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Dear Chair

I am writing to respond to the comments made by the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) on D12022-178 being the Children and Young People (Work Experience) Standards 2022 (No 1) (the WEX Standards). I thank the Committee for their observation centred on the treatment of any potential implications for human rights.

The WEX Standards provide the framework for work experience programs conducted by schools and educational institutions in the ACT. The Standards are accompanied and supported by the Guidelines for Workplace Learning, which provide a practical interpretation of the WEX Standards.

The Committee raised that the explanatory statement for the Standards did not address potential human rights implications, including a statement to the effect that there were no such implications. I am pleased to provide the following comments to address this matter.

The WEX Standards outline the purpose of work experience programs organised by educational institutions for children and young people aged under 15 years in the ACT. The WEX Standards also outline safeguards and a process for schools to seek an exemption for young people aged under 14 years to participate in a work experience program.

The Government acknowledges that, in the course of providing work experience placements, a decision-maker must give proper consideration to human rights, their decisions must be compatible with human rights and any limitation to human rights must occur in the least restrictive way possible. The aim and effect of the WEX Standards is to embed those principles into a structured decision-making framework under the *Children and Young People Act 2008* (CYP Act).

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Section 27A of the *Human Rights Act 2004* (HRA) sets out the child's right to education. The WEX Standards aim to protect and promote the right of a child or young person to access and experience a rich and diverse education.

Section 11 of the HRA sets out that every child has the right to the protection needed by the child because of being a child, without distinction or discrimination of any kind. This right permits and requires consideration be given to a range of economic, social and cultural rights that are relevant to children. Among those is the right to a minimum age of work and the right to be protected from hazardous work (see for example International Labour Organisation, Minimum Age Convention 1973 (No 138)). The WEX Standards sit within a broader framework in the CYP Act which regulates the employment of children and young people under the age of 15 years, and they operate to ensure that the work undertaken by those children and young people fully complies with those international standards.

The WEX Standards ensure a safe learning environment for children and young people by setting requirements for institutions and workplaces who participate in work experience programs. For this reason, and for the reasons set out above, I am satisfied they are compatible with the HRA.

Thank you for the opportunity to respond to the findings of the Committee, and for ensuring implications for human rights are given proper consideration.

Yours sincerely

Rachel Stephen-Smith MLA