What is a "Peak Body"?

Summary & Analysis of Key Documents 1995-2005

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The Youth Affairs Network of Queensland (YANQ) is the peak community youth affairs body in Queensland that promotes the wellbeing and interests of young people. YANQ was formed in 1989 and became incorporated in 1991. YANQ was established to provide sector development and advocacy services and to link regional networks of youth organisations into a State-wide network.

YANQ has a membership consisting of young people, youth workers and youth services. YANQ also works closely with youth interagencies and networks based in each region in Queensland.

YANQ achieves its aims by:
- disseminating information about youth affairs;
- providing training, forums and conferences to support the professional development of youth services;
- providing policy advice to governments;
- consulting with youth organisations and young people;
- resourcing regional and issues-based networks;
- undertaking lobbying campaigns;
- linking with key state and national bodies;
- initiating projects to respond to the needs of young people and youth organisations.

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Introduction

"You get the best policy out of an argument."
(Martin Ferguson, *Sunday*, Channel 9, 2 April 2006)

This paper looks at the variety of influences on government policy making, in order to see the role of peak bodies in the broader social context. Firstly, at the ***macro* level** it briefly outlines current approaches to government policy development. Then it explores the ***micro* level** – how the community services industry[1] tries to influence policy development through peak bodies and the pressures on the sector to change the role and functions of peak bodies. It ultimately concludes that peaks must reclaim their rightful place in Australian democracy.

The Context in which Peaks Exist

It is important to understand the wider context in which peak bodies exist. Many organisations outside government ministry and the public service are trying to influence policy to better address the interests they represent. For example:

- The government contributes funds (and sometimes listens) to – think tanks, political parties, business groups, professional associations, trade associations, primary producer organisations … and peak bodies.
- Organisations with lots of money can also pay for professional lobbyists and advertising to further enhance their position.
- Wealthy or influential individuals can also strengthen the lobbying of their interests through informal interaction with key policy-makers (eg. at the golf club!).

So … peak bodies are only one of a large number of bodies trying to influence the policy agendas of government. Peaks are the non-profit sector equivalent to industry/trade associations in the for-profit sector[2].

The community services industry plays a significant economic and social role in Australia. Limited research has been undertaken into the size and economic impact of the industry. However we do know that there are around 700,000 non profit

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[1] The term *Community Services Industry* is used throughout … and is interchangeable with *Human Services Industry* or *Welfare Industry*. This is a deliberate decision, because *Human Services* is often confusing for people outside the industry to understand (they tend to confuse it with Human Resources/Management) and *Welfare* tends to narrow the role of the sector to individualistic/top-down practice (rather than a community/rights-based approach). The term *Industry* is used deliberately to assert the equality of peaks in community services with those in other industries.
[2] Dalton & Lyons 2005:10

organisations[3] in Australia (compared with over 1 million private businesses), of which 300,000 are incorporated, and 35,000 employ staff[4]. According to the Australian Bureau of Statistics (ABS), in 2000 non-profits employ 600,000 people, turned over $33bn and contributed 3.3% to Gross Domestic Profit (GDP) (the equivalent of agriculture)[5]. The Industry Commission concluded that as at 1995, the industry (including those parts which are privatised) comprised 11,000 organisations, employed over 100,000 people nationally, and had annual expenditure of $4.4bn (of which $2.5bn came from government)[6]. Clearly, this is a significant industry, both economically and socially.

Unfortunately, the effectiveness, influence and perceived legitimacy of organisations are tied to resources. This also affects the range of topics on which organisations are assumed to have a legitimate right to comment. For example, at a national level, the Business Council of Australia (BCA - representing big business) is perceived to have the right to comment on a wide range of issues – from welfare, to taxation, to industrial relations, to trade/international relations, to education, to environmental sustainability[7]. But their equivalent non-profit organisation, the Australian Council of Social Service (ACOSS) is generally restricted to welfare-specific issues[8]. This is despite the impact of a wide range of issues on the welfare of the population, particularly disadvantaged groups. And … the legitimacy of peaks to contribute to public policy (even in limited areas) is being seriously questioned. For example, an Institute of Public Affairs (IPA) report released in mid 2004, argued that government departments should be required to report any assistance from Non-Government Organisations[9] (NGO's). (They did not propose a similar requirement when they received assistance from business lobbyists.)

Peak bodies are not alone in receiving government funds. In the financial year 1999/2000, a total of only $3.2 million was granted to peak bodies through the National Secretariat Program[10]. This is a **tiny** fraction of the total funds distributed by the Commonwealth Government for a range of advocacy-related activities – consultation, surveys, advisory roles, etc. The BCA and other industry bodies receive millions of dollars of public funds each year, to undertake projects and participate in advisory processes – two key forms of lobbying. For example, the IPA has been funded by the Federal Government. This is a think tank which:

> … since 2001 (has) been involved in a campaign … to contest the influence of human rights, development and environmental NGOs, and to develop a protocol for public disclosure of NGO standing with government. (Dalton & Lyons 2005:1)

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[3] These are not exclusively community services industry organisations – they also include sporting, arts and education organisations.

[4] Dalton & Lyons 2005:8.

[5] Dalton & Lyons 2005:8

[6] Industry Commission 1995:xvii

[7] A look at the key topics covered in their Annual Reviews over the past few years, indicates the wide range of areas in which the Business Council of Australia is operating. Media coverage of their commentary, demonstrates the assumed legitimacy of their involvement in these issues. (See: http://www.bca.com.au)

[8] Dalton & Lyons 2005:12

[9] Dalton & Lyons 2005:2

[10] an approximate figure - Commonwealth Department of Family & Community Services 2000:np

Over the past few years, concerted pressure has been placed on the community services industry to change the nature and role of peak bodies. The charge was led by earlier research from the IPA which targeted the sector, and sought to discredit peaks through arguing that they are not genuinely representative … and further, could actually be a threat to democracy[11].

An interesting series of studies into the state of democracy in Australia was conducted between 2002 and 2005 by the Australian National University (ANU). This included one study which looked at the role of *advocacy groups* … including those representing disadvantaged groups. The ANU study found that peak bodies are not alone in their varying levels of representativeness[12]. The study demonstrated varying models of internal democratic process:

- within and between advocacy groups for the disadvantaged (peaks) and the non-disadvantaged (professional/business organisations)
- within and between advocacy groups governed **by** the disadvantaged and **for** the disadvantaged.

Accordingly the report states:

> *… the conservative commentators are wrong to single out organisations that represent the disadvantaged for attack … similar variations in approaches to governance are characteristic of organisations that represent more powerful, affluent groups.* (Dalton & Lyons 2005:viii)

Definitions of Peaks

There are many different definitions of peak bodies. Some focus on the functions of peaks; some on their purpose. It is widely accepted by commentators, that peak bodies include all of the following roles (albeit with different priorities):

- *information dissemination;*
- *member support;*
- *coordination;*
- *advocacy and representation; and*
- *research and policy development.*
(Industry Commission 1995:183)

However, they differ considerably in the weight and importance placed on different roles – in particular, inward-looking (industry development) and outward-looking (social reform) roles.

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[11] One report *argued that NGO's are often 'self-selected, unaccountable and poorly rooted in society' and any political power conferred on these groups could 'destabilise democracy'* (Dalton & Lyons 2005:2)
[12] Dalton & Lyons 2005: viii, 15

The Industry Commission used the term *peak council* to refer to peak bodies. The Queensland Department of Premier[13] adopted part of their definition (in bold):

> *A peak council is* ***a representative organisation that provides information dissemination services, membership support, co-ordination, advocacy and representation, and research and policy development services for its members and other interested parties.***
>
> *The peak council role does not involve direct service delivery. Direct service refers to services provided to the clients of member organisations, rather than services provided to members or interested parties.* (Industry Commission 1995:181)

The Commission accepted the 4 categories of peaks at a national level, originally articulated by the *Serving Communities* project in 1993:

- *social policy* peaks (eg ACOSS)
- *service development* peaks (eg. ACROD)
- *consumer* peaks (eg. Councils of the Ageing)
- *employer/employee* peaks (eg. Australian Society of Association Executives)
(Industry Commission 1995:186-7)

The Australian Council of Social Services (ACOSS) submitted the following purpose-focused definition to a government review in 2000:

> *Community-sector peak bodies engage in an effective mix of representation and advocacy, policy analysis and program development, research and consultation, information dissemination and sector development.* (ACOSS quoted in Melville 2003:3)

ACOSS expanded on this as part of Melville's study, adding that *community sector peaks exist to ensure that the voices of the poor and marginalised are not silenced by those with more organised power and resources*[14].

The Commonwealth Government has tended to follow the (more functional) Industry Commission approach. The *Funding Peak Bodies Discussion Paper* (DFACS 2000) extended the definition further to try to articulate different levels of peak body:

- *Service delivery Peaks – these Peak Bodies are usually membership driven primarily by organisations who are service providers within the relevant sector. They may also have individual membership of professionals within the sector or people interested in sector development.*
- *Consumer Peaks – These Peak Bodies are usually managed by consumers who also make up the membership base and are directed by the membership.*
- *Social Policy Peaks – These Peak Bodies are representative of consumers yet their membership base is usually organisational.*
- *Umbrella Peaks – Represents one large sector or various sectors in relation to a particular sub section of society.*

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[13] Department of Premier (2000) *Draft Discussion Paper – The Role and Function of Peak Councils*
[14] Melville 2003:5

- *Satellite Peaks – Issues-based peaks that specialise in one area and give and receive support from the Umbrella Peak.*
   (DFACS 2000, quoted in YANQ 2000:3)

In Queensland in 2000, a group of peak bodies formed a Working Party to explore the role of peaks. Like ACOSS, they focused more on the purpose and advocacy role of peaks than the Industry Commission, seeing this as the first priority role of peak bodies. The Working Party saw advocacy and industry development as interdependent processes:

> *Peaks are groups of community services, or groups with common agendas to influence Government and achieve change in a more effective way. They also provide for internal communication and networking – these are vital strategies to tap the strength of the network.* (Peaks Working Party 2000:1)

The Working Party suggested that there were 2 types of peaks – *Service Delivery* Peaks and *Consumer Peaks.* Regardless of whether peak bodies were run **for** or **by** the disadvantaged, the Working Party argued that they shared common roles. They listed roles more specifically than the Industry Commission, and with a greater emphasis on the outward-looking functions:

- *Networking – regional infrastructure on a local level*
- *Information dissemination (consistency of information throughout the State)*
- *Policy development – both proactive and reactive*
- *Advocacy and lobbying for and/or with those who may not have the skills or desire to represent themselves. Advocacy to government and the community*
- *Research in the areas where gaps have been identified especially in program areas*
- *Government policy response – submission response to government policies/legislation such as responding to government discussion papers/consultation papers.*
   (Peaks Working Party 2000:4)

A major University of Wollongong study (funded by the Australian Research Council) also places greater weight on the advocacy role of peaks in its definition:

> *A 'peak body' is a non-government organisation whose membership consists of smaller organisations of allied interests. The peak body thus offers a strong voice for the specific community sector in the areas of lobbying government, community education and information sharing between member groups and interested parties.* (Melville 2003: ix, Recommendation 1)

It further argues:

> *In a modern democratic welfare state, community umbrella organisations have become an indispensable intermediary between community and government in relaying the needs of their communities. Community umbrella organisations represent the rights or demands, requirements or exigencies of their constituencies of regional non-government, usually also non-profit, organisations that service the community sector. … As Australian society has become larger and more complex, increasingly a major function of peak*

bodies consists of advocating on behalf of their constituents. This is done through various means of lobbying for greater recognition for the sectors they represent from a government increasingly, it seems, more focused on its international position in a global framework of human rights advocacy. (Melville 2003:1)

The Youth Affairs Network of Queensland (YANQ) has gone even further, by identifying 4 key roles, 3 of which are outward-looking:

- Networking
- Policy development (means member-driven, proactive policy … includes policy platform and processes)
- Advocacy and lobbying (lobby usually occurs after an issue cannot be resolved after a reasonable period of advocacy … can be concurrent with different strategies)
- Research and development

(Unpublished YANQ Organisational Diagram)

What is common across all definitions, is the understanding that an advocacy role is a critical element … it is, for example, the characteristic that distinguishes *peak bodies* and *networks*. Understanding some key distinctions between different types of statewide and/or national bodies is important:

- ***Networks*** are primarily inward-looking and focused on providing support to their members.

- ***Peak Bodies*** may also resource/support their members as a part of their overall role, but they **must** also have a key outward looking role and focus on representing the interests of their constituents. ***Peaks*** are made up of (and represent) their industry, and sometimes consumer organisations or individuals. These are increasingly called *Service Provider Peaks*. Perhaps a more accurate title would be *Industry Peaks* (because this implies parity with peaks in other industries).

- ***Consumer Groups*** may function as either networks or peaks. When they have a broad-based membership, and advocate on behalf of consumers, these are increasingly being called *Consumer Peaks.*

- ***Service Providers*** are organisations that provide direct services to consumers, and are generally the members of networks or peaks. Peaks **occasionally** provide direct services to the disadvantaged[15], however this is a separate function from their role as a peak body.

- ***Round Tables*** (and other similar structures, such as "youth juries") are a way government gathers the individual views of some consumers, through direct engagement. These focus-type groups are separate from industry-related bodies.

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[15] On the rare occasions where this occurs, it is usually in the form of a pilot project (eg. **researching** new models of practice or **experimenting** with programs for a new target group), rather than ongoing provision of services.

The community services industry includes a mix of non-government, government and private sector groups with some advocacy or 'representative' role. The non-government organisations make up the core membership of peak bodies. Government groups are where the individuals allowed to influence decisions are selected by government, including working parties, round tables, consultancy firms and interdepartmental committees. Private sector groups represent areas of the industry that have been privatised (eg. aged care and childcare).

History of Peaks

Peak bodies in the community services industry had their origins in a variety of networks, alliances and interest groups[16]. They were generally *formed from the grassroots level in response to an identified need and/or the infringements of rights of a particular group[17]*. Their development into a formal peak body was a gradual process that began with people from allied organisations meeting informally to share concerns, then realising they could work together to support each other and try to make things better. Then, they discovered that other groups were doing the same thing elsewhere in Queensland. So all of them joined to form a State group to lobby/advocate for change and provide mutual support. In some cases, a group of State/Territory peaks have joined together to form a national peak body.

Over time, these *communities of interest[18]* have formalised into stronger, (often) funded organisations. Most have paid staff whose job is to act in the interests of a particular group or act to address a particular issue. Some peaks have developed according to their target group (eg. youth). Some have developed in response to a particular issue (eg. housing). More specialist groups combine the two (eg. National Youth Coalition for Housing).

Given their organic process of development, it is not surprising that a diversity of types of peaks exist – with unique (and sometimes complex) structures, with different role priorities, undertaking different key functions, addressing different issues and sometimes taking different positions on the same issue.

There is a widespread lack of understanding of the varying roles of peaks, even amongst government departments charged with interacting with these organisations. This misunderstanding has sometimes been reflected through concerns about different peak bodies 'duplicating' interests and/or taking different positions on policy issues, and the assumption that this means they are not genuinely 'representative'. Whilst it seems obvious that different individuals and groups will have different experiences/view/solutions, and that these differences can contribute a range of perspectives to policy development, this misunderstanding has its dangers:

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[16] Peaks Working Party 2000:1
[17] YANQ 2000:1
[18] Peaks Working Party 2000:2

It is through this lack of knowledge and misunderstanding that unrealistic expectations become fuel for rationalist approaches. … We need to be able to articulate our purpose, our target group, our representation, our common goals and our strategies for sustainability. (YANQ 2000:3)

The variety of roles, functions and priorities of peak bodies can be a good thing. This diversity can contribute in a range of different ways to the rich tapestry of democracy. There is a fundamental authenticity to the peaks contributing both shared and differing positions to the policy development process … they have grown out of the realities of human differences, rather than fitting some formulaic structure and role.

Representativeness of Peaks

As mentioned earlier, the ANU study found that different understandings of *representation* and widely varying internal democratic processes are found across all types of advocacy organisations – including business/professional organisations[19]. There are as many different understandings of *representation* as there are of *democracy*! Peak bodies are not unusual in employing a range of different approaches to fulfilling their representative role.

Historically, the membership of peak bodies has been the organisations which provide services to consumers. Therefore the overall *constituency* of peak bodies is the whole industry, or sector of the industry, which they represent – both service provider organisations and their clients. In come cases, consumers have been directly involved in the peak; in others, their collective interests have been represented by member organisations. In other words, peaks have represented **interests** rather than **individuals**.

Generally, the approach taken by a peak body to represent their constituency fits into one of the following[20]:

- *Reactive* **Approach** - Some peaks are regularly directed by their membership and/or management committee/executive in determining priority issues and the position to be taken on these issues. This has an advantage of being seen as more "representative" by some. However, it can also result in constant changes in priorities/positions, and can result in the development of elite groups which can take opposing positions and compete for power in the organisation. It also runs the risk of disempowering the overall membership, functioning in an inconsistent way and reducing staff ability to take initiative. Government priorities are sometimes presented as "the reality", and organisations can be gradually swayed to take a pragmatic position which loses sight of the priorities and long term needs of their constituency.

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[19] Dalton & Lyons 2005: viii, 15
[20] Quixley 1999:1

- *Proactive* **Approach** – Some peaks develop a **detailed** framework (eg. values, vision and long term plans) for their organisation. Members are required to support this framework, and the main role of the management committee/executive is to ensure organisational adherence to this framework. This has the disadvantage of being seen as less "representative" by some. However, it has the advantage of consistency in priorities/positions, and discourages development of power elites in the organisation. Depending upon the process used to develop the framework, it can function to empower the overall membership in an ongoing way. The parameters within which staff can take initiative are clear, and a thoroughly developed framework can protect against the organisation being gradually swayed to conform to government priorities which work against the long term interests of their constituency.

- *Combined* **Approach** – Most peaks use a mix of these two models. A **general** framework (eg. mission statement) provides some ongoing context for their policy development, lobbying and advocacy. However, the details are determined on an ongoing basis by the membership and/or management committee/executive. Depending upon how the mix is arrived at, this may encourage the best, or the worst, of the 2 approaches.

All are differently *representative*, and increase the chance of capturing different aspects of the interests of their various constituencies. This is why, even where some overlap of membership or interest exists, it is unlikely to be *duplication* of services. For example, the existence of 2 groups representing the interests of single parents (Lone Fathers Association of Australia and National Council for Single Mothers and Their Children) was cited as an example of duplication by the Commonwealth Department of Families and Community Services (CDF&CS), and they proposed a single satellite organisation to replace the 2 bodies, despite the very different perspectives (and historical conflict) between the two groups[21].

It is critical that a range of Peak Bodies are in existence at the same time[22]. Different peaks have different roles and represent different aspects of key issues affecting their constituencies:

> *Peaks are not well resourced for the expected outcomes and the great demand for their services. The concern that there may be potential for overlap and/or duplication seems unrealistic. This would be unusual and if it did occur it would not be a negative outcome as some issues are 'global issues'.* (Peaks Working Party 2000:2)

Failure of different peak bodies to hold the same position on every issue is not a failure of representation. Rather, it reflects the genuine range of perspectives which need to be considered during policy making, rather than a simplistic, constructed notion of unity.

Whilst the ability of organisations to be representative is impacted by its structures and processes that facilitate flow of policy advice from membership to board and

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[21] CDF&CS 2000:n/p
[22] YANQ 2000:3

vice-versa, it can also be affected by the demands of government. **Peaks' ability to be representative is hampered when:**

▪ Timeframes are inadequate to allow for consultation and research where the organisation does not already have a policy position. Even where a position exists, peaks often need time to gather qualitative, State-wide, current feedback and quantitative research data to enhance contribution and ground it in the present.
▪ Funding is insufficient to meet expectations for comprehensive feedback or other outcomes.
▪ Funding is insufficient to address issues of geographic distance in a way that enables genuine, quality State coverage.

Social Contribution of Peaks

Independent not for profit organisations … bring distinctive value to society and fulfill a crucial role that is distinct from both the state and the market. They act as pathfinders for the involvement of users in the design and delivery of services and often act as advocates for those who otherwise would have no voice. In doing so they promote equality and diversity. They help to alleviate poverty, improve the quality of life and involve the socially excluded. Effective consultation and policy appraisal is an essential part of ensuring that a relationship works and that the sector is able to fulfill its strategic role. (UK Code of Good Practice, quoted in Peaks Working Party 2000:3)

The contribution of peaks to society is multi-dimensional:

▪ **Improving government outcomes** - Peaks play a key role in contributing both to the quality of government policy making (through ensuring policies and programs are relevant to changing social needs[23]) and to the quality of service delivery (through supporting community organisations)[24].

▪ **Increasing democratic participation** - Peaks can help *governments achieve their objective of participation in the political process*[25] and enhancing the skills and opportunities for democratic participation in *wider civic and political affairs* by their members[26].

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[23] Scott 1971 quoted in Industry Commission 1995:192.

[24] QCOSS submission 261:1, quoted in Industry Commission 1995:181

[25] Industry Commission 1995:192

[26] Dalton & Lyons found that people who participate in voluntary organisations are more likely to engage in the democratic process in other parts of their lives. This pattern is even stronger for people who participate in advocacy organisations. *Recent Australian research confirms … associational members are nearly three times as likely to participate in political activities (other than voting) than are non-members* (Passey & Lyons quoted in Dalton & Lyons 2005: 9).

- **Improving quality of life** – Improving the quality of life of a particular group in society, or addressing a particular problematic issue, improves the overall quality of life in Australian society.

Peaks can aid in improving government outcomes through:

- enabling cross-fertilisation between groups with different exposures (eg. Indigenous youth workers associate with workers with Arab young people, with workers with non-Indigenous young people, and share ideas);
- generating policies and programs that genuinely work for diverse population groups;
- helping workers generate new/inclusive models/approaches;
- testing the viability of strategies/ideas;
- supporting workers in giving feedback on 'on the ground' issues;
- supporting new workers entering the sector;
- enabling resources at the grass roots to be dedicated to service delivery[27]. (Without peaks, many committed workers would feel ethically obliged to focus on advocacy at a local level.)

In other words, peaks contribute to the overall professionalism and accountability of both organisations and individual workers. They encourage a commitment to cooperation and partnerships and empowerment of communities. They provide an easy means to test diversity/cultural appropriateness and develop industry-relevant quality frameworks.

Peaks can help *actualise democracy*[28] through:

- helping governments achieve their objectives related to community participation;
- contributing to quality decision making by policy makers;
- encouraging community representation and participation;
- providing easy access to feedback for government;
- helping governments meet their social justice/equal opportunity obligations;
- meeting the partnership requirements of government;
- taking some of the heat for government … testing ideas in the community and giving feedback on emerging thinking;
- providing efficient means to engage users in the design and delivery of services;
- advocating for those who would otherwise have no voice … promoting social equality and diversity;
- providing community members with the skills, opportunities and incentives to engage in public life.

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[27] YANQ 2000:2
[28] YANQ 2000:5

Efficiency & Effectiveness of Peaks

The capacity of any NGO to contribute to democracy effectively relies on many factors, including the size, income and status of its constituency, the appropriateness of its strategies and the openness and inclusiveness of its internal governance. The complexity of these processes is not well understood. As a result, their critics and defenders are often arguing at cross purposes; critics focusing on alleged failures of internal processes, while defendants point to the effectiveness of their external impact. (Dalton & Lyons 2005:viii)

The principal factors influencing effectiveness of peak councils are autonomy and representativeness. (Industry Commission 1995:200)

Like **any** advocacy group, the efficiency and effectiveness of each peak is determined by its:

- **Autonomy** – It is critical to recognise that contribution can be hampered by external constraints. Maintenance of a peak's independence is critical to creative, independent thinking … and therefore, to good advice and sound policy outcomes. 'Mutual back-patting' does not achieve the developmental and democratic goals of peaks.

- **Coherence** – Peaks need to be held together by more than simply a shared topic of interest. Without shared values/direction in relation to that topic, constant inefficiencies will result from unproductive internal debate. Articulating values and vision is an insurance policy against becoming "an arm of government". Shared values/direction help clarify and strengthen the leadership of peaks, enable a stronger voice to government and encourage increased participation by consumers in government processes[29].

- **Priorities** – It is critical that peaks articulate their priorities. Without clear priority setting, peaks are vulnerable to simply following government priorities/agenda … and potentially never getting to **initiate** commentary on the issues most affecting their constituency. This can result in a "real" failure of representation. Peaks' first responsibility is to address issues of highest concern to their constituency … to focus on current issues for governments is to risk functioning reactively and becoming absorbed in policy details at the expense of the 'big picture'.

- **Resourcing** – The impact of resourcing on the ability of a peak to be 'representative' has already been covered. Resourcing must be sufficient to enable genuine parity of participation and contribution across the State. Ultimately, however, equal opportunity for NGO's to contribute to the "big" policy debates will only come when they have parity of funding with other advocacy bodies (eg. business lobbies), given the multiple approaches to lobbying used by richer organisations. Influence is directly tied to wealth!

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[29] YANQ 2000:4

- **Focus** – The range of areas covered (or prioritised) by a peak body should directly relate to its level of resourcing. Ideally, organisational agendas should be wide enough to cover the key concerns of its constituents; narrow enough to be able to comprehensively cover each area and respond quickly/efficiently to industry/government needs. If peaks are too large and broad in their mandate, they risk becoming a non-government bureaucracy and lose their community relationships and relevance. 'Super-peaks' risk becoming apologists for government and taking on the responsibilities of government.

- **Protection** – Often, individual workers/organisations are afraid of speaking out or challenging people on issues that are damaging to their clients or services for consumers. Many community organisations (including peak bodies) have experienced threats of reduced funding, discipline through inappropriate service agreements or de-funding … in short, difficulties in securing fair and just outcomes for consumers, when they speak out. They feel limited in their ability to contribute democratically through speaking with politicians or the media, and are anxious about being misquoted in media, not being heard, and/or being unable to adequately represent consumer issues[30]. In order to be effective, peak bodies need protection from threats such as these.

- **Sustainability** – Peaks have a short history in Australia, and need time to define their current and future roles. Guarantees of independence and sustainability are critical to this development process. If peak bodies feel under threat, it will be difficult to establish viable structures that can genuinely speak with/for those members of society facing inequality and discrimination[31].

- **Recognition of their own value** – Peaks have unique and valuable information to provide to the community at large and governments, which is often unavailable from other sources[32]. It is important that they recognise their valuable social role!

The Changing Role of Peaks

A variety of trends in government expectations of peak bodies have emerged over the past decade. Since the income of over 70% of peak bodies in Australia is mainly derived from government funding[33], government expectations clearly have a greater impact on peaks in the community services industry than similar bodies from other industries.

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[30] YANQ 2000:2

[31] YANQ 2000:5

[32] YANQ 2000:4

[33] Melville 2003:iv found that of the 142 peak bodies nationally, 100 mainly derived their funding from federal and/or state/territory governments.

The tone was set by the Industry Commission:

> *Autonomy can be promoted by peak councils limiting their reliance on government funding, by government funding being administered within a consistent policy framework and by peak councils basing their representations on facts and in areas of expertise. Effective representation requires the peak council to have a full system of accountability to its membership and funding bodies, and a clear mandate to provide representation for those it claims to speak for.* (Industry Commission 1995:200)

Implicit in this statement are a number of possible assumptions:

- That peak bodies have access to significant funding outside government. (Whilst there always has been, and always will be, tension between organisational autonomy and state funding, there appears no evidence of any progress in creating means by which peak bodies can access non-government funding.)
- That peak bodies do not currently have *consistent policy frameworks*.
- That it is possible to both have a *consistent policy framework* and 'represent' a varied constituency.
- That (some?) peak bodies are inclined to operate outside *facts* and *areas of expertise*.
- That it is possible to be **similarly** 'accountable' to both *membership and funding bodies.*
- That a *clear mandate* for representation can be readily articulated.

These themes will be further explored below. Actual changes in government expectations of peak bodies vary from State-to-State and nationally. Different peaks have also responded differently to these pressures. **The Commonwealth has led the way in seeking changes in the role of peaks. Therefore, this section seeks to identify key emerging themes nationally, which may or may not be currently under discussion in Queensland:**

> *A major theme to emerge in the study is the systematic delegitimisation of peaks as 'representative' bodies or sections of the community sector and their participation in policy-making processes. This is evidenced in a number of ways, from deliberate defunding of organisations to significant changes in the micro-management of relationships between ministers, public servants and peak representatives.* (Melville 2003:iii)

However, there is clearly some disquiet in the Queensland context, where only 2 of the 12 State-wide peaks claimed to have an amicable relationship with the government[34]:

> *Apparently, current peak relations with government continue to be far from satisfactory, with a common complaint being that the Queensland State Government fails to consult with the sector as it had promised to do.* (Melville 2003:vi)

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[34] Melville 2003:iv

> **The Over-riding National Trend - Movement from a 'Democratically-driven Model' to a 'Business/Efficiency-driven Model'.**
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> Essentially, human services peak bodies are viewed in a similar way to industrial unions … as a 'thorn in the side', rather than a contribution to the rich fabric of policy development and implementation. The key difference between peaks and unions, is that unions have independent sources of funds, whereas organisations focused on the disadvantaged have limited access to funds from non-government sources. Therefore, peaks are easier to discount.
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> This trend effectively silences and undermines the democratic process. A key element of this trend is an increased emphasis on paid lobbying. This occurs by a variety of means, including using consultancies/research, think tanks and representation on government committees, in addition to direct employment of professional lobbyists. Given that the community services industry does not have the funds to pay for lobbying, they are excluded from one of the most significant means currently used to influence policy development and implementation. This ensures maintenance of inequality – the 'have-nots' have a decreasing ability to influence government decision making.

Trend 1 – Increasing Emphasis on 'Representation'

A key CDF&CS Discussion Paper[35] gives a picture of the Commonwealth Government's perceptions of the 'ideal' peak, into the future. The paper proposed the establishment of *Umbrella* and *Satellite* peak bodies at a National level:

- **Umbrella bodies** would be required to represent *most of the Australian people* in the relevant target group … and **also** gather *thoughts and hopes* of this group **and the wider community.** They would be run and directed by consumers. There would be a consistent set amount of grant funding for all Umbrella bodies. They would be required to work with relevant Satellite bodies if giving advice to government. (This would reduce the need for government to relate directly to individual Satellite bodies, when seeking advice.)

- **Satellite bodies** would also be run and directed by consumers. There would be a (lower) consistent set amount of grant funding for all Satellite bodies. Each Satellite would also be required to include Aboriginal/TSI people, culturally/linguistically diverse people and women in their structures, and represent their interests. Each would *represent the group … on topics and problems that are important to a government outcome area or the targeted group.* They, too, would be required to both represent their group **and gather wider community** *thoughts and hopes.* (This would eliminate the need for specific peaks to address the needs of minorities.)

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[35] CDF&CS 2000: n/p

The emphasis on consumer-run peaks builds on a Coopers Lybrand Study (1997) which suggested that only consumer peaks should be funded … unless none existed[36]. This tied back to the repeated arguments about the level of 'representativeness' of peaks (particularly by the IPA) mentioned above.

Why should the 'representativeness' of community services industry peaks be tested against different criteria from other industry bodies? This completely ignores the evidence that many industry bodies do not engage constantly with their own constituency, let alone the wider Australian community … and they are certainly not expected to undertake perceptions studies of the wider community in order to be seen as a credible voice for their own constituency! It seems bizarre that, for example, the BCA is often treated as though it represents all business in Australia … when its formal descriptor does not claim representativeness at all, let alone for the whole of Australian business!!![37]

What makes an organisation run by consumers more 'representative' than one run by service providers? It is very easy for individual consumers to be caught up in their personal perception, and have difficulty seeing the range of consumer perspectives on an issue. Arguably, a service provider may be in a better position to have an overview of consumer opinion, particularly if they actively seek to gather opinions. A national consumer-run peak could easily be *set up for failure* …

1. In the absence of sufficient funding to undertake comprehensive national consultation on every issue that arises, the small group of consumers directly involved with the peak voice their personal opinions.
2. Consumers (unless they are also service providers) are unlikely to have years of experience in organisational development, negotiation with government, conflict management, different decision-making techniques, research, consultation, etc. and may therefore simply drown any dissident opinion amongst their constituency.
3. Dissident consumers need only, then, express a different point of view to government and the 'representativeness' of the peak will be in question and their credibility undermined.
4. The consumer peak could then 'legitimately' be de-funded on the basis that it is not 'representative'.

The lower the level of funding (and therefore the organisation's capacity to genuinely gather the perceptions of a range of consumers), the greater the risk that this scenario could be enacted. Added to this, the Federal Government's apparent assumption that consumers will have a common opinion on key issues (that any overlap in interests between different peak bodies is *duplication*) is a key feature of the proposed model where the Discussion Paper openly states that it would prefer one body to speak on behalf of any particular *area*, for example disability or family services. (This is in marked contrast with the business sector where, for example, there is significant 'duplication' between key bodies – for example, the BCA, the Australian Industry Group and industry-specific bodies like the Housing Industry

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[36] CDF&CS 2000: n/p

[37] The Business Council of Australia reflects **its** perceptions of the **interests** of (big) business. It is ironic that even the BCA does not claim **individual** representativeness, nor any particular engagement with the interests of business as a whole. It describes itself as *an association of the chief executives of leading Australian corporations with a combined workforce of almost 1 million people* (http://www.bca.com.au/).

Association or professional bodies like the Institute of Chartered Accountants! There does not appear to be any question that each has the right to comment on a wide range of issues – often with different points of view on the same questions. These different points of view are not generally interpreted as reflecting a lack of 'representativeness'.)

The idea that any area of the community services industry could speak with a "united voice" is a myth. The reality is that different consumers have different perceptions of their interests and needs. It is these differences which can contribute to the richness of policy referred to by Martin Ferguson in the opening quotation of this paper. Creating an **illusion** of a united voice can result in apparent solidarity which kills genuine democracy.   Having different peak bodies representing the interests of consumers from different perspectives has the potential to add value to policy … to enable government to consider the full range of points of view, rather than drowning dissident consumer voices.

Why should the community services industry peaks be denied the existence of a 'whole of industry' voice available to all other industries? In the 'new peak world' of the CDF&CS Discussion Paper, there is no place for service providers or community services organisations. There is no proposal that any body run by or for service provider organisation be funded at a national level. Again, this is in clear contrast to other sectors where industry bodies represent organisations and/or professionals within the industry, and where professional staff are employed in their management and 'representative' structures … and consumers are often not represented at all!

Historically, peak bodies have been made up of allied **organisations** (usually service provision organisations). **In other words, they have represented interests rather than individuals.** The emerging focus on representing individual consumers must ultimately result in loss of a collective industry voice in the community services industry. A failure to fund peaks means that only the privatised parts of the industry will be represented in the future … despite the size and economic and social contributions of the non-profit/non-government parts of the industry.

Trend 2 – 'Partnership' and Threats of Defunding

Peaks have a level of vulnerability unlike that of any other State/national industry bodies. According to a recent study, more than half the peaks in Australia which are mainly government funded claimed to have been threatened with defunding and 10% were totally defunded. *Nearly 40% of the reasons given for these threats or funding loss were due to the peaks' political activity and changes in funding guidelines.*[38]

Changes in funding guidelines include a focus on **contracting** of peak body services, rather than provision of grants. This might have some advantages:

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[38] Melville 2003:iv

- Expectations can be clearly articulated from the outset, and peaks therefore know where they stand.
- There is a suggestion of triennial funding with annual review against performance criteria, which could enhance the stability of peaks.

On the other hand:

- The Commonwealth Government has made it clear that it expects some peaks to participate in the process of rationalising the number of national peak bodies – and proposed that progress toward this goal should included in their performance-based contracts.
- Narrow guidelines could severely limit the role of peaks and ensure mediation of issues through bureaucrats, thereby further excluding the sector from direct political influence.
- Any organisation (eg. consultancy firms) could potentially tender to fulfill peak functions, and compete with industry-based peaks for the limited funding available.

The Commonwealth has marketed an approach to peak funding which is predicated on 'partnership'. It would appear that 'partnership' has little to do with operating as equals at the negotiation table – and much more to do with taking on responsibility for 2-way information flow and focusing on addressing government priorities.

The CDF&CS Discussion Paper focused on making peaks responsible for being a conduit for government information back to their constituency. This suggests a responsibility to **market** government policy to their constituents. It is even proposed that peaks should be able to demonstrate effectiveness in information flow as part of their funding contract. This is significantly different from the 'natural' flow of information gained from government and passed back to constituencies in the ordinary course of providing information found to be relevant and useful to the sector by the peak itself.

A similar trend seems to be emerging in Queensland. According to one Queensland Government bureaucrat:

> *We fund the peaks knowing that firstly they want to have a good understanding of the policies and objectives of the Department. … If we want to be able to make opportunities for the organisation to capture community view then we get the resources to actually manage that relationship …* (quoted in Melville 2003:67)

In other words … the 'partnership' consists of the bureaucrats passing information to the industry via the peak body. Consultation is a separate exercise which is not routinely covered by funding. When the government wants consultation on a particular issue, it can be separately funded as a project. It is unclear whether this particular bureaucrat sees any role for peaks as **initiators** of discussion about issues that are priority from a constituent's point of view.

Another key trend in the CDF&CS Paper is a suggestion that the performance criteria articulated in the Commonwealth's contract with peaks, could be based on the aims of the funding department. Such a process would clearly impact on peaks'

capacity to be **proactively** responsive to the issues arising from their constituency, rather than simply **reacting** to government agendas. In other words, it could actively undermine peaks' ability to be 'representative' of the priority concerns of their constituency – and, leave them even more vulnerable to accusations of 'lack of representativeness'!

Trend 3 – Tendering rather than Grants

Since the late 1990's, key debates related to funding policy for national representative bodies have focused on *notions of competition, value for money and 'choice'.*[39] The movement toward tendering/contract-based funding, rather than grants, has run parallel with the growth in the use of consultants by all levels of government.

Elizabeth Morgan noted the trend toward tendering for national policy-related work through CSSS. As at November 1998, this was selective tendering amongst key peaks[40], however this opens up the possibility of other bodies (eg. private providers/consultants) taking on this work which was previously undertaken by peak bodies as a routine part of their role. Both Victoria and Western Australia have already trialed competitive tendering processes for a range of services, including peak bodies[41]. The British experience demonstrates that competitive tendering in the community services industry has not led to better outcomes[42]. A major British study by the Nuffield Institute found that *all of the research to date indicates that agencies are best able to deliver on their contract when the agreement for funding is negotiated rather than imposed*[43], and, as a result of competitive tendering:

- The loss of working partnerships has been identified as a major issue by both national and local government policy makers and by all providers;
- There is a strong and public discussion occurring across the UK about the loss of democratic community involvement in service development.[44]

Ironically, just as Australia is moving toward tendering as the key means of funding policy development, the British study *… identified the need for a better engagement of non-government policy bodies … as one of the strategies for addressing issues of quality, community engagement and performance assessment.*[45] Similarly, Morgan found that Canada is also finding that having peaks which take a stronger leadership

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[39] Morgan 1998b:16

[40] Morgan 1998b:9-10

[41] Morgan 1998a:9

[42] Britain has lead the way in relation to competitive tendering for NGO's in 1997, and has found that this may lead to cost savings but service quality had not improved[42]. A review of the process found that quality of service relied on (amongst other things) renewal of local democracy, and that tendering resulted in significant loss of important partnerships between stakeholders. In short it found tha*t building of partnerships with local communities and between sectors* was important to achieving *best value* in service provision. (Morgan 1998b:10-12)

[43] Morgan 1998b:15

[44] Morgan 1998b:15

[45] Morgan 1998b:16

role could assist the industry to *engage in its own reform strategies which will assist in establishing stronger and more effective NGOs[46]*.

In summary, Morgan finds:

> *The research and anecdotal evidence from both the UK and Canada indicates that the loss or absence of national representative NGOs is not in the best interests of the community and that considerable benefit is derived from national NGO's playing an integral role in policy and program development; Where national NGOs have been defunded the loss of partnerships with government is significant and governments are rebuilding these partnerships through long and protracted processes.* (Morgan 1998b:17)

Trend 4 – Increasing 'Accountability'

> *… Over the past decade, as governments have sought to contain growth in their expenditure and as they have been transformed by reformers in ways designed to make them more accountable, more efficient and more business like, the manner in which they fund community organisations to provide services has come under scrutiny and has changed in many ways. Increasingly in the discourse of the public sector, these funding arrangements are being described as contracts. Governments are being urged to fund community care providers in precisely the same way as they contract with other organisations to lay roads or clean hospitals for example (Industry Commission, 1995). From the health industry has come the distinction between purchaser and provider. Governments are said to purchase services on behalf of consumers (people who need care) from service providers.* (Lyons 1996 quoted in Morgan 1998a:7-8)

> *Whilst the* (Industry) *Commission concluded that peak councils play an important role in the community services sector arguing that 'they have the potential to influence the efficiency of the sector and the effectiveness of members and the sector as a whole'[47] they also argued for improved accountability mechanisms.* (Morgan 1998a:8)

Accountability to whom? For what? The literature seems to consistently assume that there is a single, commonly-understood definition of *accountability*. In fact, there are a number of different types of organisational accountability. Peaks may owe different types of accountability to different interest groups. One way to conceptualise different types of external accountability is:

- *Meaning accountability* – deciding the organisation's purpose for existing (eg. ideology, values, vision, direction).
- *Ethical accountability* – interpreting the organisation's meaning at a practical/day-to-day level.

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[46] Morgan 1998b:17
[47] Industry Commission 1995:181

- *Legal accountability* – demonstrating compliance with the law (eg. incorporation, GST, employment practices).
- *Functional accountability* – showing that the organisation did the things they said they would do with a **particular** allocation of funds.

(Quixley 1997:3)

It is interesting to note that the actual contract framework included in the Morgan Report is very functional – a typical corporate-planning/outcome-based triangle with aims at the top and more detailed activities (contributing toward organisational aims) on the bottom.[48] If this was the only facet of organisational development relevant to government accountability, this could be positive for peaks. It would mean that other aspects of organisational development such as values/vision, ethics/standards and policies/procedures … in other words, the culture and meaning of the peak … are irrelevant to the contracting process, and are not the business of the funding body. They could be recognised and protected as the autonomous aspects of the peak.

Under a grant-based funding system, it could be argued that funding bodies were entitled to detailed financial reporting. However it would appear that government departments have not made the transition to contract-based funding, when it comes to issues of financial accountability:

> *One of the issues identified was the tendency of funding bodies to retain a confused mix of the reporting requirements of input-based processes (grants systems) and new requirements consistent with an outcomes-based approach (service purchasing). For example, many funding bodies have retained an emphasis on requiring organisations to provide extensive details of how they spend the dollars on such items as salaries and administrative outlays with little attention to reporting on outputs or outcomes. This is inconsistent with a service purchasing or contracting arrangements. The funding unit managing the contract should be concentrating on whether the organisations have delivered the negotiated outcomes within the agreed allocation of total resources. Provided the outcomes are being delivered the question of how organisations allocate those inputs is the business of the governing body of the organisation.* (Morgan 1998a:19)

Morgan proposes that only 2 areas of possible accountability are appropriate under a service contract funding system:

- *Reporting against the agreed outcomes; and*
- *Financial accountability.*

(Morgan 1998a:19)

Within these areas, there are still key accountability questions outstanding.

What agreed outcomes? Whilst the language of 'partnership' has been widely used, there is a risk of service contracts being focused on government agendas at the expense of the peak's constituency priorities. In other words, performance-based contracts can be useful … it all depends on what the performance criteria are!

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[48] Morgan 1998a:14

The Morgan report identified 6 possible outcome areas for national peaks, indicating that these might be recognised as legitimate activity areas. Any given peak might include all or some of them:

- *policy;*
- *consultation and representation and/or networking;*
- *leadership;*
- *information dissemination and/or education;*
- *service development;*
- *governance.* (Morgan 1998a:12)

An interesting omission here is the research/consultation. These may well be seen as part of *policy*. However, their exclusion as an explicit outcome area does raise possible issues which are explored under Trend 6. Another word that is noticeably missing is *advocacy*. These were key words included in the Industry Commission definition, and their exclusion here reflects a possible change of thinking by the Commonwealth.

What financial accountability? Following on from the Industry Commission's comments, when a company or business is appointed to repair roads or clean hospitals it is not required to explain where every cent went to the government department that contracts their services … far less, to provide details of their overall finances including those unrelated to the service being contracted. Their success in fulfilling the service contract is seen in terms of whether the roads are repaired, or the hospital cleaning is adequate. Their financial accountability to government is limited, and seen in the context of other accountability mechanisms that exist. They are required to meet the relevant company/business law, and report to other areas of government accordingly. Depending on their company structure, they may be required to report to a Board, or to shareholders, or to the stock exchange. If the contracting government department wants to know about their financial affairs in more detail, they, like any other customer, can view the company data available on the public record.

Peak bodies are generally incorporated bodies. Just like companies/businesses, incorporated bodies are already required to meet a variety of laws and report on their financial and governance affairs to both their membership and various sections of government. If outcome-based contracts form the basis of funding for peaks, then the nature and level of financial accountability should be similar to that of any other legal entity. (It is interesting to note that public reporting of financial affairs is not required for registered businesses – all their reporting is in private, to the Tax Department. Given that many consultancies appointed by government departments are small businesses, their public financial transparency is non-existent, and their financial accountability requirements are significantly less than incorporated bodies.)

According to Morgan, **outcome/performance-based funding may be useful for national secretariats if they are consistent with the following principles:**

- *Reflect outcomes and measure over which the organisation has control and can demonstrate achievement against;*
- *Be confined to describing outcomes and priorities commensurate with the level of funding provided;*

- *Recognise both the autonomy of the non-government legal entity and the need for accountability for public funds; ...*
- *Are mutually agreed between the Department and the Board of Management Committee of the NGO …*
- *Assist or build on the strategic planning capacity of the non-government organisations.* [49]

In other words, the contract must be linked with the peak's **own** strategic planning process.[50] According to Elizabeth Morgan's research for the Department of Health and Family Services, National Secretariats felt the principle of a *negotiated process was potentially positive*. However, they were wary because of the *lack of involvement, participation and consultation with community based organisations in the early 1990s.*[51]

As an interesting end-note, Morgan cited a study on the use of performance-based criteria within government:

> *Carter, Klein and Day (1992), in a critique of how governments measure success, discussed the problems experienced by senior government administrators in implementing models of performance measurement within government agencies. The authors also identify the confusion, disagreements and ambiguities which prevail in the discourse regarding performance measurement. The discourse of performance measurement is fraught with semantic and conceptual difficulties which are still unresolved.* (Morgan 1998a:9)

It is important to acknowledge that no-one has 'got it right' yet … that peak bodies can legitimately enter the debate with a particular model of outcome-based accountability which both ensures high levels of appropriate accountability to government, and protects the essential autonomy and identity of the organisation.

Trend 5 – Decreasing Direct Political Engagement

> *At a macro-political level, many of the challenges faced by community-sector peaks come from multi-factorial sources. These include a globalised policy environment dominated by hyper-communication technologies and 'stage-managed politics'; as well as a new welfare state 'management' determined by economic imperatives beyond our borders. This in turn has led to what some have referred to as the democratic deficit syndrome prevalent in neo-liberal, market-dominated western societies.*

> *… Traditional methods of access to policy processes, including all forms of communication, meetings, letters, consultative processes, lobbying and the*

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[49] The first four bullets are part of Recommendation 1 (Morgan 1998a:iii). The following point is from the body of the report (ibid:5)

[50] Morgan 1998a:11

[51] Lyons' findings cited in Morgan 1998a:8. The Lyons study was based on service delivery organisations, but similar processes had been applied to peak bodies, advocacy services and state-based organisations

use of media, have undergone major changes in this period. Day-to-day access to ministers, their advisors and public servants about policy and funding matters no long occurs, which in effect has shut out many vulnerable groups in the community. (Melville 2003:iii)

Governments seem to have an increasing fear of the public voice. We need to break the cycle of silence between Peak Bodies, the government and the media. (YANQ 2000:4)

As noted earlier, several peaks believe they have been defunded due to engaging politically, and many others feel at risk if they actively advocate in the interests of their constituents … in other words, if they fulfil their 'representative' role.

These concerns are not only the product of a Coalition Government. Melville quoted the following from a Queensland Government bureaucrat:

*We would have some difficulty where public policy debate was fed through the media rather than through face-to-face discussion. We would not **necessarily** deny peaks the right to use the media* (quoted in Melville 2003:68 – our emphasis)

The government official went on to argue that, at the very least, peaks would only be entitled to use the media following discussion with government.

Close analysis of peak roles in representation showed that peak bodies are often caught in a dilemma. They must attempt to fully perform the duties of representation expected of them by their membership and broader constituents, while at the same time having to make compromises with the demands of government to avoid losing favour and even losing funding that would seriously curtail their ability to perform these duties. This was highlighted through the history of government relations with a national youth peak, which ended in the total defunding of the organisation. We suggest that one way of overcoming this dilemma would be the introduction of legislation that protects the interests of peak bodies. This would include in the legal terms of reference a standard definition that outlines the types of duties expected of a peak body, including their role as advocates for the community sector. (Melville 2003:vii)

Melville also promoted *reassertion of the traditional ethos of neutrality, equity and the 'public interest' as primary values pursued in the public service.* She described in detail, the current *narrowing of democratic institutions and practices*[52]. According to Melville:

The political and economic security of peaks as advocacy bodies is still very precarious and they no longer enjoy the legitimacy they once had in the Australian policy system. This situation must be redressed to ensure that the voices of marginalised and low-income people are incorporated into policies which have a critical impact on their day-to-day lives, living standings and social, cultural and political rights. (Melville 2003:viii)

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[52] Melville 2003:vii

Accordingly, she advocated a new recognition by governments of the value of *frank and constructive* advice/criticism (Rec 7), seeing the NGO sector as a *permanent and vital* part of society (Rec 8), seeing peaks' contribution as based in *experience and expertise* and not treating them as if government is *doing them a favour* by listening (Rec 13) and respecting and defending peaks' *client advocacy and social justice commentary during* contractual negotiations (Rec 30).

Both *… government and non-government officers describe funding to national secretariats as ad hoc and fragmented[53].* Like Morgan, Melville argues for clear articulation of expectations, linking expectations to realistic funding, triennial funding and resourcing capacity building and institutional strengthening … in short, a genuine partnership of equals[54]. Melville goes further and envisages a system where peaks are automatically involved with social policy processes, with the government instigating dialogue on key social processes. She argues for:

- including the right to critique without threat of defunding in funding agreements,
- tax incentives for contributors to peaks,
- GDR (GST exempt) status and other tax benefits for peaks,
- adjusting funding levels to CPI,
- core funding of regional infrastructure, and,
- structural separation of the funding source and location of lobbying for peaks (eg. separate funding enshrined in legislation).

In relation to the latter, she proposes removal of funding decisions from political whim through mechanisms such as an *eminent person's panel* (rather than a ministerial decision) and oversight of funding and policy in relation to peaks (for example, the nature of contractual arrangements) and sole power of arbitration, by a *joint multi-party senate committee* with peak representation (or equivalent at a State level). Such a process would include a funding guarantee, except for *misuse of funds, contravention of contractual agreement or dissolution of membership[55].*

Dalton and Lyons note that some groups have responded to threats based on their political role, through focusing on participating in government-initiated structures, and seeing this as a key advocacy tool. They note that some groups:

> *… adopt the view that maximising cooperation with governments is an effective way of getting governments to adopt some of their agenda. But … conducting government commissioned research or serving on government committees can be a far cry from influencing policy. Indeed, this kind of 'advocacy' carries several risks, including risks of sidelining or co-optation.* (Dalton & Lyons 2005:34[56])

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[53] Morgan 1998b:i
[54] Melville 2003:x; Morgan 1998a
[55] Melville 2003:x-xii
[56] Dalton & Lyons further expand on this argument on page 3 of their report.

Trend 6 – Diminishing Role of Research

This is a hidden trend, which does not appear to have been discussed by commentators. The listing of *research* as one of the key functions of peak bodies seems to have slipped quietly off the national agenda. The last time it was explicitly included as a central role of peaks in a major national document, appears to have been in the Industry Commission findings … 10 years ago!

So, what are the consequences of research being excluded as a key function of peak bodies? It could be argued that research is simply understood as part of peaks' role … that it is an obvious part of headings like *policy development.* However, the strong focus on 'representativeness' could easily limit the type of research undertaken (if only by funding constraints and time) to consultation alone. Wider research can enable peaks to take a proactive, analytical stance, whereas consultation alone risks producing reactive opinions. It is important to acknowledge that other forms of research can greatly strengthen the ability of peaks to support the position they are representing with rational argument, analysis and additional evidence. Without the capacity to undertake thorough research, peak bodies could be discounted as simply representing an opinion, rather than an argument.

Further discussion needs to occur about this area. Is there a risk of a de-emphasis on research occurring at a State/Territory level? Should peak bodies argue for the explicit inclusion of all forms of research as a central peak role? Or, is it acceptable to risk being limited to consultation alone? Should peaks begin to actively advocate the explicit naming of research as part of their role?

Trend 7 – Growth of Round Tables/Opinion Polls

Like a touch of spice, individual stories can enrich and personalise a point of view. The growth of individualistic mechanisms for hearing consumer opinions is potentially complementary to role of peaks.

However, it is important to acknowledge that focus-type groups such as Round Tables or Youth Juries cannot **replace** the role of peaks. Imagine a political party relying on feedback from 10 people in Queen Street Mall during an election, in lieu of a formal Opinion Poll of a representative population sample! Opinion Polls, like peak bodies, aim to scan the full breadth of opinion of an entire population/interest group. More detailed individual feedback, or focus-type groups, can only add detail and personality to wider trends. They cannot offer the 'big picture' or major themes that exist in a complex, non-homogenous population or interest group. Round Tables have the *specific purpose of providing young people with a direct voice into government*[57], and can therefore contribute to the development of some individual young people, and encourage their democratic participation. However, as AYPAC said:

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[57] AYPAC 1998:9

Because of the general lack of representation at a national level, AYPAC supports and has strongly advocated for the establishment of new models of youth participation, but we believe they should be in addition to the important role performed by the national youth peak. The Youth Roundtable will not be in a position to provide detailed policy development or advice, to undertake research and analysis, promote coordination in the non-government youth sector, develop youth specific resources or be in a position to represent the interests of young people in wider forums. These roles are most effectively undertaken by a broadly based coalition of youth organisations. (AYPAC[58] 1998:10)

Again, the question of 'reactive', versus 'proactive', advice arises. The opinion that a few people give when asked, is, by definition, superficial. Without the chance to explore one's individual opinions through engaging with other, very different people and arguments, it is unlikely that individual participants in a Round Table (or similar) mechanism will have their existing frame of reference informed or extended. Without challenge and opportunities for growth, individuals can only be self-aware … collective awareness requires interaction with others. Round Table mechanisms do not generally provide the informed, developmental support (including access to knowledge and thinking/learning processes) required to be collectively aware. Further, the selected information provided to participants can be framed in a manner that pre-judges the position of the government on a particular issue, and sets the norms for discussion of the topic. In other words, through no fault of their own, participants will necessarily operate out of self-interest and pragmatism, rather than the collective interest of a group of which they are a part. They cannot be seen as **representing** an interest group.

The trend toward using focus groups, rather than representative bodies to gather feedback, is not isolated to human services peaks. Similar individualisation of feedback has occurred through the growth of paid lobbyists and individual consultants to undertake research, over the past 15 years. Like the *unprofessional lobbyists* chosen by governments to participate in Round Tables, governments can more easily discount the individual opinions expressed in these settings, than the collective opinions expressed by peak bodies.

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[58] AYPAC was defunded in 1998. In its place 2 new groups were initiated – the Australian Youth Affairs Network (AYAN) was formed to work on the development of a new national youth peak; the National Youth Affairs Coalition (NYAC) was formed to maintain communication between existing state peaks, and to ensure that a focus on national youth policy issues was retained. For further information (dated 2000) see: http://www.yacvic.org.au/pages/media_and_publications/news/010201_nyanmettingnotification.htm

Where To From Here?

> *If governments really want to know what people are saying, especially those who lack the ability to have a direct voice because of the myriad of barriers that exist within our societal structures, then Peaks need to be supported and resourced until the structures of society change.*
> (YANQ 2000:4)

It is not in the long term interest of Australia to treat peak bodies in the human services as poor cousins of their relatives from other industries. Exclusion of disadvantaged members of society from an active say about the impact of social structures and services on them, can only further impoverish our democracy. Peaks have played a key role in the democratic process in Australia, and should be adequately resourced to do so into the future!

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ACRONYMS

ACOSS – Australian Council of Social Service - the largest national generic community services industry peak

AYPAC - Australian Policy & Action Coalition - the national youth sector peak body, which was defunded and 'replaced' by a youth round table in 1998, and wound up by its members in 1999

BCA – Business Council of Australia - representing the interests of big business corporations

CDF&CS – Commonwealth Department of Family and Community Services (the predecessor to CDHFS - Commonwealth Department of Health and Family Services)

CSSS – Community Sector Support Scheme (part of CDHFS) – the body that funds both service delivery and national policy/research/representation organisations (including ACOSS)

IPA – Institute of Public Affairs – a business think tank.

YANQ – Youth Affairs Network of Queensland – the generic youth sector peak in Queensland.