



PARLIAMENT OF NEW SOUTH WALES

Committee on Children and Young People

REPORT 4/55 – NOVEMBER 2014

VOLUNTEERING AND UNPAID WORK PLACEMENTS AMONG CHILDREN AND YOUNG PEOPLE IN NSW





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The motto of the coat of arms for the state of New South Wales is “Orta recens quam pura nites”. It is written in Latin and means “newly risen, how brightly you shine”.

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Membership

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Terms of Reference

That the Committee on Children and Young People inquire into, and report on, volunteering and unpaid work placements among children and young people in NSW, and in particular:

- Existing policies relating to volunteering and unpaid work placements among children and young people in NSW;
- Measures to encourage volunteering and foster opportunities for volunteering among children and young people in NSW, including possible incentives to volunteer;
- Best practice in supporting and promoting safe opportunities for volunteering and unpaid work placements among children and young people in other jurisdictions, both in Australia and overseas;
- The role of the Commission for Children and Young People and the Office of the Children's Guardian in supporting and promoting safe volunteering and unpaid work placement opportunities among children and young people in NSW;
- Providing the NSW Government with advice on how it can better engage with and support children and young people in volunteering and unpaid work placements; and
- Any other related matter.

Chair's Foreword

There is no question about the value that volunteering provides, both to communities and to the people who volunteer. Volunteering builds the social capital and wellbeing of society, and provides volunteers with opportunities to contribute to their communities, gain skills and experience, and build networks.

Given the clear benefits of volunteering, it is particularly important to encourage young people to volunteer. We need to get young people involved in volunteering activities and foster a long-term commitment to volunteering that extends into adulthood. We need to do all we can to support young people in taking up volunteering opportunities, and in doing so we must ensure that all young people from across our community are not excluded from participating.

In this, the Committee on Children and Young People's fourth report of the 55th Parliament, the Committee has made a series of considered recommendations that are aimed at encouraging young people to participate in volunteering activities and providing the necessary support to ensure that young people and volunteer organisations gain the many benefits that volunteering provides.

The Committee has recommended that actions be taken to increase young peoples' awareness of the volunteering opportunities that are available to them and to recognise young peoples' volunteering efforts. The Committee has also recommended that consideration be given to a scheme that assists young people with meeting the costs of participating in volunteering activities, and that guidance be provided to young people and organisations to promote best practice in the conducting of volunteering activities. Finally, the Committee has recommended that the Minister for Citizenship and Communities work towards formal, State-level recognition of volunteering activities, as this was found to be a key driver in encouraging young people to volunteer.

Like volunteering, unpaid work has the potential to provide young people with valuable skills and work experience in a formal work environment. During the course of the inquiry, the Committee found that young people were undertaking unpaid work in increasing numbers, and it was concerned to learn that there was a lack of clear guidelines about what constitutes legitimate and lawful unpaid work.

It was the Committee's unanimous view that unpaid work should primarily benefit the person undertaking the placement and that young peoples' rights should be protected when undertaking unpaid work. To this effect, the Committee has made a series of recommendations that are aimed at ensuring that unpaid work opportunities for young people are both beneficial and safe. Included in the Committee's recommendations are the development of a code of practice and a complementary best practice guide for internships and other forms of unpaid work, as well as measures to educate young people about their rights in the workplace.

It should be noted, that while the Committee has directed its recommendations to the Commission for Children and Young People, in line with the Committee's establishing terms of reference, the recommendations will apply equally to the Office of the Advocate for Children and Young People once that agency has been established to replace the Commission.

I would like to thank my fellow Committee members for their invaluable input and hard work in conducting the inquiry and preparing the final report. I would also like to thank Committee staff for their support and assistance throughout the inquiry process.



Mark Coure, MP
Chair

Executive Summary

Key issues

The Committee examined a number of key issues related to the broad topic of volunteering and unpaid work placements, their impacts on young people, and measures to ensure that young peoples' experiences of volunteering and unpaid work are safe and beneficial. The key issues have been grouped in the report under the following headings:

- Volunteering among young people
- Promoting and supporting volunteering for young people
- Unpaid work placements
- Supporting legitimate, safe and beneficial unpaid work placements

Volunteering among young people

The Committee examined inquiry evidence on the NSW Government's recent actions to promote and support volunteering among children and young people, focussing in particular on the measures contained in the NSW Volunteering Strategy. The Committee also heard evidence from organisations such as the Centre for Volunteering, Career Links, the NSW State Emergency Service and the NSW Rural Fire Service on the work that they are doing to promote and support young peoples' volunteering. The Committee was encouraged by the good work being done in the Government and non-Government sectors, but was concerned to hear evidence regarding funding cuts to certain programs that support youth volunteering. For this reason the Committee recommended that the Commission for Children and Young People (the Commission), in its forward work program, works with NSW Education and Communities to review Government funding for youth programs in NSW.

The Committee also considered best practice in other jurisdictions to promote and support volunteering among young people, noting in particular the widespread use of service learning in the USA and the UK Government's 'Step up to Serve' program. In considering these initiatives, the Committee suggested that the Commission, NSW Education and Communities and other relevant agencies note best practice in other jurisdictions when developing policies to support young peoples' volunteering.

Promoting and supporting volunteering for young people

The Committee heard evidence on measures to promote volunteering to young people, including increasing awareness of volunteering opportunities among young people, formal recognition of students' volunteering, and academic rewards for volunteering. The Committee considered that formal recognition of young peoples' volunteering was an important means of acknowledging the individual efforts of volunteers, raising the profile of volunteering and encouraging a sustained commitment to volunteering among young people. The Committee

noted evidence from inquiry contributors which suggested that the Premier's Student Volunteering Awards program was effective in achieving these objectives and noted also that the program was discontinued in 2012. Accordingly, the Committee recommended that the Commission works with the Minister for Citizenship and Communities to consider State-level recognition of school student volunteering, and to promote volunteering to young people, for example, through reinstating the Premier's Student Volunteering Awards program.

The Committee also found that programs that provide academic recognition of students' volunteering would provide young people with an incentive to volunteer. The Committee considered that a broad definition of volunteering should be adopted when developing such a program, so as not to disadvantage students who have domestic, family and community responsibilities that may preclude them from doing traditional volunteer work. The Committee therefore recommended that the Commission works with NSW Education and Communities to consider schemes that recognise young peoples' volunteer work, with consideration being given to the definition of volunteering to ensure that young people with personal commitments are not unfairly excluded.

The Committee considered measures that are already in place, as well as suggestions for additional measures to support young peoples' participation in volunteering activities. The Committee heard that young volunteers should be provided with appropriate financial assistance for volunteering activities, and that young volunteers from rural and remote areas would benefit from the development of local volunteering opportunities (e.g. through schools and public libraries). Further, the Committee heard that young people from refugee and migrant backgrounds could be supported in volunteering by relevant agencies and volunteer organisations engaging with parents and community leaders about the volunteering opportunities that exist and the benefits to their children of participation.

The Committee acknowledged the good work already being done to support young peoples' volunteering and concluded that it is important to address the financial and other barriers that prevent young people from accessing volunteering opportunities. The Committee noted that the barriers to volunteering can be particularly acute for disadvantaged and at-risk young people, young people from culturally diverse backgrounds, and young people living in regional and remote areas. Consequently, the Committee recommended that the Commission develops a strategy, in consultation with young people from Aboriginal and Torres Strait Islander and non-English speaking backgrounds, geographically and socially isolated young people, and disadvantaged and at-risk young people, to assist them to engage in volunteering activities. The Committee further recommended that the Commission, in conjunction with NSW Family and Community Services, and in consultation with other relevant NSW Government agencies, considers a scheme to assist young people with meeting the costs of volunteering activities, including the provision of free or discounted public transport to and from volunteering commitments.

The Committee heard from inquiry contributors about existing measures to support organisations in developing volunteering opportunities for young people. Outside of some notable exceptions described by the Centre for Volunteering and the NSW State Emergency

Service, the Committee found that there was not a great deal of support or guidance for organisations seeking to develop volunteering opportunities that are suitable for young people. For this reason, the Committee recommended that the Commission works with NSW Family and Community Services to develop a best practice guide for organisations in developing volunteering opportunities for young people, in consultation with key stakeholders.

The Committee considered the role of the Commission and the Office of the Children's Guardian (OCG) in supporting and promoting best practice in volunteering for young people and noted in particular the Commission's work assisting organisations to develop youth volunteering programs and the OCG's Child Safe Organisations training to promote and support safe and beneficial volunteering opportunities for young people.

Unpaid work placements

The Committee considered the increasing prevalence of unpaid work, such as internships, among young people in NSW, and heard that it was difficult to quantify accurate numbers of young people undertaking unpaid work due to the absence of statistical data. The Committee then examined the factors that make unpaid arrangements and vocational arrangements legitimate under the *Fair Work Act*, and heard evidence on the impacts of unethical and unlawful unpaid work placements on young people and the wider work force. Inquiry contributors suggested that there was a lack of regulatory oversight of internships and other forms of unpaid work, and that the increasing prevalence of unpaid work resulted in the reduction of paid entry level positions for young people, increased rates of unemployment or casual employment for young people, and young people who do not have the financial support to undertake unpaid work being disadvantaged. While acknowledging that legitimate and lawful unpaid work is an effective means of exposing young people to the workforce and providing them with valuable work experience, the Committee agreed with inquiry contributors that the increasing prevalence of unlawful and unregulated unpaid work has the potential to negatively impact young peoples' employment opportunities and expose them to the risk of exploitation in the workplace. For these reasons the Committee recommended that the Commission works with NSW Industrial Relations, in consultation with key stakeholders, to develop a code of practice for internships and other forms of unpaid work. In addition, the Committee recommended that the Commission works with NSW Industrial Relations, in consultation with key stakeholders, to develop a best practice guide for internships and other forms of unpaid work, and promotes the guide to workplaces and young people. Further, the Committee acknowledged the difficulties with developing specific policies related to the prevalence and impacts of unpaid work on young people due to the lack of current and reliable data. Accordingly, the Committee recommended that the Commission, as part of its Three Year Strategic Plan, conducts research into the prevalence and composition of internships and other forms of unpaid work in NSW and its impacts on young people.

Supporting legitimate, safe and beneficial unpaid work placements

In examining measures to support legitimate, safe and beneficial unpaid work, the Committee heard that the size of the internship broker sector in Australia has increased significantly in

recent years. Though it noted evidence which described internship brokers as an important 'intermediary' between organisations and interns, the Committee was concerned to hear about the apparent lack of regulation of the internship broker sector. For this reason, the Committee recommended that the Commission works with NSW Industrial Relations, in consultation with key stakeholders, to conduct a review of the regulations that apply to the internship broker sector, to inform the development of clear guidelines for the sector.

The Committee also heard evidence that, due to there being no exception for vocational work placements in NSW industrial relations legislation, NSW Government agencies and local councils are currently vulnerable to claims that unpaid vocational placements are, in fact, remunerable employment arrangements. Accordingly, the Committee recommended that the Commission works with NSW Industrial Relations, in consultation with key stakeholders, to develop an amendment to the *Industrial Relations Act 1996* to include an exception for vocational placements.

Inquiry contributors stated that there was a need to provide both young people and employers with clear information about rights and responsibilities in the workplace. The Committee was concerned that young people may be more vulnerable to exploitation by employers due to a lack of knowledge of their workplace rights. For this reason, the Committee recommended that the Commission, in conjunction with NSW Industrial Relations and other key stakeholders, develops a campaign aimed at educating young people about their rights in the workplace.

The Committee noted the OCG's actions to support and promote best practice in unpaid work placements for young people, in particular, its work in developing information and resources for the purpose.

List of Recommendations

RECOMMENDATION 1 _____ 8

The Committee recommends that the Commission for Children and Young People, in its forward work program, works with NSW Education and Communities to review Government funding for youth programs in NSW.

RECOMMENDATION 2 _____ 13

The Committee recommends that the Commission for Children and Young People works with the Minister for Citizenship and Communities to consider State-level recognition of school student volunteering, and to promote volunteering to young people, for example, through reinstating the Premier's Student Volunteering Awards program.

RECOMMENDATION 3 _____ 14

The Committee recommends that the Commission for Children and Young People works with NSW Education and Communities to consider schemes that recognise young peoples' volunteer work, with consideration being given to the definition of volunteering to ensure that young people with personal commitments are not unfairly excluded.

RECOMMENDATION 4 _____ 16

The Committee recommends that the Commission for Children and Young People develops a strategy, in consultation with young people from Aboriginal and Torres Strait Islander and non-English speaking backgrounds, geographically and socially isolated young people, and disadvantaged and at-risk young people, to assist them to engage in volunteering activities.

RECOMMENDATION 5 _____ 16

The Committee recommends that the Commission for Children and Young People, in conjunction with NSW Family and Community Services, and in consultation with other relevant NSW Government agencies, considers a scheme to assist young people with meeting the costs of volunteering activities, including the provision of free or discounted public transport to and from volunteering commitments.

RECOMMENDATION 6 _____ 17

The Committee recommends that the Commission for Children and Young People works with NSW Family and Community Services to develop a best practice guide for organisations in developing volunteering opportunities for young people, in consultation with key stakeholders.

RECOMMENDATION 7 _____ 22

The Committee recommends that the Commission for Children and Young People works with NSW Industrial Relations, in consultation with key stakeholders, to develop a code of practice for internships and other forms of unpaid work.

RECOMMENDATION 8 _____ 23

The Committee recommends that the Commission for Children and Young People works with NSW Industrial Relations, in consultation with key stakeholders, to develop a best practice guide for internships and other forms of unpaid work, and promotes the guide to workplaces and young people.

RECOMMENDATION 9 _____ 24

The Committee recommends that the Commission for Children and Young People, as part of its Three Year Strategic Plan, conducts research into the prevalence and composition of internships and other forms of unpaid work in NSW and its impacts on young people.

RECOMMENDATION 10 _____ 27

The Committee recommends that the Commission for Children and Young People works with NSW Industrial Relations, in consultation with key stakeholders, to conduct a review of the regulations that apply to the internship broker sector, to inform the development of clear guidelines for the sector.

RECOMMENDATION 11 _____ 27

The Committee recommends that the Commission for Children and Young People works with NSW Industrial Relations, in consultation with key stakeholders, to develop an amendment to the *Industrial Relations Act 1996* to include an exception for vocational placements.

RECOMMENDATION 12 _____ 28

The Committee recommends that the Commission for Children and Young People, in conjunction with NSW Industrial Relations and other key stakeholders, develops a campaign aimed at educating young people about their rights in the workplace.

Chapter One – Introduction

- 1.1 This chapter provides an overview of the inquiry process and the structure of the report as well as a brief description of the recognised benefits of volunteering and unpaid work to young people.

CONDUCT OF THE INQUIRY

- 1.2 On 14 November 2013, the Committee on Children and Young People (the Committee) resolved to conduct an inquiry into volunteering and unpaid work placements among children and young people in NSW. The full terms of reference are set out at page iv of this report.
- 1.3 Contributors to the inquiry provided evidence by way of written submissions, oral evidence taken at two public hearings, and written answers to questions arising from the hearings.

Submissions

- 1.4 The Committee determined the closing date for public submissions to be 31 January 2014.
- 1.5 The Committee called for submissions by advertising in the *Sydney Morning Herald* on 11 December 2013, and by advertising in the following regional newspapers from 13 to 18 January 2014:
- *Barrier Daily Truth*
 - *Ballina Shire Advocate*
 - *Coffs Coast Advocate*
 - *Dubbo Daily Liberal*
 - *Goulburn Post*
 - *Illawarra Mercury*
 - *Newcastle Herald*
 - *Northern Daily Leader*
 - *South Coast Register*
 - *Wagga Daily Advertiser*
- 1.6 The Committee issued a media release on 16 December 2013 and wrote to key stakeholders on 16 December 2013 and 24 January 2014 announcing the inquiry and inviting submissions.

- 1.7 The Committee subsequently resolved to extend the closing date for submissions until 1 May 2014 and notified inquiry stakeholders via a media release issued on 8 April 2014.
- 1.8 The Committee received 23 submissions from a range of authors, including government agencies, volunteer and community organisations, youth advocacy organisations and private individuals. A full list of submissions can be found at Appendix One. Submissions published by the Committee can be accessed at the Committee's webpage: <www.parliament.nsw.gov.au/children>.

Public hearings

- 1.9 The Committee held two public hearings at Parliament House on 20 June 2014 and 11 August 2014. Evidence was taken from 19 witnesses. A full list of the witnesses who appeared before the Committee can be found at Appendix Two. The transcript of evidence can be accessed at the Committee's webpage: <www.parliament.nsw.gov.au/children>.

Social media

- 1.10 The Committee trialled the use of social media to promote the inquiry, with the aim of reaching young stakeholders and obtaining their views. To do this, the Committee posted inquiry information on the NSW Legislative Council's Twitter account on 8 April 2014, and on the NSW Parliament's Facebook page on 7 August 2014 and 10 September 2014.

STRUCTURE OF THE REPORT

- 1.11 The report is structured to reflect the inquiry's terms of reference and summarises the evidence under the following headings:
- Volunteering among young people
 - Promoting and supporting volunteering for young people
 - Unpaid work placements
 - Supporting legitimate, safe and beneficial unpaid work placements

BENEFITS OF VOLUNTEERING AND LEGITIMATE UNPAID WORK OPPORTUNITIES TO YOUNG PEOPLE AND ORGANISATIONS

- 1.12 The Committee heard a range of evidence to the inquiry in relation to the benefits of volunteering and unpaid work to both young people and to the organisations that engage them.
- 1.13 Volunteering and unpaid work provides young people with the opportunity to gain experience in the workforce and develop new skills and knowledge, which in turn contributes to job and career prospects. NSW Education and Communities and Guide Dogs Australia submitted that volunteering can lead to significant

personal benefits, such as a sense of achievement, better physical and mental health and wellbeing, and longer life.¹

- 1.14 The Committee also heard that volunteering and unpaid work provides young people with opportunities to connect to, and better understand the communities in which they live and to develop supportive networks within those communities. The Multicultural Youth Affairs Network and Youth Action submitted that volunteering can promote social inclusion by, for example, providing young people from culturally diverse backgrounds with the chance to mix with young people from outside their own cultural groups, and by helping them to develop a sense of belonging and commitment to the wider community. In addition, the Committee heard that volunteering can also promote positive perceptions of young people in the community.²
- 1.15 Interns Australia submitted that in the right circumstances, unpaid internships can be a worthwhile tool for furthering the education of young people, providing them with experience in their chosen industry, and building the capacity of the workforce.³
- 1.16 The Australian Internship Industry Association submitted that unpaid work provides young people with exposure to the workplace, and allows them to experience common workplace activities such as meetings.⁴ Ms Sally Barker submitted that her internship in the media industry provided her with the opportunity to have a ‘commitment free trial’ of a job, priceless knowledge, experience and exposure, and the opportunity to be published.⁵

¹ Submission 13, NSW Education and Communities, pp. 2-4 and Submission 3, Guide Dogs Australia, p. 2.

² Mr A Cummings, Project Manager, Multicultural Youth Affairs Network, Transcript of evidence, 20 June 2014, p. 33; and Submission 11, Youth Action, p. 1.

³ Submission 12, Internships Australia, p. 4.

⁴ Submission 20, Australian Internship Industry Association, p. 3.

⁵ Submission 17, Ms S Barker, p. 1.

COMMITTEE ON CHILDREN AND YOUNG PEOPLE
INTRODUCTION

Chapter Two – Volunteering among young people

INTRODUCTION

2.1 This chapter provides an overview of the NSW Government's (the Government) current measures to promote and support volunteering among children and young people, focussing particularly on the Government's NSW Volunteering Strategy. The chapter then discusses measures that have been put in place by volunteer organisations and other relevant agencies to promote and support young peoples' volunteering and concludes with a discussion of best practice in other jurisdictions to support safe and beneficial volunteering opportunities for young people.

EXISTING GOVERNMENT MEASURES TO PROMOTE AND SUPPORT VOLUNTEERING AMONG YOUNG PEOPLE

2.2 Numerous contributors to the inquiry discussed the measures that have been put in place by the Government to promote and support volunteering among young people. Many of the Government's actions to promote volunteering stem from its 10-year plan to guide policy making and deliver on community priorities, "NSW 2021 – A plan to make NSW number 1" (NSW 2021).⁶

2.3 Goal 24 of NSW 2021 is to make it easier for people to be involved in their communities. One of the targets under this goal is to increase the proportion of the NSW population involved in volunteering to exceed the national average by 2016. Actions to meet this target include developing and implementing the NSW Volunteering Strategy (the Volunteering Strategy).⁷

2.4 In May 2012, the Minister for Citizenship and Communities launched the Volunteering Strategy. The strategy includes initiatives that will be delivered over four years to 2015/16. NSW Education and Communities submitted that the strategy focuses on:

- making it easier to volunteer;
- broadening the volunteer base;
- volunteering as a pathway to employment;
- improving recognition and support for workplace volunteering; and
- valuing volunteers and celebrating their contributions.⁸

⁶ NSW Government, NSW 2021 – A plan to make NSW number one, NSW.gov.au, viewed 7 November 2014: <http://www.2021.nsw.gov.au/sites/default/files/NSW2021_WEB%20VERSION.pdf>.

⁷ NSW Government, NSW 2021 – A plan to make NSW number one, NSW.gov.au, viewed 7 November 2014: <http://www.2021.nsw.gov.au/sites/default/files/NSW2021_WEB%20VERSION.pdf>.

⁸ Submission 13, NSW Education and Communities, p. 2.

- 2.5 The Commission for Children and Young People (the Commission) noted the measures contained in the Volunteering Strategy that are specifically targeted towards encouraging young people to volunteer. These include:
- launching an annual competition for students to develop a media campaign aimed at increasing volunteering;
 - encouraging young people and employers to recognise the value of skills acquired through volunteering;
 - helping young people to demonstrate evidence of their community participation to future employers;
 - identifying opportunities to raise the profile of National Volunteer Week in NSW, particularly among key population groups such as young people;
 - initiatives around fostering cultural diversity and increasing volunteering among Aboriginal people;
 - using digital media and technology;
 - promoting new forms of volunteering; and
 - partnering with universities on a five year research plan which may impact on youth.⁹
- 2.6 The Commission stated that by developing and implementing the Volunteering Strategy, the Government has recognised that volunteering not only benefits recipients of services, but provides valuable mentoring and work experience for volunteers, along with personal fulfilment.¹⁰
- 2.7 NSW Education and Communities submitted that numerous school-based Government measures were also in place to promote and support volunteering among young people. The Department provided the example of student volunteering programs that operate in a number of public schools, which, it stated, contributed to building harmonious communities, increasing volunteer numbers, and providing opportunities to engage students with 'real-life' applications for their learning.¹¹
- 2.8 The Department also referred to its development and implementation of a Student Volunteering and Service Learning web portal, which provides access to downloadable tools for stimulating ideas and discussion about student volunteering, and enabling students and school coordinators to record their volunteering activities.¹²

⁹ Submission 22, NSW Commission for Children and Young People, p. 5.

¹⁰ Submission 22, NSW Commission for Children and Young People, p. 5.

¹¹ Submission 13, NSW Education and Communities, p. 3.

¹² Submission 13, NSW Education and Communities, p. 3.

- 2.9 NSW Education and Communities submitted that, as of the last recorded data (2012), some 6,258 students from across 301 participating schools in NSW were actively logging their volunteering activities through the web portal.¹³

EXISTING MEASURES BY VOLUNTEER ORGANISATIONS AND OTHER AGENCIES TO PROMOTE AND SUPPORT VOLUNTEERING AMONG YOUNG PEOPLE

- 2.10 The Committee heard from a number of organisations that provide services to young people looking to undertake volunteer work, and to organisations looking to engage volunteers.
- 2.11 The Centre for Volunteering (the Centre) stated that it promotes and supports youth volunteering in NSW by connecting young people with volunteering opportunities through its Volunteer Referral Service, its work with not-for-profit organisations to encourage engagement with youth volunteers, and through its organisation of the Youth Volunteer of the Year Awards.¹⁴
- 2.12 The Centre noted that it had recently lost Government funding for its youth program and suggested that this had put significant pressure on its capacity to place and support young people in volunteer roles.¹⁵
- 2.13 Career Links submitted that it supports young peoples' volunteering through its Structured Workplace Learning program for students undertaking work placements, and by running the annual Community and Work Placement Awards.¹⁶
- 2.14 The NSW State Emergency Service (NSW SES) submitted that it developed and successfully implemented a Secondary Schools Cadet program in 2009, leading to increased interest in the NSW SES from young people.¹⁷
- 2.15 Similarly, the NSW Rural Fire Service (NSW RFS) stated that it is actively engaging young people in volunteering through its School Cadets, Junior Member, Cadet Brigade and Youth Development programs.¹⁸

Committee comment

- 2.16 The Committee notes the good work of organisations such as the Centre for Volunteering, Career Links, the NSW SES and the NSW RFS in promoting, supporting and engaging with young people about volunteering.
- 2.17 The Committee acknowledges that the Government has made promoting and supporting volunteering among young people a priority, as evidenced by its inclusion in the NSW Volunteering Strategy. The Committee further

¹³ Submission 13, NSW Education and Communities, p. 3.

¹⁴ Submission 8, Centre for Volunteering, pp. 3-5.

¹¹ Submission 8, Centre for Volunteering, pp. 3.

¹⁶ Submission 7, Career Links, pp. 1-1.

¹⁷ Submission 21, NSW State Emergency Service, p. 1.

¹⁸ Submission 9, NSW Rural Fire Service, pp. 6-8.

acknowledges the good work of government agencies such as NSW Education and Communities in supporting the measures under the strategy.

- 2.18 The Committee was, however, concerned to hear evidence from the Centre for Volunteering regarding the cuts to Government funding for programs to develop and promote volunteering opportunities for young people.
- 2.19 For this reason the Committee recommends that the Commission, in its forward work program, works with NSW Education and Communities to review Government funding for youth programs in NSW.

RECOMMENDATION 1

The Committee recommends that the Commission for Children and Young People, in its forward work program, works with NSW Education and Communities to review Government funding for youth programs in NSW.

BEST PRACTICE IN OTHER JURISDICTIONS TO SUPPORT AND PROMOTE SAFE AND BENEFICIAL VOLUNTEERING OPPORTUNITIES FOR YOUNG PEOPLE

- 2.20 NSW Education and Communities provided evidence about measures to promote volunteering in other jurisdictions, including in the USA, where service-learning is widely utilised in schools across the country. The evidence indicated that service-learning yields significant positive impacts on students' academic engagement, civic engagement and social-emotional development, and is strongly linked to academic engagement and school attendance. The Department also submitted that Germany and other EU countries have replaced compulsory military service with voluntary community action.¹⁹
- 2.21 The Office of the Children's Guardian (OCG) made reference to the United Kingdom's 'Step up to Serve' campaign, which is billed as a national program 'to inspire a generation of young people' through increasing the quality, quantity and frequency of social action for all young people aged between 10 and 20. In addition, the OCG noted that in Scotland and Canada 'social action' is established in school curriculums to support high levels of student engagement with volunteering. For example, in Ontario high school students must complete 40 hours of service to graduate.²⁰
- 2.22 The OCG also stated that a number of organisations in the UK and Australia have set up youth-friendly websites to link young people with a diverse range of projects to engage with as volunteers. Further, the OCG considered that organisations, such as vInspired in the UK, also provide good models for meaningful engagement of young people as volunteers, with a stepped approach which leads to work.²¹

¹⁹ Submission 13, NSW Education and Communities, p. 6.

²⁰ Office of the Children's Guardian, Response to additional questions, 1 October 2014, question 1, p. 1.

²¹ Office of the Children's Guardian, Response to additional questions, 1 October 2014, question 1, p. 2.

Committee comment

- 2.23 The Committee notes the best practice in other jurisdictions to promote and support volunteering among young people, in particular the UK Government's 'Step up to Serve' program.
- 2.24 The Committee suggests that NSW Education and Communities and other relevant agencies note the best practice in other jurisdictions when developing local policies and programs to promote and support young peoples' volunteering.

COMMITTEE ON CHILDREN AND YOUNG PEOPLE
VOLUNTEERING AMONG YOUNG PEOPLE

Chapter Three – Promoting and supporting volunteering for young people

INTRODUCTION

- 3.1 This chapter discusses measures to promote and support volunteering among young people. The chapter then considers measures to support organisations in developing volunteering opportunities for young people and concludes with a discussion of the role of the Commission for Children and Young People (the Commission) and the Office of the Children’s Guardian (OCG) in promoting best practice in volunteering for young people.

MEASURES TO PROMOTE VOLUNTEERING TO YOUNG PEOPLE

- 3.2 The Committee heard evidence from inquiry participants on measures to promote volunteering to young people. These included:
- increasing awareness of volunteering opportunities among young people;
 - formal recognition of students’ volunteering; and
 - academic rewards for volunteering.

Increasing awareness of volunteering opportunities

- 3.3 A common theme in the evidence was that many young people were not aware of the volunteering options available to them. The NSW State Emergency Service (NSW SES) suggested that measures to increase awareness of volunteering opportunities among young people may include providing information to school career advisors and youth workers, or developing a dedicated youth volunteering website targeted to young people.²²
- 3.4 The Centre for Volunteering recommended that measures such as an education program or a DVD providing introductory information about volunteering should be developed for NSW schools.²³

Formal recognition of students’ volunteering

- 3.5 NSW Education and Communities submitted that the Premier’s Student Volunteering Awards, which were discontinued in 2012 and replaced with school-level awards, had provided State-level recognition of volunteering among year 9 and 10 students in NSW schools. Prior to the program being discontinued, 22,000 students had received an award.²⁴
- 3.6 The NSW Youth Advisory Council (the Council) stated that recognition of young peoples’ volunteering is fundamental to encouraging participation and sustained

²² NSW State Emergency Service, Response to questions on notice and additional questions, 9 October 2014, question 1, p. 3.

²³ Submission 8, Centre for Volunteering, p. 8.

²⁴ Submission 17, NSW Youth Advisory Council, pp. 1-2.

commitment. The Council submitted that State-level recognition of these efforts, through the Premier's Student Volunteering Awards, should therefore be reintroduced.²⁵ The Council also identified certificates of recognition as an additional incentive to young people to volunteer.²⁶

Academic rewards

- 3.7 The Council advised that a number of universities have popular volunteering programs that are recognised on students' Academic Higher Education Graduate Statement. Due to the current highly competitive job market, the Council suggested that this is a strong incentive for students to volunteer.²⁷ Inquiry contributors suggested that this incentive could be extended to high school students through the ATAR system.
- 3.8 The ATAR is a rank that allows students who have completed different combinations of Higher School Certificate courses to be compared. It is calculated for institutions to select school leavers for admission to tertiary courses. Other selection criteria may be used in conjunction with the ATAR.²⁸ Universities may offer bonus ATAR points to students for a range of reasons, for example, where they live.²⁹
- 3.9 The Council recommended that high school students' volunteering could be recognised by providing a bonus ATAR point to students with a strong track record of volunteering. According to the Council, this would act as an incentive for students seeking to undertake tertiary studies to participate in their community through volunteering, as opposed to focusing solely on studying for the Higher School Certificate:
- Different universities offer ATAR bonus points to students for a range of reasons, including where they live and the subjects they undertook at high school. Council members support the argument that participation in the community is a strong indicator of capacity to engage with a subject and with other students. They feel the high school students' volunteering in their community should be recognised by offering an additional bonus point to students with a strong track record in volunteering. This would act as a strong incentive to students attempting to get into university to broaden their focus from just studying for the Higher School Certificate and participate in their community through volunteering.³⁰
- 3.10 The Council also noted concerns about equity in providing incentives of this kind, due to the potential for exclusion of groups of young people who are unable to undertake formal volunteering due to family or personal commitments, for example, young people with carer responsibilities. The Council members suggested that a broad definition of volunteering should be adopted in order to ensure that these groups are not disadvantaged by incentive programs.³¹ The

²⁵ Submission 17, NSW Youth Advisory Council, p. 2.

²⁶ NSW Youth Advisory Council, Response to additional questions, 18 July 2014, question 1, p. 2.

²⁷ Submission 17, NSW Youth Advisory Council, p. 5.

²⁸ University Admissions Centre website, viewed 28 October 2014: <<http://www.uac.edu.au/undergraduate/atar/>>.

²⁹ Submission 17, NSW Youth Advisory Council, p. 4.

³⁰ Submission 17, NSW Youth Advisory Council, p. 4.

³¹ Submission 17, NSW Youth Advisory Council, p. 3.

Council submitted that the definition of volunteering could also encompass online activities, such as maintaining a website or a Facebook page for a charity.³²

Committee comment

- 3.11 The Committee recognises the importance of promoting volunteering to young people. The Committee notes that recognition of volunteer work through measures such as awards highlights and acknowledges the efforts of individual volunteers, raises the profile of volunteering, and encourages a sustained commitment to volunteering from young people.
- 3.12 The Committee understands that certificates of recognition can be included in a young person's portfolio and may assist them in securing a job, making them good incentives for young people to volunteer.
- 3.13 Accordingly, the Committee recommends that the Commission works with the Minister for Citizenship and Communities to consider State-level recognition of school student volunteering, and to promote volunteering to young people, for example, through reinstating the Premier's Student Volunteering Awards program.

RECOMMENDATION 2

The Committee recommends that the Commission for Children and Young People works with the Minister for Citizenship and Communities to consider State-level recognition of school student volunteering, and to promote volunteering to young people, for example, through reinstating the Premier's Student Volunteering Awards program.

Committee comment

- 3.14 The Committee also considers that programs that provide academic recognition of students' volunteering will be effective in encouraging young people to participate in volunteering activities throughout their school lives and into the future. However, the Committee sees the importance of adopting a broad definition of volunteering which encompasses many different types of contributions.
- 3.15 The Committee believes that a narrow definition of volunteering may unfairly exclude young people who have domestic, family and community responsibilities which may preclude them from undertaking traditional volunteer work and place them at a disadvantage.
- 3.16 The Committee therefore recommends that the Commission works with NSW Education and Communities to consider schemes that recognise young peoples' volunteer work. For example, this may be recognised through additional points for students' ATAR and RoSA (Record of School Achievement), with consideration being given to the definition of volunteering to ensure that young people with personal commitments are not unfairly excluded.

³² NSW Youth Advisory Council, Response to additional questions, 18 July 2014, question 1, p. 1.

RECOMMENDATION 3

The Committee recommends that the Commission for Children and Young People works with NSW Education and Communities to consider schemes that recognise young peoples' volunteer work, with consideration being given to the definition of volunteering to ensure that young people with personal commitments are not unfairly excluded.

MEASURES TO SUPPORT YOUNG PEOPLE IN VOLUNTEERING

- 3.17 The Committee heard evidence on measures that are already in place, as well as suggestions for additional measures to support young peoples' participation in volunteering activities.
- 3.18 In relation to existing measures to support young peoples' volunteering, the Centre for Volunteering (the Centre) submitted that it provides a Volunteer Referral Service that links school students to volunteering opportunities. In order to ensure a good match, the Centre conducts interviews with students to discuss their motivations, skills and interests, and then identifies the volunteering opportunities that will best suit them.³³
- 3.19 The Centre stated that it also provides an 'Introduction to Volunteering' seminar series to students to promote awareness among young people about volunteering opportunities.³⁴ The Centre said that students' feedback indicated that the seminars were informative, engaging and interesting, and that they gave them an understanding of the positive impact that volunteering can have.³⁵
- 3.20 The NSW SES suggested that financial support to young volunteers is an important means of ensuring that all young people who wish to volunteer are able to do so. The organisation submitted that the requirements of a volunteering placement should not come at a cost to the volunteer, for example, if a volunteer is required to wear a uniform or use particular equipment, and that the expectation for volunteers to contribute monetarily can be a barrier to participation.³⁶
- 3.21 The Committee also heard evidence about measures that could be implemented to support young people living in rural or remote areas and young people from migrant or refugee backgrounds in volunteering.
- 3.22 The Council submitted that, where possible, local volunteering opportunities should be developed, for example, in local schools or community organisations such as public libraries, so that young people are not required to travel outside their local communities to volunteer.³⁷

³³ Submission 8, Centre for Volunteering, p. 3.

³⁴ Submission 8, Centre for Volunteering, p. 4.

³⁵ Centre for Volunteering, Response to questions on notice and additional questions, 17 July 2014, pp. 1-2.

³⁶ NSW State Emergency Service, Response to questions on notice and additional questions, 9 October 2014, question 1, p. 3.

³⁷ NSW Youth Advisory Council, Response to additional questions, 18 July 2014, question 1, p. 1.

- 3.23 The Council advised that the cost of transport to and from volunteering placements can also be prohibitive to young peoples' volunteering, particularly for young people from rural and regional areas.³⁸ This was corroborated by the Commission and NSW Volunteering, who submitted that young people living in rural or remote areas face more acute barriers to volunteering, including higher travel costs and lack of public transport.³⁹
- 3.24 The Multicultural Youth Affairs Network (MYAN) stated that young people from refugee and migrant backgrounds could be supported in volunteering by relevant agencies and volunteer organisations communicating with their parents and community leaders about the wide range of volunteering opportunities that are available and how these might benefit their children. According to MYAN, there is a misconception that volunteering takes time from young peoples' focus on their studies or getting a job. MYAN stated that community education would help families from refugee and migrant backgrounds to understand that volunteering assists young people to develop a range of skills that contribute to their employability and personal wellbeing.⁴⁰

Committee comment

- 3.25 The Committee acknowledges the importance of matching young volunteers with opportunities that suit their motivations, skills and interests in order to ensure an ongoing commitment to volunteering.
- 3.26 The Committee recognises that in order to support young people to be able to volunteer, it is important to ensure that there are no barriers, financial or otherwise, preventing them from accessing volunteering opportunities.
- 3.27 The Committee notes that this can be a particular issue for disadvantaged and at-risk young people, young people from culturally diverse backgrounds, and young people living in regional and remote areas, as they may not have easy access to local volunteering opportunities.
- 3.28 For this reason the Committee recommends that the Commission develops a strategy, in consultation with young people from Aboriginal and Torres Strait Islander and non-English speaking backgrounds, geographically and socially isolated young people, and disadvantaged and at-risk young people to assist them to engage in volunteering activities.
- 3.29 The Committee further recommends the Commission, in conjunction with NSW Family and Community Services, and in consultation with other relevant NSW Government agencies, considers a scheme to assist young people with meeting the costs of volunteering activities, including the provision of free or discounted public transport to and from volunteering commitments.

³⁸ NSW Youth Advisory Council, Response to additional questions, 18 July 2014, question 1, p. 2.

³⁹ Mr S Watts, Director, NSW Volunteering, Office of Communities, NSW Education and Communities, Transcript of evidence, 20 June 2014, p. 3; and Ms J Plummer, Senior Policy Officer, Commission for Children and Young People, Transcript of evidence, 20 June 2014, p. 26.

⁴⁰ Mr A Cummings, Project Manager, Multicultural Youth Affairs Network, Transcript of evidence, 20 June 2014, p. 35.

RECOMMENDATION 4

The Committee recommends that the Commission for Children and Young People develops a strategy, in consultation with young people from Aboriginal and Torres Strait Islander and non-English speaking backgrounds, geographically and socially isolated young people, and disadvantaged and at-risk young people, to assist them to engage in volunteering activities.

RECOMMENDATION 5

The Committee recommends that the Commission for Children and Young People, in conjunction with NSW Family and Community Services, and in consultation with other relevant NSW Government agencies, considers a scheme to assist young people with meeting the costs of volunteering activities, including the provision of free or discounted public transport to and from volunteering commitments.

MEASURES TO SUPPORT ORGANISATIONS IN DEVELOPING VOLUNTEERING OPPORTUNITIES FOR YOUNG PEOPLE

3.30 The Centre stated that it provides training and workshops for organisations that engage volunteers through its School of Volunteer Management. The Centre also organises regular events for not-for-profit organisations to support them to develop positive, safe and meaningful volunteering opportunities.⁴¹

3.31 The NSW SES submitted that the NSW Government provides them with funding to run a cadet program to attract young volunteers. The cadet program is a short course, run in schools by other volunteers:

The cadet program was and still is funded by the State Government. It uses volunteers to deliver the program in schools. It is a short course and it stimulated the [NSW] SES to think about other areas of youth engagement. It has been a catalyst for the organisation to look at attracting young people into volunteering.⁴²

Committee comment

3.32 The Committee understands that organisations may be uncertain about engaging young people as volunteers and encourages the continuation of services such as those provided by the Centre to support organisations in developing volunteering opportunities for young people.

3.33 The Committee notes that there does not appear to be a lot of support or guidance available for organisations to develop volunteering opportunities that are suitable for young people.

3.34 The Committee is of the view that organisations should be assisted in developing safe and beneficial volunteering opportunities for young people, and for this reason recommends that the Commission works with NSW Family and Community Services to develop a best practice guide for organisations in

⁴¹ Submission 8, Centre for Volunteering, p. 3.

⁴² Mr T Burns, State Coordinator, Youth Engagement, NSW State Emergency Service, Transcript of evidence, 11 August 2014, p. 23.

developing volunteering opportunities for young people, in consultation with key stakeholders.

RECOMMENDATION 6

The Committee recommends that the Commission for Children and Young People works with NSW Family and Community Services to develop a best practice guide for organisations in developing volunteering opportunities for young people, in consultation with key stakeholders.

THE ROLE OF THE COMMISSION FOR CHILDREN AND YOUNG PEOPLE AND THE OFFICE OF THE CHILDREN'S GUARDIAN IN SUPPORTING AND PROMOTING BEST PRACTICE IN VOLUNTEERING FOR YOUNG PEOPLE

- 3.35 The Commission promotes and monitors the overall safety, welfare and wellbeing of children and young people in NSW. The Commission was established in 1999 as an independent statutory authority within Government under the *Commission for Children and Young People Act 1998*.⁴³
- 3.36 The Commission submitted that its role in supporting and promoting safe volunteering opportunities is provided for in its core functions namely: promoting the overall safety, welfare and wellbeing of children and young people in the community, promoting the participation of children in the making of decisions that affect their lives and encouraging Government and non-government agencies to seek the participation of children appropriate to their age and maturity.⁴⁴
- 3.37 The NSW RFS and the NSW SES submitted that the Commission has assisted them in developing youth programs and also provided advice on proposed activities for young people.⁴⁵ The NSW SES stated that the Commission could assist agencies to identify and overcome barriers that exist in relation to engaging young people in volunteering.⁴⁶
- 3.38 The Children's Guardian was established under the *NSW Children and Young Persons (Care and Protection) Act 1998* as a statutory office that reports directly to the Minister for Family and Community Services and to Parliament. On 17 May 2013, the Office of the Children's Guardian (OCG) was established as a separate Division of the Government Service to support the Children's Guardian in the exercise of her functions.⁴⁷
- 3.39 The OCG submitted that it supports safe volunteering opportunities and unpaid work placements for young people by assisting organisations who are seeking to involve young people in their work to ensure that their organisations are 'child

⁴³ Submission 22, Commission for Children and Young People, p. 3.

⁴⁴ Submission 22, Commission for Children and Young People, p. 19.

⁴⁵ Mr T Burns, State Coordinator, Youth Engagement, NSW State Emergency Service, Transcript of evidence, 11 August 2014, p. 23; Submission 9, NSW Rural Fire Service, p. 10.

⁴⁶ NSW State Emergency Service, Response to questions on notice and additional questions, 9 October 2014, question 1, p. 4.

⁴⁷ Submission 23, Office of the Children's Guardian, p. 1.

safe'. The relevant functions of the Children's Guardian related to volunteering and unpaid work placements are the Working With Children Check, the Child Safe Organisations program and children's employment.⁴⁸

- 3.40 The OCG submitted that its Child Safe Organisations team has worked with a number of volunteer organisations, such as the NSW SES and the NSW RFS, to support and promote safe volunteering opportunities for young people within those organisations.⁴⁹
- 3.41 The Centre submitted that it often refers enquiries relating to youth volunteering and risk management to the Commission and the OCG, as they are well placed to support and promote safe volunteering opportunities for young people. The Centre stated that the Commission and the OCG encourage organisations to reflect on their practices and provide guidance in terms of child safety and wellbeing. The Centre has had discussions with the Commission and the OCG regarding how its own activities could be adapted to specifically target youth volunteering.⁵⁰

Committee comment

- 3.42 The Committee notes the good work of the Commission and the OCG in supporting and promoting best practice in volunteering for young people. In particular, the Committee acknowledges the Commission's work assisting organisations to develop youth volunteering programs and the OCG's Child Safe Organisations training to promote and support safe and beneficial volunteering opportunities for young people.

⁴⁸ Submission 23, Office of the Children's Guardian, pp. 2-3.

⁴⁹ Submission 23, Office of the Children's Guardian, p. 5.

⁵⁰ Centre for Volunteering, Response to questions on notice and additional questions, 17 July 2014, pp. 2-3.

Chapter Four – Unpaid work placements

INTRODUCTION

- 4.1 This chapter discusses the increasing prevalence of unpaid work in the Australian workforce. The chapter goes on to discuss what constitutes legitimate unpaid work and the impacts of unethical and unlawful unpaid work placements on young people and the wider workforce. The chapter concludes with a discussion of the need for an ongoing review of the prevalence and impacts of unpaid work placements on young people.

THE INCREASING PREVALENCE OF UNPAID WORK IN THE AUSTRALIAN WORKFORCE

- 4.2 The Fair Work Ombudsman's (FWO) report, *Experience or Exploitation: The nature, prevalence and regulation of unpaid work experience, internships and trial periods in Australia*, found that it is difficult to quantify the actual number of workers undertaking unpaid work. However, despite the lack of reliable statistics, there is reason to believe that unpaid work is becoming more common in Australia, and without proper regulation this trend can be expected to continue, as evidenced in other jurisdictions such as the USA⁵¹:

While definitive conclusions cannot be drawn in the absence of reliable statistics, the available evidence ... indicates that unpaid work exists on a scale substantial enough to warrant attention as a serious legal, practical and policy challenge in Australia.

The report concludes that significant numbers of workers, especially younger workers, are asked to undertake unpaid trials. This conclusion is supported by recent research and studies by others, including the YWLS [Young Workers Legal Service, South Australia] survey, anecdotal reports from individuals made in response to publicity about this project, information from FWO's investigative files and also reported cases. The indications from the available evidence are that while unpaid trials may be more common in some industries – such as hair and beauty, retail and hospitality – they are in fact to be found across a wide range of industries.⁵²

- 4.3 The FWO report states that unpaid internships have been a growth area in both Australia and internationally. The report notes growing concern about the practice of employers having prospective employees undertake unpaid trials and performing work that would ordinarily be done by paid employees while the employer determines their suitability.⁵³
- 4.4 Unions NSW submitted that there is very little concrete data available about how many young people are undertaking unpaid work, what organisations are engaging them and what kind of work they are doing. However, Unions NSW

⁵¹ A Stewart & R Owens, 2013, *Experience or Exploitation: The nature, prevalence and regulation of unpaid work experience, internships and trial periods in Australia* – Report for the Fair Work Ombudsman, pp. xi-xxv.

⁵² A Stewart & R Owens, 2013, *Experience or Exploitation: The nature, prevalence and regulation of unpaid work experience, internships and trial periods in Australia* – Report for the Fair Work Ombudsman, pp. xi-xii.

⁵³ A Stewart & R Owens, 2013, *Experience or Exploitation: The nature, prevalence and regulation of unpaid work experience, internships and trial periods in Australia* – Report for the Fair Work Ombudsman, p. 31.

stated that it had heard a great deal of anecdotal evidence that unpaid work is becoming a common experience for young people.⁵⁴

- 4.5 Professor Andrew Stewart and Professor Rosemary Owens, authors of the FWO report, submitted that without proper regulation, unpaid work can become part of an 'informal economy', leading to social exclusion for people who do not have the financial means to support themselves while undertaking lengthy periods of unpaid work.⁵⁵

WHAT CONSTITUTES LEGITIMATE UNPAID WORK?

- 4.6 The FWO's guidance about what constitutes legitimate unpaid arrangements and vocational arrangements under the *Fair Work Act 2009* (Fair Work Act) provides the following definitions for different types of unpaid work:

- **Unpaid internships and work experience.** These should: constitute mainly observation, rather than productive work; not run for long periods of time; not involve work that a normal employee would perform; not require the person to come to work or perform productive activities; and mostly benefit the person rather than the business or organisation.
- **Unpaid trials.** These are only appropriate when: they involve demonstrating a skill directly relevant to the job; they are only as long as necessary to demonstrate the job skill; and there is direct supervision for the whole trial.
- **Vocational (student) placements.** These are lawfully unpaid if: they are a requirement as part of an education or training course; and approval has been given for the placement by the education provider.⁵⁶

- 4.7 Like the FWO, Unions NSW submitted that in order to be lawful an internship must be a genuine work experience opportunity where the intern benefits by gaining knowledge and skills. Further, internships:

- should have a clear start and end date;
- should include mainly observational tasks;
- should ensure that any productive tasks are only undertaken as a learning opportunity; and
- should not involve performing work normally done by paid employees.

- 4.8 Unions NSW submitted that internships are unlawful when they require interns to conduct productive work with little or no learning outcomes, or where the employer will most likely benefit from the arrangement more than the intern.⁵⁷

⁵⁴ Submission 14, Unions NSW, p. 6.

⁵⁵ A Stewart & R Owens, Responses to additional questions, 20 October 2014, p. 4.

⁵⁶ Fair Work Ombudsman website, viewed 7 November 2014: <<http://www.fairwork.gov.au/about-us/news-and-media-releases/2014-media-releases/august-2014/20140812-interns-unpaid-work-update>>.

⁵⁷ Submission no 14, Unions NSW, pp. 6-7.

- 4.9 Interns Australia agreed with Unions NSW's view that a legitimate internship should be of greater benefit to the person undertaking it, rather than the employer. Interns Australia submitted that a good internship will contribute to an intern's prospects in a designated field and allow them to develop skills that will benefit them in their future career. Interns Australia further suggested that internships should provide opportunities for the intern to network within the industry and form contacts that could lead to employment within the field, and that an intern should be learning throughout their internship.⁵⁸
- 4.10 Moreover, Interns Australia submitted that it is important that employers and interns are aware of the others' expectations when negotiating the terms of an internship. These terms include the content of the internship, and the duration and hours of work.⁵⁹

IMPACTS OF UNETHICAL AND UNLAWFUL UNPAID WORK PLACEMENTS ON YOUNG PEOPLE AND THE WIDER WORKFORCE

- 4.11 Interns Australia submitted that unpaid work, when legitimate and lawful, is an effective tool to provide exposure to the workforce and further the education of young people. However, Interns Australia also highlighted the current lack of regulatory or legislative oversight of internships.⁶⁰
- 4.12 Unions NSW considered that unpaid work that does not fit into one of the FWO categories (as outlined in paragraph 4.6) can lead to a number of issues, including the reduction of paid entry level positions and exclusion of disadvantaged young people who cannot afford to undertake unpaid work.⁶¹
- 4.13 Interns Australia suggested that the trend towards interns taking on work that would normally be performed by paid employees has led to a reduction in the number of paid entry level positions for young job seekers entering the workforce and has led to increased rates of unemployment or casual employment for young people.⁶² In addition, Interns Australia stated that unpaid internships limit access to certain industries to those young people who have the financial support to work full-time without pay.⁶³
- 4.14 To ensure that unpaid work placements are lawful, Unions NSW recommended that all unpaid work should be covered by a NSW code of practice.⁶⁴
- 4.15 Professors Stewart and Owens submitted that while they would hesitate to recommend any legislated code of practice for the private sector, they would advocate for the development of a code of practice for internships and other work placements in the State public sector and in local government as these are

⁵⁸ Submission 12, Interns Australia, p. 9.

⁵⁹ Submission 12, Interns Australia, p. 9.

⁶⁰ Submission 11, Internships Australia, pp. 4-6.

⁶¹ Submission 14, Unions NSW, p. 3.

⁶² Submission 12, Interns Australia, pp. 6-7.

⁶³ Submission 12, Interns Australia, pp. 4-5.

⁶⁴ Submission 14, Unions NSW, p. 13.

the two areas of employment in NSW that are not covered by the Fair Work Act.⁶⁵

- 4.16 Professors Stewart and Owens recommended that such a code of practice set out 'best practice' guidelines for a high quality placement. They also recommended that Interns Australia be included in the process of developing any new code of practice for NSW Government agencies.⁶⁶

Committee comment

- 4.17 The Committee notes the lack of concrete data about the prevalence of unpaid work in NSW, but notes the anecdotal evidence which indicates that it is increasing, particularly in industries where there is an oversupply of qualified graduates.
- 4.18 The Committee notes that legitimate and lawful unpaid work is an effective tool to provide exposure to the workforce and further the education of young people. However, the Committee is also of the view that the increase in unpaid internships has the potential to negatively affect the number of paid entry level jobs for young people, leading to increases in the rates of unemployment and casual employment for young people.
- 4.19 The Committee agrees that legitimate unpaid work should fit into one of the three categories defined by the FWO, that it should be beneficial to the person undertaking it, and that it should assist them in gaining paid employment.
- 4.20 The Committee also agrees that it is important that unpaid workers and employers agree on the terms of an unpaid work placement from the commencement, so that the expectations of all parties are known.
- 4.21 Further, the Committee agrees with contributors that unpaid work has the potential to disadvantage young people who do not have the necessary financial support to be able to undertake lengthy periods of unpaid work and acknowledges the need to address the increasing use of unpaid work by employers.
- 4.22 To ensure that unpaid work benefits participants and does not negatively impact on young people and the wider workforce, the Committee recommends that the Commission for Children and Young People (the Commission) works with NSW Industrial Relations, in consultation with key stakeholders, to develop a code of practice for internships and other forms of unpaid work.
- 4.23 Moreover, the Committee suggests that Interns Australia be included in the key stakeholders that are consulted in the process of developing the code.

RECOMMENDATION 7

The Committee recommends that the Commission for Children and Young People works with NSW Industrial Relations, in consultation with key

⁶⁵ A Stewart & R Owens, Responses to additional questions, 20 October 2014, p. 5.

⁶⁶ A Stewart & R Owens, Responses to additional questions, 20 October 2014, p. 5.

stakeholders, to develop a code of practice for internships and other forms of unpaid work.

Committee comment

- 4.24 The Committee is of the view that there is a lack of guidance available to employers and young people about what constitutes legitimate unpaid work and how to structure unpaid work placements to ensure that participants will benefit from the experience.
- 4.25 Consequently, the Committee recommends that the Commission works with NSW Industrial Relations, in consultation with key stakeholders, to develop a best practice guide for internships and other forms of unpaid work, and promotes the guide to workplaces and young people.
- 4.26 Again, the Committee suggests that Interns Australia be included in the relevant stakeholders that are consulted in the process of developing the guide.

RECOMMENDATION 8

The Committee recommends that the Commission for Children and Young People works with NSW Industrial Relations, in consultation with key stakeholders, to develop a best practice guide for internships and other forms of unpaid work, and promotes the guide to workplaces and young people.

REVIEW OF THE PREVALENCE AND IMPACTS OF UNPAID WORK PLACEMENTS ON YOUNG PEOPLE

- 4.27 Interns Australia noted the lack of data on the quality and quantity of unpaid work in NSW and Australia, which, the organisation suggested, made it difficult to recommend specific policy measure in relation to unpaid work.⁶⁷
- 4.28 The need for detailed research into the prevalence of unpaid work was also highlighted by the FWO report:
- While we cannot begin to estimate the exact percentage of workers who undertake unpaid work experience, we are sure it is not an insubstantial number, especially in certain industries. The situations described in this chapter are unlikely to be isolated occurrences. There is clearly a need for further and much more detailed research to establish the scale of the phenomenon, but we strongly believe that something is happening that warrants the attention of the FWO.⁶⁸
- 4.29 To fill this void, Interns Australia recommended that the Commission conducts research on the prevalence of unpaid work in NSW and its impacts on young people.⁶⁹

⁶⁷ Submission 12, Interns Australia, p. 14.

⁶⁸ A Stewart & R Owens, 2013, Experience or Exploitation: The nature, prevalence and regulation of unpaid work experience, internships and trial periods in Australia – Report for the Fair Work Ombudsman, p. 71.

⁶⁹ Submission 12, Interns Australia, p. 14.

Committee comment

- 4.30 The Committee notes the difficulties involved in developing specific policies related to the prevalence and impacts of unpaid work on young people due to the lack of current and reliable data, and agrees with inquiry contributors that research should be conducted in this area.
- 4.31 As a result, the Committee recommends that the Commission, as part of its Three Year Strategic Plan, conducts research into the prevalence and composition of internships and other forms of unpaid work in NSW and its impacts on young people.

RECOMMENDATION 9

The Committee recommends that the Commission for Children and Young People, as part of its Three Year Strategic Plan, conducts research into the prevalence and composition of internships and other forms of unpaid work in NSW and its impacts on young people.

Chapter Five – Supporting legitimate, safe and beneficial unpaid work placements

INTRODUCTION

- 5.1 This chapter discusses measures to support the conduct of legitimate, safe and beneficial unpaid work, and goes on to discuss the role of the Commission for Children and Young People (the Commission) and the Office of the Children's Guardian (OCG) in supporting and promoting best practice.

MEASURES TO SUPPORT LEGITIMATE, SAFE AND BENEFICIAL UNPAID WORK

- 5.2 The Committee heard evidence from inquiry contributors about the increasing prevalence of the internship broker sector in the Australian job market.
- 5.3 The Fair Work Ombudsman's (FWO) report, *Experience or Exploitation: The nature, prevalence and regulation of unpaid work experience, internships and trial periods in Australia* states that the internship broker sector is increasing in size in Australia:

It is apparent that a number of agencies are now operating in Australia to 'broker' unpaid internships or job placements. Besides the agencies that are responsible for delivering the kind of assistance to unemployed or injured workers ... these include firms that are in business to 'sell' work experience.⁷⁰

- 5.4 According to the Australian Internship Industry Association, which represents a number of internship brokers, organisations of this type have an important role to play, acting as 'intermediaries' between interns and businesses:

[B]y mediating between hosts and interns, providers offer a level of control, in terms of quality, safety and standards of practice, that individual interns negotiating their own placement direct with a host may not receive. Although both providers and hosts are businesses, and as such need to operate as profitable enterprises (charity organisations who host being the exception) the provision of internships is driven by much more than profit. Internships are an important contribution to an individual's learning (as recognised by the increasing emphasis Universities are placing on experiential learning as part of a qualification). International internships are an important contribution to global awareness at both an individual and corporate level.⁷¹

- 5.5 Unions NSW, however, submitted that internship broker firms usually provide their services at little to no cost to employers, instead charging prospective interns fees of up to \$2000. Unions NSW submitted that these services should

⁷⁰ A Stewart & R Owens, 2013, *Experience or Exploitation: The nature, prevalence and regulation of unpaid work experience, internships and trial periods in Australia* – Report for the Fair Work Ombudsman, p. 61.

⁷¹ A Stewart & R Owens, 2013, *Experience or Exploitation: The nature, prevalence and regulation of unpaid work experience, internships and trial periods in Australia* – Report for the Fair Work Ombudsman, p. 62.

not be conducted at a cost to interns, as they are already undertaking unpaid work.⁷²

- 5.6 Interns Australia submitted that some internship brokers particularly target people from overseas, and in some cases charge fees of up to \$2175, not including meals, accommodation or insurance.⁷³
- 5.7 Professor Andrew Stewart and Professor Rosemary Owens (authors of the FWO report) submitted that, at present, there is no exception under NSW legislation for vocational placements. This means that if a NSW Government agency or local council takes on an unpaid student or trainee as part of an authorised education or training course, they do not have the same protection that a non-government business or organisation would have against a claim that the arrangement is one of employment. This may leave Government agencies and local government councils open to claims that such placements are employment arrangements and should therefore be remunerated.⁷⁴
- 5.8 Professors Stewart and Owens suggested that the NSW Government considers amending the *Industrial Relations Act 1996* to provide an exception for vocational placements, as per the *Fair Work Act 2009* (Fair Work Act). They did, however, acknowledge the shortcomings of the present exception in the Fair Work Act:
- In raising this possibility, we recognise that the present federal exception is not as well-drafted as it might be, and that calls have been made both to broaden and narrow its scope ... But in the interests of comity, it would make sense to use the elements of the present federal exception, if not its precise wording, as a template for any State equivalent.⁷⁵
- 5.9 The Committee also heard evidence from Professors Stewart and Owens and Interns Australia about the need to educate young people about their rights in the workplace.
- 5.10 Professors Stewart and Owens submitted that it is important that young people and employers both have access to clear information about workplace rights and responsibilities. They suggested that a simple 'do's and don'ts' guide for unpaid work placements be developed, which could be adopted and disseminated to Government and non-government organisations. Professors Stewart and Owens also advocated the use of a wide range of media to connect with young people, including social networking platforms.⁷⁶
- 5.11 Interns Australia submitted that young workers could be educated on their rights in the workplace through programs conducted through educational institutions, measures to increase awareness of the support networks that are available to

⁷² Unions NSW, Response to additional questions, 18 September 2014, questions 2 and 3, p. 1.

⁷³ Interns Australia, Response to additional questions, 23 September 2014, question 2, p. 3.

⁷⁴ A Stewart & R Owens, Responses to additional questions, 20 October 2014, p. 6.

⁷⁵ A Stewart & R Owens, Responses to additional questions, 20 October 2014, p. 6.

⁷⁶ A Stewart & R Owens, Responses to additional questions, 20 October 2014, p. 7.

them, and the provision of legal assistance and advice for negotiating placements with employers.⁷⁷

Committee comment

- 5.12 The Committee notes the evidence describing internship brokers as an important intermediary between organisations and interns. However, the Committee is concerned by the apparent lack of regulation of the internship broker sector.
- 5.13 For this reason, the Committee recommends that the Commission works with NSW Industrial Relations, in consultation with key stakeholders, to conduct a review of the regulations that apply to the internship broker sector, to inform the development of clear guidelines for the sector.

RECOMMENDATION 10

The Committee recommends that the Commission for Children and Young People works with NSW Industrial Relations, in consultation with key stakeholders, to conduct a review of the regulations that apply to the internship broker sector, to inform the development of clear guidelines for the sector.

Committee comment

- 5.14 The Committee acknowledges the current lack of an exception for vocational work placements in NSW industrial relations legislation, which may leave NSW Government agencies and the local government sector open to claims that such placements are remunerable employment arrangements.
- 5.15 The Committee therefore recommends that the Commission works with NSW Industrial Relations, in consultation with key stakeholders, to develop an amendment to the *Industrial Relations Act 1996* to include an exception for vocational placements.

RECOMMENDATION 11

The Committee recommends that the Commission for Children and Young People works with NSW Industrial Relations, in consultation with key stakeholders, to develop an amendment to the *Industrial Relations Act 1996* to include an exception for vocational placements.

Committee comment

- 5.16 The Committee notes that many young people are not aware of their rights in the workplace and that this makes them more vulnerable to exploitation by employers.
- 5.17 For this reason, the Committee recommends that the Commission, in conjunction with NSW Industrial Relations and other key stakeholders, develops a campaign aimed at educating young people about their rights in the workplace.

⁷⁷ Interns Australia and Youth Action, Responses to additional questions, 23 September 2014, question 4, p. 2.

RECOMMENDATION 12

The Committee recommends that the Commission for Children and Young People, in conjunction with NSW Industrial Relations and other key stakeholders, develops a campaign aimed at educating young people about their rights in the workplace.

THE ROLE OF THE COMMISSION FOR CHILDREN AND YOUNG PEOPLE AND THE OFFICE OF THE CHILDREN'S GUARDIAN IN SUPPORTING AND PROMOTING BEST PRACTICE IN RELATION TO UNPAID WORK

- 5.18 The Commission for Children and Young People (the Commission) considered that unpaid work placements generally affect people over the age of 18, and therefore the issue is outside of the Commission's remit.⁷⁸
- 5.19 The Office of the Children's Guardian (the OCG) submitted that it supports the conduct of safe unpaid work placements for young people by assisting organisations who are seeking to involve young people in their work to ensure that their organisations are 'child safe'.⁷⁹
- 5.20 The OCG submitted that its functions with regard to children's employment are primarily concerned with regulating paid employment. However, the OCG noted that the resources that they have developed to support the safety and wellbeing of young people in paid employment are also relevant to unpaid work in prescribed industries. The OCG stated that these resources are routinely used to provide information to parents who enquire about their children's participation in unpaid work.⁸⁰
- 5.21 The OCG also submitted that it encourages employers who engage young people to adopt practices that are consistent with the requirements of the *Children and Young Persons (Care and Protection) (Child Employment) Regulation 2010*, even when employers are not obliged to comply with the regulations under the *Children and Young Persons (Care and Protection) Act 1998*.

Committee comment

- 5.22 The Committee notes the good work of the OCG in supporting and promoting best practice in unpaid work placements for young people. In particular, the Committee acknowledges the OCG's work in developing information and resources to promote and support safe and beneficial unpaid work placements for young people.

⁷⁸ Submission 22, Commission for Children and Young People, p. 4.

⁷⁹ Submission 23, Office of the Children's Guardian, pp. 2-3.

⁸⁰ Submission 23, Office of the Children's Guardian, p. 8.

Appendix One – List of submissions

1	Northern Beaches Community Connect Gardening
2	Mr Clifford Giles
3	Guide Dogs Australia
4	National Disability Services
5	Students' Representative Council, USYD
6	Multicultural Youth Affairs Network
7	Career Links
8	The Centre for Volunteering
9	NSW Rural Fire Service
10	Scouts Australia NSW
11	Youth Action & Policy Association (NSW)
12	Interns Australia
13	NSW Department of Education & Communities
14	Unions NSW
15	Schools Industry Partnership
16	Youthconnections.com.au
17	NSW Youth Advisory Council
18	Ms Erin Stewart
19	Ms Sally Barker
20	Australian Internship Industry Association
21	NSW State Emergency Service
22	NSW Commission for Children and Young People
23	Office of the Children's Guardian

Appendix Two – List of witnesses

20 June 2014, Parliament House

Witness	Position and Organisation
Mr Simon Watts	Director, NSW Volunteering
Ms Elizabeth Simmons	Executive Director, Learning and Leadership
Ms Robyn Bale	Director, Student Engagement and Interagency Partnerships <i>NSW Education and Communities</i>
Ms Gemma Rygate	Chief Executive Officer <i>Centre for Volunteering</i>
Ms Kerryn Boland	Acting Commissioner for Children and Young People
Ms Jaquelin Plummer	Senior Policy Officer <i>Commission for Children and Young People</i>
Mr Piero Craney	Deputy Chair
Mr Jesse Hanna	Member <i>NSW Youth Advisory Council</i>
Mr Janani Muhunthan	Youth Representative
Mr Andrew Cummings	Project Manager
Mr Stanley M'Mangwa	Youth Representative <i>Multicultural Youth Affairs Network</i>

11 August 2014, Parliament House

Witness	Position and Organisation
Ms Kerryn Boland	Children's Guardian
Mr Morgan Lander	Child Safe Resources Manager <i>Office of the Children's Guardian</i>
Mr Eamon Waterford	Acting Managing Director <i>Youth Action</i>
Mr Adi Prasad	Executive Director <i>Interns Australia</i>
Mr Mark Lennon	Secretary
Ms Emma Maiden	Assistant Secretary <i>Unions NSW</i>
Mr Todd Burns	State Coordinator, Youth Engagement <i>NSW State Emergency Service</i>
Ms Veronica MacFie	Chief Executive Officer
Mr Nicholas Kelly	<i>youthconnections.com.au</i>

Appendix Three – Extracts from minutes

Minutes of proceedings of the Committee on Children and Young People (No. 17)

8.30 am, Thursday 14 November 2013
Room 1153, Parliament House

Members present

Mr Cornwell (Chair), Ms Gibbons (Deputy Chair), Ms Barham, Mr Blair, Ms Burney, Mr Donnelly and Mr Gee.

Staff in attendance: Abigail Groves, Rohan Tyler and Sasha Shevtsova.

The Chair commenced the meeting at 8.32 am.

1. Confirmation of minutes

Resolved, on the motion of Mr Blair, seconded by Ms Gibbons: That draft minutes No. 16 be confirmed.

2. Proposed new inquiry

The Chair circulated draft terms of reference for a proposed inquiry into volunteering among children and young people in NSW.

The Committee deliberated on the draft terms of reference.

Resolved, on the motion of Mr Blair, seconded by Ms Gibbons: That the Committee conduct an inquiry into volunteering among children and young people in NSW, subject to the Committee's agreeing to draft terms of reference being circulated to members following the deliberative meeting.

Resolved, on the motion of Mr Blair, seconded by Ms Gibbons: That the Committee issue a call for submissions, including advertising the inquiry in the *Sydney Morning Herald* and writing to stakeholders, and that the closing date for submissions be 31 January 2014.

Resolved, on the motion of Ms Barham, seconded by Mr Gee: That the Committee seek the Speaker's approval to advertise the inquiry in NSW regional newspapers, and that the Committee investigate the use of social media to promote the inquiry.

Ms Barham requested that Committee staff prepare a short discussion paper on volunteering among children and young people in NSW, including discussion of the NSW Government's "Statement of Principles for the Recognition of Volunteers".

3. Adjournment

The Committee adjourned at 8.49 am *sine die*.

Minutes of proceedings of the Committee on Children and Young People (No. 19)

1.00 pm, Tuesday 25 March 2014
Room 1153, Parliament House

Members present

Mr Coure (Chair), Ms Gibbons (Deputy Chair), Ms Barham, Mr Blair and Mr Gee.

Staff in attendance: Elaine Schofield, Rohan Tyler and Sasha Shevtsova.

The Chair commenced the meeting at 1.02 pm.

1. Apologies

Apologies were received from Ms Burney and Mr Donnelly.

2. Confirmation of minutes

Resolved, on the motion of Mr Blair, seconded by Mr Gee: That draft minutes No. 18 be confirmed.

3. ***

Inquiry into volunteering and unpaid work placements among children and young people in NSW

4. Briefing note on inquiry issues

The Committee noted a briefing note on general inquiry issues.

5. Submissions received

The Committee noted the following submissions received:

- Submission 1 - Northern Beaches Community Connect Gardening
- Submission 2 - Mr Clifford Giles
- Submission 3 - Guide Dogs Australia
- Submission 4 - National Disability Services
- Submission 5 - Students' Representative Council, University of Sydney
- Submission 6 - Multicultural Youth Affairs Network
- Submission 7 - Career Links
- Submission 8 - Centre for Volunteering
- Submission 9 - NSW Rural Fire Service

- Submission 10 - Scouts Australia NSW
- Submission 11 - Youth Action & Policy Association (NSW)
- Submission 12 - Interns Australia
- Submission 13 - NSW Department of Education and Communities
- Submission 14 - Unions NSW
- Submission 15 - Schools Industry Partnership
- Submission 16 - Youthconnections.com.au

Resolved, on the motion of Ms Gibbons, seconded by Ms Barham: That the Committee authorise the publication of Submissions No. 1 – 16 and that the submissions be placed on the Committee's website.

6. Extension of closing date for receipt of submissions

Resolved, on the motion of Mr Gee, seconded by Mr Blair: That the Committee extend the closing date for receipt of submissions to 1 May 2014.

7. Social media and other online options

The Committee noted a briefing note on using social media and other online options to promote the inquiry to young people and obtain their views.

Resolved, on the motion of Ms Gibbons, seconded by Ms Barham: That the Committee utilise the following social media channels to promote the inquiry to young people:

- Legislative Council Twitter account;
- Legislative Assembly Twitter account;
- NSW Parliament Education and Community Relations section Facebook page; and
- NSW Parliamentary Research Service Twitter account,

and that a media release be prepared in conjunction with these promotional activities.

The Committee agreed that those Committee members with their own Twitter accounts may "re-tweet" the inquiry tweets from the Parliament's social media channels.

8. Media

The Committee noted a media release, dated 4 February 2014, from Mr Andrew Cornwell MP in relation to the Blackbutt Reserve volunteer program.

The Committee noted an article from the *Newcastle Herald*, dated 6 February 2014, in relation to the Blackbutt Reserve volunteer program.

9. ***

10. Adjournment

The Committee adjourned at 1.15 pm, *sine die*.

Minutes of proceedings of the Committee on Children and Young People (No. 20)

1.00 pm, Monday 26 May 2014
Macquarie Room, Parliament House

Members present

Mr Coure (Chair), Ms Gibbons (Deputy Chair), Ms Barham, Mr Blair, Mr Donnelly and Mr Gee.

Staff in attendance: Elaine Schofield, Rohan Tyler, Sasha Shevtsova and Millie Yeoh.

The Chair commenced the meeting at 1.06 pm.

1. Apologies

An apology was received from Ms Burney.

2. Confirmation of minutes

Resolved, on the motion of Ms Barham, seconded by Mr Gee: That draft minutes No. 19 be confirmed.

Inquiry into volunteering and unpaid work placements among children and young people in NSW

3. Submissions received

The Committee noted the receipt of the following submissions:

- Submission 17 – NSW Youth Advisory Council
- Submission 18 – Ms Erin Stewart
- Submission 19 – Ms Sally Barker
- Submission 20 – Australian Internship Industry Association
- Submission 21 – NSW State Emergency Service
- Submission 22 – Commission for Children and Young People
- Submission 23 – Office of the Children’s Guardian

Resolved, on the motion of Mr Gee, seconded by Ms Barham: That the Committee authorise the publication of Submissions No. 17, 19, 20, 22 and 23, and that the submissions be posted on the Committee’s webpage.

Resolved, on the motion of Mr Donnelly, seconded by Mr Blair: That the Committee authorise partial publication of Submissions No. 18 and 21, with the exception of certain sections of those submissions which are to remain confidential, and that the redacted submissions be posted on the Committee's webpage.

4. ***

5. ***

6. ***

7. Adjournment

The Committee adjourned at 3.47 pm, *sine die*.

Minutes of proceedings of the Committee on Children and Young People (No. 21)

8.45 am, Friday 20 June 2014
Room 814-815, Parliament House

Members present

Mr Coure (Chair), Ms Gibbons (Deputy Chair), Ms Barham, Mr Blair, Ms Burney and Mr Donnelly.

Staff in attendance: Carly Maxwell, Rohan Tyler, Sasha Shevtsova and Millie Yeoh.

The Chair commenced the meeting at 9.05 am.

1. Apologies

An apology was received from Mr Gee.

2. Confirmation of minutes

Resolved, on the motion of Mr Donnelly, seconded by Ms Barham: That draft minutes No. 20 be confirmed.

Inquiry into volunteering and unpaid work placements among children and young people in NSW

3. Public hearing: pre-hearing items

Resolved, on the motion of Ms Gibbons, seconded by Ms Barham: That the Committee hold public hearings for the inquiry into volunteering and unpaid work placements among children and young people in NSW in Parliament House on Friday 20 June 2014 and Monday 11 August 2014.

Resolved, on the motion of Ms Barham, seconded by Ms Gibbons: That the Committee invite the following witnesses to give evidence at the public hearing on Friday 20 June 2014:

- Mr Simon Watts, Director, NSW Volunteering, Department of Education and Communities
- Mrs Jane Simmons, Executive Director, Learning and Leadership, Department of Education and Communities
- Ms Robyn Bale, Acting Director, Student Engagement and Interagency Partnerships, Department of Education and Communities
- Ms Gemma Rygate, CEO, Centre for Volunteering
- Ms Kerry Boland, Acting Commissioner for Children and Young People, Commission for Children and Young People
- Ms Jacquelin Plummer, Senior Policy Officer, Commission for Children and Young People
- Mr Piero Craney, Deputy Chair, NSW Youth Advisory Council
- Mr Jesse Hanna, Member, NSW Youth Advisory Council
- Mr Andrew Cummings, Project Officer, Multicultural Youth Affairs Network
- Ms Janani Muhunthan, Youth Representative, Multicultural Youth Affairs Network
- Mr Stanley M'mangwa, Youth Representative, Multicultural Youth Affairs Network

Resolved, on the motion of Ms Burney, seconded by Ms Barham: That the Committee authorise the audio-visual recording, photography and broadcasting of the public hearing, in accordance with the NSW Legislative Assembly's guidelines for coverage of proceedings for parliamentary committees administered by the Legislative Assembly.

Resolved, on the motion of Ms Burney, seconded by Ms Gibbons: That the Committee authorise posting the transcript of the day's proceedings on the Committee's webpage once corrections for inaccuracies have been made.

Resolved, on the motion of Mr Donnelly, seconded by Ms Barham: That the Committee determine the return date for any questions taken on notice and supplementary questions during the inquiry into volunteering and unpaid work placements among children and young people in NSW to be three weeks from the date on which questions are forwarded to witnesses.

4. Public hearing – Inquiry into volunteering and unpaid work placements among children and young people in NSW

Witnesses, the public and the media were admitted at 9.09 am.

The Chair opened the hearing.

The following witnesses from the Department of Education and Communities were sworn and examined:

- Mr Simon Watts, Director, NSW Volunteering, Department of Education and Communities
- Mrs Jane Simmons, Executive Director, Learning and Leadership, Department of Education and Communities
- Ms Robyn Bale, Acting Director, Student Engagement and Interagency Partnerships, Department of Education and Communities

Evidence concluded, the witnesses withdrew.

The following witness from the Centre for Volunteering was sworn and examined:

- Ms Gemma Rygate, CEO, Centre for Volunteering

Evidence concluded, the witness withdrew.

The following witnesses from the Commission for Children and Young People were sworn and examined:

- Ms Kerry Boland, Acting Commissioner for Children and Young People, Commission for Children and Young People
- Ms Jacquelin Plummer, Senior Policy Officer, Commission for Children and Young People

Evidence concluded, the witnesses withdrew.

The following witnesses from the NSW Youth Advisory Council were sworn and examined:

- Mr Piero Craney, Deputy Chair, NSW Youth Advisory Council
- Mr Jesse Hanna, Member, NSW Youth Advisory Council

Evidence concluded, the witnesses withdrew.

The following witnesses from the Multicultural Youth Affairs Network were sworn and examined:

- Mr Andrew Cummings, Project Officer, Multicultural Youth Affairs Network
- Ms Janani Muhunthan, Youth Representative, Multicultural Youth Affairs Network
- Mr Stanley M'mangwa, Youth Representative, Multicultural Youth Affairs Network

Evidence concluded, the witnesses withdrew.

The public hearing concluded at 12.47 pm. The public and media withdrew.

5. Public hearing: post-hearing items

Resolved, on the motion of Mr Donnelly, seconded by Ms Barham: That the Committee accept the following document presented by the Department of Education and Communities during the public hearing:

- *Student Placement Record 2014*

6. Adjournment

The Committee adjourned at 12.48 pm until Monday 11 August 2014.

Minutes of proceedings of the Committee on Children and Young People (No. 22)

11.45 am, Monday 11 August 2014
Macquarie Room, Parliament House

Members present

Mr Coure (Chair), Ms Gibbons (Deputy Chair), Ms Barham, Mr Blair, Mr Donnelly and Mr Gee.

Staff in attendance: Carly Maxwell, Rohan Tyler, Sasha Shevtsova and Millie Yeoh.

The Chair commenced the meeting at 11.54 am.

1. Apologies

An apology was received from Ms Burney.

2. Confirmation of minutes

Resolved, on the motion of Mr Donnelly, seconded by Mr Blair: That draft minutes No. 21 be confirmed.

3. ***

Inquiry into volunteering and unpaid work placements among children and young people in NSW

4. Response to questions on notice and additional questions

The Committee noted the receipt of a response to questions on notice and additional questions from the Centre for Volunteering, dated 17 July 2014.

Resolved, on the motion of Ms Barham, seconded by Mr Donnelly: That the Committee accept the response and publish it on the Committee's webpage.

The Committee noted the receipt of responses to additional questions from the Department of Education and Communities, dated 11 July 2014, and the NSW Youth Advisory Council, dated 18 July 2014.

Resolved, on the motion of Ms Barham, seconded by Ms Gibbons: That the Committee accept the responses and publish them on the Committee's webpage.

5. Public hearing: pre-hearing items

Resolved, on the motion of Mr Donnelly, seconded by Mr Blair: That the Committee invite the following witnesses to give evidence at the public hearing on Monday 11 August 2014:

- Ms Kerryn Boland, Children's Guardian, Office of the Children's Guardian
- Mr Morgan Lander, Child Safe Resources Officer, Office of the Children's Guardian
- Mr Eamon Waterford, Acting Managing Director, Youth Action
- Mr Adi Prasad, Executive Director, Interns Australia
- Mr Mark Lennon, Secretary, Unions NSW
- Ms Emma Maiden, Assistant Secretary, Unions NSW
- Mr Todd Burns, State Coordinator Youth Engagement, NSW State Emergency Service and
- Ms Veronica MacFie, CEO, Youthconnections.com.au

Resolved, on the motion of Ms Barham, seconded by Mr Blair: That the Committee authorise the audio-visual recording, photography and broadcasting of the public hearing, in accordance with the NSW Legislative Assembly's guidelines for coverage of proceedings for parliamentary committees administered by the Legislative Assembly.

Resolved, on the motion of Ms Gibbons, seconded by Mr Donnelly: That the Committee authorise filming the public hearing for footage to be used for internal training purposes.

Resolved, on the motion of Mr Donnelly, seconded by Ms Barham: That the Committee authorise publishing the transcript of the day's proceedings on the Committee's webpage once corrections for inaccuracies have been made.

6. ***

Inquiry into volunteering and unpaid work placements among children and young people in NSW

7. Public hearing – Inquiry into volunteering and unpaid work placements among children and young people in NSW

Witnesses, the public and the media were admitted at 1.10 pm.

The Chair opened the hearing.

The following witness from the Office of the Children's Guardian was examined on her former affirmation:

- Ms Kerryn Boland, Children's Guardian

The following witness from the Office of the Children's Guardian was sworn and examined:

- Mr Morgan Lander, Child Safe Resources Officer

Evidence concluded, the witnesses withdrew.

The following witness from Youth Action was sworn and examined:

- Mr Eamon Waterford, Acting Managing Director

The following witness from Interns Australia was sworn and examined:

- Mr Adi Prasad, Executive Director

Evidence concluded, the witnesses withdrew.

The following witnesses from Unions NSW were sworn and examined:

- Mr Mark Lennon, Secretary
- Ms Emma Maiden, Assistant Secretary

Evidence concluded, the witnesses withdrew.

The following witness from the NSW State Emergency Service was sworn and examined:

- Mr Todd Burns, State Coordinator Youth Engagement

Evidence concluded, the witness withdrew.

The following witnesses from Youthconnections.com.au were sworn and examined:

- Ms Veronica MacFie, CEO
- Mr Nicholas Ward Kelly, Representative

Evidence concluded, the witnesses withdrew.

The public hearing concluded at 4.12 pm. The public and media withdrew.

8. Adjournment

The Committee adjourned at 4.15 pm, *sine die*.

Minutes of proceedings of the Committee on Children and Young People (No. 23)

1.00 pm, Wednesday 15 October 2014
Room 1136, Parliament House

Members present

Mr Couré (Chair), Ms Gibbons (Deputy Chair), Ms Barham, Ms Burney and Mr Donnelly.

Staff in attendance: Helen Minnican, Rohan Tyler, Kaitlin Peters and Sasha Shevtsova.

The Chair commenced the meeting at 1.06 pm.

1. Apologies

Apologies were received from Mr Blair and Mr Gee.

2. Confirmation of minutes

Resolved, on the motion of Mr Donnelly, seconded by Ms Gibbons: That draft minutes No. 22 be confirmed.

3. ***

4. ***

Inquiry into volunteering and unpaid work placements among children and young people in NSW

5. Responses to questions on notice and additional questions

The Committee noted the receipt of responses to questions on notice and additional questions from Unions NSW, dated 18 September 2014, and the NSW State Emergency Service, dated 9 October 2014.

Resolved, on the motion of Ms Burney, seconded by Ms Barham: That the Committee accept the responses and publish them on the Committee's webpage.

The Committee noted the receipt of responses to additional questions from Interns Australia and Youth Action, dated 23 September 2014, and the Office of the Children's Guardian, dated 1 October 2014.

Resolved, on the motion of Mr Donnelly, seconded by Ms Gibbons: That the Committee accept the responses and publish them on the Committee's webpage.

6. Draft report outline

The Committee discussed the draft report outline for the report of the inquiry into volunteering and unpaid work placements among children and young people in NSW.

7. ***

8. Adjournment

The Committee adjourned at 1.42 pm, *sine die*.

Minutes of proceedings of the Committee on Children and Young People (No. 24)

1.00 pm, Thursday 20 November 2014
Parkes Room, Parliament House

Members present

Mr Coure (Chair), Ms Gibbons (Deputy Chair), Ms Barham, Mr Donnelly and Ms Mitchell
Staff in attendance: Elaine Schofield, Rohan Tyler, Kaitlin Peters and Sasha Shevtsova.

The Chair commenced the meeting at 1.05 pm.

1. Apologies

Apologies were received from Ms Burney and Mr Gee.

2. ***

3. Confirmation of minutes

Resolved, on the motion of Ms Gibbons, seconded by Ms Barham: That draft minutes No. 23 be confirmed.

Inquiry into volunteering and unpaid work placements among children and young people in NSW

4. Response to questions on notice

The Committee noted the receipt of a response to questions on notice from Professor Andrew Stewart and Professor Rosemary Owens, dated 21 October 2014.

Resolved, on the motion of Mr Donnelly, seconded by Ms Gibbons: That the Committee accepts the response and publishes it on the Committee's webpage.

5. Consideration of the Chair's draft report

The Chair tabled his draft report, which having been previously circulated, was taken as being read.

Resolved, on the motion of Mr Donnelly, seconded by Ms Barham: That the Committee consider the Chair's draft report chapter by chapter.

Chapter 1 read.

Resolved, on the motion of Ms Mitchell, seconded by Ms Barham: That Chapter 1 stand as part of the report.

Chapter 2 read.

Resolved, on the motion of Ms Barham, seconded by Mr Donnelly: That Chapter 2 stand as part of the report.

Chapter 3 read.

Paragraph 3.15

“The Committee believes that a narrow definition of volunteering may unfairly exclude young people who have domestic or family responsibilities which may preclude them from undertaking traditional volunteer work and place them at a disadvantage as far as being able to access additional ATAR points. Consideration should therefore be given to the definition of volunteering when developing any such program.”

Resolved, on the motion of Ms Barham, seconded by Mr Donnelly: That paragraph 3.15 be amended by omitting “or family” and inserting “, family and community”.

Resolved, on the motion of Ms Barham, seconded by Ms Gibbons: That paragraph 3.15 be amended by omitting all words after “disadvantage”.

Paragraph 3.16

“The Committee therefore recommends that the Commission works with NSW Education and Communities to consider a scheme that recognises young peoples’ volunteer work through additional points for students’ ATAR, with consideration being given to the definition of volunteering to ensure that young people with personal commitments are not unfairly excluded.”

Resolved, on the motion of Ms Mitchell, seconded by Mr Donnelly: That paragraph 3.16 be amended to read:

“The Committee therefore recommends that the Commission works with NSW Education and Communities to consider schemes that recognise young peoples’ volunteer work. For example, this may be recognised through additional points for students’ ATAR and RoSA (Record of School Achievement), with consideration being given to the definition of volunteering to ensure that young people with personal commitments are not unfairly excluded.”

Recommendation 3

“The Committee recommends that the Commission for Children and Young People works with NSW Education and Communities to consider a scheme that recognises young peoples’ volunteer work through additional points for students’ Australian Tertiary Admission Rank, with consideration being given to the definition of volunteering to ensure that young people with personal commitments are not unfairly excluded.”

Resolved, on the motion of Ms Barham, seconded by Ms Mitchell: That Recommendation 3 be amended to read:

“The Committee recommends that the Commission for Children and Young People works with NSW Education and Communities to consider schemes that recognise young peoples’ volunteer work, with consideration being given to the definition of volunteering to ensure that young people with personal commitments are not unfairly excluded.”

Resolved, on the motion of Ms Barham, seconded by Ms Gibbons: That Chapter 3, as amended, stand as part of the report.

Chapter 4 read.

Paragraph 4.22

“Noting the evidence from Professors Stewart and Owens, and taking into account the above factors, the Committee therefore recommends that Commission for Children and Young People (the Commission) works with NSW Industrial Relations to develop a code of practice for internships and other forms of unpaid work in the State public sector and the local government sector.”

Resolved, on the motion of Mr Donnelly, seconded by Ms Barham: That paragraph 4.22 be amended by inserting “, in consultation with key stakeholders,” after “Relations”, and omitting all words after “work”.

Recommendation 7

“The Committee recommends that the Commission for Children and Young People works with NSW Industrial Relations to develop a code of practice for internships and other forms of unpaid work in the State public sector and the local government sector.”

Resolved, on the motion of Mr Donnelly, seconded by Ms Barham: That Recommendation 7 be amended by inserting “, in consultation with key stakeholders,” after “Relations”, and omitting all words after “work”.

Paragraph 4.25

“Consequently, the Committee recommends that the Commission works with NSW Industrial Relations to develop a best practice guide for internships and other forms of unpaid work, and promotes the guide to workplaces and young people.”

Resolved, on the motion of Mr Donnelly, seconded by Ms Mitchell: That paragraph 4.25 be amended by inserting “, in consultation with key stakeholders,” after “Relations”.

Recommendation 8

“The Committee recommends that the Commission for Children and Young People works with NSW Industrial Relations to develop a best practice guide for internships and other forms of unpaid work, and promotes the guide to workplaces and young people.”

Resolved, on the motion of Mr Donnelly, seconded by Ms Mitchell: That Recommendation 8 be amended by inserting “, in consultation with key stakeholders,” after “Relations”.

Resolved, on the motion of Ms Barham, seconded by Ms Gibbons: That Chapter 4, as amended, stand as part of the report.

Chapter 5 read.

Paragraph 5.13

“For this reason, the Committee recommends that the Commission works with NSW Industrial Relations to conduct a review of the regulations that apply to the internship broker sector, to inform the development of clear guidelines for the sector.”

Resolved, on the motion of Mr Donnelly, seconded by Ms Mitchell: That paragraph 5.13 be amended by inserting “, in consultation with key stakeholders,” after “Relations”.

Recommendation 10

“The Committee recommends that the Commission for Children and Young People works with NSW Industrial Relations to conduct a review of the regulations that apply to the internship broker sector, to inform the development of clear guidelines for the sector.”

Resolved, on the motion of Mr Donnelly, seconded by Ms Mitchell: That Recommendation 10 be amended by inserting “, in consultation with key stakeholders,” after “Relations”.

Paragraph 5.15

“Therefore, the Committee recommends the Commission works with NSW Industrial Relations to develop an amendment to the Industrial Relations Act 1996 to include an exception for vocational placements.”

Resolved, on the motion of Mr Donnelly, seconded by Ms Gibbons: That paragraph 5.15 be amended by inserting “, in consultation with key stakeholders,” after “NSW Industrial Relations”.

Recommendation 11

“The Committee recommends that the Commission for Children and Young People works with NSW Industrial Relations to develop an amendment to the Industrial Relations Act 1996 to include an exception for vocational placements.”

Resolved, on the motion of Mr Donnelly, seconded by Ms Gibbons: That Recommendation 11 be amended by inserting “, in consultation with key stakeholders,” after “NSW Industrial Relations”.

Paragraph 5.17

“For this reason, the Committee recommends that the Commission, in conjunction with NSW Industrial Relations, develops a marketing campaign aimed at educating young people about their rights in the workplace.”

Resolved, on the motion of Mr Donnelly, seconded by Ms Mitchell: That paragraph 5.17 be amended by inserting “and other key stakeholders” after “Relations” and omitting “marketing”.

Recommendation 12

“The Committee recommends that the Commission for Children and Young People, in conjunction with NSW Industrial Relations, develops a marketing campaign aimed at educating young people about their rights in the workplace.”

Resolved, on the motion of Mr Donnelly, seconded by Ms Mitchell: That Recommendation 12 be amended by inserting “and other key stakeholders” after “Relations” and omitting “marketing”.

Resolved on the motion of Ms Mitchell, seconded by Ms Barham: That Chapter 5, as amended, stand as part of the report.

Resolved on the motion of Ms Gibbons, seconded by Mr Donnelly:

- That the draft report, as amended, be the report of the Committee and that it be signed by the Chair and presented to the House; and
- That the Chair and Committee staff be permitted to correct stylistic, typographical and grammatical errors.

Resolved on the motion of Ms Barham, seconded by Ms Mitchell: That, once tabled, the report be published on the Committee’s webpage.

6. ***

7. Adjournment

The Committee adjourned at 2.01 pm, *sine die*.