

REPORT OF PROCEEDINGS BEFORE

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

**INQUIRY INTO VOLUNTEERING AND UNPAID WORK PLACEMENTS AMONG
CHILDREN AND YOUNG PEOPLE IN NEW SOUTH WALES**

At Sydney on Monday 11 August 2014

The Committee met at 1.00 p.m.

PRESENT

Mr M. J. Coure (Chair)

Legislative Council
Ms J. Barham
The Hon. N. Blair
The Hon. G. J. Donnelly

Legislative Assembly
Ms M. R. Gibbons
Mr A. R. Gee

KERRY BOLAND, Children's Guardian, Office of the Children's Guardian, on former affirmation, and

MORGAN JAMES LANDER, Child Safe Resources Officer, Office of the Children's Guardian, affirmed and examined:

CHAIR: I declare the meeting open. Thank you for attending the second public hearing of the Committee on Children and Young People's inquiry into Volunteering and Unpaid Work Placements among Children and Young People in New South Wales. The Committee has resolved to authorise the media to broadcast sound and video excerpts of its public proceedings. Copies of the guidelines governing the covering of proceedings are available from committee staff. I welcome Ms Boland and Mr Lander. Please confirm that you have been issued with the inquiry's terms of reference and information about the standing orders relating to the examination of witnesses.

Ms BOLAND: Yes, we have.

CHAIR: The Committee has received the submission from your organisation. Do you want that submission to form part of the formal evidence?

Ms BOLAND: Yes.

CHAIR: Do you have any questions concerning procedural information sent to you in relation to witnesses in the hearing process?

Ms BOLAND: No.

CHAIR: Would you like to make an opening statement?

Ms BOLAND: I might make some introductory comments. Our submission to the Committee noted that volunteering and unpaid work placements provide children and young people with valuable opportunities to gain skills and experience and to contribute to their life within the community. Our submission identified relevant functions of my Office of the Children's Guardian related to volunteering and unpaid work placements. These are the conducting of the Working with Children Check, our work in relation to Child Safe Organisations and the program that accompanies that and our work in relation to children's employment. That is how our submission is set out. I do not have anything further to add to the submission at this point, except to be more expansive, subject to questions, on our child-safe work.

CHAIR: Mr Lander, do you want to make an opening statement?

Mr LANDER: No.

The Hon. GREG DONNELLY: On page 3 of your submission you state:

The Child Protection (Working with Children) Act 2012 and the Child Protection (Working with Children) Regulation 2013 provide the legislative framework for functions relating to persons engaged in child-related work ...

In your view, are there any changes that could be made to the Act or the regulations that would make it safer for children and young people to participate in volunteering activities and unpaid work placements?

Ms BOLAND: I would like to inform the Committee of some consultations we have been doing with our advisory group. One thing the Government left open, in putting through the Working With Children Check legislation, was further consultation in relation to overnight camps and excursions, and parents accompanying their own children in relation to that. We have finalised that consultation and sought lots of input from agencies including the Department of Education and Communities and Scouts. We are currently having a closer look at whether the regulations should be expanded into that area. As I said before, in terms of the Working With Children Check we are clearly focused on Child Safe Organisations and their characteristics. As the Working With Children Check is only one tool and only assesses past behaviour, our submission goes into case studies we are doing in specific examples. I am happy to take further questions on this.

The Hon. GREG DONNELLY: On the notion of a child-safe organisation and encouraging organisations to emulate the highest standard possible, what are the types of things that would be considered as

key for an organisation to be child safe? I know the baseline is that we have legislation, but to aspire to the highest standard is obviously important, as is informing organisations of that expectation.

Ms BOLAND: There is no substitute for clear leadership on this issue. Those agencies we work with have very clear leadership. They are transparent and their processes are transparent. The first line of defence is being transparent and leading from the top all the way down the organisation. Those are some of the key characteristics we have seen in our case studies. Championing the child-safe message and making it clear from the highest levels of an organisation is important, as is keeping on message about what is acceptable and unacceptable. It is important to keep beating that drum by giving solid examples of what is acceptable and what is not acceptable. It sounds general, but there is no substitute for leadership at that level, and there must be the clear message that it is not acceptable for a child to feel unsafe. We have talked about the voice of children and the importance of listening to the voice of children. We look for systems on how organisations listen to children and take their concerns seriously, and the systems for letting a child raise concerns. We look at the role of parents in volunteer agencies where parents and children are together. Those are the key characteristics of a child-safe organisation at its highest level.

Ms JAN BARHAM: In relation to the Child Safe Organisations program, do you have a kit to give organisations a head start, particularly for rural and regional areas?

Mr LANDER: We do. We have a range of online resources that are downloadable. Coupled with that, anywhere between 30 and 40 per cent of our free education and workshop campaigns are in rural and regional New South Wales. We like to get out to those areas and engage with child-related organisations across the State. The online content is free. It has a range of tools and techniques for systems that should be in place and checklists for recruitment, which extend from legislative obligations like the Working With Children Check, reference checking, appropriate interview questions and testing the validity of resumes. We classify recruitment as induction training, the way in which they are brought into the organisation, right through to examples and codes of conduct and policies that are templates and guides.

We have grappled with the difficulty of having such diverse child-related sectors, which means any content we provide in template needs to be generic. We encourage organisations to use it as a guide but engage with organisations within their field to tweak and refine the tools they use. We provide a template complaint policy procedure and checklist for a policy on complaints investigations. We have a guide for training for staff and volunteers right through to tips and guidelines for engaging with children and their families about what to expect from adults in the organisation, along with the rights of the children and their role in organisations.

Ms JAN BARHAM: I recall an awards program—perhaps it was through local government—for child-friendly environments.

Mr LANDER: The built environment was more a system for recognising outdoor spaces and architectural design, taking into consideration the views of children within a community.

Ms JAN BARHAM: Would there be any value in doing something similar to this program to raise awareness and get over some uncertainty about whether Working With Children Checks are sufficient? Regional communities tend to love the idea of ticking all the boxes to come to the city for an awards night.

Mr LANDER: We are looking at systems that recognise model practice. In the experience of the Office of the Children's Guardian, in the last 10 years of training, the best people to identify and manage risk are those in the roles. We promote to them that, either sector by sector or at a local level; they implement the recommended tools and resources to manage risk in their own organisations. That is an appropriate way for them to learn the content, which is not particularly complex. It is like workplace health and safety in identifying risks, reducing risks and putting a mitigator in place. In the context of promotion, we are looking at child-safe champions and scenarios, child-safe announcements such as those in the public sector to get this message out to everyone, not just organisations, about what a Child Safe Organisation is.

Ms JAN BARHAM: Would there be any value in making representations to local government, because they champion many of those issues, such as social plans and sports policies. That would heighten awareness.

Mr LANDER: Yes.

Ms JAN BARHAM: Those programs are good.

Mr Boland: The other focus of the work is that we look at what is already in place so we can integrate the child-safe message. Morgan used the health and safety example. They are already covering requirements in health and safety briefings, so why not include child-safe elements in that? We encourage getting it integrated in systems operating in a workplace or an institution.

Ms MELANIE GIBBONS: You have on your website a lot of resources available to employers. I am particularly interested in whether there is a role for a code of conduct. If so, how would you make people aware of it? How could we draft regulations to make sure they comply with it, or should compliance be voluntary? Is there a need for a code of conduct?

Ms BOLAND: All of our materials talk and encourage, and as Mr Lander said, we have got pro forma and so forth. It is the first thing we talk about to agencies that we go to: "Is there a code of conduct? How is it disseminated? Is it a real thing or do you just sign it when you come in?" It goes to recruitment practices and so forth. The most effective ones are those that are integrated into the recruitment process and the induction process, et cetera. In certain industries, for example out-of-home care, it is a requirement of the standards that there are these codes of conduct and they are child safe so there is already a regulatory regime in place. There is also regulation in sport and volunteer organisations and that may well be a place where it is already regulated. As part of our case studies we are looking at all those levers and triggers to see which one is going to be the most effective in securing a child-safe organisation.

Ms MELANIE GIBBONS: Do you have a model or a guideline as part of the list on your website, a template?

Mr LANDER: Yes. In our office experience when we survey people who come to training one of the key questions we ask them is: "Can we see a show of hands of who has a code of conduct established?"

Ms MELANIE GIBBONS: Are there many?

Mr LANDER: Yes, it is the majority. Because there is a fair saturation of people having those in place, we focus more on how effective it is. If it is 40 pages long people are not going to own the content of that, whereas we are seeing very effective codes of conduct where people will put them on the wall so it will be key dot points and four or five messages and it very much ties in with young people volunteering for organisations that the code applies to everyone, adult or child, not just because you are working with children, therefore there is an obligation for you to meet an expectation or standard.

In relation to whether there was a regulated obligation to have a code of conduct, I think that organisations will just tick a box. They will say, "Well, I have one; I have met the bare minimum" as opposed to promoting the benefit and the effectiveness of it. Something that we again speak about in our organisation is kids should have a code of conduct as well, so what is expected of them but they should be actively involved in those decisions and within that code of conduct there should actually be messages about what to expect from the adults, so it is almost like a reversal of the expectations to say, "If I'm an adult that joins this organisation and children know what I am expected to do, it makes it hard for me to create harm within that environment."

CHAIR: That is a good point.

Ms BOLAND: I think the other thing is that organisations have various things which fall under the general category of code of conduct but there is a whole range of things that we look at, not just whether you have got a piece of paper that says code of conduct because lots of agencies call them different things; behaviours that are acceptable and unacceptable, particularly if we are looking at material that is given to kids and young people.

Ms MELANIE GIBBONS: It is more about how relevant it is too and how appropriate rather than just having the piece of paper?

Ms BOLAND: Yes, whether they are walking the talk or they have just ticked the box. We would like to see them walking the talk.

Ms MELANIE GIBBONS: Absolutely.

Mr LANDER: And it is why we follow up with our online templates the information about "this may not best fit your organisation" and it is not just appropriate to download it, put your name on the top of it and get people to sign it. It is better for you to have dialogue with the volunteers and your workers: "Is this applicable? Does it work for us? Does it work for our kids?"

Ms MELANIE GIBBONS: To get them thinking?

Mr LANDER: Absolutely, and then they will take better ownership of it if they feel they have been involved in the process rather than being directed or required to do something.

CHAIR: That is very true.

The Hon. NIALL BLAIR: With your training in particular and the types of topics that you cover, we could roll out many examples of workplace practical jokes-bullying-initiation ceremonies, et cetera. Is that sort of thing covered particularly for this volunteering group that we are looking at here, the coming to age of the workplace adolescent?

Mr LANDER: Yes, we get a very broad cross-section of people who come to our public sessions but in the last three or four years we have really tried to promote the idea of us going in-house to an organisation and localising the content. And when our trainers and staff have been working with organisations that have large numbers of volunteer young people and children, we talk about hazing initiation; physical assault is physical assault regardless of the context or what the justification is, as well as a key thing that some organisations sometimes grapple with, the aspect of psychological harm, so bullying, harassment, repeated negative messages, those sorts of things are covered, just to get them to understand that locally although the culture might be, "This is how we have always done it and it has been in place for a long time". We do not provide legal advice and we do not talk about what is unlawful. We talk about inappropriate behaviour and how that would be perceived by a young person in the organisation. We follow that up with things like if you have high rates of young people leaving roles, it may be because they feel uncomfortable through an initial process as opposed to high retention and the value of young people being involved in that early stage.

The Hon. NIALL BLAIR: Do you think the culture is changing for the better? I know when I started as an apprentice what I went through compared to what I think they go through in the same organisations now. Certainly that would be a barrier to some people entering or volunteering in some organisations. Do you think it is better?

Mr LANDER: Yes I do. I think word-of-mouth with young people where they go out and join an organisation—and the Rural Fire Service and the SES are good examples. They report to us that young people go away and have an enjoyable experience and their membership grows and the fact that word-of-mouth is the best source of recruitment. I think that in the organisations we have been working with they have less instances and to a degree with media coverage of cases in the Defence Force and things like that where it came to a head and apprenticeships and things like that it is more spoken about, as opposed to before it was not something that was on the table.

Ms JAN BARHAM: Have you had many complaints or reports about negative experiences of young people with volunteering or unpaid placements?

Ms BOLAND: No.

Mr LANDER: No.

CHAIR: Do Committee members have any further questions? As there are no further questions, I thank you very much for your time today and for appearing before the Committee. The Committee will definitely have some additional questions that we will send you in writing, the replies to which will form part of your evidence and be made public. Would you be happy to provide a written reply to any further questions?

Ms BOLAND: Yes.

Mr LANDER: Yes.

CHAIR: Thank you very much for your time today.

The Hon. GREG DONNELLY: And thank you for your great work too.

(The witnesses withdrew)

EAMON WATERFORD, Acting Managing Director, Youth Action, affirmed and examined:

CHAIR: Welcome and thank you for appearing before the Committee on Children and Young People to give evidence.

Mr WATERFORD: It is a pleasure to be here.

CHAIR: Can you please confirm that you have been issued with the inquiry's terms of reference and information about the standing orders that relate to the examination of witnesses?

Mr WATERFORD: Yes, I have.

CHAIR: You are appearing before the Committee in a particular capacity today, is that right?

Mr WATERFORD: Yes, I am. I should apologise first to the Committee. The intention was that I was appearing in partnership with another young man, Adi Prasad, who is the Executive Director of Interns Australia. Somewhat ironically and probably pertinent to the inquiry, he is unable to get time off work to appear. He found out about half an hour ago that his boss said, "No, you can't take time. You have just got to get this stuff done." So I am appearing both representing Youth Action and also able to provide some insight into Interns Australia.

CHAIR: Fantastic, we really appreciate that. The Committee has received submissions from your organisations. Do you want the submissions to form part of your formal evidence today?

Mr WATERFORD: Yes.

CHAIR: Do you have any questions concerning the procedural information sent to you in relation to witnesses and the hearing process?

Mr WATERFORD: I do not.

CHAIR: Would you like to make an opening statement before the Committee today?

Mr WATERFORD: Sure. Thanks for having me. My name is Eamon Waterford and I am representing an organisation called Youth Action. We are the peak body for young people and youth services in New South Wales. We represent the 1.25 million young people aged 12 to 25 across New South Wales. Those young people have a variety of issues but, as you can imagine, it is an extremely diverse group so there is no one-size-fits-all solution as to how we encourage these sorts of young people to be engaged in the community. That said, we recognise that volunteering is a crucial, vital and extremely beneficial aspect to being a young person and engaging with the community. However, we have some concerns that are starting to arise around the exploitation of young people around unpaid work and I am here to answer any questions that the Committee has around that.

I should also note that Interns Australia is a very new organisation. It is entirely run by young people. It is a youth-led organisation. It is entirely voluntary. The organisation was created by a number of people who had done internships with my organisation and a number of other organisations and were concerned at the number of young people coming forward saying that they had had exploitative experiences in internships and wanted to find out how they could access beneficial internships and how they could access volunteering that was going to be beneficial for them and not rely on them spending significant amounts of time getting coffees, doing photocopying, these sorts of things. So the organisation has been running for only about nine months now but it is fairly large; already about 1,000 young people are involved and they have offices in Victoria, Sydney and Brisbane. Although I am not technically a young person anymore—

CHAIR: Young at heart.

Mr WATERFORD: —and so unfortunately I am not a member of Interns Australia, I helped them get the organisation set up, so I am more than happy to answer any brief questions about the organisation and their work and I am sure that Adi Prasad and the other staff would be happy to take any questions on notice.

CHAIR: What measures, in your mind, could be put in place by government schools and volunteer organisations to reach out to disadvantaged young people about volunteering opportunities in society?

Mr WATERFORD: That is a very large question. There are a couple of things we would like to use as rules of thumb when it comes to volunteering. The first is that we know young people do not just volunteer out of the goodness of their hearts. They recognise that they are starting a career, they are starting their life and they see some personal benefit from volunteering. They also have that altruistic spirit but it is not one or the other often. In that sense it is important that we take both of those into account and to think when we are offering volunteering opportunities: What is the personal benefit for the young person but also not to just assume that they are completely superficial and they do not also want to give back to their community.

In that sense we have a couple of rules of thumb that we use that are ways we can determine whether it is an appropriate mechanism for young people, whether it be useful and beneficial but also allow them to give back. One is timeliness and being time limited. What we mean by that is that it does not take up too much time in a week, so in any given week the young person also has the capacity to study or to work or both, but also timeliness in the sense that there is not an indefinite expectation on that young person, that they feel uncomfortable in that volunteering opportunity, to know when and where they will be able to leave. It is often something we see in a kind of employer-employee relationship where there is a bit of a power imbalance. That is much more so when we are talking unpaid work. Often young people feel the pressure, whether the pressure is there or not from the boss, and certainly we take on interns and I do not feel like I am pressuring them but they might feel as though they are being pressured to stay on longer than they expected, to work later, to come in on extra days, to come in on weekends, these sorts of things. So timeliness is one of the elements.

The Hon. GREG DONNELLY: Are we conflating and talking about two issues here at the same time? The question concerns volunteering but you are also sliding over into unpaid work. Do you distinguish the two as separate?

Mr WATERFORD: That is a very good question and a fair point that I am possibly conflating those areas.

The Hon. GREG DONNELLY: You may be doing it deliberately but I wanted to clarify.

Mr WATERFORD: One of the things that is interesting in terms of study, and I did a lot of research on young people and what they consider to be internships, is that a large portion of those internships are with non-government organisations and charities. In a young person's mind they are often conflated. From our perspective we see volunteering with a charity is giving back to the community, but they see it as an internship. They see it as something that is giving them work experience that will allow them to get work in the future. That said, there are also a large number of volunteering opportunities that young people get involved in that are not in any way shape or form a work opportunity.

The previous witness gave evidence of the Rural Fire Service [RFS], and that is a great example. It is a great opportunity where young people are not necessarily expecting that it will lead to a job as a fireman. I take your point; we do not want to conflate those areas. However, when offering opportunities for young people I still think that timeliness is important. If young people are allowed to volunteer at times that are going to be flexible and available around work or education schedules it would be much more useful. Often we have organisations come to us saying, "We have this great program but no young people are getting involved." Part of the issue is because they are asking the young people to be there at midday and the young person cannot get off school, or because they are expecting them to do a set day per week and their university schedule is varied, or they have casual work and they cannot commit because their shifts jump around. Flexibility and timeliness are still important aspects in any sort of volunteering. I will start with that and I am happy to take more questions.

Ms MELANIE GIBBONS: Would that be more than the definition of an internship; if it is a set time, set day, set requirements versus volunteering in a work place?

Mr WATERFORD: A clearer definition would be—this is the step that the Fair Work Ombudsman takes—is the young person providing some substantial provision of the core work of the organisation? If so it should be considered unpaid work as opposed to volunteering. They give an allowance for non-government or charitable organisations. If you are not-for-profit you are exempt from many of the workplace regulations.

Ms MELANIE GIBBONS: As somebody who came from the charity sector I always thought that we had more volunteers than what I would term interns. It is interesting to hear that from a young person's perspective they would consider working in a not-for-profit as an internship.

Mr WATERFORD: Yes, it is surprising how many young people see it that way. It is not surprising when you think how popular it is as a career to get into for many young people. They see it as volunteering and something they feel very passionately about and personally believe in and would probably do it whether they were going to get something out of it personally or not. The personal stuff is just the cherry on top.

Ms MELANIE GIBBONS: And it goes on the CV.

Mr WATERFORD: Yes, that is right, it is something they can chuck on.

Ms MELANIE GIBBONS: It is a step.

Mr WATERFORD: Yes.

CHAIR: What recognition should be put in place by governments or, more importantly, schools for school age kids for the hours that they have obtained through volunteering? I am talking about Higher School Certificate [HSC] level, years 11 or 12.

Mr WATERFORD: In terms of how the education system recognises it, I am not sure. The tertiary education system should be taking this into account: possibly include it in the opportunity for scholarships to go to university and extracurricular activities are considered part of that. I know some schools have had great success in combining their educational systems with voluntary organisations but that said I think schools have a rigorous curriculum that they have to teach to and I would be hesitant to over burden them with additional things that they have to let kids off to do, such as volunteering work, if it is going to impact on their capacity to get through the curriculum. Does that answer your question?

CHAIR: It does.

The Hon. NIALL BLAIR: Just returning to your opening statement about timeliness. I do not want to stray into the unpaid work issue. If we use the example of gaining work experience and facing the demands of a workplace that says you must turn up at a certain time and carry out particular tasks—whether you want to say it is a gen-Y attitude—but they say, "I cannot turn up until 10 and I have to go at one because I have band practice this afternoon". Do you understand what I am saying?

Mr WATERFORD: Absolutely.

The Hon. NIALL BLAIR: Where is the balance between those two? Because surely an organisation providing the opportunity for someone completing a university degree or tertiary training to come in and gain internship experience, as I did when I was at university, should that not be heavily weighted towards the employer's expectations?

Mr WATERFORD: There is a balancing act, I agree 100 per cent with the concern you have. In terms of unpaid work that is attached to university degrees, such as placements that social work students have to do or teachers, that is a fantastic aspect and I think it is really beneficial for these people to get out of the classroom and experience what the job is going to be like. You have to balance that learning to work—and that is an important skill for people to learn—against an increasing expectation that people will work for extended periods of time unpaid. That runs the risk of us limiting the capacity for low income young people to access these sorts of careers.

We hear many stories, particularly in the creative and media industries, where it is not uncommon for people to be expected to work for six months full-time unpaid before being considered for a job. That becomes extremely difficult for someone to afford who does not have family support. If the job is in the city they have to live in Sydney and pay rent—all that stuff. That can be difficult for a young person. Often you find it becomes accessible only to high income or well supported young people and that is the balance we have to set.

We do not want a system that encourages or preferences those that come from wealthy families over those that do not. That would be the concern I have. I totally appreciate that you want young people to have

experience of what the workforce is really like and be prepared for that. We know that many young people drop out of jobs because they find it too hard and that is a really bad long-term outcome for them as well.

The Hon. NIALL BLAIR: The recommendation that you point to in your submission of the German experience, the Fair Company initiative, does that specifically talk about time frame: that we will not have someone for six months unpaid?

Mr WATERFORD: It does, yes. They have allowances that they provide to their interns. An interesting aspect that a number of European countries have is that they do not necessarily have waged internships. They are not in paid work but what they have is an allowance that covers basic living costs in order for them to be able to get food in the morning and make it to their jobs. It is nowhere near the minimum wage. It is more like half the minimum wage in many circumstances, but it is something that bridges the gap for low income families. You could have means tested support, and not something that everybody could access, but only those who demonstrate an interest in a career, show commitment and passion—which may be through university marks—but do not have the financial capacity to be able to access the industry. At the same time we should also be asking whether we do want industries that expect people to work unpaid for six months before they get paid work. That is a pretty skewed system and clearly the supply and demand is being skewed to them.

The Hon. NIALL BLAIR: Where is your cut off? Is six months no good but one month is okay? Do you have any recommendations around time frames?

Mr WATERFORD: It is unfortunately subjective. I would say anything more than two days a week for a period over two months is probably too much. It will come down to context. I am not saying that young people will not be keen to do an internship greater than that. I do not want to be interfering in young people's access to the workforce. I do not want to be saying to them, "No, you cannot do an internship like that." It is more a behind-the-scenes negotiating with the companies or industries to help them understand that they have a benefit for themselves if they can access a greater work force and not just access people who have the existing financial capacity to do a long internship.

CHAIR: It depends on the industry at the end of the day.

Mr WATERFORD: Sure.

CHAIR: And the person doing the hiring and firing. It is a fine balancing act.

Mr WATERFORD: It is interesting to note that the way that the Fair Work Ombudsman has interpreted it is quite narrow. They are very concerned. Interestingly, the only thing that stops there being a specific legal precedent here is that no-one has taken a case to Fair Work on this issue. When they released the unpaid work inquiry their notes were incredibly narrow and possibly really limiting for some industries. They essentially said: if a person is doing work that is core to your business and you are not a not-for-profit organisation you must pay them at least the minimum wage.

Ms MELANIE GIBBONS: The last two points pick up on my question. If the Fair Work Act says that they should not be contributing to the core work of the business and should be undertaking non-productive work, does that not contradict the fact that we do not want them just to get the coffee and the photocopying? If they are not contributing to the business why should they be entitled to an allowance or remuneration for their time? I am drawing on the French example that you have included in the Interns Australia submission. Aren't they contradictory ideas, that: first, they should not be contributing productively; second, they should not be doing the photocopying and the coffee; but, third, perhaps they should also be paid for their time?

Mr WATERFORD: I think it is a little contradictory. The idea that just because they are doing productive work excludes them from being able to access an internship is unfortunate. I do not know if that is necessarily the best measure. You will find many young people who are doing productive work, and not being paid for it, love the unpaid work, the volunteering they are doing. At my organisation we take on young people as volunteers, we call it an internship, and it is time limited and all that stuff. They absolutely are supporting the core work of our organisation and we are not paying for them. As luck would have it we are a not-for-profit so we somehow miss that. But I would be really upset if these young people were not able to access this and I suspect some of our interns would be as well. I do not think the productive versus unproductive work is a particularly good way to measure it. It is a clumsy way to determine exploitation.

Ms MELANIE GIBBONS: The idea of it being tax deductible, like the French example, is an interesting point. Do you have any further comment on that?

Mr WATERFORD: The system that is in place in terms of volunteering and unpaid work is completely different to Australia. As a useful example of what is possible in terms of innovative ideas it is not something we could reach any time soon as we have an entrenched system in place and I am not sure it would work.

Ms MELANIE GIBBONS: I thought even being in an organisation getting the coffee meant you were part of that organisation and you were soaking up the atmosphere, hearing the terminology that organisation uses and being a part of it. I do not expect people to do it for a long time but it is something to add to you CV to demonstrate that you are not coming in green at the start. To me that would have been enough at the time, but I understand that there are young people who are doing this for long periods of time and they are doing it thinking they are getting a job interview at the end.

Mr WATERFORD: Yes. The ultimate thing is how exploitative is the relationship? Does the young person come in with a very clear understanding of what they are getting out of it? Here is my partner in crime, Adi Prasad. Sorry, Adi, I could not answer my phone because I was giving evidence.

CHAIR: I welcome Mr Prasad to State Parliament and to this inquiry. We need to swear you in. Had you finished your answer, Mr Waterford?

Mr WATERFORD: Whether it is a for-profit or not-for-profit organisation there is the risk that exploitation of the young person will result in them not enjoying it or not getting as much out of it as they should. A good sort of measure that is very subjective is; is the young person getting as much out of the experience as is the organisation? If that is the case, it is probably fine. If the organisation is getting more out of it than the young person then you have got a problem.

ADI PRASAD, Executive Director, Interns Australia, affirmed and examined:

CHAIR: Will you confirm that you have been issued with the terms of reference of the inquiry and information about the standing orders that relate to the examination of witnesses?

Mr PRASAD: Yes, I have.

CHAIR: In what capacity do you appear before the Committee?

Mr PRASAD: As Executive Director of Interns Australia.

CHAIR: The Committee has received a submission from your organisation. Do you want that submission to form part of the formal evidence?

Mr PRASAD: Yes, please.

CHAIR: Do you wish to make an opening statement?

Mr PRASAD: I thank the Committee for allowing me to come here. I apologise for my lateness.

The Hon. NIALL BLAIR: Has your employer allowed you to come here now? The Committee heard that they did not. Do you want to correct that because it might be reflective against your employer now they have allowed you to come?

Mr PRASAD: The employer was informed about the fact that I was coming here for this purpose, so that is perfectly fine with them.

The Hon. NIALL BLAIR: Mr Waterford said that you could not be here because your employer would not allow you the time off work. You are now here, do you want to correct that they have or have not allowed you to attend?

Mr PRASAD: He is aware that I have come, and he is perfectly fine with that.

CHAIR: We just do not want you in trouble that is all.

Ms JAN BARHAM: I thought the boss would be in trouble.

The Hon. NIALL BLAIR: He obviously should not be in trouble if he has allowed him to be here: that is the point I am making.

CHAIR: Mr Prasad is here now and we welcome him. Do you want to continue with your opening statement?

Mr PRASAD: Yes, it is a pleasure to have the opportunity to discuss our submission and the issue of volunteering and unpaid work placements among children and young people in New South Wales. We are a new body, and we aim to represent the needs of students and interns undergoing work experience. Many of us in our organisation have experienced being interns and also doing unpaid work, and we see it as a fantastic opportunity to learn and gain new experience and new skills. From our perspective, voluntary work is an excellent opportunity for young people to contribute to society but we do believe it needs the acknowledgement of a fine line between voluntary work and work experience.

While voluntary work is for the purpose of altruism, work experience exists for young people to get an opportunity to get their foot in the door into labour markets. Hence, while voluntary work must be encouraged as a beneficial activity, we have huge concerns about the large number of employers offering voluntary internships as an opportunity for young people to get training without paying for their time. In many sectors, voluntary internships are widespread and many young people feel compelled to take not just one, but multiple forms of unpaid work in order to get a job. We believe it is important to ensure that voluntary work is kept as it is meant to be: an enjoyable and worthwhile activity for the sake of providing for the community and not being utilised by some in our community as a means of getting cheap and easy labour.

CHAIR: Do you have any questions concerning the procedural information sent to you in relation to witnesses and the hearing process?

Mr PRASAD: No.

The Hon. GREG DONNELLY: I am probably showing my age with this question but, in any event, I am trying to get a sense of the time frame in which the notion of "internships" has become embedded in Australia. In the late 1970s and early 1980s at university the term "intern" was normally associated with a medical student finishing his or her degree with an internship. Over subsequent decades obviously the notion has broadened and it now has quite a general application. Will you give the Committee, through the work of your organisation, a sense of the time frame of internships? Has it been used in that general way in this century, in the past 1½ decades, or has it escalated since the 1980s? To be quite frank, I have been quite surprised when reading the submissions and materials to note it is so broadly applied and operating across a range of sectors.

Mr PRASAD: There is no doubt that a few decades ago the idea of being expected to undertake, say, these forms of work experience, many of which can be for up to six months or even for a year, would have been unthinkable and it has popped up over the past few decades. We do believe that much of it could stem from the reality that employers have been able to utilise the increasing number of people who have come out of universities and offer these forms of work experience, and basically market them as an opportunity for those who wish to get their foot in the door. There is a reality that unfortunately many of these forms of work experience would have been, once upon a time, considered worthwhile as a paid entry level position.

It is a real concern because at the end of the day many of these people who are trying to get their foot in the door are doing so because they want to get a paid entry level position but, in the process, because of poor regulation and enforcement in the legislative practises there is a reality that the number of entry level positions has been basically made more scarce due to unpaid work experience.

The Hon. GREG DONNELLY: Earlier the Committee heard evidence that in certain industries it seems to be reasonably commonplace. Is it your evidence that internships are to be found broadly across the economy? Is it restricted in any particular area? Can we find them all over the place?

Mr PRASAD: Yes, we have recently conducted a survey which went on for several months earlier this year and late last year, and we got responses from many young people from a broad range of sectors, including law, the arts, finance and other areas as well, not-for-profit especially. It is quite clear that forms of unpaid internships are quite widespread.

Mr WATERFORD: Can I also add that I think one of the things that has seen a huge explosion and concern about internships is the shrinking of the media industry and the global financial crisis. With the contraction in the workforce it has put pressure at both ends of the workforce and it has meant that there is a lot less supply of jobs, but a lot more demand for jobs as people have expected to have this economy that is growing and growing, and it has, sort of, fallen apart. The media industry is one where we have heard really concerning stories and that is essentially because you have far more people training to be journalists than there are jobs as journalists going around. Because people want the job they will go that extra mile because there is just a lot less supply of jobs out there.

The Hon. GREG DONNELLY: Will you comment on your understanding of the notion of people buying into getting access to an internship—in other words paying a third party to facilitate making the contacts that will lead to an internship? If that does occur, can you provide the Committee with some examples?

Mr PRASAD: Could you repeat the question?

The Hon. GREG DONNELLY: Yes. Internships are operating in the workplace. Obviously there is a pool of people looking to internships. Is there any information or evidence of third parties operating to facilitate internships for young people? In other words, charging back to the young person perhaps a fee of \$X or a commission payment to get access to internships?

Mr PRASAD: Yes there is. There are actually quite extensive organisations out there that do act as a middle man between the intern and the potential intern supervisor. Many of these organisations can charge hundreds of dollars for a student or young person to get an opportunity to get work experience. I was actually

just on the radio this morning discussing this issue because it was quoted by a journalist from the Herald yesterday as well. It is a concerning reality because the indication is that the pool of intern positions, compared to the number of the people who are looking for those internship positions, has become so scarce that many young people feel compelled to have to pay hundreds of dollars in order to just get work experience. It is not just getting a job; it is the hope of getting a job.

Mr WATERFORD: I can comment on a specific example. I have taken on one of these students, in fact, at one point, unaware that that is what I was doing. It is extremely prevalent with international students who wish to come over here and study and/or work because it is a pretty great place to live, Australia, Sydney. This student was from The Netherlands. She paid \$5,000 to an organisation in order to come over here. That \$5,000 did not include any of her set-up fees, except that they lined her up with our organisation, and they found her a place to live, but that was sharing a bedroom in Bondi for \$400 a week. She was also being taken to the cleaners, I would say, by them in her rent and her other living expenses. She signed a contract with them; not with us.

They called us up and said, "We've got this great young person from overseas who wants to come and work. They love your organisation." I said, "It sounds great. We would love to have her." Once she arrived at our organisation, and we realised the reality of the situation, we tried to extricate her from that, and sort of said, "Look, we can negotiate directly with your university. You don't need this company" that was predatory in my opinion. She was expecting that there was a significant amount of money involved. She could have emailed us directly and we could have lined her up.

CHAIR: Was that an Australian company?

Mr WATERFORD: Based in Brisbane, probably, Australia, and they were charging \$5,000 to international students to come over here, plus that person had to pay for their own accommodation, flights, food, everything. It was outrageous when you think of all they really did was facilitate a lease, and an unpaid volunteer position for three months, and they got \$5,000.

Ms JAN BARHAM: Did you report that or take it any further?

Mr WATERFORD: There is very little we could report, to be frank. They have not done anything illegal. The person is not an Australian citizen. It is concerning, sure, and we reported it in the sense that we told organisations we work with, but as far as we were aware, at least at the time, and I am not aware that any laws were broken, it just seemed very poor form. We tell everybody we know, "Don't work with these sorts of organisations."

Ms JAN BARHAM: Is the increase in volunteering and internships due to the fact that paid employment relies on experience? A person has to get it however they can and if they are not going to get taken on in a paid employment role to get experience, their only options are volunteering or internships.

Mr PRASAD: I think one thing we do need to consider is the fact that the availability of these sorts of paid entry level positions, just a few decades ago they would not have been in such a great demand by employers to expect young people to have that much voluntary experience in their place. If I can speak of my own personal story, for example, I am currently doing a paid entry level position as full-time. I consider myself very fortunate to be having this sort of work because I know how scarce it is in the industry I am currently in. In order to get this particular job I took up seven unpaid internships, as well as one that was below minimum wage.

I kind of accepted it and it gave me enough references and experience to eventually get full-time work. This is not an unusual story. I have got numerous friends who have been in the same situation as well, some of them still looking for full-time work.

Mr WATERFORD: I think one of the things is that, yes it is absolutely, because there is an expectation that you can do the job before you get the entry level position. That is a fairly new phenomena I think. It was not common when I started my experience. It was expected that you got training on the job; that was part and parcel of the contract struck by the employer and employee. It was "You're new but we like your verve, you know, you're clearly someone that we can grow into this and we are happy to invest money in to you to get you off the ground because we know it is going to be worth it."

Ms JAN BARHAM: How relationships have shifted very much. Some 30 years ago—

Mr WATERFORD: Fifteen years ago.

Ms JAN BARHAM: I can say 30. There were lots of jobs. But as we have just seen in the paper today, youth unemployment is at 20 per cent. It is tough out there for young people so the opportunity for exploitation is there. Thank you for bringing the examples that you did from overseas. The reason I asked about whether you reported it is the issue of accountability. Do you think there should be some sort of contract between whoever engages a young person and that young person so that they have some rights in that situation? I know you have suggested the US model but I think something in writing that is signed and some sort of exit report.

Mr WATERFORD: Yes, potentially. One of the difficulties in the exploitation is that the young person is afraid about reporting it. They do not feel like they have the ability, even when it is clearly in breach of the law, to report it because it will ruin their chances of ever getting a job in this industry. One option would be an anonymous tip-off or an ability to make reports that young people are aware of that would allow them to make the complaint without needing to get themselves in trouble.

Ms JAN BARHAM: Do you think that is the reason why the Fair Work Ombudsman has said that there have been no legal cases for this: because young people are afraid that it will come back on them for future employment?

Mr PRASAD: I think it can largely take a role in that. I think another issue could be because of lack of education that many young people might be experiencing around what their rights might be and how they can act on it. It is also important for us to consider how the regulations can be amended such that it is strong and viable enough for a young person to have a sense of certainty over what their rights might be and ensure that they can have the full opportunity to have their work experience as something that could lead to a job down the line.

Mr WATERFORD: In as many words, yes. I think the fear of losing a job, not just at this particular organisation but in this industry, is very important for a lot of young people and they will put up with a lot that is illegal because they do not want to report it. In fact, when we hear stories from young people they will explicitly say to us, "Please don't report this because they'll know it was me and I'll get in trouble and I'll never work in this field again."

Ms JAN BARHAM: So a real power imbalance has been created.

Mr WATERFORD: Yes. The power imbalance always existed. It has probably got worse and that is part of the necessary contract that is any employment. The boss needs to have a bit more power than the employees. I think it has got worse, particularly when you are not paying the people. They cannot even say, "I'm refusing to offer my services" because they are like "Great, we'll find someone else. We don't have to pay them anything. It's fantastic." So, yes, it has got worse.

The Hon. NIALL BLAIR: We will hear from Unions NSW in a moment. Is your organisation, Interns Australia, there to advocate and represent the people who are doing internships across the board? If they have issues, are you advocating that they come to you? When I ask Unions NSW a similar question in a moment, are you competing for the same space? Who will be the workplace advocate here? Where do we go to when there are problems?

Mr PRASAD: I do not see us in competition with Unions NSW. I do not think that would be beneficial for anyone, including the interns involved. We see ourselves as an advocacy body, an independent body that is advocating for the needs of the interns and students getting work experience. We are currently developing to ensure that whatever support we can provide is for the needs of the interns and that would not be in competition with any other organisation.

Mr WATERFORD: And I think crucially you are not doing individual advocacy for specific people; you are doing systemic advocacy.

The Hon. NIALL BLAIR: So you will not be going into workplaces et cetera to try to look at issues between interns and a host employer.

Mr PRASAD: We have not formed any plans to do any of that.

Mr WATERFORD: Definitely not.

The Hon. NIALL BLAIR: That is good to clear up because the perception is that Interns Australia is the voice for interns, and if I am an intern that is doing eight months work and I have not been paid either I ring the local union delegate or I ring Interns Australia. It is a confusing and evolving area, and it is good to get those lines of delineation sorted out.

CHAIR: How well advertised is Interns Australia? How long have you been around for?

Mr PRASAD: We have been around since September of last year. Much of our communications are over social media, utilising the fact that many young people use Facebook and Twitter. A lot of our work and a lot of support and the awareness we have got is through social media.

Mr WATERFORD: You do not have a budget of any sort to do advertisements.

Mr PRASAD: We do not have much of a budget at the moment.

Ms JAN BARHAM: You are volunteers.

Mr PRASAD: They are all volunteers.

CHAIR: You are interns.

Mr PRASAD: We consider ourselves volunteers rather than interns. Once again, we consider voluntary work as something that can be a fantastic opportunity for people to contribute to society but that is quite different to an internship and other forms of work experience.

CHAIR: I presume you and a couple of friends set this up at the start of the year. What was the major driving force? What was the real reason for it?

Mr PRASAD: I think it was basically our own personal experiences and the knowledge that many of our friends were experiencing as well. We thought that it was worthwhile for us to build a voice for the needs of the interns and students doing work experience because there are so many of us out there and we genuinely believe they can be good opportunities. This is about ensuring that they have good opportunities and not be used for the incorrect reasons.

CHAIR: Thank you for appearing today. The Committee may wish to send a few additional questions in writing, the replies to which will form part of your evidence and be made public. Would you be happy to provide a written reply to any further or additional questions?

Mr PRASAD: I would be happy to, yes.

Mr WATERFORD: Of course.

CHAIR: Thank you.

(The witnesses withdrew)

(Short adjournment)

MARK LENNON, Secretary, Unions NSW, sworn, and

EMMA MAIDEN, Assistant Secretary, Unions NSW, affirmed and examined:

CHAIR: I welcome Mark Lennon, Secretary of Unions NSW and Ms Emma Maiden, Assistant Secretary of Unions NSW, to the inquiry today. Thank you for appearing today before the Committee on Children and Young People to give evidence. Can you please confirm that you have been issued with the inquiry terms of reference and information about the standing orders that relate to the examination of witnesses?

Mr LENNON: I can.

Ms MAIDEN: Yes.

CHAIR: The Committee has received a submission from your organisation. Do you want that submission to form part of your formal evidence today?

Mr LENNON: Yes.

CHAIR: Before we proceed, do you have any questions concerning the procedural information sent to you in relation to witnesses and the hearing process?

Mr LENNON: No, I do not think so.

CHAIR: Would either or both of you like to make an opening statement?

Mr LENNON: Thank you, Chair, I will make a few opening remarks. What we are dealing with here is clearly a significant change in the structure of the workforce over the last 20 or 30 years. Twenty or 30 years ago we would have said that if you had an internship then it would be in the form of an apprenticeship or something of that nature. Given the predominance of blue collar work in our community, with the growth of the service sector and with the growth of people entering higher education, we have seen the area of internships evolve.

That is what most of our submission focuses on and where most of the comments today will focus in terms of the terms of reference of the Committee, but, suffice to say, Unions NSW is not opposed to the concept of internships in New South Wales; we think they have an important role to play in the labour market. However, the way they have developed in recent years has been very ad hoc and, as a consequence, there is a high degree of uncertainty and a lack of regulation around how they operate. Clearly, from what we have said in our submission, the key element is that as a starting point—and I think it is within the power of this Committee to recommend such a thing—there should be this concept of a code of practice and in that code of practice to look at what is an internship, what arrangement should be in place in terms of an internship, who should be able to access them, when does it overstep that mark from being an internship to an actual contract of employment and all the consequences that brings. We think that is very important and vital.

We do not want to step away from the fact that there continues to be a role in the community for volunteerism, for want of a better word, and that should continue to play a role, including in certain areas, particularly in the not-for-profit sector in workplaces. But clearly where there is a job to do, where it is to the productive advantage of the employer that that job be done, then that is paid work and should be paid with all the requisite conditions that go with it. We see the Committee's inquiry as a positive first step in trying to move down the path—there have been some steps already—of bringing some regulation around this area of internships in particular, and our view is that that first step should be the code of practice, as we have said in our submission. I will leave my opening remarks at that.

CHAIR: Any further opening remarks?

Ms MAIDEN: No.

CHAIR: We will move to questions.

The Hon. NIALL BLAIR: Following on from your opening statement, do you have the parameters or the litmus test that would be applied in a model code of practice—that is, what is an internship, when does it cross over into that unpaid work? Are there other examples that we could look to for a type of code of practice?

Mr LENNON: One of things we recommend in our submission is that more work needs to be done, and when you look at Fair Work's report that they did last year they also went down that path and were suggesting that more research be done. There are some cases overseas, particularly in the United States—which comes as no surprise—where internships are more prominent and the line has been crossed from an internship into paid work. At law it is simply a question of are you actually working to the productive advantage of the employer and, as a consequence if you are, the likelihood is that it is now an employment relationship and therefore you should be paid.

The New York State Department of Labor has 11 factors they look at when it comes to a question of an internship. I think the key one, to answer your question, is if the activities of the trainees do not provide an immediate advantage to the employment and on occasion, they say, may impede the operations of the company, which might be a bit surprising coming from the United States, but that is the sort of benchmark that you have as to whether you have crossed the line and are now in what should be regarded as paid employment.

The Hon. NIALL BLAIR: Just to clarify: In your submission you separately take out that school-based work experience as well, do you not? You single that out.

Mr LENNON: We go to the fact that there are various areas where you have got people in a workplace who are there and performing a role but are not being paid. So you have got work experience from school, you have got work placement where people are in an educational institution and as part of their course they are doing work, and then you have got this new concept that has arisen of internships where in most cases they have done all their educational qualifications and this is a pathway to employment. In terms of the code of practice they are the issues that should be considered, but work experience is unique in its own particular circumstances.

Ms MAIDEN: Can I just add that there is also a code of practice, I think, in the United Kingdom as well. In terms of the issue about where you cross over and where you draw that line, the new changes to Work for the Dole talk about 30 days in terms of the length that someone can work unpaid for an employer; they limit it to 30 days. Whether that is the cut-off, that could be given some consideration, but I think we are now seeing situations of six months unpaid internships—

CHAIR: Even longer sometimes.

Ms MAIDEN: Or longer, but often the people that are doing those are doing one after another after another and still not getting work and it is such a barrier to people who just cannot afford to work for free, so they are not getting experience across the board.

Ms JAN BARHAM: You mentioned in your submission unpaid work trials. How prevalent are they? Do you hear much about them? Despite them being unlawful I certainly know they are still going on. Do you have any evidence about how widespread they are?

Mr LENNON: Again it is anecdotal, and we say there should be more research done on this issue, but I was on one of the radio stations this morning talking about this issue and while I was on they took a call from a fellow who said he had just been offered a job but the first two weeks they wanted to test him out, so he would not be paid for the first two weeks. I said, "That is not right at all". The way you go down that path is you put people on probation but you pay them.

Ms JAN BARHAM: I am glad you mention hospitality because my home area, being a tourism area, it happens a lot and young people do not realise that they have rights in this situation. They are being exploited and who to complain to is a big issue or the fear, as we have heard from previous speakers, about if you say anything you might lose a future opportunity. Any suggestions about how we could deal with that? Is there some campaign that needs to happen?

Mr LENNON: One of our recommendations in our submission is education of students at school level about their rights to start with—I think that is first and foremost—and then making people aware that if they think they are being taken advantage of, we would always say they should speak to their union first and, if not, the regulator: Fair Work.

Ms JAN BARHAM: But if they are not employed and they are only doing a trial they are probably not a member of the union.

Mr LENNON: No, but clearly they can contact Fair Work in that case. There have been a number of cases where Fair Work has found people were working and should have been paid.

Ms MAIDEN: Community legal centres, too, often take these kinds of cases. They do fabulous work seeing underpayment of wages for a whole range of workers, including unpaid work trials. Obviously unions do a lot of that work as well. The whole system of underpayment of wages is meant to be very accessible and easy for people but I think there are a lot of barriers to young people and people of non-English-speaking backgrounds that you could probably do some work on to make that an easier process.

Ms JAN BARHAM: In some of the overseas examples where there is a payment, even though it is not a living wage perhaps it is a payment for internships and voluntary opportunities. Do you think that is a necessary thing in that for most of the people doing these, foregoing their wages comes at a cost to them in terms of travel or buying their lunch, whatever? Is that something that you support?

Mr LENNON: That the interns will be paid, absolutely, particularly if you are alluding to any expenses that may be incurred as a consequence of doing the internship. Again, the first step should be is it an internship or is it a job?

Ms JAN BARHAM: Defining it.

Mr LENNON: That is right.

Ms JAN BARHAM: Do you think the need for more research should be added to the census of the Australian Bureau of Statistics [ABS]. People are asked about volunteerism, should they be asked about interns and internships?

Ms MAIDEN: Most certainly. The anecdotal evidence is that it is very widespread and the research that has taken place in other countries supports that as well. It would be great to have a bit more meat on the bones to show the extent to which it is occurring. There is evidence that shows that apprenticeships and traineeships are reducing. You have to wonder whether there is a link there, whether employees are increasingly seeing internships as the way to get young people into their organisations rather than going down the formal training path, which has much more established history and links between education and work experience.

Ms JAN BARHAM: Have you been able to have any discussions with anyone from the Chambers of Commerce or the business sector so they get an understanding? I am sorry I missed Mr Lennon on radio this morning; I did read the *Sydney Morning Herald*. Is this a time to have that conversation and to get it out there more broadly?

Ms MAIDEN: We would certainly welcome that. We have not done that as yet. If the idea of a code of practice is something the Government would be interested in introducing, we think the logical way to progress that is to get representatives of the business chambers and representatives of Unions NSW to sit down with—

CHAIR: A cross-section of groups.

Ms MAIDEN: Yes, with the department representatives, a kind of tripartite model and come up with a code of practice. It has always worked well in other sectors that way and I think it would be the best way to progress it in New South Wales.

CHAIR: Following that point, and I saw Mr Lennon's media release today, are there any other States doing that?

Ms MAIDEN: Not that I am aware of, but—I am not aware of it.

Mr LENNON: I am not aware of it either but in answer to your question, Ms Barham, there needs to be discussion amongst ourselves and the employers generally about pathways to work. That includes

apprenticeships and training. There was the question about apprenticeships and people dropping out. There is a 50 per cent dropout rate and things of that nature, and internships, work placements would all fit in that vehicle

CHAIR: Work experience.

Mr LENNON: Work experience. It all fits into that. That was the idea. I am old enough to remember that we did not have work experience when I was at school.

Ms JAN BARHAM: That is right.

Mr LENNON: That was the first step towards getting a bit of working life experience, et cetera. I think the discussion needs to be very broad on steps to the job market.

CHAIR: I think you are right.

Ms MELANIE GIBBONS: In some ways my question has just been asked. You mentioned the American experience. Is there anywhere that is doing it particularly right, what are they doing right and who should we be looking at to learn from? The people beforehand were talking about some experiences in France and Germany, particularly in regard to paid employment and minimum wage. Is there somewhere we should be turning to get—

Mr LENNON: I only take the example of the United States [US] because it is one that I have had a bit of a look at, but the only problem with the US system generally is that life in the US tends to be a bit litigious. You have rights and, as a consequence, the rights are being broken and therefore you have the right to take the matter to court. We do not necessarily want to go down that path. That is why, as a first step, a code of practice would be the best example and the best way to go. Having a broader education about rights for young people and responsibilities in the workplace would also be a better vehicle to go to.

Ms MELANIE GIBBONS: When you are talking about a code of practice or a moral code of conduct such as the Children's Guardian that we were talking about earlier, what would need to go in it and how would it be enforced?

Ms MAIDEN: You would probably see it in the Department of Industrial Relations—I do not know its current name—to be part of that inspectorate function so that, like all codes of practice, it is not binding on employers but if they have to show what practices they have put in place in their workplace that they are either equal to or greater than what the code of practice is. I think it would need to be overseen by that inspectorate function so that when they are going out to visit workplaces to see if wages are being paid correctly or if there has been a complaint about the way a job or internship has been advertised, they can investigate and educate—play that educating/informing role with employers to ensure they know what is expected of them.

There are situations where some employers are doing very good internships and the intern is getting more out of it than the employer, but there are definitely some employers who are doing the wrong thing and getting free labour that they should be paying for. There are other employers who really just do not know. They see that other employers are doing this and think why do we not try it? They are not necessarily aware of how the system should operate. Having that inspector role and the code of practice and some education around that through the Department of Industrial Relations would be a good first step.

CHAIR: Additional questions. Mr Donnelly?

The Hon. GREG DONNELLY: Do we have an insight into a link at all between the relationship of the decline in traineeships and apprenticeships and the phenomena of internships that has taken off over the past two decades or so, or is it speculative at this point in time?

Mr LENNON: I think you have to say it is speculative at this stage. As we have encouraged more people to go into higher education, understandably so, then the issue of internships seems to have blossomed in a sense, or grown. I think the push towards finishing year 12 and higher education has also seen a decline in apprenticeships as well, plus structural changes in our economy. There is no doubt, as you see from the US experience, and what I see, that the problem with internships, as Emma just alluded to, once a couple of companies start doing it in a big way and using it as a cheap source of labour, it is always a minority, then competitively everyone has to engage it and that is what seems to be happening in the US, so that is the danger.

The Hon. GREG DONNELLY: In terms of the concept of an internship, we have had various witnesses today and we have been focusing on this. Do we have an agreed definition of what an internship is or is it just a notion that is out there? Some are paid, some are unpaid, some are short and some are long. Is the idea amorphous?

Mr LENNON: My experience from 20 years ago was that an intern was the person who looked very tired who came to sort you out in an emergency when you were injured on a Saturday playing football. That was the only notion of an internship that we had in the country at the time. That is part of the problem that we are trying to grapple with: What is an internship?

Ms MAIDEN: Strictly speaking, with our current laws if there is no connection with a course of study, technically you could argue that every internship is an employment relationship and wages should be paid.

The Hon. GREG DONNELLY: Indeed.

Ms MAIDEN: Some of those might be great educational opportunities that would otherwise meet a checklist that you would write about what an internship should mean. There is a proper definition of what an internship would be but it is not observed at all in the real world.

The Hon. GREG DONNELLY: We heard from an earlier witness that there seems to be some evidence that interns are paying a third party for access to an internship made available by an employer. Have you heard of these things going on?

Ms MAIDEN: You have to just get on the internet. They are everywhere, from \$1,700 to \$2,000 to get placed by these brokers with employers that are offering internships.

CHAIR: What type of brokers? Who governs that space?

Ms JAN BARHAM: No-one.

Mr LENNON: In the main, there is the Australian Internship Industry Association. I am not sure who they are. They have a holy handbook. I printed a copy off but it did not give us much detail about the nature of it.

Ms MAIDEN: They make claims that these are all legal internships and this kind of stuff.

CHAIR: I do not doubt that.

Ms MAIDEN: When you look at the job ads, you have to question whether that is true. Six months internship working in office admin sounds to me like it is a job where someone is going to be exploited as free labour for six months.

CHAIR: Coffee and photocopying.

Ms MAIDEN: And then to ask someone to pay \$1,700 to \$2,000 for the privilege of being placed adds to the exploitation.

CHAIR: That does not sound right. Mr Donnelly, we will move on. We can go back to you.

Ms JAN BARHAM: In trying to understand why this has happened, again I will draw from my personal experience. In tourism, the ability or the opportunity for exploitation is heightened by the fact that there is another workforce that is transient. The workers have visas and they are willing to work for accommodation rather than money. A local workforce cannot compete with that so that is where I have seen, over the past 10 years, the rise in these unlawful activities of the continuous trial.

Mr LENNON: Yes.

Ms JAN BARHAM: I am hearing from people in Sydney also it is having an effect on the hospitality industry. I do not want to sound paranoid, but I am wondering whether you think the backpacker workforce does contribute?

Mr LENNON: Absolutely. There is no doubt there is a supply and demand issue. You have got the supply of transient workers coming in and they can undercut the labour rates—the market rates and the legal rates—and that is the problem. I see the two issues as separate. This concept of trials and workplaces and people undercutting awards and things is simply wrong and against the law and the law should be enforced through fair work. It is a question of being vigilant and people being aware of their rights and the regulator being able to do their job as opposed to the issue of internships where you have got someone going to work with a prospect of a career and they are given all these alleged opportunities that they are going to be afforded but then they find, in fact, they are not getting the training and learning opportunities that they should. I see the two as distinct. Both are problems, do not get me wrong.

Ms JAN BARHAM: I have seen trials developed because there is another workforce that is able to do the job so locals will do anything to get that first opportunity of experience because for many jobs you cannot get in the door if you do not have experience.

Ms MAIDEN: Can I add to that? We do not have a system of wages where we ask people, "What would you do this job for?" We have a minimum rate system.

Ms JAN BARHAM: There has been talk about it.

Ms MAIDEN: There has been. We do not say, "Will you clean my house for \$10 an hour?" There is a minimum wage and, for some reason, there have been illegal inroads into that with unpaid work trials, international labour and other things. It erodes one of the fundamental parts of our wage system, which is about a proper minimum wage so people can afford to live. It is a fundamental for us.

Ms JAN BARHAM: In these circumstances where is the dispute resolution if someone feels aggrieved in the situation such as an internship? Who do you think they should go to? The report of the Fair Work Commission stated there has been little opportunity for any legal cases. What is going on? Do people fear they will not get a job in the future so no-one is willing to take anyone on who is responsible for this unlawful practice?

Ms MAIDEN: I think there definitely is an element of fear. People are taking a risk in doing unpaid work in the hope they will get a job and, even if it has not worked out, they are worried about rocking the boat next time an opportunity comes along. Of course, they can go to a union—and unions do a lot of this work. They can also take cases to small claims tribunals or Fair Work Australia. While those systems were set up to be alternatives to a more formal, legalistic process, the reality is still very confronting for most people. It is not like taking someone who sold you a product to the consumer body; it is not as easy as that. You need a lot more expertise. Certainly something could be done to make those bodies more accessible and for people to have more knowledge about what they can do to enforce their rights.

The Hon. GREG DONNELLY: Do you have an idea of what constitutes an appropriate unpaid internship? I presume you would find some unpaid internships agreeable. If that is the case, please tell us what constitutes such an internship, or take it on notice.

Mr LENNON: It would be best if we give you a response in writing, but the key elements are that it is in the interests of the intern—a chance to obtain education on the job or learning or skills—and that it is for a defined period. The object of the exercise is for the benefit of the intern and not necessarily for the employer. The employer may gain some benefit if the intern is then taken on in paid employment because they have acquired certain skills, but that may not be a consequence of the internship.

The Hon. GREG DONNELLY: Does the work for the dole concept fit in with unpaid internships or is it separate?

Ms MAIDEN: One concern about unpaid internships is that they can reduce initial employment opportunities for young people by only making them available to those who are willing to work for nothing. It is the same with the expansion of work for the dole from the community sector to the private sector, which I think is being proposed. You have to wonder about whether these are opportunities for real paid jobs for young people

if Work for the Dole is going into that space. That is a concern for us. Youth unemployment is already approaching 20 per cent, and higher in certain parts of the State. On the one hand these internships are trying to provide experience, yet at the end of the day there are no actual jobs because entry-level positions are being kept as unpaid jobs.

Mr LENNON: We should make it very clear that we are very concerned about the circumstances of people on trial at the workplace. We have talked about whether all forms of unpaid work should be covered by a code of practice. In my view we need to make it clear that when people are employed to do a job that is to the benefit of the employer then they should be paid.

Ms JAN BARHAM: Years ago, when Jeff Shaw was Attorney-General, there were regular media reports and statements in the House about workplaces that were found to have contravened workplace practices. That was a strong message: naming and shaming workplaces in the House and in local communities. Does that still happen? Are workplace complaints still checked or are there spot checks?

Ms MAIDEN: I am not sure that they do name and shame in the House.

Mr LENNON: The Office of Industrial Relations in New South Wales no longer has coverage of the vast majority of private sector workplaces, or any private sector workplaces. Any checking of private sector workplaces not doing the right thing is the purview of the Fair Work Ombudsman, as you know, for the fair work inspectorate. If this is to happen in the future, it is more than likely to happen in Federal Government.

Ms JAN BARHAM: We have lost that State-based capacity to have standards enforced?

Mr LENNON: Yes, but I agree that the vast majority of people do the right thing, so it often works to name those who are not. It is another tool that should be considered.

CHAIR: Thank you for appearing. The Committee may wish to send some additional questions in writing, the replies to which will form part of your evidence and be made public. Would you be happy to provide a written reply to any further questions?

Ms MAIDEN: Certainly.

Mr LENNON: Yes.

(The witnesses withdrew)

TODD BURNS, State Coordinator Youth Engagement, NSW State Emergency Service, sworn and examined:

CHAIR: I welcome Mr Burns to today's hearing. Please confirm that you have been issued with the inquiry terms of reference and information about standing orders relating to the examination of witnesses.

Mr BURNS: Yes, I have.

CHAIR: The Committee has received a submission from your organisation. Do you want the submission to form part of your formal evidence?

Mr BURNS: Yes.

CHAIR: Do you have any questions concerning the procedural information sent to you in relation to witnesses and the hearing process?

Mr BURNS: No.

CHAIR: Would you like to make an opening statement?

Mr BURNS: I would like to give a bit of context, specifically in relation to the volunteering sector and youth engagement in that area. About 5½ years ago I was appointed to the role of cadet coordinator for the NSW State Emergency Service [SES]. 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 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. Another area where we engage with young people is young members. We have 16- and 17-year-old members. The minimum joining age is 16. We consider young people to be 16 to 25. We have done some extra work in that area because the cadet program has attracted young people into the organisation.

There are some specific challenges to working in the volunteer sector, and I will outline some of those as we go along. I am a paid staff member. There are about 10,000 volunteers in the NSW State Emergency Service and about 350 paid staff. We rely on volunteers when we do programs like the cadet program and when we want to attract young people into the unit. There are about 228 SES units spread across the State, and 17 regions that operate as administrative centres for those units. We also have a State headquarters, based in Wollongong, which is where I work.

CHAIR: In your experience, what are the major barriers to young people to participate in volunteering, in particular with the SES?

Mr BURNS: Something that is specific to the volunteer sector is loathing administration, doing paperwork and having to repeat criminal history checks over again—not that that is required but people have suggested that we make things safer by doing continued checks. Although criminal history checks may only be required once on entry to employment, it has started to be a practice to do them every year and volunteers are getting sick of that. The bureaucracy is one of the big barriers. Most volunteers I know are hands-on people who want to get out and do the job with minimal paperwork, so anything that means filling out forms and adhering to complicated policy and procedure is a barrier for volunteers.

There is also fear in regards to volunteers getting into trouble for being in the same room as a young volunteer member—I am talking about 16- and 17-year-olds. I have had consistent briefs bringing up that issue: what if I walk into the kitchen and a young member is in the kitchen? There is a lot of fear about engaging these young people and what that may mean for the adult volunteers. They ask whether they can be accused of something, often something that has built up in their head but is not realistic. There is also fear that young people will take over their positions. Some volunteers have told me they fear that. I appreciate their honesty. I think there are things that can be done in that space, but it is a barrier.

Another barrier is that they are afraid of having a quiet drink of alcohol in front of young people as well. With all of these things, it is easier just to not accept 16- and 17-year-olds as members in the first place. We are trying to engage 16- and 17-year-olds sometimes but they are getting knocked back from joining. Even though our own organisation's policy says the minimum joining age is 16, sometimes they are getting knocked

back by individual unit controllers saying, "No, we do not accept 16-year-olds" and these are the major reasons why.

CHAIR: Reading the report recently, you say you have seen a substantial growth and increase in numbers over the last five to six years.

Mr BURNS: Yes.

CHAIR: How has your organisation achieved the growth detailed in the report?

Mr BURNS: I think two major things have happened. First of all, the introduction of the cadet program. That is spread fairly well across the State. Most of the 17 regions spread across New South Wales have done one or two, or in some cases more, cadet programs within that region and that has really helped to give young people an idea of what the SES is about, the employability skills they can get. That has led to some of those former cadets going on to join units but it is not just the former cadets that have joined; we have had other young people influenced because the former cadets have told a friend or relative, or a next-door neighbour has asked about the program and that has led to other young people joining up as well, so there has been a bit of a groundswell that the cadet program has created.

Another thing I have seen happen is that it would be very rare for a young person to join a unit by themselves. If a couple of young people influenced by the cadet program go and join, other young people see that there are already young people there and that has a flow-on effect. That has happened in one of the units at Ballina. They have had a massive increase in young people joining and it just started off with a few young people joining at the start. The cadet program has been a big influence and the other influence is the change in policy that happened a few years ago now.

CHAIR: What policy is that?

Mr BURNS: That was the policy that restricted young people from going on overnight stays. This is young members who have joined the unit, 16- and 17-year-olds, were restricted from going on overnight stays, which caused problems because a lot of the work and training that the SES does requires an overnight stay. They might travel 100 kilometres somewhere, especially some of the bigger regions out west, where they respond to a job. They have overnight accommodation for one or two nights, sometimes more, and then return to take up normal duties. They were being restricted from doing anything like that. It is not just the jobs that they attended but also training. Training a lot of the time is outside of area but what is meant by that is something requiring an overnight stay.

I had consultation with the Commission for Children and Young People and we got advice from them. We wanted to know what we could do. We wanted to cut it back, start again and look at what we had to do. How can we manage the risk and how can we open up the opportunities for young people? We heard of other young people who were members of the SES who were apprentices. They were 16 and 17. They had fly in, fly out jobs in the mines and that sort of thing yet they were coming back to the SES and being told, "No, you have to sit in the office" or "There is nothing we can give you" or "You can't be included in the team because they are all off doing whitewater training at Penrith Whitewater Stadium".

Ms JAN BARHAM: Firstly, thank you for the work that the SES does. It is an amazing organisation. I am from the regions so I know the work it does. Has your organisation thought about what has changed to make it that much harder to get young people to join volunteer organisations because years ago everyone joined an organisation?

Mr BURNS: I have been part of two youth forums and we have asked young people themselves that very question. A lot of the young people were saying that their peers do not know what the SES does. They do not know what opportunities there are. We are a registered training organisation and provide great training, great employability skills, but the young people were telling us that their peers do not know that. We have not done a good job as an organisation of promoting that to the wider community. Most people know what the SES does, I think, in general but the detail of it and the opportunities for young people, young people are telling me that we are not getting that message out.

Ms JAN BARHAM: It is a lack of awareness?

Mr BURNS: Lack of awareness, yes, but awareness of the opportunities, awareness of what experience young people can gain in the SES, the types of training and qualifications they can get. A lot of young people just do not know that.

CHAIR: Do you go out there and promote that by visiting schools?

Mr BURNS: Our community engagement section is starting to develop more programs in that area. There are some things being done there, but I do not know what they are.

Ms JAN BARHAM: Ballina RFS has done that by going into schools.

Mr BURNS: That is like the NSW SES cadet program, which goes into schools and runs a program in two formats. It is five full days where they go through 10 learning sessions all about the SES, communication, teamwork, workplace health and safety and working in a public safety organisation, so that is presented during the cadet program and that is what happened with Ballina. What stimulated the initial group of young people joining was the cadet program—just one. It has not been held in that school since but that just got the ball rolling. That is the main way that we go into schools and let young people know what the SES is about, but outside of that I do not think there is a lot done other than that—taking into account we have a big State and we are only doing about two-plus programs per region.

CHAIR: As a side issue but it is connected to what Ms Barham was getting at, what presence do you have on things like Twitter and Facebook? I know you have a website because I have seen it.

Mr BURNS: We have a SES-specific website but nothing in terms of a youth-targeted website.

Ms MELANIE GIBBONS: I congratulate you on the huge jump in young members. That is phenomenal.

Mr BURNS: Thanks.

Ms MELANIE GIBBONS: I know, because I have handed out an awful lot of awards, that you have a lot of long-term members. Once they seem to commit to you, you have them for a long time, which is fabulous. That age group, though, is a tricky one to retain.

Mr BURNS: Yes.

Ms MELANIE GIBBONS: Do you find that a lot of them go shortly after joining up or do they stay? If they do go, is it because of the HSC or university? What takes them away or what do you do to keep them? I know there are a lot of questions there.

Mr BURNS: It depends on the area. I know university towns like Armidale struggle with a high turnover but as an organisation we realise that is just the way life is in some situations. So we are looking now at trying to make the best of the situation.

Ms MELANIE GIBBONS: To get them to join back when they go home?

Mr BURNS: What we do find is that people go away for a while and then they may come back later when their life changes and they have the time. That is what we are hoping will happen with the young people as well. Even if they do not join straightaway, if they have had a positive experience through things like the cadet program, when they have the time they will think of the SES. So that is the way we are approaching it at the moment, but really it is early days for us as an organisation looking at youth engagement. My main focus has been the cadet program, and it has had to be that in a start-up program, but I have begun to look outside of that and think: "What now?" And I have got the support of the organisation to say, "Well, what do we do now?" I just have to be careful not to let things go with the cadet program as well.

Ms MELANIE GIBBONS: Excluding those university towns because they are obviously a special case, would these young ones tend to stay on once you have got them or does life get in the way? When do you find you may lose them and why?

Mr BURNS: I cannot answer that question at the moment. We have to look more into that. I would like more research to be done into that area to find out exactly where it is happening, what is happening and what we can do about it.

Ms MELANIE GIBBONS: I was speaking to a school group this morning that were in year 11. They are already giving up their voluntary work because they are getting ready for the HSC.

Mr BURNS: That is right and we acknowledge that. We have the winner of the Cadet of the Year award from this year. He is based in North Sydney and he has done that very thing. He joined straightaway because he loved what he did in the cadet program but he is doing his HSC so he has gone on to the reserve list and he will reactivate as a full member further on down the track.

Ms MELANIE GIBBONS: Does the training in your organisation have an expiry or life span on it?

Mr BURNS: No.

Ms MELANIE GIBBONS: Once they have done their whitewater training do they need to do it again within a certain period of time?

Mr BURNS: No. The only exception would be first aid.

The Hon. NIALL BLAIR: Do you have any university stations? Is there another cadet-type program that could be set up? In my university we had a fire station. I know it is a cost, but is that something that you are looking at?

Mr BURNS: That is something that has been mentioned and we will consider into the future. I would like to talk more to you about that. That has been mentioned by young people themselves at numerous forums and something we would like to explore.

The Hon. NIALL BLAIR: I do not have any more questions other than to echo some of the congratulations. It is easy to sit back and look at the numbers and say, "We do not have young people because young people do not volunteer". But you guys looked at the root cause as to why they were not volunteering, broke it down and then consulted with the right agency to work out a risk management approach to try and address those figures. It would be very easy for a government organisation such as yours to say, "We are not going to open the box about 16- and 17-year-old kids coming to overnight training courses." I congratulate you on having the courage to do that and the way you have done it in consultation with the Commission. In your submission you talk about a code of conduct and model approaches. I hope through this inquiry we can turn a light on what you have done and that model approach can be rolled out across other agencies.

Mr BURNS: Thank you.

The Hon. GREG DONNELLY: On page 2 of your submission, halfway down the page, it states:

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.

Further, the second dot point states:

- Agencies to develop a code of conduct.

Are you able to elaborate on that point?

Mr BURNS: That was something in working with the Commission for Children and Young People that they saw as important in being able to not only protect and govern our existing members but to protect and govern 16- and 17-year-old members as well. Our code of conduct covers such things as bullying, harassment and discrimination.

The Hon. GREG DONNELLY: You have those policies in place?

Mr BURNS: That's correct. Every member, paid and volunteer, has to read the code of conduct and sign off that they have read it. That was a major factor in being able to satisfy the Commission for Children and

Young People that we had processes there that would protect these young members. We did not need any special type of policy that covered the young people because that would separate them even more. The other thing that the Commission worked on with us was the term "co-worker." Whereas young people had not been considered co-workers in a volunteer organisation, they were considered in a different category. That is still happening. I hear: "But what are we going to do having a minor there if we want to have a quiet drink after a job? What about the minor being there?" As in M-I-N-O-R.

The Hon. GREG DONNELLY: Break out some squash.

Mr BURNS: Yes, that's right. There is a fear that somehow their life is going to change dramatically because they are going to have to be careful. We worked through those issues and considered if everyone abided by the code of conduct there would be responsible use of alcohol and as long as the State's laws were abided by the young person would not be having a drink. If there was a responsible adult having a few alcoholic drinks we could not see the problem in that, but a lot of people are worried about getting into trouble for that type of thing.

The Hon. GREG DONNELLY: As a large organisation in the emergency area with many volunteers, and volunteers being so important to the operation of the organisation, do you share information and work with like organisations in other States and Territories to find out what they are doing in this area of trying to attract young volunteers? Are there other bodies in other states and territories that have people like you who are specifically engaged in drawing in and holding young people to participate for the greater good of the organisation?

Mr BURNS: Yes, we have other people involved in youth engagement in other states. We do get together and talk at the different conferences such as the Australasian Fire and Emergency Service Authorities Council [AFAC] conference and volunteer conferences that look into youth engagement processes as well.

The Hon. GREG DONNELLY: There is a fair bit of sharing?

Mr BURNS: There is. I work a lot with the Rural Fire Service [RFS] and their team. We have jointly worked on a lot of the outcomes or actions from the youth forums. We have had two major youth forums. One was a State youth forum for emergency service volunteers in 2010 and there was another one held on a national level in 2012. Both the RFS and SES are working together and pooling ideas to try and take action on a lot of the recommendations that young people themselves were giving us to tell us how we could do things better in terms of youth engagement. Quite a few of those recommendations have already been implemented and I think they are making a difference and we are attracting and retaining more young people.

As I mentioned before, we have the Young Volunteer of the Year Award and that was only introduced last year. That was one of the recommendations, that we have a specific award for young volunteer. We have the Cadet of the Year Award as well. The young volunteers who have gone on to join units were saying, "What about us? We join a unit and you forget about us." That was one of the things that we have done as an action out of those youth forums, but there is more to come.

Ms JAN BARHAM: I will ask you about the processes you have in place to deal with any disputes that might arise within volunteering. There seems to be a lack of clear dispute resolution processes.

Mr BURNS: I do not know a lot about that area because it is the human relations section that would look into grievances and disputes. I can give you what I do know. In terms of engaging young people I think it is important to realise that, first of all, there is a process that people have to go through to join the organisation. People have to apply; they are not automatically accepted. They have to go through an interview process and a probationary period before they are eventually appointed as a full member. It is important to state that up- front.

A lot of volunteers have come to me and said, "I do not want to have to babysit a young person. I do not want to hold their hand all the time. They are all too immature." I say, "Do you know every 16-year-old? Are they all immature?" We have that process there to screen anyone as a member and say, "Yes, you are right for the service at the moment" or "No, you are not, you have to go and work on these things and come back and apply later." When they are a member there are grievance processes within the SES, but I cannot give you clear information on that.

Ms JAN BARHAM: I will put it on notice. You were talking about the success of the cadet program, is it due to a funding shortfall that you cannot do more of it? What could the Government do?

Mr BURNS: We have recurrent funding.

Ms JAN BARHAM: You said you operate in two places?

Mr BURNS: We have the cadet program but for young members who end up joining a unit we have not got any funding to do anything specific in that area. What I have done is looked at the barriers to further engagement after the cadet program—bitten off a little bit there—to try and remove some of those barriers so we are not doing all the work in the cadet program to attract young people and then they are knocking on the door of a unit and being rejected. There has been money allocated to the ongoing action from the cadet program but there cannot be too much otherwise it will detract from being able to run enough cadet programs. We are pretty much hitting the ceiling of the budget with 34 cadet programs a year. There is no money to do anything else in youth engagement.

Ms JAN BARHAM: Funds would help?

Mr BURNS: Yes, definitely.

CHAIR: Thank you, Mr Burns, for attending today. The Committee may wish to send some additional questions in writing the replies of which will form part of your evidence and be made public. Are you happy to supply a written reply to any further questions?

Mr BURNS: Yes.

(The witness withdrew)

VERONICA MARGARET MACFIE, Chief Executive Officer, youthconnections.com.au, and

NICHOLAS WARD KELLY, youthconnections.com.au, affirmed and examined:

CHAIR: Will you confirm that you have been issued with the terms of reference of the inquiry and information about the standing orders that relate to the examination of witnesses?

Ms MacFIE: Yes.

Mr KELLY: I have.

CHAIR: In what capacity do you appear before the Committee?

Ms MacFIE: We are appearing on behalf of youthconnections.com.au, which is a youth organisation on the Central Coast.

CHAIR: Both of you?

Ms MacFIE: Yes. We are representing around 8,000 young people from across the whole of this State. We are just here to talk to you about our experiences of youth volunteering with the young people that we work with every day.

CHAIR: The Committee has received a submission from your organisation. Do you want the submission to form part of the formal evidence?

Ms MacFIE: Yes.

CHAIR: Do you have any questions concerning procedural information sent to you in relation to witnesses and the hearing process?

Ms MacFIE: No.

Mr KELLY: No.

CHAIR: Do you want to make an opening statement?

Ms MacFIE: Yes, perhaps we both would. I would like to open by acknowledging the traditional owners of this land and pay my respect to elders past and present, and particularly to our young people. I say this because we have so many young Aboriginal people that we work with who volunteer in the most amazing ways providing cultural affirmation and cultural competence to classrooms, workplaces and to each other. I think the way that we wanted to approach this submission was to look at it through a different lens; not so much about the physical sense of a young person volunteering because, quite frankly, we believe that happens across a whole range of industries and community organisations and, I think, because we see volunteering in three stages or three types of volunteering.

We think there is economic volunteering, which is around work placement in internships and job trials or cadetships, and then there is another type which is around civic participation. It is like the Clean Up Australia Day when young people get involved or do things to make their environment a better place or their community a better place. There is also the social volunteering. I think that Nick can very much talk to that social volunteering around the projects that he has actually created where young people use their own talents and intuitions and their own knowledge and experience of different spaces of creating music and entertainment for themselves.

Mr KELLY: I am only 19 years old myself but since I have been about 13 or 14 I got into community radio on the Central Coast. Youthconnections.com.au has a fantastic partnership with Coast FM on the Central Coast, which is a great community radio station. It has got great programs for Indigenous people. It caters to everyone—old people, very young people. I started there, created my own radio show which was based around the idea of upcoming talent in the music world. After two years of doing that community radio show I turned the radio show into a website. We are now the fastest growing music website in Australia, and we look at all sorts of

music—big artists from around the world and also young, small talent too. Project View also doubles as an agency for creative opportunities for young people. I am actually one of the oldest people that works with Project View. We have over 30 contributors from all around the country and all of them are under the age of 19, which is amazing. We have got one 35-year-old who is sort of like an outlier but most of them are under the age 19.

The Hon. GREG DONNELLY: Quite a margin.

Mr KELLY: Yes, quite a margin. Yes, we have got people as young as 14 years doing stuff with us. These are young people who have connected with music in a really special way in that they are so passionate about it they want to start talking about it. They want to talk about it in a way that can also end up helping them in their vocational studies. A lot of these kids I talk to are a little bit disillusioned with high school. I was one of those kids disillusioned with high school as well and I found a lot of benefit in being able to go home of an afternoon and do something volunteer-based that contributed not only to what I was going to do in the future but also to the cultural diversity in Australia. I am trying to pave that forward with over 30 young people myself now. I think it is really important for the Committee to understand the importance of social media and digital media as a new way of volunteering in Australia.

CHAIR: That sounds very inspirational.

The Hon. GREG DONNELLY: I refer to the importance of social media and linkage with young people and volunteering. Would you elaborate on that idea and perhaps provide specific examples that might help us see it in a concrete way?

Mr KELLY: Yes, definitely. I think as things are grown it is more about the awareness of volunteering and volunteering in a different way. I think social media can be particularly good for advocacy based volunteering so getting the message out about important initiatives and important volunteering platforms, but also spreading the word about charity sorts of things. One particular example is the 40 Hour Famine. They do a fantastic job in engaging young people on social media. They are also using other types of media that young people are engaged with, including radio but particularly radio that young people are listening to. There is a night show on the Today network on the Southern Cross Austereo that caters for 10- to 21-year olds. They are engaging with them and, in turn, engaging with social media as that radio show is very social-media focused. They are getting the message out there to young people in the one way that they are actually engaging these days; that is, through social media.

It is one thing to, I suppose, try to contact a young person by going to their school and talking in front of an assembly or something but I think that it is really important to get into what they are doing on a daily basis which is they are on social media at school; they are social media after school; they are on social media before school, and that is how they engage with all those sorts of things. I think some volunteering organisations have done a great job of using social media but others, particularly government-based ones, have a lot of work to do to understand how young people get engaged and excited by things through social media.

The Hon. GREG DONNELLY: Would you nominate the ones that have done well, in your view?

Mr KELLY: Yes, absolutely. I think particularly mental health charities are really good with this, not just charities but mental health initiatives. I know that beyondblue, and particularly ReachOut.com.au does some incredible work with young people who do not want to go to the traditional mental health institutes, ring them up on the phone or go see the doctor or something. They work with young people in that they have got online resources. They have got people that you can talk to online. They use direct social media interaction with people like myself, who are emerging media talent, that have a connection with other young people, so that they can spread the word. That word gets spread more and it becomes sort of cool and exciting.

ReachOut.com.au has done a great job with it and beyondblue and headspace as well, which is a fantastic government-funded initiative. Yes, mental health charities have been probably the best ones. I think the ones that do not do as well are ones that are more human rights based. I think when GetUp! starts to talk about its involvement with trying to get human rights back on track it sometimes falters in what it does; it can become quite preachy, which does not connect with young people. Young people are all about authenticity and being real on social media; they are themselves. I think that when places like ReachOut.com.au make their brand into a person and they engage with young people on a personal level rather than trying to be a brand on social media,

it is a really interesting way to do things and I think a lot of businesses do it well. I think it is something volunteering based organisations can take.

Ms MELANIE GIBBONS: I note the 40 Hour Famine, the Colour Run and things are a great way to volunteer but they tend to only be for a day or two, or a weekend. How do we encourage young people to take up volunteering as a long-term commitment and something that they can engage in for a lifetime or to get work experience from to help them on a future path?

Ms MacFIE: I think the one-offs are okay because there can be a lifetime of one-offs.

Ms MELANIE GIBBONS: They are great. I am not belittling those in any way.

Ms MacFIE: I think probably we have got that anyway—it is out there and we talk about that in terms of sporting and coaching and all that type of stuff and young people will do that. Young people will engage in activities which bring them some sort of economic gain through work placements. There are thousands and thousands of young people every year who do that, particularly kids in year 12. I do not see that so much as a volunteering position, I see that not as coercion but in this space a mandated thing to do when you are doing your Higher School Certificate.

But over a long term it is really about that social and civic engagement. I think that we need to use social media to encourage that social and civic that "I belong somewhere". If we start with the one-offs, that is where we start and long term, you know, as we get over the age of 24 it might move us into another dimension. But, yes, I think we have to start somewhere and that is the only place that we can actually engage with our young people at the moment. That is where they are.

Ms JAN BARHAM: You referred to ReachOut.com.au and I have it on my twitter following as "Inspire".

Mr KELLY: Yes, they have a couple of different names and it is sometimes difficult to work out.

Ms JAN BARHAM: I think you are right that to communicate with young people you need to probably have a young person's desire, but what do you think the Government could do to further it? Is it just a matter of having funds available to allow that to happen?

Mr KELLY: To be honest, I do not think it is really a big deal in terms of funds. I think there just needs to be a lot more conversation between people and brands that do social media well and government organisations. I think government organisations that want to get young people engaged with volunteering and stuff just need to look at the other people that young people are talking to; work out how they talk to young people, work out how they create an ongoing dialogue and take some influence from that. Funding is important, but I do not think we really need that much funding to make this a lot easier.

Ms JAN BARHAM: Do you think it is who they are having conversations with?

Mr KELLY: That is it. I think another interesting example of this is with the Optus RockCorps Program. That was a social initiative set up by Optus and a couple of different media organisations. It was aimed at young people but some older people were involved as well. Young people would give four hours of their time—it was an incentive-based program—and they would get a free ticket to a concert and that concert was with a whole bunch of big artists, like they got the Script, the international band. Basically throughout the process of that RockCorps Program they were building teams of people who would go to various places around Sydney—I think they did it in Brisbane as well—various social enterprises and they would help them with what they were doing. They would rebuild things and they really made a difference physically in the community, but there was an incentive to it as well.

I think from a funding perspective if we were able to create experiences that young people were interested in as a, sort of, incentive and reward for offering their volunteering time—I know it is sort of like paying for their work—I feel like that what the young people are doing is so priceless and if we take a little bit of money to give them a tiny little incentive I think that starts the ball rolling and makes them feel good about what they are doing.

Ms JAN BARHAM: My interest is—and this might sound terribly old-fashioned—that people used to do a lot of that because it was part of what you did in society to care for your community, to be part of a community. Is there something missing in the messaging to younger people about why it is not a responsibility in society to give back?

Mr KELLY: Have you seen that sort of shift in the last few years?

Ms MacFIE: I do not think I have seen that sort of shift. I will say, though, we work with a lot of young people who do not know how to engage. Their lives are such that there has never been engagement; there is no family engagement with the child, there is no engagement with their education and there is no engagement socially. I think that is a really great challenge. Coming from the Central Coast where our youth unemployment hit 21 per cent last week—we are one of the highest in the State and in fact in reality we have an unemployment figure similar to Portugal. That is a massive disconnect of young people from their community, from their society. We are not looking after them. If 21 per cent of our young people do not feel that they are connected in any way, you will not get them volunteering in any way but you will get them on social media for the one-offs or the things that excite them and enthuse them.

CHAIR: That is very true.

Mr KELLY: Often those things get the ball rolling and can create an ongoing conversation about something they are passionate about. I am a firm believer that every young person has something they are passionate about, whether they know it or not, and I think it can sometimes take a bit of digging and a bit of work to find out what that young person wants. It is important to empower young people rather than just give them things to engage with. It may take something to engage with like the 40 Hour Famine or Earth Hour or something similar to get the ball rolling but then you have to be able to empower those young people to create their own social opportunities and volunteering opportunities. I know I found that to be of great benefit to myself. I got given a leg up to start my media career and from there I tried to help other people start their media career. I only hope that one of those people passes it on to the next.

Ms MacFIE: In a sense that responsibility fell back to us older people to be the mentors, to be the coaches, to be the counsellors, to do all that type of thing, that wraparound stuff around the young person. If the young person does not have that it is just not going to happen.

CHAIR: That is very true.

Ms JAN BARHAM: But you are saying, am I right, that if government does not invest in supporting young people when they are at risk, vulnerable, unemployed, experiencing youth trauma or whatever, then we are not going to get them to be productive, engaged adults?

Ms MacFIE: As civic participants. That is right. In fact, you will not get them as economic contributors or civic contributors. It just will not happen.

Ms JAN BARHAM: So it goes way back. It is that early investment, early intervention.

Ms MacFIE: Yes.

Ms MELANIE GIBBONS: You have just spoken a little about government and incentives. Your point three in your recommendations is about providing incentives for schools. What kinds of incentives do you think would work? Is it government providing incentives for schools or for government to provide the schools with incentives that young people can benefit from? What do you mean by your point three? Can you elaborate on that?

Ms MacFIE: Where is the intervention? I think schools are a good fit, where that sense of responsibility needs to come and again it is that whole mentoring and coaching. You guys need to be part of the community that you live in. Yes, we mentioned that we did hit that roadblock with the volunteering certificate I. It is a great little course but at that cost no-one will buy it. Certainly the schools will not buy it. As an individual they are probably not going to buy it either. We certainly know with the young people that we have, they are definitely not going to buy it. If that was free or more easily accessible I think there would be a much bigger take up. In fact, I know that our high schools would embrace it. The problem is that the kids who are going to do

it anyway are the ones who are just going to access the course. It really is: How do we get to those hard-to-reach ones? They are the nuts we really want to crack.

Ms JAN BARHAM: I think you made the point before: make sure the support is there for them earlier. With social media, do you have any sense of exclusion of some people who are disadvantaged and cannot afford a piece of equipment like a smartphone?

Mr KELLY: I think that everyone seems to have access to it, whether they are socially disadvantaged or not. Everyone I see seems to be—it can often be an outlet for socially disadvantaged people to express their frustrations through the form of a Tumblr blog or Facebook statuses.

Ms JAN BARHAM: It is a must-have these days.

Mr KELLY: Yes. It is so accessible. It is like leaving the house without your wallet. You do not leave the house without your phone that has four gigabytes of data a month to use and that is a top priority expense for young people, regardless of their social position.

Ms JAN BARHAM: What about unemployed or the extremely socially disadvantaged and homeless?

Ms MacFIE: We have a special assistance school. I can tell you every one of those children has a phone but they often do not eat and they do not live anywhere.

Ms JAN BARHAM: That is scary.

Ms MacFIE: We had them down to Sydney to a Q and A recently and we wanted to give them something. I said, "How about we give you a JB top-up on your phone?" They said, "Could we have a \$50 voucher from Coles for food, please?"

Ms JAN BARHAM: That is heartbreaking.

Ms MacFIE: Yes. If you want to contact them you will get them through social media or on Facebook.

Ms JAN BARHAM: But they might be starving.

Ms MacFIE: But they are hungry.

Mr KELLY: It reaffirms the true dire importance of connecting with young people on social media. They are all over it. They are on Facebook, Twitter and Instagram 24/7. They have push notifications coming through to their phone at all times of the day and night. They are constantly connected.

Ms JAN BARHAM: I have heard a few conversations about this lately. Whether or not there is an addiction to this—

Mr KELLY: Is irrelevant.

Ms JAN BARHAM: Whether it is happening, is this a new type of compulsion and addiction that is happening in society?

Ms MacFIE: Some people might say and some young people would say that it is a necessity. How can they connect if they do not have their phone under their pillow 24/7.

Mr KELLY: It is how people communicate these days. It is like riding your bike over to your friend's place 30 years ago and going to see them, or even 10 years ago when I used to walk down the street and play Beyblades with my friend. Nowadays I talk to them on Facebook messenger or I play them in the Kim Kardashian game or something.

CHAIR: Do you?

Mr KELLY: Yes, I actually do. I will be the first person to get Kim Kardashian into *Hansard*. Regardless of whether scientifically it is a compulsion or not, it is where they are, and it is not going to change

any time soon. And I do not think it needs to be looked at negatively. I think we need to embrace the technology we have and the new ways of communication. We just need to use them to our advantage. It is like when people first started using computers. There was that bit of negative push-back and then people just got on with it and embraced it, and now they are more productive than ever.

Ms JAN BARHAM: Are we?

Mr KELLY: Yes. But not when playing Kim Kardashian that is for sure.

CHAIR: I must say I have never played Kim Kardashian. Tell me more about the radio station. It is a community radio station and it has been set up for how long?

Mr KELLY: How long would it be there for now? Twenty-five years, the radio station itself?

Ms MacFIE: Yes.

Ms JAN BARHAM: What is it called again?

Mr KELLY: Coast FM 96.3. It has been set up since just after the first commercial radio started on the Central Coast. It has been a leg up for so many young people who then went on and did really big things in the media. I am trying to think of some big names.

Ms MacFIE: You.

Mr KELLY: Thank you. I now work at Today FM in Sydney as an announcer.

CHAIR: That is amazing. As an announcer?

Mr KELLY: Yes, as an announcer. I do weekends on Today and then I work at CFM, our sister station on the Central Coast, as a work day announcer.

CHAIR: Shane Cleary, was he on CFM?

Mr KELLY: Yes, he is still program convener there.

CHAIR: I am in with the Central Coast.

Mr KELLY: Yes, Shane Cleary is the program convener and has been for many years now.

CHAIR: Is he? I have not seen him in a long time. Tell him I say hello.

Ms JAN BARHAM: Do you know Bay FM from Byron?

Mr KELLY: Yes, I do. I was listening when I was at Splendour in the Grass a couple of weeks ago, as I was driving through. Community radio is another great way of reaching particularly young people in remote areas. All they generally have is radio, Triple J obviously but also community radio. They are local and giving them a leg up to have their voice heard. Every community radio station around the country has such a wide range of people on there from different walks of life. I think Coast FM is a great example of that. It has Indigenous programming, young people's programming and programming for older people who like to hear records from the 1950s.

Ms MacFIE: And the races. We have the races.

Mr KELLY: The races. There is arts and culture. It encompasses everything that people do.

Ms JAN BARHAM: And they are volunteers.

CHAIR: Have you measured the listening audience?

Mr KELLY: Sixty-three per cent of people were listening to community radio in the last month, aged 16 to 64.

CHAIR: That is very impressive. It would be a lot less here in Sydney, unfortunately.

Mr KELLY: You have incredible community radio in FBI radio and also the one down the road, 2SER. There is some incredible community radio in Sydney and a real part of the arts and cultural hub of Sydney is listening to community radio. I think it is good that it was funded in the Federal Government budget.

Ms MacFIE: Each week we have around 15 students. We do 350 to 400 students a year through Youth Connections, what we call our media group. They make a radio show for Coast FM. It is a weekly show that goes to air. They spend the week learning how to storyboard, do all that stuff and broadcast. During the financial crisis when advertisers were dropping off all over the place our community radio station doubled its advertising time. We could directly relate that back to that youth radio hour that those kids did because not only were mum and dad sitting around the radio that night; their aunties and uncles and down the road and everyone was around. It became a community event and still is. Every Monday night whole school communities sit down to listen to the radio program that they put out.

CHAIR: That is a very good example I think I might pass on to my own local radio, 2NBC.

Ms MacFIE: Engage your community and everyone listens.

CHAIR: They often say here in Parliament that there are many MPs who have a face for radio—I thought that was very funny—but no-one in this room, of course. I thank you both for appearing today. The Committee may wish to send you additional questions, the replies to which will form part of your evidence and be made public. Would you be happy to provide a written reply to any further questions?

Ms MacFIE: Of course.

CHAIR: Fantastic. Thank you.

(The witnesses withdrew)

The Committee adjourned at 4.11 p.m.