



# MEDIA RELEASE

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## Community Sector Welcome Legislative Ban on Gag Clauses

The community services sector has welcomed the Commonwealth Government's announcement this morning of its intention to introduce a legislative ban on 'gag clauses' which attempt to undermine the independence and legitimacy of civil society advocacy, says the WA Council of Social Service.

"The independence and sovereignty of community service organisations is vital to the health of our democracy and civil society," says the Council CEO, Irina Cattalini.

"Legislative protection of the right to advocate freely is welcome; however, the importance of this right also needs to be embedded as part of our culture and understanding across all levels of the community and Government."

The Council notes that this issue has been raised by the community sector throughout the consultation on the new Australian Charities and Not-for-Profits Commission (ACNC), and was recommended by the Western Australian Greens Senator Rachel Siewert in her minority report on the ACNC Bills.

The proposed legislation will prohibit the use of gag clauses in Commonwealth funding contracts with the not-for-profit sector.

To ensure service providers are free to advocate for the best interests of the disadvantaged and vulnerable, the Council is also calling for the Government to prevent other burdensome processes that act in similar ways to 'gag clauses' such as requirements for organisations to seek pre-approval before releasing statements or reports.

The Commonwealth proposal follows in stark contrast to what has been reportedly appearing in Queensland funding contracts, as a direct challenge to the vital role that independent civil society organisations play in a healthy democracy:

["Where the organisation receives 50% or more of its total funding from ... Queensland Government agencies, the Organisation must not advocate for State or Federal legislative change. The Organisation must also not include links on their website to other organisations' websites that advocate for State or Federal legislative change."](#)

"It is concerning that the Queensland clause fundamentally misunderstands the value of civil society organisations – which is far greater than their monetary value," says Ms Cattalini.

"The value of community service organisations comes from their mission, from their voluntary commitment to the cause of contributing to the social wellbeing of their communities, to connecting people and enhancing social capital. Governments can never buy or own that

value, regardless of how much funding they contribute to the good work of civil society,” concludes Ms Cattalini.

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