

The Hon Bronwyn Bishop MP
Chairman of the Standing Committee on Family and Community Services
House of Representatives Standing Committee
Via email: fhs.reps@aph.gov.au

**Submission to the House of Representatives
Standing Committee on Family and Human Services
“Balancing Work and Family” Inquiry**

from



Tuesday, November 22, 2005

Dear Mrs Bishop

Au Pairing, what is it and what does it offer Australian Families?

This submission relates to one aspect of the childcare industry – au pairs. Primarily, au pairing is a cultural exchange program which is mutually beneficial for both the au pair and the host family. The family receive up to 45 hours of childcare in return for providing their au pair with a caring family environment and small weekly allowance. The au pair is given the chance to travel to a new country and learn about a new culture while living in the support of their host family & host community. The host family benefit by receiving affordable, flexible childcare while their children are also exposed to the cultural benefits of hosting a guest from another country.

It is important that families have different childcare options from which to choose, so they are able to find the best fit with their particular family and work situation. A special visa allowing au pairs to stay with the same host family for a full year, would open up the au pair option for many Australian families. This, when added to the other options already open to families, of center based care, nannies, nanny sharing, home based group care, etc would give families more options when they are considering their family planning and return to work options.

As with all childcare options, au pair is not suitable for all families, but it does offer the following benefits:-

- Full-time flexible childcare
- Affordable – between \$250-\$300 per week
- Cultural awareness for children
- Agency support throughout the placement
- Specific matching, ie families are individually matched with au pairs including childcare experience, interests, skills and languages

This may not suit all families as families need to have a spare room and be prepared to include this young person in their family activities, on the other hand this could be considered a very attractive option to other families as the carer for their children is also in the home when the whole family are together so the parents are able to give feedback to their child's carer, plus the whole family are able to form a closer bond with their au pair, and the au pair with the family.

Benefits of 1 Year Au Pair Visa

Introducing a visa where au pairs would be able to stay with the same family for a full year is key to an au pair program becoming an option for Australian families. The au pair model has operated successfully within most European countries for generations and has also operated since 1986 under strict regulations governed by the USIA (US Information Agency) in America. The au pair industry model for the USA shows how successful an au pair program can be, in fact, the US government recently extended the J1 Au Pair visa from 1 year duration, to having an option for a second year on the same visa. This comes at a time when many other visas to the US are becoming more restricted.

The current system (ie. changing au pairs every 3 months) is not an option for most families for the following reasons:-

- families need to “re-train” a new au pair every 3 months. There is much for the new au pair to learn for each family, including the schedule, specific care requirements of each child, the parenting style and family rules to be implemented by the au pair, etc. As these are learned the au pair becomes more indispensable to their host family, and if the au pair leaves after 3 months, these learned skills are lost.
- a lot of time and effort is required in properly selecting a suitable au pair.
- the current system does not provide any continuity in the children’s childcare or schedule.

A 1 year working visa for au pairs will see the following benefits for the industry and for Australian families:-

- As the au pair becomes more familiar with host family and their duties, their effectiveness will increase;
- The children will receive more consistent childcare;
- It will enable children to form a bond with their carer;
- More time and effort can be devoted to selecting an au pair for a 1 year placement;
- The au pair and host family will be supported throughout the year by their agency to monitor success of the placement

Other spin off benefits could also be:-

- As the au pair program is a subsidised way for young people to travel, it will attract a new group of visitors to Australia, increasing visitor spending.
- Quality monitoring of the industry can be achieved by introduction of some basic regulations attached to the issuance of an au pair visa.
- Consideration should be given for the 1 year visa to offer a 13th month for travel, meaning families would need to provide a minimum amount of annual leave (ie. suggest 2 weeks) during the 1 year au pair term.

Au Pair in Relation to the Committee Terms of Reference

1) The financial, career and social disincentives to starting families

- Au Pairs are a very cost effective option, costing similar or less than having one child in full time child care.
- An au pair’s schedule allows for up to 45 hours per week of child care, allowing parents to have the flexibility to fit this with their schedule.
- For school aged children, au pairs can help with preparations in the morning, have the day free, and then help with after school care, meal preparation and allow for parents to have evening babysitting for social engagements.
- Au Pairs can assist with the demands of having a new born by supporting the parents.

2) Making it easier for parents who so wish to return to the paid workforce

- Au Pairs will help women to re-enter the workforce sooner
- It offers another option when center based care waiting lists are restricting the parent’s return to work.

- As it is an affordable full time childcare option, it will make it financially viable for parents to return to work.

3) The impact of taxation and other matters on families in the choices they make in balancing work and family life

- Offering the government rebate of 30% to families hosting an au pair would increase the accessibility of this option for more families, and in turn, help to decrease the pressure on other child care options.

Implementation of the Au Pair Visa

Terms of Visa

A 1 year special au pair visa is requested, ideally including consideration for the following:-

- An additional month on the visa to travel – ie. 12 months as au pair (incl. 2 weeks vacation), plus a 13th month to travel.
- Limit to financial guarantees required from the traveller, as their travel will be sponsored by their host family
- Some basic au pair visa regulations, implemented in consultation with the industry, to ensure au pair industry quality.

Visa Regulation Consideration

It is requested that some regulation and monitoring is implemented along with the au pair working visa. The quality of childcare Australian families receive from au pairs can be ensured with a few simple regulations. Using a model such as the US model which, as it comes up to its twentieth year under the current system, has seen the government increase the possible au pair term from 1 year to 2 years.

The complete USIA regulations are attached for the committee's consideration. In summary, below is a basic outline of the regulations:-

- Under the US regulations the au pairs are:-
 - Aged between 18 and 26 years
 - Have 200 hours of childcare/babysitting experience
 - Have completed high school
 - Have a driver's licence
 - Have a clean criminal record
 - Be in good mental and physical health
 - Are interviewed in person to ensure maturity and motivations are inline with the spirit of the program.
- Under US regulations host families are:-
 - Interviewed personally in their own home with all family members present
 - Must submit an application including family schedule,
 - Must sign a contract committing to max. hours of 45 per week, holiday period, au pair payment and all other regulations of the program
- Under US regulations the agency is required to ensure:-
 - All au pair and host family recruitment is followed per regulations
 - Initial education and ongoing education is provided to au pairs
 - Local support is provided for au pairs and host families
 - The Immigration Department is informed should an au pair exit the program and keep detailed record on the au pair's placement throughout the program.

These are examples of what could be considered by the committee in introducing an au pair visa.

Conclusion

The prospect that the committee is considering introducing a special au pair visa with host family placements for the full year, is a very exciting one. This will benefit all Australian families as it will increase the choice, availability and affordability of child care. I am in full support of this being a recommendation put forward by the committee and I would be more than willing to contribute to any committee meetings and initiatives in this regard in the future.

Sincere regards

Daniella Storm



J Exchange Program

Sec. 514.31 Au pairs.

(a) Introduction. These regulations govern Agency-designated exchange visitor programs under which foreign nationals are afforded the opportunity to live with an American host family and participate directly in the home life of the host family while providing limited child care services and attending a U.S. post-secondary educational institution.

(b) Program designation. The Agency may, in its sole discretion, designate bona fide programs satisfying the objectives set forth in paragraph (a) of this section. Such designation shall be for a period of two years and may be revoked by the Agency for good cause.

(c) Program eligibility. Sponsors designated by the Agency to conduct an au pair exchange program shall;

- (1) Limit the participation of foreign nationals in such programs to not more than one year;
- (2) Limit the number of hours an au pair participant is obligated to provide child care services to not more than 45 hours per week;
- (3) Require that the au pair participant register and attend classes offered by an accredited U.S. post-secondary institution for not less than six semester hours of academic credit or its equivalent;
- (4) Require that all officers, employees, agents, and volunteers acting on their behalf are adequately trained and supervised;
- (5) Require that the au pair participant is placed with a host family within one hour's driving time of the home of the local organizational representative authorized to act on the sponsor's behalf in both routine and emergency matters arising from the au pair's participation in their exchange program;
- (6) Require that each local organizational representative maintain a record of all personal monthly contacts (or more frequently as required) with each au pair and host family for which he or she is responsible and issues or problems discussed;
- (7) Require that all local organizational representatives contact au pair participants and host families twice monthly for the first

two

months following a placement other than the initial placement for which the au pair entered the United States.

- (8) Require that local organizational representatives not devoting their full time and attention to their program obligations are responsible for no more than fifteen au pairs and host families; and
- (9) Require that each local organizational representative is provided adequate support services by a regional organizational representative.

(d) Au pair selection. In addition to satisfying the requirements of Sec.

514.10(a), sponsors shall ensure that all participants in a designated au pair exchange program:

- (1) Are between the ages of 18 and 26;

- (2) Are a secondary school graduate, or equivalent;
 - (3) Are proficient in spoken English;
 - (4) Are capable of fully participating in the program as evidenced by the satisfactory completion of a physical;
 - (5) Have been personally interviewed, in English, by an organizational representative who shall prepare a report of the interview which shall be provided to the host family; and
 - (6) Have successfully passed a background investigation that includes verification of school, three, non-family related personal and employment references, a criminal background check or its recognized equivalent and a personality profile. Such personality profile will be based upon a psychometric test designed to measure differences in characteristics among applicants against those characteristics considered most important to successfully participate in the au pair program.
- (e) Au pair placement. Sponsors shall secure, prior to the au pair's departure from the home country, a host family placement for each participant. Sponsors shall not:
- (1) Place an au pair with a family unless the family has specifically agreed that a parent or other responsible adult will remain in the home for the first three days following the au pair's arrival;
 - (2) Place an au pair with a family having a child aged less than three months unless a parent or other responsible adult is present in the home;
 - (3) Place an au pair with a host family having children under the age of two, unless the au pair has at least 200 hours of documented infant child care experience;
 - (4) Place the au pair with a family unless a written agreement between the au pair and host family outlining the au pair's obligation to provide not more than 45 hours of child care services per week has been signed by both; and
 - (5) Place the au pair with a family who cannot provide the au pair with a suitable private bedroom.
- (f) Au pair orientation. In addition to the orientation requirements set forth herein at Sec. 514.10 all sponsors shall provide au pairs, prior to their departure from the home country, with the following information:
- (1) A copy of all operating procedures, rules, and regulations, grievance procedures, and the Agency's written statement regarding the au pair program which govern the au pair's participation in the exchange program;
 - (2) Detailed profile of the family and community in which the au pair will be placed;
 - (3) A detailed profile of the educational institutions in the community where the au pair will be placed, including the financial cost of attendance at these institutions;
 - (4) A detailed summary of travel arrangements; and
 - (5) A complete and thorough pre-departure package clearly describing child care responsibilities and expectations and enumerating behavior that is unacceptable.

(g) Au pair training. Sponsors shall provide the au pair participant with

child development and child safety instruction, as follows:

- (1) Prior to placement with the host family, the au pair participant shall receive not less than eight hours of child safety instruction no less than 4 of which shall be infant-related; and
- (2) Prior to placement with the American host family, the au pair participant shall receive not less than twenty-four hours of child development instruction of which no less than 4 shall be devoted to specific training for children under the age of two.

(h) Host family selection. Sponsors shall adequately screen all potential host families and at a minimum shall;

- (1) Require that the host parents are U.S. citizens or legal permanent residents;
- (2) Require that host parents are fluent in spoken English;
- (3) Require that all adult family members resident in the home have been personally interviewed by an organizational representative;
- (4) Require that host parents have successfully passed a background investigation including employment and personal character references;
- (5) Require that the host family has adequate financial resources to undertake all hosting obligations;
- (6) Provide a written detailed summary of the exchange program and the parameters of their and the au pair's duties, participation, and obligations; and
- (7) Provide the host family with the prospective au pair participant's complete application, including all references.

(i) Host family orientation. In addition to the requirements set forth at

Sec. 514.10 sponsors shall:

- (1) Inform all host families of the philosophy, rules, and regulations governing the sponsor's exchange program and provide all families with a copy of the Agency's written statement regarding the au pair program;
- (2) Provide all selected host families with a complete copy of Agency-promulgated Exchange Visitor Program regulations including the published supplemental information;
- (3) Advise all selected host families of their obligation to attend at least one family day conference to be sponsored by the au pair organization during the course of the placement year. Host family attendance at such a gathering is a condition of program participation and failure to attend will be grounds for possible termination of their continued or future program participation; and
- (4) Require that the organization's local counselor responsible for the au pair placement contacts the host family and au pair within forty eight hours of the au pair's arrival and meets, in person, with the

host family and au pair within two weeks of the au pair's arrival at the host family home.

- (j) Wages and hours. Sponsors shall require that au pair participants:
- (1) Are compensated at a weekly rate based upon 45 hours per week and paid in conformance with the requirements of the Fair Labor Standards Act as interpreted and implemented by the United States Department of Labor;
 - (2) Do not provide more than 10 hours of child care on any given day, nor more than 45 hours of child care in any one week;
 - (3) Receive a minimum of one and a half days off per week in addition to one complete weekend off each month; and
 - (4) Receive two weeks of paid vacation

(k) Educational component. Sponsors shall require that during the period of program participation, all au pair participants are enrolled in an accredited post-secondary institution for not less than six hours of academic credit or its equivalent. As a condition of program participation, host family participants must agree to facilitate the enrollment and attendance of the au pair and to pay the cost of such academic course work in an amount not to exceed \$500.

(l) Monitoring. Sponsors shall fully monitor all au pair exchanges, and at a minimum shall:

- (1) Require monthly personal contact by the local counselor with each au pair and host family for which the counselor is responsible. Counselors shall maintain a record of this contact;
- (2) Require quarterly contact by the regional counselor with each au pair and host family for which the counselor is responsible. Counselors shall maintain a record of this contact;
- (3) Require that all local and regional counselors are appraised of their obligation to report unusual or serious situations or incidents involving either the au pair or host family; and
- (4) Promptly report to the Agency any incidents involving or alleging a crime of moral turpitude or violence.

(m) Reporting requirements. Along with the annual report required by regulations set forth at Sec. 514.17, sponsors shall file with the Agency the following information:

- (1) A summation of the results of an annual survey of all host family and au pair participants regarding satisfaction with the program, its strengths and weaknesses;
- (2) A summation of all complaints regarding host family or au pair participation in the program, specifying the nature of the complaint, its resolution, and whether any unresolved complaints are outstanding;
- (3) A summation of all situations which resulted in the placement of an au pair participant with more than one host family;
- (4) A report by a certified public accountant attesting to the sponsor's compliance with the procedures and reporting requirements set forth in this subpart;
- (5) A report detailing the name of the au pair, his or her host family placement, location, and the names of the local and regional organizational representatives; and
- (6) A complete set of all promotional materials, brochures, or

pamphlets distributed to either host family or au pair participants.

(n) Sanctions. In addition to the sanctions provisions set forth at Sec. 514.50, the Agency may undertake immediate program revocation procedures upon documented evidence that a sponsor has failed to:

- (1) Comply with the au pair placement requirements set forth in paragraph (e) of this section;
- (2) Satisfy the selection requirements for each individual au pair as set forth in paragraph (d) of this section; and
- (3) Enforce and monitor host family's compliance with the stipend and hours requirements set forth in paragraph (j) of this section.

[60 FR 8552, Feb. 15, 1995]
