



Mutual Obligation? Regulating by Supervision and Surveillance in Australian Income Support Policy

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Abstract

Through an analysis of speeches by government ministers, documents and regulations, this article examines the Australian national government's surveillance of unemployed people through what is known as *Activity Testing*, and more specifically as *Mutual Obligation*. It seeks to merge the social policy analysis of *Mutual Obligation* with a surveillance perspective in order to delve deeper into the underlying nature of the policy and its implications for people who are unemployed. It does this by 1. Outlining the neo-liberal political theory underlying these policies; 2. Illustrating the nature and extent of surveillance of people in receipt of income support, and 3. Employing Foucault's concepts of the technologies of domination and the self to highlight the controlling and coercive aspects of Mutual Obligation in achieving certain of the Government's political and policy objectives. In doing so, the analysis will make visible something of the power exerted over the disadvantaged while subject to such surveillance.

Introduction

Since its election in March 1996, the Australian Federal Liberal-National Party Coalition Government (led by Prime Minister Howard), has increased the requirements on unemployed people who receive a Government income (usually as their only source of income). Known broadly as *Activity Testing*, and more specifically as *Mutual Obligation*, such requirements monitor the behaviour of jobseekers in many ways.

Mutual Obligation emphasises the behaviour and attitudes of income support recipients by asserting that long-term reliance on welfare payments can have adverse effects, such as reduced employment skills, inter-generational unemployment and undesirable or anti-social behaviour. Such policies are philosophically similar to Welfare-to-Work and other programs in the United States and the United Kingdom which also aim to reduce the number of people who have been

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in receipt of welfare payments for extended periods (Mead, 1997; Lund, 1999). Essentially such policies shift the focus away from the 'traditional' welfare state and emphasise its perceived flaws, and increasingly question how individual recipients act, and what expectations and obligations should be invoked in return for receiving public funds for income. In turn these programs heighten the degree of observation and surveillance of recipients' behaviour in order to assess compliance and punish disobedience.

In Australia, Mutual Obligation epitomises all of the above concerns, albeit with local variations. The cluster of policies and programs reflect the Australian Government's growing concern with what is described as 'welfare dependency' – a concern shared with other nations – and the financial demands on the state in the face of global economic pressures. According to the current Australian Government, Mutual Obligation seeks to place greater emphasis on the responsibility of the individual person for their own employment outcomes through (1) increased requirements for assessing on-going eligibility and (2) a reduced role for the state in terms of labour market programs. Increasingly, the role of the state in welfare provision is shaped by the aims of neo-liberalism.

In the process, the unemployed come under intense scrutiny. In order to identify how individual recipients of income support behave, a plethora of different forms of surveillance are used to monitor and ensure compliance with the expectations. Thus surveillance is not an end in itself; it is a powerful mechanism used to identify and correct behaviour deemed undesirable (for example, the unemployed, allegedly, expecting income support payments without doing anything themselves to move into employment) and foster ideal conduct. Furthermore, the power of surveillance to control and regulate the lives of the unemployed is played out through the implementation of penalties for infringements of the regulations, which is generally known as 'breaching'.

In the context of the neo-liberal agenda of the current Federal Government, increasing pressure has been placed on the jobless to prove their eligibility for payments (in the form of more numerous and stronger obligations). At the same time, greater lengths are taken by government agencies to ensure compliance with social security regulations in order to counter-act the perceived flaws in the previous welfare system and the perception (fed by the Government) that the system is subject to exploitation. In both processes, surveillance is intensive and extensive.

There is a great deal of Australian literature dealing with Mutual Obligation (for example, Macintyre, 1999; Kinnear, 2000; Moss, 2001; Bessant, 2002; Parker, 2004) and international literature addressing similar policies in other countries and their relation to neo-liberalism (for example, Schram, 2001; Mead, 1997, 1996; Bardach, 1997; Jencks, 1996; Marsland, 1996; Lund, 1999). However, there is very little in the literature which connects the Australian experience of Mutual Obligation to surveillance; the emphasis is not generally on the surveillance and scrutiny experienced by people who are unemployed. Rather the literature argues that Mutual Obligation is intrinsically unfair, coercive and not deserving of its name (for example, Moss, 2001; Kinnear, 2000).

However, this article seeks to merge the analysis of Mutual Obligation with those from a surveillance perspective in order to delve deeper into the underlying nature of the policy and its implications for people who are unemployed. It will do this, firstly, by outlining the political theory – namely, neo-liberalism – which underlies these policies and which point towards increased surveillance. The argument here is that the aims of neo-liberalism are played out through intensive and extensive scrutiny of the unemployed. Secondly, the paper will illustrate the nature and extent of surveillance of people in receipt of income support. Thirdly, the analysis will employ Foucault's technologies of domination and the self to highlight the controlling and coercive aspects of Mutual Obligation² in achieving certain of the Government's political and policy objectives. In doing so, the analysis will make visible something of the power exerted over the disadvantaged while subject to such surveillance.

Methodology

The evidence base for this article is largely speeches by government ministers, documents and regulations which are available in the public domain. The documents were analysed by looking for themes which both state the surveillance practices used and any rationale behind them. While the author's acknowledge that there is generally a difference between a policy's guidelines and its practice, this difference for Mutual Obligation is slight. In Australia there has been vigorous debate over the strict enforcement of welfare rules and the imposition of penalties which identifies little difference between rhetoric and practice. However, there is scope for further qualitative research dealing with how recipients mediate their experiences and negotiate the myriad of social security regulations (see for example, Peel, 2003; Carney & Ramia, 2002; Gilliom, 2001).

Surveillance – a definition

Surveillance can take many forms from the literal watching of others in close proximity to the tracking of movement and behaviour (such as bank transactions) via various electronic means. Increasingly, surveillance studies has examined the many new electronic techniques of surveillance and their effects on those being watched and the associated legal and ethical implications (for example, Lyon, 2001; Torpey, 2000; Gilliom, 1994). The emphasis has been on the diverse and novel ways everyday life is monitored through invisible technological frameworks (such as CCTV, mobile phone records, ATM transactions; Lyon, 2001: 28-29) to amass information on movements, transactions and so on.

Yet at its core, all surveillance, as Lyon (2002: 2) has noted, 'tries to make visible the identities or behaviours of people of interest to the agency in question'. This is precisely the function of the various requirements unemployed people in Australia need to fulfil in order to demonstrate their eligibility for income support. Their actions are made visible to the 'eagle-eye' of the

² It is important to distinguish two uses of the term 'Mutual Obligation'. The term is used to refer to the general policy which asserts that unemployed citizens should do something productive in return for their Government income. It is also used to refer to the more specific activities prescribed for the longer-term unemployed who have been on income support for 6 to 12 months. In most cases the first definition is used, which is how it is used in the following unless otherwise stated (see Kinnear, 2000: 1).

Government in order to ensure that the unemployed are 'genuine' both in their unemployment status and in their attempts to find work.

For the purposes of this article, surveillance is identified in several ways: (1) the gathering of information (including personal information) regarding an unemployed person's eligibility to qualify for income support; (2) jobseekers being required to self-report about their participation in prescribed activities to prove they are fulfilling requirements; (3) additional checks by the government agency, Centrelink, to confirm, or disprove, recipients claims of meeting requirements; (4) routine reviews of jobseekers' circumstances to re-assess eligibility. Thus, this article outlines the surveillance and monitoring practices which are faced by unemployed Australians who, overall, have as their main income that received from the Government.

Context of Surveillance – Mutual Obligation and Neo-liberalism

Mention was made earlier in this article of the philosophical similarity between programs in the UK and US which have attempted to reduce the number of people on welfare. The connection stems from the world-wide trend in politics known as 'neo-liberalism'. Neo-liberalism has increasingly influenced the political landscape in industrialised nations such as the United States and Australia and provided the philosophical underpinnings for increased surveillance of the unemployed. In this context, Mutual Obligation may be seen as part of a broader phenomenon.

There is a wealth of literature dealing with the emergence, historical background and present effects of this political philosophy (in Australia, for example, Holton, 1992; Stretton & Orchard, 1994; Teeple, 1995; Mishra, 1995, 1999). In brief, however, neo-liberalism is based on some central tenants including: economic liberalism; small government with a reduced public sector expenditure and tax burden; and increased personal responsibility and self reliance. In effect, such a philosophy increasingly reduces the role of government agencies in directly addressing unemployment while placing a greater importance on personal responsibility, self-reliance and independence in resolving such life crises. This type of governance has been described as 'an attempt to govern better by governing less' (Dean, 1998: 90). In attempting to increase personal responsibility, the notion of 'welfare dependency' is central.

'Welfare dependency'

Central to the current trends in welfare politics is the emergence the concept of 'welfare dependence', which diagnoses unemployment, particularly long-term unemployment, as the result of an over-generous welfare system which subsidises laziness and has serious detrimental effects on both the work skills and motivation of the unemployed. Schram (2002: 202) has noted the change of focus in welfare provision in the US has moved from addressing poverty towards a framework which recognises the 'supposed epidemic of "welfare dependency"'. He continues:

Welfare dependency has been emphasized for some time as the primary focus of postindustrial social policy. According to this perspective, countering the economic processes that produced poverty was the primary

focus of industrial social policy, but now that has been replaced in the postindustrial era by the need to reduce the behavioral patterns that produced an overreliance on welfare (2002: 202).

Similarly, Fraser and Gordon (1994: 323) outline the changing nature and meaning of 'dependence' thus:

Whereas industrial usage had cast some forms of dependency as natural and proper, postindustrial usage figures all forms as avoidable and blameworthy. No longer moderated by any positive countercurrents, the term's perjorative connotations are being strengthened.

The key argument behind 'welfare dependency' in Australia and elsewhere is that the welfare state itself generates dependency and poverty (Parker, 2004; Dean, 1999; Marsland, 1996). Indicative of this perspective in Australia, is the claim by the former Australian minister responsible, Tony Abbott, that, 'official compassion arguably has done as much harm as good by trying to alleviate the results of poverty rather than its causes'. 'Why do some people not work?' he asked. 'Because they do not have to' (Abbott, 2000). This is because 'guaranteeing the wherewithal for life can easily remove the motivation for work' (Abbott, 2001: 2).

However, in the discourse of welfare dependency there a deeper problem which is much more than the excessive economic reliance on income support. Australian academic Mitchell Dean (1999: 61-62) states that:

A central aspect of this notion of welfare dependency is that the *economic* state of being dependent upon benefits for one's subsistence is linked to a *moral-psychological state* of dependency that is reproduced within the lives and lifestyles of individuals, families and communities...the central contention is that poor people have something more wrong with them than their poverty. Welfare dependency is hence a syndrome lurking behind the welfare state that can be related to biology, psychology, upbringing, culture or behaviour, or several or even all of these factors.

'Welfare dependency' thus emphasises the importance of the individual and individual behaviour in shaping long-term reliance on welfare. In response, measures which monitor individuals to identify and then correct undesirable behaviour and enhance self-reliance have emerged as part of what is known as 'welfare reform'.

'Welfare reform'

The response to the perception of increased dependency in Australia and elsewhere has been 'welfare reform' which aims to ensure more self-reliance among the jobless by increasing their obligations and requirements. In a nutshell, this means enforcing compliance in order to be eligible for payments. In the US this has taken the form of strict time limits on welfare, work requirements and micro-level 'behavior modification regime[s]' to increase personal responsibility, elements encompassed in the Temporary Assistance for Needy Families (TANF)

programs (Schram, 2002: 210). In Australia the Activity Test, Mutual Obligation, and breach penalties have formed the policy response.

In Australia, there are two important strands in the self-reliance and independence agenda which are promoted by the Australian Government. Firstly, according to this agenda, the dependence on the state by unemployed jobseekers should be minimised, as it does not allow such disadvantaged people to realise their potential. Long-term reliance on welfare, the Government claims, leads to the 'erosion of work skills, lower incomes, poorer health and risk of isolation from the community', 'reduce people's opportunities to participate fully in society' resulting in 'poor skills and poor chances in the job market' (Newman 1999b: 6; 1997: 4).

Secondly, the (employed) population generally should be free from high tax burdens and should be allowed to choose how to distribute their income for their own benefit. This means that, ideally, welfare and other public expenditure should be kept to a minimum. According to a former Minister for Family and Community Services, Jocelyn Newman (1999a: 5), 'it is neither fair nor moral to expect the hard working men and women of this country to underwrite what can only be described as a destructive and self indulgent welfare mentality'.

Neo-liberalism, welfare reform and surveillance

The logic of neo-liberalism generally and Mutual Obligation specifically prioritises self-reliance and independence over dependency. From this underlying framework stems the imperative to monitor the behaviour of jobseekers and to provide incentives for desirable behaviour. As Schram has asserted (2000: 77), 'to watch [the unemployed] is to create a climate in which the watched feel obliged to modify their behavior'. Surveillance of the unemployed thus seeks to achieve at least two specific political aims.

Firstly, it works to realise and attain a suitable level of independence (especially economic independence) of the unemployed; in the words of the Australian Government, (FaCS, 2000) it is intended to 'foster a culture of self-reliance'. Secondly, regulating the lives of the jobless also protects the freedom and independence of the general public (frequently referred to as 'taxpayers'). This is achieved through a smaller welfare sector. By ensuring, through surveillance, that jobseekers fulfil their requirements, and that non-compliance is penalised, it will, in the words of Prime Minister John Howard, 'deliver returns for taxpayers in the forms of less joblessness and less welfare dependence' (Howard, 2001: 7). In this sense, intensive and extensive scrutiny into the lives of the unemployed is a tool to realise the objectives of so-called 'welfare reform' for a neo-liberal government.

Active citizenship

Welfare reform can be seen as fostering what has been referred to as 'active citizenship' (Dean, 1999; Rose, 1996; Schram, 2002). Dean (1999: 166) notes that an ideal, 'active' citizen should, among other things, be responsible for monitoring their own risk in relation to health, dependency (including on welfare) and general wellbeing. Put differently, active citizens should govern their conduct in order to maximise their happiness and fulfilment (Rose, 1996: 58-59).

'Active citizens' are conceptualised as opposite to 'targeted populations':

One can identify an emergent division between *active citizens* (capable of managing their own risk) and *targeted populations* (disadvantaged groups, the 'at risk', the high risk) who require intervention in the management of risks...One of the consequences of the language of risk is that the entire population can be the locus of a vulnerability that can also single out specific populations, in a way that the language of danger, class or disadvantage cannot...[This theory suggests] an additional role for professions as calculators, managers and tutors of risk, taking on educative estimative and preventative functions (Dean, 1999: 167).

In this sense, a focus on active citizenship opens the path for identifying targeted populations who, it is alleged, require specific policies to better equip them to manage their own risk and become 'self-regulating subjects' (Schram: 2002: 230). Such policies may include the surveillance of jobseekers and penalties for undesired behaviour.

History – increasing surveillance of Australian jobseekers

To understand the increase in surveillance of welfare recipients in the context of neo-liberalism, it is necessary to outline the recent development of policy in Australia. After decades of an entitlement based Keynesian-style welfare state, stubbornly high unemployment in the 1980s and 1990s induced a rethink by the former Federal Labor Government (1983-1996) as part of its restructuring of the Australian economy (a platform which saw among other things the floating of the Australian dollar). The gradual change in policies for jobseekers forms part of what Clement Macintyre (1999) has called the trend from 'entitlement to obligation'. Such changes can be considered as precursors to the policies introduced under the Liberal Government (1996-present). In 1994, the Labor Government implemented its *Working Nation* package of welfare reforms which sought to reduce the rate of unemployment generally, and long-term unemployment specifically, to 5% by the year 2000 (Finn, 1997: 1). The then Labor Government thus set about promoting a system based on increased training and work skills for the unemployed.

Under *Working Nation*, substantial resources were committed to new programs for jobseekers. The main initiatives included: early assessment of jobseekers who were deemed 'at risk' of becoming long-term unemployed; individually tailored programs based on a jobseekers' skills, experience and degree of 'job ready'-ness; case workers for those 'at risk'; and importantly, a Federally subsidised job placement lasting at least six months for the long term unemployed (known as the Job Compact; Commonwealth of Australia, 1994: 107-125).

In return, greater expectations were imposed upon jobseekers, especially the long-term unemployed. The previous Labor Government (Commonwealth of Australia, 1994: 125) justified this by stating that there was a:

strong community concern that some unemployed people are making insufficient effort to find employment, whether through reduced motivation resulting from long term unemployment, reduced opportunities during the recession, or a perception that they would be better off on unemployment allowances.

This was supported by the view that ‘there is strong community support for increased penalties for job seekers who refuse to seek work or who turn down reasonable job offers’ (Commonwealth of Australia, 1994: 125). Thus penalties were increased for all jobseekers who failed to comply with the prescribed expectations.

The Howard Government’s Policy – 1996-present

After the election of the Coalition Government in 1996, there was a greater move towards an obligation-based social security system which supported the Government’s neo-liberal aims. Although the Government claimed that it would not alter the basic eligibility criteria for unemployment benefits, when it entered office in 1996 it introduced a range of measures which emphasised compliance of welfare rules (Kinnear, 2000: 74). Prior to 1996 jobseekers were subject to the Activity Test to be eligible for payment. In practice, this meant that recipients were required to provide evidence of their job search efforts to Department of Social Security staff. The underlying philosophy was to promote an ‘active’ social security system in which recipients’ self-confidence and employment prospects were maintained. However, in 1996, the newly elected Howard Government sought to increase the requirements of the Activity Test and the measures used to administer it in order to ‘expose “dole cheats” and those not seriously looking for work’ (Finn, 1997: 1). Dan Finn (1997: 75) noted that the incoming Government:

proposed that fraud be tackled more rigorously, that recipients would have to take up work which was offered and that social security officers would be required to make telephone checks with employers to verify that unemployed people had approached them for jobs.

Thus, the new rules regarding the Activity Test provided greater opportunity to monitor the conduct of the unemployed through an increased level of government intervention and scrutiny into their daily lives.

As part of the overhaul of society security provision in Australia in the mid-1990s, the previous Government’s Department of Social Security was abolished and replaced with Centrelink. Among other functions, Centrelink is responsible for administering income support payments. This involves assessing eligibility and therefore monitoring the behaviour of jobseekers. It is, most cases, to Centrelink that Newstart recipients are answerable. Similarly, the Job Network (privately managed and, in part, publicly funded employment agencies which took the place of the previous Commonwealth Employment Service (CES), is also partly responsible for assessing the compliance of the unemployed.

This then is a brief outline of the political and policy context which has lead to Mutual Obligation. On the one hand, there had been and increase in obligations on jobseekers with a reduction in

direct service provision from the government. On the other hand, the presence of the state is felt more keenly through increased surveillance of behaviour and penalties for non-compliance. The next sections illustrate the specifics of how the behaviour of jobseekers is monitored and emphasises the extent of the surveillance performed on them.

Mutual obligation – how surveillance is conducted

There are a number of ways in which the behaviour of jobseekers is scrutinised. This surveillance occurs at both the initial point of contact with Centrelink when applying for income support and when receiving payment on an ongoing basis. The aim is to assess eligibility, establish genuine need and discourage dependence.

The initial point of contact

When first applying to receive unemployment benefits (and other government payments), jobseekers are required to fulfil certain eligibility criteria. To determine if an applicant is eligible, certain aspects of their lives need to be disclosed to Centrelink. These include divulging details of *income* including from: financial investments; businesses; dividends from stocks and shares; family trust distributions; boarders and lodgers; superannuation; overseas pensions (Centrelink, 2003a).

Personal or family *assets* are also taken into consideration. The list of assets to be assessed is lengthy but includes the value of: any cash or money in accounts with financial institutions; the surrender value of life insurance policies; motor vehicles; superannuation; real estate; loans made to family trusts, members of the family or organisations; any collections for trading, investment or hobby purposes (Centrelink, 2003b).

Similarly, in order to assess eligibility applicants are asked to provide details of their *family arrangements* (such as marital status – including defacto arrangements – the number and age of any dependent children (Centrelink, 2003d). These details can be very personal and include with whom they are sharing a residence or even a bed. Such investigations into people's personal affairs, not only serve to observe and classify jobless people when they first apply for income support, but also work as a base from which any subsequent changes in circumstances can be monitored.

In addition, all new claimants of Newstart are obliged to 'negotiate' a Preparing for Work Agreement (PWA). This document stipulates the support provided from public and private agencies and 'the activities job seekers must undertake if they are to continue to receive unemployment payments' (DEWR, 2000; Centrelink, 2004e). This can include the number of job contacts expected per fortnight and participation in 'specialist assistance' programs (DEWR, 2000). The PWA acts as a benchmark by which individual recipient's behaviour is measured and monitored.

On-going surveillance

After a jobseeker has been approved for Newstart and receive their concomitant fortnightly social security income, they are obliged to demonstrate their on-going eligibility for payment. Thus Centrelink continually monitors the circumstances and job search behaviour of recipients to assess if they are complying with the Activity Test and thus qualify for payment. The official rationale is that the Activity Test is required so that 'Centrelink can be sure that [jobseekers] are actively looking for work and doing everything that they can to become ready for work' (FaCS, 2003b). In general, jobseekers are required to undertake the following to fulfil the Activity Test:

- demonstrate that [they] are actively looking for suitable paid work;
- accept suitable work offers;
- attend all job interviews;
- agree to attend approved training courses or programs;
- never leave a job, training course or program without a good reason;
- give Centrelink accurate details about any income [jobseekers] have earned;
- enter into and carry out a Preparing for Work Agreement if asked (Centrelink, 2004h).

And:

- going to an interview with Centrelink;
- contacting Centrelink when asked; or
- notifying a change in circumstances (Centrelink, 2004c).

Specifically, fulfilling these requirements take a number of forms and surveillance often occurs through prescribed self-reporting. For example, in most cases recipients of Newstart are required to personally return an *Application for Payment* form to a Centrelink office every fortnight. This form checks on the person's behaviour in several ways. Firstly, it monitors their job search efforts as people are required to record the details of at least four employers that they have contacted in the previous two weeks. Secondly, it details any casual employment in the period (hours worked and the name of the employer³) and the amount earned from such work. Thirdly, it ensures the person's physical presence at a Centrelink office, as the forms have to be personally lodged, usually to the same branch office each fortnight.

In addition to the fortnightly form, the monitoring of jobseekers' attempts to find employment is extended through the use of the *Job Seeker Diary*. The Diary 'is used to record ... job search efforts over a 12 week period' (Centrelink, 2004i). In most instances, 10 employment contacts per fortnight are required, though 16 may be needed (Centrelink, 2004i). In most cases a diary is issued upon first receiving Newstart. However, 'they can be issued at any other time' (Centrelink, 2004i) to ensure that a jobseeker is committed to 'obtaining paid work' (FaCS, 2004). That is to say, recipients can expect to have their job search efforts monitored at any time and thus should behave as if all their employer contacts will be checked.

³ In some instances, recipients are required to submit details of *when* they worked – that is, what hours of what day – and have them verified by their employer.

Further, jobseekers are often issued with *Employer Contact Certificates* whereby employers with a job vacancy can 'verify that a genuine attempt has been made to find work' in order to 'determine eligibility for payments' (Centrelink, 2004a; 2004b). Employers may also be asked to confirm a person's employment details through Employment Verification Reports. The aim is to verify jobseekers' earnings to ensure that 'tax payer's dollars are not incorrectly spent' (Centrelink, 2004d). The surveillance in this instance is electronic:

The Australian Tax Office regularly matches ... against Centrelink records to see if information relates to anyone receiving a payment from Centrelink. If a match is found then Centrelink will check that person's income from employment (Centrelink, 2004d).

According to Centrelink, from July 2001 to June 2002, there were 612,292 of these 'data-matching' reviews which resulted in 34,552 payments cancelled or reduced. In addition, the data-matching also identified more than \$AU133m in debts owed by unemployed people who had been overpaid by Centrelink and whose only regular income was the Government social security payment (Centrelink, 2002).⁴

Physical movement

In addition to the surveillance previously described, there are other ways in which Centrelink and associated agencies monitor the physical movements of people in receipt of Newstart Allowance. One method of monitoring is in relation to attending scheduled interviews or meetings with Centrelink staff, a Job Network member or other appointments, training courses or job interviews. Attendance at such meetings is obligatory and a condition of income support payment. Thus, as part of enforcing compliance, Centrelink monitors attendance (or non-attendance) at such activities.

A 'reasonable excuse' for non-attendance is needed to avoid penalty. In providing an excuse, recipients may be required to divulge information about their personal lives to account for their behaviour. The following example, taken from the Department of Family and Community Services' guide to the Social Security Act, illustrates how the behaviour of jobseekers is monitored to assess 'reasonable excuse'.

If the person was unable to attend the interview as their car had broken down, the person's individual circumstances should be taken into account. The Centrelink customer service officer should also ask questions such as when did the car breakdown? Did the car breakdown on the way to the interview or in the week prior to the interview? Issues such as these would assist in determining if the person had reasonable excuse for not attending the interview (FaCS, 2003c: 2).

⁴ These figures include all recipients of income support, not just jobseekers.

Thus movements and explanations are assessed, monitored and verified by government staff and classified as 'reasonable' or not. If the excuse was regarded as unreasonable, the person is likely to be penalised which, in turn, results in loss of income.

Similarly, jobseekers are not allowed to move *to* an area of higher unemployment than the one they moved from. The implication of this aspect of surveillance of the unemployed, is not only that penalties are applied for moving to a higher area of unemployment, but that actual movement to another suburb or area is monitored and assessed. In fact if, according to the Government's calculation, the known movement results in the person being less likely to get work as a result of the change in location, they will be penalised (FaCS, 2003a). Under such calculations, a person is assessed as having moved to an area of lower employment prospects if that area is greater than 90 minutes commuting time and the prospects of getting a job are equal to or less than from their current residence (FaCS, 2003a: 3).

But it is not only the change of address which is monitored but the circumstances around such a change. Once again recipients must also demonstrate 'reasonable excuse' for such a move if they are to avoid penalty. In doing so, jobseekers are called to account for their actions by disclosing the reasons for moving. The list of satisfactory excuses consists of personal aspects often relating to personal or family relationships, health issues or other personal circumstances. These include: 'the person moves to live with or near a family member who has already established residence in that area', 'the move is necessary for the purposes of treating or alleviating a physical disease or illness suffered by the person or an immediate family member' and the person 'moved from their original place of residence because of an extreme circumstance which made it reasonable to move to the new place of residence' (FaCS, 2003a: 2).

Other forms of surveillance

There are also other forms of surveillance which include the cross-checking of employment data received from the unemployed with official tax data, comparing immigrations records against jobseekers' information and other routine reviews of recipients' circumstances. The extent of such surveillance is reflected in the following statement from Centrelink:

Other review methods, including mail reviews, office interviews and reviews conducted because of 'tip offs', often require Centrelink to verify information with third parties such as employers, landlords and State and Territory authorities (Centrelink, 2004d).

In addition to complying with on-going requirements, recipients of income support are also required to keep their records up to date. Centrelink expects that they will be informed (within 14 days) of a person's change in circumstances so that their eligibility can be re-assessed and payments adjusted as necessary. Changes which need to be brought to the attention of Centrelink include: changes to assets; changes to residential address; changes to study arrangements; changes in marital status; have a dependent child leave or come into the person's care; go on an overseas holiday (Centrelink, 2003c).

The obligation to report such personal details indicates that Newstart recipients are answerable to the state (via Centrelink) in a way other members of the public are not. Certainly employed people do not face any such requirements or penalties if they neglect to inform any third party within such a short time frame. This is indicative of the unemployed as a 'targeted population' which needs to be induced into becoming an 'active' citizen

Increasing surveillance for longer-term unemployed

There is evidence to support the view that the longer a person is receiving income support for unemployment, the more they are subject to surveillance. A prime example of this are the Mutual Obligation activities expected of jobseekers after they have been on payments for a set period (after 6 or 12 months, depending on age). Importantly, participation in Mutual Obligation activities are expected *in addition to* job search requirements.

Approved activities included under Mutual Obligation include: part-time work; voluntary work; Green Corps (working on environmental activities); Work for the Dole; literacy and numeracy training; and intensive job search assistance. For each activity, there is a prescribed number of hours per fortnight which the recipient must devote to that activity in order to fulfil her or his Mutual Obligation activity requirement (Centrelink, 2004j; 2004k).

To prove that they have been fulfilling these requirements, jobseekers have to satisfy a number of measures. These include the completion of a diary (similar to the Jobseeker diary) and (if required) satisfactory attendance in Work for the Dole, job search programs, or other similar schemes according to the person's selected Mutual Obligation activity.

Other notable increases in surveillance with time include the attendance at relevant training courses. These include: Job Search Training with a Job Network member after 3 months on payment (attendance is mandatory unless a person can demonstrate that they are working for more than a set number of hours a week); Intensive Assistance to assist with obtaining employment after 12 months; and literacy training. In each case, participation is expected and compliance is monitored.

Breach penalties for non-compliance

Penalties for non-compliance are also indicative of the extent of surveillance. Although penalties for failing to fulfil work tests and other requirements have been a feature of Australian social security provision for at least the last decade (Commonwealth of Australia, 1994: 126), the rate at which penalties are applied (and the activities required to avoid penalty) have increased in recent years. *Table 1* (overleaf) indicates the dramatic rise in breach penalties applied for failure to meet the requirements of income support payments between 1997 and 2001.

Table 1: Breaches from 1997 to February 2001

| | 1997-1998 (July-June) | 1998-1999 (July-June) | 1999-2000 (July-June) | July 2000 to Feb 2001 (eight months actual) | July 2000 to June 2001 (*estimate for full year) |
|-------------------------|--------------------------|--------------------------|--------------------------|--|---|
| Activity Test breaches | 60,981 | 88,751 | 177,759 | 166,485 | 250,100 |
| Administrative breaches | 59,737 | 76,741 | 124,735 | 65,915 | 99,000 |
| Total | 120,718 | 165,492 | 302,494 | 232,400 | 349,100 |

Source: ACOSS, 2001a.

In addition, the Government (Centrelink, 2002) itself noted that between July 2001 and June 2002, Centrelink conducted over 2.5 million payment reviews, resulting in 236,354 recipients having their payments reduced or cancelled. There were a further 72,156 reviews prompted by 'tip-offs' by the public (actively encouraged by the Government) which resulted in 16,913 'customers' facing a reduction or cancellation of payment. This amounted to \$AU33m in debts recovered and an additional \$AU320m listed for recovery (Centrelink, 2004f). These penalties were, in many cases, as a result of over-payments of benefits due to a recipient not notifying Centrelink of a change in circumstances. It should be noted that such penalties were for breaches of social security rules (either intentional or by mistake), and *not* for fraudulent use of the system.

Despite the Government lauding the effectiveness of breach penalties in terms of the money 'saved' and the behaviour of jobseekers, there has been considerable concern about both the implementation and the negative effects of such policies. One source of criticism has been from the national non-government body the Australian Council of Social Service (ACOSS). Firstly, ACOSS identified the dramatic increases in breach penalties applied for non-compliance. It estimated that between 1997 and 2001 there was a 102% increase in the number of breaches applied, amounting to over 220,000 breaches and at least \$AU170m in penalties (ACOSS, 2001a).

Secondly, ACOSS has illustrated how such penalties can have negative effects on jobseekers and potentially compound their disadvantage. It provides examples of people who are unemployed and who, through no fault of their own, suffered a breach penalty and further negative consequences as a result of a reduced income. Case studies provided by ACOSS (2001b) include:

58 year old Rachel who had part time work in a nursing home and received an additional small amount from Centrelink but was penalised for failing to apply for 10 ten jobs a fortnight.

Charlie was exempt from looking for work because of his part-incapacitation due to memory loss from a previous work accident. Charlie was penalised when he failed to submit a renewal of his medical certificate on the due date and was forced to go to charities for food vouchers.

Kirsty who was breached twice for failing to attend two consecutive interviews. Kirsty was a heroin addict who had lost custody of her children and was in court attempting to regain their custody on the two days the interviews were scheduled. For a two month period until her penalties were revoked she was unable to pay rent, threatened with eviction, and reliant on food vouchers from charities.

Such examples not only illustrate the potential consequences of a reduction or cancellation of an already meagre income, but highlight the 'incentive' for jobseekers to 'do the right thing' by complying with their obligations. By facing such circumstances when breached, Newstart recipients maybe more enticed to comply. In this way, too, the monitoring and surveillance are reinforced.

In light of the criticisms from ACOSS and similar organisations, and other community concerns (such as the belief that Centrelink staff are required to fulfil breach quotas, and the practice of breaching first and asking questions later), an Independent Review of the policy was established to investigate 'identify factors affecting, and the consequences of, recent changes in the incidence of breaches and penalties relating to unemployed people receiving social security payments' (Pearce, Disney & Ridout, 2002: 1). The Review, (conducted by several national bodies and charitable organisations including ACOSS, the Salvation Army, the Brotherhood of St Laurence and the National Welfare Rights Network), also made recommendations to improve the effectiveness and fairness of the system. Among the findings of the Review were the following:

- breach penalties do not sufficiently take into account the seriousness of the alleged 'offence' and the possible consequences of penalties;
- there is not the same onus of proof and access to natural justice in applying penalties as occurs in the judicial system;
- non-compliance should not automatically be assumed to be deliberate;
- there should be greater recognition that some people (for example, those with a disability, literacy or language limitations or homeless people) may be less able to comprehend and comply with their obligations;
- greater steps should be taken to avoid the excessively harsh consequences of penalties (Pearce, Disney & Ridout, 2002: 5-6).

The above findings regarding breach penalties highlight the punitive nature of Mutual Obligations and Activity Testing. By observing and monitoring recipients to assess their compliance with established obligations, penalties can be applied for non-compliance. With the threat and likelihood of facing severe punishment, the behaviour of recipients is governed and controlled; they are coerced into fulfilling requirements if they do not wish to be penalised or suffer further disadvantage. As Tony Abbott, the former Australian Employment Minister noted, this is done by 'making work pay' and therefore 'making non-work not pay' (Abbott, 2001: 4). Jobseekers cannot expect to receive income support if they dispute their obligations. Such a situation illustrates the degree of power and control exerted over unemployed people by the state. It is through the surveillance of behaviour that such power is wielded.

Purpose and function of surveillance

The analysis thus far has illustrated (1) the many and varied methods used to assess and re-assess the eligibility of unemployed people in receipt of income support and (2) the extent of punishment and discipline for those who do not fulfil their obligations. As noted, these two elements are used to achieve the goals of neo-liberalism.

Surveillance, power and Foucault

But what other role does surveillance of the unemployed perform? Theories of surveillance highlight issues of power relations and domination between the watchers and the watched. There seem to be at least two relevant positions here. On the one hand, John Gilliom (2001: 2-3) has alerted us to the hierarchical nature of surveillance by noting that:

The politics of surveillance necessarily include the dynamics of power and domination. The very idea of “surveillance”...implies that the observer is in a position of dominance over the observed. Related terms like *supervisor* or...*overseer* remind us that surveillance is not a mere glance exchanged between equals – it is both an expression and instrument of power. Surveillance of human behaviour is in place to control human behaviour...

On the other hand, Haggerty and Ericson (2000: 617) argue that notions of hierarchy in surveillance theory are redundant. They argue that surveillance is increasingly directed towards ‘mainstream’ groups in society rather than just minority groups (such as African Americans or prison inmates). In this view, surveillance is as much ‘side-ways’ as ‘top down’ and has ‘transformed hierarchies of observation and allows for the scrutiny of the powerful by both institutions and the general public’ (Haggerty and Ericson, 2000: 617). Thus, new theories of surveillance should be developed (such as the concept of the ‘surveillant assemblage’; Haggerty and Ericson 2000; Hier, 2003) which more accurately reflect contemporary surveillance practices.

However, the surveillance used in Mutual Obligation is most certainly ‘top-down’ with the powerful government observing those with little power (people who rely on the state for an income). It is thus appropriate to apply a theory which is concerned with power relations and domination. Here, the work of Michel Foucault is relevant. Although Foucault’s use of the panopticon and theories of power have been dealt with extensively, including in *Surveillance and Society* (for example, Vaz & Bruno, 2003), the ideas are very useful when analysing surveillance on jobseekers in Australia. For Foucault, surveillance does not only involve observation, but control, regulation and supervision by classifying, identifying and monitoring.

In applying Foucaultian theories to Mutual Obligation, it becomes apparent that the policy invokes a great deal of power over the unemployed. In increasing surveillance of jobseekers in order to achieve specific neo-liberal aims, Mutual Obligation can be seen as what Foucault termed technologies of discipline or domination (Foucault, 1998: 18-19). In such technologies the state diagnoses, pathologises and then normalises by exerting socially approved power over ‘subjects’ (Foucault, 1991 [1978]: 384). The present Government’s Mutual Obligation policy

epitomises this technology of domination by diagnosing the previous system as open to exploitation and dependency and, therefore, prescribing specific obligations to be fulfilled by jobseekers. The policy involves enforcing a series of disciplinary mechanisms involving very close monitoring, supervision and surveillance which are designed to ensure compliance and normalise what is regarded as aberrant behaviour.

In this case, that entails scrutinising the unemployed to such an extent that they either do things that will lead to employment, or contribute something in return for their unemployment payment or are penalised for breaching or non-compliance. The nature of breach penalties – a reduction or cancellation of a person's sole or main income source – also demonstrates the extent of the disciplinary power exerted over jobseekers and the nature of normalising techniques. Jobseekers who comply with expectations have been disciplined by the apparatus of the state to behave in acceptable ways and need not be punished. Those who fail to fulfil their imposed obligations evoke penalties designed to change their behaviour.

Foucault (1998: 18) also proposed another technology, the technology of the self. This refers to the person themselves changing their behaviour; the individual person does to or for themselves (or with the help of others) what the state does in the technology of discipline and domination (Foucault, 1998: 18; Elliott, 2001: 88). It is worth remembering that the technology of the self remains a technology in the Foucaultian sense. It does not refer to personal agency as normally understood.

When applying this concept to Mutual Obligation an interesting tension arises. The extensive surveillance of jobseekers not only seeks to observe their behaviour but to instil a sense of being watched. Knowing that they are being watched and that any unacceptable behaviour may result in penalties, the unemployed are more inclined to change their own behaviour. This is to reiterate Schram's (2000: 77) assertion that 'to watch [the unemployed] is to create a climate in which the watched feel obliged to modify their behavior'.

Thus it may be argued that jobseekers, under the gaze of government and private agencies, internalise the expectations placed on them and act in the desired manner. This occurs even when they are not subject to the full gaze of the state (as when, for example, every detail of their job search efforts are not always checked) as the *knowledge* that eligibility for payment may be reassessed at any time induces compliance. In this sense, the scrutiny of the state is seen to foster self-policing among welfare recipients with the aim of creating self-regulating 'active citizens' who are economically independent. Put differently, the discipline and domination imposed by the state becomes a technology of the self in the Foucaultian sense that the individual person does to themselves what the state would otherwise do (in this case comply).

However, given the nature of obligations, the strictness with which they are imposed and the penalties for deviance, to what extent do jobseekers truly internalise the expectations imposed (and the values imbedded in them)? If recipients have little choice but to accept the obligations imposed how much are they truly 'self-policing' their actions in an effort to move to employment or just 'playing the game' in order to avoid the gaze of the state and any penalties which may be invoked? The effect is similar in that 'incentives' are constructed for people to move off welfare

(either in increased independent or avoidance of scrutiny and punishment). Whether through true compliance or a desire to avoid punishment, a socially constructed 'active citizen' is the product. However, this issue identifies the need for research which investigates how the unemployed mediate their experiences and the various forms of resistance which may be employed (see, for example, Peel, 2003).

Conclusion

This analysis has sought to show that the Australian Government's Mutual Obligation policy is characterised by the systemic use of observation, monitoring and tracking in order to achieve its policy agenda regarding the unemployed and unemployment. In fact, social policy is used as a vital weapon in increasing the supply of labour. The irony is that, while there may be regional and seasonal fluctuations in demand for work, and shortfalls of specialist labour in some sectors, the general trend in the Australian labour market is that there is a surfeit of supply. This raises the question, what can the intrusive and extensive Mutual Obligation policy achieve when the supply of potential workers outstrips demand?

One answer is that it is about the Government's craving for attitudinal and behavioural change amongst the unemployment. This occurs on several levels. Firstly, while constructing the need for change, it is about ensuring the unemployed 'don't get something for nothing'. It is about ensuring that the unemployed give something in return for their social security income. To many Australians who have never experienced unemployment, and who have been spurred on by Government rhetoric, this seems self-evident and an imminently plausible approach. Then, secondly, the Government insists on the unemployed doing things to demonstrate that they are not indigent, are not developing a culture of dependency but are actively looking for work, improving their work skills, acting as volunteers, working for the dole and, in this way, making their contribution to the economy and community. This approach redirects the policy focus away from the inadequacies of the labour market and onto the putative attitudes and dispositions of the unemployed (Moss, 2001: 7).

It is at this point that surveillance enters the equation of the so-called 'Mutual Obligation'. And the surveillance is by no means 'mutual'; it is one way. Yet it is the surveillance in the form of observing, checking, monitoring, tracking which is the 'stick' approach to unemployment in Australia. Then the surveillance is used to check compliance which can lead to the discipline and punishment of breaching and the reduction or suspension of income payments. As indicated, the surveillance is probing. It involves, inter alia, furnishing Centrelink with minute personal details at the initial point of contact, which include personal relationships and co-habitation, and provide ongoing details of job search efforts. Further, penalties are applied for non-compliance.

In all of the above, surveillance is essential and it is surveillance that the Government uses to enforce compliance. Yet compliance is not an end in itself, but a means to achieve to goals of neo-liberalism and help to transform the 'dependent' unemployed person into the Government's ideal, 'active' citizen who does not, need not rely on the state for assistance.

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