousands of volunteers still in place. Environmentalists saw the election as the last resort after a decade of public campaigning and mobilisation. Importantly, the decision was taken not just by ACF/TWS, but by representatives of environment groups from around the country at two meetings held at Tullamarine airport in December 1982 and February 1983 (Hutton & Connors 1999). At the first, it was decided in principle to campaign against the Coalition Fraser government if they did not intervene. At the second, held two days after the election was called, it was decided to endorse Labor in the lower house and the Democrats in the Senate and to run campaigns in marginal seats. Murray Wilcox (2009), the then ACF President who chaired those two meetings at Tullamarine, told me that he was of the opinion that endorsement was necessary ‘to save the river and demonstrate the strength of the environment movement to mobilise people on this issue’. In other words, he saw the endorsement action as being part of a dual strategy. It was an inside act that engaged with the state to ensure a decision to save the river, but to be effective it also required the outside action of mobilising large numbers of supporters in many marginal seats throughout the country. Wilcox also noted that ‘a number of environment representatives were reluctant to endorse a political party’ (Wilcox 2009). He understood that, for some, it was a significant break from the environment movement’s previous practice, but by the end of the meeting, there was consensus that the groups should endorse Labor in the lower house and the Democrats in the Senate.

The single-mindedness of ACF and TWS leaders in pursuit of protection of the Franklin helps explain why they chose to enter into electoral endorsement in 1983. In our interview, Murray Wilcox (2009) recalled ‘the all-absorbing effect’ the campaign had on him and those at ACF. At TWS, the campaigners were probably even more focussed and single minded as this was the cause for which the organisation had been created and many of its key campaigners had been working on preserving the Tasmanian South West since the early 1970s (Jones 1981). A strong commitment by so many for so long is evident in most descriptions of the campaign (Green 1983; Toyne 1994; Hutton & Connors 1999;), as well as in personal stories of involvement (Brown 1983; Law 2008).

It was this powerful emphasis on policy, on the need to save the river, that overrode any other consideration, so that endorsement was seen simply as a means to an end. There were voices in the wider environment sector that called for caution, but those who were reluctant to endorse a political party for the first time were eventually persuaded otherwise. In light of later events, it is relevant that this consensus included a wide number of environment groups, not just ACF and TWS. The history of the decade-long Franklin campaign demonstrates that at the beginning of the period of this study ACF/TWS were operating with a dual strategy in their relationship with the governments of the day and that they presumed the context of that relationship to be a pluralist one.

In our interview, former Prime Minister Hawke (2008) emphasised to me the difficulty he had in persuading his party to agree to stop the dam, claiming ‘there was a lot of division’ within Labor about it. However, he told them ‘that was the way it was going to be’ and ‘that we probably stood a chance of losing all the Tasmanian seats’, but ‘against that it would be a plus for us in a lot of mainland seats, and we’ll win the Tasmanian seats back’ (Hawke 2008). Hawke was also quick to point out to me that he ‘was eventually proved right in regards to all the propositions’ that he put (Hawke 2008).

The support ACF and TWS brought to Labor in 1983 in fifteen marginal electorates was not crucial in winning the election, but it contributed to delivering an unusually strong result for the party (Button 1998; Hogg 2003). Despite former ALP leader Bill Hayden claiming ‘a drover’s dog could lead the ALP to victory’ (Jeffrey 2010), Bob Hogg, who became a senior advisor in Hawke’s office, felt the outcome of the election was never a certainty. Hogg acknowledged that the ACF/TWS marginal seat campaign provided ‘some electoral benefit in mainland seats within metropolitan Sydney and Melbourne...However, it was not a critical factor in our success’ (Hogg 2003, p. 105). TWS claimed that sixteen per cent of voters in their fifteen targeted marginal seats followed their how-to-vote cards. Opinion polls following the election suggested that two per cent of the wider electorate had been influenced by the Franklin issue (Runciman et al. 1986) and former Deputy Prime Minister Doug Anthony indicated he believed that the Coalition had suffered from the Franklin campaign (Button 1998, p. 220). Most of these claims are consistent with one another. The final result saw the ALP winning 75 seats, giving it 60 per cent of the House of Representatives seats, and

making the election the ALP's best post-war result (Hogg 2003, p. 104; Australian Government and Politics Database 2008). The mood in the electorate had been that it was time for Fraser to go, but the Franklin Dam was a motivating issue that contributed to the record percentage of seats won by the Labor party.

Stopping the dam was a short-term attempt by the Labor party to win the 1983 election. At that time, the environment was a not major interest of government. Barry Jones, who later became a Hawke government minister, briefly attended the February 1983 environment organisations' meeting at Tullamarine. He attempted to ensure their endorsement of Labor with reassurances that his party would deliver on its promise (Wilcox 2009). However once in power and the Franklin issue was decided, Labor quickly distanced itself from any further debt to the environment organisations (Hogg 2003). Subsequent events do not show this agreement to have had any corporatist overtones, and no further co-operative arrangements emerged after the 1983 election.

In fact, the government's early years after the 1983 election provided little joy for environment organisations and there was no evidence of interest in establishing any sort of relationship with ACF/TWS (Figgis 1996, p. 15). As ACF lobbyist in Canberra engaging with the government on a daily basis, I found the years from 1983 to 1985 were frustrating. The government had different priorities and, as has been pointed out, in the early 1980s environmental concerns were not part of the core imperatives of government (Dryzek 1996, p. 485). The Hawke government had the immediate task of assuming power during a recession that challenged economic orthodoxies and, in contrast, the environment was viewed as a relatively new issue for government that was discrete in nature and only the concern of specific interest groups. Barry Cohen, the environment minister, was also very cautious, and the big issues of the day called for intervention in the affairs of the States - something Cohen was not prepared to countenance.

There was great frustration for many environment groups at the lack of federal interest in rainforest logging of the Wet Tropics in Queensland.<sup>4</sup> In 1983–84, the local council

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<sup>3</sup> The Wet Tropical Rainforests have since been listed as having World Heritage status. They are one of only a few sites in the world that meet all four criteria for World Heritage listing on environmental

began bulldozing the Daintree Road through lowland tropical rainforest at Cape Tribulation in far north Queensland, despite significant local opposition and demonstrations, and despite important outside publicity work by ACF/TWS to create national public support. Minister Cohen was not moved. In 1984, instead of declaring Stage II of Kakadu a national park,<sup>5</sup> the Minister tried to create a conservation zone in which mining would continue and dozens of areas would be excluded from the park so as to allow uranium mines. Only leaks to ACF's Canberra office from appalled environment bureaucrats enabled this information to be passed on to The Australian newspaper. The resultant front-page publicity saw the government declare a national park over Stage II, without permitting mining exploration or excluding any new areas. In Tasmania, logging of valuable old-growth forests continued apace to meet annually increasing woodchip quotas. Neither Environment Minister Cohen, nor Primary Industry Minister Kerin, was prepared to act in favour of the environment and instead quotas in 1985 were increased. From the point of view of ACF/TWS, and from my point of view as ACF lobbyist, we believed we could demonstrate significant public support for all these environmental issues and that the government would benefit from taking action. However after its Franklin decision, the first two Hawke governments took a highly cautious approach towards environment policy.

The orientation of ACF/TWS at this time still owed much to the Franklin Dam campaign in which both inside and outside activities had been successfully applied. From the Franklin experience, the practice of outside activities was embedded in the *modus operandi* of both organisations, and both organisations kept up some inside activity. However, because their inside advocacy seemed to have no effect on policy outcomes, they strongly focused on outside activities on three major fronts - the Wet Tropics, Tasmanian forests and Kakadu national park. With the end of the Franklin campaign, ACF turned its attention to the rainforest logging of the Wet Tropics in Queensland. The organisation built on local campaigns making links with local activists, some of whom became ACF council members. The issue became the focus of

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grounds. However at the time they were being destroyed by logging under the Queensland Bjelke-Petersen government.

<sup>5</sup> Kakadu National Park in the Northern Territory was declared in three stages between 1979 and 1991 following recommendations from the 1977 Ranger Uranium Environmental Inquiry. The three stages were inscribed on the World Heritage list in 1981, 1987 and 1992 respectively in recognition of their significant environmental and cultural status.

regular ACF publications, and was the topic of a number of books and other publications that drew on scientific knowledge to explain why the area was significant and how logging was destroying an important ecological asset. The effects of forestry on the south west of Tasmania had long been the concern of TWS campaigners, and, immediately after the Franklin decision, they began developing public forestry campaigns with support from other Tasmanian groups. ACF appointed a full-time forestry campaigner in Hobart, Geoff Law, who had provided media liaison for TWS during the Franklin campaign (Law 2008). Law generated valuable media, nationally and in Tasmania, on forestry issues, as well as encouraging local activism. The Kakadu region had also been a high priority for ACF, and its director, Geoff Mosley, had proposed it becoming a national park in the 1960s even before the Ranger Uranium Environmental Inquiry made the same recommendations in 1977.<sup>6</sup> On this issue, ACF formed links with the Northern Territory Environment Centre and ACF council members from the Northern Territory were strong activists on Kakadu. As well as producing information for members, ACF was also generating much media, particularly in relation to the effects that the Ranger mine was having on the environment. All of these outside activities - on the Wet Tropics, Tasmanian forests and Kakadu - created an informal network of NGO groups and activists who were concerned about these issues. The strong public support generated gave ACF/TWS important political influence that eventually caused the government to turn its attention to their proposals.

## **The 1987 Election and its Outcome**

The need to improve Labor's electoral advantage was a motivating reason for Labor to again look to ACF/TWS in 1987. The ALP felt they had done badly in the 1984 election and there was a perception that Labor had failed to consolidate its position (Hogg 2003, p. 108). Former Hawke environment advisor, Craig Emerson (2008), expressed this view to me saying, 'We had won in '83, did quite badly in '84—lost a lot of seats that we had won'. Treasurer Keating's warning in 1986 of a possible 'banana republic'

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<sup>6</sup> The Ranger Uranium Environmental Inquiry (RUEI) (or Fox Report) was a Commonwealth inquiry into the environmental aspects of a uranium mining proposal for the Alligator Rivers region of Kakadu. The Inquiry's two reports were delivered in 1976 and 1977. They allowed mining to proceed, well as recommending the creation of a national park in the area that was to be implemented in three stages.

scenario in Australia unsettled voters and ALP polling showed a significant drop in support (Emerson 2008). There were also many recriminations that related to the massive structural changes being introduced into the economy (Maddox 1989; Emerson 2008). According to Emerson (2008), it was in this period that some members of the government began to re-examine the ALP's environmental credentials. Central to this change in policy was Senator Graham Richardson, who was elected to parliament in 1984. He was a leader of the Right faction of the Labor Party and often referred to as 'numbers man' for Hawke.

At the time of the 1987 election, the actions of ACF/TWS leaders were consistent with the view that pluralism was at the heart of their relationship with the government. They saw their role as being to advocate strongly for their own concerns, rather than to make agreements with government. This is reflected in their insistence that the government implement a very ambitious agenda, including the three major environmental issues of the period: cessation of logging and a World Heritage nomination for the Queensland wet tropical rainforests; extensions to Kakadu National Park and further World Heritage nomination; and action to protect Tasmanian forests from logging. The agenda also included one other issue that arose closer to the election: protection of Shelbourne Bay on northern Cape York from sandmining (O'Callaghan 1987, p. 5). The Wet Tropics and Tasmanian forests required the government to confront antagonistic state governments in Queensland and Tasmania and overrule their powers. There were also timber unions affiliated with the Labor party, and various powerful financial interests that were opposed to government action. It was audacious of ACF/TWS to insist that three such big issues be solved. It was even more audacious and risky to insist on the inclusion of the sandmining issue at Shelbourne Bay on Cape York, which was the most difficult for the government to deliver. Insisting on such an ambitious agenda that included all their major issues suggests that ACF/TWS held the view in 1987 that their role was to pressure the government. It was a role consistent with pluralism. It was also consistent with the stance proposed by Altman (1980, p. 5) a few years earlier, in which he looked to interest groups to bring about social change, while acknowledging the role of the state. ACF/TWS did not see themselves as developing a relationship with government that would have any similarities to a corporatist arrangement such as the trade union Accords.

ACF/TWS's attitude that their role was to lobby and not to compromise or negotiate from a corporatist perspective was demonstrated by the issue of Shelbourne Bay where a Japanese mining company sought to mine silica sand on the traditional land of the Wuthathi in far north Queensland. Bob Brown and I had a meeting with the prime minister in 1987 to confirm the arrangements we had discussed with the prime minister's staff for a Commonwealth Commission of Inquiry into Tasmanian forestry and to discuss Shelbourne Bay.<sup>7</sup> At the meeting, Hawke gave his approval for the arrangements we had negotiated for the forestry Commission of Inquiry, but on Shelbourne Bay, he insisted the Japanese Chamber of Commerce had made it clear it was essential that the mining proceed for resource reasons. I found myself in the uncomfortable position of contradicting the prime minister. I argued that the situation was simply two Japanese companies competing against one another, that there was over 20 years' world supply of silica at Cape Flattery mine on southern Cape York and that there was no Australian resource argument to justify the mine. On leaving the meeting, Brown and I concluded that we had no agreement on Shelbourne Bay, and we advised the prime minister's office of our intention to issue a media release. This release criticising the government on Shelbourne Bay was written despite the prime minister having confirmed that, against the wishes of the Tasmanian government, the federal government would conduct a major Commonwealth Commission of Inquiry into Tasmanian forestry. Relations were tense with the prime minister's office for a few weeks, but the Commonwealth eventually refused an export licence for the Japanese mining company.

The tense relations were partly because Prime Minister Hawke had seen the negotiations at the meeting as similar to the style of corporatist negotiating he was used to with unions, where he was able to trade issues off against one another. In contrast, the position of Brown and me was consistent with pluralism and, as a result, we laid our full agenda on the table without negotiating. Although we did not realise it, our timing meant that we were asking much of the government. By 1986, the recession the government faced in its early days had been turned around, but there was a significant

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<sup>7</sup> Bob Brown was an independent member of the Tasmanian lower house during this period having been elected at the end of the Franklin Dam controversy. However, his earlier TWS leadership and national profile allowed him to continue to act as a representative of TWS and ACF – a position to which both organisations happily concurred.

new threat as the dollar had depreciated 40 per cent in the previous twelve months following a collapse in the balance of payments and a rise in net foreign debt (Kelly 1994, p. 196). Our meeting with Hawke had been in this context. In our interview, Emerson (2008) commented on just how difficult the government found the decision on Shelbourne Bay, telling me that:

Ironically, the hardest issue was Shelbourne Bay, because we were going through a big collapse in the terms of trade in '86, shocking current account problems, big enough to prompt Paul Keating to warn about the danger of Australia becoming a banana republic. The last thing we needed was a bad international reputation on foreign investment and Paul [Keating] was very anxious on that. He had strong treasury advice that if we were to say 'No' to the Foreign Investment Review Board that...could have Japanese companies and the government saying that this was a risky place to invest...I suspect Keating probably did a fair bit of work behind the scenes on that. I don't know any details, but I know how anxious he was about it, but in the end he kind of copped it.

Therefore, the request from Brown and me went dramatically against the core economic imperatives of the state, against the advice of Treasury and against the wishes of the treasurer who was, however, obliged to accept it. The decision on Shelbourne Bay went to the heart of economic policy and international trade relations, whereas the environmental electoral promises were considered less significant to Australia's international status. Emerson (2008) told me, 'Having a fight with Tasmanian Forestry and the Tasmanian Government...doesn't affect your international reputation'. Nevertheless, there was no sense of a corporatist relationship on the part of Brown and myself when meeting with Hawke. We were very aware our lobbying ability was directly related to the level of public awareness we were able to maintain on the issues and we were transparent and open with the public and other environment organisations about what was happening through our media release and direct communications. We did not compromise and accept only the three big issues of the Wet Tropics, Kakadu and Tasmanian forests, but pushed further on an issue on which it was difficult for the government to deliver. Importantly, our organisations' decision on electoral endorsement carried no promise to limit our future requests following the election and our behaviour as representatives of ACF and TWS was consistent with the organisations' pluralistic view of the relationship.

In contrast, I would argue that the government viewed the relationship as being corporatist. In our interview, Emerson (2008) repeatedly stressed the importance of the government's understanding that ACF/TWS had agreed to limit the issues to only four in exchange for implementation and endorsement.<sup>8</sup> He said that it was ACF and TWS having a 'clear, finite and manageable agenda' of four issues that was crucial to having the government prepared to deliver (Emerson 2008). However, ACF/TWS were not limiting the issues for strategic ends, but were demanding action on the four major issues that were in the national public domain at the time. Although Emerson makes much of ACF/TWS limiting their requests to four issues, ACF/TWS did not perceive their requests in this way and I cannot remember any mention of this by the government at the time. Perhaps this was due to the *modus operandi* of political exchange in Canberra in which there are many implied understandings. On this occasion, there was a failure of both parties to clearly spell out their view of the arrangement. I believe the result was a disjunction of shared understanding between the government and ACF/TWS as to the nature of the relationship.

In 1987, ACF and TWS agreed to endorse the ALP because of the opportunity, not just to progress their four most important campaigns, but to actually resolve them. Any negatives associated with the promise of a continuing relationship were thought to be worth the risk. However, unlike the two Tullamarine meetings prior to the 1983 election, which included a wide cross-section of environment organisations, this decision was not taken after a formal meeting with the wider environment community but by the 36 member ACF council and by a general meeting of TWS membership. Within the two organisations, supporters of this position argued that the threatened destruction of virgin forests, and particularly rainforest in the case of the Wet Tropics, made the case exceptional because, once destroyed, virgin, old-growth forests were lost for thousands of years. Without a formal environment movement representative structure, ACF and TWS also had no compelling pressure to insist they consult more widely. Many different environmental organisations had promoted public awareness on the Wet Tropics, Kakadu and Tasmanian forestry, so that there was 'ownership' of the issues by a wider group of organisations than just ACF/TWS, as became clear when

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<sup>8</sup> In summary, the four issues were understood by the two parties to be the nomination of the Wet Tropics for World Heritage listing, extensions to Kakadu National Park and further World Heritage nominations, an effective Commonwealth Commission of Inquiry into Tasmanian forestry, and exclusion of sandmining at Shelbourne Bay.

grassroots support was needed to run marginal seat campaigns. In retrospect, there is no doubt that better movement-wide consultation would have been desirable. Conversely, if there had been a peak body for the environment organisations, a position for the election would have taken much time to negotiate and the delay may have precluded any action.

The difference between ACF/TWS and the Labor government's view of the relationship is evident in Richardson's continuing encouragement of ACF to form a peak group with which the government could negotiate, and in the reaction of ACF/TWS leaders to this proposal. The government saw ACF and TWS as representative of the most influential parts of the environment movement, and the two organisations had demonstrated at elections that they could influence votes. However, there was pressure from the Labor government for a formal corporatist body centred on ACF, rather than what the government saw as the more informal leadership role ACF and TWS had been playing. I recall repeated pressure from Richardson urging me to encourage ACF to take the initiative and he reiterated this view again in an interview for this thesis (Richardson 2008). Lambert (2008) also believed that the pressure was centred on ACF, suggesting that, 'it was generally thought that ACF would be the appropriate body to be that peak body' most likely because ACF had more structured governance arrangements than TWS. After I left my position as ACF lobbyist in late 1987, Lambert (2008), representing TWS, and Toyne (2008), representing ACF, experienced the same pressure from Richardson. Richardson's arguments in favour of an ACTU-style peak group were couched in terms of the effectiveness of the environment movement, with a suggestion that it might also be more convenient for government. As Lambert (2008) recalls:

Richardson...expressed a view that the trade union process and the ACTU worked very effectively with government, and that the environment movement could be much more effective if it did the same thing.

Economou (1996, p. 13) has noted the convenience to government rather than to interest groups of corporatist arrangements. In relation to the Accords between the ACTU and the Labor government, he pointed out that while the economic burden of the Accords fell disproportionately on 'Labor's traditional blue-collar and wage and salary earning constituency' this only 'served to highlight to government how useful were its corporatist-tending procedures for policy discussion and interest group dialogue and

negotiation' (Economou 1996, p. 13). ACF/TWS resisted pressure from government to form a more accommodating, convenient peak organisation.

The similar reactions from myself, Lambert and Toyne to proposals for a peak group are indicative of our belief in the value of a pluralist relationship that did not limit either inside or outside activities, and a suspicion of any corporatist arrangements that might restricted such activities. All of us declined to engage on the issue and the reasons the three of us held for doing so were similar. We believed that 'our strength was in diversity' (Lambert 2008), that the amount of effort required to keep a peak group together would be better spent on campaigning to strengthen public support, that peak groups end up with the lowest common dominator in policy and so weaken the position of the environment movement as a whole, and that there is an advantage in having autonomous groups that can express independent views at any time. Without a peak body, organisations taking a radical position can keep their strong policy stance and set important benchmarks to move policy forward without compromising for the sake of unanimity (Lambert 2008; Toyne 2008). Even critics of ACF and TWS, such as FOE, supported a structure they described as 'a motley collection of groups' who could not be 'labelled and pinned down' (O'Loughlin 1990, p. 19). The corporatism of a peak body would have compromised and weakened a strategy of working both inside and outside government.

The Shadow Environment Minister, Senator Puplick did not believe a peak group was necessary. His liberal, pluralist position was consistent with the view of ACF/TWS and had a practical interpretation. He told me,

I took the view for example that questions about whaling were not necessarily the same issues as say kangaroo management, or that the administration of national parks within the framework of the land rights movement, was not the same issue as unleaded petrol. The idea that there would be any monolithic environment movement which would be responsible or be recognised as speaking for the RSPCA constituency, Indigenous constituency, forestry conservation constituency, Antarctic constituency, climate change constituency, was a bit of a nonsense. The idea, if you had a particular interest in forests, that you would be able to speak authoritatively about the changes that were needed to the International Whaling Commission was also nonsense (Puplick 2008).

Puplick's description highlights the difficulty of corporatist arrangements attempting to encompass a very diverse range of organisations (Goldthorpe 1984b, p. 322; Cawson 1986, p. 71). It also identifies some of the difficulties of a national consultative forum. Not only are advocacy interests divergent, but the personalities, history and *modus operandi* of different groups create significant hurdles to be overcome. ACF, TWS and the rest of the environment movement in the 1980s had no sympathy for a corporatist arrangement that involved a peak group.

I was closely involved in the planning for the 1987 election. Like the 1983 election, it depended on the outside activity of being able to mobilise large numbers of people to work in marginal electorates during the election campaign, and to motivate even larger numbers to vote as ACF and TWS proposed. Wilcox's (2009) view that electoral involvement was a way to 'demonstrate the strength of the environment movement to mobilise people' was underscored when more people wanted to be involved than ACF/TWS had anticipated. Initially seven marginal seats were targeted, but this was later increased to eleven, because it quickly became obvious there were large numbers of volunteer workers available. This support did not materialise without outside action involving a huge effort to engage the public by ACF/TWS in the period from 1983 to 1987. ACF had chapters of active members (in some cases supported by paid employees) in Melbourne, Sydney, Albury, Wodonga, Canberra, Adelaide, Mt. Gawler and Perth (NEWS 1985). The Tasmanian Wilderness Society had been formed as a Tasmanian organisation in 1976, but action groups had appeared in most capital cities and many regional towns as a result of the Franklin campaign. In 1984, the organisation changed its name to The Wilderness Society, incorporating some of the mainland action groups and formally broadened its focus to being a national activist group with a national focus (Lambert 2008). The grassroots groups in both organisations were fundamental in keeping both organisations in touch with their memberships, as well as being a conduit to ensure that information was disseminated widely to members, and through them to the wider public. Both ACF and TWS groups held public forums, talks, street stalls, and various other activities that contributed to engaging the public. As well, alongside their newsletters and journals, both organisations were proactive in producing information material such as books and films, and kept environmental issues in the news by cooperating with the media on high impact programs such as 4 Corners (NEWS 1985). TWS was probably stronger in its grassroots links, with its more

informal structure facilitating participation by members in the organisation at all levels, but both organisations recognised the importance of outside activity involving both their members and the general public.

The 1987 campaign not only demonstrated strong grassroots support for ACF/TWS and the four key issues, but it also demonstrated strategic political assessment on the part of the two organisations. Seats in which ACF/TWS worked were chosen on criteria that included percentage of swing needed, size of electorate, proportion of marginal booths, previous conservation-oriented vote and proportion of conservation-minded voters in the electorate (Lambert 1987). Supporters who were professional market researchers provided free assistance with focus groups in order to present the message - not to decide the message, but to advise on how best to convey it to the public.<sup>9</sup> Coloured full-page advertisements were placed in Sydney and Melbourne papers, the first time such advertising had been seen in Australia. Television advertising was used and feedback from within the ALP secretariat indicated that it was considered to be more effective than any produced by the ALP itself (Lambert 1987). Compared to the emphasis on statistical analysis, polling and public relations used by the major parties today, the methods and electoral strategy of ACF/TWS might seem simple. But over 20 years ago the quality of analysis of previous electoral returns and creative responses by the environment organisations were often more sophisticated than those of the political parties. Such sophistication should not be interpreted as a failure to recognise the importance of mass support or mass mobilisation. I would argue that successful outside activities placing importance on grassroots mobilisation can also include high-quality strategic political analysis and modern communication strategies, so long as the all elements of a dual strategy such as a politically neutral perspective towards parties and care for the health of the whole sector are included.

At the 1987 election, Labor improved its position in the lower house, obtaining 58 per cent of the seats (Australian Government and Politics Database 2008). There was an Australia-wide swing against Labor of 1.31 per cent, but in marginal seats targeted by ACF/TWS there was a swing *towards* Labor of 0.89 per cent leading the environment organisations to claim they were able to provide a two per cent swing ('Green vote

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<sup>9</sup> Note this is in contrast to poll and focus group-driven decision making on *issues* that is criticised as dominating politics and political parties today.

helps ALP' 1987, p. 2). The issue was complicated by the 'Joh for Canberra' push in the early part of the election campaign when supporters of Queensland Premier Bjelke-Petersen tried to move him to national politics. Within the ALP there were competing views as to the importance of the environment vote, with an internal paper by ministerial environment advisor, Simon Balderstone, claiming it was crucial and one by Brian Cortise, chair of the caucus primary industry committee, claiming it was not (Balderstone 2008; Lambert 2008). However, senior political commentator David Barnett, writing in the *Bulletin*, said that the environment was crucial to the win (Barnett 1987, p. 2). Prime Minister Hawke personally rang Jonathan West, TWS Director, on election night to congratulate ACF/TWS 'on the effectiveness of the campaign' ('Green vote helps ALP' 1987, p. 2).

Despite the opportunity to secure very significant gains from Labor's election promises, not everybody in ACF and TWS was entirely happy about electoral endorsement. ACF President, Hal Wootten, the distinguished jurist, was one of seven out of 36 councillors, who opposed the 1987 endorsement. Writing in the ACF journal, *Habitat*, Wootten (1987, p. 9) argued that:

Regular support for a particular party brings special problems. It will lead environment groups to be seen as captured, with nowhere else to go and not as important as other competing groups which will now be wooed. Similarly regular opposition will cause the party opposed to write off the opposing group as unwinnable and best sacrificed to competing interests.

Wootten was pointing to the power of endorsement becoming diminished if continued as a strategy and the relationship with government moving towards one of an ineffective corporatism in which electoral support would be taken for granted. Wootten was concerned to develop consensus within ACF membership and he was also conscious of the need for political neutrality. He wanted to have a wide cross section of people with different political allegiances prepared to support the policies of ACF. He did concede that endorsement should not be totally ruled out, but suggested that 1983 and 1987 were very unusual situations. He also acknowledged that there was a dramatic difference between the Liberal and Labor Parties at both elections, and that if the Coalition had come to power in 1987, they would have allowed mining of Fraser Island, Morton Island and Shelbourne Bay. As well, the destruction of the Wet Tropics of Queensland and the Lemonthyme and Southern Forests of Tasmania would have continued. He

acknowledged that, ‘it is difficult to imagine any activity outside of elections that could have produced such significant results in such a short time with so little outlay’ (Wootten 1987, p. 10). However, he expressed a strong preference for the promotion of ACF’s policies rather than endorsement. Importantly, he questioned whether ACF’s position could be sustained in the longer term, reminding the organisation that the door must be kept open to the Opposition. Eventually, governments change and the party that has not been endorsed will come to power (Wootten 1987, p. 10).

Criticism of the 1987 endorsement of Labor was further recorded in 2000, when academic Timothy Doyle criticised the narrowness of the ACF/TWS 1987 decision-making process. Unlike Wootten, however, who focussed on the question of the appropriateness of endorsement as a political model and its effect on the relationship between NGOs and government, Doyle argued that there was a conspiracy of elites within the two organisations. He accused a narrow network of nine ‘elite’ professional activists from ACF/TWS of hijacking the Queensland Wet Tropics campaign so as to deliver the wider grassroots support and the environment groups to the ALP for the 1987 election (Doyle 2000, p. 163).<sup>10</sup> Doyle failed to mention the other three issues that were prominent in the 1987 election campaign, namely Kakadu, Tasmanian forests and Shelbourne Bay, or the widespread support from many grassroots groups that allowed ACF/TWS to extend the number of seats in which they worked. While Doyle is correct that the decision to endorse Labor in 1987 was made primarily by ACF and TWS,<sup>11</sup> in his criticism, he did not mention the lack of any peak environment organisation body or structure in which such a consultation could have taken place. In choosing to blame ‘elites’, his criticism missed an opportunity to analyse wider questions, such as the practice of endorsement and how the environment sector might best co-operate.

Despite these criticisms, I would argue that the views of ACF/TWS at the 1987 election were consistent with a dual strategy. There was a significant difference between both major parties in their environment policies, and endorsement of the policies of one party could be described as neutrality or non-partisanship towards parties that was based on

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<sup>10</sup> I am included in the nine persons named.

<sup>11</sup> The endorsement decision of ACF and TWS took place after due process and discussion within the respective organisations’ decision-making mechanisms, including circulation of discussion papers prior to meetings. Doyle refers to the TWS discussion papers as the elites having ‘set the agenda’ (Doyle, 2000, p. 164), rather than seeing discussion papers as due process.

their policies (as per the dual strategy of this thesis). Importantly, as well as inside contact with government, both organisations were continuing outside activities by strongly supporting their grassroots membership. However, Wootten's concern that continuing endorsement would result in the organisations being taken for granted was also proving correct. Endorsement at future elections would run the danger of the organisations being seen as co-opted and thus being taken for granted by the Labor party. In hindsight, it now appears that at the time of the election, the government was already viewing the relationship as one in which they had a corporatist arrangement with ACF/TWS. The danger for ACF/TWS was that working closely with government at election time and successfully pursuing major gains might compromise their neutral perspective towards the political parties.

### **Richardson's Ministry 1987–1990**

Most of the achievements of the Hawke government listed at the beginning of this chapter were implemented during the three years of Richardson's ministry from 1987 to 1990. During that time, the nature of the relationship between ACF/TWS and the government continued to be viewed differently by each. Both Emerson (2008) and Balderstone (2008) have noted that ministers expressed frustration that the environment organisations would never be satisfied. The ministers' frustration suggests an expectation that, after the 1987 election, the government had delivered on an agenda and that they believed they had entered into a corporatist arrangement that would place limits on the subsequent lobbying of ACF/TWS.

An illustration concerning these different views on the nature of the relationship can be seen in Bob Brown's response when Cabinet rejected the outcome of the Helsham Inquiry into Tasmania's forests during Richardson's ministry. This Commission of Inquiry had been one of the four 1987 environmental election commitments of the Hawke government. It was set up to resolve the issue of whether there were viable alternatives to forestry operations in the National Estate areas of the Lemonthyme and southern forests in Tasmania. The majority report from two commissioners recommended 90 per cent of the area be logged, but a dissenting report by Peter Hitchcock, the only commissioner with scientific qualifications, recommended almost

the opposite and suggested alternatives to logging (Seccombe 1988a, p. 5). ACF, TWS and other Tasmanian groups were outraged by the official report and nine of the consultants to the Inquiry, who were mostly scientists, took the unusual step of petitioning the government to accept Hitchcock's alternative (Darby 1988). Richardson also judged the majority Report to be incompetent and set about having Hitchcock's report accepted (Seccombe 1988b, pp. 1-2). Richardson's arguments during a very long Cabinet debate were sufficiently persuasive to have Paul Keating, Michael Duffy, and Kim Beazley support him, but Peter Cook, Peter Walsh, and John Dawkins were strong opponents representing the ministries of resources, finance, and employment and training respectively, while John Kerin in primary industries and Gareth Evans in foreign affairs were also unsympathetic. The Prime Minister, as was his usual practice, let the debate run to its end before showing his position, at which time he came down in favour of Richardson and the dissenting report of Hitchcock (Hawke 1994, p. 464; Kelly 1994, p. 530; Hawke 2008). The Cabinet decision generated fourteen hours of long, gruelling debate, reputed to be the longest debate of any Hawke cabinet (Hawke 1994, p. 466).

Despite the difficulty of this long debate for the government, Brown was critical in his view that the Cabinet decision did not go far enough. Hawke expressed anger at Brown's response (Emerson 2008; Balderstone 2008), and conservative ministers claimed it was another example that the government would never be able to satisfy the environment organisations or Brown (Balderstone 2008). Brown's reaction was insensitive to the enormous effort required for Hawke and Richardson to sustain a fourteen-hour debate, but it is indicative that Brown and ACF/TWS did not see their relationship in terms of any agreement, corporatist or otherwise. Brown's behaviour may have been insensitive, but it was consistent with his view of the role of ACF/TWS, that was based on pluralist assumptions. It was also consistent with a perspective of neutrality towards the parties. Brown did not identify with the interests of the Labor party.

Judy Lambert was the TWS lobbyist during the years that Richardson was environment minister. In our interview, her description of the motivation and behaviour of the environment groups during that period was consistent with a dual strategy, including its outside characteristics and neutrality towards political parties, despite the earlier 1987

electoral endorsement. She did not describe any corporatist behaviours. In fact, Lambert (2008) claimed:

There was still a real sense of the environment movement being an NGO activist movement closely interacting with politics, but not directly part of politics. That was the sense that I had particularly during my time as NLO<sup>12</sup>...There was still that real tension between an almost adversarial relationship between the movement and various ministers, not just Richardson, and them becoming a real serious part of the political arena.

Lambert argued that the outside aspects of community awareness and support were essential for the success of any inside electoral strategy because the public needed to be mobilised to influence voting behaviour. Although unaware of academic writing on a dual strategy, she emphasised that using electoral endorsement and keeping up community awareness are not mutually exclusive, seeing them as two parts of a successful strategy.

The role of individuals can sometimes be a critical component in political outcomes. It would be a superficial analysis to suggest that the list of environmental achievements at the beginning of this chapter can be explained simply by endorsement of Labor by ACF/TWS. For example, except for stopping the Franklin Dam, endorsement of Labor in 1983 did not result in any further gains. The role of individuals can be important and 'the importance of Richardson to the form and nature of national environmental politics cannot be understated' (Economou, 1996). Richardson was elected to the Senate in 1984 and assumed the position of co-leader of the parliamentary right faction, enjoying the close support of the prime minister. In mid-1985, together with TWS activist Dave Heatley, I began talking to Richardson about the Tasmanian woodchip licences that were due for renewal at the end of the year. However, I was disappointed at a November 1985 meeting with him when he chose a date in the following April to go to Tasmania to look at the forests, rather than intervening in the immediate woodchip decision. By the time Richardson (1994, p. 214) arrived back in Hobart after visiting the forests in April 1986, he described himself as 'a convert'. Richardson's so-called 'conversion' during his visit to the Tasmanian forests has been described as 'genuine but convenient' as it coincided with his understanding that the 'environment was the emerging political issue' (Kelly 1994, p. 526). Behind the scenes in the early part of 1986, Richardson

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<sup>12</sup> National Liaison Officer

began to take an interest in the other big issues of Kakadu, and the logging of Queensland's rainforests. The first that the public knew of his environmental interest was a speech he made in the Senate on Kakadu in late 1986 (Coultan 1986). The press gallery was immediately agog. This first showing of his hand on environment issues seemed incongruous to the cynical gallery who knew Richardson as a heavy hitter on important political issues. The story of his visit to Tasmania earlier in the year soon became public. However, behind the scenes, Richardson had been engaging on environmental issues for over twelve months. It was after the 1987 election that he became a minister for the first time, and in the environment portfolio was able to oversee the successful implementation of an ambitious program.

Richardson's motivation has been much discussed (Richardson 1994, p. 214; Kelly 1994; Hawke 1994; Economou 1996). In our interview, Hawke (2008) told me 'unequivocally, to his credit, [Richardson] saw early the importance of the environment' and that a large part of Richardson's perception of it 'was the politics of it'. Richardson 'could see it was going to become a big political plus if properly handled' (Hawke 2008). The extent to which Richardson experienced a 'conversion' to environmentalism is irrelevant to the question of the potential impact that individuals can have on policy. Lambert (2008) summed up the situation by saying:

Whilst I'm still not sure whether I believe in the conversion of Graham Richardson, whether it was a genuine conversion or not, while he was environment minister, the environment was sure as hell going to be on the agenda. That's just his personality.

She also noted the importance of individuals by contrasting Richardson's role with the work of Ros Kelly, the environment minister who succeeded him. She said, 'Ros Kelly was a good operator, but she was not the same political creature that Graham Richardson was' (Lambert 2008).<sup>13</sup> Toyne (1994, p. 149) agreed, saying, Hawke's 'eventual loss of the leadership and Graham Richardson's swap to the Social Security portfolio following the 1990 election had a huge impact on the profile of the environment in Cabinet debate and the level of support for it'. I would argue that while his motive was political advantage, Richardson instinctively sensed that environment was emerging as a serious issue for governments. His support for environmental issues

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<sup>13</sup> Judy Lambert moved from being TWS lobbyist to a consultant in Ros Kelly's office after Kelly became environment minister.

and the publicity and credence he gave them, particularly as a minister, also contributed to environmental concerns becoming a core imperative of the state.

By 1990 and the end of Richardson's ministry, Wootten's predictions of the weakening power of endorsement over time were beginning to be felt and other factors became more important. For example, there was a strengthening neoliberal attitude pervading government thinking and there was no longer a distinct difference between the two major parties on environment policy. My impression is that following Toyne's arrival as ACF director in 1987, his close relationship with Balderstone in Richardson's ministerial office signalled a change in emphasis for ACF and a diminution in its neutrality towards the parties.<sup>14</sup> Toyne's strategic emphasis tended to be focussed on his personal inside relationship with Balderstone, rather than focussing on developing grass-roots support. It is not that Toyne failed to recognise the importance of outside, grassroots activities to support his inside efforts. He simply left it to others in ACF to nurture this strategy. The change of emphasis by ACF through Toyne is reflected by Emerson (2008) when he said:

We were very close to the Wilderness Society early, and not so close to the ACF, not out of any hostility. But over time, the relationship with the Wilderness Society got colder and with the ACF got warmer. I think Phillip Toyne was significant in that.

Hawke (2008) echoed this later sentiment, telling me, 'the bloke...that I dealt with the best was Phillip Toyne'. In the latter part of Richardson's ministry and prior to the 1990 election, Toyne insisted that the government had to reject the proposed Coronation Hill mine in Kakadu, which was a strong stance given the powerful forces promoting the mine in cabinet and in the mining lobby.<sup>15</sup> The issue had significant community support and it could be argued that his determined stance was consistent with an outside strategy and with neutrality towards parties, in so far as he was not identifying his interests as coinciding with those of the Labor party. However, the closeness of the Toyne-Balderstone relationship meant that by the end of Richardson's ministry in 1990 TWS was not so closely involved in day to day negotiating. The structure of TWS had always favoured an emphasis on grassroots organising. Although Toyne may not have rejected the importance of outside grassroots support, in practice TWS's outside activities and

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<sup>14</sup> In late 1987, a few months after Toyne arrived, I left ACF to work with Bob Brown in Tasmania.

<sup>15</sup> See later discussion later in this chapter on the significance of the decision on Coronation Hill mine.

more diffused power structure can be contrasted with the importance Toyne appeared to place on his inside relationship with Hawke and Balderstone.

The development of the Ecologically Sustainable Development (ESD) process was one of the first outward manifestations of ACF and TWS holding different positions in relation to a dual strategy. It also illustrates some of the dilemmas environmental NGOs face when deciding whether to participate in a government process or stand outside. As well, the process demonstrated the importance of considering whether participation could weaken the organisation itself, or even the sector as a whole. In interviews, Toyne and Baldersone emphasised to me the value they each placed on the ESD process as a significant achievement (Balderstone 2008, Toyne 2008).

In 1989, the ESD process grew out of calls by industry and unions to establish a framework for assessing environmental costs on the basis that too many decisions were ad hoc and inconsistent: a call that had been echoed by John Kerin, Minister for Primary Industry and Energy (Kellow & Moon 1993, p. 231). Phillip Toyne at ACF first dismissed the calls, but the idea developed momentum and he then suggested successfully to Hawke that a cabinet sub-committee be established to work on the issue. Initially, it was proposed that working groups made up of government, industry and NGOs investigate how ESD principles could be applied to five industries – fishing, mining, agriculture, forestry and tourism. At the last minute, to appease industrial interests, cabinet added energy production, energy use, manufacturing and transport (Kellow & Moon, p. 231). The environment movement saw this move as the economic ministers hijacking the process and Toyne claimed, ‘We’re not going to accept the debate being driven by economic rationalists in the Government’ (Peake 1990, p. 4). The four major groups, ACF, TWS, Greenpeace and WWF refused to participate. The government found itself struggling between needing the environment organisations involved to give the process legitimacy, and trying to satisfy the demands of unions and the forestry industry for resource security legislation.<sup>16</sup> This legislation was opposed by the environment organisations - not least because it would pre-empt any inquiry into

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<sup>16</sup> On numerous occasions, the timber industry (often supported by unions) has asked the federal and/or State governments for ‘resource security legislation’ to ensure that the industry would have guaranteed long-term access to forest resources. As recently as December, 2011, the Victorian government responded to forestry industry pressure with a resource security policy guaranteeing 20 year contracts under which processors will be able to secure timber (Hopkins 2011).

sustainability. To appease the NGO environment sector, the Government agreed to the international Toronto targets for limiting greenhouse emissions, but with a proviso that reduction would not be at the expense of the economy.<sup>17</sup> Importantly, Prime Minister Hawke also promised he would not introduce resource security legislation. ACF, Greenpeace and WWF then decided to participate in the working groups, but TWS did not. Economou (1992, p. 468) claimed that TWS believed the process was ‘predicated on a development-oriented understanding of ESD incompatible with its ecology-oriented approach’. At the same time, TWS also declined to participate in inquiries by the Resource Assessment Commission (RAC) that had been established to evaluate the complex array of technical and social inputs to land use decisions (Australian Conservation Foundation 1991). TWS argued that its grassroots activist-oriented politics were not compatible with the bureaucratic nature of a government commission such as the RAC (Economou 1992, p. 462). Greenpeace later withdrew from the ESD process, after the government introduced an unwieldy process for project-by-project guarantees of volume for forestry proposals that had much the same effect as resource security legislation (Kellow & Moon 1993, p. 235). This left only ACF and WWF to justify their involvement. Although both organisations expressed concern that the government’s discussion paper contained a very materialistic interpretation of ESD, ACF explained its involvement by saying,

The public want green groups to work at constructive problem-solving: greater leverage on the working groups...[can] provide alternatives to strategies produced; a chance [exists] to develop, through the ESD process, integrated economic and ecological policies across a range of sectors for the first time. (Australian Conservation Foundation 1991).

The episode raises the issue of whether participation was likely to weaken ACF and its policy positions towards government, or weaken the position of the environment sector.

Toyne (1994) did not include a discussion of the ESD process in his book on the period entitled, *The Reluctant Nation*, and writing with Balderstone in 2003, he claimed only that it achieved ‘at least one breakthrough’ without saying what that might have been (Toyne and Balderstone 2003). To be fair to ACF, it must be acknowledged that once Keating became prime minister, the process was probably doomed - an outcome that

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<sup>17</sup> See discussion in the following chapter on climate change and the Toronto targets.

could not be foreseen at the time. Balderstone (2008) referred to Keating's reluctance as prime minister to allow the ESD working groups to continue and to deliver their reports, and when they did so there was no follow up in policy from the Keating government. However, ACF's justification for its involvement suggests a desire to move away from confrontational pluralist outside politics and a growing belief in the inside process of the corporatist-style working groups made up of scientific and industry interests.

The ESD process was perhaps the height of corporatist environmental activity proposed by the Hawke government, and ACF participated and chose to work closely with government in this forum. The process was also the occasion when TWS drew a line in the sand and rejected corporatist pressures from government that might have compromised its outside activities and weakened it internally. It also represents a public signal of differentiation between ACF and TWS in their approach to government and in the balance each gave to inside and outside activities.

### **The 1990 Election**

The different emphasis of ACF and TWS and their attitude to involvement in the ESD process was not sufficient to affect their ability to hold a joint position at the 1990 election. Members of the TWS management committee decided that, 'although far from perfect, the ALP in power would be better for wilderness (and for Coronation Hill) than the Coalition' (Lambert 2008). Subsequently a full TWS National Meeting, held at Armidale NSW, came to the same conclusion, and the ACF Council made a similar decision (Lambert 2008). The decisions were to recommend a vote for the Australian Democrats with a second preference to the Labor party, but since the Democrats could not be expected to form a government, the outcome of this meant that support was directed to returning Labor to power.

Economically, Australia experienced an unrestrained 'boom' period in the late 1980s such that by December 1989, interest rates were up to 18.5 per cent. This led to a slowing of the economy and by late 1990, there had been two negative growth quarters in a row, technically putting the economy into recession (Willis 2003). This was 'the recession Australia had to have' according to Keating (Russell 2005). The period also

coincided with instability within the ALP as Keating resigned as Treasurer and ALP parliamentary leadership tensions were exacerbated. None of these factors seemed to impinge on the public's desire to protect the environment, but they did affect the reputation of the Hawke government. After seven years in power, the outlook for the Labor party at the election was not good and the role of ACF/TWS became crucial. The election took place against a backdrop in which polling rated the environment as the second most important issue after the economy (Lohrey 2002, p. 33). It was perhaps the pinnacle of the interest in environmental protection that had been building over the previous three years. For the election, Richardson proposed a strategy to Hawke of Labor relying on Democrat preferences (Lambert 2008; Kelly 1994; Richardson 2008). His approach was vindicated when the ALP received only 39 per cent of the primary vote, the Coalition 43 per cent, but the Democrats almost doubled their vote to eleven per cent and their preferences gave the ALP victory. In the nine marginal electorates where ACF and TWS campaigned for a vote for the Democrats with second preferences to Labor, the Democrat vote was 13.4 per cent, which was crucial in returning Labor candidates. It was conceded by commentators that the environment vote had won the election for Labor (Richardson 2008; Balderstone 2008; Kelly 1994). This was a clear success for the environment preference strategy. At this election, ACF and TWS continued to work in unison in marginal seats, with TWS providing most of the on-ground grassroots organising. Together they played a critical role in delivering government to the ALP, but, ironically, the election also marks the beginning of the end of their relationship with Labor. According to Lambert (2008), by 1990 TWS was beginning to have concerns about co-option, illustrated by their lack of participation in both the ESD process and the Resource Assessment Commission.

Importantly, by 1990, other environment organisations such as FOE were interpreting the ACF/TWS relationship with the government as co-option, and, although they did not use the term, as being corporatist in nature. Through its journal, *Chain Reaction*, FOE criticised ACF and TWS both because they felt excluded from the relationship and because they perceived less difference between the two major parties than had previously existed. FOE did not dispute the fact that the electorate rated environmental concerns very highly, but they specifically objected to ACF and TWS claiming to speak for the sector as if they represented a peak group. FOE pointed out that the strength of the sector was due to it being 'a motley collection of groups and individuals, and much

to the annoyance of some politicians and sections of the media, can not [sic] be labelled and pinned down' (O'Loughlin 1990, p. 19). They disagreed with ACF's support for the wide-ranging national environment statement, 'Our Country, Our Future', believing that 'the statement did not go very far, and did not set targets in areas such as reduction of greenhouse gas emissions' (O'Loughlin 1990, p. 20). FOE expressed further disappointment that peace and disarmament issues had not been raised and said there may come a day when 'no-one will believe the environment groups, because they seem to end up always supporting the ALP anyway' (O'Loughlin 1990, p. 20). This was an echo of Wootten's warning three years earlier. FOE's interest in issues such as disarmament and nuclear power and its focus on climate change exacerbated its differences with ACF/TWS, which had an emphasis on traditional 'green' issues and the Indigenous issue of Coronation Hill. The FOE writer also claimed that the election did not have a single big issue to mark the difference between Labor and Liberal environment platforms.

There had been a significant change in Coalition environment policy between the 1987 and 1990 elections. Chris Puplick, the shadow environment minister at the time, believed there was a corporatist arrangement between ACF/TWS and the Labor government that he could not break. For the 1990 election, he had developed a very comprehensive policy. It emphasised land degradation, used the tax system to reward good environmental companies and punish the bad, protected flora and fauna, banned mining in Antarctica, and promised a 20 per cent cut in greenhouse emissions by 2000, which was more generous than the government's commitment (Kelly 1994, p. 535). Puplick pointed out that the Liberals were ahead of Labor on some issues such as carbon reduction targets, but they were stymied by Howard's focus on State's rights and the ACF/TWS emphasis on forestry and wilderness. In our interview, he claimed to be ahead of the Labor Party on 'global warming issues', 'on the Antarctic...and on whaling issues', but went on to say:

We were simply stuffed over the whole question of our attitude towards States' rights on issues of forestry. The environment movement was just totally focused on forestry – on Daintree, on World Heritage listing, tropical rainforest, Lemonthyme, south west Tasmanian forests. Partly because we had been so hobbled three years before by Howard's negative views in relation to States' rights, it was too difficult to get Peacock and the rest of them over the line for the 1990 election to demand that we overthrow our commitment to

States' rights and get back to supporting some serious interventionist issues which we had already pioneered (Puplick 2008).

However, Puplick also believed there was a close corporatist-style relationship between ACF/TWS and Labor that he could not break, and that ACF/TWS were not interested in political neutrality. He told me:

I just came to the view that by the time we had got to the 1990 election, it would not have mattered if I had promised to close down every coal mine in Australia, and abolish every motor vehicle on the road and fill in every mining shaft in the country, the organised environment movement would under no circumstances have said that was a good thing. I had come to the conclusion by the 1990 election that the organised environment movement was so irrevocably in the pocket of the Federal Government that it was a waste of time and effort even bothering. I thought Graham [Richardson] bought them lock stock and barrel (Puplick 2008).

The bitterness of Puplick's response is also related to his belief that Toyne had promised him and Andrew Peacock, the leader of the Coalition, that ACF would not take a position on the 1990 election. Toyne strongly rejected that any such promise was given (Puplick 2008; Toyne 2008; Kelly 1994). Both parties remained obdurate in their interpretations at the time I interviewed them. Regardless of this, the dispute confirms that Toyne was in a difficult position, walking a tightrope in negotiating with both parties who each had something to offer, attempting to maintain some neutrality and yet get a positive outcome for policy on Coronation Hill.

With the accession of Paul Keating to the prime ministership in 1991, not only did pressure to create a peak group cease, but corporatist-inspired thinking was no longer dominant in the Labor government view of its relationship with the environment organisations.

## **Summary**

I have argued that at the beginning of their relationship with the Hawke Government in 1983 the practices of ACF/TWS demonstrated a dual strategy of working outside government as well as an inside strategy of trying to engage, illustrated by their *modus operandi* in relation to their Franklin Dam campaign. I have also argued that the inside action of electoral endorsement at the culmination of that campaign was consistent with a dual strategy, because endorsement was based on judging the policies of the parties

and did not represent a loss of neutrality (as identified in the dual strategy of this thesis) or identification with the political party. ACF and TWS provided endorsement to Labor at the 1983, 1987 and 1990 elections. These three elections show that continual endorsement over time will become ineffective as the endorsing organisation is taken for granted. It also becomes more likely that the organisation may begin identifying their interests with that of the political party. The research material shows that by 1990 endorsement of Labor (even as a second preference) by ACF/TWS risked the problem of weakening the sector's strategic position and independence. The proposed Coronation Hill mine was a significant factor for both organisations at the 1990 election (see chapter 5). The endorsement at that time appears to have been influenced by perceptions of immediate policy advantage linked to the mine, and the failure of the Coalition to overthrow states-rights arguments in relation to environmental interventions. Longer term considerations appear to have been subordinated.

For most of the period of the Hawke governments, ACF/TWS and the government held different views as to the nature of their relationship and the context in which they were operating. ACF/TWS acted as if they thought they were in a context of pluralist advocacy in which unrestricted inside advocacy, backed by active outside actions, was appropriate. In contrast, the government believed the relationship was corporatist in nature and therefore expected more restrained inside behaviour and co-operation. This failure to hold similar viewpoints meant there were different approaches by the government and the NGOs that exacerbated misunderstandings.

The early period of the Hawke governments from 1983 to 1985 saw ACF/TWS trying to engage with a government that was preoccupied with major financial restructuring and that did not see environment as one of its core imperatives. Although ACF/TWS tried inside activity, they also focussed strongly on outside activities, especially in relation to the Wet Tropics, Tasmanian forests and Kakadu. This outside activity and the strong public support it generated gave ACF/TWS the political influence that attracted Richardson to working with them.

In their practice of inside and outside activities, ACF and TWS began to diverge from one another towards the end of the Hawke government. TWS showed concern to keep up their outside grassroots activism and to ensure that their engagement with

government was not at the expense of this outside activity, whereas ACF appeared to begin to identify more closely with government initiatives and to focus on inside initiatives with government. Public acknowledgement of this divergence by the two organisations was the decision by TWS not to participate in both the ESD process and the work of the RAC on the grounds that participation in these bureaucratic processes would take it away from its grassroots activism. In contrast, ACF participated in both.

In Australia during the 1980s, the activities of the environment sector, and particularly of ACF/TWS, were important in informing the public and politicians, and in bringing environment closer to the core imperatives of government. At the beginning of the decade, the environment was not regarded as a key issue for governments, but by 1990 it was perceived by electors as only second in importance to the economy. International trends of increasing environmental awareness were consistent with those in Australia as shown by the Brundtland Report<sup>18</sup>, and by international negotiations on issues such the ozone layer and climate change.<sup>19</sup> Nevertheless in Australia, ACF/TWS both created opportunities and reacted strategically to the politics of the day. The following chapter will more closely examine causes behind the change in environmental policy associated with the end of the Hawke government and the accession of the Keating Labor government.

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<sup>18</sup> The Brundtland Report, named after a former Norwegian prime minister who oversaw its development, was formally entitled, *Our Common Future*. After being delivered to the UN World Commission on Environment and Development in 1987, it became influential in introducing the concept of sustainable development and in elevating that concept to international importance.

<sup>19</sup> The *Vienna Convention for the Protection of the Ozone Layer* was agreed upon in 1985 and entered into force in 1988, while the Villach statement in 1985 was 'the first clear statement from the appropriate scientific authorities' that global climate change was happening (Lowe 1989, p. 4).

## **Chapter 5: Changes in the Relationship with the Labor.**

Following the 1990 election, commentators agreed that the contribution of ACF/TWS was the deciding factor in the win by Labor, and polling on election issues showed that the public rated the environment as second only to the economy. Also, during the election, Hawke and Richardson had embraced a polling strategy that was directed to the environment vote. However three years later in an election planning meeting for the 1993 election, Prime Minister Keating is reported to have walked into the meeting and made a comment along the lines, ‘this, this and this are the priority issues ... and the environment will NOT be one of the priority issues in this election’ (Lambert 2008).<sup>1</sup> How could such a dramatic change have taken place in Labor government orientation between the two elections in 1990 and 1993?

This chapter examines how ACF/TWS’s relationship with Labor changed towards the end of the Hawke government, and became one of government antagonism towards environmental NGOs during the Keating government. I argue that the seeds of change grew out of the dissatisfaction of some Hawke ministers with earlier cabinet decisions, culminating with the Coronation Hill issue and its aftermath. A causal link is proposed between Coronation Hill, and the development of the mining/energy lobby or ‘greenhouse mafia’ described by Guy Pearse (Pearse 2007). The vigorous public campaign mounted by this mining/energy lobby contributed to moving government support away from the environment. The accession of Paul Keating to power in 1991 accentuated a dramatic shift in governmental interest away from the issue. In a sense, the Keating government provided a transition period between the tendency to a corporatist outlook shown by the Hawke government and the implementation of policies consistent with public choice during the Howard government.

By the time Keating assumed the Labor leadership the relationship with ACF/TWS was under severe strain. Continuing endorsement of Labor by ACF/TWS had left the organisations open to criticism from both the wider NGO sector and the Opposition of being co-opted, less independent and having fewer advocacy options. Within cabinet,

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<sup>1</sup> Judy Lambert recalled this occasion from a period when she was representing Environment Minister Ros Kelly, after moving from a position as TWS lobbyist to consultant in the environment minister’s office.

there was also significant pressure from ministers sympathetic to neoliberalism to end the relationship.

## **Tensions in the Hawke Cabinet**

Neoliberal economic policies had always co-existed with the Hawke Government's corporatist-inspired aims in relation to ACF/TWS. The introduction of neoliberal economic thinking to Australian government monetary policy first became evident in the early years after the government came to power in 1983. This was at the trough of a recession that was Australia's worst economic downturn since the Great Depression of the 1930s. Floating the dollar in Labor's first year of government and deregulating the financial system were developments that were unforeseen prior to their election. Deregulation was a massive exercise in restructuring the Australian economy involving 'surrendering official control of the exchange rate, abolishing exchange control over movements of capital inside and outside Australia, deregulation of interest rates, and foreign bank entry' (Kelly 1994, p. 79). The negative effect of neoliberal thinking on the wider NGO community has been discussed in chapter 3 in relation to policies such as NPM that were begun before the Hawke government and continued through it. The effect of these policies on environmental NGOs was not immediately evident, because the practice of electoral endorsement by ACF/TWS dominated the relationship during the latter years of the Hawke prime ministership.

Chapter 4 outlined opposition to cabinet decisions by resource and economic ministers of a neoliberal persuasion, including decisions preventing sandmining at Shelbourne Bay and the rejection of the Helsham Inquiry findings in favour of the dissenting report on Tasmanian forestry. In both these decisions, the resource and finance ministers were overruled and became frustrated by the cabinet outcomes (Warhurst 2004, p. 169). A third decision, stopping a gold mine at Coronation Hill in Kakadu National Park, was even more significant in its implications. It not only divided cabinet, but saw Hawke overrule the majority of ministers, weakening him politically in caucus and cabinet to the extent that the decision has been described as 'the nail in his coffin' that led to his overthrow (Toyne 1994, p. 148). The decision is also significant because it encouraged the emergence of the carbon lobby. In turn, the carbon lobby developed close links to

think tanks such as the IPA, which promoted policies consistent with public choice and attacked the role of NGOs.

The main resource and finance ministers who were overruled in cabinet were Ministers Walsh, Dawkins, Button and, on occasion, Kerin and Cook (Economou 1992, p. 463; Richardson 1994, p. 260; Economou 1996, p. 14; Richardson 2008). Different combinations of these ministers acted in concert at different times. Probably the most consistent minister in this opposition group was Peter Walsh who in recent years has been closely associated with the ultra conservative Lavoisier Group: an organisation that exists to oppose climate change initiatives (Lavoisier Group 2009). In discussing ministerial opposition to environmental decisions, Hawke described Walsh as ‘the leader of the dries push...he was a Neanderthal basically’ and he said, ‘the economic dries...[were] always using the economic arguments against making what I could see as sensible environmental decisions’ (Hawke 2008). Similarly, although Richardson (2008) considered Button, Kerin and Cook as a group to be ‘pretty hard line’, he singled out, Walsh as ‘just against anything that looked remotely green; he hated it, and still does apparently’. Opposition from these ministers continued even when public opinion was in favour of taking positive environmental action (Richardson 1994).

Hawke maintains that his cabinet ‘always operated on the basis that the overwhelming majority of decisions were consensus decisions’ (Hawke 2008). In contrast, to this norm, however, the Coronation Hill mine was prevented from going ahead only by the prime minister using the full prestige of his office and abandoning his usual consensus style of Cabinet decision-making. Hawke insisted that he ‘allowed enormously long debate’, but that Coronation Hill was one of only two issues, ‘both to do with the environment’, in which cabinet ‘resisted’ his view (Hawke 2008). On this occasion, he took the unusual step of lobbying ministers beforehand and later leading the debate in cabinet. In describing this decision, Hawke (1994, p. 510) also said:

I did not have the numbers around the Cabinet table but I did have the authority of the prime ministership. My position on mining at Coronation Hill was accepted. This was comfortable for the more bitter of my opponents, who had the luxury of making it known that the decision represented the will of the Prime Minister and not the majority view of the Cabinet.

Hawke (2008) elaborated to me his feelings about this cabinet debate, saying,

I was in a very clear minority on that. I thought their arguments were pathetic on it. It was not just the environment, it was the environment argument and there was the Aboriginal sacred site argument.

He made a comparison with the Aboriginal belief of a serpent under Coronation Hill and Christian belief in the virgin birth and the holy trinity, which he found 'no easier to digest than the belief in the snake'. However, he emphasised that Aboriginal people did believe in it, 'and you've got to take that into account' (Hawke 2008).

The reaction of cabinet ministers and the mining industry to the Coronation Hill decision was remarkable. John Kerin, the Minister for Primary Industry and Energy, who had been overseas for the cabinet meeting, took the extreme step of breaking cabinet solidarity to criticise the decision publicly. The mining industry 'saw the decision as a test case' (Toyne 1994, p. 145). Managing Director of Western Mining Corporation, Hugh Morgan, referring to Aboriginal arguments against the mine, declared that Prime Minister Hawke had become a 'neo-pagan', and called for a counter attack on the 'religious crazies and green antimonians' 'who threaten our prosperity and eventually our survival' (Morgan 1991, p. 38). In the same vein, Sir Arvi Parvo, chairman of Western Mining Corporation, Alcoa and BHP, accused the government of making the decision 'on the basis of superstitions' (Kitney, G. 1991, p. 8). Gavin McDonald, the president of the Australian Mining Industry Council (AMIC) said that mineral investors would look to other countries to invest (Seccombe 1991, p. 5), and John Quinn, managing director of Newcrest Mining claimed that stopping the mine would 'send a clear signal to my company and to the mining industry to take its funds to countries with reliable and rational rules' (Kitney 1991, p. 8). AMIC claimed a reduction in the exploration zone of 98 per cent and depicted the decision as total capitulation to the conservation movement (Kelly 1994, p. 539). This was despite the fact that the deciding factors for the decision were based on Aboriginal concerns, not environmental protection. Hawke and Sir Arvi Parvo, whose friendship was well known, had an exchange in which Parvo said, 'I can't believe anything the government says anymore', to which Hawke responded saying that Parvo 'can't be trusted in terms of the relationship between the government and BHP' (Kelly 1994, pp. 539–540). The mining industry's bitterness as a result of the Coronation Hill decision was deep seated. In this context, there is a contrast between the energetic, emotive responses from ministers and industry, and, firstly, the decision's 75 per cent approval rating with the

public (Toyne 1994), and, secondly, its importance as the decisive issue in the ALP's 1990 election success (Kelly 1994). Despite the industry's strident claims that the decision would drastically cut back mining and drive away investment, Hamilton used ABS statistics to show that expenditure by the industry on exploration actually *increased* in the following years (Hamilton 1996, p. 16).

The reaction by ministers long frustrated by environmental decisions in the Hawke cabinet is significant. Although Hawke had always previously allowed his cabinet generous discussion, the ministers sympathetic to neoliberalism had not been able to win a number of arguments when Richardson was environment minister. The depth of these ministers' frustration is shown in the breaking of cabinet solidarity when the Coronation Hill decision was announced. The weakening of Hawke's power and the strengthening of Keating and ministers of a neoliberal persuasion meant that the relationship between government and ACF/TWS began to change after 1990 towards one of excluding environmental NGOs.

The reaction of industry to the Coronation Hill decision is also an important factor in the emergence of the carbon lobby or 'greenhouse mafia' who soon after began a campaign against any climate change action (Pearse 2007). I would argue that a link can be made between the industry's vitriolic response to the Coronation Hill decision and their sophisticated strategic organising on climate change that Guy Pearse (2005; 2007; 2009b) has documented. Pearse described the activities of the carbon lobby in great detail, but did not discuss its emergence. His only published reference was to say that the lobby began 'in the early 1990s' when climate change had 'emerged as an issue' (Pearse 2009b, p. 31). In 2005, Pearse interviewed 56 key leaders from seven industry organisations in order to examine business responses to climate change. These interviewees included representatives from mining, gas and forestry industry peak groups (Pearse 2005, 2007). He primarily focussed on how the lobby operated during the Howard years, not on how it arose. However, Pearse (2009a) has confirmed to me that he recalls his interviewees making specific reference to Coronation Hill on a number of occasions, and he is supportive of my interpretation of the key role Coronation Hill played in the emergence of this lobby group. It appears likely that the mining industry backlash against the decision, together with the rise of climate change

as an issue, may have led to longer-term proactive organising on the part of the carbon intensive industries.

The Coronation Hill decision united the mining industry against environmental issues, and around the same period cabinet considered specific proposals to limit carbon emissions. Although current public debate generally fails to mention it, climate change actually emerged as a public issue in the late 1980s both in Australia and internationally (Hamilton 2001, pp. 31-32). As noted in chapter 4, in 1989 Richardson took his first proposal to cabinet for reduction of carbon emissions based on the Toronto targets.<sup>2</sup> He was unsuccessful due to opposition from Keating and the resource and finance ministers. In our interview, Richardson (2008) claimed:

It's a really well kept secret. I actually went in and argued we should have cuts to greenhouse gases 20 years ago, and Keating and others just monstered me, as though I was some sort of complete idiot.

In Australian scientific and environmental circles, there was significant public interest in climate change in the late 1980s with a number of national conferences, book publications and reports in the media (Lowe 1989, pp. 5-7). Internationally, the 'most notable feature of these early years was the progressive position taken in the world community by the Australian Government' (Hamilton 2001, p. 32). In October, 1990, cabinet agreed to a similar proposal to Richardson's first submission, setting an interim planning target that aimed to reduce emissions by 20 per cent by 2005 on 1988 levels (Hamilton 2001, p. 32). However, it contained a vital caveat, 'as long as such action does not adversely affect economic development' (Balderstone 2008). This outcome might have satisfied the mining and carbon intensive industries, but it must have also alarmed them. They would have been well aware that the issue could re-emerge to threaten their industry.

Making a link between the industry reaction to the Coronation Hill decision and the rise of the 'greenhouse mafia' can contribute to an explanation for the change in public discourse on the environment that dates from the early 1990s. It is also relevant that there is a financial link between the carbon lobby that emerged in the 1990s and conservative think tanks, such as the IPA, which actively promoted public choice-inspired policies. The IPA was heavily dependent on mining industry funding (Cahill

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<sup>2</sup> The internationally agreed Toronto targets called for a 20 per cent reduction in greenhouse emissions by 2005 based on 1988 levels.

2002), and its major campaigns reflected support for the interests of the mining sector. The IPA mounted strong campaigns in support of nuclear energy and other mining sectors, and played a major role in decrying any scientific and community concerns in relation to climate change and the burning of fossil fuel (Moran 2005). Manning claims business provided at least a third of the IPA's funding and most of this was from the mining industry, with companies named as significant donors including Western Mining Corporation, BHP Billiton and Clough Engineering. Hugh Morgan, former CEO of Western Mining, has played an active part on the IPA board (Manning 2004, p. 285). Specific IPA campaigns directed against NGOs emerged at the end of the 1990s, but campaigns against environmental issues emerged much earlier. In 1990 the IPA was already claiming that 'the cost to Australia of meeting a target on the reduction of greenhouse gases being considered by both the Labor Party and the Liberal Party would be \$30 billion' (*Poor but green* 1990, p. 5), and that environmental restrictions were seriously delaying or causing the abandonment of development contract so that 'a more relaxed environmental policy could increase output by \$2.6 billion' (Hicks 1990, p. 18).

The extent to which ACF/TWS could have influenced events by acting differently is debatable. The international rise of neoliberal ideas in public policy during the 1980s was part of a political context over which NGOs had little control. The reaction by threatened economic interests may have been averted if the environment organisations had not shown their political power by contributing decisive support at elections, but the decade also saw environmentalism evolve into one of the core imperatives of governments. That emergence owes much to ACF/TWS, Richardson and Hawke changing the terms of political discourse and so affecting the content of public policy. I would argue that the divide in the Hawke cabinet over environmentalism was not just between those who saw electoral advantage and those who did not. It could also be represented as part of the battle for the idea of environmentalism as a core imperative of the state.

### **The Keating Government: Exclusion of Environmental NGOs**

The Keating government provided a transition period between the corporatist tendencies of the Hawke government and the implementation of policies consistent with public choice during the Howard government. The Hawke government's corporatist approach

gave way to the Keating government's introduction of a more adversarial style towards ACF/TWS and towards environmental policy generally. However, policies of the Keating government towards NGOs were not accompanied by a discourse that suggested public choice theory. Nevertheless, for ACF/TWS this was a time of antagonism towards them from the government of the day.

There was a growing neoliberal emphasis in the way New Public Management policies affected the whole NGO sector under Keating. As indicated in chapter 3, Considine (1996, p. 78) identified the implementation of these policies under Keating as being 'quite different' to that of the Hawke government. Although the Hawke administrations did introduce more 'program budgeting, corporate planning and financial management' into the public service, it was the Keating government that undertook a more radical market-oriented approach, 'cutting back the size and scope of public institutions, shifting functions into the private sector and using market methods inside public organisations', such that there was a restructuring of 'the way citizens, communities and clients' were managed by 'politicians and interest groups' (Considine 1996, p. 78).

The importance of individuals such as Graham Richardson in his role as faction leader and environment minister has been noted. Keating as prime minister is another case in point. The attitude of the prime minister is crucial to the promotion of any policy and in this case an important factor affecting the relationship was not change in the political party holding power, but change to a new prime minister from the same political party. Keating's attitude to environmentalism and environmental NGOs has been noted by scholars and activists as differing markedly from that of Hawke (Economou 1996, p. 17; Marr 2008). Economou argued that:

The ascendancy of Paul Keating to the Labor leadership fundamentally altered the critical political dynamics that [had] allowed the environment to become a major national issue (Economou 1996, p. 17).

Tensions within the Hawke cabinet saw Keating, as treasurer, become a 'leading voice amongst the economic "hard-heads" within cabinet', siding with ministers antagonistic to environmental issues (Economou 1996, pp. 17). The dichotomy between economic-resource issues and environmentalism was still strong in the 1990s before the economic importance of environmental action was established in policy debates. Economou also emphasised the difference between Hawke's favoured style of decision-making by

consensus and Keating's more adversarial stance, claiming that Keating was 'anxious to demonstrate a qualitative transformation in decision-making away from the slow consensualism that had gone on before' (Economou 1996, pp. 17-18). Keating's style was adversarial, which was welcomed by some in the Labor party tired of the time consensus politics exacted. It is likely that Keating also wished to differentiate his government from that of Hawke (Hamilton 2001, p. 34).

The public signs of Keating moving his government away from environmental initiatives came early in his term as prime minister, when he refused to attend a major international environmental conference. The UN Conference on Environment and Development, or the Rio Earth Summit as it became known, was held at the end of a decade of increasing international environmental awareness. It received huge public interest both in Australia and internationally. It was the first major UN conference at which a parallel civil society conference, a Global Forum, was also held and at which 2,400 NGOs were represented and 17,000 people participated. The Earth Summit itself was attended by 172 governments and produced five significant UN environmental agreements that continue to be relevant today.<sup>3</sup> One hundred and eight heads of state or government attended, including US President George Bush senior (UN Conference on Environment and Development 1992). Despite being urged to attend by environmentalists such as Judy Henderson, who was NGO environment representative in the government delegation, Australia's prime minister was notable in his absence (Henderson 2008). Australia had been an early leader in international forums addressing climate change. Commenting on this, and drawing attention to Keating's wish to differentiate himself from Hawke, Clive Hamilton suggests that:

The first signs of decay came with the elevation of Paul Keating to the prime ministership in 1991. While Bob Hawke had taken a strong personal interest in the environment, Keating, rejecting most things championed by Hawke, treated environmental issues with a dismissiveness bordering on contempt (Hamilton 2001, p. 34).

In our interview, Wilderness Society director, Alec Marr, accused Keating of choosing to neglect the significant electoral influence of environmental and green votes (Marr

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<sup>3</sup> These agreements were the Rio Declaration on Environment and Development, the UN Agenda 21 blueprint on sustainable development, the Convention on Biological Diversity, the UN Statement on Forest Principles, and the UN Framework Convention on Climate Change which evolved to become the Kyoto Protocol.

2008). Keating's victory speech on the evening of the 1993 election gave credit to the 'true believers' or traditional Labor supporters (Grattan & Colebatch 1993, p. 1). However, Marr (2008) asserted that in 1993 Keating was returned to government by preferences from the Australian Greens, which were operating at a national level for the first time. Marr (2008) claimed there were only 1,500 votes across a few seats that made the difference between winning and losing, and these votes could be identified as Green. Instead of rebuilding the environmental constituency after this election, Marr claimed Keating chose to neglect it and to become actively antagonist towards the environment organisations, rejecting their political influence. Marr described a caucus debate in 1995 at which Keating was reported to have spoken derisively about the environment organisations and to have claimed that they had nowhere to go other than to Labor so they could be ignored (Marr 2008).

Throughout his prime ministership, Keating's public actions appeared to actively disengage the Commonwealth from environmental policy. His reluctance to have the ESD process continue when he became prime minister, and his decision to ignore the ESD working groups' recommendations when they reported, has already been mentioned (Balderstone 2008). It is Keating's action on native forest protection that best illustrates this disengagement from responsibility for the environment, and it was the most important environment issue of his period as prime minister. Forestry issues had been at the heart of environmental concerns throughout the Hawke government. From the time of John Gorton, through the leadership of Whitlam, Fraser and Hawke, the Commonwealth had built up federal legislation to protect native forests (Ajani 2007, p. 6). In 1994, there was conflict between Environment Minister John Faulkner and Resources Minister David Beddall when Beddall increased woodchip quotas. Subsequently, Prime Minister Keating intervened to ensure that the Commonwealth relinquished responsibility for protection of native forests by handing all decision making to the states. This was despite a Newspoll at the time showing 80.3 per cent of Australians wanted native forest woodchipping to stop (Ajani 2007, p. 11). By the time this particular conflict arose, ACF and TWS were deeply disillusioned with the lack of support Keating showed for the environment. Marr (2008) claimed somewhat dramatically, that 'the Labor Party declared war on me, on the Wilderness Society and the forests'. The battle over increased woodchip licence allocations saw the forestry industry blockade Parliament House for days on end, meaning that the prime minister

and members had ‘to walk the gauntlet of big burly truck drivers who said Keating was selling them out’ (Parlane 2010). Linda Parlane, director of the peak state group now known as Environment Victoria, considers this experience to have had a significant influence on Keating and Labor at the time. ‘The idea that you were being stopped from getting into Parliament by your own constituency was deeply humiliating’ she claimed (Parlane 2010). TWS responded to the Commonwealth’s increased woodchip quotas with a vigorous, fiercely fought forestry campaign. Keating’s senior advisor, Don Watson (2002, p. 538), emphasised the importance of the conflict sparked by Beddall’s action, claiming:

The result was a debacle, the beginning of the end of the government’s relationship with the environment movement, a humiliation for the Prime Minister and an unimaginably splendid start for John Howard when in the New Year he became leader of the Opposition.

Economou (1996, pp. 17-18) may have described Keating as a ‘leading voice amongst the economic ‘hard-heads’ within cabinet’ against environmental action, but Labor advisors Balderstone (2008) and Emerson (2008) repeatedly claimed to me that Keating ‘was green’ and that his position as treasurer made it impossible for him to show his true colours. Judy Lambert also recalled that he supported Environment Minister Ros Kelly in the setting of very high standards for the approval of the Wesley Vale pulp mill that assisted in its demise<sup>4</sup> (Lambert 2008). Despite the public antagonism between Hawke and Keating, Hawke (2008) told me that in relation to environment issues, Keating ‘was never a real problem’. Richardson (2008) also described Keating as ‘being pretty good’ in Cabinet environment debates during Richardson’s term as minister, with the exception of debates on Kakadu Stage III and climate change.

However, all of these endorsements relate to Keating’s period as treasurer, not as prime minister. I would argue that Keating’s actions as prime minister speak louder than these endorsements. Richardson (2008) summed up the change after Keating became prime minister as Keating getting ‘brownier and brownier so to speak, so that by the ’96 election, there was nothing for the environment’. It is clear that during the period of

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<sup>4</sup> The Wesley Vale pulp mill was a kraft process paper pulp mill proposed for construction near Wesley Vale in northern Tasmania in the late 1980s.

Keating's leadership, the environment was actively removed from his government's agenda, which 'revolved more around his interest in matters to do with economic restructuring' (Economou 1996, p. 17). One possible interpretation is that Keating's different approach reflected a desire to differentiate his prime ministership from that of his political rival, Hawke, by championing different issues (Hamilton 2001, p. 34), however, Simon Balderstone (2008) (who is in the unique position of being the only advisor to have worked for both Hawke and Keating when each was prime minister) was adamant that this was not a motivating factor. Economou's (1996) description of Keating's adversarial style, and the frustration of some in the Labor party with the slowness of consensual politics provide a further rationale for why his position might have been different from that of Hawke's. Keating's sympathy towards the neoliberal values of the important economic and resource ministers, the co-ordinated backlash by industry and resource groups using neoliberal arguments, his adversarial personality, his frustration with consensual politics and perhaps a desire to differentiate himself from the Hawke government all appear to have combined to move Keating's sympathies, and those of his government, away from environmental initiatives. Keating's personal experience in being confronted by blockading truck drivers, whom he saw as his core blue-collar constituency, probably only served to reinforce his attitudes and those of his government against environmentalism.

Don Watson who was senior advisor, speechwriter and 'principal confidant' in Keating's office (Gordon 2011), reinforced the notion that the prime minister and his inner circle held an antagonistic attitude towards the environment organisations. Watson (2002, p. 539) used strong language to describe the behaviour of environment groups over forests saying:

[The environment groups'] carping pugnacious attitude doubtless found its justification in the 1990 election when green votes possibly decided the result. Thereafter, TWS became a species of woodland Trotskyist.

He also accused ACF of becoming the same 'woodland Trotskyist' (Watson 2002, p. 539). Both the fact that Watson chose to mostly ignore the environment as an issue in his recollections despite the important role of forest issues at that time, and the strength

of his language suggest an antagonistic attitude within Keating's inner circle that is consistent with Marr's (2008) interpretation.<sup>5</sup>

The beginning of this chapter recounted an incident when Prime Minister Keating was reported to have removed the environment as a priority issue in the 1993 election. Because of the close involvement of ACF/TWS at the previous two elections and their critical role in Labor's success in 1990, it is reasonable to assume that Keating's action in 1993 was also meant to exclude any relationship with the environment *organisations* during the election. His comment seems symbolic of the end of the Labor government's corporatist attitude to the environment organisations, which began with an election in 1983, was renewed with government enthusiasm at an election in 1987, and that saved the electoral fortunes of the Labor party in 1990. By 1993, corporatist initiatives towards environmental NGOs were finished and instead the exclusion of these groups was becoming the norm. Not only did the government's corporatist perspective towards environment NGOs end, but positive policy initiatives towards the environment were gone. Instead the Keating government distanced itself from environmental responsibilities. When reflecting to me on the Keating period, Richardson (2008) said, 'by the 1996 election we were not very green at all. We had moved back a long, long, long way'.

## **The Formation of the Australian Greens**

The emergence of the Australian Greens in 1992 was another important factor that contributed to the environmental NGOs losing their ability to exercise direct political pressure. Once they became a national political party, the Australian Greens had a significant effect on the relationship of ACF/TWS with the Labor Government. The rise of a new environmental world view was central to the creation of the Australian Greens (Warhurst 2004, p. 169). The increasing influence of neoliberalism within the Labor Party, as well as within the Liberal Party, inevitably reinforced the perception that the two major political parties were out of touch with an emerging ecological philosophy. It

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<sup>5</sup> Keating and Watson subsequently became estranged in what has been described as 'the most enduring, unexpected fallings-out in modern Australian political history' (Gordon 2011, p. 15). However, there is no doubt that during Keating's period as prime minister, Watson was the most important member of Keating's inner circle and the PM's 'personal confidant' - a relationship that still existed at the time he wrote the enclosed quote (Gordon 2011, p. 15).

was a world view that used ecological principles to analyse social, political and economic issues and it also included a pluralist role for NGOs (Lambert 2008).

Although the 1993 election was the first at which the Australian Greens appeared as a national party, its gestation had taken place during most of the 1980s. During that decade, small groups of political and environmental leaders discussed whether it was an appropriate time to form a party. In 1984, Petra Kelly, the German Greens parliamentarian on her second visit to Australia, urged Australian environmentalists to develop a national green political identity (Lohrey 2002, p. 29). However, none of the various initiatives during the 1980s resulted in a national green party. Instead, from 1984 various state Green parties began to form independently, so that by 1992 there were separate organisations in NSW, Queensland, SA, WA, Tasmania and Victoria (Lohrey 2002), which contested state and local government elections. The Tasmanian Green Independents gained the balance of power in 1989 and returned a Labor government after negotiating a Labor-Green Accord. However, it was not until August 1992 that a national organisation emerged (Lohrey 2002, p. 35), and it was the 1993 election at which the nationally federated Australian Greens first contested seats in the Parliament of Australia.

The significance of the entry of the unified Australian Greens into federal politics was described by Puplick (2008) as leading to a reduction in the influence that the environment NGOs had with the other political parties. The Australian Greens provided a natural home for the environment vote so, for Labor, obtaining the second preferences of the Australian Greens became far more valuable than any influence that the environment organisations could offer. Negotiating these preferences became the most significant imperative for political survival, rather than developing election promises consistent with the agenda of ACF/TWS. From the point of view of the environment organisations, it would have been inconsistent to recommend a primary vote for one of the major political parties when the Australian Greens' policies were so close to their own. At the same time, to recommend a second preference vote, as they did in the 1990 election, would cut across any preference deals negotiated by the Australian Greens.

The Australian Greens also represented a longer-term threat to the Labor Party because of their potential to take both votes and membership. Richardson (2008) and Emerson

(2008) assured me they were not trying to head off the formation of a national green party when they went into the relationship with ACF and TWS in 1987. Balderstone (2008) agreed with this interpretation in relation to his experience of the latter part of the relationship, and Lambert (2008) confirmed she had never heard talk of this motivation. This is despite the likelihood that the formation of a national green party would be at the expense of Labor electorally by taking primary votes and not necessarily delivering preferences to Labor. I always felt the potential formation of a green party was the ‘elephant in the room’ that was not specifically raised by Labor as I negotiated with them on environmental issues in the mid-1980s. On only one occasion did Richardson question me (prior to the 1987 election) as to Bob Brown’s intentions with regard to forming a party. Perhaps I misjudged the communication, but I believed that a green party was not something Richardson relished. However, in interviews for this thesis, ALP representatives claimed they were only looking for immediate electoral endorsement from ACF/TWS for the ALP at specific elections (Richardson 2008; Emerson 2008; Balderstone 2008).

Once a national party was formed, the Australian Greens demonstrated early that they could not only take votes away from Labor, but could also direct preferences to the Liberal Party and work in conjunction with Liberals in power. In 1995, the Queensland branch of the party directed preferences against the Goss Labor government towards the Liberal Party because of dissatisfaction with Goss’s environmental record. Goss survived with a one-seat majority on Australian Greens preferences where they had *not* been directed to the Opposition. In that election, the Australian Greens achieved an average vote of nearly 9 per cent state-wide, with percentages as high as 24 per cent in one seat. Not surprisingly, the Goss government greatly improved its environmental performance following the election (Lohrey 2002, p. 38). In 1996, the Tasmanian branch of the new party won the balance of power for the second time in their history, but on this occasion, they put the Liberal Party into power as a minority government after Labor declared it would rather go into opposition than into government with Australian Greens’ support. Despite tensions, the Tasmanian Liberal minority government supported by the Australian Greens was a productive two years that delivered gun control, gay law reform, an apology to the Stolen Generations, and a lower house vote in favour of a republic (Lohrey 2002, p. 38). In the 1980s, Labor should have feared the development of a national green party in relation to its electoral

impact on their fortunes. For Labor, it would have been advantageous to continue a corporatist relationship with ACF/TWS rather than facing the Australian Greens at elections. The argument for this is strengthened by poll results twenty years later as the Australian Greens continue to grow in influence. Currently, they hold the balance of power in the Senate, the balance of power and ministerial positions in the Tasmanian lower house, and they are beginning to challenge the Labor Party directly for federal lower house seats - as evidenced by the election of Adam Bandt to the lower house seat of Melbourne at the 2010 election.

Lambert raised the interesting conundrum as to whether the formation of the Australian Greens as a national party was accelerated by the environment organisations feeling shut out after Keating came to power and neoliberal-inspired policies became more dominant, or alternatively, whether perhaps the formation of the Australian Greens led to the environment organisations being shut out because Labor could now negotiate directly with the Australian Greens for preferences (Lambert 2008). It is possible both proposals have some validity. Either way, Puplick certainly believed the emergence of the Australian Greens in national politics was very important to the ACF/TWS relationship with the government, arguing that the development of the Australian Greens was ‘an absolutely critical factor’ in the environment movement losing its influence with Labor (Puplick 2008).

## **Summary**

The sudden change of government attitude towards the environment organisations, from support to antagonism, when Keating became prime minister, can be linked to growing frustration amongst ministers sympathetic to neoliberalism, to the influence of the mining lobby concerned about climate change and Coronation Hill, and to Keating’s personal attitude to environmental issues and ACF/TWS. At the same time, the rise of the Australian Greens as a national political party during this period affected the political landscape in ways that meant it was no longer appropriate for environment organisations to run marginal seat campaigns and direct votes, even if they had wanted to do so. The experience of environment groups was one of antagonism and exclusion from government processes, but the discourse was not one of public choice and neither

were there attempts by government to silence public advocacy. The context of the government's orientation to ACF/TWS during the Keating government can best be described as providing a transition between the corporatist tendencies of the Hawke government and the policies of the Howard government that were consistent with public choice. How the Howard government introduced these policies and the reactions of ACF/TWS within that context will be examined in the next chapter.

## Chapter 6: The Howard Coalition Government

When the Howard Government came to power, a representative of a social service peak group anonymously said:

I think there has definitely been reference to a hit list from the PM's office on groups that were not going to be supported under a Liberal Government. I will be frank about this, other peaks that were not necessarily very effective were not defunded, because either they were not seen as a threat, or they...were not functional...I guess if you look at the groups that went, they were groups that were either seen to be marginal...or they were seen to be a direct threat (Respondent 68 from Melville 2003, p. 48).

De-funding of groups within the wider NGO sector was the most striking phenomenon that occurred immediately following the election of the Coalition government in 1996. This was the beginning of federal government policies consistent with the logic of public choice theory, which dominated the experience of ACF/TWS and the wider NGO sector during the Howard governments.

### The New Hegemony of Public Choice

The wider politics of 1996 reflected the rise of Hansonism<sup>1</sup> and the insecurity attendant on economic globalisation. As protectionism was removed, resentment created by cuts to real wages and social services were exploited by Howard, who suggested that the problems faced by 'ordinary Australians' had arisen out of government listening to 'special interests' (Howard 1996). In deliberately setting out to appeal to a more 'comfortable' past, Howard sought to reposition NGOs as 'special interests' outside the mainstream and as the cause of social problems (Sawer 2002, p. 43). Sawer claimed that in so doing Howard drew on US Republican Party 'wedge politics' in which:

Suspensions, fears and resentments of differences are endorsed rather than allayed, and are turned against the pursuit of social justice or of more inclusive forms of democracy (Sawer 2002, p. 43).

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<sup>1</sup> Pauline Hanson was elected as an independent member of the Australian parliament at the 1996 election and made headlines with a maiden speech attacking immigration, particularly Asian immigration, multiculturalism and policies that supported Indigenous people. The following year, she formed her own One Nation Party that used populist nationalism to promote a similar agenda, as well as attacking free trade policies. Although the One Nation Party eventually collapsed, Hanson saw much of her conservative agenda reflected in the policies of the major parties, particularly the Liberal and National parties, which reacted to the electoral threat to them that One Nation was perceived to represent.

Sawer (2002) further argued that it was paradoxical that those whom Howard was blaming for the results of neoliberal free trade policies were, in the main, actually those who opposed the policies.

The shift in public discourse introduced by the first Howard government indicated a new hegemony reflecting the logic of public choice theory. References to the 'mainstream', 'ordinary Australians' and 'the Australian way' coupled with criticism of 'special interests', 'single issue groups', 'elites' and an emphasis on the need for 'accountability' were found in the speeches of the prime minister. It has also been noted that these references to 'special interests' were not aimed at the 'special interests' of business, which continued to gain access and influence (Hamilton & Maddison 2007, p. 84). These changes in public discourse were described as involving 'dog-whistling', a term in use in Australian politics since the mid-1990s (Steketee 1997). Dog whistling has been described as,

the art of sending coded or implicit messages to a select group of voters while keeping others in the dark. Just as a dog whistle can be heard by dogs but not humans, a dog whistle in politics can be heard by some members of the electorate but not others. Its key feature is *plausible deniability*: the dog whistler can say 'I didn't mean that, I meant this instead'. And it is usually a divisive or reactionary message that it conceals, one that would risk offending or scandalising more tolerant voters (Fear 2007, p. v).

In this instance, the message was intended to resonate with those who had been disadvantaged by economic globalisation by blaming that change on the very groups that provided opposition to it by defending equity in the community (Sawer 2002). While Howard's language was moderated by an alleged 'dog-whistling' strategy, a number of Coalition Senators including Eric Abetz and Brett Mason, soon emerged as more direct critics of NGO legitimacy (Abetz 2004; Mason 2004a; 2004b).

Throughout all the years of the four Howard governments, the wider NGO sector experienced repression consistent with this public choice context. In the weeks immediately after the election, several organisations faced de-funding, with claims that those affected were mostly public critics of the Coalition (Respondent 68 from Melville 2003, p. 48). Sawer (2002, p. 46) claimed that some of the poorest and least powerful of groups were targeted for de-funding, forced amalgamations between groups silenced alternative views as some specific interests were subsumed, and a general trend was to

target those whose advocacy did not fit with the government's family and moral agenda. Apart from de-funding, a key tool that was used to silence NGO advocacy was confidentiality clauses. These were to be found in the contracts of almost any group that accepted government funds and they restricted the NGOs' ability to speak to the media (Sawer 2002, p. 46).

For ACF/TWS, the election of the Coalition in 1996 continued the change in their relationship with government that had begun when Keating became prime minister in 1991. The Keating prime ministership had involved exclusion, lack of access and difficulty in maintaining an inside strategy. Yet even in light of this previous negative experience, ACF/TWS found the policies of the Howard government to be significantly more repressive. The relationship became one of a downward trajectory over the course of successive Howard governments, such that 'with each Coalition re-election, the Australian Conservation Foundation's relationship with the government deteriorated' (Pearse 2007, p. 27). During the same period, TWS faced more targeted attacks than any other NGO (Marr 2008), possibly because of its high political profile.

However, there was a significant and positive difference in how the environment sector was treated during the first term of the Howard Government compared with the rest of the NGO sector. This was due to the inside work of TWS Director Marr and the state conservation councils, whose negotiations with the Coalition prior to the election then flowed to the whole environmental NGO sector.<sup>2</sup> There was also a notable difference between ACF and TWS in the way each approached the 1996 election and in their relationship with the political parties.

TWS's election strategy was led by Marr, who displayed strategic foresight that provided the sector with breathing space and prevented the demolition of significant environmental gains achieved during the previous decade. In the months prior to the election, a series of inside negotiations with the major parties was initiated by Marr and the conservation councils that are the peak environment groups in each state. Linda Parlane represented the councils at many of those meetings as director of the Victorian

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<sup>2</sup> ACF did not play a proactive role, because it was experiencing internal instability with change of directors, and the organisation was not clear on its stance in relation to the political parties. See later discussion in this chapter.

peak conservation council, now known as Environment Victoria. Although she was critical of Marr's later leadership<sup>3</sup>, in our interview she gave a thoughtful appraisal of his actions in 1996. She described Marr as being a firm advocate for a non-partisan, neutral position towards political parties and someone who placed a strong emphasis on the merits of policy – a position this thesis describes as part of the neutrality of a dual strategy. She said that Marr was 'not someone who was going to be swayed by party politics or ideology' and that he was 'always very clear about good outcomes for conservation' such that it 'was his sole focus' (Parlane 2010). She claimed Marr 'was very clear sighted' about the fact that the environmental NGOs were not getting any support from the Labor Party and that they 'needed to negotiate with both sides of politics and see what [they] could get' (Parlane 2010). The position she describes is also consistent with her own neutral position towards the parties, and her focus on the need to judge political parties by their policies.

In our interview, Marr cited Keating's election night speech in 1993 (in which Keating had referred to a victory 'for the true believers') as excluding groups such as the environmental NGOs that had been alienated during the previous few years. Both Marr and Parlane emphasised the significance of the forestry campaign at the end of the Keating government and in the period leading up to the 1996 election when Resources Minister Beddall increased woodchip quotas. The environment groups had hoped that there was a 'chance of securing significant protection of forest areas all over Australia' but, by the time they were heading into the election, it was clear they 'were going to have almost nothing protected', due to 'the whole Labor Party approach, led by Keating' (Parlane 2010).

Labor's rejection of environmental interests during this period prior to the election focussed Marr and the environment councils on the need to negotiate with both political parties. In the months leading up to the election, meetings were held with both Labor and the Coalition at which the ACF, TWS and the environment councils were represented. Linda Parlane emphasised the different reception they received in meeting with Labor and Coalition leaders. She described how at the first meeting with David Kemp and the Coalition, Kemp conveyed the impression that the Coalition knew they

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<sup>3</sup> In 2010 Marr faced internal dissent from TWS campaigners and from a group of traditional supporters that eventually saw him leave the organisation.

needed to talk to the environment organisations. Parlane (2010) reported Kemp immediately asking, 'What do you want?' Both he and John Howard were very accommodating in meetings and negotiations were civil and businesslike. However, Parlane (2010) also recalled that the first meeting with Keating took place not long after the meeting with Howard and noted 'the contrast could not have been greater'. A number of environment organisations were involved, including ACF, TWS and the State environment councils. Keating kept them 'waiting for a couple of hours' and was 'incredibly rude'. The group was 'lined up along a hugely long table in the cabinet room or somewhere', and when Keating walked in he pointed at each representative saying, 'Don't like you. Don't like you. Don't know who you are. Don't like you. She's alright' (Parlane 2010). (The last was a reference to ACF Director Patricia Caswell, formerly from the ACTU.) In our interview many years later, Parlane was still amazed at such rude, unstatesmanlike behaviour saying that after all, 'it was the prime minister of the country dealing with a major interest group' (Parlane 2010). She saw the behaviour as a reflection of how Labor, and Keating in particular, had further hardened their attitude towards the environmental NGOs. It must be noted that the Coalition's accommodating attitude to the environment NGOs is in stark contrast to their approach to the rest of the NGO sector immediately after the election, and in contrast to their later practice towards the environment sector after the relationship broke down.

Labor under Keating displayed antagonism towards ACF/TWS, but Howard's 1995 speech and their personal experience in Canberra led Marr and the environment councils to believe that a Coalition victory might usher in a difficult time. De-funding of environmental and other NGOs appeared a possible outcome and they also feared that a number of significant environmental gains made during the Hawke years, including the operation of the World Heritage Convention in Australia would be overturned (Marr 2008, Parlane 2010). Marr claimed that most of the larger environment organisations, including ACF, wanted to lie low, disillusioned by the failure of Labor to support their issues, and holding out no hope that Labor might act on their behalf (Marr 2008). The State conservation councils, which represent hundreds of smaller organisations, were concerned about a number of national issues, such as forestry, and about their funding, known as Grants to Voluntary Environment and Heritage Organisations (GVEHO) sourced from the Federal Department of Environment and Heritage.

Some months prior to the election, TWS and the environment groups, sometimes joined by ACF, entered into a series of negotiations with David Kemp, an important Liberal powerbroker who was then Shadow Minister Assisting the Leader on Transition to Government (Marr 2008; Parlane 2010). The negotiators for the environmental organisations were successful with Kemp, obtaining a moratorium under which the Coalition agreed that, if elected, they would retain the GVEHO grants for at least the first term of a new government (Marr 2008; Parlane 2010). TWS also turned its attention to securing written guarantees that a series of previous mining decisions would not be overturned. These included Coronation Hill in Kakadu, Shelbourne Bay on Cape York and Shoalwater Bay in Queensland.<sup>4</sup> Prior to the election, Marr had only one meeting with Howard (Errington & Van Onselen 2008), but on that occasion Howard agreed that the Coalition would nominate the sub-Antarctic islands of Heard and Macquarie for World Heritage. Marr claims that he proposed this to Howard as a signal that the Coalition, if it came to power, would not attack the World Heritage Convention in Australia (Marr 2008). This had been a widely held fear amongst environmentalists following a decade and a half of attacks by Coalition MPs against the concept of World Heritage.

In return for gaining these inside concessions, TWS and the environment councils agreed not to undertake the outside action of running a public campaign against the Coalition at the impending election (Marr 2008). Once again, environment organisations used their ability to work outside government and mobilise the public as a negotiating tool in an inside electoral environment - in this case, by offering *to refrain* from using this tactic. However, Marr (2008) informed me that TWS was facing a severe financial crisis at the time and would not have been able to mount any sort of meaningful supporter response throughout marginal electorates, and the same was true for ACF (Yencken 2012). Nevertheless, they successfully kept the extent of their financial weakness from the Coalition during some high stakes negotiating (Henry 2008, Marr 2008).

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<sup>4</sup> Shoalwater Bay is 400,000 hectares of isolated coastal environments managed by the Defence Department. It was subject to a Commonwealth Commission of Inquiry in 1994 that recommended against sandmining and recognised its World Heritage values and environmental importance.

Although bipartisan negotiating is consistent with inside activity and neutrality based on policy that are advanced in this thesis, in this case negotiating had a particular twist. The Coalition wanted to avoid attacks from the environment organisations during the few weeks of the election campaign, while the environment groups sought to avoid the implementation of negative environmental policies that might result from an expected Coalition victory. The agreement was an acknowledgement by the Coalition of the power and influence of the environment organisations, particularly TWS, to implement an outside strategy mobilising public opinion. A corporatist relationship between a future government and the environment organisations was definitely not the intent of either side, and the interim nature of the agreement was shown when it broke down after eighteen months (following the government's regressive action on three environmental fronts). The unusual twist for an electoral negotiation was that instead of an agreement for the Coalition to implement policy, both the Coalition and environment groups agreed *not* to take specific actions.

In contrast to TWS, ACF faced internal struggles in determining what stance it would take at the 1996 election. Although current Executive Director Don Henry (2008) was not leading ACF in 1996, he looked back on the transition, saying diplomatically, 'We could have handled it better'. At the time of the election, ACF was experiencing much internal disruption and change of executive directors, as well as severe financial constraints (Yencken 2012). Patricia Caswell, formerly from the ACTU, who had very close Labor connections, left ACF following tension between her and the ACF Council.<sup>5</sup> Caswell was replaced by Jim Downey, an accountant from Far North Queensland, who had held the position of treasurer on the ACF council. During the election campaign, Howard announced the Coalition's intention to create a National Heritage Trust that would be funded out of the sale of Telstra, and that would use its money for environmental projects. TWS, the environment councils, and Downey, representing ACF, 'responded really positively to the announcement' and commended the injection of funds into environmental activities (Parlane 2010). However, Parlane (2010) recalled that 'all hell broke loose for the ACF' when the Labor Party objected to

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<sup>5</sup> Much of this conflict appeared to stem from cultural differences between trade union and environment movement ways of operating, See also the concluding chapter on the question of appointing NGO leaders from the ranks of practising political party operatives and its effect on neutrality towards political parties.

the ACF ‘supporting positively something the Liberal Party had said’. Parlane claimed that Downey, who was very new to the position of director, was overwhelmed by personal pressure from Labor. ‘He got flown up to Cape York with Keating’ and on the ABC’s 7:30 report ‘was portrayed as coming to town to sort out the rest of the environment movement to have them support Labor’ (Parlane 2010). This point in the election campaign represented a difference in position between ACF and TWS (and the rest of the environment movement) - the first time in thirteen years that the two national environmental NGOs had differed in this way. Parlane (2010) claimed that ‘everybody else, except ACF, was reasonably strong that we were not going to support the Labor Party - if we were going to support anybody’, and she emphasised that, ‘everybody else got right behind Alec [Marr]’ who continued to remind the environmental NGOs about the recent failure of Labor on forests. ‘His line in referring to the Labor Party’s behaviour on forests was “You don’t reward bad behaviour”’ (Parlane 2010).

ACF ‘was certainly in turmoil over the Caswell/Downey years’ according to David Yencken (2012), who became president towards the end of Caswell’s term. This turmoil was demonstrated by internal division at the 1996 election on the question of whether to endorse Labor. Although Downey promoted endorsement of Labor, he was not supported by his president, Yencken (2012), who ‘argued strongly against it’ and gained the support of his vice presidents, Penny Figgis and Peter Brotherton, for a neutral position towards the parties. ACF Council agreed to take the question to the membership, with Downey putting the case for ACF endorsement of Labor, and Yencken, supported by Figgis and Brotherton, providing the case against any endorsement of a political party. Yencken claimed the membership showed ‘clear support’ for the position of no endorsement. However, both sides to the dispute agreed ‘that it was appropriate to rate and publish ratings of the environmental policies of the various parties’ (Yencken 2012).

The difference between ACF’s official stance *not* to endorse Labor or any party, and the media portrayal of Downey as rallying support *for* Labor on the ABC’s 7:30 Report, emphasised the lack of cohesion within ACF. The result was that ACF did not present a strong clear message to the general public as to its position. Internally, many in the organisation found it difficult to adjust political strategies after thirteen years of dealing with Labor governments, despite the lack of progress under Keating and a recent lack of

access for lobbying. Among the staff and council there were few people who remembered working with a government that was not Labor. Henry (2008) reflected on the period saying, 'it is very easy when you are an environment group, to get used to a certain *modus operandus*,[sic] and when there is a change of government just keep doing it'.

Despite Alec Marr's positive role in preserving funding for environmental NGOs, protecting some iconic gains of the previous decade, and securing reasonable funding for the implementation of a major regional agreement between Indigenous, pastoral and environmental interests known as the Cape York Peninsula Heads of Agreement,<sup>6</sup> his relationship with ACF was very strained during the period of transition to a Coalition government (Marr 2008). Although Yencken's leadership ensured that ACF acted on policy considerations and did not endorse a political party, Marr believed that the gains achieved during the Hawke years had persuaded many in ACF, and some other environment organisations, that their interests lay with the Labor Party (Marr 2008). By the 1996 election, TWS had moved away from its former relationship with Labor, but ACF was still struggling with the past. This election demonstrates clearly that transitions to new governments are critical times and emphasises the need for NGOs to have 'neutral' relationships in their inside dealings with political parties, based solely on policy considerations.

After the 1996 election, Marr (2008) had six significant meetings with Howard in the government's first twelve months, all of which lasted from one to two hours and three of which involved only him, Howard and a note taker. Marr was under no illusion that Howard, or the Coalition under his leadership, were sympathetic to TWS or interested in a long-term relationship. From Marr's point of view, the negotiations were mostly aimed at avoiding attacks on the environment sector and preventing the overturning of

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<sup>6</sup> The Cape York Heads of Agreement was an agreement between the Cape York Land Council (CYLC), the Peninsula Regional Council of the Aboriginal and Torres Strait Islander Commission (ATSIC), the Cattlemen's Union of Australia Inc (CU), the Australian Conservation Foundation (ACF), and The Wilderness Society (TWS) that took a number of years to negotiate because of the historical antagonism between the parties. It was signed in February 1996 during the 1996 election campaign. Both Labor and the Coalition agreed to support the Agreement financially, although initially Labor was less than generous. Marr's intervention secured a \$40 million commitment from the Coalition that Labor felt obliged to match. The Agreement allowed for Commonwealth financial support to purchase commercially unviable Cape York pastoral properties, in order to place them under Aboriginal ownership, and with environmental management regimes.

previous environmental gains. The nature of the agenda was in stark contrast to negotiations a decade earlier with Richardson and Hawke when discussions included only positive gains. Marr was disparaging in his assessment of Howard's vision, emphasising that his personal meetings with Howard only confirmed to him the narrowness of the PM's perspective, and that, despite talking to Marr, the PM was open to joining with the ideologues in his party if that furthered his personal position (Marr 2008).

In assessing the first term of the new government, Marr (2008) emphasised the importance of the proactive, inside action of securing a reprieve for the environment organisations, saying:

The first term of Howard was pretty mild if you look across the board at most issues...They left the GVEHO alone. They left advocacy in the environment movement alone. I don't know what they were doing in some of the other constituencies, but certainly, by and large, things were better...than they would have been if the environment movement had not crunched gears in the six months before they took over.

Also commenting on the period, Parlane (2010) remarked that, 'at least we were not going any further backwards than we had under Labor, that's for sure'. The environment organisations would have preferred David Kemp to become environment minister because he was the person with whom they had negotiated the pre-election agreements. Nevertheless, the appointment of Senator Hill proved to be a workable compromise, and GVEHO grants continued to the State conservation councils, the sub-Antarctic Islands of Heard and Macquarie were listed for World Heritage, there was some small progress on implementing the Cape York Peninsula Heads of Agreement and there was no wind-back of key gains made under Labor. Hill also tried to help on intransigent Tasmanian forestry issues and brought in Howard, which resulted in TWS meeting repeatedly with the prime minister in that first term of government (Marr 2008).

Consistent with a public choice orientation of government, a shift in the relationship with the Coalition first appeared over the question of advocacy. The experience of ACF's Don Henry is indicative of how the break with the government began to take place. Senator Hill was remembered as a relatively benign environment minister who was pleasant to deal with and who tried to fulfil the obligations of his portfolio (Marr

2008; Henry 2008). He was generally considered to be a 'moderate' in the Liberal Party (Errington & Van Onselen 2008, p. 197) and was generous in providing access for ACF and TWS. However, Henry recalled that Hill was not open to ACF having a public advocacy role and reported that Hill told ACF they would not get far with the government by expressing opposition to any government policy. Henry's judgment was different. He believed that if they had 'stepped back from staunch defence there's a chance Jabiluka would be an active mine today' and while they 'might have gained greater access, it would not have necessarily benefited the environment' (Henry 2008). Henry's assessment of Coalition attitudes to ACF is supported by Pearse. As a postgraduate student at the Kennedy School in 1994, Pearse (2007, p. 11) proposed conducting a survey of Coalition MPs in conjunction with ACF to find the most promising areas of common ground in preparation for when the Coalition came to office. The project was aborted by opposition from Coalition MPs such as Peter McGauran, Eric Abetz, Richard Alston, and Rod Kemp, (who was shadow environment minister at the time). As early as 1994, none of these MPs would countenance the Coalition being involved in anything associated with an NGO such as ACF. A decade later in 2004, when Pearse (2007, pp. 28–29) considered doing a consultancy for the ACF to help them better understand how to present the organisation to government, he found the task was impossible:

The environment minister [Ian Campbell] had no time for the ACF or most other environmental groups...Campbell and most of his colleagues saw them as biased against the government, and impossible to work with. As far as he was concerned, the ACF was 'in the freezer indefinitely'...The game was fixed against them.

In our interview, Henry (2008) made a comparison between the US situation and the Australian government-NGO relationships in 1998. In that year Henry returned to Australia to take up the position of executive director at ACF after almost a decade working in Washington for the WWF. He found there was much stronger antagonism towards NGOs (consistent with a public choice perspective) in the Australian government than he had expected, and that the public discourse on the environment was weak and unfocussed, with shallow media coverage. In the US at the time, views attacking NGO advocacy, expressed in what was termed 'neo-con' thinking, were viewed as extremist, particularly any suggestion that NGOs did not have an active role to play in public policy (Henry 2008). It would seem that in 1998, the rhetoric of public

choice in the US was confined to a small minority, and pluralism still held sway in the majority of the polity. Henry (2008), whose early environmental experience had been in Queensland under Premier Bjelke-Petersen, was shocked to find policy consistent with a public choice view that excluded advocacy to be ‘much more mainstream’ in Australia, and he said:

With Clinton and Gore there was a much more informed discourse. I found it surprising how dismissive the Coalition was of environment voices and concerns. Coming from Queensland, even at the toughest times of Bjelke-Petersen when there was a very strong anti-environment streak, there was always a range of people still interested in environment issues. They would not get up through cabinet but you would have a discourse there.

## **Collapse of the Relationship with Government**

It was some eighteen months into the Howard government and Senator Hill’s time as minister that the relationship of government with the environment organisations broke down. There were three major decisions that led to the collapse: commitments to purchase land under the Cape York Peninsula Heads of Agreement were overturned following advice from the Department of Prime Minister and Cabinet; the Commonwealth gave millions of dollars to Tasmania under the Regional Forest Agreements without any guarantees that it would be used for protection; and the Jabiluka Mine<sup>7</sup> in the Northern Territory was given approval to proceed (Hogarth 1998, p. 11; Marr 2008). From that time, outside activities began to dominate the strategies of the two environment organisations. TWS and its National Director Alec Marr had almost no direct contact with the government on issues of significance (Marr 2008), and ACF began to turn its attention to mobilising public support among the community and business interests, rather than to lobbying the government (Henry 2008).

It was also about this time that a lack of solidarity in the wider environment sector became evident following the government’s introduction of the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*. WWF, the Humane Society International (HSI), the Queensland Conservation Council (QCC) and the Tasmanian Conservation Trust (TCT) split with the remainder of the environment sector and

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<sup>7</sup> Jabiluka is a uranium deposit in the Northern Territory on the land of the Mirarr Aboriginal people that is surrounded by Kakadu national Park. The Mirarr led opposition to any development following this announcement and were strongly supported by environment groups.

supported the government's introduction of the legislation (Hamilton & Macintosh 2004, p. vii). On this occasion ACF and TWS held a joint position critical of the government and put out a media release with Greenpeace entitled, '82 Reasons Why the New Environment Legislation is Bad for the Environment' (The Wilderness Society, Australian Conservation Foundation & Greenpeace 1999).

Despite the collapse in the relationship with the government, and despite the ministers' public choice perspectives, both ACF and TWS acknowledged the competence of ministers prior to 2004 (Henry 2008; Marr 2008). In 2001, Senator Hill was replaced as environment minister by Rod Kemp who was remembered by TWS and ACF as a competent minister who read his briefs, was on top of his portfolio, understood policy, and even tried unsuccessfully to have the government take action on climate change. However, he was overturned by Prime Minister Howard, who was intransigent on the latter issue (Henry 2008; Marr 2008; Tupper 2008). Despite Kemp's ministerial competence, however it was during his term as environment minister that the government took two significant actions aimed at stopping NGO advocacy. They were, firstly, the introduction of a *Bill for an Act to define charities and charitable purpose, and for related purposes, 2003* (Charities Bill 2003), with an associated *Consultation on the Definition of a Charity* by the Board of Taxation (Board of Taxation 2004), and secondly, a consultancy given to the IPA to inquire into NGOs' relationships with government that produced *The Protocol: Managing Relations with NGOs* (Johns & Roskam 2004).

The so-called *Charities Bill 2003* was 'clearly influenced by public choice assumptions' (Mendes 2007, p. 6). Ostensibly, the Bill sought to define charities and charitable purposes, but it soon became clear that the definition of a charity was likely to have implications related to tax deductibility for NGOs involved in lobbying on any government policy. Historically, Commonwealth taxation legislation that refers to charities had been applied to a wide range of nonprofit organisations receiving tax or other concessions, and had included groups active in environmental issues, health, education, social or community welfare, childcare, religion, culture, civil and human rights, reconciliation, public safety and animal welfare. At the same time as he released the draft *Charities Bill*, the treasurer referred it to the Board of Taxation for consultation as to its 'workability' (Board of Taxation 2004). The NGO sector was galvanised and

255 submissions were received, almost entirely from NGOs, and particularly from the social service sector. These groups were unanimous in their view that advocacy should be recognised as an integral activity undertaken by NGOs, and should not be regarded as an exclusion (Board of Taxation 2004). In reporting, the Board of Taxation recognised that there were many aspects of the Bill that were unworkable and recommended some changes and clarification. The 2004 election was imminent, however, and with significant opposition from NGOs, including many churches, and in light of the recommendations from the Board of Taxation, the government judged that on balance it served the government best not to pursue the issue.

At the same time that the *Charities Bill 2003* and the Board of Taxation Inquiry were in the public arena, however, the government also gave a consultancy to the IPA to inquire into NGOs' relationship with government. The consultancy was 'a bid to introduce new rules on access to government departments based on competence and "acceptability" to the Coalition' (Shanahan 2003, p. 5). Adele Horin (2003, p. 37) in the *Sydney Morning Herald* wrote:

There can be no pretence it will be dispassionate. It is like asking ACOSS to review social security payments, or the Business Council of Australia to investigate corporate tax law. Johns and the IPA are part of a neo-conservative world wide backlash against NGOs, especially those involved in human rights, and environmental and social justice issues.

Director of the IPA's NGO Project, Gary Johns, headed the inquiry. It was widely known that the IPA was 'a trenchant critic of NGOs' (Shanahan 2003, p. 5) and that Johns had publicly accused the Keating government of being captured by 'special interests', which he had identified as 'Greens, gays, feminists, ethnics and the disabled' (Warhurst 1998, p. 3). The idea for *The Protocol*, as the IPA report was called, was initiated by the IPA and 'the Commonwealth was approached to see if it was interested' (Johns 2003, p. 29). National Audit Office guidelines require that when the government engages consultants it must determine the selection criteria and document the evaluation to ensure that the chosen consultants are of appropriate quality and that the process is transparent. In this case, however, there was no tender and no public announcement (Manning 2004). The irony of the IPA, (which did not disclose its donors), contracting in secret to monitor NGOs for their transparency and accountability seems to have been lost on both government and IPA. ABC Radio National's *Background Briefing* pointed

out that the IPA website declared it did not accept government funding at the same time as it was undertaking this \$50,000 contract, and that it actively engaged in public debate against NGOs on the government's *Charities Bill*, while it was working on the same contract (*NGOs Watching NGOs* 2004).

*The Protocol* contained many recommendations previously promoted by Johns in IPA publications related to its NGO Project. Threaded throughout was a public choice perspective and the implication that NGOs had too much policy influence or 'special status' (Johns & Roskam 2004). The report contained no reference to a pluralist model of NGO representation, nor any reference to corporate influence on public policy. *The Protocol* was presented to the government in the election year of 2004 and, perhaps for this reason, received a non-committal response from the relevant minister. However, *The Protocol* can still be seen as a guide for many of the repressive measures that arose in the final term of the Howard government. It foreshadowed various taxation measures against NGOs implemented by the ATO, and it also foreshadowed legislation later introduced by Senator Eric Abetz requiring NGOs to report to government on their activities. The commissioning of *The Protocol* highlighted the links between the Howard government and the IPA and destroyed any pretence that the government was conducting an accountable and independent policy review process.

In our interview, Marr (2008) went much further in discussing the significance of *The Protocol*. He claimed that research associated with the consultancy was a means to gain information that was later used elsewhere against NGOs. As part of research for *The Protocol*, the IPA was given access to donation information for the entire charitable sector, including the names of individual and group donors. Marr claimed this provided the IPA with a wealth of information, not only on the finances of NGOs, but about the individuals and the organisational networks of the sector. He claimed that this breached the confidentiality of NGOs' records and he had feared that this information could be used elsewhere, including being passed on by the IPA to industry representatives antagonistic to TWS (Marr 2008). The attacks on public advocacy in the *Charities Bill 2003* and *The Protocol* foreshadowed more difficult times to come after the 2004 election for NGOs generally, and for the environment NGOs in particular.

## **NGO Responses to Public Choice Policies**

Both ACF and TWS had the inside component of their activities break down under a government that demonstrated a determined public choice perspective in its policies and practice. In particular, TWS faced concerted government and industry attacks forcing it into a defensive mode. TWS's strategy focussed on activities outside government and Marr claimed to have rarely set foot inside Parliament House once the relationship collapsed (Marr 2008). TWS's responses reflected a more confrontational style than ACF as it countered the government's policies and initiatives directed against the organisation. The difference between the two organisations owes something to the personalities of their respective leaders, and something to the history of the organisations. TWS took the lead in the early days of the Howard government in negotiating with the Coalition. Its director, Marr, was identified as a tough political player able to negotiate in private meetings with the prime minister. These two factors may have singled out TWS for attack when the relationship soured (Marr 2008). Whatever the cause, TWS had little option but to respond. This included taking legal challenges against government decisions, but most of its defensive work required taking action in the court of public opinion. Because TWS was forced into defending itself rather than choosing to enter into a relationship with government, it is reasonable to characterise TWS's tactics at this time as primarily focussed on outside activities

It took some time for ACF to recover from its internal disputation during the 1996 election and the new situation of a Coalition government. Between 1995 and 1998, ACF leaders changed in rapid succession from Patricia Caswell to Jim Downey to Don Henry. Henry brought a fresh perspective with him from his experience in the US with the WWF, but he also had to adjust to the Australian situation and the new reality of a government pursuing policies inimical to NGO advocacy. Once settled in his new position, Henry described the process he undertook as 'trying to embed environment across society' (Henry 2008), first by reaching out to other key parts of the NGO sector, then by developing alliances with other parts of society.

Henry was assisted in this process by the timely formation of the Australian Collaboration, which was an initiative of Yencken, who described its formation:

The idea of the formation of a body such as the Australian Collaboration had been in the back of my mind for a while. When I had the time available a year or two after having left the ACF presidency, I approached the heads of some five bodies,...all of whom replied enthusiastically. The initial group was then expanded out to eight bodies, now seven since the demise of ATSIC [Aboriginal and Torres Strait Islander Commission] (Yencken 2012).<sup>8</sup>

The Collaboration was quickly seen by the ACF as a valuable opportunity for developing links, and possibly co-operative alliances, with other major NGOs that were non-profit and concerned with advocacy in the public interest. It was also consistent with ACF's policy of reaching out to civil society.<sup>9</sup> Although primarily a think tank, the Australian Collaboration served to strengthen bonds between the leaders of the wider NGO sector. As a result, ACF made strong links with the development sector, social services and consumer sectors that saw numerous joint statements on issues of mutual interest. The Collaboration was not only helpful in facilitating Henry's aim to embed environment across other NGO sectors, but also helped avoid potential clashes in policy between sectors on key issues (Henry 2008). It was able to defend an important principle of a dual strategy - that action should not weaken the organisation itself, nor the sector. It ensured that the government could not drive a wedge between organisations that had the potential to hold different positions. Some years later, for example, ACF, CHOICE and ACOSS might have taken different positions on proposals for a price on carbon. Instead, a media release was released by the three NGOs on the need to assist low income consumers when an emissions trading scheme was developed (Australian Conservation Foundation, CHOICE & Australian Council of Social Service 2007a), together with a joint statement that expanded on their arguments (Australian Conservation Foundation, CHOICE & Australian Council of Social Service 2007b). The three organisations later built on this work to produce a brochure in which they took a united position on the need for action on climate change (Australian Conservation Foundation, CHOICE and Australian Council of Social Service 2008). The longer term result was that each organisation incorporated the values expressed in their joint publications into their positions on climate change action.

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<sup>8</sup> See footnote 1 on page 11 for the groups currently having membership of the Australian Collaboration.

<sup>9</sup> The National Roundtable of Nonprofit Organisations was another proactive response, which ACF joined. However, the Roundtable was used primarily by the wider sector for the inside activity of speaking to government, and provided the function of protecting individual members from becoming targets for government attack. See chapter 3.

Henry's move to reach out to the wider community to further 'embed environment across society' was a significant change of direction for ACF towards outside activities (Henry 2008). From the early 1990s, the organisation had slowly developed more reliance on inside activities and was moving away from a balanced dual strategy of both inside and outside activities. State chapters made up of local members were largely abandoned and State offices were closed when financial constraints required cutbacks – a change that diminished the organisation's outside perspective. At the same time, the inside activity of seeking to work closely with government, which had reached its peak with the Toyne-Balderstone relationship, had continued with the appointment of Caswell from the ACTU who was close to Labor. The new ACF policy under the Howard government took it away from inside activities.

Following this change of direction, ACF established separate alliances with doctors and with unions (Henry 2008). However, the most significant alliance it established was with the business community in the Australian Business Roundtable on Climate Change set up in 2004. The Roundtable brought together six of Australia's largest businesses from a cross-section of industries. They were BP, Insurance Australia Group, Origin Energy, Swiss Re, Visy Industries, and Westpac, together with ACF. Henry claimed he encouraged the business members of the Roundtable to drive the agenda and he did not feature as a spokesperson. The aim of the alliance was 'to advance understanding of the business risks and opportunities associated with climate change and to work co-operatively on solutions to the issue' (Australian Business Roundtable on Climate Change 2006). ACF ensured that the representatives of the six business members were either CEOs or very senior representatives of the companies. As part of its work, the Roundtable commissioned the CSIRO to quantify the impacts of climate change on Australia. The Allen Consulting Group also provided economic modelling that detailed the cost to Australia of substantially reducing greenhouse gas emissions as part of an international response, as well as the comparative costs of early and delayed action (Australian Business Roundtable on Climate Change 2006). In the first half of 2006, the Roundtable produced strong recommendations based on this research. These recommendations were published widely and were taken up by the business press (Henry 2008). But the value of the work of the Roundtable was not simply in its formal recommendations and media work. It was also to engage with influential members of the business community, a number of whom became enthusiastic advocates within their

own networks and with their associates (Henry 2008). The influence of this work is difficult to quantify; however, it is reasonable to assume that the CEOs or senior executives of the five businesses would move in influential circles that were not part of ACF's traditional base. Thus, when excluded from an inside role in the public policy process, ACF developed a new and creative outside strategy to influence the climate change debate by a different means.

A strategy of working outside government was also evident when ACF joined with former US Vice President, Al Gore, to sponsor his Climate Project in Australia. Having reached out to the wider NGO sector, to doctors, unions, and the corporate sector, this initiative then moved ACF's efforts towards influencing individual citizens. Gore's organisation aimed to harness the power of mass mobilisation by expanding the message of his film *An Inconvenient Truth*. Gore personally trains volunteers who then go out and deliver the message in public speaking engagements. ACF linked up with Gore in 2006 to form Climate Project Australia as a nonprofit organisation. Internationally, Gore's organisation claims to have more than 3,000 diverse volunteers delivering the message. In Australia, Climate Project Australia has 452 trained volunteers from all walks of life, and the group now claims to have delivered a presentation to one in 70 Australians (Climate Project Australia 2010). ACF's close involvement with the Climate Project was consistent with the strategy of 'embedding environment across society'. It aimed to change public opinion on climate change by mobilising speakers who would reach a wide variety of audiences at a grassroots level. The choice of volunteers was intended to ensure that the audiences they might address included many communities that ACF alone was unlikely to contact (Henry 2008). Gore's high profile assisted the project in publicity, in attracting volunteers to be trained and in having a wide variety of groups request speakers from Climate Project Australia. This outside strategy furthered ACF's aims and was a positive response to the government's antagonism.

Another outside environment sector response was the formation of a co-operative alliance that avoided the corporatist disadvantages of a peak body, and that focussed on capacity building. In 1999, environment groups met at Mittagong near the home of Peter Garrett (then the President of ACF) and agreed to create a co-operative alliance

they named the Mittagong Forum. The Forum co-ordinator described the participants as:

Decision makers in key peak environmental organisations in Australia, representing organisations such as ACF, Greenpeace, World Wide Fund for Nature [WWF], the State Conservation Councils, and specialist issue and regional groups from around the country (MacMaster 2004, p. 6).

The major national groups funded their own involvement in the meetings, while a grant from the Poola Foundation supported the attendance of other groups and the employment of a co-ordinator. The Forum aimed to increase communication and co-operation throughout the NGO environment sector, as well as provide capacity building skills. Unlike traditional peak groups such as ACOSS and ACFID, it did not develop joint policy or provide a voice to government from the member organisations, and neither did it maintain staff other than one part-time co-ordinator, nor undertake research unless by collaboration amongst members (MacMaster 2004). The Forum's model of not undertaking direct public advocacy is the factor that set it apart from peak groups and it is also this factor that meant it was not in a position to enter into corporatist relationships with government. In every other way, it fulfilled functions familiar to a peak body. Soon after its formation, a lack of solidarity in the sector became evident with the introduction of the *Environment Protection and Biodiversity Conservation Act (EPBC Act)* when a number of groups split with the remainder of the sector and supported the government over the legislation (Hamilton & Macintosh 2004, p. vii). It is claimed that the Forum became an important mechanism to manage that split and minimise the fallout from it (Alexander 2010).<sup>10</sup>

One of the first tasks the Forum undertook was a major capacity building exercise with its member groups over a two-year period, focussing on governance skills. Although it did not develop united policy positions, regular quarterly meetings provided an opportunity for the groups to share information on campaigns, and on the activities of government. The meetings also included comparing and discussing responses to government, deciding on shared tasks in relation to mutual concerns, and hearing from

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<sup>10</sup> Of the two conservation councils that supported the legislation, one later withdrew their support and the other resolved that in future they would negotiate their positions on such issues in coalition with other groups. Although WWF and the Humane Society International left the Forum some years later, Karen Alexander, who has held senior positions in both ACF and TWS, claimed that at the time it provided an important space for confronting the lack of solidarity and minimising political damage to the sector (Alexander 2010).

experts in various fields who could bring different perspectives to the discussion (Alexander 2010). The Forum's particular value was that it was intended to provide a place for reflection on strategy, for nurturing leadership and for strengthening skills across the environment sector (Alexander 2010; Fisher 2010). In 2004, Kate MacMaster (2004, p. 28), the co-ordinator of the Forum, wrote:

Evolution of the environment movement, where its culture embraces learning and reflection, evaluation and documentation, and time invested in thinking strategically and holistically, will take more time than the Mittagong Forum has already invested.

The Forum withstood a number of difficult periods during the Howard government, and it has much to offer as a model for organisation within the environment sector. It overcomes some of the disadvantages of traditional peak organisations such as binding all groups to holding similar positions, yet it provides for capacity building of the sector and information sharing between groups.

The immediate factor causing the Forum to suspend operations was ACF breaking with the majority of the environment sector when it supported the Rudd Government's climate change legislation in 2009<sup>11</sup>, and at the same time, the Forum's financial support had narrowed from its original broad base so that ACF's assistance both in kind and in finding donors had become essential to its continuing operation (Alexander 2010). Russell Fisher, President of Environment Victoria, and Karen Alexander, former Director of TWS and Policy Director of ACF, who both played a key role in the early days of the Forum, identified three basic problems with the operation of the organisation. Firstly, a continuing tension between the attitude of political campaigners who are focussed on political outcomes, and the need for environment personnel 'to stop and take time out for reflection, for development and for nurturing of leaders' (Fisher 2010). For many campaigners, the Forum did not seem relevant unless it addressed campaigns, yet on the rare occasions when time out was taken for reflection,

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<sup>11</sup> In May 2009 the Rudd government revamped its proposed Climate Pollution Reduction Scheme legislation increasing its target for reduction of carbon emissions from 5% to 25%, but only if there was international agreement – a scenario that appeared unlikely. The ACF (represented by Don Henry who consulted only with ACF President Ian Lowe) together with the WWF, the Climate Institute, ACOSS and the ACTU (making up the Southern Cross Coalition) agreed privately to the change. Their support was used by the government in announcing the change to the public. The Australian reported, 'The state conservation councils and large organisations such as Greenpeace and the Wilderness Society were excluded from the negotiations, as were the Greens, because Rudd knew they would not compromise on their demands for much higher emission cuts...The outcome is that Rudd has wedged the environment movement, and many conservationists are angry at Henry and Lowe over what they regard as a sell-out' (Roberts 2009).

Fisher saw people ‘being more creative and more strategic in their thinking’. He said, ‘I continue to be amazed at the short time frame used by most CEOs, but for them it is often a matter of survival of their organisation, because some regional organisations have only one to two employees’ (Fisher 2010). The second factor identified by Fisher and Alexander was the fast turnover of people working in the environment sector. Fisher (2010) said, ‘the players keep changing so that there was a loss of corporate knowledge about the Forum’s *raison d’être* and importantly about the value of taking time out for reflection’. At the end of the two-year training period, Fisher (2010) said ‘perhaps only 20–30 per cent of the participants remained’, and when the Forum folded ‘Don Henry was probably the only one of that group still left’. The third factor identified was a continuing tension between national, regional and state based groups, which each have different priorities and different levels of resources upon which to draw. Fisher (2010) pointed out that while regional groups may have only one to two employees trying to keep the organisation afloat, ‘the big national groups such as ACF, WWF and Greenpeace are worried instead about issues such as their place on the international stage’. The Forum lasted six years. It has not formally disbanded and is currently in abeyance. Its reactivation is worthy of further consideration, and will be discussed in the concluding chapter.

### **Increasing Attacks after 2004**

The decision by ACF and TWS to remove themselves from inside advocacy with government, along with the formation of new alliances, took place against the backdrop of increasing attacks on NGOs during the last term of the Howard Government. This period coincided with the Coalition having control of the Senate from 2004 to 2007.

Consistent with recommendations of the IPA’s *The Protocol*, legislation was introduced that required charitable organisations to establish their credentials with the ATO in order to retain charitable status (Commonwealth of Australia 2004). The legislation came into effect in 2005, strengthening the ATO’s role in policing eligibility. That same year, two draft rulings from the Tax Office were released that appeared to replicate the intent of the discarded *Charities Bill 2003* (Australian Tax Office 2005). The rulings restricted the ability of NGOs to receive tax deductibility, and affected GST exemption

and salary packaging if NGOs engaged in public advocacy. Being unable to offer tax deductibility was significant for organisations like ACF and TWS that had become independent of government funding and were now dependant on private donations. Important input to the ATO on the draft rulings took the form of a substantial submission written by the ACF's legal counsel, Charles Berger. The National Roundtable of Nonprofit Organisations delivered the submission to the ATO on behalf of the whole sector in order to show solidarity and to protect individual NGOs from being singled out for reprisals (National Roundtable of Nonprofit Organisations 2009). Like the Board of Taxation during its 2004 inquiry into the definition of a charity, the ATO found difficulties in defining charities and charitable activities and the final rulings released in late 2005 clarified some issues. However, there were still restrictions that affected the ability of many organisations to engage in active public advocacy and not lose taxation benefits, and the rationale behind it was consistent with a public choice perspective.

At the same time as the ATO was limiting tax deductibility, TWS faced a number of simultaneous tax audits after accusations by Senators Eric Abetz and Brett Mason that TWS had made donations to the Australian Greens. Despite exhaustive audits of TWS's finances, no improper donations were found and the audits cleared TWS of the accusations (Marr 2008). Marr told me how one line in a set of accounts labelled 'Greens' had greatly excited investigators. Ironically, it referred to payment for legal advice on whether it was possible for TWS to *exclude* members of political parties, such as the Australian Greens, from holding senior policy positions in TWS and from being spokespeople or conveners of management committees. TWS had sought the advice in 1995 after some embarrassment with Australian Greens' members holding office on the TWS Queensland management committee (Marr 2008). Nevertheless, the ATO audits of TWS absorbed the time and resources of the organisation, and while politically motivated claims such as those by Senators Abetz and Mason may have been found by the ATO to be false, the media reportage associated with the claims was damaging to TWS, and repudiating the accusations was time consuming for the organisation.

As well as these attacks from government during this last term of the Coalition, TWS had to cope with a writ served by Gunns timber company in December 2004. A claim for \$6.9 million was originally made against TWS, some Tasmanian NGOs and

numerous individuals including Australian Greens MPs for ‘aggravated and exemplary damages’ that allegedly occurred as part of TWS’ Tasmanian forestry campaign (Gunns Limited v Marr 2005). For TWS, the expenditure of time, finances and effort again distracted them from their core responsibilities and was a huge drain on the organisation (Marr 2008). Although undertaken by a corporation, the effect of the writ was to reinforce the political context of public choice promoted by the Howard government and the IPA, and it seriously affected the ability of TWS to engage in proactive campaigning.<sup>12</sup>

In February 2005, Environment Minister Campbell gave a warning consistent with public choice by telling 317 environment organisations, who were still receiving government grants, that they would lose their tax deductible status if they engaged in any public advocacy. Campbell claimed the grants were for the purpose of ‘the conservation of the natural environment and not for any other purpose such as political activity’ (Peatling 2005, p. 5). In June that year, the annual grants to the peak State conservation councils, which provided support to hundreds of small local groups, were dramatically reduced. Instead, grants were given to a much wider range of groups that did not engage in public advocacy or criticise government. The money was received by 91 new groups, mostly small non-advocacy, local organisations doing on-the-ground rehabilitation and restoration work, or larger non-advocacy groups such as Clean Up Australia, Keep Australian Beautiful and Museums Australia. Minister Campbell’s media release said that the 91 new organisations had been chosen because of ‘their potential to deliver on-ground environment projects or contribute to the protection of Australia’s heritage’ (Department of Environment and Heritage 2005). The effect of the change was to weaken the State conservation councils and the large network of smaller organisations that they serviced, significantly undermining their capacity for advocacy. This was consistent with the de-funding of NGOs that had occurred earlier throughout the wider sector.

In October, 2004, Special Minister of State Eric Abetz (2006) flagged that the government would use the *Electoral Act* to attempt to monitor NGOs’ advocacy on a

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<sup>12</sup> It was only in January 2010 that the case finally ended when Gunns agreed to pay defendants to settle the case. If the writ had succeeded in court, it would have had wider implications for free speech affecting all NGOs.

continuous basis. This was followed up twelve months later when the government introduced the *Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2005* (Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Act 2006). The Bill contained a number of provisions inimical to democratic involvement, including provisions affecting NGOs that would result in most being continually monitored by government. The crux of its proposals centred on a very broad definition of what constituted 'electoral matter'. As drafted, it cast a wide net, such that even some NGOs not engaged in public advocacy would have been deemed to be producing 'electoral matter' requiring them to track their expenditure and file an annual return on their activities. For NGOs the Bill raised freedom of speech issues, with the likelihood of increased administrative costs in its implementation, more reluctance of organisations to speak out, and decreased donations. The government agreed to introduce some minor amendments in early 2006 to decouple the disclosure requirements of third parties such as NGOs, from the definition of 'electoral matter'. As finally passed in 2006, the intent of the Act was to monitor and licence advocacy NGOs on an annual basis. It still required disclosure of material that had no relationship to politics or to elections. The intent of the legislation echoed earlier calls by the IPA to 'licence' NGOs and its purpose was consistent with public choice-inspired aims.

Minister Campbell, who held office after 2004 when most of these repressive measures were implemented, was strongly criticised by all environment leaders in the interviews for this thesis (Henry 2008; Marr 2008; Tupper 2008). The criticisms were scathing in their tenor and content, singling out Campbell's ministry in very strong language. Although this criticism was focussed personally on Campbell, it is also relevant that the government could be much more aggressive in pursuing its policies when it had control of the Senate after 2004.

The last of the Howard environment ministers, Malcolm Turnbull, had a short term lasting less than a year. But by 2007, the NGO-government relationship had so broken down that Turnbull (2008) confessed to having very little to do with any NGO environment organisations, telling me 'the NGOs weren't a huge issue for me or huge part of my life, as it were. Most of the NGOs I dealt with were farming organisations'. The public choice paradigm in relation to environment NGOs appeared to have been well established within the government. Significantly, Turnbull did not take any action

to change that situation, despite his reputation in the Coalition as a ‘moderate’. ACF lobbyist, Graham Tupper, told me that they requested numerous times to meet with both Campbell and Turnbull during the final term of the Howard Government, but were never granted a formal meeting. Four weeks before the 2007 election they were offered an opportunity to sit down with an adviser, but by then ACF judged this to be a token gesture as Coalition election policies had been set (Tupper 2008).

The end of Minister Turnbull’s term was dominated by controversy over the proposed Gunns Tasmanian pulp mill<sup>13</sup> because Commonwealth approval was timed for late 2007 as the Federal election was about to take place. Turnbull’s electorate saw public campaigns against the mill by TWS, the Australian Greens and millionaire businessman Geoffrey Cousins, a former Liberal supporter who was prepared to fund media criticism against Turnbull (Milne 2007, p. 13). In my interview with him, Turnbull was diplomatic about the conflict, supporting free speech and claiming to know nothing of the practices of the Howard government that attempted to silence NGO advocacy. However, he accused TWS of dishonesty in relation to facts about the pulp mill. While he welcomed free speech and debate, he also echoed Howard government accusations consistent with the logic of public choice, arguing that NGOs are not representative of the electorate and should not get tax deductibility if they criticise the government. Turnbull claimed to be very accessible to individual representation and claimed that people could always get their views across to him. He also claimed that many Australians did not accept the advocacy role of ACF and TWS and that even their members did not agree with their views. He further suggested that as a shadow minister and member of parliament, he needed to be attuned to public opinion, not representations from environment NGOs such as TWS and ACF (Turnbull 2008). This appeared to be an echo of Prime Minister Howard’s ‘mainstream’ versus ‘special interests’ argument, and as such Turnbull’s views were entirely consistent with a public

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<sup>13</sup> The \$2 billion pulp mill proposed for the Tamar Valley in Tasmania has been highly controversial with significant opposition from many sectors of Tasmanian society. Tasmanian State government approval was only obtained by passage of legislation that bypassed normal state assessment processes. In July 2007, TWS launched a legal case against the federal government, which also had to provide approval, claiming Minister Turnbull acted illegally in allowing Gunns to avoid proper Tasmanian assessment, but the case was dismissed. TWS ran an international campaign targeting institutions that might fund the proposal. Gunns has undergone changes in management and has resolved to move its operations out of native forest logging following a federal government agreement on Tasmanian forests signed in August 2011. However, at time of writing, the future of the mill remains unclear.

choice perspective. His practice of meeting with the ‘special interests’ of farmer representatives, but not environmental NGOs, was also consistent with Howard government practice that did not extend criticism of ‘special interests’ to corporate or business interests (Hamilton & Maddison 2007, p. 84).

Although a public choice paradigm set the context for the relationship with NGOs, at the same time the Howard government was not averse to seeking the endorsement of a compliant environmental NGO and utilising cracks in the solidarity of the sector in order to pursue its own ends. A report by the Australia Institute in 2004 was highly critical of both WWF and the government noting that,

WWF appeared to have had a close relationship with the Howard Government since the 1996 election, but that the events surrounding the enactment of the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* were a turning point (Hamilton & Macintosh 2004, p. vii).

The lack of solidarity in the sector at the time of the introduction of the *EPBC Act* has already been noted. WWF was the leading environment NGO of the four that supported the government on the legislation, but Hamilton and Macintosh (2004, p. vii) have suggested that, even before this bitter break between groups, private concern was being expressed that WWF was becoming too close to the government. They argued that the government took the support WWF gave the Act as a cue to use the positive value of WWF’s NGO status to promote its government positions, and to repay WWF with generous financial assistance (Hamilton & Macintosh 2004, pp. 10-12). In return, WWF provided public support for most of the government’s policy initiatives (Hamilton & Macintosh 2004, pp. 13-17). WWF responded, claiming that they worked with Labor governments in NSW and Queensland and that much of the funding was for on-the-ground program work (World Wildlife Fund 2004). They did not dispute the increased funding they received and Hamilton and Macintosh’s paper provided detailed breakdowns in its appendices of both WWF’s financial data and comparisons with TWS and ACF. The most significant data was that which showed greatly increased funding to WWF after 1999. Particularly damning were 13 pages of the appendix setting out WWF’s statements in support of government initiatives, compared with statements by other organisations such as ACF and TWS.

The government's support of WWF cannot be interpreted as pluralist in any way, nor does it undermine the argument that the Howard government showed policy choices strongly consistent with public choice aims and perspectives. Hamilton and Macintosh (2004, p. 27) concluded that,

The Howard Government has frequently used WWF Australia's name and public statement in what appears to be part of a strategy to promote its policies and environmental credentials and to isolate and discredit environment organisations that have at times been critical of the Government's policies.

This was consistent with other government policies of silencing dissent. WWF's behaviour showed a lack of neutrality in relation to party policies that risked damaging the reputation of the remainder of the environmental, and the wider, NGO sector.

## **Summary**

The eleven years of the Howard government were extremely difficult for ACF and TWS, and in fact for the whole NGO sector. Although the environment sector was initially protected by an inside agreement with the government, after eighteen months the relationship broke down and TWS in particular found itself facing very difficult attacks in the form of unfounded criticism under parliamentary privilege, and through government mechanisms such as tax audits, as well as through a legal challenge from Gunns forestry company. ACF started the decade in some disarray due to its lack of neutrality on the policies of political parties and specifically for its support for Labor. However by 1999, it had decided on an outside strategy of 'reaching out to society' and it then made strong, effective links to different groups in an attempt to influence public opinion.

Responses by both the wider NGO sector and the environment sector to policies consistent with public choice led to the establishment of formal alliances in the face of increasing attacks. An important new outside action by the environment organisations saw them establish the Mittagong Forum, which was a creative attempt to avoid the negative effects of tying members to a unified policy position (that occurs with a traditional peak body), while retaining the advantages of capacity building and co-operation between members (that are positive advantages of a peak organisation). Although currently in abeyance, it is a model worthy of further consideration.

This chapter has illustrated the difficulty of maintaining inside advocacy within the context of a government that is bent on pursuing policies reflecting public choice. If government actions reflect a model of democracy that denies the right of NGOs to advocate, it is difficult to see how NGOs can establish a relationship with that government that can influence policy. However, the experience of ACF and TWS also illustrated the value of maintaining outside activities and strengthening grassroots and community support within such a context. This chapter suggests that it is important for NGOs to remain highly sensitive to political context so that they shift the balance between inside and outside activities at appropriate times.

## **Part III: Conclusion**

### **Chapter 7: Lessons from Theory and Practice**

This thesis began with two snapshots 20 years apart that represented two very different relationships between ACF/TWS and the government of the day. The first snapshot represented the close working relationship between Labor and ACF/TWS that saw a quick exchange in a Parliament House lobby confirm that the Wet Tropics should be a key issue in the 1987 election campaign. The second snapshot represented the total breakdown in communication between ACF/TWS and the Howard government, with no meetings, no conversations and only verbal and legal attacks by government on the environmental NGOs. The two events 20 years apart represent different orientations of government towards NGOs. This thesis has argued that the different political orientations of the Hawke, Keating and Howard governments towards environmental NGOs created profoundly different political contexts for ACF/TWS. The Hawke government began in a period dominated by pluralist interpretations of government-NGO relations, but for most of its period in government it mainly related to ACF/TWS from a corporatist orientation. In contrast, the Howard government operated from a public choice perspective towards NGOs generally and, except for a brief period, also towards ACF/TWS. In between, the Keating government withdrew from environmental policy engagement and excluded environmental NGOs and ACF/TWS from government activities, although it did not engage in a public choice discourse. The Keating government became a transition period between the corporatist and public choice perspectives of the Hawke and Howard governments respectively.

These changing contexts beg the question of whether the relationships between government and ACF/TWS remained politically effective for the two NGOs. This concern led to the central question of this thesis, which is, 'What are the most effective, long-term strategies for engagement with the state by NGOs and how might such strategies be conceptualised?'.

The thesis has proposed a model of engagement for NGOs described as a dual strategy, which drew on the work of a number of authors, including Cohen and Arato (1992), Wainwright (1994), and Dryzek (1996). The dual strategy suggested that individual NGOs should work both outside and within the state. It emphasised the importance of developing public support outside government, firstly in order to influence public opinion on issues that are already part of the government's core imperatives, and secondly to introduce to public debate more radical issues that are not currently core government concerns. The dual strategy recognised that working inside government with meaningful engagement could result in influencing policy outcomes, but working both outside *and* inside government could provide a much wider choice of strategies. Meaningful engagement through inside activities included asking whether inside participation would actively progress an issue or would weaken an organisation or the NGO sector of which it was a part. The strategy included looking to long-term effectiveness by considering whether there is present a perspective of neutrality and even-handedness based *only on policies* when dealing with political parties. This formulation of a dual strategy was proposed as the most effective long-term strategy for NGO engagement with the state.

A number of conclusions can be drawn from the research which tested this dual strategy by looking at when ACF and TWS adopted or moved away from a dual strategy and how this impacted on their advocacy. The first conclusion is to reinforce, and to refine, the use of a dual strategy for working both inside and outside government in different political contexts. The empirical evidence reinforces a dual strategy of inside and outside activity as an effective, long-term strategy for NGO engagement with the state. However, it also suggests that it is important for NGOs to remain highly sensitive to political context so that they shift the balance between inside and outside tactics at appropriate times. Specifically, the empirical material suggests a refinement to the dual strategy when governments are repressive or will not engage. In these cases, the strategy is best modified so that inside activity is replaced by concentrating on outside activity. The logical corollary flowing from this first conclusion is that the most important part of the strategy is to *consistently* work outside government regardless of government orientation. The second conclusion is that repeated electoral endorsement of the same political party is not tenable as a continuing strategy for NGOs. The third conclusion is that a neutrality of perspective towards political parties expressed by an even-handed

stance that is based *only on their policies*, is essential in the strategic positioning of NGOs. This is of particular significance when there is a change of government. A loss of neutrality by one NGO can have a deleterious impact on the rest of the sector. The fourth and final conclusion points to the desirability of a co-operative alliance in order to facilitate communication among organisations, to provide capacity building in the environment sector, and to mitigate against individual environmental NGOs taking action that would hurt their sector. An alliance similar to the Mittagong Forum, which is currently in abeyance, is proposed as a useful model.

### **Reinforcing and Refining a Dual Strategy**

While the empirical evidence reinforces a dual strategy of working both inside and outside government as an effective, long-term strategy for NGO engagement with the state, it also suggests that NGOs need to remain sensitive to political context and shift the balance between inside and outside tactics at appropriate times. When governments are repressive or will not engage, a refinement of the strategy would be to replace inside activity with an emphasis on outside activity until such time as the political context changes. Government imperatives during the Howard years were couched within an orientation that reflected public choice. Silencing of NGO advocacy within this context continued for over a decade, being especially punitive in the final term of the government. When a government chooses not only to exclude NGOs from access, but also to deny their legitimacy, publicly denigrate their role, and silence their advocacy, then trying to engage becomes an ineffectual use of limited resources, and NGOs need to focus instead on outside activities. Thus, during the Howard government, it was an effective strategy for ACF to choose outside activities that built understanding of its aims in sectors of the community where its voice was not normally heard. The development of alliances firstly with the NGO sector, secondly with doctors, unions and businesses, and thirdly reaching out to individuals through the Al Gore Climate Project was 'embedding environment across society'. In particular, the Australian Business Roundtable on Climate Change was important in reaching a group that had influence with the very government that was excluding ACF. It was also a proactive strategy in which ACF was setting the agenda. In contrast, during the same period, although TWS was also focussing mainly on outside activities, this was in order to defend its reputation

in the light of government and industry attacks. Thus, it was a defensive position and not one in which TWS was free to set an agenda to advance its aims.

The research also identified an earlier period (during the Hawke government) when ACF and TWS focussed strongly on outside activity because government was not interested in engaging on policy. This was the period immediately after the successful Franklin campaign when both organisations benefited from the high public interest they had created for that campaign. There was no suggestion of a public choice context in government policies and neither did ACF/TWS abandon all inside activity at this time, but they did demonstrate energetic outside practices. In this case, the Wet Tropics, Tasmanian forests and Kakadu National Park were given high priority as public campaigns, and there was a focus on producing information material and making links with grassroots activists. The result was strong community involvement, including knowledge and ‘ownership’ of the issues by other NGOs that greatly strengthened ACF/TWS’s position. The strategy resulted in the Hawke government recognising the power of widespread support that ACF/TWS could generate and thus turning to the two organisations prior to the 1987 election.

A corollary that flows from this refinement of the first conclusion is that the most important part of the strategy is to *consistently* work outside government regardless of political context. This corollary is worth mentioning specifically, because, although a dual strategy of both inside and outside activity can maximise opportunities for influence in most circumstances, the basis of NGO power comes from the extent to which they have community support. The Hawke government’s turning to ACF/TWS for endorsement in the 1987 election campaign is one example that demonstrates how attracting the attention of governments, and having influence with them, is directly related to the degree of community support on which they can draw. It is possible to reduce inside activity (as in the early Hawke government years), or give it up almost entirely (as in the Howard government years), but NGO strength and influence will always come from their outside activities and these should never be neglected. The challenge for NGOs is to return to a more balanced dual strategy when government orientation changes to become less repressive or more open to engagement.

## **Electoral Endorsement**

The second conclusion of this thesis concerns the practice of recommending a vote for a specific political party because of its environmental policies. Throughout the thesis this is referred to as 'electoral endorsement'. This conclusion is that repeated electoral endorsement of the same political party is not tenable in the long term and will result in the organisation appearing co-opted, partisan, or otherwise trapped in a weak corporatist position. The thesis has argued that endorsement can be consistent with the neutrality based on policies of a dual strategy, and endorsement is a powerful tool when there are significant differences between parties, but a decision to endorse must be based on the merits of policy rather than loyalty to one party or the other. Endorsement might have been appropriate in 1983 and again in 1987, but there are negative factors that arise if it is used repeatedly as a strategy with the same party.

ACF President Murray Wilcox (2009) described the 1983 endorsement in terms that emphasised its place in a dual strategy when he told me he was of the opinion that endorsement was necessary 'to save the river and demonstrate the strength of the environment movement to mobilise people on this issue'. In the words of this thesis, he saw the endorsement action itself as being part of a dual strategy. It was an inside act that engaged with the state to ensure a decision to save the river, but to be effective it also required the outside action of grassroots mobilising of large numbers of supporters in many marginal seats throughout the country. Lambert (2008) provided a similar analysis arguing that using electoral endorsement and keeping up community awareness were not mutually exclusive - in fact, they were two parts of the same strategy (Lambert 2008).

Endorsement is a powerful tool when there are significant policy differences between parties. Writing in 1987, ACF President Hal Wootten conceded, despite his reservations, that endorsement should not be ruled out altogether and suggested that 1983 and 1987 were unusual situations where there was a dramatic difference between the environment policies of the two major parties. A promise to save the Franklin River from damming in 1983 and election undertakings on the Wet Tropics, Kakadu, Tasmanian forests and Shelbourne Bay in 1987 dramatically differentiated the Labor

Party from the Coalition at these two elections. Wootten (1987, p. 10) acknowledged that it was 'difficult to imagine any activity outside of elections that could have produced such significant results'. By the 1990 election, however, Shadow Environment Minister Puplick had been able to greatly improve the Coalition's environment policies, so that there was less difference between Labor and the Coalition. Puplick claimed that ACF/TWS' focus on forestry affected the two organisations ability to recognise that the Coalition's overall environment policy was much improved, but he also conceded that the Coalition's opposition to intervening in State affairs made it difficult for him to match Labor policies that ACF/TWS saw as central to their agenda. On this occasion, members of the TWS management committee made a judgement that 'although far from perfect, the ALP in power would be better for wilderness (and for Coronation Hill) than the Coalition' (Lambert 2008).

Despite the immediate gains endorsement can produce when there are significant differences between parties, the most important finding from the practice of electoral endorsement during the 1980s is that it is not tenable as a continuing strategy. Electoral endorsement loses its effectiveness if given to the same political party at each election. By repetition endorsement morphs towards the practice of a weak corporatism, as support for one political party is taken for granted as part of an 'agreement' with that party. Although Wootten did not totally rule out the practice, he clearly laid out all its disadvantages and his concerns were vindicated by later events. He pointed out that 'regular support for a particular party brings special problems', and environmental NGOs would be seen 'as captured, with nowhere else to go' (Wootten 1987, p. 9). Three endorsements supporting Labor in succession between 1983 and 1990 can probably be described as fulfilling Wootten's description of 'regular support'. By the 1990 election, others were increasingly regarding ACF/TWS as having been 'captured, with nowhere else to go'. Puplick described ACF/TWS as 'irrevocably in the pocket of the Federal Government' and as having been 'bought' by Richardson 'lock stock and barrel' (Puplick 2008). FOE claimed that, 'no-one will believe the environment groups, because they seem to end up supporting the ALP anyway' (O'Loughlin 1990, p. 10). The language used by Wootton, Puplick and FOE is consistent with some of the negative aspects of the practice of corporatism (Schmitter 1981, p. 295; Grant 1985, p. 25). Regular endorsement of the same political party is thus not tenable as a strategy

because it leads to ‘capture’ by the political party, weakening the NGO’s neutrality based on policies and weakening its bargaining position.

The argument that ACF/TWS were ‘captured’ is reinforced by the attitudes of the Hawke and Keating governments towards the two organisations, even though their relationships with ACF/TWS were very different. The Hawke government wanted the relationship to be like that between the ACTU and Labor, which was underpinned by the corporatist Accord agreements. Although there was never a formal agreement with ACF/TWS, a corporatist orientation was held by Labor, which came to see the two organisations as within Labor’s sphere of influence. The Keating government took a different approach and chose to ignore ACF/TWS despite their previous electoral influence. Yet Keating still saw the two organisations as being dependent on Labor. Marr went so far as to assert that during a caucus debate in 1995 Keating claimed that the environment organisations could be ignored because they had nowhere else to go other than to Labor (Marr 2008). The attitudes of both Labor governments suggest that they viewed ACF/TWS as having been ‘captured’.

There is a seductive element to endorsement that is hard for NGOs to resist. The immediate goal of achieving ‘such significant results in such a short time with so little outlay’ (Wootten 1987, p. 10), can make it difficult to recognise the danger of repeated endorsement. Even if recognised, NGOs might simply choose to take the maximum gains immediately available and leave the future to take care of itself. However, the research for this thesis suggests that electoral endorsement of the same political party as a continuing strategy is not tenable for NGOs.

There are other options during elections that are consistent with a dual strategy, and that do not have the disadvantages inherent with recommending a direct vote. Elections are a time in the political cycle when political parties are open to developing policy, and in a pluralist society elections should be a time when political parties are open to the ideas of all interest groups. For this reason, it can be argued that NGOs can play an important role at elections, enriching debate with many ideas, publicising policies they would like to see enacted, calling on all parties to adopt them as policy, and also rating parties’ policies against a set of criteria or values. At the 2007 and 2010 elections, ACF publicised and rated the environment policies of the parties for their members and the

public against criteria within ACF's value framework, but without recommending a vote. At the same time, they encouraged the parties to make further announcements during the election period that would improve their ratings. This practice does not constitute electoral endorsement, but maintains the type of neutrality based on policies of political parties that will be discussed in the next conclusion.

## **Neutrality of Perspective towards Political Parties**

The third conclusion of this thesis is that a neutrality of perspective based on policies is essential in the strategic positioning of NGOs. It is of particular significance when there is a change of government. As well, a loss of neutrality by one NGO can impact on the rest of the sector. A neutrality of perspective based on policies refers to an orientation that keeps the interests of the NGO uppermost - not identifying with the interests of any political party, even if expressing support for a party's relevant policies. A neutrality of perspective towards political parties based on policies should be practised at all times, especially during inside activities when NGOs may become close to parties holding power. It is of particular significance when a change of government brings this need into clear focus. The Franklin Dam campaigners set a positive benchmark for this approach, demonstrating their clear neutrality based on policies when they worked closely with both the Coalition and the Labor party trying to extract promises from them right up until a few weeks before the 1983 election. The significant demands ACF/TWS made on the Hawke Labor government suggest that ACF/TWS were focussed on policy outcomes rather than identifying their interests with those of Labor.

By the 1990 election, the picture is not so clear. I have identified the strong Toyne-Balderstone relationship as a factor in ACF moving closer to Labor, but at the same time Toyne's insistence that Labor stop the mining at Coronation Hill was an ambitious demand given the strength of support the proposed mine had both in cabinet and within the powerful mining industry. In the event, Hawke's prime ministership was put on the line because he had to abandon his usual consensus cabinet decision-making and use the full weight of his office to push through the decision - an act that was significant in his subsequent loss of the prime ministership. Puplick was justified in pointing out that by 1990 he had significantly strengthened the Coalition environment policies such that

there was no longer such a clear distinction between the two parties. Nevertheless, he also conceded that he was unable to persuade his party to intervene in traditional State issues. From this, both ACF and TWS appear to have judged that 'The ALP in power would be better for wilderness (and for Coronation Hill) than the Coalition' (Lambert 2008). It is Wootten (1987) who emerges from the period of research as the strongest advocate for NGO neutrality based on policies when dealing with governments and political parties. He reminded ACF that the door must always be kept open for the Opposition because eventually governments change and a different political party will take office.

At the 1996 election, ACF was struggling due to its past closeness to Labor, and a change of ACF leadership at the critical time of the election destabilised its process of policy development. The new director, Jim Downey, argued strongly for support of Labor, and he received high-profile coverage in a segment on the ABC's 7:30 Report, which reported him 'as coming to town to sort out the rest of the environment movement to have them support Labor' (Parlane 2010). Subsequent action by President David Yencken that resulted in an official ACF position of no endorsement of any party for the election was not accorded such dramatic public coverage. The result was a lack of a clear electoral message from the organisation. The difference in political analysis by director and president reflected a significant split within the organisation. Marr identified the positive relationship with Labor under Hawke as having persuaded some in the ACF into believing that the interests of the organisation lay with the Labor Party (Marr 2008), and the closeness of ACF director Caswell to Labor (because of her senior ACTU background) may have contributed to ACF failing to recognise the need for neutrality.

In contrast, both TWS and the State conservation councils were strong in their recognition of the need to focus solely on the policies of the parties. Both were 'very clear sighted' about the fact that they were not getting support from Labor. Neither TWS nor the conservation councils 'was going to be swayed by party politics or ideology', instead keeping the 'sole focus' on 'good outcomes for conservation' (Parlane 2010). The negotiations with both political parties resulted in a reprieve for the environment sector. Repressive policies were not imposed for at least eighteen months and funding to the conservation councils continued throughout most of the Howard

governments. This reprieve, although largely engineered by others, allowed ACF time to get its house in order and to develop its successful outside strategies employed during the later years of the Howard government.

WWF was the main NGO identified as demonstrating a significant lack of neutrality based on policies during the Howard government. A strong case was made by Hamilton and Macintosh (2004) that, by accepting very significant monetary support from the government while consistently supporting their policies, WWF's independent advocacy stance was weakened. The Coalition 'used WWF Australia's name and public statements...to promote its policies and environmental credentials and to isolate and discredit [other] environment organisations' that were 'critical of the Government's policies' (Hamilton & Macintosh 2004, p. 27). The case highlights that an NGO's reputation has great value and is an important asset to be protected. These examples reinforce the third conclusion of this thesis that neutrality of perspective towards political parties, and an even-handed stance based on policies is essential in the strategic positioning of NGOs. It is of particular significance when there is a change of government and a loss of neutrality by one NGO can impact on the rest of the sector.

## **A Co-operative Alliance**

The fourth and final conclusion of this thesis is that a mechanism to facilitate communication and to provide capacity building in the environment sector would be an advantageous development, and might mitigate against individual environmental NGOs taking action that would hurt the sector. Chapter 2 argued that corporatist peak organisations weaken the advocacy role of interest groups by interest intermediation, which fuses the role of advocacy/policy formulation and policy implementation. Research suggests that the idea of forming a corporatist peak group was rejected by ACF/TWS when Richardson proposed it to them on a number of occasions. Their arguments against such a proposal were that there was strength in diversity, that the amount of effort required to keep a peak group together would be better spent on campaigning to strengthen public support, that peak groups end up with the lowest common dominator in policy and so weaken the position of the environment sector as a

whole, and that there is an advantage in having autonomous groups that can express independent views at any time.

Despite the arguments against a corporatist peak, the research suggests there may be value in having a mechanism by which to facilitate co-operation and capacity building and to minimise potential political damage to the environment sector as a whole. A number of scenarios have been discussed in which such a mechanism for co-operation might have helped. The election endorsement of Labor by ACF/TWS in 1983, 1987 and 1990 saw the representative nature of the decision-making group narrow on each occasion, eventually culminating in public criticism of ACF/TWS by FOE in 1990 (O'Loughlin 1990, pp. 19–20). At each election, the process in relation to electoral endorsement had become less acceptable to environment organisations other than ACF and TWS. A formal co-operative arrangement would have provided a structure by which the sector could have debated the issue in more detail and by which organisations such as FOE could have directly expressed their concerns about the strategic direction in which ACF/TWS were taking the sector. Outcomes may not have been different, but at the very least they would have helped all parties to better evaluate the ramifications and potential hurt to the sector as a whole.

The 1996 election of the Howard Government is another occasion where some level of co-operation between environment organisations might have been helpful. For that election, a sophisticated arrangement was worked out, primarily by TWS, which ensured that groups were included in meetings if they had been working on policy that were under discussion. The sector negotiated a successful agreement with the Coalition without environment groups endorsing any party. However, ACF struggled at the time with internal division when some in the organisation, notably Director Jim Downey, wished to publicly support Labor. It is a moot point whether a formal mechanism for co-operation might have made any difference to the divisions within ACF. However, the existence of such a mechanism would have given the environment sector a framework through which to initiate meetings with Labor and the Coalition, and ACF Director Downey, might have had more peer support in navigating election policy in the difficult new role in which he found himself.

Already the wider NGO sector has recognised the value of co-operation and alliances in responding to the increased repression of NGO advocacy during the Howard government. In 2000, former ACF President David Yencken initiated the establishment of the Australian Collaboration and, in 2002, ACF and TWS participated in the establishment of the National Roundtable of Nonprofit Organisations: two alliances that brought together organisations from across the whole NGO sector. During the past decade both alliances have been of assistance to the wider sector in bringing it closer together. The issue of climate change has demonstrated how the social service sector, consumers and environment organisations have developed a mutual understanding of their policy positions in order to avoid conflict and ‘wedge politics’. The roles played by the two alliances have complemented each other. The Collaboration has acted as a forum for ideas and as a way to bring CEOs together without attempting to develop sector policy, and the Roundtable has acted as a mechanism by which to place agreed policy positions before government without individual NGOs later suffering negative government responses. These alliances represent a growing sophistication within the NGO sector and a recognition that there is a convergence of values and ideas that can unite different groups within the sector.

The environment sector attempted to address the lack of a traditional peak group with the creation of the Mittagong Forum in 1999. It was created on ACF’s initiative and it brought together the major national environment groups, the State conservation councils, and specialist issue groups. It aimed to increase communication and co-operation throughout the NGO environment sector, as well as providing capacity building skills to member organisations. Unlike traditional peak bodies such as ACOSS and ACFID, it did not develop joint policy nor provide a voice to government. Alexander (2010) claimed that it was able to minimise damage to the sector from the split that occurred at the introduction of the *EPBC Act* in 1999, and soon after its formation, the Forum undertook a major capacity building exercise aimed at improving the effectiveness of the environment sector. Its quarterly meetings were important occasions for senior representatives to not only share information and skills but were also a place for reflection on strategy, for nurturing leadership, and for capacity building across the environment sector (Alexander 2010; Fisher 2010).

The Forum lasted six years, and is currently in abeyance. The reasons for suspension of its operations have been identified by interviewees - the immediate factor being ACF's break with the rest of the sector when it supported the Rudd Government's climate change legislation (Alexander 2010). However, three more basic factors have also been identified - tension between those focussing on political outcomes and those wanting to nurture skills and governance, the rapid turnover of personnel in the sector, and tension between national, regional and state based groups that have different priorities.

Addressing these seemingly negative factors may be facilitated by considering them as creative tensions that might be harnessed. The energy of the environment sector and its political influence owe much to the enthusiasm of political activists who are galvanised by issues and focussed on outcomes, but strategic planning and good governance will support that work, and both viewpoints should be valued. Change in personnel can mean a loss of corporate knowledge and skills, but it also brings fresh energy to organisations. Tensions between national and local organisations with different priorities can also be seen as the strength of pluralist diversity. Identifying these tensions is the first step in addressing them. They are not insurmountable and could potentially be creative strengths. The immediate issue leading to the demise of the Forum - ACF's weak policy position on the Rudd government's Carbon Pollution Reduction Scheme (CPRS) suggesting a closeness to Labor - is a more immediate problem for ACF to address.

The chair of Environment Victoria, Russell Fisher, claims that a peak environment group formed since the demise of the Mittagong Forum continues to have an 'emphasis on campaigning, not capacity building for the sector' (Fisher 2010). The new group made up of only the State conservation councils is not a sector-wide group, as it does not include ACF, TWS or the large international organisations such as Greenpeace and WWF (Alexander 2010). It seems that the obstacles to having a co-operative alliance, which can both nurture its skills and allow for policy discussion, remain a challenge for the whole environment sector.

The research for this thesis has focussed on two organisations, ACF and TWS, during the period from 1983 to 2007. However, the four conclusions on working both inside and outside government, electoral endorsement, a neutrality of perspective based on

policy, and the need for a co-operative alliance can be applied in varying degrees to current issues within the wider NGO sector.

## **Current and Future Practice in the Wider NGO Sector**

There are three reasons why the conclusions of this thesis are applicable to the wider NGO sector.<sup>1</sup> Firstly, the theoretical basis of the thesis drew on material relevant to the wider NGO sector. The theories of pluralism, corporatism and public choice, which provided the context of government orientation towards NGOs relate to this wider sector, or to key parts of it. As well, the dual strategy of this thesis drew on the work of Cohen and Arato (1992), Wainwright (1994) and Dryzek (1996) – all publications referencing the wider sector. Secondly, there has been an NGO sector consciousness developing in Australia that was fuelled by the repression experienced during the Howard government. The repression was documented in terms of its impacts on democracy (Sawer 2002; Hamilton & Maddison 2007) - a process that established a discourse that linked the whole sector and highlighted its democratic role. This repression also resulted in the formation of national alliances reinforcing common interests. The Australian Collaboration, the National Roundtable of Nonprofit Organisations and the National Civil Society Dialogue<sup>2</sup> meetings were practical outcomes that demonstrate an emerging sector consciousness. In fact, the final session of the 2006 National Civil Society Dialogue had the *rapporteur*, Lenore Taylor, reporting a finding from the discussions that asserted: ‘Yes, there is a community of interest between your groups’ (Taylor 2006). Thirdly, there has been convergence within the issues faced by the wider sector that can be seen in joint policy and advocacy work. The overarching issue of climate change has driven some of this convergence since its implications reach into health, economics, environment and social issues. The issuing of joint media releases best demonstrates this joint concern. There has also been convergence in other areas such as Indigenous issues, which are now incorporated into the work of ACOSS and environment organisations. The work of the online advocacy

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<sup>1</sup> The wider NGO sector was identified in chapter 1 as organisations that advocate publicly on behalf of the public interest and are not-for-profit.

<sup>2</sup> The National Civil Society Dialogue was initiated by the ACF, ACTU, ACOSS and the National Council of Churches as a response to Howard government policies impacting on the NGO sector. It held two meetings in Parliament House, Canberra in October 2006 and August 2007 that were attended by NGOs from many sectors. Attendee organisations represented a wide cross-section geographically and in terms of aims and interests.

organisation, GetUp, across a whole spectrum of progressive issues has served to demonstrate a community of interest amongst its 50,000 plus supporters. For these reasons, it is appropriate to apply the findings of this thesis beyond environmental NGOs and to the wider NGO sector.

After the election of the Labor government in 2007, ACOSS led a push to implement a national compact between government and NGOs. In discussing the literature in chapter 3, I have characterised this proposal as being corporatist in nature and this study has also identified problems with corporatist arrangements. An Australia Institute study has specifically addressed the many disadvantages of compacts, not the least being the fact that they are not a long-term solution to NGO-government relationships.

Compacts themselves are unable to guarantee the enduring legitimacy of NGO advocacy. Nor can they be relied upon to ensure an effective and respectful longterm relationship between government and NGOs (Edgar 2008).

The Labor government undertook a two-year consultation with the NGO sector before signing a National Compact document in March 2010. It is far less ambitious than the sector's original proposal, which aimed to include the wider sector in a tight corporatist arrangement. Instead, the National Compact is described as 'a high-level, aspiration-based agreement setting out how the Australian Government and not-for-profit sector want to work together to improve the lives of Australians'. Any not-for-profit organisation can sign up on a voluntary basis and over 600 have done so (National Compact 2011). The purpose of the Compact is described as 'a commitment by the Australian Government and the not-for-profit sector to genuinely collaborate to achieve a shared vision' and 'signatories from the sector agree to work with the all Australian Government agencies to achieve these goals'. There is an emphasis in the document on collaboration and co-operation, removing red tape, better co-ordination of programs and further developing 'codes of engagement together' – all of which are admirable corporatist aims. Although 'the sector's right to advocate' is included, it is only one of eight priorities, the others being highly bureaucratic in nature. The government has appointed 'compact advocates' in government departments to 'foster a culture that considers the impacts and opportunities for not-for-profit organisations when developing and implementing policies and programs' (National Compact 2011).

Overcoming the legacy of policies consistent with public choice that were implemented and, sometimes initiated, by government departments during the years of Coalition government is an on-going difficulty for NGOs. There is probably a short-term advantage in having ‘compact advocates’ within government departments in order to address this. However, the history of similar feminist and environment initiatives is that they were not able to be sustained, particularly at times of change in government, or they fell foul of departmental apathy. The emphasis in the current Compact document is primarily on service delivery by NGOs, not on their right to advocate. In light of the conclusions of this study, the main criticisms outlined in Edgar’s Australia Institute study continue to be valid, and it is uncertain as to whether the National Compact will continue in practice should there be a change of government.

Associated with the development of the National Compact, the social service sector has also promoted the setting up of an Australian Social Inclusion Board. While this may have advantages for the social service sector, there is a risk that social service NGOs may rely unduly on this inside mechanism, and neglect outside activities. The Social Inclusion Board is described as ‘the main advisory body to government on ways to achieve better outcomes for the most disadvantaged in our community’ (Social Inclusion Board 2011). The large social service sector has a history of excellent public advocacy on behalf of the disadvantaged. Nevertheless, the increasing use of NGOs to deliver government services has seen this sector grow to the extent that many service delivery organisations no longer consider advocacy to be part of their activity. The dialogue possible with an advisory social inclusion board is to be welcomed following the exclusion of social service NGOs from policy development during the Howard government. However, the social service sector needs to ensure that the skills of advocacy are not being lost, and that outside activities continue. Undue reliance on the inside activity of advisory boards would be contrary to the conclusions of this study.

The conclusion that NGOs should keep a perspective of neutrality towards political parties, differentiating between parties only on the basis of their policies, is relevant to all NGOs. This research has illustrated the debilitating effects that moving away from neutrality can have, and the external effects this has when there is a change of governments. It is not only those in the environment sector that have had this problem. Some NGOs in the wider sector are experiencing the effects of having lost neutrality

during the Howard government. For example, the Salvation Army is attempting to address what they perceive to be a lack of access to the Labor government, after developing close ties with the Howard government, and their lack of access is in contrast to most of the social service sector.<sup>3</sup>

Another issue that could affect neutrality of perspective that has emerged in recent years is the practice of appointing former members of parliament as CEO or chair of major NGOs. This has usually been an appointment of persons from the same party as that which is currently in power. Former MPs will bring a variety of skills depending on their earlier backgrounds, and knowledge of government processes and possession of government networks could be a considerable asset to an NGO. Thus, individual cases need to be judged on their merit, but it is worth noting what the risks are of appointing any person having a high public profile associated with a political party. The risk extends beyond the organisation losing a neutrality of perspective towards political parties in its policy and advocacy, to a public perception that the organisation is partisan or opportunistic in trying to access the party in power, or even that it has been 'captured'. Former politicians choosing to work in the public interest are likely to be high minded and ethically driven. In discussing this practice no criticism is intended of individuals. It is the principle of party political neutrality, found to be important in the conclusions of this thesis that is relevant.

NGOs should continue to be highly sensitive to political context so that they shift the balance between inside and outside tactics at appropriate times. The threats to NGO advocacy may seem to have passed with the demise of the Howard Coalition government, but the current Labor government will eventually lose office, and, in the meantime, its interests may not necessarily be congruent with those of NGOs. There is no reason to expect that either Labor or Coalition governments will 'promote the well-being of civil society' (Dryzek 1996, p. 484). If it is possible to make legislative gains at this time then that should be pursued, but NGOs must guard against focussing too much on inside activities with the Labor government - relying on a compact, on advisory boards, on previous Labor relationships, or on the current ability to gain access. The

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<sup>3</sup>The Salvation Army Southern Territory consisting of Victoria, Tasmania, SA, WA and NT has set up a Strategic Advisory Group of executive and senior managers in the organisation to address this perception. I was invited to speak to the inaugural meeting of this group in July 2011.

IPA may have removed the NGO Project from its website (Institute of Public Affairs 2007), but many years of neoliberal public choice policies have left a legacy that has not disappeared from our polity. Coalition representatives who led much of the attack on NGOs during the Howard government still hold influential parliamentary positions,<sup>4</sup> and if the Coalition were to be elected in the next few years, they could expect to hold positions of influence in that government. Strong outside activities that ensure that NGO values and issues are embedded in the community are needed at this time.<sup>5</sup>

There is one positive story concerning events since 2007 on which to end this analysis. The High Court of Australia has determined a case relating to NGO advocacy by applying the right of inferred freedom of expression in the Australia Constitution. Although this was technically a narrow case about the definition of a charity, the Court made an important link between both the constitutional freedom of political communication and NGOs' public advocacy. In so doing, they have clarified and strengthened the right of NGOs to advocate publicly in Australia, and the ATO has responded with guidelines that reinforce the right encapsulated in the court decision. The drama of the story is that it was a small organisation, employing only two people and with a voluntary board, not a major NGO, that took this case to the High Court.

For 17 years, the NGO, AID/WATCH has monitored the quality of overseas aid, but in 2006 it had its 'charitable status' removed by the Australian Tax Office (ATO). This is the status that allows donations to NGOs to be tax-deductible. AID/WATCH does not accept government or corporate support, and works on a budget of approximately \$80,000 annually. Donations are their life-blood, and tax-deductibility was important to their continued existence (Goodman 2011). Over the next four years, this small NGO with no resources found itself on a path that included appeals to the ATO, the Administrative Appeals Tribunal (AAT), the Federal Court, and the High Court of

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<sup>4</sup> Senator Abetz is Leader of the Opposition in the Senate and Shadow Minister for Employment and Industrial Relations, while Senator Mason is Shadow Minister for Universities and Research.

<sup>5</sup> There are other issues facing the NGO sector that could benefit from applying a dual strategy analysis. (a) The increasing prevalence of managerialism within many NGOs that has led to a move away from grassroots organising and an emphasis on NGO practice more closely resembling that of corporations. (b) The increased emphasis on entrepreneurship and social enterprises, using a business model to provide social assistance. (c) The conflict between the advocacy role of NGOs and their receipt of government funding.

Australia (Staples 2012). The outcome was that in December 2010, the High Court upheld AID/WATCH's charitable status by virtue of its main purposes, which included generating public debate about the effectiveness of foreign aid. Moreover, they also found that there is no general doctrine in Australia to exclude political objects from charitable purposes (*Aid/Watch Incorporated v Commissioner of Taxation* 2010). Following the court decision, the ATO released new guidelines in October 2011 clarifying that it is legitimate for charities to advocate publicly (Australian Tax Office 2011). The guidelines not only recognise that there is no general doctrine in Australia that excludes a charity from having political purposes, but also that there is no limitation on charities if their purpose is to influence legislation, government activities or policies. It is even possible for charities to seek to persuade members of the public to vote for or against particular candidates or parties in an election and to distribute material designed to underpin a party political campaign (*Changemakers Newsletter* 2011).

The positive outcome of the AID/WATCH story is a lesson in the value of having a carefully evaluated dual strategy that includes outside activity and strong campaigning. 'At all times, the Committee was aware of the risks in challenging this decision, and the steps that were taken were calculated from day one,' according to James Goodman, who is a long-term member of the AID/WATCH committee (Goodman 2011). AID/WATCH did not treat the issue as simply a legal challenge to their funding. Instead they looked at it within the wider political context of the Howard government's attempts to silence NGO advocacy. While they did their utmost to ensure that their legal challenge was the very best possible, they recognised that the issue was much bigger than just the future of AID/WATCH. Indeed, it had implications for the whole NGO sector. They therefore responded with outside activity that took the form of a public awareness campaign. By doing so, they were able to harness the larger NGO sector to their cause – support which was critical to them on a number of occasions - and the way they did so was a textbook case in campaign strategy. First they worked to earn the support of like-minded NGOs and have them understand the implications for the whole sector. Then they called on this wider group to also campaign on the issue by speaking in the media and rallying wider public support. The awareness they created in the wider NGO sector ensured that AID/WATCH was able to take the risk of proceeding with an appeal to the High Court when it was needed. At this time, a number of donors from the wider sector recognised

the need to provide financial assurances in the event that the case was lost and costs had to be paid. Behind the scenes they agreed to underwrite the appeal (Goodman 2011). By making it an outside public campaign on the right of NGOs to advocate, AID/WATCH was also instrumental in enhancing community awareness of the value of the democratic role of NGOs. The fact that this small, under-resourced NGO recognised the free speech implications of what was happening to it, and strategically ran an outside campaign while keeping up its inside advocacy and managing a series of court cases is to be commended. The issue also underlines the value of a pluralist and varied NGO sector in which many large and small players are active, and shows that size is no barrier to an NGO in making an important contribution to our democracy. The tenacity of this small NGO has resulted in an improved environment for NGO advocacy in Australia.

## **Summary**

There are four major findings that emerge from this study of ACF/TWS, and that are applicable to the wider NGO sector. They are conclusions that can contribute to long-term effective strategies for advocacy consistent with democratic practice, and that can assist NGOs through different political contexts and through changes of government. Firstly, in relation to the dual strategy of inside and outside activities, the empirical evidence supports this as the most effective, long-term strategy for NGO engagement with the state. However, the evidence also suggests that it is important for NGOs to remain highly sensitive to political context so that they shift the balance between inside and outside tactics at appropriate times. For example, when governments are repressive or will not engage, a refinement of the strategy is that inside activity is more appropriately replaced by outside activity. The logical corollary flowing from this is that the most important part of the strategy is to *consistently* work outside government regardless of political context. Secondly, in relation to electoral endorsement, the conclusion is drawn that repeated electoral endorsement of the same political party is not tenable as a continuing strategy for NGOs. Thirdly, neutrality of perspective and an even-handed stance towards political parties *based on their policies* is essential in the strategic positioning of NGOs. Finally, in the environment sector, a mechanism to facilitate communication and to provide capacity building would be an advantageous development, and the model of the Mittagong Forum is proposed. For the wider NGO

sector, despite the existence of a number of corporatist peak organisations, the concept of a co-operative alliance is a valuable model that should be considered in future situations.

One story at the beginning of this thesis saw NGOs closely working with a government that thought it had a corporatist agreement to limit the claims of the NGOs, while another story saw NGOs silenced and restricted in the public sphere. I have argued that neither relationship proved able to provide an effective long-term relationship for democratic NGO advocacy. The Australian public policy arena faces a significant challenge at the beginning of the twenty-first century. Impinging on all policy areas is the looming threat of climate change that will have social, political and environmental impacts on our way of life. Australian society needs a dynamic, creative, responsible NGO sector to provide fresh ideas and new impetus that will take our society towards a more equitable and environmentally sustainable future. The findings of this thesis based on a dual strategy suggest guidelines by which NGOs can structure their advocacy and optimise their relations with government in a way that will strengthen Australia's democracy.

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