

27 February 2026

Inquiry into the operation and adequacy of the National Employment Standards

The Australian Youth Affairs Coalition (AYAC) is Australia's national peak body representing the needs and interests of young people aged 12-25 years, and the wider youth sector. Serving in a leadership and advocacy capacity, AYAC provides advice to decision-makers on issues that impact young people and the sector. AYAC is unwavering in its commitment to a nation where young people are respected and have the power to lead change for a better world.

We appreciate this opportunity to provide a contribution to The House of Representatives Standing Committee on Employment, Workplace Relations, Skills and Training inquiry into the operation and adequacy of the National Employment Standards under the *Fair Work Act (2009)*.

Embedding young people's workplace rights

When young people's participation in the labour market is discussed, the debate most often centres on their perceived job readiness and capacity to meet the needs of employers. Less often discussed are young people's understanding of their rights and the obligations of employers in the workplace. This is curious given the well-documented challenges associated with the precarious, low paid forms of work that many young people find themselves employed in (see McDonald & Dear, 2005; McDonald et al., 2014; Westjustice, 2025; Howe & Dillion, 2025). More curious still, when the debate turns to such matters, the evidence consistently suggests that more can be done to educate young people about their rights to reduce exploitation, foster job retention and enable them to participate safely in the labour market (McDonald et al., 2013; Westjustice, 2021). AYAC believes that this inquiry offers an opportunity to rebalance the debate to more adequately embed young people's status as rights holders in the workplace. After all, a young work force educated about its rights will support the furtherance of the practices that ensure the National Employment Standards are met.

We further believe that the inquiry offers an opportunity for the Australian Government to advance its obligations as a signatory to the United Nations Convention on the Rights of the Child (1989). Article 32 of the Convention establishes that young people have a right to protection from economic exploitation and harmful work. This includes legislating for a minimum employment age(s); the appropriate regulation of hours and conditions of employment; and penalties or sanctions to ensure effective enforcement. Under the Convention, the Australian Government must also ensure that young people are educated about their rights and provided with adequate information so that they can put those rights into practice. Delivering on these responsibilities requires ensuring that young people are equipped to navigate the complexities of Australia's federal political structure and regionally variegated, patchwork of workplace rights.

While most employees are covered by the national Fair Work Act (2009), some state public sector workers and local government employees are covered by separate state industrial relations systems. There is also some variation between states around the specifics of Long Service Leave, workplace health and safety,

anti-discrimination laws and public holidays. Especially salient as regards young people, there is no uniform minimum age for employment across the states and territories. In addition, when in work, young people are expected to navigate a complex set of rules governing hours, pay and entitlements. AYAC offers four recommendations to support young people to negotiate this complexity, locate the salience of the National Employment Standards and claim their rights and entitlements in the workplace.

Recommendation 1: Review the case for a national minimum employment age and maximum working hours for young people

Over 20 years ago, McDonald and Dear (2005) raised the case for a national minimum employment age and maximum working hours for young Australians. Noting the requirement set out in Article 32 of the Convention on the Rights of the Child that Australia must set a national minimum age(s), they explain how the clarity of a national standard has not been afforded to young Australians, who must negotiate a complex patchwork of legislation across states governing the minimum working age and maximum working hours for young people. This patchwork persists today (see Appendix 1). To provide clarity to young people as they commence their journey through employment, AYAC recommends reviewing the case for a national standard to regulate the minimum working age and maximum working hours for young people attending school.

Recommendation 2: Revise civics and citizenship education to improve understanding of workplace rights.

Young people require accessible information and targeted training to ensure a smoother transition into the workforce. Initiatives such as South Australia's "Off to work we go..." emphasise that youth engagement in the workforce must be a supported journey rather than a "last-minute challenge" (Commission for Children and Young People, 2020). Despite this need, research indicates that young people's understanding of their workplace rights is partial, with many lacking an understanding of specific workplace rights and entitlements (see McDonald, 2013; Westjustice, 2025; Howe & Dillion, 2025).

To strengthen the operation of the National Employment Standards, AYAC recommends improving civics and citizenship education so that students better understand their workplace rights and feel more able to claim them. Consistent with AYAC's (2024) advocacy in this space, we suggest:

- Encouraging a focus on active, non-formal and experiential learning that supports young people to link the theory of workplace rights and entitlements to 'real world' situations.
- Improving civic and citizenship education for pre-service teachers to provide direction on how to confidently engage in meaningful discussions with students around their workplace rights and entitlements.
- Advocating for increased funding for youth workers to engage with young people in school and community settings to support them realise their workplace rights. Youth workers bring skills and engagement techniques that complement the work done by teachers and others in this space.

Recommendation 3: Increase the Accessibility of Government Resources.

AYAC commends the Australian Government's efforts to embed young people's voices in decision-making process across government through the Office for Youth. The development of the Digital Youth Hub has improved young people's access to quality information on workplace rights from the Fair Work Ombudsman. However, navigating the information can be a little tricky given its scale, density and reliance on text. AYAC recommends continuing to work with young people to develop more interactive, youth friendly resources and video explainers. This will support the operation of the National Employment Standards by making them more accessible to young people.

Recommendation 4: Enhance targeted workplace rights education for young apprentices and trainees across the national space

Completion rates for apprenticeships and traineeships are declining in Australia. The National Centre for Vocational Education Research (2025) shows that 47.9% of apprenticeships and traineeships commenced in 2020 had completed by the 4-year mark, whereas the 2019 commencing cohort had a 4-year completion rate of 50.4%. The Young Worker's Centre (2022) provide evidence linking low completion rates to instances of apprentices and trainees being bullied, harassed, inadequately trained and supervised or having their wages stolen. They further suggest that completion rates can be improved by ensuring that young apprentices and trainees are equipped with the knowledge to identify good opportunities where their rights and entitlements are upheld. AYAC recommends strengthening the operation of the National Employment Standards by enhancing targeted workplace rights education for young apprentices and trainees across the national space.

Developing young people's workplace rights

Young Australians are affected by cost-of-living pressures and rental stress (see Mission Australia, 2024; Anglicare 2025; Walsh et al., 2025). It is imperative that wages are structured to alleviate these pressures and incentives labour market participation. AYAC offers the following recommendation to support with this.

Recommendation 5: Reform junior wages

AYAC supports the recommendation of Westjustice (2025) to abolish junior pay rates for young people at the age of 18. Westjustice note that this will alleviate financial strain for young workers, while recognising their capacity to perform the same tasks to the same standard as those in receipt of the adult award. Westjustice (2025, p.53) further cite evidence suggesting that abolishing junior pay rates for this demographic would lead to a small increase in the wage bill of employers and strengthen effective demand in the economy.

AYAC further recommends exploring how junior wage rates may be reformed to account for the experience gained by employees under 18 through employment. Conscious that the abolition of junior pay rates for this demographic may have the unintended consequence of closing entry points to the labour market for young people, we nonetheless believe that it is worth exploring the possibility of an added pay increment after a fixed period of employment with an employer. AYAC recognizes that a move in this direction would require safeguards to ensure that young people are not dismissed within the terms of casual contracts to avoid paying the additional increment.

Conclusion

AYAC hopes this submission contributes to a rebalancing of the debate concerning young people's participation in the labour market so that their status as rights holders in the workplace is embedded and developed. We further hope that our recommendations on a national employment minimum age, additional education, more accessible information, and fairer pay, go some way to supporting the Australian Government advance its obligations under the Convention Rights of the Child. Finally, AYAC would be pleased to provide further input to the Inquiry or respond to queries relating to the issues discussed in this submission, should this be required.

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Appendix 1 - Comparison of State and Federal Employment Legislation and Guidelines

State/Territory	Minimum Age for Employment	National Minimum Wage (21+)	Work Experience & Apprenticeship Exemptions	Holiday Entitlements	Workplace Health & Safety	Bullying / Harassment / Discrimination	Unfair Dismissal
ACT ACT Gov	No fixed minimum; up to 3 hours a day for children under 3, up to 4 hours a day children aged 4 to 12, up to 6 hours a day for children aged 12 to 15, outside of school hours for those required to be at school Consent required. If under 15, must be less than 10hrs per week, light work, U15 needs parental consent. 15-17 have no restrictions on hours they can work, but it must not get in the way of their education or during school hours if they are attending school.	\$24.95/hr (21+ adult)	Apprenticeships regulated; People under 15 generally cannot start apprenticeships or do work experience.	NES applies; long service leave state rules	WHS applies; SafeWork ACT	Federal & ACT discrimination laws	Fair Work Commission (federal)
NSW NSW Gov	No legal minimum.	\$24.95/hr	Apprenticeships formal contracts; work experience unpaid if educational	NES applies; state long service leave	WHS applies; SafeWork NSW	Federal & NSW anti-discrimination laws	FWC (federal)
VIC VIC Gov	11 to deliver newspapers and advertising material, 13 to deliver pharmaceutical products or do other types of work, such as retail or hospitality. Must be light work only. There is no age limit for working in entertainment, but there are industry-specific requirements . Employers need a licence to employ young people under 15 years old.	\$24.95/hr	Apprenticeships formal; unpaid work experience educational	NES applies; additional leave in awards	WorkSafe Victoria	Federal & VIC anti-discrimination laws	FWC (federal)
QLD QLD Gov	Generally the minimum age for employment is 13. This is lowered to 11 where the child carries out supervised delivery work that involves delivering newspapers, An employer must not employ a school-aged or young child (a child who is under 16 years of age and required to be enrolled at a school) until they have obtained a parent's consent form (PDF, 138KB) or special circumstances certificate (PDF, 2.3MB) authorising the child to perform work. During a school week a school-aged child can work a maximum of 12 hours. During a non-school week a school-aged child can work a maximum of 38 hours.	\$24.95/hr	Apprenticeships formal; work experience educational	NES applies; long service leave QLD rules	WHS applies; WorkSafe QLD	Federal & QLD anti-discrimination laws	FWC (federal)
SA SafeWork SA	There is no minimum working age in South Australia. This means that a child of any age may undertake paid employment. For example, a newsagent may choose to employ a child of 12 to deliver newspapers before school. However: - a child of compulsory school age (between 6 and 16 years of age) cannot be employed during the hours that they are required to attend school or to participate in an approved learning program (as the case requires) - a child may not work at a time, such as late at night or early in the morning, that is likely to render them unfit to attend school or obtain the proper benefit from attendance. Some businesses may set their own minimum working age and these may differ from business to business.	\$24.95/hr	Apprenticeships formal; unpaid work experience educational	NES applies; long service leave SA rules	WHS applies; SafeWork SA	Federal & SA anti-discrimination laws	FWC (federal)
WA WA Gov	Children aged 10, 11 or 12 are allowed to deliver newspapers, pamphlets or advertising material, but they: - cannot work during school hours; - cannot start work before 6.00am or finish later than 7.00pm; and - must be accompanied at all times by a parent, or another adult who has written permission from a parent. Children aged 13 and 14 are allowed to: - deliver newspapers, pamphlets or advertising material; - work in a shop, fast food outlet, cafe, restaurant; or - collect shopping trolleys from a retail outlet or adjacent area; as long as: - they have written permission from a parent; - the job is outside school hours; and - they do not start work before 6.00am or finish after 10.00pm.	\$24.95/hr	Apprenticeships formal; work experience educational	NES applies; long service leave WA rules	WHS applies; WorkSafe WA	Federal & WA anti-discrimination laws	FWC (federal)
TAS WorkSafe TAS	No set minimum. However, you are not permitted to work for an employer during school hours, unless an Application for Part-time Attendance (docx, 90KB) or Application for Exemption from Attending School (PDF, 501KB) is completed and approved in advance.	\$24.95/hr	Apprenticeships formal; work experience educational	NES applies; long service leave TAS rules	WHS applies; WorkSafe TAS	Federal & TAS anti-discrimination laws	FWC (federal)
NT NT WorkSafe	Children under 15 can only work in limited roles that are safe and age-appropriate, such as: - babysitting - helping in family businesses - delivering newspapers. Children aged 15 and over can work in a wider range of roles, if the work is safe, suitable for their age and does not interfere with their education. School-age children are not allowed to work during school hours. It is also against the law for children under 15 to work between 10pm and 6am.	\$24.95/hr	Apprenticeships formal; work experience educational	NES applies; long service leave NT rules	WHS applies; NT WorkSafe	Federal & NT anti-discrimination laws	FWC (federal)