

The Senate

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Education and Employment  
Legislation Committee

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Social Security Legislation Amendment  
(Youth Jobs Path: Prepare, Trial, Hire) Bill  
2016 [Provisions]

November 2016

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# **RECOMMENDATIONS**

## **Recommendation 1**

**3.38 The committee recommends that the Department of Employment consider the issues raised in the submissions received by the committee, and in particular work to publish clear guidance on all aspects of the PaTH program so that job seekers and employers have clarity about their rights and responsibilities.**

## **Recommendation 2**

**3.45 The committee recommends that the bill be passed.**





# Chapter 1

## Introduction

### Reference

1.1 On 13 October 2016, the Hon. Mr Angus Taylor MP, Assistant Minister for Cities and Digital Transformation, introduced into the House of Representatives the Social Security Legislation Amendment (Youth Jobs Path: Prepare, Trial, Hire) Bill 2016 (the bill).<sup>1</sup>

1.2 On 10 November 2016, the Senate referred the provisions of the bill to the Senate Education and Employment Legislation Committee for inquiry and report by 21 November 2016.<sup>2</sup>

1.3 On 21 November 2016, the Senate approved an extension to the reporting date until 28 November 2016.<sup>3</sup>

### Conduct of the inquiry

1.4 Details of the inquiry were made available on the committee's website. The committee also wrote to key stakeholders, groups and organisations to invite submissions.

1.5 The committee received 15 submissions, as detailed in Appendix 1.<sup>4</sup>

1.6 Given the short reporting timeframe, the committee decided not to hold public hearings for this inquiry.

### Structure of the report

1.7 Chapter two of this report examines the background to, and detail of the bill and the related Prepare-Trial-Hire (PaTH) program, which aims to give young job seekers under 25 years of age the employability skills and real work experience they need to get a job.

1.8 Chapter three considers the key issues identified by submitters in relation to the bill, including the:

- use of the term 'internship';
- absence of greater detail about the PaTH program;
- level of the incentive payments to interns; and

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1 *Votes and Proceedings*, No. 11, 13 October 2016, p. 212.

2 *Journals of the Senate*, No. 15, 10 November 2016, p. 448.

3 *Journals of the Senate*, No. 16, 21 November 2016, p. 494.

4 Submissions are available from the committee's website:  
[www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Education\\_and\\_Employment/YouthJobsPath](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Education_and_Employment/YouthJobsPath).

- possibility of a 'churn' culture in which employers dismiss interns once the employer's subsidy payments have been received.

### **Compatibility with human rights**

1.9 The Statement of Compatibility with Human Rights accompanying the Explanatory Memorandum noted that the bill engages the following rights:

- the right to social security (Article 9 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR));
- the right to an adequate standard of living (Article 11(1) ICESCR);
- the right to work (Article 6 ICESCR); and
- the right to equality and non-discrimination (Article 2(2) ICESCR and Article 26 of the *International Covenant on Civil and Political Rights*).<sup>5</sup>

1.10 The statement concluded that the bill protects these rights and 'to the extent that the bill provides for differential treatment for young people, the measures taken are reasonable, necessary and proportionate to achieve a legitimate objective.'<sup>6</sup>

1.11 The Parliamentary Joint Committee on Human Rights assessed the bill as not raising human rights concerns.<sup>7</sup>

### **Scrutiny of Bills Committee**

1.12 The Senate Standing Committee for the Scrutiny of Bills had no comment to make on the bill.<sup>8</sup>

### **Financial Impact Statement**

1.13 The Explanatory Memorandum detailed that the internship payment amendments (Schedule 1) would have no financial impact while the Youth Bonus wage subsidy amendments (Schedule 2) would have the budgetary impact set out in Table 1.1.<sup>9</sup>

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5 Statement of Compatibility with Human Rights, Explanatory Memorandum, p. 9.

6 Statement of Compatibility with Human Rights, Explanatory Memorandum, p. 9.

7 Parliamentary Joint Committee on Human Rights, *Human rights scrutiny report, Report 8 of 2016*, 9 November 2016, p. 55.

8 Standing Committee for the Scrutiny of Bills, *Index of Bills Considered by the Committee 2016*, 9 November 2016, p. 7.

9 Explanatory Memorandum, p. 2.

**Table 1.1—financial impact**

<b>Year</b>	<b>Expense (\$ million)</b>
2015-16	4.3
2016-17	0.4
2017-18	0.4
2018-19	0.4
2019-20	0.4
<b>Total:</b>	<b>5.7</b>

1.14 It should be noted that the financial impact described in the Explanatory Memorandum relates only to the cost of the PaTH program for the Department of Employment.<sup>10</sup>

### **Acknowledgements**

1.15 The committee thanks the organisations which made submissions to this inquiry.

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10 Commonwealth of Australia, *2016-17 Budget, Budget Paper No. 2*, 3 May 2016, p. 85. For further information, see Chapter 2, paragraph 2.2.



# Chapter 2

## Provisions of the bill

### Background to the bill

2.1 The Youth Jobs Prepare-Hire-Trial program (PaTH program) was announced in the 2016-17 Budget as part of the government's commitment to 'get more than 100 000 vulnerable young people into jobs in the growing Australian economy by giving them real work experience with real employers that leads to real jobs.'<sup>1</sup>

2.2 The 2016-17 Budget allocated \$850 million to the Youth Employment Package, which is made up of initiatives that focus particularly on youth and employability skills.<sup>2</sup> The largest element of the Youth Employment Package is the PaTH program, which focusses on job seekers under the age of 25 and a Budget allocation of \$752 million over the forward estimates. This allocation is divided between the Department of Human Services, the Department of Social Services, and the Department of Employment.<sup>3</sup>

2.3 The Department of Employment noted in its consultation paper on the PaTH program that 'the Business Council of Australia, the Australian Chamber of Commerce and Industry and employers more generally have consistently indicated that young people need to improve their employability skills and their level of work experience.'<sup>4</sup>

2.4 The PaTH program comprises three stages which create a pathway towards employment:

- Prepare – employability skills training;
- Trial – an internship placement of up to 12 weeks with financial incentives to participate for both businesses and job seekers; and
- Hire – more accessible and increased wage subsidies for youth.<sup>5</sup>

2.5 These three stages involve the following arrangements:

- **Employability skills training:** this will be conducted across six weeks in two training blocks. The first block of training includes basic skills such as teamwork and communication, while the second block focuses on job

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1 Commonwealth of Australia, *2016-17 Budget, Budget Overview, Budget Paper No.1*, 3 May 2016, p. 1.

2 Department of Employment, *Employability Skills Training – Consultation Paper*, 18 August 2016, p. 2.

3 Commonwealth of Australia, *2016-17 Budget, Budget Paper No. 2*, 3 May 2016, p. 85.

4 Department of Employment, *Employability Skills Training – Consultation Paper*, 18 August 2016, p. 3.

5 Department of Employment, *Employability Skills Training – Consultation Paper*, 18 August 2016, p. 2.

preparation. The training will be provided by training providers from an Employability Skills Training Panel.

- **Internship placements:** in this part of the program a job seeker will work for 15 to 25 hours per week for between four and twelve weeks. This work is deemed to be voluntary and the internship arrangement is between the job seeker and the host business. While participating in the internship placement, the job seeker will receive a fortnightly payment of \$200 in addition to their income support payments. Businesses which take on a job seeker receive an up-front payment of \$1000.
- **Youth Bonus Wage Subsidies:** if the host business offers job seekers in the PaTH Program an employment position, that business receives a Youth Bonus Wage Subsidy of up to \$6500. The subsidy is increased to \$10 000 for more disadvantaged job seekers. The subsidies are paid on a flexible basis over 6 months.<sup>6</sup>

2.6 In developing the PaTH program, the Department of Employment released a discussion paper on 18 August 2016 which sought feedback on the first stage of the program: employability skills training. Feedback was sought from industry groups and advocacy organisations by 31 August 2016. The Department notes on its website that over 70 submissions were received in response to the consultation paper and that as a result the Department is 'adjusting the design of the program.'<sup>7</sup>

2.7 The Department has opened applications for training organisations to apply to conduct the skills part of the PaTH program. The internship placement part of the program is scheduled to start from 1 April 2017.<sup>8</sup>

2.8 The details of the PaTH program itself have been publicised through the Budget 2016-17, consultation undertaken by the Department of Employment, and via the Department of Employment's website.

### **Purpose and overview of the bill**

2.9 The Social Security Legislation Amendment (Youth Jobs Path: Prepare, Trial, Hire) Bill 2016 (the bill) will implement aspects of the payments and entitlements relating to the second and third components of the PaTH program).

2.10 As part of an internship under the PaTH program, job seekers will be paid a fortnightly incentive payment of \$200 in addition to their social security payments. As discussed below, should interns be offered a job after their internship period, as part of the PaTH program these interns will have their income support payments temporarily suspended rather than cancelled.<sup>9</sup>

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6 Department of Employment, *Submission 14*, pp. 4–5.

7 [www.employment.gov.au/youth-jobs-path](http://www.employment.gov.au/youth-jobs-path) (accessed 20 November 2016).

8 [www.employment.gov.au/youth-jobs-path](http://www.employment.gov.au/youth-jobs-path) (accessed 20 November 2016).

9 Explanatory Memorandum, pp. 1–2.

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2.11 The bill provides amendments to existing legislation<sup>10</sup> so that the incentive payments of young job seekers in the PaTH program can be implemented without adversely impacting eligible job seekers' existing income support payments. The bill itself does not implement the additional payments to eligible job seekers nor payments to participating businesses.

### ***Internship payments***

2.12 Schedule 1 of the bill amends the *Social Security Act 1991* and the *Veterans' Entitlements Act 1986* to allow additional fortnightly incentive payments of \$200 to be made to those participating in the internships component of the PaTH program without affecting their income support payments.<sup>11</sup>

2.13 The amendments describe the payment as being made under the Commonwealth program Youth Jobs PaTH and the recipients as individuals placed in an internship in that program.<sup>12</sup>

2.14 The bill does not contain a definition of the term 'internship', however the Explanatory Memorandum states the criteria for eligibility in the PaTH program:

To be eligible to participate, a person must:

- be 17 to 24 years old;
- have been in jobactive, Transition to Work or Disability Employment Services for 6 months or more; and
- be on income support payments...

Participants [in the PaTH program] will attend host businesses for 15 to 25 hours a week. They will undertake unpaid work experience and will not be employees of their host businesses.<sup>13</sup>

### ***Youth Bonus wage subsidy***

2.15 The PaTH program also includes financial incentives for businesses to take on job seeker placements. These include an up-front payment of \$1000 for businesses that taken on an intern, and a Youth Bonus wage subsidy of up to \$6500 (or \$10 000 for disadvantaged job seekers) for offering employment to an eligible young job seeker.<sup>14</sup> However these payments are not implemented under the bill.

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10 The bill amends the *Social Security Act 1991*, the *Social Security (Administration) Act 1999*, and the *Veterans' Entitlements Act 1986*.

11 See Item 1 and Item 2 of Schedule 1, which respectively ensure that internship payments made to participants in the PaTH program are not treated as income under the *Social Security Act 1991* and the *Veterans' Entitlements Act 1986*.

12 Items 1 and 2, Schedule 1.

13 Explanatory Memorandum, p. 4.

14 Parliamentary Library, *Bills Digest no. 37 of 2016-17*, 10 November 2016, p. 3.

2.16 Instead, the Youth Bonus wage subsidy schedule of the bill simply allows a job seeker's income support payments to be suspended rather than cancelled once they have taken up paid employment.

2.17 Schedule 2 amends the *Social Security (Administration) Act 1999* (Administration Act) to allow a job seeker's income support payments to be temporarily suspended rather than cancelled once they take up paid employment. Should the job seeker lose their employment within six months through no fault of their own, their income support payments can then be reactivated without the need to reapply.<sup>15</sup>

2.18 Item 3 of Schedule 2 amends the Administration Act to provide for the suspension (instead of cancellation) of a person's social security payments by creating a new section 95C. The Secretary will have the power to determine the suspension of payments provided the Secretary is satisfied that the person has ceased to be qualified for payments due to employment by a Youth Bonus wage subsidy employer.<sup>16</sup>

2.19 The new subsection 95C(4) defines a Youth Bonus wage subsidy employer as an employer eligible to receive the subsidy in respect of a person under the Youth Jobs PaTH.

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15 Proposed section 95C of the *Social Security (Administration) Act 1999*.

16 Proposed subsection 95C(1) of the *Social Security (Administration) Act 1999*.



# Chapter 3

## Issues raised by submitters

### Introduction

3.1 The committee received 15 submissions regarding the bill, and the majority of these submissions are generally supportive of the bill and the PaTH program.

3.2 For instance, the Australian Chamber of Commerce and Industry (ACCI), submitted that it strongly supports the Youth Jobs PaTH initiative 'as an important avenue to secure jobs for young unemployed Australians'.<sup>1</sup> ACCI indicated that the PaTH program is:

...vital in ensuring jobseekers have a better chance to be well prepared for the workplace, with the ultimate aim of securing a job. Tens of thousands of young Australians will get their first opportunity in the workforce via the Youth Jobs PaTH program, with PaTH providing "real job" work experience that many young job seekers lack.<sup>2</sup>

3.3 The Brotherhood of St Laurence also supported the bill and the PaTH program:

The demands of a rapidly changing modern Australian economy are proving profoundly testing for a significant proportion of young Australians. Youth unemployment – at around 13 per cent nationally – now sits at double the rate of overall unemployment. The Brotherhood of St Laurence (BSL) welcomes the introduction of the Prepare, Trial, Hire (PaTH) program as a positive investment in addressing this issue, by providing young unemployed people with the opportunity to gain the real world work experience they need to move into employment.<sup>3</sup>

3.4 Submitters were united in their views on the impact of youth unemployment and the urgent need to provide the means for young job seekers to find secure work. For example, the Australian Council of Social Service (ACOSS) submitted:

It is unacceptable that in Australia there are 130,000 young people who are unemployed, and over half a million people of all ages who are unemployed long-term.<sup>4</sup>

3.5 Organisations such as Interns Australia, UnitingCare Australia, Per Capita, Anglicare Australia, Jobs Australia, ACOSS, and Children and Young People with Disability Australia (CYDA) raised several issues with the bill and the PaTH program, including for example:

- lack of definition around the term 'internship';

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1 Australian Chamber of Commerce and Industry, *Submission 5*, p. 1.

2 Australian Chamber of Commerce and Industry, *Submission 5*, p. 1.

3 Brotherhood of St Laurence, *Submission 9*, p. 1.

4 Australian Council of Social Service, *Submission 15*, p. 1.

- absence of greater detail about the operation of the PaTH program in general;
- amount of the incentive payments provided to interns under the program; and
- development of a 'churn' culture.

3.6 This chapter examines these issues.

### **Definition of 'internship'**

3.7 Interns Australia noted that the bill refers to payments made to an individual placed in an internship, but it does not provide a definition of 'internship'. As highlighted in Chapter 2, the only definition of internship is in the Explanatory Memorandum. Interns Australia expressed concern about the lack of a definition:

The term is not defined in Australian employment law, and recent case law has highlighted that many internships are employment relationships. Not only does the use of this term create confusion about the rights of the participants in the Youth Jobs PaTH program, it creates confusion about the rights of individuals undertaking internships in other areas, intensifying the creation of a corrosive unpaid internships 'culture'...<sup>5</sup>

3.8 UnitingCare Australia raised similar concerns about the need for a definition of internship. Its submission cited the Fair Work Ombudsman's 2013 report *Unpaid work arrangements – exploitation or experience* and argued that:

The guidance offered by the Ombudsman seems to suggest the Youth Jobs PaTH program internships may constitute employment relationships and as such should enjoy the protections offered to those relationships. Alternatively, the program could be considered as part of the National Work Experience Program, but greater clarity is required to determine the nature and treatment of the internships.<sup>6</sup>

3.9 UnitingCare Australia also reported concerns about interns' access to workers' compensation schemes, given the ambiguity around the definition of internship:

It is unclear the extent to which different schemes operating in states and territories will extend to provide the appropriate protections for young people undertaking PaTH. As previously noted, this issues largely relates to ambiguity around the nature of work that will be undertaken whilst participating in the program, and if this subsequently defines participants as 'volunteers' or 'employees' – the former may prevent their ability to access workers' compensation. Further consideration is required regarding how protections can be provided for young people voluntarily undertaking work placement through the program.<sup>7</sup>

3.10 The Department of Employment's submitted that host businesses would be required to comply with state and federal workplace health and safety legislation and

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5 Interns Australia, *Submission 1*, pp. 1–2.

6 UnitingCare Australia, *Submission 4*, p. 5.

7 UnitingCare Australia, *Submission 4*, p. 5.

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will, as part of participation in the PaTH program, undergo a risk assessment by employment service providers.<sup>8</sup>

3.11 Further, the Department explained that it has insurance arrangements in place to cover job seekers and these will be extended to interns in the PaTH program.<sup>9</sup> The arrangements include:

- Group Personal Accident Insurance which covers job seekers that are injured while participating in approved activities, including travel to and from the activity;
- Combined Liability Insurance which covers job seekers' liability arising from their negligence that cause personal injury to third parties or damage to third parties property while participating in an approved activity.<sup>10</sup>

3.12 According to the Department of Employment, 'unpaid work experience, including in the private sector, has been a feature of Australian Government employment services and an accepted activity for job seekers to undertake for decades.'<sup>11</sup> Further, the Department pointed out:

The importance of work experience was recognised as part of the *Social Security Legislation Amendment (Employment Services Reform) Act 2009*. These amendments were primarily designed to ensure that job seekers can undertake certain work experience activities and placements that are not approved programs of work (but are approved in the sense of being approved activities in an Employment Pathway Plan), without being treated as employees.<sup>12</sup>

3.13 The Department's submission is clear regarding the employment status of participants in the PaTH program:

PaTH interns are not employees. PaTH internship placements, as with National Work Experience Program placements, will be covered by these provisions and designed to be supervised work experience placements, not a job. Accordingly, merely participating in an internship in accordance with a Job Plan (Employment Pathway Plan) will not make that person an employee under the *Fair Work Act 2009*.<sup>13</sup>

3.14 The Explanatory Memorandum also clarifies the nature of the internships:

Both businesses and eligible young job seekers will be able to choose to participate in an internship. Further, businesses and eligible young job seekers will be able to co-design internship placements... They [interns]

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8 Department of Employment, *Submission 14*, p. 8.

9 Department of Employment, *Submission 14*, p. 8.

10 Department of Employment, *Submission 14*, p. 8.

11 Department of Employment, *Submission 14*, p. 6.

12 Department of Employment, *Submission 14*, p. 6.

13 Department of Employment, *Submission 14*, p. 6.

will undertake unpaid work experience and will not be employees of their host businesses.<sup>14</sup>

### **Details about the operation of the PaTH program**

3.15 Jobs Australia expressed concerns that the details of the PaTH program had not been included with the bill:

Other aspects of Youth Jobs PaTH internships, in addition to those set out in the Bill, should therefore be the subject of legislation which can be considered and scrutinised by the parliament, rather than being implemented by administrative means which might seek to exempt interns and the employers providing placements from the provisions of the Fair Work Act and other relevant legislated workplace protections and requirements.<sup>15</sup>

3.16 Interns Australia called for greater detail to be provided around:

- The creation of 120,000 new workers over four years who are classified as 'interns', without any detail on what the rights of those interns would be;
- The expansion of the notion of internships under the PaTH program into industries such as retail, hospitality and motor trades; and
- The incentive payment of \$1,000 being provided to businesses taking on interns.<sup>16</sup>

3.17 Interns Australia's submission argued that without detailed information about these issues included in the bill, including how such issues would interact with the Fair Work Act, the PaTH program would result in confusion for job seekers.<sup>17</sup>

3.18 A joint submission by a group of youth advocacy organisations also raised concerns about the lack of detail about the PaTH program. The organisations maintained that the consultation process conducted by the Department of Employment on the first phase of the PaTH program was inadequate:

This is an important piece of policy and legislation. However, the consultation process is flawed. The first piece of consultation conducted by the Department of Education allowed only two weeks for response. The consultation was conducted on the first phase of the program and despite 'welcoming feedback' on other elements of PaTH there was no process.

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14 Explanatory Memorandum, p. 4.

15 Jobs Australia, *Submission 11*, p. 4.

16 Interns Australia, *Submission 1*, p. 3.

17 Interns Australia, *Submission 1*, p. 4.

While the Department received over 70 submissions, the response to feedback on the first phase was a mere 2 pages.<sup>18</sup>

3.19 These youth organisations considered that the bill ought to be delayed until the details of the PaTH program are finalised:

As the bill enacts the PaTH initiative, we urge the Committee to recommend that the passage of the bill be delayed until the policy details are clear, until community-government stakeholder relationships are in place to support the program, and until the government is satisfied that its investment will achieve the stated program objectives.<sup>19</sup>

3.20 The Department of Employment's submission, whilst not committing to include further particulars in the bill, does set out a range of program parameters and lists various safeguards related to the PaTH program.<sup>20</sup>

### **Incentive payments to interns**

3.21 Interns Australia raised concern about the amount of the incentive payments offered to interns as part of their placement. The Explanatory Memorandum indicates that the fortnightly incentive payments would be \$200, in addition to the job seeker's income support payments. Internships would require between 15 and 25 hours of work per week, or 30 to 50 hours per fortnight. Interns Australia raised the following concerns about the incentive payments:

Interns Australia questions the nature of these payments and how they interact with the interns' legal status under Australian employment law. For clarity, it would be preferable for the payments to reflect minimum wage, or equal between \$600–\$1000 per fortnight. Alternatively, the interns could be required to work fewer hours.<sup>21</sup>

3.22 Per Capita also expressed concerns about the incentive payments to interns and argued that these payments should be in line with the minimum wage:

We believe that the Trial (internship) part of the program should be designed such that interns receive at least the minimum wage. This could be accomplished by either limiting the number of hours, or by increasing the weekly supplement above \$100 where required to meet minimum wage levels.<sup>22</sup>

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18 Youth Action, Australian Youth Affairs Coalition, the Youth Affairs Council of Victoria, Youth Coalition of the ACT, Youth Affairs Network Queensland, Youth Network of Tasmania, Youth Affairs Council of Western Australia and the Youth Affairs Council of South Australia, *Joint Submission 7*, pp. 3–4.

19 Youth Action, Australian Youth Affairs Coalition, the Youth Affairs Council of Victoria, Youth Coalition of the ACT, Youth Affairs Network Queensland, Youth Network of Tasmania, Youth Affairs Council of Western Australia and the Youth Affairs Council of South Australia, *Joint Submission 7*, p. 3.

20 Department of Employment, *Submission 14*.

21 Interns Australia, *Submission 1*, p. 2.

22 Per Capital, *Submission 2*, p. 1.

3.23 The Australian Council of Trade Unions (ACTU) argued that the PaTH program's intern placement would 'undermine the minimum wage system':

The current program settings, hours worked and additional payments per fortnight, mean that the interns in this program are paid below minimum wage, potentially creating pressure on existing employees' wages or conditions. The ACTU is concerned that the scheme may encourage employers to replace existing minimum wage workforces with government sponsored interns or to reduce their wages or conditions. Interns are not paid superannuation or subject to worker's compensation and so represent a significant saving to employers when compared to regular employees. While the Minister has dismissed this concern, it is not clear how employers will be prevented from utilising a series of interns, for whom the employer is paid by government, to replace either current or future paid workers. This would not only result in the program failing to achieve its aims of moving unemployed young people into work, but would also devalue the work and labour of currently employed young people.<sup>23</sup>

3.24 Conversely, ACCI stated that the payments for interns would provide a significant incentive for job seekers to undertake a placement:

Industry has the places to meet the demand of the program; however employer experience shows that unemployed youth require considerable support when moving from unemployment into entry level positions. The \$200 payment is an important incentive for young people participating in the program and should be seen as recognition of the young person's determination to gain better job prospects.

Apart from its role as an incentive, from a practical perspective the extra \$200 on top of their NewStart or Youth Allowance will assist the young person in covering costs associated with participating in the work experience. Therefore, it is essential to preserve the maximum value of the additional fortnightly payment through it not impacting on other income sources.<sup>24</sup>

3.25 The Brotherhood of St Laurence (BSL) also appeared to endorse the amount of the incentive payment:

The BSL supports the Social Security Legislation Amendment (Youth Jobs Path: Prepare, Trial, Hire) Bill 2016. The legislation will enable the successful implementation of the PaTH program by ensuring young jobseekers on income support receive an additional \$200 per fortnight to compensate them for costs involved in undertaking a PaTH internship (e.g. transport).<sup>25</sup>

3.26 The Department of Employment noted that the incentive payment supplements a participants regular income support payment:

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23 Australian Council of Trade Unions, *Submission 10*, p. 2.

24 Australian Chamber of Commerce and Industry, *Submission 5*, p. 2.

25 Brotherhood of St Laurence, *Submission 9*, p. 1.

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The \$200 fortnightly incentive paid to PaTH interns is on top of their income support. The incentive is paid by the Government and is not a 'wage'. If a host organisation paid a PaTH intern, the PaTH internship would cease immediately.<sup>26</sup>

### **Churn culture**

3.27 Many submitters raised concerns about the PaTH program, arguing that it would lead to a 'churn' culture. For example the ACTU argued that intern positions could displace permanent employees:

Additionally, the internship positions created under this program are likely to displace paid jobs for other young people. The fraction of 'internships' that turn into paying jobs will also not be new positions, but will replace employees that the organisation would have hired under normal circumstances. This is a fundamental flaw in both this program and in the government's approach to unemployment. There are simply not enough jobs and any program that ignores job creation is going to [be] ineffective in addressing unemployment.<sup>27</sup>

3.28 Alternatively, as Anglicare Australia argued, interns may not be offered positions once the employer has received the \$1000 host organisation incentive:

There has been very little detail available on how government or employment service providers will monitor companies who might exploit the scheme. Appropriate and effective safeguards are essential to prevent businesses 'churning' through interns or displacing current or future employees in their use of the scheme. While we believe that businesses should be held accountable for exploitative practices, we also believe that the government must show leadership and responsibility in its stewardship role, particularly in the context of taking a whole new approach.<sup>28</sup>

3.29 Per Capita too argued for the need to include monitoring in the PaTH program to protect interns against churn culture:

There must be appropriate monitoring of employers to ensure that they do not 'churn' interns and subsidised workers in order to reduce their staffing costs. Young workers being let go at the end of their subsidised employment period could result in decreased, rather than increased confidence and may not improve their employment prospects.<sup>29</sup>

3.30 The submission from the Department of Employment set out measures to protect against churn in the PaTH program. These include:

- program guidelines, in combination with the jobactive Deed 2015–2020 and the Transition to Work Deed 2016–2020, to make clear to employment service providers the parameters of the program;

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26 Department of Employment, *Submission 14*, p. 7.

27 Australian Council of Trade Unions, *Submission 10*, p. 7.

28 Anglicare Australia, *Submission 6*, p. 2.

29 Per Capita, *Submission 2*, p. 1.

- monitoring activities will help ensure that host organisations appropriately use the program; and
- department's program assurance strategy will be applied to PaTH internships.<sup>30</sup>

3.31 In addition, the Department currently provides program assurance of employment services through:

- prevention – using guidelines, simple policy and IT systems
- deterrence – making clear the penalties of non-compliance
- detection – identifying non-compliance through data analytics, the Tip-off Line, the National Customer Service Line, provider audits, and the rolling random sample process
- correction – including strategies to act on non-compliance such as recovering payments, imposing additional conditions, or terminating contract arrangements.<sup>31</sup>

## **Committee view**

### ***Definition of internship***

3.32 The committee notes the concerns of several submitters regarding the absence of a definition of 'internship' in the bill. However, the committee is aware that the Department of Employment has included in the Explanatory Memorandum to the bill and in its submission a clear definition of 'internship'.

3.33 These supporting materials make it abundantly clear that a young job seeker who chooses to participate in the PaTH program is engaging in unpaid, supervised work experience placements and is not entering into an employment relationship with the host business.

3.34 The committee is of the view that the inclusion of these clarifications within the Explanatory Memorandum and the Department's submission adequately addresses the ambiguity raised by submitters. The committee urges the Department of Employment to consider adding the definition to all future materials published in relation to the PaTH program.

### ***Detail about the operation of the PaTH program***

3.35 The committee recognises the concerns voiced by several submitters in relation to the limited detail about the operation of the PaTH program. However the committee notes that the bill only relates to two specific aspects of the program: internship payments and youth subsidy wage bonus.

3.36 The committee believes that the appropriate place for the program guidance requested by submitters is in supporting materials produced by the Department of

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30 Department of Employment, *Submission 14*, p. 9.

31 Department of Employment, *Submission 14*, p. 9.



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Employment. As with any government program of this type, guidance about the program implementation and additional information should not be bound by the necessary constraints of the legislative process. The committee considers that the responsiveness and flexibility required by the program would be best achieved through departmental publications, rather than through legislation.

3.37 However the committee is cognisant that the program is to begin in April 2017 and both job seekers and employers need to prepare to take part in the program. The committee therefore urges the department to have regard to the issues raised in submissions relating to questions about the program implementation.

### **Recommendation 1**

**3.38 The committee recommends that the Department of Employment consider the issues raised in the submissions received by the committee, and in particular work to publish clear guidance on all aspects of the PaTH program so that job seekers and employers have clarity about their rights and responsibilities.**

#### *Incentive payments*

3.39 The committee notes the comments made by various submitters in relation to the adequacy of the internship incentive payments under the PaTH program. The committee views the incentive payment of \$200 per fortnight as sufficient, given that this payment is clearly designed to be an incentive and not a wage.

3.40 The first schedule to the bill allows for the \$200 incentive payment to be made in addition to the intern's income support payments. The committee considers that this measure is important to protect an intern's support payments, as well as to facilitate the incentive payment which will defray costs associated with the internship, such as transport.

#### *Churn culture*

3.41 The committee acknowledges the concerns raised by submitters in relation to the potential for the PaTH program to have the unintended consequence of creating a churn culture.

3.42 The committee considers that the safeguards outlined in the Department of Employment's submission will be adequate to prevent a churn culture in the PaTH program. These safeguards are already established as part of the Department's scrutiny of other programs, and the committee has confidence in the Department's continued vigilance.

#### *Conclusion*

3.43 A theme that recurred throughout the submissions was an acknowledgement that high levels of youth unemployment impact on the broader social and economic future of Australia. Submitters agreed that urgent action is required to help Australia's unemployed youth find secure jobs. In general, submitters were supportive of the establishment of the PaTH program.

3.44 The bill is integral to the implementation of the PaTH program. It will progress key parts of the PaTH program, including protecting income assistance payments of PaTH program interns. It is clear to the committee that unless the bill is passed, the PaTH program cannot begin as scheduled in April 2017. Accordingly the committee supports the passage of the bill.

**Recommendation 2**

**3.45 The committee recommends that the bill be passed.**

**Senator Bridget McKenzie**

**Chair**

# Labor Senators' Dissenting Report

1.1 Labor supports constructive plans that help young Australian's find work. However, Labor Senators are concerned that major elements of the Youth Jobs PaTH program – which would be supported by the passage of this legislation – is poorly constructed and we note the community concerns that exist which point to the possibility of this program resulting in jobs displacement, reduced wages and potential exploitation.

1.2 Labor Senators note the high proportion of submissions that raised concerns in relation to:

- Participants completing work activities receiving a below minimum wage income;
- The likelihood of entry level jobs being displaced by temporary, government-subsidised employees;
- The undermining of wages;
- “Churning” of interns by businesses instead of hiring entry level employees;
- Lack of adequate safety and protections for participants, including access to workers compensation arrangements;
- The failure to properly define what constitutes an “intern”, with the legal concerns that are triggered by this;
- Inadequate support for people engaged in training or a placement to help with transport and other barriers to participation;
- Poor integration with the rest of the jobactive network and youth employment strategies; and,
- An overall failure by the government to genuinely consult and consider feedback while developing the program and legislation.

1.3 Labor Senators believe these concerns amount to a piece of legislation giving effect to a flawed program. The concerns around the overall program should be concretely addressed before assent is given to this legislation.

1.4 We acknowledge how important it is to give young jobseekers the best possible help to get into work, and we note that there is benefit in improving the employability skills of young unemployed. However, this legislation and the broader program doesn't appear to do that well enough.

1.5 It should be noted, that in a weakened labour market characterised by record under-employment and record low wages growth, the Turnbull Government is about to add 30 000 subsidised workers per annum into that same market.

1.6 The concerns around this program should not be dismissed. We also note that this rushed approach to implementing the program without regard for community

concern was reflected in the committee's refusal to hold public hearings into this legislation.

1.7 There is little confidence at this stage that the Government has seriously considered concerns – or developed genuine responses to those concerns – that are then reflected in adequate safeguards around job displacement, the undermining of wages or protections for young and vulnerable participants.

1.8 The Department of Employment submission outlined the undefined and troubling situation young Australian jobseekers will be placed in through this program. The submission makes it clear participants will perform work activities, for a company that makes a profit, but that those participants will not be treated as employees by the Government or the department.

1.9 The department defends the legislative framework for this program putting 120 000 young people over the life of the program in an exploitative limbo:

The importance of work experience was recognised as part of the *Social Security Legislation Amendment (Employment Services Reform) Act 2009*. These amendments were primarily designed to ensure that job seekers can undertake certain work experience activities and placements that are not approved programs of work (but are approved in the sense of being approved activities in an Employment Pathway Plan), without being treated as employees.<sup>1</sup>

1.10 Then the department severs any connection these young people would have to adequate workplace support, cover and payment. The submission clearly states the Department does not view participants as employees.<sup>2</sup> Uniting Care Australia and Interns Australia raise serious concerns about this definition leaving participants in limbo and whether the term “internship” or “intern” is suited to this application.

1.11 The short length of the inquiry has hampered a fuller analysis of the implications of this government/employer/participant relationship, of the Bill and the broader program.

1.12 Multiple submissions have said the truncated consultation was concerning and that the program should be halted until flaws are fixed and adequate protections are provided for young jobseekers.

1.13 The Government has not listened to repeated warnings about the outcomes of this program and legislation. Consultation has been minimal and the answers to Members in Parliament and Senate Estimates have been vague.

1.14 The combined submission by Youth Action and other youth organisations summarised the rushed and inadequate public consultation for Youth Jobs PaTH and concluded:

We express our concerns that the investment in the program will be wasted and will not ensure quality outcomes for youth employment without

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1 Department of Employment, *Submission 14*, p. 6.

2 Department of Employment, *Submission 14*, p. 6.

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appropriate community-government stakeholder engagement that ensures the program is relevant to young people's experience.<sup>3</sup>

### **Below minimum wage payment**

1.15 Labor Senators note the number of submissions that commented on the payments that would be received by participants would be below the national minimum wage. The Government's decision to pay an additional \$200 per fortnight on top of income support to participants in the program leaves thousands of people performing work in companies making a profit earning less than the national minimum wage.

1.16 ACOSS's submission noted:

Payment rates and hours of work for the internships mean that many people will work for less than the equivalent of the minimum wage:

Since participants will be working whether 'employed' or not, they should be properly remunerated. Fortnightly hours for internships should be capped at 30 instead of 50 so that participants are remunerated at least to the equivalent of the relevant hourly minimum wage.<sup>4</sup>

1.17 Interns Australia also noted:

Interns Australia questions the nature of these payments and how they interact with the interns' legal status under Australian employment law. For clarity, it would be preferable for the payments to reflect minimum wage, or equal between \$600–\$1000 per fortnight. Alternatively, the interns could be required to work fewer hours.<sup>5</sup>

1.18 The ACTU raised its concerns:

There must also be significant concern however that PaTH may serve to undermine the minimum wage system. The current program settings, hours worked and additional payments per fortnight mean that the interns in this program are paid below minimum wage, potentially creating pressure on existing employees' wages or conditions.<sup>6</sup>

1.19 Jobs Australia raised issues with the minimal rate of pay:

To ensure that hours of "work" or unpaid work experience are limited to ensure that young interns receive income at least equivalent to the prescribed minimum wage (if this does not occur, interns will effectively be working for less than the minimum wage – an established and long-standing legal entitlement for all other Australian workers – and this could increase the risk of their being exploited).<sup>7</sup>

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3 Youth Action, Submission 7, pp. 3–4.

4 Australian Council of Social Service, *Submission 15*, p. 3.

5 Interns Australia, *Submission 1*, p. 2.

6 ACTU, *Submission 10*, p. 2.

7 Jobs Australia, *Submission 11*, p. 5.

1.20 Jobs Australia further made recommendations that the payment should be legislated fully, not in the undefined manner of the current Bill:

Specifically, the proposed legislation should be amended to incorporate and address the following issues: to incorporate the “incentive payment” and its quantum and indexation arrangements in the legislation itself (to ensure that the quantum of the payment is not reduced and its value is maintained over time)...<sup>8</sup>

1.21 Per Capita also advised:

We believe that the Trial (internship) part of the program should be designed such that interns receive at least the minimum wage. This could be accomplished by either limiting the number of hours, or by increasing the weekly supplement above \$100 where required to meet minimum wage levels...<sup>9</sup>

1.22 Interns Australia said creating a class of under-paid interns undermined their status in law:

We wish to see a definition of ‘intern’ under Australian law that: ... Allows for appropriate remuneration for an intern, whether that be provided by the businesses engaging the intern or by government funding...<sup>10</sup>

1.23 An amendment to the Bill to reduce the hours worked each week to 15 or to increase the incentive payment could lift the participant’s income above the minimum wage.

### **Inadequate safety and protection provisions**

1.24 Labor Senators are extremely concerned that participants in the Youth Jobs PaTH program may not be adequately covered by state’s workers compensation and other legislative workplace protections.

1.25 The Government’s decision to classify an intern under the program as a “volunteer” despite them performing work tasks, throws their protections into doubt.

1.26 We do not believe a program designed to put 120 000 young jobseekers over the life of the program into workplaces without adequate protections is fair or reasonable.

1.27 Labor Senators also notes that the Government has failed to release details of its internal review into the tragic fatality of a young Work for The Dole participant in April this year. The Government should demonstrate how the relevant findings and recommendations of such an internal review will be applied to the workplace health and safety arrangements that will be observed under the PaTH program.

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8 Jobs Australia, *Submission 11*, p. 3.

9 Per Capita, *Submission 2*, p. 1.

10 Interns Australia, *Submission 1*, p. 4.

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1.28 ACOSS made a scathing assessment of the protections of participants:

There is no legislative assurance that the health and safety of participants in the internships will be adequately protected.<sup>11</sup>

1.29 ACOSS commented further:

The Department has its own scheme for participants in employment programs but we understand this generally provides lesser benefits than State Workers Compensation schemes, no periodic payments, and no entitlement to rehabilitation. Either participants should be covered by State Workers Compensation scheme or equivalent coverage should be negotiated by the Department.<sup>12</sup>

1.30 Interns Australia also pointed out the vague rights of interns:

...Confusion over the rights of those participating in the programme: it is unclear what workplace rights attract to the 'interns' undertaking the programme (including the applicability of discrimination and workers compensation laws), and how these rights interact with the rights of 'traditional' interns in Australian society.<sup>13</sup>

1.31 Jobs Australia also called for the Government to implement strengthened protections for participants:

In the event that interns are not covered by state and territory Workers' Compensation arrangements (and this may vary in different jurisdictions), provision of Personal Accident insurance coverage with terms which mirror and match the relevant Workers' Compensation entitlements – as well as adequate liability cover for participating interns.<sup>14</sup>

1.32 Uniting Care Australia drew attention to the Government's definition of a volunteer intern, by referencing the Fair Work Ombudsman definition of what constitutes work activity:

To that end, we draw your attention to the guidance offered by the Fair Work Ombudsman which distinguishes between unpaid internships and employment relationships (Attachment A). The guidance offered by the Ombudsman seems to suggest the Youth Jobs PaTH program internships may constitute employment relationships and as such should enjoy the protections offered to those relationships.<sup>15</sup>

1.33 This serious issue of adequate protections could be improved by amending legislation so that participants of Youth Jobs PaTH were properly covered by state workers compensation, or by creating effective Commonwealth coverage that includes workplace rights, workers compensation, rehabilitation payment and income support.

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11 Australian Council of Social Service, *Submission 15*, p. 4.

12 Australian Council of Social Service, *Submission 15*, p. 5.

13 Interns Australia, *Submission 1*, p. 4.

14 Jobs Australia, *Submission 11*, p. 6.

15 Uniting Care Australia, *Submission 4*, p. 5.

## Displacement of jobs and placement churning

1.34 Overwhelming concerns about the prospect of broad displacement of entry level jobs and possibly churning of interns by businesses were put to the committee.

1.35 ACOSS said the Bill as it stands would not protect Youth Jobs PaTH from becoming an exploited program:

A set of rules should be formalised by Legislative Instrument to restrict the scope for displacement and churning and ensure that host organisations that engage in these practices cannot host more interns under the program.<sup>16</sup>

1.36 ACOSS added:

Additionally, the internship positions created under this program are likely to displace paid jobs for other young people. The fraction of ‘internships’ that turn into paying jobs will also not be new positions, but will replace employees that the organisation would have hired under normal circumstances. This is a fundamental flaw in both this program and in the government’s approach to unemployment. There are simply not enough jobs and any program that ignores job creation is going to be ineffective in addressing unemployment.<sup>17</sup>

1.37 Interns Australia pointed out that the nature Schedule 2 of the Bill (relating to the Hire component of the program) shows the Government must have some concern about the prospect of exploitation:

Interns Australia is surprised the Bill contemplates so directly many of these new employees being fired ‘through no fault of their own’. As employers will receive a subsidy for employing these individuals, we have concerns this provision may encourage employers to hire an employee to receive the subsidy, terminate their employment, then hire another employee to receive the subsidy again.<sup>18</sup>

1.38 Jobs Australia drew attention to failed attempts at similar programs internationally, that became known for exploitation:

In respect of “internships” as a means of assisting young unemployed people, we note in particular, the Irish Job Bridge program on which Youth Jobs PaTH is at least partially based (and which unfortunately came to be known as “Scam Bridge”) has been discontinued as a consequence of high levels of exploitation of young people and displacement of existing workers and the controversial experience of a similar program in the UK.<sup>19</sup>

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16 Australian Council of Social Service, *Submission 15*, p. 5.

17 Australian Council of Trade Unions, *Submission 10*, p. 2.

18 Interns Australia, *Submission 1*, p. 4.

19 Jobs Australia, *Submission 11*, p. 5.



1.39 Interns Australia raised the financial incentive, on top of free labour, for businesses to churn:

The erosion of entry-level employment: if businesses are given a \$1,000 incentive to take on an intern, there is a risk that they will continue to use interns to receive the incentive, rather than hiring employees. This encourages a culture of using unpaid interns rather than entry-level workers, as seen in countries across the world.<sup>20</sup>

1.40 The ACTU gave further examples where there are incentives to exploit in ways that would displace other jobs or suppress wages and conditions across industry:

Interns are not paid superannuation or subject to worker's compensation and so represent a significant saving to employers when compared to regular employees. While the Minister has dismissed this concern, it is not clear how employers will be prevented from utilising a series of interns, for whom the employer is paid by government, to replace either current or future paid workers. This would not only result in the program failing to achieve its aims of moving unemployed young people into work, but would also devalue the work and labour of currently employed young people.<sup>21</sup>

1.41 Per Capita's submission made clear the potential cost-saving avenues for business that could lead to fewer job openings:

The potential exists for employers to replace positions that are fully paid with PaTH program participants purely as a cost-saving measure. While this provides the PaTH participant with potentially valuable experience, it comes at the cost of a job for somebody else.<sup>22</sup>

1.42 National Employment Services Association (NESA) drew attention to the work that an employment service provider will have to do to find participant's positions are legitimate, on top of regular compliance activity:

Service providers will be critical in finding and assessing the appropriateness of internship placements. They will need to consider whether an employer is genuine about providing a real job if the job seeker works out. At the same time the service provider must ensure the placement is not displacing a real job and that the employer will be offering adequate supervision.<sup>23</sup>

1.43 Jobs Australia drew the committee's attention to the way exploitation and displacement could take place by asking vulnerable young Australians to work during unusual hours or during times when penalty rates would apply:

...to ensure that times of "work" or unpaid work experience are restricted so that interns are not required to "work" during times which would attract penalty payments under relevant awards – (the risks of exploitation and

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20 Interns Australia, *Submission 1*, p. 4.

21 Australian Council of Trade Unions, *Submission 10*, p. 2.

22 Per Capita, *Submission 2*, p. 1.

23 National Employment Services Association, *Submission 13*, p. 2.

displacement of existing workers are extremely high in these circumstances and particularly in industries with highly variable levels of employment and of casual work – where it could be difficult to discern whether displacement is occurring)...<sup>24</sup>

1.44 Jobs Australia went further and requested that employers found to do the wrong thing under Youth Jobs PaTH should be made public:

...Recording and publication and dissemination of details of employers found to be unsuitable for provision of internship places to referring employment services providers...<sup>25</sup>

1.45 The ACTU outlined a concerning best possible scenario for 120 000 young jobseekers in the program:

When these concerns have been raised in the past, much has been made of analysis which will be done to detect employers who are abusing the program and prevent them from hosting further intern placements. It seems that the absolute best outcome such a system could achieve would be that thousands of vulnerable young people are only exploited, for profit, once.<sup>26</sup>

1.46 Uniting Care and Anglicare Australia also raised concerns about churning through interns and using free labour to displace job opportunities for young people to become normally employed.

1.47 Anglicare Australia put it in the context of a jobs market that continues to deteriorate for young Australians under this Government:

In the context of a serious shortage of entry-level vacancies, we do not accept that internships alone will help many people overcome structural exclusion from the workforce. We can see no evidence that this program will do anything to ease the existing pressures created by the decreasing number of entry-level jobs. In this respect we also hold serious concerns that introducing up to 30,000 government-subsidised interns to this market will make an already grim situation worse.<sup>27</sup>

1.48 ACOSS made a point – seemingly clear to everyone besides the Government – that legislation is needed to protect young jobseekers:

There is no clear legislative protection against exploitation of interns to the extent that they are not classified as employees. Either participants should be classified as employees (with a wage subsidy) or the program should not allow work beyond standard working hours (averaged over a fixed period) or a times that would attract penalty rates of pay if the person was employed (such as weekends).<sup>28</sup>

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24 Jobs Australia, *Submission 11*, p. 5.

25 Jobs Australia, *Submission 11*, p. 6.

26 Australian Council of Trade Unions, *Submission 10*, p. 2.

27 Anglicare Australia, *Submission 6*, p. 2.

28 Australian Council of Social Service, *Submission 15*, p. 3.

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1.49 The Australian Chamber of Commerce and Industry submission assures the committee that “industry has the places to meet the demand of the program” but did not adequately justify why those places couldn’t be filled now by hiring the many hard working young Australian job seekers.

1.50 One of the Department of Employment’s references that could be used to satisfy the vague definition of a “reasonable prospect” of a job was that there could be a current vacancy in the host organisation.

1.51 Given the ACCI has already indicated industry has enough places for 120 000 young people Labor Senator’s would prefer those young people be employed in those positions rather than ask the Government to provide free and subsidised labour.

1.52 The issues of churn, jobs displacement and exploitation should be addressed by amended legislation before the Government proceeds with this program or attempts to pass the Bill.

### **Lack of rights and support for participants**

1.53 Labor Senators draw the Senate’s attention to the many concerns about vulnerable young Australian’s being pushed towards a work-like environment in a large Government program without clearly understanding their rights or having adequate support in place. The submissions make it clear the program puts the position of participants into a significant employment grey area.

1.54 The Children With Young People And Disability submission said vague definitions left it unclear what protections participants would receive:

CYDA has some concerns regarding the internships component of the Youth Jobs PaTH initiative. ‘Internships’ have not been clearly defined within the Bill, aside from being referred to as “unpaid work experience” within the Explanatory Memorandum. It is therefore unclear how appropriate protections will be afforded for young people with regard to working conditions.<sup>29</sup>

1.55 Jobs Australia noted that legislation is needed to ensure participants receive all the relevant protections that employees get, whether they are officially recognised as employees or not:

Other aspects of Youth Jobs PaTH internships, in addition to those set out in the Bill, should therefore be the subject of legislation which can be considered and scrutinised by the parliament, rather than being implemented by administrative means which might seek to exempt interns and the employers providing placements from the provisions of the Fair Work Act and other relevant legislated workplace protections and requirements.<sup>30</sup>

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29 Children and Young People with Disability, *Submission 8*, p. 5.

30 Jobs Australia, *Submission 11*, p. 4.

1.56 ACOSS said clear requirements are needed for explaining the rights and expectations of a participant before they begin a placement:

Employment services providers (or better still an independent mentor) should be required to explain to participants their rights in the workplace before an internship commences (both verbally and in writing), and offer advice and assistance in the event that those rights are at risk.<sup>31</sup>

1.57 Jobs Australia also asked the Government:

To incorporate a requirement that prospective interns are given adequate information about their rights and obligations in the workplace (including occupational health and safety) in writing and verbally prior to placement (to make certain that all interns are fully and adequately informed about their rights and obligations)...<sup>32</sup>

1.58 Jobs Australia further advised there should be:

A requirement that young interns have timely access to independent advice and assistance about those rights (including occupational health and safety) and to address and provide timely assistance about any concerns that arise during the course of placements.<sup>33</sup>

1.59 Jobs Australia noted that the voluntary nature of the placement phase of the program must be made extremely clear and that no harsh penalties should be applied to participants given it is voluntary:

Incorporate a clear stipulation that participation in internships is voluntary and that there will be no income support penalties as a consequence of failure to attend or participate or for ceasing a placement (to ensure there are no subsequent adjustments to administrative arrangements which would result in participation being mandatory and relevant job seekers being subject to penalties)...<sup>34</sup>

1.60 The Multicultural Youth Advocacy Network said rights must be made clear in languages other than English to make sure young people of different backgrounds are aware of their rights and expectations:

We would recommend that, as a minimum, information about the internship and its potential benefits should be provided to the job seeker clearly in their preferred language. The information should also clearly communicate the voluntary nature of their participation.<sup>35</sup>

1.61 Labor Senators bring to the Senate's attention the range of concerns about lack of support for people in poor financial circumstances trying to comply with the training and trial part of the program.

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31 Australian Council of Social Service, *Submission 15*, p. 3.

32 Jobs Australia, *Submission 11*, p. 6.

33 Jobs Australia, *Submission 11*, p. 6.

34 Jobs Australia, *Submission 11*, p. 5.

35 Multicultural Youth Advocacy Network, *Submission 12*, p. 3.

1.62 Jobs Australia said travel costs should be covered by the Government:

Ensure that young people engaged in the compulsory training element of Youth Jobs PaTH should receive adequate reimbursement of travel costs associated with attendance at that training through an income support supplement like the current Work for the Dole arrangements (at least doubled to reflect actual transport costs) - (Transport costs – for up to 90 minutes each way each day for 2 blocks of three weeks are likely be significant and otherwise unaffordable...<sup>36</sup>

1.63 ACOSS reiterated:

There is no assured financial assistance with travel costs for the compulsory training:

Participants will have to undertake 25 hours a week of training for two rounds of 3 weeks and this will involve significant travel costs, especially in rural areas.

The Work for the Dole supplement of \$20.80 per fortnight should extend to participants in the Youth jobs PaTH training and the internships and should be doubled to \$41.60, at least for this purpose.<sup>37</sup>

1.64 Uniting Care Australia also noted:

It is important to note, however, that the additional allowance may not sufficiently compensate for the many costs, hidden and apparent, associated with employment.<sup>38</sup>

1.65 Uniting Care Australia also believed the program needs to specifically address health and safety training to support participants:

Ensure that young people receive adequate health and safety training and protections and that proper assessments are made prior to young people commencing internships or employment...<sup>39</sup>

1.66 The Multicultural Youth Advocacy Network noted that some more vulnerable participants will need closer monitoring during the process in order to succeed:

Some form of case management during the internship will provide support for participants and protection from exploitation. In particular, those less familiar with Australian culture and workplace systems and structures are likely to need greater support.<sup>40</sup>

1.67 The Government could resolve issues of workplace protections by amending legislation so that participants in the program are protected in the same way as any

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36 Jobs Australia, *Submission 11*, p. 5.

37 Australian Council of Social Service, *Submission 15*, pp. 3–4.

38 Uniting Care Australia. *Submission 4*, p. 7.

39 Uniting Care Australia, *Submission 4*, p. 6.

40 Multicultural Youth Advocacy Network, *Submission 12*, p. 3.

others that perform work tasks, and strengthening the process for helping participants identify their rights and responsibilities.

### **Lack of definition for an intern of internship**

1.68 The Bill introduces the notion of a government subsidised internship to legislation. Submissions raised this issue with the committee.

1.69 Interns Australia noted:

The term is not defined in Australian employment law, and recent case law has highlighted that many internships are employment relationships. Not only does the use of this term create confusion about the rights of the participants in the Youth Jobs PaTH program, it creates confusion about the rights of individuals undertaking internships in other areas, intensifying the creation of a corrosive unpaid internships ‘culture’”...<sup>41</sup>

1.70 Uniting Care Australia were concerned there isn’t a clear definition available:

Firstly, Uniting Care Australia is concerned that the legislation lacks clarity on the definition of ‘intern’ and, in particular, how the nature of the internship is viewed in employment terms.<sup>42</sup>

1.71 Interns Australia raised concerns that proceeding with an unclear definition would lead to flawed assumptions in the program and in the broader employment market.

1.72 They suggested changes were required before proceeding with the new term:

If interns are to be considered as legally different to employees, their rights must be clearly stated. If this Bill does not define ‘internship’, the term should be deleted.<sup>43</sup>

1.73 And:

The use of an alternative term such as ‘unpaid work experience placement’ or ‘work trial’ have been previously used in the context of a government work experience program to assist unemployed workers. It has been strongly suggested by leading employment law academics that these relationships ‘are likely to be lawful’, meaning they are more clearly defined relationships. Use of these alternative terms would prevent the creation of an ‘internships culture’ and would be supported by Interns Australia.<sup>44</sup>

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41 Interns Australia, *Submission 1*, pp. 1–2.

42 Uniting Care Australia, *Submission 4*, p. 5.

43 Interns Australia, *Submission 1*, p. 5.

44 Interns Australia, *Submission 1*, p. 2.

1.74 Interns Australia said the definition of internship needed broader thought and more legal links than what is offered in the Bill:

We wish to see a definition of ‘intern’ under Australian law that: ... Is linked to appropriate regulation of internships in Australia, by ensuring interns fall under the authority of the Fair Work Ombudsman.<sup>45</sup>

1.75 The Government could fix the definition of an intern by amending legislation and either providing a definition relevant to employment law or using another term.

### **Sunset or review clause**

1.76 Labor Senators note that the Government hasn’t yet completed a review of its current National Work Experience Program. Yet they are proposing to begin another one, but increasing it in volume to 120 000 participants over the life of the program, or at least five times as many every year than under the old one.

1.77 NESA noted:

However, the details of this are being developed without a broad consultation process and we urge caution. NESA recommends that there be a built-in opportunity to review the effectiveness of processes and amend as required.<sup>46</sup>

1.78 ACOSS reiterated:

Given that this program is experimental and has significant potential implications for people who are unemployed, along with their fellow workers, it should be trialled over a fixed period (such as two years) and lapse unless renewed by legislation.<sup>47</sup>

1.79 The Government could amend the Bill to include provision that the program must be independently reviewed in two years or that it lapse if the review isn’t undertaken.

### **Bill gives effect to a flawed program**

1.80 Labor Senators draw the Senate's attention to submissions that note the wider program is flawed and must be fixed before proceeding.

1.81 While the Government will argue this Bill is non-controversial Labor Senators note submissions that show how it gives effect to a program that is not well designed.

1.82 The ACTU noted:

The PaTH program represents a significant disappointment - it is poorly designed, will not deliver positive outcomes and is unlikely to make a significant difference in the unacceptably high youth unemployment rate. Experience of programs similar to PaTH, including Northern Ireland’s Youth Employment (YES) Scheme and the UK’s Youth Jobs Scheme

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45 Interns Australia, *Submission 1*, p. 4.

46 National Employment Services Association, *Submission 13*, p. 3.

47 Australian Council of Social Service, *Submission 15*, p. 6.

demonstrate the failure of these programs to deliver meaningful employment opportunities.<sup>48</sup>

1.83 Youth Action’s combined submission noted how lack of consultation means key issues are still not addressed:

However, we are concerned that there is a push to instate legislation despite poor consultation, vague policy detail, a failure to address key issues that are vital to its success, as well some concerning elements of the bill itself.<sup>49</sup>

1.84 The Australian Unemployed Workers Union pointed out flawed assumptions behind the program design:

Through its persistent focus on the need to make younger Australians more ‘employable’, the paper appears to be suggesting that if only young Australians had basic levels of employability then we would not have a youth unemployment crisis. This assumption, however, is completely at odds with the reality of the Australian labour market. Currently according to the most recent data collected by the Australian Bureau of Statistics and the Department of Employment, there are 19 job seekers competing for every job vacancy. When you consider low-skill jobs – the sort of jobs young unemployed Australians will most realistically be considered for – this rate is even higher. Clearly, it is this dearth of low-skill jobs in the Australian labour market that has been the leading cause for Australia’s youth unemployment crisis.<sup>50</sup>

1.85 Interns Australia believed three problems will arise if the program as it is currently designed is implemented:

We believe that the creation of the internship programme will lead to:

The creation of an ‘internships culture’ in Australian workplaces: by creating 120,000 new interns in industries where internships have previously not been seen, this internship program will entrench interns in Australian workplaces without adequately clarifying what their rights are;

Confusion over the rights of those participating in the programme: it is unclear what workplace rights attract to the ‘interns’ undertaking the programme (including the applicability of discrimination and workers compensation laws), and how these rights interact with the rights of ‘traditional’ interns in Australian society;

The erosion of entry-level employment: if businesses are given a \$1,000 incentive to take on an intern, there is a risk that they will continue to use interns to receive the incentive, rather than hiring employees. This encourages a culture of using unpaid interns rather than entry-level workers, as seen in countries across the world.<sup>51</sup>

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48 Australian Council of Trade Unions, *Submission 10*, p. 1.

49 Youth Action, *Submission 7*, p. 3.

50 Australian Unemployed Workers Union, *Submission 3*, pp. 3–4.

51 Interns Australia, *Submission 1*, pp. 3–4.



1.86 The ACTU pointed out other similar programs tried internationally that did not work:

The United Kingdom government tried a similar scheme in 2013, the Youth Employment Scheme (YES), which launched in January 2013 and was wind up in July 2014 with fewer than half the estimated placements having been made and no clear increase in real job placements. The YES scheme, like the PaTH program, had a top up element for the participant, a subsidy for the employer, took place over two tranches, a shorter work experience component and a longer skills development component. It is our view that adopting a failed program from the United Kingdom is not an effective or efficient way of reducing youth unemployment.<sup>52</sup>

1.87 NESAs noted that the program needs a clearer design and context:

Otherwise, confusion, duplication and lack of clarity will create administrative burdens and inequity and waste precious resources and opportunities. The initiative needs to be understood by the key stakeholders who will implement it. For example there needs to be a clear articulation of the logic for eligibility and procurement policy for the various forms of employability skills training, the internships and the wage subsidies across youth cohorts.<sup>53</sup>

1.88 NESAs explained the vast and interconnected network of youth employment initiatives currently in place and tried to find where Youth Jobs PaTH might fit:

In addition to the Youth Job PaTH there is Transition to Work, ParentsNEXT and Empowering YOUth. There are also the major programmes which all deliver services to young jobseekers such as jobactive, Disability Employment Services and the Community Development Programme. There is the priority Investment Approach fund which will target three youth cohorts in its first round anticipated to be announced in December. In addition there is a great number of State and Territory Government funded initiatives, either related to education or directly intended to address youth unemployment... Service providers and employers also report confusion about how the proposed elements of Youth Job PaTH 'bolt-on' to an already complex service system... There is also frustration reported that some previously effective models do not appear to have been recognised or drawn from. For example, the Job Search Training and Job Club initiatives were effective at developing employability skills via employment service providers' in-house training. Resourcing for this kind of programme has been removed.<sup>54</sup>

1.89 The Government could address these concerns by not proceeding until safeguards are legislated and proper consultation with a view to fixing flaws in the program has taken place.

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52 Australian Council of Trade Unions, *Submission 10*, p. 2.

53 National Employment Services Association, *Submission 13*, p. 5.

54 National Employment Services Association, *Submission 13*, p. 6.

1.90 Labor Senators bring to the Senate's attention a wide range of concerns voiced in the submissions – despite the short amount of time they were given – and notes that the Government has not provided adequate legislative support to assure Members or the community this program will operate well.

## **Recommendations**

### **Recommendation 1**

**1.91 That the Bill not be supported in its current form, until genuine concerns about the overall program design have been concretely addressed.**

### **Recommendation 2**

**1.92 That the Government provides genuine safeguards protecting participants from exploitation and inadequate workers compensation coverage, along with guarantees that employers won't churn through participants and that the jobs of existing Australian employees won't be displaced and their wages and take home pay won't be undercut.**

### **Recommendation 3**

**1.93 That the Government amends legislation to enact a system to help participants understand their rights and responsibilities in the program and work environments.**

### **Recommendation 4**

**1.94 That the Government amends the Bill to ensure the program conforms with Australia's minimum wage laws. This could most easily be achieved by writing into legislation a lower maximum number of fortnightly hours which ensures program participants receive weekly payments equivalent to the National Minimum Wage.**

### **Recommendation 5**

**1.95 Given the significant concern about elements of the program which are currently intended to be delivered through by departmental guidelines, it is recommended that the major components of the program be written into legislation or regulation and tabled before the Parliament.**

**Senator Gavin Marshall**

**Deputy Chair**

# Australian Greens' Dissenting Report

## Introduction

1.1 The Australian Greens dissent from the majority committee report recommendation that the Social Security Legislation Amendment (Youth Jobs Path: Prepare, Trial, Hire) Bill 2016 (the Bill) be passed.

1.2 A number of submitters raised concerns about the tight timeframe for the inquiry on the legislation. The Australian Greens share their concerns and note that due to the limited time allowed for this inquiry, there was no possibility for a public hearing.

1.3 The lack of detail in the legislation is concerning. All measures relating to the internship element of the Youth Jobs PaTH Program (PaTH Program), such as the payment of the incentive payment, should have been included in the Bill to enable the measures to be scrutinised by the Parliament.

1.4 The PaTH Program was announced in the 2016-17 Budget. The PaTH Program focuses on the employability of young people, rather than the lack of jobs currently available in the job market. This illustrates that the PaTH Program is another example of the Government ignoring the real problem, the lack of available jobs for young people. A number of submitters to the inquiry pointed out the PaTH Program will not lead to the creation of new jobs that are so desperately needed in order to provide ongoing employment opportunities for young people. As Anglicare Australia says in its submission, '[t]here needs to be a broader approach to economic restructuring if all young people facing barriers to employment are to have reasonable hope of future work.'<sup>1</sup>

1.5 A number of submitters noted that the PaTH Program is similar to the failed Youth Employment Scheme (YES) in the UK and the wound-up Irish Job Bridge program.

1.6 In this regard, Jobs Australia says in its submission:

In respect of “internships” as a means of assisting young unemployed people, we note in particular, the Irish Job Bridge program on which Youth Jobs PaTH is at least partially based (and which unfortunately came to be known as “Scam Bridge”) has been discontinued as a consequence of high levels of exploitation of young people and displacement of existing workers and the controversial experience of a similar program in the UK. This overseas experience points to some of the risks involved in Youth Jobs PaTH and reinforces the need to implement robust safeguards to ensure that the Australian program does not experience the same problems and that

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1 Anglicare Australia, *Submission 6*, p. 3.

young people get the best possible experience to help them on the way to a job.<sup>2</sup>

1.7 The Australian Council of Trade Unions (ACTU) says in its submission:

The United Kingdom government tried a similar scheme in 2013, the Youth Employment Scheme (YES), which launched in January 2013 and was wind up in July 2014 with fewer than half the estimated placements having been made and no clear increase in real job placements. The YES scheme, like the PaTH program, had a top up element for the participant, a subsidy for the employer, took place over two tranches, a shorter work experience component and a longer skills development component. It is our view that adopting a failed program from the United Kingdom is not an effective or efficient way of reducing youth unemployment.<sup>3</sup>

1.8 The Australia Greens agree that replicating these unsuccessful overseas schemes is unlikely to assist in decreasing the high levels of youth employment. The Government should instead be investing in individualised supports and quality training programs.

1.9 The Australian Greens' key concerns about the PaTH Program relate to the limited remuneration the internship participants would receive, the limited protections provided to the internship participants, whether the internships are genuinely voluntary, the definition of internships, the possibility of existing employees being displaced and "interns" being churned. We are also concerned that much of the PaTH Program is not covered by the legislation.

1.10 The Australian Greens are aware that the Bill only contains provisions relating to:

- The exemption of the fortnightly incentive payment of \$200 from being counted as income so as not to affect the income support payments of the internship participants; and
- The suspension, rather than cancellation, of income support for up to 26 weeks for young people hired under a Youth Bonus Wage Subsidy so they are not required to reapply if they find themselves unemployed 'through no fault of their own'<sup>4</sup> within the 26 week time period.

### **Limited remuneration for participants**

1.11 A number of submissions raised concerns that participants in the PaTH Program internships would essentially be working for less than minimum wage if they worked 25 hours a week. The exception to this is 17–18 year old participants who live away from home.<sup>5</sup>

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2 Jobs Australia, *Submission 11*, p. 5.

3 Australian Council of Trade Unions, *Submission 10*, p. 2.

4 *Explanatory Memorandum*, p. 1.

5 Australian Council of Social Service, *Submission 15*, p. 5.

1.12 In its submission, the ACTU says:

There must also be significant concern however that PaTH may serve to undermine the minimum wage system. The current program settings, hours worked and additional payments per fortnight, mean that the interns in this program are paid below minimum wage, potentially creating pressure on existing employees' wages or conditions.<sup>6</sup>

1.13 The Australian Council of Social Service (ACOSS) suggests that the possible fortnightly hours should be limited to 30, rather than 50 for the internship placements.<sup>7</sup> This would ensure participants receive 'the equivalent of the relevant hourly minimum wage'.<sup>8</sup>

1.14 Anglicare Australia says in its submission:

More needs to be done to guarantee that the wages, conditions and employment opportunities of existing workers will not be undermined by the introduction of interns. We agree with others who have argued that if this scheme is to go ahead, interns should be paid minimum or training wages to minimise this risk.<sup>9</sup>

1.15 The Australian Greens are concerned about the limited remuneration participants in the PaTH Program internships will receive. At a minimum, participants should be receiving the equivalent to the set minimum wage. If the participants do not receive the minimum wage, there is more chance of businesses exploiting them and other workers suffering as well.

### **Limited protections for participants**

1.16 The legislation does not provide protections in relation to working conditions for those young job seekers who choose to undertake an internship placement.

#### *Exploitation*

1.17 A number of submissions raised concerns that internship participants are not protected from working non-standard hours. This is troubling because participants required to work on the weekends for example would not receive penalty rates.

1.18 ACOSS says in its submission:

Either participants should be classified as employees (with a wage subsidy) or the program should not allow work beyond standard working hours (averaged over a fixed period) or at times that would attract penalty rates of pay if the person was employed (such as weekends)[.]<sup>10</sup>

1.19 Jobs Australia suggested the legislation be amended:

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6 Australian Council of Trade Unions, *Submission 10*, p. 2.

7 Australian Council of Social Service, *Submission 15*, p. 3.

8 Australian Council of Social Service, *Submission 15*, p. 3.

9 Anglicare Australia, *Submission 6*, p. 3

10 Australian Council of Social Service, *Submission 15*, p. 3.

[T]o ensure that times of “work” or unpaid work experience are restricted so that interns are not required to “work” during times which would attract penalty payments under relevant awards – (the risks of exploitation and displacement of existing workers are extremely high in these circumstances and particularly in industries with highly variable levels of employment and of casual work – where it could be difficult to discern whether displacement is occurring)[.]<sup>11</sup>

1.20 The Australian Greens do not want to see young people exploited by businesses that take them on as ‘interns’ under the PaTH Program. It is imperative that participants are appropriately remunerated for the work they do and that they are only required to work standard hours, if they are not going to be paid the prescribed rate for non-standard hours.

#### *Health and safety*

1.21 Health and safety protections also appear to be inadequate for internship participants.

1.22 ACOSS notes that given the participants are not employees it is possible they will not be covered by laws governing health and safety in the states and territories.<sup>12</sup> ACOSS recommended that:

Either State Occupational Health and Safety Laws should apply to participants, or employment service providers (or better still an independent mentor) should be required to:

- explain to participants the protections available to them regarding health and safety in the workplace before an internship commences (both verbally and in writing);
- offer advice and assistance in the event that health or safety are at risk; and
- monitor workplace health and safety in respect of interns.<sup>13</sup>

1.23 The Australian Greens want to see adequate health and safety protections in place for internship participants.

#### *Workers compensation*

1.24 There are concerns regarding the insurance cover that will apply to the internship participants and that it will not be the same level of cover as is provided to employees under the schemes of the states and territories.

1.25 UnitingCare Australia says in its submission:

UnitingCare Australia also notes concerns regarding young people’s access to workers’ compensation schemes in the event of them experiencing a

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11 Jobs Australia, *Submission 11*, p. 5.

12 Australian Council of Social Service, *Submission 15*, p. 4.

13 Australian Council of Social Service, *Submission 15*, pp. 4–5.

workplace incident or accident whilst participating in the PaTH program. It is unclear the extent to which different schemes operating in states and territories will extend to provide the appropriate protections for young people undertaking PaTH. As previously noted, this issues largely relates to ambiguity around the nature of work that will be undertaken whilst participating in the program, and if this subsequently defines participants as ‘volunteers’ or ‘employees’ – the former may prevent their ability to access workers’ compensation. Further consideration is required regarding how protections can be provided for young people voluntarily undertaking work placement through the program.<sup>14</sup>

1.26 As ACOSS says in its submission:

The Department has its own scheme for participants in employment programs but we understand this generally provides lesser benefits than State Workers Compensation Schemes, no periodic payments, and no entitlement to rehabilitation.<sup>15</sup>

1.27 ACOSS then says:

Either participants should be covered by State Workers Compensation schemes or equivalent coverage should be negotiated by the Department.<sup>16</sup>

1.28 It is necessary that internship participants have access to adequate workers compensation cover in the event of an accident. The Department’s current cover for employment program participants is inadequate in the view of the Australian Greens.

1.29 The Australian Greens are deeply concerned about the lack of protections provided through legislation and otherwise to the internship participants because they are not classified as employees.

### **Genuinely voluntary?**

1.30 The Australian Greens have been, and continue to be, concerned about whether the internships are genuinely voluntary or whether young job seekers may be forced to include an internship placement in their Job Plan by their jobactive service provider, meaning they could face penalties if they do not comply with the requirements of their plan.

1.31 Jobs Australia suggested the legislation be amended:

[T]o incorporate a clear stipulation that participation in internships is voluntary and that there will be no income support penalties as a consequence of failure to attend or participate or for ceasing a placement (to ensure there are no subsequent adjustments to administrative arrangements which could result in participation being mandatory and relevant job seekers being subject to penalties)[.]<sup>17</sup>

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14 UnitingCare Australia, *Submission 4*, p. 6.

15 Australian Council of Social Service, *Submission 15*, p. 5.

16 Australian Council of Social Service, *Submission 15*, p. 5.

17 Jobs Australia, *Submission 11*, p. 5.

1.32 In their joint submission, the Multicultural Youth Advocacy Network Australia and the Federation of Ethnic Communities' Councils of Australia raised concern regarding the authority some migrants and refugees confer upon service providers acting for the Government and the potential for those migrants and refugees to 'regard the presentation of what is actually a voluntary option, as a requirement that must be followed.'<sup>18</sup>

1.33 These internship placements should be genuinely voluntary and provision should be made to ensure that they are. Provision should also be made to ensure that information regarding the internship placements is provided in the job seekers preferred language to ensure there are no misunderstandings about what is and is not required.

### **Displacement of existing employees and churning of interns**

1.34 There is concern that availability of PaTH Program "interns" may lead to existing employees being displaced and replaced with internship participants. There is also concern that businesses may "churn" through interns, rather than fill a vacancy.

1.35 The ACTU in its submission says:

The ACTU is concerned that the scheme may encourage employers to replace existing minimum wage workforces with government sponsored interns or to reduce their wages or conditions. Interns are not paid superannuation or subject to worker's compensation and so represent a significant saving to employers when compared to regular employees.<sup>19</sup>

1.36 In its submission, Interns Australia says:

Interns Australia is surprised the Bill contemplates so directly many of these new employees being fired 'through no fault of their own'. As employers will receive a subsidy for employing these individuals, we have concerns this provision may encourage employers to hire an employee to receive the subsidy, terminate their employment, then hire another employee to receive the subsidy again. This will worsen a similar phenomenon created by the incentive payment to internship providers under the internship programme... Interns Australia would like to see a counterbalance included in the Bill to prevent this 'churn culture' from developing.<sup>20</sup>

1.37 In its submission, ACOSS says:

A set of rules should be formalised by Legislative Instrument to restrict the scope for 'displacement' and 'churning', and ensure that host organisations that engage in these practices cannot host more interns under the program.<sup>21</sup>

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18 Multicultural Youth Advocacy Network Australia and the Federation of Ethnic Communities' Councils of Australia, *Submission 12*, pp. 2–3.

19 Australian Council of Trade Unions, *Submission 10*, p. 2.

20 Interns Australia, *Submission 1*, p. 3

21 Australian Council of Social Service, *Submission 15*, p. 5.



1.38 The Australian Greens are deeply concerned that the PaTH Program internship placements may have an effect on the existing workforce of participating businesses and that some businesses will exploit the intention of the PaTH Program to gain cheap labour. There is no legislative safeguard to stop either the displacement of current employees or the continued use of interns for a vacant position.

**Recommendation**

**1.39 The Australian Greens recommend that the bill not be passed, in its current form.**

**Senator Rachel Siewert**

**Australian Greens**



# Appendix 1

## Submissions

### Submissions

<b>Number</b>	<b>Submitter</b>
1	Interns Australia
2	Per Capita
3	Australian Unemployed Workers' Union
4	UnitingCare Australia
5	Australian Chamber of Commerce and Industry
6	Anglicare Australia
7	Youth Action
8	Children and Young People with Disability Australia
9	Brotherhood of St Laurence
10	Australian Council of Trade Unions
11	Jobs Australia
12	Multicultural Youth Advocacy Network and the Federation of Ethnic Communities' Councils of Australia
13	National Employment Services Association
14	Australian Government Department of Employment
15	Australian Council of Social Service

