

Mr John Carter  
Committee Secretary  
Senate Employment, Workplace Relations and Education Committee  
Department of the Senate  
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Parliament House  
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Dear Mr Carter

I am writing regarding the Senate Employment, Workplace Relations and Education Committee's Inquiry into the *Workplace Relations Amendment (A Stronger Safety Net) Bill 2007* (the Bill).

I am pleased that the Bill addresses a number of matters which impact negatively on children and young people in the workforce. However, I am concerned that the 'Fairness Test' does not recognise that children and young people under 18 years are still developing physically, emotionally and cognitively.

In 2004-5, the NSW Commission for Children and Young People undertook a study<sup>1[1]</sup> about the work experiences of children aged 15 years and younger in NSW. The study employed a questionnaire of 11,000 children from Year 7 to Year 10 aged 12 to 16 years in 22 NSW schools.

We concluded from our research that kids value and benefit from their experiences in the workforce. However, we need to address issues of injury, harassment and work conditions that impinge on children and young people's capacity to balance their lives. There are some conditions that in the interests of children's wellbeing, should not be traded away. For example, there are conditions which young people may need in order to complete their studies and maintain their relationships with family.

The focus of the proposed Fairness Test is on penalty rates (including weekends and public holidays), shift and overtime loadings, annual leave loadings, rest breaks and public holidays. There are also other conditions in awards that are important for children, such as notice periods for rosters and changes of shift times. I understand that these sorts of conditions have already been reduced in some Australian Workplace Agreements signed by young people and their parents.

I appreciate that the Workplace Authority Director proposed under the Bill will provide assistance and advice to young people, apprentices, trainees and

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1[1] <http://www.kids.nsw.gov.au/uploads/documents/ChildrenatworkreportFinal.pdf>

other vulnerable groups but I would recommend stronger safeguards against excessive hours or other conditions that might compromise young people's educational and personal development.

Finally I am concerned by the issue of timing and retrospectivity of the Bill. Young workers will only have access to the limited protections provided by the federal Fairness Test if their employment agreement has been lodged with the Office of the Employment Advocate/ Workplace Authority on or after 7 May 2007. This means that some groups of children will miss out entirely.

The Commission recommends that the Bill be amended to recognise the impact of working hours on the developmental and the educational needs of children.

If further information is required on these matters, the Commission's contact person is Anne Marie Dwyer. Ms Dwyer is available on 02 9286 7205 or [AnneMarie.Dwyer@kids.nsw.gov.au](mailto:AnneMarie.Dwyer@kids.nsw.gov.au).

Thank you for the opportunity to comment.

Yours sincerely

**Gillian Calvert**  
**Commissioner**  
**4 June 2007**

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