

AUSTRALIAN JOURNAL OF SOCIAL ISSUES



AJSI

VOLUME 41 NUMBER 3 **SPRING 2006**

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AJSI is a fully peer reviewed journal and appears in both the SSCI and ISI Thomson Scientific Index.

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Publisher

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Locked Bag 4777,
Strawberry Hills NSW 2012.
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Fax (02) 9310 4822

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ISSN 0157-6321

Layout & typesetting by
www.pagemakers.com.au

Printing by the Pirion, Fyshwick.

AJSI

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Indigenous Policy and Mutual Obligation: Shared or Shifting Responsibility Agreements?

Ruth McCausland and Marc Levy

Abstract

Shared Responsibility Agreements (SRAs) are a key instrument of the Federal Government's new arrangements for the administration of Indigenous affairs. SRAs, described by the Government as a form of 'mutual obligation', require Indigenous communities to commit to behavioural changes or other actions in order to access 'discretionary' government funding for infrastructure or services. There are significant political, moral and practical issues raised by SRAs. In this paper we contend that despite the language of mutuality, flexibility and choice that accompanies SRAs, the approach appears more aptly associated with 'divide and conquer' tactics and a subtle shifting of responsibility for problems from governments to Indigenous communities themselves. In this paper we explore the concepts of mutual obligation and reciprocity, the structural biases that favour the state and its agencies over Indigenous communities in the SRA negotiation process, and issues of citizenship entitlements and accountability that are raised. Finally, acknowledging that SRAs can be a means for Indigenous communities to access greatly needed funding, we suggest various strategies and measures that could be taken up to make the SRA framework more equitable and effective.

Keywords: Indigenous policy, Mutual obligation, Shared Responsibility Agreements

Introduction

In April 2004, the Australian Government announced the abolition of the Aboriginal and Torres Strait Islander Commission (ATSIC) and the introduction of its 'new mainstreaming' approach to the administration of Indigenous affairs (Howard, 2004a). Shared Responsibility Agreements (SRAs) have been presented as a key instrument of the Government's new approach, and described by the former Minister for Immigration, Multicultural and Indigenous Affairs as marking the start of a 'quiet revolution' in Indigenous affairs (Vanstone, 2005 cited in Peatling, 2005). An extension of the Government's 'mutual obligation' philosophy, SRAs involve governments pledging to fund infrastructure or services in exchange for Indigenous communities committing to measures in return, generally conforming to broader social or behavioural expectations. In this paper we set out the background to SRAs, some detail of their progress to date, a series of issues raised by the SRA and mutual obligation approach, and a possible way forward to deal with some of the criticisms of the SRA framework.

The SRA Context

The Government's new approach in Indigenous policy has been presented as being premised on the principles of *collaboration*, with mainstream government departments working in a co-ordinated manner with Indigenous communities; as focused on *regional need*; as characterised by *flexibility* in working with Indigenous communities; as emphasising *accountability* using socio-economic indicators to test the effectiveness with which 'practical reconciliation' is being delivered; and as stressing the importance of *shared leadership* by governments (Shergold, 2004). The Government describes SRAs as agreements that:

...spell out what all partners – communities, governments and others – will contribute to bring about long-term changes which will achieve better outcomes for Indigenous communities' (OIPC, 2006).

SRAs are 'good faith agreements' made in 'the spirit of non-legal partnership and shared responsibility' (Brough cited in Calma, 2006a: 89). The Government states that SRAs involve only 'discretionary' funding and will not apply extra conditions to Indigenous people's access to benefits or services available to all Australians (OIPC, 2006).

The first SRAs were negotiated as part of the Council of Australian Government (COAG) trial sites in various regions around the country (COAG, 2002). These trial sites sought to explore what change could be effected in Indigenous communities with intensive government co-operation and resourcing. These early SRAs were broad statements of commitment by the communities and Commonwealth and State/Territory governments working in those trial sites, identifying strategic areas for action. The COAG trials have not been comprehensively evaluated. Nevertheless, the Government has stated that the COAG trials form the basis for their new arrangements. In particular, the Government embraced the language and concept of SRAs, although has transformed them into single-issue agreements with specific amounts of funding tied to them. SRAs are administered through the Indigenous Co-ordination Centres that replaced the ATSIC Regional Offices, now made up of staff from various Commonwealth Government agencies.

To date (at 30 June 2006), 121 SRAs have been announced by the Minister between various Indigenous groups and organisations, and different agencies of the Commonwealth Government (OIPC, 2006). Relevant State or Territory Government agencies are also a party to a significant number of those SRAs; other parties include mining companies, corporations and local governments (Calma, 2006a: 35). The Commonwealth Government states that it has committed \$27 million of funding for SRA activities (OIPC, 2006). Those SRAs have been described as including initiatives addressing nutrition, community safety, business support, skills development and a range of other community needs, with communities in return making commitments such as improving school attendance, controlling substance misuse and being involved in youth recreation activities (OIPC, 2006).

The Mulan SRA – patronising and coercive, or a question of culture?

The response to these SRAs has been mixed, invoking fierce ideological debate regarding what constitutes sound and effective Indigenous policy. In particular, a draft SRA made public by the Federal Opposition in December 2004 in the remote Aboriginal community of Mulan in Western Australia polarised commentators. The Mulan SRA stated that in return for the community committing to certain hygiene measures such as washing children's faces and emptying rubbish bins in an attempt to address endemic health problems, the Federal Government would contribute funds for petrol bowsers in the community. As part of the agreement, the WA Government also undertook to monitor and review the adequacy of health services in the area, where trachoma rates have been described as the worst in the world. The draft SRA was presented by the Government as 'an example of how we want to work in all the communities' (Vanstone, 2004 cited in Donald, 2004). The Federal Opposition described it as 'patronising and coercive' (Carr 2004, cited in Hall, 2004).

While various Indigenous leaders criticised the Mulan SRA as racially discriminatory (Dodson, 2004 cited in Kelly, 2004) and as offensively implying that 'people need to sit up and beg' (Martin, 2004), then Minister Vanstone responded:

A community gets what it wants – a petrol bowser ... and the kids get better health outcomes. Who could complain about that? (Vanstone, 2004 cited in Donald, 2004).

Members of the Mulan community wrote a letter to the editor of *The Age* in support of the SRA:

We want to be recognised as Australians – not separated as blacks and whites.
We want to be equal – and this means in our health too (Doonday *et al*, 2005).

In response to the debate, the Prime Minister stated:

...it is not just a question of money, because a lot more money has been put into Aboriginal health. It is a question of culture. It is a question of practice. It is a question of attitude. It is a question of community responsibility (Howard, 2004b).

On 28 December 2004, the results of a Newspoll survey (2004) regarding SRAs reported in the media indicated that more than two-thirds of Australians surveyed were supportive of such agreements (respondents were informed of details of the Mulan agreement then asked whether they agreed with such agreements between Aboriginal communities and governments).

After revelations that the Mulan community had actually initiated the face-washing program 18 months earlier (Pennells, 2004), Australians for Native Title and Reconciliation National Director, David Cooper, stated that SRAs were:

...a massive con. They are not proper evidence-based agreements. ... work that is essentially ongoing is being rebadged as shared responsibility. It implies to people from the outside that the Government has to step in a force these people to do basic things (Shine, 2005).

Then Democrats Senator Aden Ridgeway said that dealing solely with behavioural issues does nothing to counter high unemployment or poverty:

In this system the Government gives with one hand and slaps with the other... [it has the] potential to turn into blackmail with the Government withholding essential resources until communities fall into line' (Ridgeway, 2004 cited in Coultan *et al*, 2004).

The *Medical Journal of Australia* published an article from a group of Indigenous health practitioners, lawyers and politicians that described SRAs having 'overtones of paternalism', and questioned the notion of 'choice' offered to communities such as Mulan in receiving the discretionary government funding offered under SRAs (Collard *et al*, 2005: 502).

Issues raised by the SRA framework

Mutual obligation and reciprocity

Mutual obligation is a key Howard Government policy platform and is predicted to become the Government's most significant social policy legacy (Braithwaite *et al*, 2002: 225). The popular narratives that support mutual obligation (Harris, 2000: 280) – for example, that people should give something back in return for drawing on society's resources – have a rhetorical quality to them that resonates with a significant majority of Australians (Saulwick Age Poll, 2004).

In addition to popular support, there has been backing for mutual obligation from some Indigenous leaders. Indeed, some have likened the government's mutual obligation approach to Indigenous concepts of 'reciprocity'. Patrick Dodson, a widely respected Aboriginal leader, has stated that:

The mutual obligation stuff has a lot of resonance within Aboriginal culture and within Aboriginal notions of kinship. This concept has a grounding within our culture and society. It is not just a Western concept and this is how we need to see it (Dodson, 2004, cited in Kelly 2004).

Noel Pearson, an Aboriginal leader from Cape York, sees that the introduction of welfare payments without a requirement to give anything back in return has led to

an undermining of Aboriginal notions of reciprocity and in turn, powerlessness and dysfunction (Pearson, 2000). A chorus of other supporters – from Labor leaders (Swan, 1999; Tanner, 1999) to prominent new paternalist and contemporary communitarian theoreticians (Yeatman, 1999) – have contributed to mutual or reciprocal obligation gaining motherhood status in the Australian social policy debate (Kinnear, 2002: 249). Further, Indigenous communities are arguably realising real financial benefits from SRAs, to which they may otherwise not have had access, and communities certainly have a degree of flexibility in relation to what they sign up for under SRAs. So what is the problem with the version of mutual obligation underpinning SRAs?

As far as received wisdom goes, mutual obligation is highly contestable from moral and political viewpoints (Kinnear, 2002; Macintyre, 1998; Moss, 2000). Its detractors may have lost the last great mutual obligation debate, concerning work for the dole and other mutual obligation options under the Government's Australians *Working Together* reforms of 2002, but their concerns are particularly prescient in relation to the current debate on SRAs. Why should some of Australia's most disadvantaged citizens, already low on resources, be targeted and forced to perform certain duties in return for what the state should arguably provide for them anyway? Does building a basketball court for a community really generate an obligation? Mutual obligation brings together two parties to a contract – Indigenous communities and the state – but is it a fair contract between equal parties and is the exchange really reciprocal, as mutual obligation would imply?

In this paper we contend that there is a substantive power imbalance between the parties to SRAs and that there is very little that is reasonable about the exchanging of community infrastructure like petrol bowsers and sporting facilities for acquiescing to mainstream Australian social norms in relation to, for example, hygiene. Even Marshall observed that 'the right to receive implies an obligation to give' (cited in Macintyre, 1999: 115); however, as members of the broader community that has already made a contribution to the state, Indigenous communities have a right to receive basic support without obligation.

Underlying mutual obligation and the active welfare agenda more broadly are a number of problematic assumptions and normative shifts. There is a concern that the community at large will unwittingly read into mutual obligation's simplistic rhetoric the very concrete assumptions of new paternalism (Braithwaite *et al*, 2002: 226). For example, that in relation to some groups in the community, the state is a better judge of what people need than the people themselves. According to Lawrence Mead, the influential US new paternalist (1997: 2): 'These measures assume the people concerned need assistance but they also need direction if they are to live constructively.'

When applied to Indigenous affairs, this kind of view rests on the questionable propositions that self-determination did not work, and that its failure was the fault of Indigenous communities; therefore a completely different, more accountable, contractarian policy platform is a better answer. Just as 'passive welfare' is said not to have worked, having supposedly led to learned helplessness and dependence, active welfare and mutual obligation, it is said, will create self-reliant, self-governing communities and good citizens. These hollow catchphrases mask more complex underlying truths. As Judith Bessant observed of the unemployed (2000: 28), blaming them for their predicament shows a lack of understanding about the real causes of

disadvantage, at best; at worst, it is indicative of a political strategy designed to divert attention away from the ineffectiveness of current policy and programs. And as Aboriginal leaders such as Professor Larissa Behrendt (2004) have stated regarding the application of mutual obligation to Indigenous policy:

This means that the Federal Government is attempting to reward those who meet standards of behaviour that the Government sets for them and punish those who do not.

Regarding the likening of 'mutual obligation' to Aboriginal notions of reciprocity, Behrendt cautions that such claims can too easily be taken out of context to support a governmental agenda and states that such an approach is 'misnamed as "mutual" and has no home in the values of Aboriginal culture – traditional, contemporary or romanticised' (Behrendt, 2004).

A problem with mutual obligation, as a reciprocal relationship, is that inherent in it is a shift in the parties to the relationship, from the state and the community or citizenry at large to the state and specific groups within society. Instead of the state being responsible to the community for supporting its most vulnerable, building capacity and promoting social cohesion, as has historically been the case (McClelland, 2002), it targets individuals or groups, such as income support recipients and Indigenous communities, for specific agreements. This potentially undermines important principles such as citizens' equal status and worth and fosters divisive distinctions between different groups in the community. Mutual obligation may actually compromise the Government's capacity to meet the responsibilities mentioned above. For example, under mutual obligation, the Government may use a vulnerable group's inability to meet its side of an agreement as a rationale for denying, withholding or reducing benefits or limiting choice (McClelland, 2002).

While there may be a creditable focus on individual and community capacity building under mutual obligation, as it was interpreted in the McClure Report for example, there may also be a punitive orientation on the other (Braithwaite *et al*, 2002: 232). As yet there is no evidence of the state or its agencies forcing Indigenous communities to uphold their end of SRAs, nor punishing them for not doing so. As Rowse has pointed out, there are a number of diverse and competing models of mutual obligation already existing in Australian public policy, including the Indigenous-specific Community Development Employment Projects (CDEP) and 'work for the dole' schemes (Rowse, 2002), and the lessons from other models may not be directly comparable to SRAs. However, the Government has been forthright about SRAs falling within a policy continuum of mutual obligation, and it is reasonable to presume some consistency in approach. If the version of mutual obligation applied in *Australians Working Together* is indicative of the Government's intentions, SRAs will be compelling and failure to perform will attract penalties. If Work for the Dole participants fail to satisfy their participation agreements, they may be breached and have a breach penalty imposed on their payments. What will the consequences be of communities failing to meet their SRA obligations? Will the bowlers be shut off and community halls closed down? Will the nutrition and skills development courses be stopped? And what of the implications of compulsion and penalties?

Reflecting on the impact of mutual obligation and compulsion on volunteerism (under certain circumstances income support recipients may choose to 'volunteer' to satisfy mutual obligation or activity test requirements), Warburton and Smith (2003: 784) demonstrated that compulsion may reduce young people's inclination to volunteer in the future and thwart the development of pro-social behaviours and active citizenship. Compelling Indigenous communities to perform against SRAs could, ironically given the espoused rationale for them, compromise Indigenous communities' attitudes towards Government and society.

Transparency, accountability, consistency

Copies of the 121 agreements signed between governments and 86 Indigenous communities or groups have not been made publicly available. The Australian Government's Indigenous Portal contains general information about the community in which the SRA has been signed, the relevant government departments which are a signatory to the SRA, figures of government funds committed and general summaries of the focus and intended outcomes of the agreements (OIPC, 2006). However the website does not include detail of the specific objectives; performance indicators and benchmarks; any existing baseline data or community identified priorities; or dispute resolution, monitoring and evaluation mechanisms. Despite repeated requests from Tom Calma, the Aboriginal and Torres Strait Islander Social Justice Commissioner, and others, there has been little opportunity to scrutinise the detail of the SRAs that Indigenous communities are signing up to, nor to compare their terms or proportionality.

It is difficult to ascertain from information on the public record exactly how much funding is being spent on the government administration of SRAs, and whether it actually exceeds the amount reaching communities. Consultations conducted by the Centre for Aboriginal Economic Policy Research noted one example involving an estimated five days work to negotiate an SRA worth under \$10,000 (Hunt & Smith, 2006: 48). There is anecdotal evidence that communities have been told that they should not give out information or data because under the terms of the SRA it is the property of the Commonwealth Government (Scott, 2005 cited in Graham, 2005). Professor Geoff Scott, former Deputy CEO of ATSIC, has pointed out the irony of this deliberate avoidance of public scrutiny of SRAs, given the 'rabid and detailed' levels of public accountability required of ATSIC when it existed (Scott, 2005 cited in Graham, 2005). Other commentators have suggested the portrayal of SRAs as the 'centrepiece' of Government policy is connected to this lack of transparency; that they represent a convenient 'media drip-feed' of positive examples of the Government addressing 'real' needs of communities without distracting information on the status and lack of progress on addressing problems on a national scale (Cooper, 2005: 8).

From what information is available, the SRAs signed to date vary significantly in terms of focus, commitments and funding. According to the Government's website, there has been only one SRA signed each in the ACT, Tasmania and Victoria under the COAG trials. There have been 30 signed in Western Australia, 27 in NSW, 24 in the Northern Territory, 11 in Queensland and seven in South Australia. The amount of funding committed by the Australian Government varies from \$3,000 for 'Activities for Young People' in Ringers Soak, Western Australia, to \$2 million to the Murdi Paaki Regional

Assembly in New South Wales for 'Improving Living Conditions' (OIPC, 2006). The great majority of SRAs have been signed in remote Indigenous communities, and in the regions where well-resourced relationships and processes between Indigenous representative structures and governments under the COAG trials already existed. As the editor of the *National Indigenous Times* (NIT) has pointed out, the amount of money different communities receive under SRAs:

...seems to bear no resemblance to the size of the problem or the outcome sought. Rather, it seems to depend on a combination of factors including the negotiating skills of the community; the negotiating skills of the bureaucrat directly involved in the agreement; and the government department which signs the agreement (Graham, 2005).

Funding does not appear to have been allocated on the basis of greatest or most urgent need, but by more arbitrarily prioritising those communities with well-developed social infrastructure or established relationships in working with government departments. Those communities with the greatest capacity to negotiate, and with proposals and processes that most appropriately suit the government's framework for developing SRAs, are more likely to receive funding.

There is little consistency between agreements, even those in communities in similar circumstances seeking to address similar problems. For example, the Government has variously committed \$15,000 for 'Structured activities for young people' in Balgo, Western Australia; \$100,000 for 'Sport and recreational activities for young people' in Western Australia; and \$114,000 for a new scout troop in Yalata, South Australia. The *National Indigenous Times* has also reported that while the NSW community of Bourke, with an Aboriginal population approaching 4,000 people, will receive \$47,000 to 'Make the town safer', the Northern Territory community of Tennant Creek, with an Aboriginal population of around 1,250, will receive \$363,000 to create 'a safer community', despite the fact that the annual number of assaults in Bourke in 2004 was almost eight times the NSW average, while Tennant Creek's assault rate sits at around the Territory average (Graham, 2005).

The detail of the agreements may raise further concerns in relation to the broader objectives and future ramifications of SRAs. The Murdi Paaki Regional Assembly, formerly an ATSIC Regional Council and party to earlier SRA signed under the COAG trials, has distributed a copy of one of its more controversial agreements. Under this SRA, listed on the Government's website as 'Improving Living Conditions', the Commonwealth Government committed to providing \$2 million to install air conditioning units in 200 houses in communities in western NSW. The NSW Government committed to administer the funds and give technical support. In return, the funding is dependant on individual communities then developing their own SRAs, and each community having members who ensure the project is working by developing technical knowledge and monitoring the units. The Murdi Paaki Regional Housing Corporation will also employ a co-ordinator to oversee the program. Of significant concern are the stated longer-term outcomes of the SRA as 'improved living conditions; increase in school attendance; and decrease in the incidence of family violence'. These outcomes seem extraordinarily disproportionate given the Government's commitment of funding 200 air conditioners. What the consequences may be for those communities

if the rates of family violence do not drop, or school attendance does not increase, is unclear.

It has become apparent that despite the rhetoric surrounding ‘mutual obligation’ and ‘shared responsibility’, the Government is not fulfilling its commitments under SRAs in reasonable timeframes and that the agreements are not having the effects that the Government claimed they would. In the case of Murdi Paaki, despite the community meeting its obligations under the SRA set out above, two and a half years later no air conditioners had been installed (Graham, 2005b: 8). The Chair of the Murdi Paaki Regional Assembly, Sam Jeffries, has been quoted as saying that members of the Assembly were having to spend all their time negotiating separate individual SRAs for funding from governments:

The Shared Responsibility Agreements have become the centrepiece, rather than actually doing something about the issues (Jeffries, 2005 cited in Graham, 2005b).

The community of Mulan did not receive their petrol bowser until January 2006, over 12 months after their SRA negotiations became public (Karvelas, 2006a). During that time, rates of trachoma once again increased in the community to 58 percent. The community was reportedly devastated at the increase after it had made efforts to fulfil its side of the SRA and continue the face-washing program and hygiene measures. Despite evidence from health experts that face-washing programs need to be integrated with screening and treatment programs and environmental health programs to have maximum impact on trachoma rates (Kowal, 2006: 292), then Minister Vanstone responded to the increase by stating:

I suspect there were some people waiting for the bowser to arrive... I can see some people thinking ‘we agreed to do this when we got the bowser’ (Vanstone, 2006 cited in Karvelas, 2006a).

Such examples highlight the limitations of the SRA framework, and the approach of mutual obligation more generally. Issues of systemic disadvantage cannot be adequately addressed by simplistic, targeted agreements between governments and groups with significantly less power and agency.

There is little provision for or demonstrated commitment to independent monitoring or evaluation of SRAs on the part of governments, which leaves communities with little recourse. As Aboriginal leader Mick Dodson has stated:

How do we know if the agreements are working if there’s no evaluation built into them? There is enormous political pressure on bureaucrats to boost the numbers of shared responsibility agreements because they look good politically (Dodson, 2005 cited in Khadem, 2005).

SRAs are not connected to broader planning processes, or based on research or data collection that may identify the key areas of need and best strategies for targeting government funding. There is no clear process set out in the event that any party to the SRA does not live up to its commitments. Without a clear and resourced process for independent monitoring or evaluation of SRAs, it is difficult to ensure accountability and

responsibility. These structural flaws in the approach to SRAs disproportionately impact on Indigenous communities.

Imbalance of power between Indigenous communities and governments

SRAs appear to represent an extreme case of an imbalance of power between two parties to a negotiated agreement. Irrespective of the intentions of the parties to SRAs, structural biases favour the state and its agencies over Indigenous communities. This power imbalance manifests in relations between the parties that are more independent than interdependent – negotiations focus on narrow agendas rather than joint problem solving – and outcomes are more distributive than integrative, with little evidence of real give and take; claiming rather than creating value as Harvard negotiation professor James Sebenius refers to it (2001).

In SRA negotiations, Indigenous negotiators generally negotiate for their own communities. Because the negotiated outcomes impact upon them and their communities directly, they are more emotionally bound to the negotiation. Agents of government departments, on the other hand, can negotiate relatively dispassionately because of their distance from the negotiated outcomes; they are representing others (the government and the broader community). Their detachment allows them to be more calm and considered and they can use tactics not open to their counterparts, such as stalling a negotiation to give themselves time for reflection and strategy development: ‘You’ve made your position clear. I can’t commit on that point now. I’ll need to consult with my boss first.’

Indigenous representative structures, such as ATSIC, have been broken down and the Government has stated that it wishes to work directly with Indigenous ‘families, communities and clans’. According to the Social Justice Commissioner, while there have recently been attempts made to improve the way governments engage with Indigenous communities:

...significant gaps remain in Indigenous representation at local, regional and national levels. The absence of a framework for Indigenous representation at all levels of decision-making undermines and contradicts the aims of the new arrangements, and restricts the ability of Indigenous people to participate in decision-making processes (Calma, 2006b).

Faced with a fragmented other party, government departments can more easily ‘divide and conquer’, separately negotiating SRAs with individual groups or communities, taking different positions and focusing on different issues each time. In essence, this parallels attempts to break down worker representation in industrial relations—and the outcome is the same: less power in the hands of the fractured party.

As the government will not make the detail of past SRAs available and representative structures are no longer resourced or networked to share relevant information and learnings from previous SRA negotiations, Indigenous communities are at a significant disadvantage when negotiating with a bureaucracy that has a more transparent view across multiple agreements. While this presumes that government agencies effectively monitor and share information, the fact remains that government representatives may benefit from an asymmetry of information because – as members of the same

organisation – they can potentially draw on completed SRAs and access privileged information about previous SRA negotiations. The power that comes from superior access to information is not the only power source that favours government negotiators; they are also in a position to withhold funding and services and are likely to have access to more resources than their Indigenous community counterparts. With the moral authority of representative government behind them, along with the powerful personal endorsements of the Prime Minister and other prominent ministers and some Indigenous community leaders, government negotiators are in a very strong position as they take their seats at the negotiating table. Indigenous negotiators' relative power is further constrained by their lack of alternatives to a successfully negotiated outcome: if they cannot strike an SRA with government, they can reasonably expect that it will be difficult to find other sources of funding to meet their needs. Indigenous communities do not have what negotiators call a BATNA, a best alternative to a negotiated agreement (Fisher and Ury 1981). The Government, on the other hand, is negotiating several agreements at any time, so if an SRA deal is not to their satisfaction, they can walk away safe in the knowledge that there will be other SRAs to add to those that have already been signed.

There are governance and cultural issues that put Indigenous community negotiators at a disadvantage too. For example, in negotiating SRAs, government departments, typically specific agencies, negotiate with Indigenous communities, the governance arrangements and parameters of which may be less well defined. Accordingly, consultation and representation can be more problematic for the Indigenous side. Factors such as less hierarchical community structures, different ways of dealing with conflict and different preferences in relation to action and reflection may compound the multifarious challenges facing Indigenous negotiators.

Discretionary benefits or human rights?

A major source of criticism of SRAs has been their potential to breach the human rights of Aboriginal and Torres Strait Islander people. The Government has, increasingly in response to criticism, stressed that SRAs do not affect ordinary citizenship entitlements and that funding allocated under SRAs is 'discretionary' and not for essential infrastructure or services. However, what is considered 'discretionary' and what is a general citizenship right remains contested. Requiring Indigenous communities to commit to behavioural change and other actions in order to receive funding for services that other Australians take for granted certainly raises the potential of racial discrimination. This is particularly the case when Indigenous people are the most disadvantaged and marginalised group in Australia against indicators relating to health, housing, employment and education, and when there is evidence that governments already underspend significantly on services to Indigenous people (Access Economics, 2004, Commonwealth Grants Commission, 2001). Additionally, Australia has international human rights obligations relating to the rights of Indigenous people affected by agreements to free, prior and informed consent. The SRA negotiation process could arguably breach those human rights due to, for example, representational inadequacies and a lack of options in relation to how Indigenous communities access funding.

From the scant information that is available, it would appear that under some SRAs, funding for essential infrastructure or services is being provided. In Coonana, Western Australia, the community of 90-120 people has entered into an SRA to improve their water supply. The community relies on dam water that is contaminated by feral horses, cattle and camels which is adversely affecting their health. Under the SRA, the Government will provide \$40,500 to fund trap yards, troughs and fencing around the dams to control the feral animals. In return, the community will monitor the stock, build the traps yards and fencing, and maintain the dams. They will also establish a work team to supply labour to local pastoralists. An adequate and clean water supply should by any measure be a citizenship entitlement in a country such as Australia.

In Enngonia, NSW, there is an SRA focused on encouraging young people who do not currently attend the closest high school in Bourke, 100 km away, to participate in a distance education program. The Commonwealth Government will provide \$20,000 to cover rent and costs such as electricity, as well as an Aboriginal teacher's aide for the project and bus trips for joint school days with Bourke High School. The NSW Government will provide a casual teacher based in Enngonia for high school students, and will also provide desks, sporting and electronic equipment, and monitor test results. When the community of Wadeye adopted a 'no school, no pool' policy, it was widely promoted by the Federal and Northern Territory Governments as a successful example of mutual obligation working in practice in Indigenous communities. However, what was less reported was the fact that when hundreds of children did enrol in school, there was not enough room or facilities to accommodate them (McLaughlin, 2005). As Robbins (2005) has observed, if such services are now conditional to Indigenous communities, then it would suggest that there is inequality in the practical meaning of citizenship in Australia.

Governments promote SRAs as offering Indigenous communities more choice and flexibility in identifying local priorities and accessing government funding. However, the mantra of choice and flexibility rings hollow when SRAs provide the only means of Indigenous communities accessing funds for essential infrastructure or services. Many of the contributions to SRAs by the Government come in the form of CDEP places, and both funding for the positions and the labour of the CDEP participants is regularly included in SRAs. Given that these positions are subject to a range of existing and changing Government conditions and requirements, this raises further questions about the choice and flexibility of communities in entering into such agreements. The Aboriginal and Torres Strait Islander Social Justice Commissioner, has also made the point that an SRA may still breach human rights even if it is not providing essential services, if it is provided in a manner that is discriminatory or that makes addressing existing inequalities contingent upon the completion of mutual obligation requirements (Calma, 2006a: 41).

The responsibility for change lies with the community

The SRA framework implies that Indigenous communities are not willing to initiate programs and measures to help themselves without some form of contractual obligation. It ignores the complex causes of disadvantage in Indigenous communities, and the role that adequate government funding for Indigenous driven initiatives can play in addressing many problems in communities. It also ignores all the evidence that suggests that genuine support for Indigenous decision making and control over

policy, programs and services is key to overcoming Indigenous disadvantage. In many areas, individuals and organisations are instigating programs and strategies to address Indigenous disadvantage with little support or recognition from governments. Indeed, Aden Ridgeway and others have pointed out that the Government has been conveniently rebadging such long term, grassroots work in communities as their own and then calling SRAs an instant policy success (Coultan *et al*, 2004, Shine, 2005). The implication that it is only communities who need to lift their game is also disingenuous given the recent loss of skilled and experienced personnel in the public sector, particularly Indigenous people, who can work effectively with Indigenous communities. Such expertise is crucial to making such a policy framework effective, and yet has been undermined in the Government's new arrangements (Australian Public Service Commission, 2005). As Reconciliation Australia pointed out in their submission to the Senate Select Committee into the Administration of Indigenous Affairs:

Just as it is dangerous to make assumptions about lack of capacity within Indigenous communities, it is potentially even more dangerous to assume capacity within government agencies to deliver this level of change. It appears that government policy is well ahead of government agencies' capacity to manage implementation or deal with its consequences (Reconciliation Australia, 2005: 5).

Funding for SRAs must be provided to communities through incorporated organisations, and Indigenous representatives must have the authority and mandate to sign up to SRAs, and to ensure accountability and effectiveness. Indigenous representative structures are crucial to enabling governments to work effectively at the local level. Despite this reality, former Indigenous Affairs Minister Vanstone has stated that:

The days are over of other people getting jobs telling the Australian Government what communities want... Those jobs are no longer available, we will be speaking directly with the community. It's a fundamentally different way of working (Vanstone, 2005 cited in Maiden, 2005).

Ironically, the Government appears to be comfortable with an organisational interface of its own, expending considerable funds on consultants to assist in administering the SRA process (Graham, 2005).

The Way Forward

As we have set out in this article, there are many Indigenous communities in dire need who are not benefiting from funding allocated by the Government for SRAs. Most Indigenous people live in urban areas, and the Government's focus with SRAs is disproportionately on remote and distinct regional communities. There are other communities who are committing to disproportionate and unrealistic measures under SRAs. There is anecdotal evidence of SRAs privileging individuals and groups within communities who go along with the agreements, raising possible inter and intra-community distribution issues. Some representatives may be signing up to SRAs without sufficient mandate or capacity to influence others in their communities to fulfil the commitments made. These developments may have negative ramifications for communities in the future, including their capacity to secure other funding from governments.

Despite such criticisms, in a funding environment where Indigenous communities are starved of services, infrastructure and expertise (Cooper, 2005: 7), there is arguably a need for pragmatism in supporting communities to get the best outcomes from the SRA framework. While the debate regarding their moral force or efficacy continues, SRAs are in the ascendency. New Minister for Indigenous Affairs, Mal Brough, has indicated that he is committed to improving outcomes under SRAs, and will reportedly work with the Government-appointed National Indigenous Council to ensure the agreements are being taken seriously (Brough, 2006 cited in Karvelas, 2006b).

For communities that are resourceful, with effective representative structures and the capacity to negotiate effectively with governments, SRAs can be a means to access funding for much-needed infrastructure and services. Those indigenous communities that do have the opportunity and inclination to negotiate SRAs need to build capacity to increase their negotiating power and maximise the outcomes they can achieve from SRAs. They can employ various strategies to do so, including learning from other communities' experiences negotiating SRAs; conducting negotiation training; using the media to advance their negotiating positions; or getting agents (professional negotiators) to act on their behalf, or at least to provide counsel and support. If SRAs are to be part of the social policy landscape for the foreseeable future, and there is a genuine desire to maximise outcomes for both parties, a more strategic approach is called for. Such an approach could involve creating a national representative Indigenous body with an 'institutional negotiation capability' (Ertel, 1999: 68) that can work with the government to agree SRA principles and practices, and encourage the Government to take a fairer approach to SRAs. That body could also play a crucial monitoring role to ensure consistency and accountability. Working together at the institutional level, governments and the Indigenous representative body could create a social contract and agree on the 'spirit' of SRAs (Fortgang *et al*, 2003: 67), rising above individual agreements to create a better mutual understanding, and surface and share value-creating ideas that 'expand the fixed pie' (Bazerman, 1993: 203).

SRAs are not legally binding and the progress review and dispute settling arrangements written into them are frequently vague; as a result, communities lack the power to ensure that governments deliver on their commitments. Consideration could be given to whether SRAs can be underpinned by legally binding funding contracts. Communities need something more than a statement of goodwill from governments: some form of greater accountability, either via funding contracts or other means, is required so that communities get what they negotiate for on a timely basis.

Conclusion

The Howard Government has championed SRAs as a key plank in its new approach to the administration of Indigenous affairs, and maligned past policies as having reinforced the influence of ineffective institutions and fostered an environment of welfare dependency and passivity. In their current guise at least, SRAs seem an unlikely panacea for disadvantage: their rationale seems simplistic and confused, their application ill conceived and haphazard, and their consequences uncertain. If SRAs are to be fairer and more effective, greater attention needs to be paid to how they are initiated and framed, how they are resourced, who signs up to them, and how they are negotiated,

implemented and monitored. There remains a chronic level of under-funding in Indigenous health, housing and education. Making resources which are desperately needed in Indigenous communities conditional on particular changes – the measurement and feasibility of which remain unclear – raises questions of paternalism, coercion and equality of citizenship for Indigenous people.

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Accounting for Everyday Incivility: an Australian study

Timothy Phillips

Abstract

The question of how we live among strangers in daily life is an established concern in contemporary social analysis. A key topic has been the achievements of the individual in rendering daily life among unknown others possible. Yet, questions of residual failure await full development. The study aims to describe the results of an Australian study that examined the significance and meaning of interactional breakdown with strangers in everyday life for the contemporary individual. Focus group methodology is used to describe common threads of understanding that ordinary people have developed around such events in terms of prevalence, reasons and remedies. Noteworthy findings are (i) the use of period and generational kinds of historical thinking in lay reflections on the state of everyday incivility (ii) the materialization of excessive individualism, runaway capitalist values and diminished community as key ideas within lay talk about the generators of everyday incivility, and (iii) the articulation of communitarianism as a preferred panacea to everyday incivility for lay actors.

Keywords everyday life, focus groups, metropolis, perceptions, experiences, strangers, incivility

Introduction

Much of daily social life in modern societies is experienced in public settings inhabited by unknown others. Whether catching the train, shopping at the supermarket or going to the movies, it is more than likely that we will usually find ourselves in the midst of strangers. Sociological analysis has an established interest in the question of how we live among strangers in the course of going about our everyday lives. A predominant concern has been to examine the achievements of the individual in rendering daily life among unknown others possible. However, less attention has been directed towards investigating questions of failure. Taking this neglected aspect of everyday life as an important point of reference, this study aims to describe how the individual person understands and makes sense of a commonplace form of interactional breakdown, incivil relations with strangers.

How to deal with strangers encountered in everyday life situations has been a key concern in 20th century sociological thought. Goffman's (1963) civil inattention, Simmel's (1997) blasé attitude and Benjamin's (1997) flâneur have emerged as vital ideas for thinking about being in public among unknown others. What these types of orientation share in common is a way of seeing the stranger that is intellectual, un-emotional and non-critical (Bauman, 1995). In highlighting such attitudinal forms, these analyses emphasize the manner in which the individual under conditions of modernity had adapted successfully to living among strangers. Yet, consistent with the more optimistic vein of theories of modernity more generally, these studies have given less consideration to the regulated ways in which failure has continued to manifest itself within this domain of everyday life. Bearing out a diminished emphasis on the dark side of daily life among strangers, there is a distinct absence of analytic concern in these formulations with the conditions under which the cool and distant urban attitude finds its limit.

In contrast to this earlier body of work, the problem of living with strangers has in recent times started to develop gradually as a more explicit theme in sociological research and analysis. For Bauman, it is the postmodern condition that has emerged to render the stranger as an irreducible problem. Whereas in the modern environment it was reasonably evident what social category the stranger was in and how to act towards them accordingly, in the postmodern setting this clarity had faded away. Rather than being able to label a stranger as a familiar neighbor or an alien and conduct ourselves towards them in kind, we now confront an irresolvable and constant problem in everyday life, 'it is never quite clear who they are' (Smith 1999, pp. 161). As we are unable to pre-emptively label them with certainty, the morally distant stranger has the capacity to live and act physically close by, lurking unrecognizable within our immediate bodily proximity. It is only then through their actual conduct towards us that we are able to know how ethically remote they are from us. Yet, by then, it may be too late to forestall or avoid their treatment of us (Bauman, 1995, 2001).

Bauman's observations about the suitability of current social conditions for the experience of troubling social encounters with strangers would seem to be prescient in light of the recent appearance of dedicated empirical and policy-oriented studies on the challenges of going about everyday life in the company of unknown others. This body of work has developed in a general climate where commonplace rudeness, disrespect

and selfishness among strangers has been seen more and more as a social problem (Carter, 1998). Surveys have documented the level and forms of everyday incivility in contemporary societies (Phillips and Smith 2006), and the seriousness with which the general public view the phenomenon as a problem in their daily lives (Farkas *et al.*, 2002). Focus group interviews have shed light on what people-in-general define as incivil behavior in commonplace situations (Phillips and Smith 2003; Smith and Phillips 2004). One branch of research has exhibited a particular concern with the correlates and meanings of 'road rage' (Dukes *et al.*, 2001; Lupton, 2002). Rude and disrespectful behavior among people travelling on mass transportation systems has also emerged as the subject of preliminary empirical work (Public Agenda, 2003).

General Perceptions of Rudeness in Everyday Life

The contemporary individual is invariably able to manifest a general detached, cool and self-controlled orientation in much of everyday life in public settings around unknown others. Yet, there are inevitably times when such an even-handed mode of perception is exhausted. In these moments our usual disposition fades into the background, displaced by a more passionate and judgmental attitude. A common trigger for making us feel and think in this more involved way at any particular moment is the conduct of the unknown other. The behavior they exhibit may make us feel angry or disgusted, reflecting what we may take to be our loss of status or their moral indifference (Bauman, 1990, Sennett, 2002). Whatever emotions are invoked or reasonings applied, the actions of the other have become unacceptable to us. In our eyes they are now, in some sense, uncivilized (Alexander, 1992).

The switch from detachment to involvement in our orientation towards strangers in everyday situations is a result of how we recognize and interpret the specific events we experience (Elias, 1987). Our propensity to read the commonplace actions of a stranger as an expression of disrespect or moral deficit is a reflection of the more general knowledge we have built up reflexively over the course of a lifetime concerning how people should and should not live and act around unknown others in everyday situations (Elias, 1978). Furthermore, this abstracted information is constantly reworked and applied in light of our most recent experiences of commonplace life in public settings (Giddens, 1991). However, feelings and emotions play an important part in mediating applications or non-application of this data in particular everyday life situations (Kemper, 2002).

A central aim of this study is to retrieve the basic stock-of-knowledge that individual people have formulated about commonplace encounters with uncivilized strangers from their own personal catalogue of lived experience, and to use the emergent information to describe the common threads of understanding that have developed around such events. How prevalent are they? What brings them about? What can be done about them? By unpacking qualitative data around these questions, the research will seek to provide a detailed rendering of the general ways of thinking that individual people bring into everyday experiences of incivil encounters with strangers, and to enhance understanding of the broader cultural meanings they construct around the phenomenon.

The study investigates how individual people make sense of commonplace incivil relations between strangers using data from a focus group study undertaken in mid-2000

in the city of Melbourne, Australia. A total of 54 people were involved in the project. Each participant took part in a group interview. Groups were formed around gender, age, class and ethnic criteria. Seven group interviews were undertaken. Each group was comprised of between seven and eight participants. The groups are designated females, males, elderly, young, white collar, blue collar and Anglo. Group names were assigned to reflect the social attributes shared by members. An experienced moderator conducted all interviews. A standardized semi-structured interview schedule was used with all groups. Discussion topics covered issues of experience, feeling and perception. Interviews ranged between 60 and 75 minutes in length. Conversations were taped and transferred in verbatim form to written text. (Phillips and Smith, 2003; Smith and Phillips 2004).

The data for the current study is the record of discussion on perceptions of incivil associations. These materials capture the talk that took place on the issues of prevalence, reasons and remedies. Transcript analysis was guided by a predominant concern with drawing out the main ways in which participants reflected upon these three different approaches to thinking about incivil dealings between strangers in everyday life. Quotations are used to show how participants gave expression to the emergent discursive patterns.

Prevalence of Commonplace Incivil Relations

Much of the talk among participants about incivil relations among strangers in everyday life was framed in terms of perceived differences between the past and the present. This sense of change tended to be articulated either by reference to people-in-general or particular social groups (specifically young people). The first way of conversing about change emphasized felt-differences between people-in-general today and people-in-general in earlier times. Little mention was made in these kinds of stories of the possibility of changes being confined to particular subgroups. Within the transcripts, this type of account found its most ready expression in the idea that commonplace uncivil associations are 'worse' today. As a phenomenon many participants saw it as becoming more and more pervasive. The following comments suggest a level of disenchantment with what was seen to be a declining state of affairs.

20 years ago, that's different. No swear words or sex or anything. Things are more lax these days (blue collar).

I think people then were a lot more courteous. I think courtesy has gone out the window now and even in shop environments and road situations ... (blue collar).

I reckon it's a classic because I've, I've predominantly been on the road for about 20 years and I do believe in the last three to five years it's gone from bad to worse ... (males).

While not expressed as widely, the opposing view that everyday incivil dealings are not as bad today also found some support. An Anglo group member felt the situation was getting 'better' across 'society as a whole'.

(in relation to parents hitting children in public) I don't see that as much now. About ten years ago I used to see it a lot (males).

I think it's probably better. I mean ...society as a whole, like 20 years ago you call people wogs and all sort of stuff and it didn't really mean anything to me you know, wog is not such a bad thing to call someone but these days ... people are aware that it's offensive now, you know ... that it's wrong (Anglo).

Some participants contested the idea that commonplace incivil relations are in a 'better' or 'worse' state nowadays. For them, such events are no more or less prevalent today than they have been in the past. Instead, it was thought that there is an increased general awareness of the phenomenon. This more critical view was strongly evident among members of the elderly group.

I feel it hasn't changed, I think you hear about it more that is why you form a view and you've got to be careful to what you're listening to on the radio or reading on the news (elderly).

I don't think there is a problem with it. I don't think there is more rudeness and rude behavior than there used to be. I think it's just that we notice it more. I think it's brought to our attention ... It becomes less ignorable (elderly).

Continuing in this more reflective vein, some discussants stressed the idea that definitions of commonplace incivil behavior change over time. For them, the issue of whether relations between strangers in everyday life are in a 'better' or 'worse' state today seemed to be the wrong question to be asking of a phenomenon that assumes a changing form. This perspective was evident in the following quotations, with the elderly group member suggesting the futility of comparing everyday incivil conduct in the past and the present.

I think maybe people are probably still rude but in different ways, I don't know what ways but you know (young).

The bad language that we hear today ... I'd say it's getting worse, I don't know whether that's worse or better or what it is. I have no idea. Is it worse? Is bad language bad? I don't know (elderly).

Besides making reference to people-in-general, a good deal of the talk about perceptions of change in the state of incivil associations among strangers in everyday life proceeded in a different way, making allusion to felt-differences between young people today and in previous eras. In this narrative form, change was infrequently spoken about as something carried by all social groups. Instead, it was seen as conveyed by the attitudes and actions of a new young generation. A recurrent theme in the discussions was the complicity of young people today in the general condition of commonplace uncivil relations. Talk around this issue downplayed the idea of incivil conduct as on the rise across all social groups, seeing it instead as concentrated within the ranks of present-day young people.

... I think kids are generally rude, a lot ruder than we were, we would have got belted ... (Anglo).

They don't seem to have any regard for what's right and proper any more some of these young people (females).

A prevalent theme in this strand of discussion was the negative consequences of the appearance of incivil conduct among young people today for the elderly. Here the stories highlighted the idea that social contact between the two groups nowadays is less harmonious and pleasant than it used to be, an occurrence due in no small part to the failures of the present day young people to recognize and redress the lapse of their generation into uncivil habits. Lack of respect was mentioned recurrently as a key area where behavior was seen to have fallen away. The following comments reflect the sense of incredulity a number of participants felt about the generational changes they believed had occurred.

But it's also disrespectful of the elders. Our generation, you had so much respect for our grandparents (Anglo)

I actually use public transport a bit ... the students that use public transport ... I mean the bus can actually be full and like a little old lady might get on and none of the students would, gee isn't that, there used to be a rule, like students used to have to get up for elderly people but I'm not quite sure whether it's still around (females).

However, against this position, some participants expressed the view that the everyday social conduct of young people today and in previous times was not really all that different at all. In fact, one female participant felt that any increased presence of incivil conduct among young people today was simply consistent with a wider prevalence of the phenomenon across all social groups.

I don't think they've changed a lot at all (elderly).

I don't think it's just young people ... I think everybody has got a bit ruder (females).

Reasons Behind Commonplace Incivil Relations

Talk about the reasons behind uncivil relations between strangers in everyday life was found to proceed along two distinct lines. One strand covered the broad characteristics that were seen to account for the presence of incivil associations within society-in-general. A second thread examined the specific qualities perceived to explain the occurrence of the phenomenon across particular social groups. The question of what brings about commonplace incivil interactions in Australian society today received dedicated consideration across the discussion groups. Talk was found to converge around the themes of (i) too much self-interest (ii) a disregard for others (iii) a hyper-competitive ethos, and (iv) materialist attitudes. Each theme found expression in multifarious ways. In terms of (i) too much self-interest, discussion emphasized how selfish behavior in public settings in everyday life could make uncivil relations happen. Being out for yourself, being too self-centered and seeing yourself as more important than others were all spoken about as dispositions that could result in people failing to properly take strangers into account when going about their everyday business in public places. One participant from the male group felt such an orientation could go beyond a lack of consideration to assume a more mean-spirited form.

I've seen every different sort push, shove you know, it's a humanity that says me first (elderly).

I think there are some people that are always going to be a bit rude you know, people that place themselves in front of other people, who see themselves as more important (Anglo).

A lack of concern about other people I suppose. Um, I'll do what I want and what you want doesn't matter at all. In fact I'd like to sort of grind you into the ground a bit too ... it's probably just a lack of interest or concern about what your fellow beings feel. Or if anything you're trying to make them feel worse (males).

Departing from these more general observations, the point was emphasized repeatedly that placing excessive value on personal time and space could give rise to the occurrence of commonplace incivil interactions between strangers. On the question of time, it was mentioned that with the emphasis in modern social life upon saving time, hurrying and doing things as quickly as possible, there can be impatience, frustration and diminished tolerance felt towards unknown others who we may hold to blame for holding us up in everyday situations (Kaufman-Scarborough and Linquist, 2003).

... an older person attacked the (tram) driver asking him why he was late (elderly).

I think life has got faster and faster, people have got less time to be bothered with putting up with people's behavior I suppose (white collar).

I think we just go a little bit too hard and well that's the point, we're all just going a bit harder and a bit faster ... (there are) times that we're all inconsiderate because we're sort of in a hurry to do something ... (Anglo).

In a social environment where such a high value is placed on the personal time of the individual, a number of participants spoke about the role that pre-existing emotions, such as stress and tension, could play as potential catalysts of everyday incivil associations with strangers.

... I mean I think it all stems down to a, what kind of day a person has actually had, I mean if you've had a really horrible day you could get really agro pretty fast ... some one sort of does something wrong to you well you can just fly off the handle ... (females).

Sometimes if your sort of really tired ... I'd certainly put up with less crap when I'm tired and ready to have a bit of a dig at someone ... I feel it more quick if I'm tired I'm a little bit more likely to sort of bite ... (white collar).

Alongside time, the theme of space also came up consistently in conversation. The attribution of a heightened value to personal space was seen to create the circumstances for commonplace incivil events between strangers to occur. This orientation may involve an overblown sense of one's own entitlements, alongside a lessened regard for the claims of others. The flavor of the discussion was that incivil incidents can result when such dispositions are present in circumstances where personal space is scarce. A female group member explained this point in relation to the act of car parking.

... maybe a lot of it has to do with space and everyone wants their space (blue collar).

... I have always thought I can almost smell the tension, the stress, the lack of time, personal space. I think everybody is trying to claim their space in the supermarkets, on the road, everywhere (elderly).

... if you are waiting and you miss out on a car park ... I've seen people get really furious and they chase the people and abuse them, you know, like the people that have wrongly taken their car parks, they get really involved in it (females).

On the issue of (ii) disregard for others, commonplace incivil relations among strangers were spoken about as arising as a result of withdrawal from basic forms of consideration and regard for people we don't know personally, and devaluation of the stranger as a category of person. A sense of community, which may work to bind unknown others together in everyday situations, was felt to be increasingly absent. In fact, for one participant this state of affairs was evidenced by a general falling away of social contact with strangers, the consequence being that people may simply lack skills for interacting with unknown others.

I think ah, people don't respect each other very much. And especially if you're, you're strangers there is no um need to be polite because you know you don't know them they're just, they're not a person (young).

... there is that loss of sense of community I think ... its just every man for himself. Its dog eat dog ... (white collar).

I think people are lacking the social networks that they used to rely on. I think they forget how to relate to, not their intimate friends and not their family but people who are one step outside of that ... (blue collar).

A further theme that emerged from discussion of this theme was that everyday incivil behavior between strangers is not only more tolerated nowadays, it is also more accepted. In the blue-collar group in particular it was mentioned as having become increasingly normalized.

Anything goes now (males).

... it has become more accepted and I think the majority of people don't see it as being that bad anymore (blue collar).

... sometimes you have just had a hard day somewhere and someone cuts you off and you just yell abuse at them and you just think it's sort of accepted now as a way of life (blue collar).

The issue of acceptability tied in with the idea that incivil associations can happen when people feel a diminished sense of responsibility for their actions in commonplace public settings. An emergent view here was that people may behave badly towards strangers because they think they can get away with it. Regardless of whatever other reasons might well be in play, it was felt that in the end people do it because they can. One blue-collar

participant gave voice to this theme, seeing incivil relations to be an unwitting result of the freedom that is extended to people today.

I think it's also a matter of what you can get away with, some people think oh what can I get away with, like oh I'll just take that person's car park even though they're all waiting first cos you know, I can just get away with it or that queue you know, I'll just get my drink even if they were there first (white collar).

Yeah, so maybe having freedom and freedom and freedom to swear and freedom to think what you want to do and freedom to be rude and get away with it, maybe that is just part of society (blue collar).

This line of discussion gave rise to expression of a sense of resignation, a feeling that there was nothing you could really do about even the most outrageous exhibition of commonplace incivil conduct. It was felt that no matter what you said or did, in the absence of a recognized authority, the poorly behaved stranger can easily elude attempts by a non-mandated other to bring them to some kind of account for their actions. This could potentially involve the stranger responding in a spirit of righteous anger, or presenting themselves as the true victims of the situation.

But this is the thing, they're all sort of programmed, oh well, there is nothing I can do about it, we'll just let it go ... (blue collar).

I tend to think that society at the moment breeds people into ... dragging out a victim mentality of you don't understand what I'm going through But also you have to remember that any amount of pain does not give you any right to put that onto anybody else (young).

Everyone is always saying, you see someone doing something annoying but you feel like you can't say anything ... if you do though, they'll turn (males).

Commonplace incivil associations between strangers were also viewed as a sign of the economic times we live in, reflecting in particular the pervasive influence of (iii) a hyper-competitive ethos, and (iv) materialist attitudes. Such ideas as making money, being driven by the dollar, being the best and getting ahead were all mentioned as importantly implicated in generating incivil interactions. A key point idea here was that the dominant beliefs that drive individual economic conduct today have filtered down to everyday life, giving shape to individual behavior between unknown others in public settings. In this way, uncivil events could be the very real result of people approaching mundane everyday activities, such as finding a parking space, queuing or getting on (or off) public transport, in an overly competitive spirit.

What is socially unacceptable now? Not making money is not socially acceptable but that is about it really (males).

I think these days everyone has sort of been brought up to be so competitive and strive for the dollar and they will be rude to each other in other ways ... (blue collar).

Furthermore, the suggestion was made that everyday incivil associations might arise from a kind of 'reification' of unknown persons who may be encountered during consumer

activity. In this way, activities such as pushing & shoving others who get in the way can be a result of a propensity to reduce strangers to a thing-like status when consumption is experienced in a deeply impassioned form (Belk *et al.*, 2003).

Well lying behind the whole thing is we're living more as a materialistic society ... Therefore we are not being taught what's right and what's wrong (elderly).

Um, big corporations these days and their image um, to young people, it's an I, I thing. It's not an us sort of thing now ... it's just do it you know, ... it's the value of the person is the one that can make the most and show it off the most ... so they have an attitude they don't care about anyone else and so they can be brash and say what you like (males).

Alongside talk about general reasons behind commonplace incivil interactions between strangers, conversation focused on distinct factors seen to contribute to the manifestation of the phenomenon among the members of specific social groups. Transcripts revealed discussion converged around three groups: young people, the elderly and ethnic minorities. Young people were commonly identified as a social group implicated in the occurrence of everyday incivil actions towards unknown others. Redolent of the ideas explored in the popular Dudesons and 'Jackass' films (Hilden and Laasala, 2006; Tremaine, 2002), such conduct was seen by a number of participants as a means for achieving social status or alleviating boredom within social gatherings of young people in public settings.

I think sometimes it's one-up-manship you know, the showing off or you know, if someone is on their own they probably wouldn't behave that badly (Anglo).

... abusing an old woman ... They were just school kids who were bored (blue collar).

Family, school and the media were also mentioned. Insufficiently strict parenting at home, a lack of discipline at school and unfettered media content were each discussed as factors that contributed to the enactment of commonplace incivil behavior among young people. On the topic of the media, particular allusion was made to the perceived influence of poor role models (in politics and sporting life) and Americanization.

... some sort of dysfunction within the family is really the reason why these sort of inappropriate behaviors are um, occurring...(white collar).

I mean you get a group of school children together and that's when you get bad behavior ... It's just a complete break down of discipline, laws ... (elderly).

... (Footballers) are the ones that you see on television and their mates and the courts say oh that's ok, he's a good fella. He's not a good fella, he's a bastard. He should be in jail (elderly).

... I think certainly the media can be a big influence and has probably changed ... It was perhaps more a focus on British things, fairly civil sort of society whereas the American was in much more ... an aggressive approach and they sort of dominate almost everything now (males).

Apart from the young, the elderly were mentioned with some frequency as a social group where incidents of everyday uncivil action towards strangers were noticeably present. The main reason identified here was an exaggerated sense of entitlement. Commonplace uncivil behavior was seen as a means by which older people sought to achieve a sense of social recognition they felt was owed to them. Some participants thought that the elderly believed they had a right to behave badly towards unknown others if they weren't being socially acknowledged in a way they deemed appropriate. In particular, it was suggested that insufficient deference from young people was a key motivating factor at play.

There are some old people who think they're old and they're got a right to you know ... push in front ... I've been on this earth eighty years, I should be ... first (females).

And that they're kind of entitled to jump queues. I've seen it happen at banks at times (young).

I think old people can expect from the old days just to have any younger people do anything (Anglo).

Participants also made recurrent mention of ethnic minorities for their perceived involvement in acts of commonplace incivil conduct towards unknown others. Talk about the reasons behind the occurrence of such conduct among ethnic group members was often prefaced by pronouncements about definitional problems arising from cultural difference. A key point made here was that actions regarded as in some way rude or uncivilized in everyday situations in Australia may not be seen in the same way under comparable circumstances in other countries.

Our cultures are different (elderly)

I think ... the cultural thing where sometimes what some people see as rude another culture wouldn't see as being rude ... with a lot more migrants coming in, there might be more perceived rudeness, what they're doing may be perfectly acceptable in their society, but you know, like spitting on the, the path ... (Anglo).

Yet, while acknowledging that the presence of cultural difference could mitigate against any particular action being taken as incivil, for several participants this was not reason enough to fully admonish the conduct itself from such a reading. This was because the individual behavior-of-interest could typify a negative cultural trait associated more widely with a particular national or ethnic group. So, while cultural differences were recognized, the idea that some cultures are ruder than others also held some sway in accounts of the reasons behind members of ethnic minorities partaking in acts of everyday incivil behavior towards strangers.

... they had their own values which had rudeness instilled into it (Anglo).

... I actually live in an area that is dominated by Asians but I'm not racist but that's brought a new meaning of rudeness to shopping (females).

It's a bit like, have you ever been down to Phillip Island for the penguins with all the Japanese buses and Japanese ... they don't mean to be rude but they're just used to it, it's just the way they are in that they'll push and shove and you

just think oh hell, but it's probably because they are so used to that in their own country (blue collar).

Participants nominated divergent reasons behind the perceived complicity of the young, the elderly and ethnic minorities in acts of everyday incivil conduct towards strangers. Yet, the discussions also hinted at alternative renderings of the manifestations of incivil action felt to be associated with these groups. These supplementary narrations draw attention to how for various participants 'the silent majorities' are themselves implicated in such charges of incivil behavior (Baudrillard, 1983a).

... older people are invisible ... mainly from young businessmen and young businesswomen ... they just walk straight at you (elderly).

Being in a minority group as well. I've got a few Asian friends who have to deal with all sorts of comments you know, just being rude for no other reason than that they're Asian (young).

... people of my generation, I've seen them acting in an aggressive way against the kids for no real reason (females).

Remedies to Commonplace Incivil Relations

Discussion about possible solutions to everyday uncivil relations among strangers was less developed than was the case with reasons. In comparison to the air of confidence that characterized talk about what lay behind these events, conversation around what to do about them was decidedly more hesitant in character. This was particularly the case when discussion turned to the issue of civilizing the unruly adult in public places.

The transcripts showed that participants were at their most self-assured when considering solutions to commonplace incivil behavior enacted by young people. Family and school were nominated recurrently as domains through which interventions might be made. Several participants mentioned that through these channels young people could be educated to know the difference between '*what is acceptable* (behavior) *and what's not*' (Anglo), and to apply this information to their own conduct so as '*to behave properly*' (White collar). Furthermore, it was mentioned such standards needed to be taught in black and white terms, and instilled with discipline if required.

(To stop kids swearing) *Well maybe the parents should put soap and water in their mouths* (females).

... I think they should reintroduce that (the cane)! (blue collar).

Looking to the 'old ways' of doing things was a common theme in the strands of talk that focused on solutions to everyday incivil conduct performed by young people. However, in regards to people-in-general, there was less clarity about how to address the phenomenon. Quite simply, participants struggled to go beyond the family and school options mooted in relation to young people, to identify specific avenues of action that might be suitable for grown adults. Legal sanctions came up as option, but participants quickly expressed reservations about the appropriateness of alleviating commonplace incivil action in this way. There was some mention of the possibility of imposing on-the-spot fines, with young people mentioned as a conceivable constituency for their

application. Yet, even such a comparatively light form of deterrence was viewed with ambivalence, especially when talked about in relation to people-in-general.

But if you actually got a fine out in public for swearing they (kids) might consider to perhaps not swear (females).

If we have fines like yeah, you can pay \$100 for your mobile phone cos yeah, you'd never do it again unless you were extremely rich ... but on the other hand I hate the whole intervention, legal sanctioning, blah, blah (white collar).

In contrast to the palpable apprehension about legal intervention, participants were more open to the idea of some kind of education program directed towards adults. However, uncertainty was expressed about the prospects for such a scheme actually working. For example, one member of the white-collar group felt skeptical about people applying general guidelines for dealing expertly with potentially frictional situations in everyday life.

...I dare say some level of education program might help but I don't know, don't really have much confidence (Anglo).

... you can educate people but it's whether they will take it away and use it that makes the difference (white collar).

In sum, in posing possible solutions to the phenomenon of commonplace incivil relations among strangers, participants by and large expressed discomfort with legal sanctioning and lacked confidence in educational programs. Discussion of these issues suggested the prevalence of an indifferent attitude towards top-down interventions. Yet, running beneath this conversation another quite different discussion was taking place about an alternative kind of solution. What this line of talk revealed was a determined belief in the idea that addressing everyday incivil relations should be a bottom-up process, something that ought to be able to be remedied by everyday people. For participants who spoke in this way, there seemed to be a faith in the idea that well-intentioned individuals of like mind could redress the occurrence of routine incivil events through an active dedication to infusing encounters with strangers in everyday life with such qualities as responsibility and tolerance.

You've just got to try and do the best you can and not to say just bugger it I'm going to be a creep like everybody else (Anglo).

If we were 20% more tolerant people would be less rude wouldn't they? Because we'd accept more (white collar).

Well I think um, ... (do) unto others as you'd like done to yourself is probably good. It's something for people to think about these days (females).

Discussion

This research has been concerned with drawing out the key discourses and themes that characterize how individual people talk about the phenomenon of incivil relations between strangers in everyday life. Focus group methodology was employed to capture the common-sense ways used to reflect upon and understand this micro-level

phenomenon. The study was limited to some degree in respect to sample composition and analytic strategy. Given the aim of capturing common threads of understanding socially diverse adults shared about phenomenon-of-interest, there was an unfortunate absence of groups based upon the salient social factors of minority ethnic-racial group membership and non-metropolitan residence. Yet, with groups formed around gender, age, class and ethnic criteria, key aspects of social diversity in contemporary societies were factored into the research design. Also, with the analytic emphasis on the meanings that the socially divergent groups shared, less attention was regrettably paid to the understandings that separated them. However, it was decided to resist developing the study much in this way given that focus groups are a less effective means for addressing issues of group difference (Morgan and Krueger, 1993).

Drawing on data from seven group interviews on the topic of commonplace incivil interactions among unknown others, the study aimed to elicit and narrate the main discourses and ideas that typified discussion around the topics of prevalence, reasons and solutions. On the matter of pervasiveness, whether it was seen as better, worse or the same (or not even a valid comparison to be making), felt-transformations between the past and present tended to be talked about in terms of shifts spread across people-in-general or concentrated within subgroups-in-particular (especially young people). This distinction carried through into talk about reasons and solutions. In reference to people-in-the-main, participants identified a constellation of general attitudes that it was felt could give rise to incivil relations by expression through individual conduct towards strangers in everyday situations. Discussion congealed around the ideas of too much self-interest, disregard for unknown others, a hyper-competitive ethos and materialistic attitudes. The young, the elderly and ethnic minorities were talked about in terms of specific manifestations of commonplace incivil action towards unknown others, thought to be the result of institutional failures, an exaggerated sense of entitlement and cultural difference respectively. In terms of addressing the phenomenon among people-in-general, there was an emergent preference for bottom-up rather than top-down solutions. Yet, in relation to young people, an interventionist approach was seen as more appropriate.

These findings might be seen to contribute to sociological understanding of how the contemporary individual makes sense of everyday incivil interactions between strangers in a number of ways. In the first instance, the results showed participants made implicit use of particular kinds of historical thinking in accounting for the current state of incivil relations. Over-time changes in the extent of incivil interactions were seen as occurring either across the entire society or within the younger generation. These modes of reflection can plausibly be seen as lay articulations of the long-established sociological ideas of period and generational effects. Period effects are attitudinal changes that may occur within a society over time in relation to a particular issue. All members of a society convey them. Generational effects are the attitudinal dispositions that an age group might exhibit as a result of having grown up in the same historical period. Distinct age groups carry generational effects (Park, 2000). Yet, regardless of which of these historical ways of thinking was used, an important emergent theme was envisaging the past as a kind of golden age of less incivil times (Carter, 1998). In this form of talk, the past acted as the reference point against which current conditions were invariably viewed as less than satisfactory. Some of the older participants in particular contested the symbolic

elevation of a 'better past'. However, more generally the idea tended to be used in a largely unproblematic, unspecified and taken-for-granted way. These observations suggest that on the question of commonplace incivil relations, favorable images of the past play an important role in perpetuating ideas of crisis in the present.

The findings revealed that the language of modern social and economic life was widely used in talk about what makes everyday incivil events between strangers happen. Recurrent reference was made within group discussion to terminological indicators of the ideas of individualism, community and capitalism. Commonplace incivil interactions were seen to result from excessive individualism, runaway capitalist values and a diminished sense of community. More particularly, it was felt that when these orientations found expression through individual conduct around unknown others in everyday settings, the prospects for incivil relations occurring were magnified. Yet, while bolstering feelings of community and restraining individualism were articulated as possible remedies to commonplace incivil interactions, little direct corrective action was suggested with respect to capitalist values. In other words, while the hyper-distended state of the competitive ethos and consumer culture were seen as giving rise to incivil events in everyday life, the groups did not entertain the idea of reigning in their influence. There was quite simply a distinct absence of talk about the possibility of alleviating incivil occurrences between strangers by placing limits around the reach of capitalist values into the sphere of everyday life (Habermas, 1987). This point is significant in that it would seem to suggest that participants found it hard to countenance how a solution to incivil relations among strangers might require a questioning of the felt-excesses of dominant economic values such as *laissez-faire* and the work ethic (Bellah *et al.*, 1985).

Turning to the ideas that emerged about everyday incivil behavior among subgroups, the propensity to associate young people with such events is well documented in extant sociological research (Girling *et al.*, 2000). In this study, blame was attributed in the main to waning social institutions and laxness in media content. Yet, only schools and families were talked about explicitly as suitable avenues for bringing about remedies. By contrast, the media were mentioned only casually and in passing as a preferred means for redressing acts of commonplace incivil conduct among young people. This result perhaps suggests that participants found it difficult to imagine curtailing the images and representations felt to give rise to everyday incivil conduct among this group in a larger environment of pervasive media saturation (Baudrillard, 1983b).

Ethnic minorities and the elderly were also seen to be distinguished from people-in-general in terms of the manifestation of particularistic forms of commonplace incivil behavior towards strangers. Recent sociological analysis of 'the new racism' has pointed to a shift from inferiority to difference as a dominant way of expressing racist beliefs (Leach *et al.*, 2000). In the current study various participants talked about the enactment of everyday incivil action by ethnic minority group members in terms of cultural difference. Yet, the data also suggested another scenario, the idea of cultural difference acting as a way of qualifying an attribution of cultural inferiority. This emergent way of thinking enabled 'old racism' to work beneath 'new racism' in framing discussion. Regarding the elderly, the readiness of participants to see the aged as a guilty party in the enactment of commonplace uncivil action towards strangers raises interesting questions about what

general perceptual shifts might be occurring in respect to the group's more established status as victim (Akerstrom, 2002).

The findings from the study suggest prevalent styles of thinking that individual people use to understand the reasons behind a ubiquitous experience within modern social life: unsatisfying encounters with unknown others in everyday situations. Yet, participants struggled with the question of what, if anything, should be done about the phenomenon. There was a reluctance to subject commonplace incivil behavior to legal sanction, putting it in the same class as a criminal event. Educational programs were viewed with ambivalence as a means for dealing with the problem. In sum, there was a clear lack of enthusiasm in the groups about the prospects for administrative solutions flowing down from a 'gardening state' (Bauman, 1987). Instead, what emerged was an imagining of another kind of remedy, one that would see the moral realm of everyday life among unknown others energized with such ideals as tolerance and responsibility by like-minded individuals acting beyond the reach of a central authority. The extent to which such an idealized ethic for being around strangers (Bauman 1997) actually finds its way into the cut and thrust of real-time on-the-ground encounters is perhaps an interesting question for future research on everyday incivility. This is because it offers the possibility of shedding light on what remains today a vital sociological question (Wright Mills 1959): how individuals act to try and correct on a personal level what they see as a public issue.

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Learning to love (the state) again? Money, legitimacy and community sector politics

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Abstract

The erosion and dismantling of the post-war welfare settlement has entailed an expanded role for the community sector, as a complex 'mixed economy of service provision' has developed. Critiques from both right and left have undermined the legitimacy of a statist model of welfare; state funding of non-government community organisations is one aspect of the move away from centralised delivery. Despite their important role in this process, the distinctive perspectives of community sector organisations are rarely considered in broader theoretical and political debates. These organisations face significant dilemmas in struggling to maintain their viability and independence. Analysis of three major arguments for funding shows how organisations challenge the state's legitimacy by insisting on their own independent role but precariously rely on traditional sources of welfare state funding. This analysis draws into question the possibility of satisfactory non-statist theories of welfare. It also suggests that the community sector might need to reposition itself as part of a broader public system of welfare, rather than in opposition to government, but that this strategy entails obvious risks for organisations' independence.

Keywords: community sector, welfare state, funding

Introduction

It seems that nobody loves the welfare state any more. Restructuring, social change and economic reform have undermined the previous consensus on the state's role in delivering welfare, while critiques from both right and left have permanently damaged its legitimacy. Currently, organisations in the not-for-profit non-government community services sector ('the community sector') are the main agents of the shift away from centralised delivery and responsibility. In this paper I discuss the dilemmas of those organisations seeking to legitimise their role in welfare delivery while at the same time relying on traditional sources of welfare state funding.

Existing accounts of trends within welfare delivery have failed adequately to incorporate the perspectives of the community sector. On the other hand, lobbying by community sector organisations often lacks a cohesive theoretical perspective on the trends of which they are part. In this paper I use Australian examples to explore how non-government community service organisations, in seeking to ensure their own financial viability, have had to rely on statist models of collective responsibility for social welfare, despite the problematic implication of these for organisations' independence.

The arguments used by community service organisations to claim funding include: the ethical responsibility of society to direct funding to services for the disadvantaged, via those organisations providing the most appropriate and consumer-controlled services; the desirability of government investment in a growing industry with high social benefits; and the legitimacy of community organisations as directly accountable to the public (rather than to government) for the delivery of services that return benefits to the community that contributed taxes for them. These arguments represent different critiques of government's legitimacy, while at the same time relying (not always explicitly) on a conception of government as embodying collective responsibility for welfare. The contradictions between these different elements of community sector claims-making lead to consideration of the viability of a non-statist model of social welfare.

Context and definitions

To explain why the claims of community organisations for funding are significant, it is first necessary to describe the political context of these claims. Most importantly, the recent decades of economic and social reform have ensured that the role and structure of the welfare state, along with associated notions of citizenship and social rights, are vigorously contested. As described by Mitchell, the Australian post-war welfare state was characterised by consensus on four basic features: economic protectionism, full employment for male breadwinners, centralised wage fixing and the provision of unpaid care by women (Mitchell 2001). The erosion and dismantling of this settlement has entailed an expanded role for the community sector, as a complex 'mixed economy of service provision' has developed (McDonald and Marston 2002a: 378). At the same time, the process of dismantling the post-war settlement has been facilitated by political movements that challenge the concept of social rights, particularly when viewed as a right to public welfare support. Some of the critical and normative arguments about this process, and the role of the community sector in it, are canvassed below. First, however, it is necessary to outline what is meant by 'the community sector' and how it relates to the field of welfare as a whole.

The sector under consideration in this paper is the non-government not-for-profit community services sector, called by many 'the community sector'. This definition encompasses both the activities undertaken by organisations (community services such as youth outreach, disability support services, migrant women's advocacy and drug and alcohol counseling) and their structural location and self-regulatory principles (non-government not-for-profit).

The community sector comprises an identifiable group of organisations performing service and advocacy work, often with government funding, for people who are vulnerable or are living in poverty and disadvantage. Despite their similarities, community sector organisations vary greatly in philosophy, size and in the amount and mix of sources of their funding. While religious organisations have an undeniably contentious role, in this paper I concentrate on questions of viability and independence for the sector as a whole.

This sector described here is different from 'the private sector' as it excludes for-profit enterprises. Increasing private sector provision is a separate but important current issue (see Meagher 2004), which highlights the imperative for community sector organisations to distinguish themselves from for-profit human service bodies as well as from government. The community sector is also more specific than 'the third sector,' a term used to describe voluntary and associational life outside the market and the state. While the third sector includes sporting and cultural activities, the sector described here is limited to services and advocacy intended to address disadvantage. The emphasis of third sector literature on individuals' involvement in voluntary associational activities limits the usefulness of the concept in analysing the financial and employment issues that are so pressing for many government-funded community sector organisations. In this way the concept of a 'third sector' gives inadequate weight to the structural changes in the welfare state that have promoted the proliferation of non-government community services. Similar criticisms may be made about the term 'civil society', which is even less clearly defined and at times is used to describe the activities of private businesses as well as voluntary associations (Kamat 2004: 165).

Finally, while the term 'charities' is widely used, it is not appropriate for the purposes of this paper. In contrast to the common image of charities, many of the organisations under consideration here operate with negligible or no private donations, relying instead on government funding and, to a much lesser extent, membership dues. Gabrielle Meagher (2004) has noted the likely disjunction between the complex 'mixed economy' of service delivery and the public perception of a not-for-profit sector operating on a gift basis. This disjunction contributes greatly to the confusion and conflict described below in the community sector's attempts to gain viable levels of funding.

As Billis points out, two important themes in the academic literature have been arguments for the 'distinctive function, attributes and societal role' of the community sector and arguments that locate the sector in a 'growing mixed economy of care' in which there is increasing interdependence between it and the public and private sectors (1993:242). Discussing the tension between these approaches from a UK perspective, Billis observes that the sector,

notwithstanding its diversity, has a strong internal sense of history and identity. Moreover, it is regarded as a sector by...governments that have policies vis-à-vis the sector. However, the changes caused by contracting and the creation of new organizational forms are likely to bring the question of blurring increasingly to the fore (247).

Billis identifies four 'worlds,' each with its own rules and structures, within which social problems are addressed: government, private (business) agencies, associations, and the personal or informal sector (1993: 249). He argues that there are 'zones of overlap' between these sectors, resulting in 'structural ambiguity,' which is particularly noticeable in nonprofit agencies with both associational and bureaucratic elements. Billis and Glennerster (1998) further argue that structural ambiguity, while posing problems for organisations, also constitutes a 'comparative advantage' for the sector: an advantage that may be eroded by the adoption of more bureaucratic and business-like structures, under the influence of contracting regimes.

Billis and Glennerster's concept of comparative advantage could be a useful argument in favour of better government support for 'sector viability' and an argument against the forced 'bureaucratisation' of community organisations under funding contracts. In terms of its usefulness in political advocacy, this argument would need to be underpinned by shared understandings about the legitimacy of publicly funded welfare in general, and particularly about government's responsibility to support other sectors in the mixed economy of welfare. There is not yet, however, a widely-accepted understanding of the appropriate role of the community sector, or government, in the mixed economy of welfare. The challenge for organisations dependent on government funding is therefore not only to maintain their associational characteristics in the face of 'sector blurring' but also to frame their claims to government funding in terms of a coherent view of each sector's roles and legitimacy. As this paper demonstrates, the mobilisation of such a coherent view is both a necessary and a deeply problematic process for community organisations.

Arguments about the welfare state and community sector

In making claims to protect their independence and viability, community sector actors must engage in political debates about the changing welfare state and their own role in the emerging regime. In doing so, they face a complex and uncertain political landscape. This section outlines some of the major arguments about the welfare state and community sector, highlighting the possibilities and risks invoked by visions of a 'non-state public sector' for welfare.

Tony Fitzpatrick (2002) has described how neoliberal challenges from the right and anti-universalist challenges from the left have combined to leave defenders of the welfare state 'battered and bruised' (159). Neoliberalism, as a doctrine committed to small government and market solutions, has been strident in its criticism of the post-war welfare state, accusing it of crippling individual initiative and stultifying economic growth. While the implementation of welfare reforms has certainly not conformed to a strict neoliberal model, the neoliberal critique has provided theoretical fuel for extensive restructuring and the removal of entitlements, in conjunction with the more pragmatic principles of New Public Management.

Anti-universalist challenges from the left, by contrast, advocate a fairer distribution of power and money, but question the ability or interest of the state in making fundamental changes to this end. In this view, the welfare state's claims to legitimacy, based on the promise of entitlements and a presumption of competence in delivering these entitlements, have been fatally undermined by critiques that highlight the structural disadvantage of various groups and the welfare state's role in perpetuating this (Fitzpatrick 2002: 60).

Anti-universalist critiques are also associated with social movements such as the women's movement and the disability rights movement, which gave birth to many community organisations. These, in turn, became increasingly involved in government-funded service delivery, as government responded to social movement claims. Women's refuges are a good example of this process.

More recently, such critiques have been joined by post-structuralist accounts of social policy, such as the Foucauldian ideas of governmentality developed by Nikolas Rose (1999) and Mitchell Dean (1999). The governmentality approach draws into question not only state-centred programs of redistribution and service provision but any possibility of emancipatory politics beyond the very local and specific. The rejection of grand programs of empowerment and emancipation and the emphasis on the local have given theoretical support to small projects and organisations based in identifiable communities (see Healy et al 2004).

All of these strains of thought can be contrasted with the responses of social democrats who consider anti-universalist theories too indeterminate and unstable to secure a reversal of the individualist excesses of neoliberalism (Dow 1999). In particular, statist social democrats point out the extent to which these theories are compatible with and might even exacerbate growing social inequalities (Dow 1999).

In some cases the pro-state critique is applied directly to the non-government delivery of publicly-funded services. In the Australian context, for example, Geoff Dow has been explicitly critical of non-government organisations for playing 'hands-on' roles in welfare delivery, arguing that only the state is competent to deal with the increasing economic-structural inequalities of Australian society and that service delivery by non-government organisations impedes the development of Australia's under-developed welfare state (Dow 1999). Critics sometimes refer ambiguously to the 'privatisation' of welfare state functions, in a way that risks conflating social-justice-seeking community sector organisations with profit-seeking businesses (for example Healy and Meagher 2004: 246-247).

In attempts to move beyond these conflicts, theorists such as Anthony Giddens (2000) have outlined a 'third way', which aims to replace the statist assumptions of post-war social policy with social capital, networks and collaboration, operating within a broad commitment to social equity. An important concept in third way thinking is that of a 'non-state public sector.' As one of its Australian proponents argues, the idea of a non-state public sector requires 'changing definitions of "public" to emphasise the importance of the open, social and collaborative realm rather than a traditional sense that public is a synonym for state or government' (Stewart-Weeks 1998). This is a

definition designed to valorise the role of the community sector by elevating it to the level of 'public.'

Many advocates of the 'non-state public sector' explicitly or implicitly characterise governments as inherently ineffective welfare providers. In response, writers such as McDonald and Marston have begun to question the impact of 'rhetorics of the community sector' in undermining the potential for positive state action (2002b:8). As the following sections show, community organisations struggle to negotiate both the practical and theoretical dilemmas entailed in their ambiguous role.

Community sector struggles for independence and viability

In practical political terms, there are various rationales given for the transfer of welfare functions to the community sector. Community sector workers sometimes bitterly remark that it is not cost-effective for government to provide services itself when it can pay less money to community organisations and still claim the credit. Governments, however, typically highlight community organisations' closeness to their service users, their expertise, their ethical and compassionate motivations and their superior responsiveness to local differences (for example see New South Wales (NSW) Government 2004:7). Underlying these positive statements is an implicit critique of the state: the state is portrayed as lacking those characteristics attributed to community organisations.

From the community sector's point of view, this can be read as a vindication of the legitimacy of grass-roots organisations. Yet the need for government to account for money spent, under the rubric of popular control of government and electoral accountability, means that the state has to underline *its* legitimacy through the practice of contracting.

It is useful to compare community sector with private sector contracting. For-profit businesses will not generally accept a too-low price for the goods or services provided. In contrast, community organisations will not necessarily withdraw services if the price is too low. This comparison raises the viability issues discussed below, and points to the well-recognised devaluation of the caring work done by women (see England 2005). It also indicates that the rationale for the performance of services does not depend on and may not be congruent with the government's rationale for funding these same or similar services. For example, Gabrielle Meagher and Karen Healy have shown that community sector child and family welfare workers see the most important aspect of their role as enabling clients to achieve their goal, but perceive that the funding body's main priority is complying with legal obligations (Meagher and Healy 2003).

Having independent rationales for the delivery of services, community organisations bring some agency and self-determination to the arrangement. Community sector organisations typically have their own membership bases and boards of governance, and are legally accountable as incorporated entities. Funding contracts often include a clause stating that the organisation is not to be considered an agent or in the employment of the government (Administrative Review Council 1998 s4.76). This does not prevent governments from claiming credit for the services provided, including in electoral material (for example Liberal Party of Australia and National Party of Australia 2004:2),

and stating that the community sector provides services ‘on behalf of government’ (Shergold 2005). It is likely that this is how most people would consider the situation. Community organisations must, therefore, contend with the persistent idea of the state as the single legitimate agent of collective responsibility.

The separation between government and the community sector was fundamental to the so-called ‘purchaser/provider’ split advocated by public choice theorists and enacted in many jurisdictions in the 1980s and 1990s, but it also remains central to the revised ‘partnership’ models that have predominated since 2000. The language of partnership retains the conceptual separation of government from the community sector. Indeed, some of the reforms to the model that were sought by the community sector and included in subsequent ‘partnership’ policy documents are intended to heighten government’s awareness of and sensitivity to the independent status of community organisations. At the same time they require community organisations to respect the need for government to respond to ‘broad community priorities’ conflicting with the wishes of the sector (Australian Capital Territory (ACT) Government 2004: 7; NSW Government 2004).

From the community sector, opposition to the ‘purchaser/provider model’ centred on the issues of competition and payment for outputs. Peak bodies pointed out that community services are fundamentally different from other areas of government contracting, and that competitive tendering undermined the collaboration needed to provide services properly (Council on the Ageing (COTA) 1997:3-4). There was concern that competing on the basis of the lowest price would undermine the quality of services, erode the sustainability of the sector and diminish organisations’ ability to advocate on behalf of their constituents (Raper 2000:7-8).

With the adoption of ‘partnership’ models, the threat of universal lowest-price tendering has receded (ACT Council of Social Service (ACTCOSS) 2003a:10), but contracting is still problematic for community sector organisations. Government typically sets a funding amount and a description of the services, then funds a delivery organisation (selected by tender or another process). This displaces responsibility for service quality to the organisation, without transferring any control over the amount of money available to deliver service quality. In fixed-price funding arrangements, the adjustments that need to be made to inadequate levels of funding occur within organisations, invisibly to the public, except for in crises or scandals. Organisations are in a bind, because to portray their function as a subsidiary arm of government would undermine their independence and bring into question their legitimacy for their constituents and members and perhaps their service users.

The critique of competitive tendering was premised on the inability of organisations to refuse, or refrain from seeking, contracts where the price was too low. Although the language of partnership suggests a relationship of equals, the arguments used to persuade government to increase funding suggest community organisations feel they are weak parties within the relationship. There have been several attempts to put the parties on a more equal footing through the use of agreements and compacts, but the community sector is often critical of government’s failure to implement these (NSW Government 2004; Government of South Australia 2005; ACT Government 2004; ACT Department of Disability, Housing and Community Services 2004: 5, 8, 35).

This section has described a struggle, from the part of community organisations, for independence and sustainability. It has also highlighted the fact that independence and sustainability may at times be mutually detrimental. I turn now to the discursive strategies used by community organisations in seeking more money and support from the state while also claiming to be better than the state in doing certain things. In attempting to reconcile inherent contradictions, these strategies presuppose and shape certain visions of social responsibility and the role of the state.

Three Arguments for Government Funding and Support

Although community services are growing as an industry, and community sector organisations are the majority of providers, the demand on their services is greater than their capacity to provide (Australian Bureau of Statistics 2001; Australian Council of Social Service (ACOSS) 2005: 2). Many organisations have long waiting lists or turn people away. The wages that can be offered within available government funding are relatively low, the work demanding, social recognition lacking and career structures underdeveloped. Voluntary boards, often including service users, are under pressure to manage risks, limited finances and compliance with regulations, while maintaining representativeness and member participation. For many community sector workers and board members, however, direct involvement in a self-determining body that has the capacity to improve lives is very satisfying, and often reflects a desire to create something better than the paternalistic and disempowering treatment that they see as characterising the centralised welfare state. All that is missing, from this perspective, is enough money to do more of what they already know how to do, and to make it a sustainable endeavour for all involved. This section of the paper examines three arguments used by community sector organisations to persuade governments to expand (or in some cases simply maintain) their funding and other forms of support.

The most commonly used argument is the ethical responsibility of society to direct funding to services for the disadvantaged through the most appropriate organisations (for example Queensland Council of Social Service (QCOSS) 2006; ACOSS 2004; NSW Children's Services Forum 2002:4). In making this argument, community sector peaks rely on what they hope is a broad consensus about society's responsibility to care for its most vulnerable members. They are, however, often concerned about potential lack of support from the broader public because of the specialised nature of community organisations, opening them to accusations of self-interest (QCOSS 2005a:12).

When community organisations seek public resources in order to fulfil part of the state's responsibility for social welfare, these claims have a special status. They imply both the organisation's special knowledge and representation of a disadvantaged group on one hand and, on the other, a role in delivering the government's popular mandate. Advocacy by non-government bodies can be considered an expansion of the concept of representation to ensure adequate voice for groups most affected by government decisions (Sawer and Zappalà 2001). But there is a problem with this if the recognition accorded to groups is accompanied by money, which is paid for the performance of tasks for which the government is accountable, or at least takes credit. From the state-centred perspective of representative government, this is an issue of accountability and quality standards, but the struggles outlined in this paper suggest other fundamental problems.

Campaigns against the alleged virtuousness of the not-for-profit sector are increasing. The *Business Review Weekly* recently explored how 'Australia's \$70-billion not-for-profit sector is out of control.' The magazine's Adele Ferguson (2005) argues that 'despite being almost 10% of the economy and employing more than 600,000 people, it is dangerously unaccountable, lacks transparency and is inefficient. It is the black hole of Australia's economic system, and it is getting bigger every day' (see also Johns 2002).

While such criticism is probably at an extreme, Meagher's (2004) analysis of the Australian Survey of Social Attitudes shows that most people believe government should be responsible for the delivery of social services. So, while community sector peak bodies are differentiating themselves from the state, the state is still widely perceived as having ultimate responsibility. Importantly, without this perception of responsibility, the state would not be able to raise the revenue on which the community sector is making a claim.

The dilemma for community sector bodies is that they require a legitimate embodiment of collective responsibility on which to make their ethical claim. While they do not wish to reinforce the statist approach to welfare, they are not in a position to make such a claim for resources through any means other than the state. In addition they, like statist social democrats, are defending the very concept of collective responsibility against the individualist ethos of neoliberalism, with its threat to welfare-oriented taxation.

A second argument used by community organisations to claim resources from the state concerns the desirability of state investment in a growing industry with high social benefits (for example see QCOSS 2005b:11; Tasmanian Council of Social Service 2005: 55,57; ACTCOSS 2003c.) This argument attempts to counter the neoliberal critique of welfare spending by showing 'why investment in community services, which is a social imperative, is also economically rational' (ACTCOSS 2003c, p. 4). In this view 'the community sector...is a significant employer...creating jobs in its own right... assisting in minimising the disadvantage to the economy from under-utilised labour' (ACTCOSS 2003c: 3). Moreover, 'spending on community services produces beneficial economy-wide effects in value-added and employment' at a higher rate than most other industries (ACTCOSS 2003c:14).

So far without much success, peak bodies have been using such arguments to link the goal of adequate service funding to government's responsibility for economic management. There is, however, a risk that appealing to an economy-centred account of the state's responsibility undermines claims about its responsibility for social welfare. Community sector peaks argue that, by pointing to the economic benefits of community service spending, they are humanising and expanding the definition of the economic (ACTCOSS 2003c: 3-4). Yet an expanded definition of the economic, while potentially desirable, does not have enough normative theoretical weight to counter the neoliberal attack on collective responsibility for social welfare.

Furthermore, the economic benefits claimed for community services spending are not exclusive to spending in the non-government sector. That is, they are equally useful to those who wish to make a case for a re-invigorated public sector welfare state (Quiggin 1997). In seeking more funding for the community sector specifically, it is therefore necessary to supplement this argument with the kind of claims mentioned above (the legitimacy of community-based organisations as grass-roots bodies that are closer to

service users, more responsive and so on) (for example, Western Australian Network of Alcohol and Other Drug Agencies 2001:1). Community sector peaks also sometimes highlight cost-effectiveness to distinguish their sector from direct government provision, despite the obvious risks of this approach. For example, in a submission on funding for non-government health agencies, the NSW Council of Social Service noted the ability of these agencies to mobilise community resources, the reduced management costs resulting from volunteer management committees, the use of volunteer work generally, and low wages paid to remunerated workers as factors contributing to cost-effectiveness (NSW Council of Social Service 1999:3-4).

In terms of sector viability, these 'benefits' are very problematic. It is likely that government already recognises, and exploits, the cost-effectiveness of community sector service delivery. In practice, organisations usually find that that they can only obtain more money by promising more 'outputs', not as a result of the concerns they express about their viability. Community sector peaks need to carefully consider whether the goal is to have more spending through the sector, or for more money to be committed to achieve given service delivery aims. If it is the latter, this may require peak bodies to focus on valorising the public provision of community services as such (including both government and not-for-profit community sector delivery). In the context of the struggles for legitimacy and independence discussed in this paper, this is likely to be a contentious and difficult task.

One final argument used by community organisations to position themselves in contests about service funding is particularly interesting as it is directed to the public rather than strictly to government, and explicitly addresses the questions of legitimacy and accountability:

Services developed by the community sector may go on to be funded by government but it must be remembered that the community sector is independent from government and its accountability is to its constituency not to government (other than for specific accountability for funds received) (COTA 1995:4).

Community organisations are not delivering services for government; they are providing services for the public with funding support from public revenue (ACTCOSS 2003b).

This argument focuses on the legitimacy of community organisations as directly accountable to the public or their 'constituents' (rather than to government) for the delivery of services that return benefits to the community that contributed taxes for them. While writers such as Lee (2004) have discussed how organisations might fulfill an obligation to be accountable to the public, in a way that is analogous to government's accountability to the citizenry, what is of interest here is the use of this obligation as a supporting argument in claims-making.

This kind of argument highlights each party's independent relationship with the public and suggests that both government and community organisations are in some way 'equally' public bodies. This seems to resonate with the vision of a 'non-state public sector' discussed above. Yet, as demonstrated by these examples, this argument is not supported by any non-state model for implementing collective responsibility. In

particular, the function of raising public revenue for welfare purposes continues to lie with the state, and it is difficult to imagine a model in which this function could be decentralised, without producing exactly those outcomes sought by neoliberals, against which most community sector actors and pro-state social democrats are, at least for now, uneasily united.

Conclusion

Despite their important role in the disaggregation of the welfare state, the distinctive perspectives of community sector organisations are rarely considered in broader theoretical and political debates. In this paper I have shown how community organisations' claims to public funding and their efforts to maintain independent legitimacy highlight some problems in the theory and politics of the changing welfare state.

Much recent theorising about welfare has explicitly rejected a state-centred approach. The increasing responsibility of the community sector for service delivery also seems to challenge the centrality of the state. Yet this restructuring is occurring without any practical or theoretical replacement for the state as the legitimate embodiment of collective social responsibility for welfare. Community sector organisations have increasingly acquired responsibility for the delivery of welfare services, without acquiring the state's control over revenue. This puts them in a position where they must continually make claims on the state for resources, while defending their status as independent organisations against the state.

This situation creates considerable risks for the community sector. The most acute of these risks is that the community sector's legitimacy depends on differentiating itself from government, while in practice it relies on government's exclusive capacity to generate public money through taxation. Any non-statist theory of welfare must also grapple with these practical and political problems, which call into question the possibility of a non-state model of collective responsibility for welfare.

The high public support for government delivery of welfare services and the apparent lack of understanding of the complex 'mixed economy' of welfare constitute a recognition problem for the community sector (Meagher 2004; Healy 2004). Both of these factors also suggest that the community sector may benefit from positioning itself as part of a broader public system of welfare, rather than in opposition to government. This would involve valorising a more government-centred concept of 'the public,' with attendant risks to community organisations' independence. The increasing prominence of for-profit providers may make this task both more pressing and more achievable.

Acknowledgements

I am grateful to Professor Marian Sawyer and to the anonymous referees for their helpful comments on drafts of this paper.

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Recouping wage underpayment: increasingly less likely?

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Abstract

Corporate collapses in Australia have provided stark evidence that employees do not always secure their employment entitlements, despite having a legal right to do so. There has been an implicit assumption in the Australian industrial relations system that employer evasion of employee entitlements is rare. However, our detailed examination of enforcement within the Australian federal industrial relations system shows, for the first time, that despite awards, industrial agreements, union presence and an official enforcement agency, correct payment of entitlements has always been problematic. This paper examines inspection strategy between 1904 and 1995 and makes two points. The first is that changes in strategy have reduced the probability of detection. The second is that shifts towards individual contracts, lower union density, and increased precarious employment have decreased the likelihood of employees' ability to recover monies owed.

Keywords: Underpayment, Wages, Enforcement

Recouping wage underpayment: increasingly less likely?

In recent years several significant corporate collapses have provided the Australian public with evidence that employees do not always secure work entitlements, despite having a legal right to do so. Setting aside such catastrophic events, the implicit assumption in the industrial relations arena is that the checks and balances within the system are adequate, and that employers who evade their obligations are rare. Consequently little research has been conducted in the area of minimum labour standards enforcement. However, our examination of the federal industrial relations system in respect of the payment of wages and other entitlements, the first detailed examination to be undertaken, exposes a far more extensive problem. This paper examines inspection strategy in the federal jurisdiction between 1904 and 1995 and makes two points. The first is that changes in strategy have reduced the probability of detection. The second is that shifts towards individual contracts, lower union density, and increased precarious employment have decreased the likelihood of employees' ability to recover monies owed.

To illustrate the issues, broad inspection strategies within the federal jurisdiction between 1904 and 1995 are examined to highlight shifts in strategy. The level of unpaid wages and entitlements recovered by the agency between 1972 and 1995 is outlined to reflect both the extent of non-compliance and the effects of changed inspection strategy on the quantum recovered. Inspection strategy and wage recovery are then analysed within the broader context of changing employment patterns, decreasing union density and decentralisation of industrial relations. By examining the characteristics of complainants and the alleged breaches complained of, it is possible to explore those most vulnerable to shifts in inspection strategy. It is argued that these general changes to industrial relations have the potential to not only increase underpayments for wages and other entitlements, but also render them invisible, thus decreasing employee ability to recover monies owed.

Both qualitative and quantitative research and analysis has been undertaken to provide the data contained in this paper. Historical research methods have been used to analyse a wide range of primary source materials such as Acts of Parliament, government reports, reports of official enquiries, parliamentary debates, and annual reports of enforcement agencies and government departments. Whilst secondary literature has been drawn upon where possible, the paucity of research on this topic has resulted in primary sources providing the bulk of the data. In respect of the federal Arbitration Inspectorate from the 1970s onward, these sources have been supplemented by semi-structured interviews with former arbitration inspectors to clarify operational and cultural aspects within inspectorates.

Additionally, a comprehensive quantitative analysis of statistics linked to enforcement by the Federal Arbitration Inspectorate has been undertaken. Unprecedented access to the database containing Commonwealth Arbitration Inspectorate statistics was crucial to undertaking this research. These statistics allow the issue of compliance with awards to be examined for the first time. Enforcement data has been collated from official reports of the enforcement agencies and from access to the Arbitration Inspectorate Management Information System (AIMIS). The AIMIS database contains a range of statistics relating to the enforcement activities of the federal Inspectorate for the period 1983-1995. However, the data is incomplete due to initial deployment of the technology,

developmental problems and industrial action by inspectors. It also needs to be recognised that only the first 9 months of 1995 are included.

The Inspectorate and Inspection Strategies 1904-1977

In the federal industrial relations jurisdiction, terms and conditions of employment were primarily contained in awards and industrial agreements approved by, and registered with, the Australian Industrial Relations Commission or its predecessors, until 1996. Although the Australian conciliation and arbitration system was established in 1904, a system for monitoring and enforcing awards and industrial agreements was not instituted until 1934, when the first inspectors were appointed (Parliamentary Debates Senate, 14 December 1934:1200). Consequently, unions provided the *only form of enforcement for the first 30 years of the conciliation and arbitration system, and continue to play a major role which is considered in more detail later in the paper.*

An agency, the Arbitration Inspectorate, was finally established in 1952. Inspectors were required 'to make inspections, examinations, investigations, and enquiries' including interviewing relevant persons, to determine if the Act and its regulations, awards, and determinations were being observed (Arbitration Inspectorate Manual 1954:7). An educative role required inspectors to 'advise employers and employees as to their rights and obligations' under the Act, awards and determinations. The inspection strategy to be used was documented, and consisted of routine (or programmed) inspections that were not simply random inspections of federal awards in respondent establishments. On the contrary, inspections were targeted using a variety of techniques to strategically allocate limited resources.

Five general principles underpinned inspections. The first, and arguably the most significant, was based on the size variable. Businesses sufficiently large to employ industrial relations and payroll specialists were considered less likely to breach award provisions and, logically, were less likely to require 'guidance' in proper award compliance. Furthermore, firms with these characteristics were generally unionised workplaces where minor issues such as a shortfall in wages or a classification dispute were dealt with 'in-house' through the shop steward or delegate. An additional characteristic was that larger firms are generally more 'established' than small businesses and therefore more likely to be familiar with regulations. Despite these factors inspectors were cautioned against leaving large firms un-inspected for long periods.

The second principle distinguished metropolitan areas from rural and provincial centres as experiences of earlier state factories and shops' inspectors showed that, on a proportionate basis, metropolitan firms were more likely to know and comply with regulations. This was attributed to the activity of State inspectorates in metropolitan areas, and the greater presence of union officials. The third principle was based on the deterrent effect of an inspector 'doing the rounds' in a particular area, and the practical objective of attempting to gain maximum effect with limited resources. Inspecting a strategic sample of workplaces in a particular area, to spread resources across all areas, was the preferred approach. The final two principles centred on awards, and again recognized the experiences of state inspectorates that showed particular awards were more likely to be breached (generally those covering the non-union sectors), and that as employers would be unfamiliar with new awards there was a greater likelihood of

noncompliance. The latter situation was to be dealt with in an educative manner whilst a firmer approach was to be adopted in respect of the former (Arbitration Inspectorate Manual 1954: 8-15).

In addition, inspectors were instructed to prioritise their itineraries according to the type of visit. Investigation of complaints was given top priority, and complaints were handled in the following order: complaints coming through the Minister's office; cases notified as urgent by the State Director; safety matters; complaints from industrial organisations; other signed complaints (sorted by seriousness of alleged breach); and finally, anonymous or unsigned complaints (Arbitration Inspectorate Manual 1954:18). With itineraries planned to cover all relevant complaints emanating from the area to be inspected, inspectors visited establishments where there was a reasonable likelihood of breaches occurring (based on experience relating to type of work undertaken and frequency that the award was breached). These included new establishments, follow up visits to previously breaching establishments, workplaces not previously inspected, and lastly, previously visited establishments where no breach had been uncovered (Arbitration Inspectorate Manual 1954:17).

The comprehensiveness of an inspection varied. The inspector was expected to examine all aspects relating to hours and wages but was given discretion to determine whether all employee records would be checked or just a 'spot check' of vulnerable employees undertaken (Arbitration Inspectorate Manual 1954:20-21). This decision was usually based on the number of employees at the establishment (and therefore the amount of time required to check all records in a large workplace). However, if the employer had a history of non-compliance or the spot check revealed a breach, the inspector was required to check all records. Further, if the employer's records 'aroused the suspicions' of an inspector, the guidelines encouraged the interviewing of employees to ascertain the correctness of those records.

Although the concept of routine inspections was central to the inspection strategy, by the late 1960s and early 1970s resource restrictions resulted in modifications to this strategy. In particular, the high costs associated with remote area inspections resulted in inspections concentrating almost solely on capital-city metropolitan areas, with limited inspection visits to provincial centres. Additionally, the 'sample' of workplaces inspected became smaller, the areas covered reduced (particularly rural inspection tours), and the actual inspections became less thorough (Arbitration Inspectorate Annual Report 1972; interviews 1996).

From 1973, with increased resources and a decentralisation policy under a Labor government, the early principles once again underpinned the inspection strategy and the scope and frequency of rural and regional inspections increased to unprecedented levels. In 1974-75 both the number of establishments inspected and number of employees covered by inspections had increased by approximately 60 per cent over the previous year. Inspections were much more detailed in respect of award entitlements (records of all employees were checked rather than a sample), and re-visits to ensure compliance became more common (Arbitration Inspectorate Annual Report 1974-75; interviews 1996).

Resource constraints towards the end of the Whitlam government affected inspection strategy, with thorough inspections replaced by an 'audit' approach concentrating on 'big ticket' award provisions relating to pay and leave entitlements for each employee. Further intensification of resource constraints under the Fraser government affected rural and regional Australia most, although routine inspection programs in metropolitan areas were also curtailed. Programmed inspections became limited to complaints investigation (Arbitration Inspectorate Annual Report 1975-76: 7; interviews 1996). The inability to base the inspection strategy on the established principles created imbalances on two axes: geographical, with rural and regional Australia virtually excluded from coverage; and compliance history, in that unless a workplace generated a complaint it was unlikely to be inspected regardless of its history or the award(s) in force.

The Inspectorate and Inspection Strategies 1978-1995

In 1978 the Industrial Relations Bureau (IRB) replaced the Arbitration Inspectorate. A review of inspection strategy during 1978-79 (IRB Annual Report 1978/79) resulted in the virtual elimination of an inspector's autonomy over what matters to follow up (IRB Operations Manual 1980: 3-3-65; 3-3-72). Additionally, a policy of 'prior notification' from July 1980 (IRB Operations Manual 1980:3-3-15) resulted in inspections by appointment or following written or verbal notice being provided to an employer. This was argued to introduce 'common courtesy,' and increase efficiency by ensuring that the required time and wage records and a person with proper authority would be present at the time of inspection, as well as verifying award responsiveness (IRB Annual Report 1978-79:23; Operations Handbook 1980:3-3-15).

Although prior notification may increase efficiency in terms of resource expenditure, experienced inspectors argued that it jeopardised overall enforcement effectiveness by warning unscrupulous employers of an impending inspection and provided them with the opportunity to 'cook' the books or suspend or sack underpaid employees (interviews 1996). This was of particular concern regarding the more vulnerable workers such as migrant, young, or casual employees. Prior notification also contradicted the International Labour Organisation (ILO) Inspection Manual (1986:61-63) which establishes the parameters required to conform with ILO Convention 81 (Labour Inspection). Rather than addressing the underlying problems that led to the adoption of prior notification, the policy served to further reduce inspection strategy effectiveness.

A further departure in inspection strategy concerned the method of inspecting time and wage records. To reduce inspection time, the sampling approach was intensified. As a result the numbers of employees whose work classification and records were checked, and the periods of time to which those records related were all significantly reduced (IRB Annual Report 1978-79:23). The procedure for handling complaints also altered under the IRB. Traditionally a complaint would be evaluated initially to determine if it had merit. For example, if a complainant was concerned about wage rates and it could be established during discussions that the correct rate was being paid, then the complaint would not be lodged. Where it appeared that the complainant's concerns had merit, the complaint would be formally lodged and dealt with through a routine inspection. To reduce resources consumed by complaints, the new policy required inspectors to ask whether the employee had attempted to solve the problem with the

employer concerned, either directly or through their union. If that had not occurred the IRB 'encouraged' the complainant to discuss the matter with the employer before lodging a complaint. Only when the complaint could not be resolved by the parties, or the complainant refused to confront the employer, would the IRB investigate the matter (IRB Annual Report 1981-82:7).

This policy shift undermined a core tenet of minimum labour standards enforcement. Overcoming the imbalance of power in the employment relationship and the likelihood of employer retribution on employees who 'rock the boat' by challenging what is misconstrued as managerial prerogative is central to an effective enforcement strategy. The factories and shops inspectorates of the late 19th century showed that the most vulnerable employees were most likely to face retribution including harassment, exclusion from overtime, being given the least desirable tasks, or the ultimate sanction of being sacked (NSW Inspectorate Annual Reports 1897-1900; Victorian Inspectorate Annual Reports 1886-1900; Maconachie 1988). Bennett (1994) notes similar retribution in the 20th century on these issues. A recent case in the NSW Industrial Relations Commission (2004) where a casual employee was 'taken off the roster' for making an enquiry about incorrect pay demonstrates the issue is still problematic. It was for these reasons that enforcement techniques such as including the complainant's workplace in a routine inspection and protecting the confidentiality of complainants were developed, preventing the employer from even knowing that a complaint had been made.

The abolition of the IRB on 1 July 1983 returned enforcement to the Arbitration Inspectorate, and restored the traditional inspection strategy and inspector autonomy. However, this was relatively short lived. Numerous influences (such as the OECD's Dahrendorf report, the Business Council of Australia's push for decentralisation of the industrial relations system, and the National Labour Consultative Committee's review of institutional inflexibilities in the Australian labour market) led to a seminal industrial relations policy shift from awards and centralised wage fixation to enterprise level bargaining and agreement making (Mackin, Goodwin and Docherty 1993).

The subsequent decentralisation of the federal industrial relations system was important for enforcement. Under the centralised system awards generally remained valid for long periods and variations were relatively rare, allowing inspectors to gain a thorough understanding of the main awards and clauses most likely to be breached. Furthermore, official wage increases generally resulted from well-publicised decisions of the Industrial Relations Commission, and awards were varied accordingly. This relative stability came under pressure on two fronts as a result of the partial shift to enterprise bargaining in 1988. First, wage increases varied in amount and timing across both awards and workplaces. Second, the conditions traded off in exchange for wage increases varied between workplaces covered by the same award. Inspectors faced a massive increase in the number of award variations, many not applying across the whole award. Tracking these variations required significantly more resources, reducing the amount that could be spent on inspections.

An increase in complaints resulted from employee uncertainty in the shift to enterprise bargaining, and routine inspections were curtailed to cope. Unlike previous practice, investigation of complaints was undertaken on the complainant's records only, not all employees' records. Over time this practice was further refined so that only the *actual*

complaint was checked as opposed to the complainant's full records (Department of Industrial Relations [DIR] Annual Report 1990-91; 1991-92; 1992-93; interviews 1996). Such methods no longer concealed the identity of an employee making a complaint, or even that a complaint had been made.

While the use of routine inspections returned once the backlog of complaints was reduced, it never assumed prominence again. Though initially conducted through workplace inspections, by about 1994 the majority of complaint 'inspections' were conducted by telephone. This was confirmed in new directives (Commonwealth Gazette 8 March 1989) which removed any reference to the inspection of workplaces and concentrated solely on an educative approach.

The shift from routine inspections to a complaints-based inspection strategy reduces the probability of detection of employer non-compliance with entitlements, and places all the emphasis on employees knowing their entitlements and being able to complain to the inspectorate.

Table 1: Monetary Recoveries – Actual and in 2002 Dollar Values (1972, 1974/75-1995/96)

Year	Actual \$ Recovered	Recoveries in 2002 \$	Year	Actual \$ Recovered	Recoveries in 2002 \$
1972	382,218	2,693,350	1985/86	4,069,946	7,530,784
1974/75	679,233	3,434,040	1986/87	4,144,048	7,009,832
1975/76	880,878	3,940,770	1987/88	5,606,809	8,835,759
1976/77	784,949	3,085,349	1988/89	5,179,675	7,607,298
1977/78	1,008,250	3,617,995	1989/90	4,102,422	5,579,294
1978/79	819,685	2,718,955	1990/91	6,851,670	8,849,260
1979/80	786,846	2,367,501	1991/92	6,436,679	8,158,326
1980/81	1,291,289	3,554,966	1992/93	5,020,187	6,298,390
1981/82	1,408,084	3,507,315	1993/94	3,840,520	4,731,075
1982/83	2,294,815	5,124,710	1994/95	3,528,464	4,213,091
1983/84	3,516,894	7,358,424	1995/96	3,556,050	4,074,329
1984/85	3,721,578	7,465,112	Total	69,910,726	108,712,277

Source: Annual Reports (Arbitration Inspectorate, Industrial Relations Bureau, and Department of Industrial Relations, Department of Employment and Workplace Relations).

Table 1 shows monies recovered by the various versions of the Arbitration Inspectorate between 1972 and 1995 in actual and 2002 dollar values. It demonstrates that far from being an isolated occurrence, employer non-compliance has been sustained over the period. It should be noted that this level of underpayment represents *only* that recovered by the federal agency for employees under federal awards and agreements. It does not include recoveries made by unions through direct negotiations with employers, or individually by employees through other avenues. Nor do the figures include amounts that have not been recovered, or will never be recovered because workers are not in a position to complain to the Inspectorate, or are intimidated by employers. As such the

figures represent the tip of the ice-berg, as acknowledged in the Tregillis report (DIR 1988).

While Table 1 clearly shows non-compliance has been sustained over the period for which data is available, the type of inspection strategy used by the enforcement agency is a key element in whether employees recover their entitlements through the inspectorate. Lower amounts recovered between 1978 and 1983 can be directly attributed to the strategies of the IRB period, while the higher amounts between 1986 and 1993 can be attributed to increased complaints in the move to enterprise bargaining. The subsequent reduction in monies recovered may reflect a number of factors: increased use of individual contracts, increased precarious employment (and associated vulnerability from complainants or lack of knowledge of entitlements), and the restrictions associated with telephone inspections.

Complainants and Complaints

In examining the issue of non-compliance, the characteristics of those making complaints to the official agency are explored, and consideration of why particular groups are under or over-represented is presented. The categories of entitlements complained of being underpaid or evaded are outlined showing an unsurprising preponderance of claims regarding underpaid wages or overtime. Table 2 provides an age and gender breakdown of complainant data in the federal jurisdiction by state or territory.

Table 2: Characteristics of Complainants 1986 – 1995 – Age and Gender (Percentage)

Complainant	VIC	NSW/ ACT	SA	QLD	WA	TAS	NT	AUST	Work Force %
AGE (% of complainant age group in each state/territory)									
Less than 20	10	11	14	11	14	16	12	11	9
20 to 24	18	21	23	21	13	22	20	20	15
25 to 34	23	30	29	28	32	33	33	26	27
35 to 44	31	20	21	21	25	12	24	26	25
45 to 54	13	13	9	13	12	12	7	12	17
55 to 59	3	4	2	2	2	2	3	3	5
60 and over	2	3	1	4	1	1	1	2	3
GENDER									
Female	30	23	18	28	27	29	37	27	43
Male	70	77	82	72	73	71	63	73	57

Source: Arbitration Inspectorate Management Information System 1986–1995. The final column contains the average workforce percentage for each age group and sex for the period 1986–95 and is derived from ABS Labour Force data.

The most striking aspect in respect of the *gender* of complainants is the overall under-representation of females, accounting for only 27 per cent of total complaints while comprising 43 per cent of the workforce. A range of explanations is possible such as women being more likely to make a complaint to their union rather than the

inspectorate, simply being less likely to complain, or working in jobs where there is less likelihood of non-compliance by their employer.

The first possibility suggested above is unlikely. Between 1982 and 2001 average female union density was 30.5 per cent compared to a male union density of 38.2 percent (ABS Labour Force data). However, several studies into this difference suggest that women are no more predisposed against union membership than their male counterparts (Petz 1998:79-81; Jackson et al 2002; Thornthwaite 1996). Most of the union density difference can be explained by a variety of barriers to female union membership created within particular industries, occupations and employment relationships. Further, of all female complaints made to the inspectorate 12 per cent were from union members whilst, of all male complaints, 10 per cent were from union members. Thus, in spite of lower union density rates female union members were more likely to make a complaint to the inspectorate than were male union members. This could indicate difficulties accessing union representatives during working hours. Whilst these facts don't emphatically disprove the first proposition, they render it a weak explanation at best.

The second possible explanation, that women as a group are simply less likely to complain, is arguably more defensible. A combination of factors such as socialisation processes, the occupational segmentation of female jobs, and patriarchal employment structures which are more likely to place males in supervisory and managerial positions may dissuade women from making complaints on employer non-compliance with award standards (Gough 2002; Kramar 2002). However, the 16 per cent differential between the number of female complainants and their workforce composition, is unlikely to be dependent on gender issues alone. The same factors affecting union membership will also play a role in the extent to which women are able to complain about underpayments.

On the third possible explanation, that women work in jobs where there is less likelihood of non-compliance by their employer, research suggests that due to female labour market characteristics the opposite is probably true (Gough 2002; Kramar 2002). Arguably, the deferential and ephemeral nature of a sizable portion of female employment offers the most realistic explanation for the under-representation of female complainants. The growth in precarious employment increases the likelihood of non-compliance by employers and decreases the ability of employees to complain due to employer retribution. While casual employment can provide a seemingly easy transition between jobs that would render employer retribution negligible, labour market factors such as the industries available in a particular area and relationships between employers in an area (such as country towns) can affect employment opportunities for those who have complained about payments.

'Precarious employment' is an umbrella term that includes a wide range of employment relationships, and accurate estimates of the workforce size of those employed in this manner remain problematic. However, accurate statistics are available for some forms of precarious employment, especially casual and part time work (see Romeyn 1992). These data show that although the increased use of these forms of precarious employment has penetrated into the male labour market, females remain disproportionately represented. In considering the enforcement of minimum labour standards, precarious employment is an important issue for two main reasons. First, the very nature of

precarious employment either directly reduces or negates the regulatory protection of workers, while in other situations it has an obfuscatory effect. This creates uncertainty for inspectors making breach determination more complex and resource intensive. Second, and arguably more important, the growth in precarious employment increases the likelihood of non-compliance by employers and decreases the ability of employees to lodge a complaint. Sham employment arrangements specifically designed to disguise an employment relationship in an attempt to circumvent entitlements legally due, increase non-compliance. In those where the employment relationship is clearer, such as casual or labour hire arrangements, continued employment is directly dependent upon employer prerogative. Employees lodging complaints may be faced with employer retribution that will negatively affect subsequent employment.

This brief discussion of precarious employment does not pretend to cover all situations facing female employees, nor is it arguing that all people employed under such arrangements are disadvantaged from an enforcement perspective. Rather the purpose is to demonstrate that, firstly, women are more likely to be employed in the two types of precarious employment where statistical evidence is available, that is casual and part time employment. Secondly, precariously employed women often comprise the most vulnerable sectors of this form of employment, such as clothing outworkers. Finally, the argument advanced is that precarious employment (and to a lesser extent the arguments advanced in the second proposition above) offer the best explanation as to why Table 2 shows fewer females complaining about minimum labour standards non-compliance than males.

The Table 2 data of most concern to *age* variable arguments is the over representation of complainants in the two youngest age groups (under 20, and 20-24) who comprise 31 percent of complainants but only 24 per cent of the workforce. These two age groups accounted for 25 percent of all casual employees in 1988 (Romeyn 1992:102; Australia 2000), expanding to 30 percent in 1999 (Australia 2000). Survey evidence suggests that younger workers are unaware of work entitlements such as correct wage levels, overtime rates, meal breaks, the right to a pay slip and so on (Australian Young Christian Workers 2001:2). In spite of high casualisation rates and limited employment entitlement knowledge, these two age groups are over represented as complainants. This apparent contradiction is arguably based on a number of factors. One such factor could be that young employees may be faced with higher levels of employer non-compliance. Hence the 7 per cent differential between young complainants and workforce composition could *under* represent compliance difficulties faced by these workers.

Another factor in the level of young complainants may be the type of alleged breaches contained in complaints (see Table 3). Unsurprisingly, employees are more likely to complain about monetary breaches and the top 13 complaint types were all monetary in nature. However, the complaint types are not always consistent across age groups and the two youngest age groups were more likely to make a complaint alleging direct underpayment of wages than the next nearest age group. Although not as significant, the two youngest groups were also more likely to make an overtime complaint than the next nearest age group. With a more direct and immediate effect on take home pay than many other forms of monetary breaches (e.g. superannuation, long service leave), workers confronted with these types of underpayments may be more inclined to make

a complaint. As youth workers are more likely to face these breaches the number of complaints would be higher.

Another factor that helps explain this age anomaly is union membership. Examining trade union density data from the five ABS trade union membership surveys during this period (1986, 1988, 1990, 1992, & 1994) shows that union density for the two youngest groups averaged 24 per cent and 34 per cent, respectively, over the period. This compares to an averaged density of 42 per cent for the 25 to 34 age group and growing incrementally to a peak average of 49 per cent for the 55 to 59 age bracket. As younger workers are significantly less likely to be union members it is likely that as a group they would be more inclined to make a complaint to the inspectorate, while their older counterparts would be more likely to complain to their trade union.

Table 3: Alleged Breach by Complainant Characteristics 1986-1995 (Percentage)

ALLEGED BREACH	AGE							SEX		UNION MEMBER	
	<20	20-24	25-34	35-44	45-54	55-59	>60	F	M	Y	N
Under Paid Wages	67	59	49	48	43	37	33	57	50	42	53
Payment in Lieu of Notice	23	25	26	25	25	24	18	20	25	26	24
Pro-Rata Annual Leave	23	20	18	19	17	17	11	16	19	16	18
Superannuation	10	16	17	17	20	19	22	17	16	15	16
Overtime	18	15	14	10	9	7	7	10	13	11	12
Annual Leave	6	7	7	7	10	9	10	7	7	9	7
Redundancy	1	4	6	7	11	15	13	7	6	12	5
Termination	2	3	4	3	4	6	7	3	4	2	3
Long Service Leave	0	0	2	3	6	10	14	2	3	5	2
Allowances	3	3	3	2	2	2	1	2	3	4	2
Penalty Rates	2	3	3	3	2	3	0	4	2	2	3
Loadings	2	3	3	3	3	1	3	3	3	3	3
Sick Leave	3	2	2	3	3	3	4	2	3	4	2

How to read table: Age – of all complaints made by <20s, 67% contained an unpaid wage claim, of all complaints made by 20-24s, 59% contained an unpaid wage claim; Sex – of all complaints made by females 57% contained an unpaid wage claim; Union status – of all complaints made by union members 42% contained an unpaid wage claim. Source: Arbitration Inspectorate Management Information System.

The final factor regarding the above age anomaly links with job mobility and the established fact that complaints are more likely to be lodged after workers leave that employer (interviews; Quinlan 2001). ABS data (1998 Forms of Employment Survey) shows that, in the under 20 age group, 53 per cent have been in their current job for less than 12 months, and 76 per cent for less than 2 years. For the 20-24 age bracket the figures are 37 per cent and 55 per cent respectively. As the age of employees increases so does the length of time in the current job. While these figures indicate a higher job turnover rate for younger workers some caution must be applied as many in the youngest

age group will be in their first job. However, these figures are supported by other sources showing high levels of both voluntary and involuntary job mobility (Australian Young Christian Workers 2001). Thus, the higher job mobility level gives younger workers more opportunities to make complaints and the arguably higher levels of employer non-compliance (Australian Young Christian Workers 2001) gives them reason. It may also be that mobility from a non-compliant employer to a compliant employer makes workers aware of their previous underpayment.

The next table is more general in nature but provides insight into the arguments advanced above. Table 4 provides a longitudinal analysis of complaints from 1986 to 1995. The first issue of note is the decline in time over complaints relating to payment in lieu of notice, pro-rata annual leave and sick leave. As these conditions of employment apply generally to permanent employees, their decline is positively associated with an increase in precarious employment. Another issue concerns the Bell-type curve for superannuation complaints. The lack of complaints in the first three years can be attributed to the majority of award employees (almost the entire private sector) not enjoying superannuation entitlements. The initial increase in complaints after 1989 represents both initial employer resistance to its inclusion in awards and employee recognition of its importance. Data in later years reflects the positive effects of the 1991-92 enforcement blitz and the gradual acceptance of 'super' as a community standard (DIR Annual Report 1991-92; 1992-93).

Table 4: Complaint Type by Year 1986-1995 (Percentage)

Alleged Breach	YEAR									
	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995
Under Paid Wages	48	52	48	52	48	44	42	48	58	65
Payment in Lieu of Notice	36	37	38	30	31	26	24	26	20	10
Pro-Rata Annual Leave	22	27	34	30	23	21	14	16	15	9
Superannuation	0	0	0	3	11	26	30	22	16	13
Overtime	11	13	11	12	10	10	12	13	13	14
Annual Leave	8	6	4	5	6	6	7	8	7	11
Redundancy	1	0	1	1	5	10	10	9	6	4
Termination	0	0	0	0	4	7	8	2	3	1
Long Service Leave	2	2	3	2	3	4	3	3	2	2
Allowances	3	3	2	3	3	3	2	2	3	2
Penalty Rates	3	2	1	2	1	2	2	4	3	4
Loadings	3	1	1	2	1	2	3	4	3	3
Sick Leave	4	5	4	4	3	2	2	2	1	2

How to read table – of all complaints made in 1986, 48% included an underpaid wages claim, 36% included a pay in lieu of notice claim, 22% included a pro-rata annual leave claim, etc. Year totals can exceed 100% because complaints can include more than one breach. Source: Arbitration Inspectorate Management Information System (AIMIS).

The complaint pattern concerning termination and redundancy may reflect both employer resistance to increased employee protections and entitlements in these areas, as well as the increase in precarious employment. The only area with any significant

increase in complaints is underpaid wages. This increase could reflect the shift in inspection strategy, as victims of non-compliance had to complain rather than the non-compliance being discovered through inspections. It might also reflect increased levels of job mobility amongst those in precarious employment complaining after they have left a non-compliant employer. However, an increase in the numbers of complaints need not necessarily reflect an increase in breaches, as in the situation when a new provision is introduced and both employees and employers may be unsure of its application. That said, enforcement history suggests that complaint levels are a reasonable indicator of non-compliance levels.

The Union Role in Enforcement

In the Australian context the extent of the role historically ascribed to unions would be roughly equivalent to that of the official regulatory agency. The unions' power to initiate prosecutions for non-compliance with awards and agreements exceeds their comparative health and safety role (with the exception of the mining industry in some states) (Quinlan and Bohle 2000). However, this role is not static and is dependent upon legislative provisions that allow for, *inter alia*, union right of entry to workplaces for inspection purposes, and a right to inspect the records of both members and non-members. Union enforcement activity has had a significant influence on the inspectorate. Union presence at a workplace limits the number of inspections required by the inspectorate, allowing concentration on non-unionised sectors where experience showed a greater likelihood of non-compliance.

Labor Senator Peter Cook provides insight into the extent of the union role in enforcing and recouping wages:

... the industrial position in Australia, as reported upon by the Inspectorate, is a record of industrial lawlessness by employers in not honouring award obligations imposed on them by a fair arbitration system to which they have rights as well as do unions. The \$4m plus recovered [for 1985/86] is but the tip of a large iceberg... I would assert that the amount recovered by unions vastly outweighs the amount recovered by the Inspectorate (Senate Hansard 14 May 1987).

As a result of the abandonment of routine inspections for a complaints-based approach around 1991, the inspection power of unions became even more important. Unfortunately three particular issues have reduced unions' ability to carry out this crucial role. *First*, making two or three year agreements through enterprise bargaining is more time and resource intensive than making multi-employer awards that could last decades. As unions spent more of their limited resources on agreement making their enforcement activities suffered. *Second*, union membership has fallen significantly in recent years from changes in the structure of employment, the effects of the business cycle, social attitudes to unions and the effects of management practices (Bray et al. 2005). *Third*, unions can only monitor non-compliance and negotiate on behalf of their members if they have access to workplaces and to time and wage records. Current reforms signal that union right of entry will be more restricted, affecting the role they can play in enforcement and wage recovery.

Conclusion

This paper has explored the extent of employer evasion of worker entitlements as recovered by the federal agency monitoring and enforcing awards and agreements. These figures show a consistent degree of non-compliance among employers, but the issue of most concern is that these figures are a gross under-estimate of employer evasion in Australia. Shifts in inspection strategy from routine inspections to complaints-based investigation combined with enterprise bargaining, lower union density rates, reduced union right of entry powers and higher precarious employment levels have the potential to affect employer evasion and employee recovery in several ways. *First*, the likelihood of non-compliance being detected is reduced. *Second*, the ability of trade unions to 'pick up the slack' is limited. *Third*, higher levels of precarious employment reduce the ability of employees to complain without endangering their livelihood. Being a young or female worker, working in a female dominated industry, working in precarious forms of employment, or working in industries with low unionisation rates increases the chance of being underpaid across a range of entitlements. With increased global competition, likely increased assaults on unionisation through individual contracts and management practices, continued emphasis on flexibility in the workplace, and with increasing feminisation of the workforce, employer evasion becomes more likely while workers' ability to recover their entitlements less likely.

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Gender Implication of Perceptions of Trustworthiness of School Administration and Teacher Burnout/Job Stress

Carolyn Timms, Deborah Graham and Marie Caltabiano

Abstract

Background: The current study is part of a broader study which explored relationships between teacher perceptions of School Administration Trustworthiness and teacher burnout and trust. Gender issues were of apparent importance due to increasing feminisation of the teaching workforce in Australia.

Aim: This study sought to explore possible differences in teachers regarding perceptions of school administration trustworthiness, which may well pertain to gender.

Sample: Participants were 90 currently serving teachers in Queensland Independent Schools.

Method: Survey instruments included measures for perceptions of administration trustworthiness (ability, benevolence and integrity), morale, participative decision making, trust, burnout and job stress.

Results: There were significant effects for gender and school, with female primary teachers experiencing more burnout job stress than male primary teachers, and secondary teachers (male and female). Female primary and secondary teachers reported less confidence in school administration trustworthiness when compared to male primary and secondary teachers, although this differentiation was more pronounced in the primary school.

Conclusion: It is proposed that further study using empirical measures of work overload, a more useful measure of burnout and a qualitative survey instrument be undertaken to further differentiate dissatisfactions of female primary teachers. Current practices which contribute to emotional exhaustion and inefficacy among female teachers require scrutiny. Possible inequity in primary schools is worthy of more sustained investigation.

Keywords: Educational Leadership, Management Trustworthiness, Teachers' workplace, Teacher Burnout, Organisational Theory.

This paper continues the theme of a broader study which examined the relationships between teacher perceptions of school administration trustworthiness, morale, participative decision making and teacher burnout and job stress (Timms, Graham & Caltabiano, in press). An additional aim in this larger investigation was to explore the character of gender dynamics in the teaching workforce of schools. It was thought that additional influences on teacher perceptions of school administration may well have their roots in changing demographics of school staff compositions in terms of gender and years of teaching experience (Australian Bureau of Statistics, 2003). The overall female to male ratio of the teaching workforce has risen from 1.4:1 in 1982 to 2.1:1 in 2003 (Australian Bureau of Statistics (ABS), 2003), and with fewer males enrolling in teacher education courses (Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA), 2003), the ratio appears to be set to continue displaying an ever increasing imbalance.

Indeed, a recent qualitative study of resilient teachers in 'hard to staff' schools in South Australia found a heavy gender imbalance in these particular schools, with one having a single male teacher in a staff of 25 (Howard & Johnson, 2004). Ayres, Schalock and Rudd (2002) found that male teachers were far more likely to leave the profession and suggested that the reason for leaving may well have to do with insufficient support networks, level of teaching (primary or high school) and concern about professional prestige. This is worthy of note in light of Hughes' (2001) observation that many teachers who wished to leave teaching were unable to do so for various reasons including unavailability of alternative work and geographic immobility. While Friedman (2000) suggested that those who remain in the profession do so after an existential adjustment, it is more probable that these teachers remain in the profession in spite of their burned out condition (Hughes, 2001). Consequences of this would include less idealism, reduced work goals, and emotional detachment (Hughes, 2001).

Given that male teachers are far more likely to leave teaching, and that the profession is becoming increasingly feminised (MCEETYA, 2003), it is not unreasonable to assume that females represent a large proportion of teachers who are currently experiencing chronic burnout. The burnout condition was first described by Fredenberger in 1975 as a professional inability to function to the best of one's ability due to persistent and extensive stress over time. In recent years the burnout syndrome has been recognised as a feature of many workplaces. It is seen as an enduring mismatch between the worker and one or more of six areas of work life; reward, control, community, fairness, values and workload (Maslach, Schaufeli & Leiter, 2001).

Hochschild (1983) asserted that management of emotions requires great effort and when this is required in the course of one's job, the organisation is in essence controlling something quite personal to the individual; their emotions – for a wage. This mandated expression of emotion is therefore termed 'emotional labour' (Grandey, 2000; Hochschild, 1983). Simpson and Stroh (2003) found that personal authenticity on the job was related to the suppression of negative feelings and the display of positive ones; this was called a 'display rule pattern'. This particular display rule pattern creates emotional dissonance and is more often found in occupations where females predominate (Simpson & Stroh, 2003). Teachers, who are in constant contact with children, parents and colleagues walk an emotional tightrope, controlling emotions

in the light of challenges such as student performance, student misbehaviour, parental expectations, lack of resources, and mandated government reforms which increase workload but not teaching quality (Scott, Stone & Dinham, 2001; Sutton & Wheatley, 2003).

Over time, emotional dissonance experienced in hiding feelings of agitation can create serious health problems for the individual concerned (Blasé & Blasé, 2003; Erickson & Ritter, 2001). In addition work intensification as a result of government reforms would seem to have unwittingly imposed a policing role on management to the consequent deterioration of workplace relationships (Scott & Dinham, 2003). Considerable evidence from researchers suggests that the challenges of difficult work circumstances will not necessarily lead to burnout when there is a supportive atmosphere provided by a facilitative school administration (Blasé & Blasé, 1997; 2000; Greenfield, 2004; Howard & Johnson, 2004; Jobe & Parrish, 1995; Rafferty, 2003; Reitzug, 1994). However when school administrations are not supportive, or are abusive, individual teachers' capacities to resilience are overloaded and the consequence is burnout (Blasé & Blasé, 2003; Fink, 2003). Blasé and Blasé (2003), in a study of principal mistreatment of teachers, suggested that women may be especially susceptible to long lasting emotional damage and warned that "abusive principals may seriously damage many of our very best beginning and veteran teachers" (p. 410).

Timms, Graham and Caltabiano (in press) found that when teacher perceptions of school administration's ability, benevolence and integrity (trustworthiness) were high, burnout among teachers was low. Conversely when perceptions of school administration trustworthiness were low, teacher burnout was high. Mediating the relationship between perceptions of school administration trustworthiness and Burnout/job stress were morale and participative decision making. Hence the psychological climate of the school as a workplace was highly dependent on teacher perceptions of school administration trustworthiness. Trustworthiness incorporates teacher perceptions of ability (competence and appreciation of what is involved in teachers' work), benevolence (good will, openness and approachability) and integrity (whether principal behaviour is ethical and congruent with educational principles and goals) (Mayer and Davis, 1999; Mayer, Davis & Shoorman, 1995).

The central nature of this relationship was highlighted by Howard and Johnson (2004) in their study of resilient teachers working in 'hard to staff' schools. These teachers, who by nature of the difficult environment they worked in, were exposed to significant daily negative interpersonal events including parental abuse. They were coping well due to both internal and external protective factors. Internal protective factors were individual skills and orientations such as a sense of purpose, problem solving ability and social competence. Equally important were external protective factors which included strong support from school leadership and colleagues, with clear and consistent procedures in place for whole-school behaviour management and other unfortunate eventualities which are not unusual in a socio economic area with a large number of dysfunctional families (Howard & Johnson, 2004). This would suggest that a systemic or 'whole school' approach to problems facing teachers is a 'protective factor' essential to the development of resilience in the face of difficulties within the working environment. Korsgaard, Brodt and Whitener (2002) noted that communication and demonstration of concern on the

part of managers towards employees were central to trusting working relationships when circumstances were adverse. Whitener, Brodt, Korsgaard and Werner (1998) commented that it was up to managers and organisations to take the first step in establishing a trusting relationship, as they controlled communication channels within the workplace.

Recent debate in the Australian Federal Government (Sex Discrimination Amendment (Teaching Profession) Bill, 2004) has centred around a stated government intention to provide scholarships specifically for male students to study education at university in the interests of getting more male teachers in Australian primary schools. In the ensuing debate it was noted that: There are more female than male primary teachers in Australia, and that reasons for the gender imbalance included the status of teachers in the community; child protection laws; and pay and conditions of teaching compared to other occupations which require similar levels of education. Interestingly it was noted that the gender imbalance does not reflect discrimination against men as there is a statistical preponderance of men in leadership positions within the profession. Indeed at the primary school level the ratio of female teachers to male teachers reached 3.80:1 in 2003 (ABS, 2003). However, in spite of a 74% female workforce, 60% of primary school administrators are male (MCEETYA, 2003).

It was thought that if the observed national gender imbalance is supported in the current study it may well provide some insight as to teacher attitudes towards school leadership. Previous studies had been inconclusive as to whether gender or school play any role in the development of Burnout/job stress (De Heus & Diekstra, 1999; Dorman, 2003; Maslach, Schaufeli, & Leiter, 2001). Demographic distribution of teachers in Australia has been changing over time. Hence an additional aim of the broader study conducted by Timms and colleagues (in press) was to explore possible gender, school and years of teaching experience influences in the development of burnout and job stress, trust, morale and participative decision making. The current study therefore serves an exploratory function in the interest of determining whether the issue is one worthy of more intensive scrutiny.

Method

Participants

Participants in this study were currently employed teachers in Queensland independent schools, who were accessible to the researchers, through the Queensland Independent Education Union (QIEU). According to the Independent Schools Council of Australia (ISCA) (2004), this sector caters for the education of 32% of students in Australia. Of this proportion, 20% of Australian students are accounted for by the Catholic sector and 12% accounted for by other organisations, mostly religious denominations (Independent Schools Council of Australia (ISCA), 2004). QIEU represents 12,000 employees of independent schools, of whom 8961 are currently serving teachers (personal communication, QIEU, 20 July 2004). Table 1 outlines the school and gender break up of QIEU's teaching membership. Examination of these figures reveals ratios of female to male teachers of 3.25:1 for primary schools and 1.28:1 for secondary schools.

Table 1: Break up of Teacher Membership of QIEU by School and Gender

School	Male N	Female N	Total N
Primary	752	3165	3917
Secondary	2131	2913	5044
Total N	2883	6078	8961

Demographic descriptive statistics for participants are summarised in Table 2: It was noted that the first section of the questionnaire was poorly completed by a small minority of participants with two neglecting to indicate their age and six neglecting to indicate years of teaching experience. Figure 1 further indicates the distribution of teaching experience among participants in this study, while Figure 2 plots gender distribution in years of teaching experience cohorts; these were 0-4 years, 5-9 years, 10-14 years, 15-19 years, 20-24 years, 25-30 years and 30+ years of teaching.

Table 2: Frequency Data; School, Gender, Mean Ages and Standard Deviations of Participants

	Pre-School/Kindergarten			Primary			Secondary		
	N	Mean Age	SD	N	Mean Age	SD	N	Mean Age	SD
Male	0	0	0	8	43.06	12.81	22	46.36	10.50
Female	2	47.5	.71	31	41.85	11.42	27	41.78	9.31
Total N	2			39			49		

Note. The number for each variable is smaller than the 90 participants sampled due to missing data. Means and standard deviations are calculated using listwise deletion

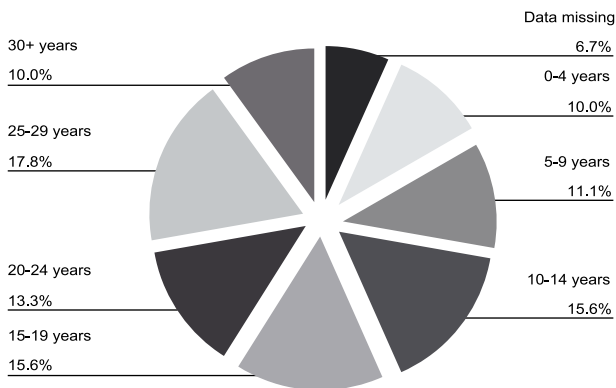
Participant ratios for gender were comparable to QIEU teacher membership ratios with female to male ratios of 3.88:1 (3.25:1, QIEU) for primary school teachers, and 1.14:1 (1.28:1, QIEU) for secondary school teachers. In addition these ratios are in line with Australian national female to male ratios of 3.80:1 at the primary level and 1.20:1 at the secondary level. Total mean age of participants was 43.17 years, with median at 45 years. This is comparable to the national median age for teachers in 2002 of 43 (ABS, 2003).

Materials

A 47 item, survey was developed with a five point scale which used the following terminology: Disagree strongly, disagree, neither agree or disagree, agree and agree strongly. The five point scale was used by the sources of the measures, and it was deemed necessary to maintain this in order to preserve previously established validity. A further single question “the level of morale at my school is...”. was measured on a six point scale ranging from 1(very low) to 6 (very high); this was in order to avoid the possibility of a neutral response for this item. The order of the 47 questions which comprised the quantitative component of instrument was randomised. Survey measures are summarized in Table 3:

Table 3: Summary of Measures used in Survey Instrument

Measure	No. of Items	Source	α in previous studies	α in present study
Burnout	8	Leithwood, Menzies, Jantiz & Leithwood, 1999	0.78	Combined 0.88
Job Stress (ambiguity, conflict & resource inadequacy)	8	Kim, Price, Mueller & Watson (1996), published in Price, 1997	>0.70	
Participative decision making	5	Iverson & Roy(1994), published in Price, 1997	0.86	0.78
Morale	5	Developed for this study		0.90
School Administration (Management) ability	6	Mayer & Davis, 1999	0.88	0.94
School Administration (Management) benevolence	5	Mayer & Davis, 1999	0.89	0.94
School Administration (Management) Integrity	6	Mayer & Davis, 1999	0.88	0.91
Trust in School Administration (Management)	4	Mayer & Davis, 1999	0.60	0.69

Figure 1: Participant Years of Teaching Experience

It is noted that the Job Stress items (ambiguity, conflict and inadequate resources) from Kim et al. (1996, cited in Price, 1997) were combined with the Burnout measures from Leithwood et al. (1999) in provide a clearer understanding of the direction from which teacher burnout sprang. Hence in the current research reference is made to “Burnout/job stress” as a combination of the two measures. The 22 item Maslach Burnout Inventory: Educator’s survey (Maslach, Jackson, Leiter & Schaufeli, 1996) was considered for the task of measuring burnout, however it could not easily be embedded in the survey with other measures.

It is further noted that the five questions on decision making aspects of school climate adapted from Iverson and Roy (1994), published in Price (1997) were reworded to fit the

wording of the rest of the survey items. For example, the question “How much *freedom* do you have as to *how* you do your job?”, became, “I have a great deal of freedom as to how I do my job”.

Table 4: The Burnout/job stress Components found by Principal Component Analysis and the Items that load on to them.

Emotional exhaustion		Inefficacy		Conflict plus	
	loading		loading		loading
I do not feel burned out. (RS)	.64	I am able to keep up-to-date in my field. (RS)	.58	I get conflicting job requests from my immediate supervisor.	.81
I have a positive attitude to my job. (RS)	.61	It is not difficult to keep up-to-date in my field of expertise. (RS)	.54	I get conflicting job requests from different members of School Administration and my HOD.	.58
I don't face insurmountable problems, such as ever-changing course material and new courses. (RS)	.62	I do not know what my responsibilities are in performing my job.	.50	I don't have enough room to do my job.	.74
My work load is fair. (RS)	.78	I know exactly what is expected of me. (RS)	.56		
I have enough time to prepare for classes thoroughly. (RS)	.73	I have adequate equipment to do my job well. (RS)	.75		
I do not feel a lot of stress because I can keep up-to-date. (RS)	.80	I have difficulty getting supplies I need for my job.	.78		
I have enough support service to do my job. (RS)	.68				

Note. (RS) indicates that the item was Reverse Scored.

Procedure

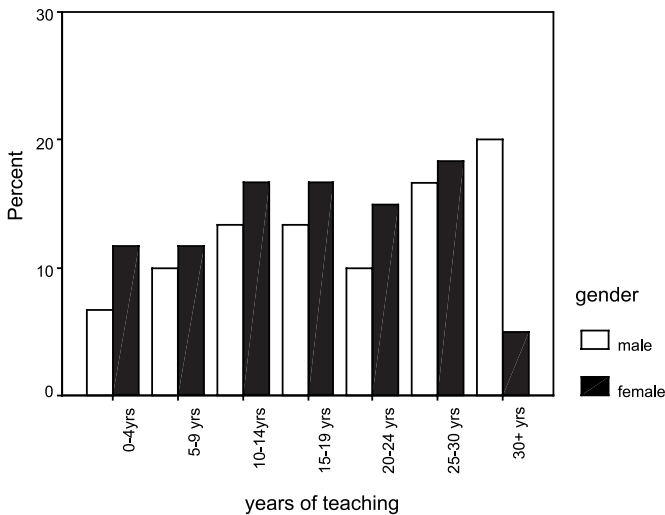
Ethical clearance for this study was achieved through the relevant university procedures. Permission to use QIEU resources was gained from the General Secretary of the union. Names of 300 currently serving teachers were drawn at random from the union data base and packages which included surveys, information about the study, background information, a brief letter from the General Secretary of QIEU, informed consent form and stamped addressed envelopes were posted to home addresses by union staff. Participants were informed that the study was investigating psycho social aspects of the school as a workplace, particularly the relationships which develop between teachers and school administration, and were assured of confidentiality. It was decided not to prime participants with more information as to the purpose of the survey, although it was determined that this would become self evident through the nature of the questions in the instrument. Ninety (30%) completed surveys were returned directly to the investigator in the supplied stamped and addressed envelopes.

Data from parts one and two were entered into the relevant variables in an SPSS data base for analysis. Measure totals for the different variables were summed and reduced to a number out of five for equal weighting and to allow for ease of categorisation.

Results

As noted in a previous paper (Timms et al., in press), measures for Burnout/job stress were treated with caution after principal component analysis, because of a less than optimum number of participants. While two factors fitted descriptions of emotional exhaustion and inefficacy, the third factor was named 'conflict plus' as it comprised the two Job Stress 'conflict' questions and one Job Stress 'inadequate resources' question. Details of the principal component analysis may be found in Table 4: In spite of researcher reservations, the factors behaved differently as dependent variables in 2 x 2 (gender by school) analysis of variance procedures which supported their acceptance as separate constructs. Means for subsequent comparisons are presented in Table 5:

Figure 2: Participant gender distribution and years of teaching experience



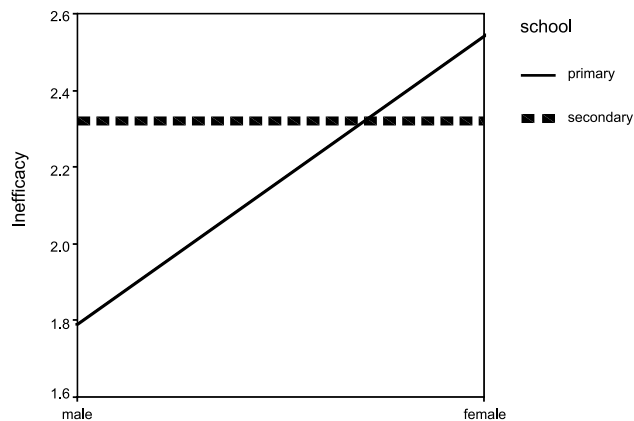
Analysis of variance procedures were conducted to explore the influence of gender, school and years of teaching experience on the various factors of burnout and job stress and to tease out possible areas of concern for education authorities. These analyses did not include the two female participants who were kindergarten teachers. Emotional exhaustion revealed a significant main effect for gender $F(1, 84) = 6.998, p < .01$, as did conflict plus, $F(1, 84) = 9.60, p < .01$. Inefficacy showed a significant main effect for gender, $F(1, 84) = 5.90, p < .05$. Significant Scheffe post hoc tests using a combined gender/school variable confirmed that the largest differences between means occurred between male primary teachers and female primary teachers on inefficacy, conflict plus and the aggregated burnout/job stress measure (see Table 5). In addition there was a significant effect for the interaction between gender and school $F(1, 84) = 5.095, p < .05$ for these variables. The aggregated burnout/job stress measure also showed a significant

main effect for gender, $F(1, 84) = 12.65, p < .01$ and for the interaction between gender and school, $F(1, 84) = 4.38, p < .05$. The interaction effect for inefficacy and school is plotted in Figure 3:

Table 5: Study Variables: Means and Standard Deviations by school and gender

	Male Primary N = 8		Female Primary N = 31		Male Secondary N = 22		Female Secondary N = 27	
	M	SD	M	SD	M	SD	M	SD
Emotional exhaustion	2.29	.34	3.00	.63	2.62	.90	2.95	.86
Inefficacy	1.79	.60	2.54	.66	2.32	.78	2.34	.54
Conflict Plus	1.92	.83	2.82	.82	2.72	.72	2.53	.72
Aggregated Burnout/job stress measure	2.03	.76	2.76	.49	2.43	.73	2.66	.59
SA ability	4.23	.60	3.40	.78	3.71	.83	3.09	.92
SA benevolence	4.25	.59	3.34	.87	3.45	.91	3.03	1.10
SA integrity	4.25	.56	3.34	.85	3.67	.72	3.09	.95
Trust in SA	3.59	.46	3.09	.56	3.13	.61	2.89	.73
Morale	4.40	.44	3.41	.94	3.72	.71	3.27	.89
Participative decision Making	4.13	.78	3.64	.60	3.71	.67	3.44	.80

Figure 3: Interaction between Gender and School, on the Dependent Measure of Inefficacy



A two by seven (gender by years of teaching experience cohorts) analysis of variance showed a main effect for gender $F(1, 70) = 13.18, p < .01$ for burnout and job stress, demonstrating very different patterns of experience in cohorts of male and female teachers, as plotted in Figure 4: Although there was no significant interaction for gender and cohorts of teaching experience ($F(1, 70) = 1.44, p > .05$), Figure 4 indicates higher burnout/job stress in both sexes in the mid career cohort of 15-19 years experience, and Figure 5 indicates a corresponding fall in morale in the same mid career cohort of male teachers.

Figure 4: Burnout/job stress in Cohorts of Teaching Experience, Males and Females.

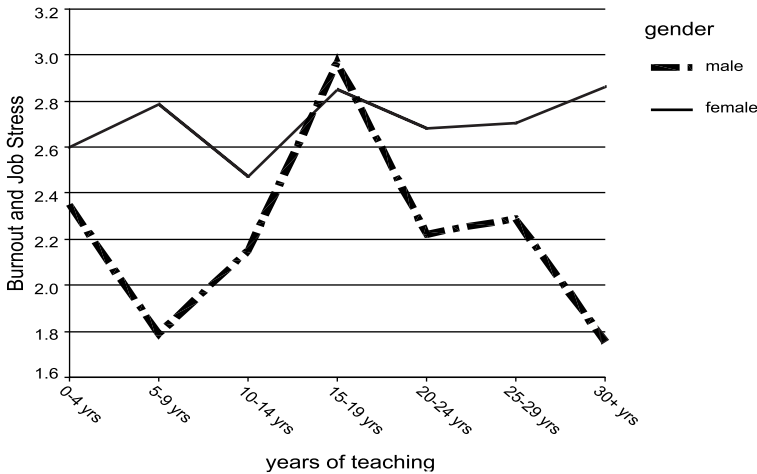
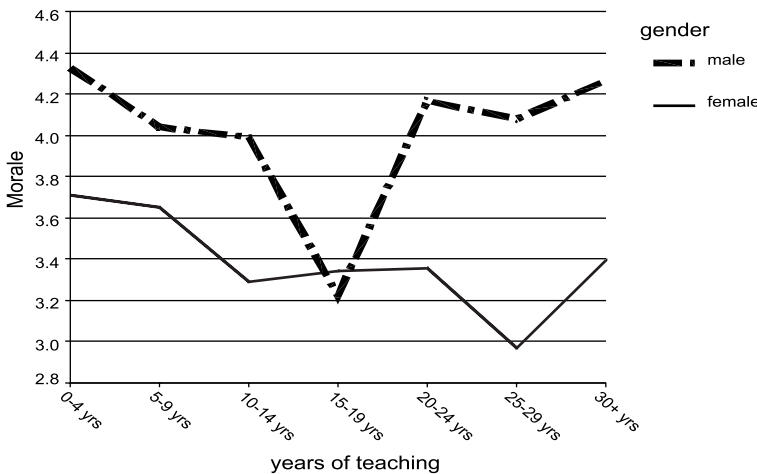


Figure 5: Morale in Cohorts of Teaching Experience, Males and Females.



Burnout/job stress outcomes of analyses of variance trended in opposite directions to all other study variables which demonstrated main effects for gender: morale ($F(1, 70) = 8.69, p < .01$), participative decision making ($F(1, 70) = 4.08, p < .05$), trust ($F(1, 70) = 5.47, p < .05$) and perceptions of trustworthiness ($F(1, 70) = 9.84, p < .01$).

Trust in school administration was subjected to a 2 x 2 (school by gender) analysis of variance and revealed significant main effects for gender $F(1, 84) = 5.93, p < .05$, and for school $F(1, 84) = 4.83, p < .05$. This demonstrates that male teachers have more trust in school administration than female teachers, and that primary teachers have more trust in their school administration than do secondary teachers.

Figure 6. Gender and School Effects on Trust in School Administration.

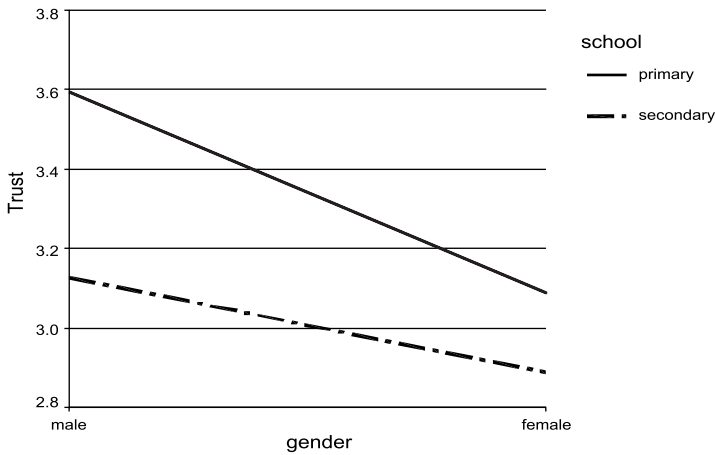


Table 5 reveals the outcome of further 2 x 2 analyses of variance for ability, benevolence, integrity, morale and participative decision making. All main effects reached significance with the exception of school and participative decision making. Subsequent plotting of each variable results in similar patterns to that appearing in Figure 6.

Table 6: Main Effects for Gender and School of Study Variables

Variable	M	SD	Main effect for gender.	Main effect for school.
Ability	3.44	.89	F (1,84) = 12.91 **	F (1,84) = 4.17*
Benevolence	3.38	.98	F (1,84) = 8.49**	F (1,84) = 5.74*
Integrity	3.43	.88	F (1,84) = 13.25**	F (1,84) = 4.13*
Morale	3.55	.89	F (1,84) = 12.15 **	F (1,84) = 4.00*
Participative decision making	3.66	.72	F (1,84) = 4.79 *	F (1,84) = 3.16 (ns)

Note. ** p < .01, * p < .05

Discussion

This paper addressed the additional aim of a broader study (Timms et al., in press), to explore possible gender, school and years of teaching experience influences in the development of burnout and job stress, trust, morale, participative decision making and perceptions of trustworthiness of school administration. The gender aspect of the study was exploratory in nature because previous studies had been inconclusive as to whether gender or school play any role in the development of burnout (De Heus & Diekstra, 1999; Dorman, 2003; Maslach, Schaufeli, & Leiter, 2001). However the Australian government has recently begun to focus on gender as an issue in education (Sex Discrimination Amendment (Teaching Profession) Bill, 2004) in response to a release of a report from the Australian Bureau of Statistics (2003) and from the Ministerial Council on Education, Employment, Training and Youth Affairs (2003), which indicate an escalating feminisation of the nation's teacher workforce, particularly in primary schools.

Parliamentary debate on the issue acknowledged however (in spite of the bill's title), that the gender imbalance observed in primary schools is not the result of discrimination. It rather reflects poor teacher status in the community, child protection laws and poor pay rates in comparison to other professions requiring a similar level of education (Sex Discrimination Amendment (Teaching Profession) Bill, 2004). The fact that primary school administrations have the opposite gender imbalance pattern to the ranks of classroom teachers would indicate that promotion to administration positions does not reflect merit but rather some other criteria. This is of concern bearing in mind the importance of a supportive leadership to positive mental health outcomes in teachers (Blasé & Blasé, 1997; 2000; Jobe & Parrish, 1995; Rafferty, 2003; Reitzug, 1994).

Simpson and Stroh (2003) suggested that while female 'display rule patterns' tend to the suppression of negative feelings and the display of positive ones, male display rule patterns tend to the suppression of positive feelings and the display of negative ones. This would suggest a problem in any industry where there is gender imbalance which is inverted at different levels (in this case, a predominately female workforce, with a predominately male administration). Hence the mainly female workforce could not expect or experience the support and back up which is clearly necessary for the development of resilience as outlined by Howard and Johnson (2004). Should an imbalance of ability or experience between teachers and administration accompany the gender imbalance; the consequent fall out in interpersonal dynamics could well provide one explanation for the significant findings for gender and school in regard to teacher perceptions of school administration trustworthiness and Burnout/job stress, found in this study. It is of interest that females outnumber males in all cohorts of teaching experience in this study; however after 30 years of experience (see figure 2), the proportion of males to females is reversed. It is suggested that future research is directed at women who have left teaching before the national retirement age, to explore some possible reasons for this differential.

Inefficacy is associated with a sense of lack of personal accomplishment and a reduction of effectiveness which is long standing and discouraging. Maslach and colleagues (2001) observed that lack of efficacy correlated with lack of resources. Specific questions which loaded on the efficacy construct in the current study included the question of necessary supplies, ambiguity about expectations, and keeping up to date. Male and female primary teachers report polarised experiences as far as efficacy is concerned. This raises questions as to whether opportunities for professional development and resource allocation, are equitably distributed at the primary school level. The current study also noted significant effects for gender on participative decision making, which pertains to teacher input into decisions which affect them. It is posited that this would also impact on teacher efficacy.

Morale, trust and perceptions of school administration trustworthiness all reached significance with main effects in both gender and school, indicating that male teachers scored higher on these variables and (almost paradoxically), primary teachers scored higher on these variables than did secondary teachers. This later finding is surprising in view of the previous findings in regard to efficacy and Burnout/job stress, although it is noted that participative decision making did not reach a significant main effect for school. In light of these findings it is recommended that qualitative research which seeks

female primary teacher comment on this issue be undertaken in the interest of finding what specific concerns are behind these findings.

Previous studies (Friedman, 2000; Maslach et al., 2001; MCEETYA, 2003) have noted that most teachers who decide to leave teaching as a career, do so early in their career. Friedman (2000), attributed the decision to leave as being related to a burnout experience as the reality of the job did not live up to personal expectations. The current study found a significant effect for gender over all cohorts for years of teaching, with female teachers consistently scoring higher on Burnout/job stress. This supports Hughes' (2001) suggestion that a very large percentage of teachers who suffer burnout remain in their positions because of a lack of suitable alternative employment, thereby operating in a chronic state of stress. In addition, the means obtained from female teachers for morale, participative decision making and perceptions of trustworthiness of school administration were significantly lower than the means indicated for male teachers. When plotted, these patterns however indicated an intriguing sudden rise in Burnout/job stress in the mid career cohort of male teachers and a corresponding drop in morale for the same cohort (see Figures 3 and 4). This could well be an anomaly pertaining to this particular group of four individuals (one primary and three secondary) as the overall trend is rather different.

Limitations of this study included the lack of a qualitative question exploring gender dynamics in schools; this meant that the comparative dissatisfaction of female primary teachers was not properly explored or articulated. A further limitation of the current study was found in the Burnout/job stress measure. While the measures used were effective in establishing the existence of Burnout/job stress in participants, there was no satisfactory measure for the cynicism component of burnout as defined by Maslach and colleagues (2001). As cynicism is an integral part of the burnout concept and is usually higher in males (Maslach et al., 2001), the finding of a higher Burnout/job stress rate for females may well be compromised in the current study which had no empirical measure for cynicism. However the current study does indicate that morale provides a 'mirror image' of Burnout/job stress outcomes, which supports the validity of burnout /job stress measures used.

In conclusion, the overall female to male ratio of teachers appears to be set to continue displaying an increasing imbalance, especially in the primary school. Juxtaposed against a 74% female workforce is the reality that 60% of primary school administrators are male (MCEETYA, 2003). The present study found a significant main effect for gender in all facets of the Burnout/job stress construct (emotional exhaustion, conflict plus and inefficacy) and a significant interaction between gender and school in inefficacy as well as the aggregated Burnout/job stress measures. The largest difference in means occurred between male and female primary teachers. It would therefore seem that gender dynamics in the primary school as a workplace are deserving of more sustained attention from researchers. There is sufficient evidence in this study that female primary teachers in Queensland private schools are experiencing burnout and job stress to a level that is disproportionate to that experienced by male primary teachers. In view of the fact that female teachers comprise the bulk of the work force in primary schools it is imperative that this matter be investigated further.

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Key questions in considering guided practice for vulnerable Australian children

Susan Tregeagle and Lesley Treleaven

Abstract

Anna Yeatman and Joanna Penglase (August 2004) provide a useful review of the literature on 'Looking After Children' (LAC), a guided practice system for children living in out-of-home care. In summarising the polarised debate, the authors point to an unresolved situation in which advocates have uncritically adopted individualised care planning, as a way of improving outcomes in child welfare while critics have not offered alternatives for systemic reform. This is an area of troubled social policy and the debate cannot rest here. This paper suggests a number of pressing research questions to be addressed. The urgency of the issues and the characteristics of local service systems mean LAC needs to be evaluated in the Australian context, taking into account the local experience and participation of children, families and their social workers.

Keywords: LAC, child-welfare, fostercare

Key questions in considering guided practice for vulnerable Australian children

The literature review on 'Looking After Children' (Yeatman & Penglase 2004) is timely as this 'guided practice' system is now used with over half of Australia's children and young people in foster and residential care. Evaluation is crucial as child welfare agencies are considering taking up its sister program, Supporting Children and Responding to Families (SCARF) for assessment of children living at home, and there are moves towards integrating the systems as has been done in the United Kingdom.

Looking After Children (LAC) attempts to improve child welfare outcomes through 'individualised case management'. It requires information about a child or young person to be collected at specific times during placement. Workers are 'guided' through standardised timetables and procedures that make decision-making transparent. The initial forms co-ordinate the multiple agencies involved in establishing the child's needs and treatment. A second, and more controversial, phase involves the ongoing collection of detailed information once a child's placement in care is established. These Assessment and Action Records undertake in-depth consideration of education, health, social and emotional development, self-presentation, identity and family and social relationships.

LAC aims to bring about systemic reforms by supporting children holistically, enforcing inter-agency collaboration across the usual service silos, and establishing standards of care identified as 'community norms'. LAC requires participation of the child and their family in decision-making and aims at 'system monitoring' by holding welfare workers accountable and collecting data on the welfare system.

LAC was developed in the United Kingdom and trialed in Australia in the late 1990s. It is now used comprehensively in all child welfare services in Victoria, ACT and Tasmania, by government services in Western Australia and in 20 NSW non-Government agencies. The Assessment and Action Records are not currently recommended for Aboriginal children as there has been no research into their cultural appropriateness, although a proposal is currently before the Secretariat of National Aboriginal and Islander Child Care. Nevertheless, some Aboriginal agencies are voluntarily employing the whole system.

Despite the extent of current use, debate on LAC is highly polarised into what Yeatman and Penglase describe as 'uncritical advocacy' and 'wholesale critique'. Advocates see LAC as the only viable response to failure to comply with legislation, inadequate assessment and poor outcomes for children (Dixon 2001, Ward 1998). However, critics are concerned about government control of family life (Garrett 2003a, Munro 2001) and LAC's underpinning developmental model of childhood (Winter 2006). They also fear the impact of standardisation on social workers relationships with service users (Parton & O'Byrne 2000, Searing 2003).

This is not a satisfactory point at which to leave the debate. Advocates and critics agree both that outcomes of 'care' are poor and on the need for urgent reform (Yeatman & Penglase 2004). This is particularly the case in Australia's fragmented care system which lacks national leadership (Clare 2003). Calls to action by consumer groups such as CREATE have been reinforced with evidence of inadequate care, such as children not being visited as proscribed by legislation (Gilbertson & Barber 2004) and systemic

problems, documented in numerous State and Territory Government reports remaining unaddressed (Cashmore & Ainsworth 2004).

This paper argues that LAC must be taken seriously given the impact of permanency planning theory (Cashmore 2000) and the absence of alternate strategies for reform. The paper therefore takes up a number of questions, raised by critiques, to examine LAC's adaptation to Australian social conditions and its future development here. This paper asks what does individualized care planning offer to improve Australia's child welfare outcomes. It explores how service users' participation can be extended to enhance decision-making and considers LAC's threat to increased control of the family and children. It also considers the extent to which LAC may distort social work's view of the family and the social work relationship itself. The paper concludes by considering whether the concerns of critics can be satisfied through further development, contextualised locally in Australian conditions.

To what extent can individualised care planning improve outcomes in child welfare?

Individualised care planning underpins LAC, however Yeatman and Penglase claim that its effectiveness is unproven with 'next to no inquiry into when individualised planning facilitates good practice and client-centred services' (2004: 6). It is true that, as yet, there is little empirical data on outcomes for children using LAC, although the Canadian implementation study indicated positive benefits for children and workers (Kufeldt, Simard, Thomas & Vachon 2005). However, arguments critical of individualised planning ignore the extensive research on permanency planning. This research shows how poorly individual children and young people fare when plans are not made and they drift in the care system (ACWA 1986, Cashmore & Paxman 1996).

Critics see danger in the individualised case management approach, fearing that governments may therefore be able to avoid structural reform leading to marginalisation of poor families (Garrett 2003a). However, systemic change and individualised care are not necessarily mutually exclusive as demonstrated in the United Kingdom, where LAC is widely used and Government has taken a pro-active role on child poverty. This critique also seems out of keeping with social work values in effect arguing that individual children should not be provided with planned intervention whilst waiting for systemic reform.

Nevertheless, the need to ensure both individual and systemic improvement is a serious concern and Australia needs ongoing research about whether individuals have better outcomes in the care system using LAC, or just better documentation of their lives without systemic or individual improvements in outcome.

To what extent does LAC enhance service users' participation?

The principle of service users' involvement in decision-making, as a means of improving welfare outcomes, is well acknowledged in child welfare (Mason & Gibson 2004, Munro 2001). However, as Munro acknowledges, social workers often ignore children's concerns or only listen to children on trivial issues (Munro 2001, NSW Child Protection Council undated).

Service user involvement is advanced as one of LAC's strengths (Create Foundation 2004) because LAC circulates information, makes decisions transparent and gives service users the right to amend information and receive copies of their care plans. Such formalised participation is a significant development compared with previous Australian practices. A recent United Kingdom study shows significant increase in local authorities' engagement of children and young people since LAC's implementation (Thomas 2005). Such claimed changes require careful monitoring of specific participatory practice and their impact. For, as Ife (1997) argues, professionals can be threatened by participation. Participatory strategies appear to have been altered already in Canada with changes to requirements and questions initiated by researchers; and in Victoria by workers (LACPROJECT 2005). The powerful imperatives of LAC towards consulting with children and their parents requires therefore careful oversight.

How relevant is concern about Government control for Australian families?

Many of the critiques of LAC come from Britain where central government has been instrumental in establishing guided practice. These critiques draw on the concept of 'governmentality'; an explanation of contemporary forms of regulating conduct through self-disciplining processes and techniques:

Power is not so much a matter of imposing constraints upon citizens as of 'making up' citizens capable of bearing a kind of regulated freedom (Rose & Miller 1992 :33). The governmental process is then the coalition of experts shaping what it is to be 'a child' or 'a family' through LAC and this shaping of their subjectivity is then effected by the families and children themselves. Critics also argue that LAC Assessment and Action Records '*...are potentially oppressive and contain powerful sub-texts about, for example, 'appropriate' youth lifestyles and the nature of work*' (Garrett 1999b :291). As LAC was linked early in its implementation to the Blair Government's *Quality Protects* (Garrett 2003a) reform program, critics fear even greater surveillance with the introduction of the Integrated Children's System (Garrett 2003a).

In contrast, LAC was introduced in Australia through the efforts of non-Government practitioners and academics, with governments slow to take it up. While State Governments (ACT, Victorian, Tasmanian and Western Australia) have now adopted LAC, they have not used its capability to gather data for policy formulation and enforcing standards. Nor are non-government agencies pooling data. There has been no Federal Government interest in guided practice to quantify outcomes or set practice standards. Ironically, consumer interests have drawn on the data to demonstrate poor educational outcomes. Furthermore, it is child welfare advocates in Australia who are calling for much greater involvement in standard setting and data collection (CAFWAA 2002). Even the literature in Australia has not raised concerns about government or expert control.

In this debate over control, it is important to note that service users in United Kingdom and Australia initially expressed concerns about issues of privacy, confidentiality and what information welfare workers should have access to (Create Foundation 2004, Francis 2002). In this respect, the potential challenge of governmentality operates as a warning to heed in the development and expansion of LAC. We must seriously question

whether service user relationships should be driven by the need for data and children in neat divisions in a child's life, such as health or education performance. Data needs to be collected in ways that are sensitive to the casework relationship and the rights of individuals. Careful feedback from service users will be an essential part of this monitoring.

How much does LAC distort workers' views of families and childhood?

LAC has been criticised for the way that the family has been conceptualised and resulting distortions in the ways social workers view children's problems. Garrett (2002) points to how understandings about families in LAC have been produced in specific social and historic contexts, formed by dominant views of the family. This is an important consideration, particularly for indigenous children in Australia who are six times more likely to be in care than other Australians and whose families may be poorly understood in the current format. On the other hand, Australia must consider if it is acceptable that our most vulnerable children are left without potential benefits of LAC because of failure to make case-management more culturally appropriate. Thorough review of the concept of the family, for example the importance of extended family and gender roles, will be required to make LAC relevant to all families caught up in child welfare systems.

Critics also raise objections to LAC on the basis that many of its questions construct children as threats to society and in ways that do not allow for the issue of participation of children and young people to be fully addressed (Winter 2006). Further, they argue that the developmental approach to children ignores individual differences and 'agency' (Garrett 1999a:40). There appears to be some basis for these concerns. For example, the view of childhood as terminating when child welfare legislation dictates, rather than when the individual is capable of managing independently, is problematic in Australia. Young people routinely leave care unprepared for independent living, well before the age that most young people are deemed independent, thereby contributing to significant social problems (Mendes & Moslehuddin 2006).

In contrast to these concerns, a significant advantage of LAC seems to be its focus in clarifying child welfare goals and values. LAC claims to support the development of children in care to identified 'community norms', rather than settle for low expectations generally held for children in care. This appears to be in keeping with research on the goals and aspirations of Australian adolescents (Handley 1991).

In making explicit the value base on which critics reject LAC there is more opportunity to debate what constitutes these 'community norms'. For it is important to debate whether LAC is inappropriately normalising '...an endeavour to produce children who will fit when they become adults' (Garrett 1999a : 41), or whether LAC will be helpful in assisting young people to function in a complex adult world in ways that appear consistent with their aspirations. Integral to resolving this debate should be the views of children and young people themselves.

Does guided practice interfere with social workers' relationships with service users, and will this affect services?

Critics see LAC's standardised forms as impeding communication between social workers and service users. Critics argue that routine procedures and preformatted questions may obstruct creative and child-sensitive professional practice. Munro claims that 'Standardisation...limits freedom to respond to the child's wishes and opinions' (Munro 2001:15). Garrett argues that the scales used are pre-occupied with time management and that the use of pro-forma lead to the 'emptying out of social work relationships' (2003b:19). Critics also fear the more general threat that evidence-based practice will undermine practice wisdom.

However, advocates promote LAC because they see it adding quality to the social work relationship; codifying and supplementing good practice and protecting service users from individualistic practices. They also view it as more appropriate to the realities of workers' variable skill levels and high staff turnover. They point out that social work standards can be haphazard and outcomes poor. Cashmore and Paxman's (1996) study of wards leaving care shows that a child has an average of four workers (some young people had ten). A substantial number of children did not know even the name of their worker. In South Australia, over a three month period, contact between a social worker and children had occurred in only 30% of cases and 53% of young people had had at least one change of social worker in the previous twelve months (Gilbertson & Barber 2004:9).

Advocates see evidence-based practice, which is possible with LAC, as an important factor in Australia given the low level of professional training and recruitment of workers from a range of disciplines. A corollary of the concern for social work relationships is that LAC may have workforce implications. This is a critical issue as labour shortages are having a considerable impact across the Western world. In the United Kingdom, 73-75% of Social Service Departments report recruitment and retention difficulties, with a 20% vacancy rate for children's social workers in London (Social Care and Health Services Workforce Group 2004). Garrett (2003a) records a 59% drop in applications for social work admission in Britain in 2001 compared to 1995. In New South Wales, the average working life of a new child welfare officer was approximately 8 months (NCOSS 1998) and skill shortages seem likely to continue (Meagher & Healy 2003).

However, the impact of LAC on the workforce is controversial. Critics of guided practice point out that, as part of social work 'managerialism', it is driving women from social work (Harlow 2004). Advocates, on the other hand, see guided practice as offering service users a guaranteed standard of service and accountable practice that can greatly assist with labour instability (Dixon 2001). Recent widespread concern about skill shortages in many work areas warn that there may be factors other than guided practice, such as ageing of the workforce, involved (Meagher & Healy 2005).

The debate on LAC specifically, and guided practice generally, is far from resolved and merits further investigation. Research must assess whether workers and service users find that LAC adds to the quality of relationships, not just with individual workers but also more widely across the child welfare system.

Do we know enough about the views of Australian service users and can they indicate a possible way forward?

The questions raised in this paper underline the need for more information from those most affected by guided practice: service users. In the early LAC literature, a diverse set of claims about service users' attitudes to LAC was made by both advocates (Francis 2002) and critics (Garrett 1999a). Yet, close examination of research indicates there is little basis for many of their assertions. In the United Kingdom until 2003, the literature reports on the views of only a handful of young people (Wheelaughan & Hill 2000). These reports often fail to detail the methodology and the assessment period is very short. Most of the research has been undertaken during implementation when workers are unused to the systems. For example, in the only Australian study, British forms were used (Wise 1999). Some studies are unclear about whether the young people consulted were using LAC (Munro 2001, Thomas & O'Kane 1999). Overwhelmingly, reports are of older adolescents with few birth parents and few younger children consulted.

Since publication of the Yeatman and Penglase article, a Victorian study has been completed (Create Foundation 2004). This qualitative study actively engaged young people in formulation of the research and yielded rich material. It was, however, undertaken not long after implementation and involved only a small group of older adolescents, specifically on the issue of care planning. This research shows service users' appreciation for LAC while also calling for greater support of their participation: more youth-friendly documentation, regularly informing young people of their rights and providing children with greater time and support to attend and participate in meetings. This research could valuably be extended to cover young people of more diverse age groups and birth parents.

Summary

It is now eight years since the introduction of LAC to Australia and it is timely to evaluate both the benefits it offers whilst engaging more reflectively with challenges. Academics, predominantly in the United Kingdom, have led the criticism (Garrett 2003a, Munro 2001). Yet both practitioners and academics are amongst its strongest advocates, in its UK development and its implementation in Australia and Canada (Jones, Clark, Kufeldt & Norman 1998, Kufeldt et al 2005, Kufeldt, Simard, Tite & Vachon 2003, Kufeldt, Simard, Vachon, Baker & Andrews 2000).

Yeatman and Penglase have provided an important summary of the debate and as we engage and move that debate forward productively, it may be necessary to move reflexively between the advocate's enthusiasm and the critic's challenges. It is, after all, a complex and multi-functional tool for casework, record keeping, management and data collection. We must monitor LAC's impact carefully taking into account the most significant research test of whether service users felt that they were helped. The most important question may arguably be, not whether to adopt guided practice but, rather how best to develop its benefits and address its critics' concerns.

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Book Reviews

The Sociology of Education and Work

Malden M.A, Blackwell, 2004. ISBN 0631223630. \$65.95

David Bills

Reviewed by Anthony Welch, Faculty of Education, The University of Sydney

There is a certain irony in undertaking this review of a book with this title, while on leave in Boston. One of the more striking impressions, yet again on this visit, is how little of the world outside America is understood by many Americans, And how little many care. It is thus particularly commendable that Bills, while eschewing formal comparisons with other societies, deliberately sets out to refer to the experience of other countries, when discussing themes such as credentialism, post-industrial society or skills. Thus there is useful coverage of UK experiences, and pertinent references to programmes and efforts in Germany, France, Australia, China, Japan, and the EU, while the bibliography is informed by a wide range of international sources. A refreshingly different perspective.

Beginning from twin premises - that both schools and workplaces are not merely places of education and training, but also social institutions that shape peoples lives, and help structure society; and that relations between education and work are often tense, ambiguous and contradictory - Bills adopts a deliberately broad notion of education (which by implication is by no means restricted to schools or schooling), and of work (although deliberately, if contentiously, excluding unpaid labour). He equally recognises that the field of sociology is itself contested, and attempts to make clear the foundations upon which key concepts such as meritocracy, credentialism, technology and post-industrial society, (all social constructions, as he rightly insists) rest. That said, it must be admitted that modes of sociology he commends tend to the traditional, involving variable-based hypotheses.

Succeeding chapters analyse a series of key themes. Successively, Bills treats the relationship between schooling and socio-economic success, the relative merits of meritocratic and credentialist accounts of this relationship, how a review of the evidence on lifecycle assists in illustrating modes of scholarship, and what questions are still worth asking, the implications of post-industrial society, the implications for society of ageing, and increasing diversity, (a hot topic in the US currently, with an estimated 12 million illegal immigrants in the country), changes in educational institutions and the

youth labour market, and the learning society. The final chapter looks to the future of education and work.

Bills is also admirably clear in highlighting that virtually all the current defences of the importance of education, are rooted in human capitalist assumptions, that stress the importance of more schooling and more skilling for economic growth, and personal mobility. Delving into history, he shows that it was not always so. But while he agrees that more schooling does yield economic returns, he is clear as to the impact of race, gender and class on the relationship.

Does meritocracy or credentialism yield the better understanding of this relationship between education and work? Pure meritocracy can lead to unchecked competition, as Michael Young's provocative novel of 1958 showed, while the limits of credentialism were outlined in the even more famous *Wizard of Oz* (1900). Bills argues that, while the US is nominally strongly committed to meritocracy, even leaders in their field will acknowledge that, in practice, either luck or connections often smoothed their route to the top. Nonetheless, declining wage and gender differentials in the USA, and in some other countries, seem to point to a trend towards meritocracy, although for those born since 1960, the trend of declining class and ethnic effects may well have slowed, or even reversed. In short, the trend towards meritocracy is at odds with continuing restrictions on socio-economic opportunities for many Americans (and Australians?) It may well be that in both societies, inter-generational mobility is declining, a trend in which education may be complicit.

Bills next focuses on the implications of Bells post-industrial society, characterised by knowledge having become the foundation for social change. He shows that the trend is bedevilled by complexities arising from the unstable parameters, of the growing, and much-touted, if bifurcated, service sector. Nonetheless, he broadly concurs that we are moving towards a more theory-based world, in which more workers will need to master more complex skills. Is this rich mix of science and capitalism giving rise to a new knowledge class, a new technocracy that has supplanted its industrial predecessor? For some, but not for all, since the effects of knowledge work, too, are often socially and economically divisive. Age, gender and ethnic dimensions are key - immigrants, for example, are over-represented at both ends of the education and skills pyramid, while increased female participation in the workforce, and increased dependency ratios, caused by simultaneous aging of the population, and earlier retirement, is also having an impact. While hardly new findings, these influences are important to bear in mind. Bills also reminds us of the trend towards disorderly, (and lengthier) transitions from education to the world of work, rather than the older Blau Duncan model of status attainment, which presupposed a more orderly, and finite transition. All in all, the lifecourse may well now be contingent, uncertain, and even misaligned, suffused with many different personal narratives.

Here however, Bills arguably falters to a degree, because while he acknowledges both formal and informal modes of school socialisation to the world of work, and the race, gender-and-class-based tracks through US high schools, he fails to delve into the lifeworlds that underlie patterns such as those so brilliantly drawn in Willis's classic study *Learning to Labour* (1977). This omission is arguably a function of his overall methodology.

More successful is his account of the youth labour market, and his distinction between younger and older members, between 'freelance' and 'employee' relations, and between countries such as Germany, which traditionally include such employment as part of an apprenticeship, and the USA, which has much looser linkages. Indeed, his account of what is not known about the extent, patterns and limits of job-related training in the US makes interesting reading. What *is* known tends to confirm the clear limits of many job/literacy training programmes for the least privileged workers, and the regressive effects of recent US welfare reforms for such workers, notably 'work first' provisions. Moves to introduce similar schemes in Australia need to be watched carefully, on this account, since currently Western Europe and Australia are more likely to address market failures through job training than the US, which persists with an individualised, rather than social, rationale for training.

If young people without educational credentials enter '... today's workplace ... disarmed' (p. 201), what does the future hold? Will the vocationalisation of US secondary and post-secondary education continue apace, as it has in the past, in response to similar pressures (Welch 2006)? Will education be hijacked by workplace priorities, dancing ever more closely to the tune of the economy? Bills concludes that credentials will become even more important but that the role of private providers, including on-line, will increasingly challenge the traditional public institutions of education. Misaligned aspirations by many youth are also likely to loom large in this new educational landscape, as are credentialism and fake qualifications. Overall, we can expect further differentiation of education, at all levels. We can also expect changes in the balance between the trinity of functions that education traditionally fulfils: democratic citizenship, social efficiency, and personal mobility.

These are important lessons from Bills' timely analysis that are of significance to the connections between education and work, well beyond that of the USA. His inclusion of international sources is commendable. At the same time, a more inclusive approach to ethnographic accounts would have fleshed out, and even tested his hypotheses more, while the parenthesising of unpaid labour underplays the gender dimensions of the relationship.

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Brave New Workplace; How Individual Contracts are Changing our Jobs

Crows Nest, NSW, Allen and Unwin. 2006. ISBN 1741148650. \$29.95

David Peetz

Reviewed by Larissa Bamberry, Workplace Research Centre, The University of Sydney

The Howard government's new *WorkChoices* legislation means that once again industrial relations, or 'workplace relations' in the government's formulation of the issue, are at the forefront of public debate. There have already been a number of commentaries on the particulars of the new legislation (see for example Briggs & Buchanan, 2005; Lansbury, 2005; Peetz, 2005; Stewart, 2005).

Brave New Workplace; How individual contracts are changing our jobs is an important and timely book by David Peetz. It does not specifically examine the new legislation, rather it examines the underpinning logic or ideology of the legislation, and the implications of this ideology for the workplace. In particular the book examines the individualisation of employment relations and the individualisation of society. Written for a broad readership with an open accessible style, this book will appeal to a range of audiences from undergraduates to policy practitioners and analysts.

Peetz begins with an examination of the concepts of individualism and collectivism, analysing the rhetorical uses of the language of market individualism in Australia today and asks:

Is the push for individualism all a discursive trick? Is the attempt to individualise employment relations just a grab for power by somebody, under the cloak of rhetoric designed to make us think we are all individuals, while subsuming us into some new collective identity? (p 4)

Searching recent research on social values for evidence of increasing individualism, Peetz finds that Australians are not exhibiting a preference for individualism, and in fact demonstrated a greater sense of collectivism in 2001 than they did in 1979. He argues that our society supports and remains dependent on altruism, reciprocity and cooperative values.

The first half of the book focuses on the practical effects of individual and collective bargaining. Peetz shows that there is no demonstrable link between the use of individual contracts and increased productivity. He makes the important distinction between productivity improvements and increasing profits, emphasising that cutting labour costs does not improve the quantity or quality of output but rather reduces the costs of inputs per unit of output and simply changes the distribution between wages and profits.

Conversely, in examining collective bargaining, Peetz finds evidence for both improvements in productivity and a wage premium for union-based collective agreements. He argues that the use of individual agreements allows corporations to increase their managerial prerogative to gain greater control and power over workers.

The strength of this section of the book is Peetz's use of narratives of workers' lives, drawn from his own and others' research, to demonstrate the impact of individualised workplace relations on not only the workers, but also on their families, communities and society as a whole.

In the second half of the book, Peetz examines individualised workplace relations from the perspectives of the corporation, the union movement and government policy. He examines corporate strategies used to individualise the workplace; union strategies for re-collectivising workers; and plausible policy responses to redress the imbalance created by individualised workplace relations.

Chapter five, *War is Peace*, focuses in on the corporate strategies used to undermine and re-direct worker collectivity away from unions and towards the corporation. This very useful chapter develops a model for understanding such employer strategies. Peetz shows how corporations use employment practices, workplace relationships and information control to exclude some workers, particularly union members from workplace participation, while at the same time including other workers, by encouraging their identification with the corporation. This chapter examines corporate informational practices including the euphemisms and 'doublespeak' used by corporations who actively claim to support their workers' basic human rights while working to prevent union membership in the workplace. This chapter should be compulsory reading for all undergraduate human resource management and industrial relations students.

Peetz's examination of the union response to individualism is perhaps the most limited aspect of this otherwise comprehensive book. By focusing on those industries where individualism has made the greatest in-roads (particularly mining and communications) Peetz is able to examine strategies adopted by unions to revitalise collectivism. He examines the grass-roots empowerment strategies that the union movement has borrowed from community action groups, and analyses their effectiveness in strengthening collective identities in the workplace. However, this approach means that he ignores the strategies for survival adopted by unions that have retained and even increased union density in these times. It would be useful to also examine the factors at play in maintaining and increasing union participation amongst nurses and teachers for example. Have the same techniques been used?

Peetz's recommendations for policy responses stem from his basic view that the changes to workplace and industrial relations under *WorkChoices* are not about improving productivity, but are rather about increasing power for employers. He writes:

Over many years, societies have had to come up with ways of seeking to constrain the power of the powerful because, without effective constraints on power, society will eventually cease to be a functional collective entity and collapse (p 188).

He recommends an industrial relations system built upon international human rights models that promotes good faith collective bargaining. While suggesting there is a place for individual contracts, especially those that provide over-award payments for workers, he recommends the abolition of AWAs and non-union collective agreements which he sees as tools used to undercut worker collectivity and worker entitlements. He also recommends a stronger role for the independent umpire, arguing that the Australian Industrial Relations Commission needs to be able to make remedy for unfair practices in

the workplace, and to ensure that discrimination and exclusivist techniques are not used by corporations.

Somewhat more difficult to achieve are Peetz's suggestions that we need a major change in the role of the government 'from an agent of the corporation, to something more closely resembling an agent of the people' (p 203); that we need to re-examine the concept of the corporation (p 206); and that we need to address the broader issue of enabling collective activism by equipping workers with the tools and resources to effect change and attain goals, rather than being powerless in the face of overwhelming institutional and economic forces (p 204). It is however, these principles that governments need to adopt to guide their future policy interventions.

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Social Policy in Australia: Understanding for Action

South Melbourne:Oxford University Press. 2006. ISBN 9780195552812. \$59.95

Alison McClelland & Paul Smyth

Reviewed by John Tomlinson, Queensland University of Technology

The first two sections of *Social policy in Australia* are disembodied versions of the Melbourne social policy debate. I was left with impression that anything South of Melbourne, West of Canberra or North of Sydney was regarded as being of little consequence. The book could confidently be taken into coffee shops in Lygon St or even Rose Bay without the risk of startling the customers. In their efforts to conceptually dissect social policy both Alison McClelland and Paul Smyth give components of the social policy process more brand names than readers will be likely to encounter on the shelves of their local supermarket. Perhaps the editors would be assisted by a quick reading of Naomi Klein's *No Logo*.

McClelland has a long history in Australian Council of Social Service circles where she has a reputation for competence, attention to detail and caution. The first section of this book reinforces such perceptions. Both McClelland and Smyth have considerable exposure to the way governments determine policy and this may be one of the reasons the possible alternative scenarios they foresee are so circumscribed. If politics is the art of the possible and pragmatic policies take the path of least resistance then McClelland and Smyth are *pragmapols*: which is a new brand name (jargon) they might like to consider including in their next book.

This book would have more vitality had the editors condensed the four chapters written by McClelland and the three by Smyth into one chapter apiece. This is not to suggest that they have not presented a competent review of the social policy literature and I am sure that students in university level social policy courses will find much of their analysis a useful guide to current policy debates in Australia. But general readers and social policy aficionados may find the detail tedious which is a pity because these seven chapters do present some emerging ideas rather well.

In line with the Howard Government's preoccupation with mainstreaming Indigenous programs and ignoring asylum seekers, the editors decided: "Rather than adopting a demographic approach that focuses on different groups (such as children and families or Indigenous Australians) we have chosen the key policy areas that contribute to the welfare of all groups (p. 144)". If the editors had not taken so long setting out the basic social policy parameters, they could have had a chapter dealing with Aboriginal and Torres Strait Islander issues. There could have also been one discussing the treatment of asylum seekers. As it is, asylum seekers are virtually ignored and Aboriginal issues, when they are discussed in this book, appear as an afterthought.

The third section of *Social Policy in Australia* is where the book comes alive. Steven Bell and John Quiggin provide an excellent analysis of what has been a consistent failure of governments (since the mid-1970s) to solve the income / work related problems of people who find themselves jobless, underemployed or in precarious employment.

Steven Ziguras outlines the existing system of social (in)security and its inadequacies as an income support system. He does this well. When Ziguras considers possible future income support options (pp. 175-6) he dismisses the possibility of a guaranteed minimum income because of its high cost. The introduction of a guaranteed minimum income deserves more serious consideration, it was first suggested in Australia in the early 1970s. Ziguras totally ignores the extensive Australian and international Basic Income literature (Basic Income Guarantee Australia, Basic Income Earth Network).

Tony Dalton provides a reasonably comprehensive analysis of housing policy. He points out that the Higher Education Contribution Schemes (HECS) and compulsory occupational superannuation reduce the capacity of young households to purchase housing but then backs away from the logic of his own argument when he says; “Identifying these aspects of public policy should not necessarily be seen as an argument against HECS or compulsory occupational superannuation (p. 189)”.

Jenny Lewis describes the history of health insurance in a careful but critical manner. She points out that: “Abolishing the private health insurance rebate would lower cost overall, and slow the loss of health professionals from the public to the private sector, which is exacerbating shortages in the public sector (p. 207)”.

Jane Kenway dissects what these days passes for education policy in this country and reveals the extent to which neo-liberal market orientations have eroded decent educational outcomes. Clearly, it is a chapter which should not be read by vice chancellors with irritable bowel syndrome who would prefer to live relaxed and comfortable lives in John Howard’s Australia.

Deborah Brennan investigates the range of community services provided to children, older residents and citizens with a disability. Not surprisingly, given her background in child care studies, Brennan’s description of the extraordinary depth of involvement of Liberal Party heavyweights in the provision of commercial child care is where she is at her best and most passionate.

Alison McClelland concludes the book with a very useful and clearly articulated chapter describing the Australian taxation system. She revisits the widely-held myth that Australia is a highly-taxed country before going on to outline several alternatives which citizens would be wise to consider if they desired a fair and efficient tax system.

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- Pusey, M. (1991a) 'Australia's new economic emperor has no clothes', *Sydney Morning Herald*, 17 October, 11.
- Pusey, M. (1991b) *Economic Rationalism in Canberra: A Nation-Building State Changes its Mind*, Melbourne, Cambridge University Press.
- Sherr, L.A. & Teeter, D.J. [eds] (1991) *Total Quality Management in Higher Education*, New Directions for Institutional Research no. 71, San Francisco, Jossey-Bass Inc.
- Tucker, D. (1992) *Reconstructing the Fifties: An Analysis of Home Ownership in Tasmania*. Ph.D thesis, Norfolk University (unpublished).
- Walters, W. (1997) 'The active society: New designs for social policy', *Policy and Politics*, 25 (3), 221-34.
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