

Submission response
from
Youth Affairs Network of Queensland (YANQ)

Age Matters ?

Prepared by Carolyn Grant
YANQ Policy and Network Officer
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Youth Affairs Network of Queensland
PO Box 70
Brisbane, Roma Street 4003

Ph: 07 3236 5400
Fax: 07 3236 5411

Email: yanq@thehub.com.au

ABOUT THE YOUTH AFFAIRS NETWORK OF QUEENSLAND

The Youth Affairs Network of Queensland (YANQ) Inc. is the peak community youth affairs organization in Queensland. Representing approximately 400 individuals and organizations from Queensland's youth sector, we promote the interests and well being of young people across the state. YANQ advocates for and with young people, especially disadvantaged young people, to government and the community. Further, YANQ encourages and participates in the development of policies, programs, projects and research that are responsive to the needs of young people.

YANQ also supports and promotes cultural diversity in Queensland. As such, YANQ in partnership and collaboration with the non-English speaking background (NESB) Youth Issues Network (NESBYN), have continued to sustain the NESB Policy and Network Officer position for the last four years.

INTRODUCTION

YANQ welcomes the opportunity to input into the Human Rights and Equal Opportunity Commission discussion paper on age discrimination – **Age Matters ?**

YANQ has been active for many years as an advocate for young people and challenged the arena's in which they are directly and indirectly discriminated. The age discrimination issues addressed in this response are those relating to young people.

We have discussed the issues with YANQ members and there has certainly been enthusiasm, however, there are commonly accepted arenas in which youth issues are constructed - health, housing, employment, income support, education and training, juvenile justice - and a number of different target groups which have specific issues. Identifying those arenas and specific issues, and lobbying for change in relation to them, not to mention responding to the individual and the group is essential. However, this tends to compartmentalise the issues and perhaps work against us and the young people with whom we work. All the above resulting issues are surely related to the value we place on our young people - community, policy makers and governments are not well known for this. Youth workers are so busy responding and advocating regarding the issues for young people they are often diverted from uniting to work against the broader issue of ageism. This is where YANQ as the peak body has the ability to reflect the views of our members in the Queensland community youth sector from information collected during past working groups, policy development processes, forums and conferences.

The issue of discrimination against young people as a result of ageism has multiple effects, many of these listed as the issues above. This discrimination results in the needs and rights of young people not being met as a consequence of unequal distribution of resources, young people not being consulted on the issues that effect them and the underlying reason for this - young people are not valued, in a world where the concept of *not child, not adult* has been neatly socially constructed and young people have been demonised.

Young people are routinely not acknowledged or heard in social structures and decision making. Young people have diminished rights in law. Classic theories of adolescence, which view young people as being in a transitional stage of storm and stress, are part of the way that discrimination

against young people is maintained. The result is that issues are routinely individualised rather than seen in systemic or structural terms.

Ageism and the age discrimination derived from it require the continued proactive maintenance of particular myths and folklore about young people, e.g. the moral panics of supposed youth crime waves. This maintains young people's devalued status.

The position of young people in our society is increasingly typified by a position of relative poverty, powerlessness and marginalisation. When people speak of young people the words that seem to spring to mind include unemployment, homelessness, suicide, depression, juvenile crime, drugs and family breakdown. Words such as opportunity, hope, ambition, energy, enthusiasm, imagination, aspirations, initiative, careers, and beginnings seem to have been forgotten.

OUR RESPONSE

Young people are discriminated against on the basis of race, sex, sexuality, disability, and other criteria. Young people have one further factor which adds weight to the discrimination scales – they are **young** – and for this they are discriminated against. As with other forms of discrimination young people are discriminated against both directly and indirectly.

Discrimination against young people exists at a structural and individual level.

Young people are discriminated against as a response to the clothes they wear, the style of their hair, or lack thereof, their particular 'image' or subculture, and in relation to their gender. If they appear in groups of more than two they constitute a 'gang'. Young people are exploited in the workplace where they have little bargaining power. The lack of appropriate, affordable, secure housing options for young people results in increasing levels of youth homelessness. The private rental market is one of the few accommodation options available to young people. Exploitation and discrimination are commonplace - including discrimination against young women, young men, young mothers, young heterosexual couples, young same sex couples, young people with disabilities, Aboriginal and Torres Strait Islander young people, Non-English Speaking Background young people - they are discriminated against for being young.

Instead of competency based wages young people are paid Junior Rates, although they do not receive reductions on rents, food costs, transport, clothing or most other goods and services based on age. Those arguing for the retention of junior wages, refuse to acknowledge that junior wages keep young people in poverty.

In areas of policy such as police powers young people are discriminated against simply for being young and visibly so. Limited access to public space results in the marginalisation of young people in community and civic life.

Young people, particularly under 18s are thwarted in many areas from 'having their say', including not being able to form or manage incorporated bodies.

Age distinctions are premised on the belief that young people's transition from dependence to independence is a steady progression, with everyone achieving predetermined milestones (such as finishing school, leaving home, getting a job, getting married) at the same age. However, there is no one 'normal' process, nor are young people a homogenous group.

Young people are discriminated against in response to media portrayals which are rarely positive. Misunderstandings by the general public regarding issues such as juvenile crime and mythological crime waves are a direct result of such portrayals. A small percentage of young people, rarely greater than 1.2% are involved as offenders in the criminal justice system. **Young people are more likely to be victims of crime.** The age of criminal responsibility across the country varies from 7 years of age in Tasmania and Western Australia to 10 years of age in Northern Territory, South Australia, New South Wales and Queensland. Yet, young people are not 'mature enough' to vote until eighteen.

Discrimination is both overt and covert.

Although 18 years is generally considered the age of majority young people are discriminated against with regard to anomalies that exist due to inconsistencies around the age of 'independence'. **In the case of young people receiving income support a person reaches the 'age of independence' at 21 years if they are unemployed, and 25 years if they are a full-time student.**

Under the *Marriage Act 1961*, people wishing to marry must be 18, or if one is 18 and the other is only 16 or 17 they will require parental consent and a court order approving the marriage. There are laws about at what age and in what situations people may have sex or be involved in sexual activity. It is illegal for any male to have sex with a female under 16. Homosexual sex, however is illegal if either party is under 18.

As a person is not regarded as an adult at law until they reach 18, one of the consequences of this is that a person must be 18 to enter into a contract. If a person is under 18 then they generally cannot be held to it by the other party, but the young person can hold the other party to it. One exception to this rule is where a young person is supplied with 'necessaries' – goods and services needed to maintain an appropriate lifestyle which can include clothing, lodging, medical services and legal advice. Renting involves a legally binding agreement. Lessors are often reluctant to rent to young people because either they do not realise that they can make a valid agreement with a person under 18 if it involves a 'necessary', or because they discriminate against young people by assuming that they will be unreliable tenants simply because they are young.

The **perception** that young people cannot enter into a contractual relationship results in discrimination.

Young people have little political power. The most blatant form of discrimination against young people is the exclusion from active citizenship through refusing young people under the age of eighteen the right to vote.

Young people under the age of 18 have few appropriate, supported, recognised mechanisms through which they can express a collective or individual voice or participate as an active citizen in Australia's democracy. These young people simply have to trust that adults will consider, understand and advocate on their behalf. The needs and concerns of young people are all too often ignored, patronised and trivialised.

It would be remiss in any discussion of discrimination and young people not to highlight the discrimination faced by NESB young people. Not only do these young people experience racism and prejudice within the school system, they face ongoing discrimination and disadvantage due to the lack of resources available for effective English as a Second Language (ESL) programs. This systemic discrimination must be challenged to ensure that NESB young people have equitable opportunities improving their options in their adopted country.

Policy makers need to turn to the concept of ‘social justice’ which is central in providing the basis for the equitable distribution of the common wealth. Structural change is possible if we can create a policy climate, which discriminates directly and positively in favour of young people.

Australia signed the Convention on the Rights of the Child on 22 August 1990, and it was ratified on 17th December 1990. It came into effect for Australia on 16 January 1991. On 22 December 1992 the Attorney-General made the convention an international instrument within the terms of the Human Rights and Equal Opportunity Commission Act 1986 pursuant to Section 47(1). This replaced the 1959 Declaration on the Rights of the Child, which Australia had previously included as a schedule to the former Human Rights Commission Act 1981. This does not make the Convention part of Australian domestic law, however breaches can be reported to the Commission.

There were major concerns expressed in the community that the Convention could be interpreted as allowing governments to interfere in family matters such as the removal of children from families; the rights of children, particularly those in relation to the right to be heard, access to information, freedom to choose their own religion, education, association and peaceful assembly; and the use of capacity-based criteria instead of age-based criteria in determining the child's maturity.

Article 2 of the Convention states that

1. *States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.*
2. *States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians or family members.*

The article above regarding non-discrimination conveys the message that all rights apply to all children without exception. It is the State's obligation to protect children from any form of discrimination and to take positive action to promote their rights.

The definition of a child as stated in Article 1 is recognised as a person under 18, unless national laws recognise the age of majority earlier.

The Convention outlines a wide range of ‘rights’ which can be classified as follows (see Brownell, 1989:49)

Civil Rights- right to name and nationality, protection from torture and maltreatment, special rules governing the circumstances and conditions under which children may be deprived of their liberty, etc

Economic Rights - right to benefit from social security, to standard of living adequate to ensure proper development, protection from exploitation at work etc.

Social Rights - right to the highest attainable standard of health and access to medical services, to special care for children with disabilities, protection from sexual exploitation, etc.

Cultural Rights- right to education, access to appropriate information, recreation and leisure, participation in artistic and cultural activities, etc.

The Convention states in Article 12 that

1. *State Parties shall assure to the child who is capable of forming his or her own views **the right to express those views** freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child, and*
2. *For this purpose, **the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative of an appropriate body, in a manner consistent with the procedural rules of national law.***

SEEN BUT NOT HEARD

'One of the key principles of any democracy is that people affected by rules should be able to participate in changing them. The lives of young people under the age of 18 are affected every day by Government decisions which are not required to account to those young people for the decisions they make'. (AYPAC, 1995)

Depending upon the particular point in time of the election cycle there are twenty-year-old young adults who have not had the opportunity to have their voices heard by 'their' government. They have had no say with regard distribution of resources, no opportunity to comment from their twenty years of experience on issues such as education and training, income support, health, defence, gun laws, environment, tax.

No doubt the majority of these young adults will have completed at least ten years schooling, accessed some form of health service, paid tax from some form of casual work and if not have fulfilled their side of the mutual obligation so as to ensure receipt of income support from the State.

The Australian Youth Policy and Action Coalition (AYPAC), the National Children's and Youth Law Centre (NCYLC) and others have canvassed large numbers of young people regarding the voting age. By the age of 14 young people have developed frameworks with which to make judgements about politicians. Our criminal justice systems work from the assumption that if you have reached the age of 14 you are capable of making informed decisions and understanding the implications of your actions. Young people of 14, and 15 years, sometimes younger pay taxes when they are involved in paid employment and yet under 18's have no say in the political processes which distribute them.

Arguments in the 1970's against lowering the voting age focussed on the notion that people were not mature enough at 18; that they were not interested; were likely to be easily lead into voting in certain ways by parents or peers; would vote according to the personalities of leaders rather than on perceptions of policy platforms; and that they were not well informed on matters relating to politics.

Interestingly enough it was these types of arguments that were commonly used to argue against women and indigenous people having the vote and are used now to argue against people age 16 being allowed to vote.(AYPAC, 1995)

The media portrays young people as apathetic yet criticisms that young people do not show an interest in politics are overstated and hypocritical. Politics is not showing an interest in them.

EDUCATION

The education system is one institution that plays a major part in preparing young people for future, yet society values young people so little that high numbers of young people are being suspended and excluded from mainstream government schools. Recent media reports state that approximately 19 000 students were suspended and excluded from government schools in Queensland in the last year. Of these students 16 462 were suspended for five days or fewer, 949 for between 6 and 20 school days , and 1464 were expelled from school, and in some cases all state schools.

Young people are discriminated against by Education Department policies on exclusions and suspensions which place inappropriate power in the hands of principals. Young people have no recourse due to inadequate appeals mechanisms and are further disadvantaged – often students who are on the receiving end of such ‘discipline’ policies are already marginalised and ‘at risk’.

When young people aren’t valued it’s easy to ‘dispose’ of them.

Young people are given little choice in the nature and structure of their education. Many don’t ‘fit’ into the mainstream schooling system. We need to value young people enough to provide them with choices, ask them what they need and be prepared to research and resource the alternatives. Traditional forms of schooling have focussed on ensuring students conform to particular patterns of behavior whereby strict adherence to a set system is essential to the normal running of the school. In order for this type of system to function effectively, the school adopts an authoritarian approach and students are seen as objects of control. This system contradicts the social world outside school in which people live. It discourages the necessary skills and attributes (decision making, independence, understanding and use of democratic processes for participation and citizenship) which young people need to survive outside of the school system.

HEALTH CARE

The law in Queensland does not state a specific age at which young people can independently seek health care assistance and make their own health care decisions without any involvement by a parent or guardian.

In 1992 the High Court of Australia in a case known as Marion’s Case agreed that the law as it was stated in the Gillick Case is also the law in Australia.

The Gillick case was an English House of Lords court case in 1985. Mrs Gillick had written to her local Health Authority asking that none of her five daughters while under the age of 16 years be given contraception or an abortion, and that if any of her daughters did contact the Health Authority that she automatically be told. The Health Authority told Mrs Gillick that, whilst they would encourage her children to discuss the matter with her, they could not do so as she asked

because consultations were confidential and the final decision was up to the doctor. Mrs Gillick took the matter to court.

The court decided as long as young people understand what the proposed treatment is about and its consequences, they can agree to their own medical treatment. It was then the duty of the doctor to keep that confidential, that is, not tell anyone, not even parents.

One might think ... Great! young people's access to medical treatment is at least assured. However, in many towns across the State of Queensland there is not to be found a doctor's surgery that bulk bills, and those that might aspire to principles of social justice and attempt to practice medicine in such places are simply 'run out of town' or by various means persuaded that their business would not be viable in the particular area. As a result the cost of health care for young people is prohibitive in these areas. They are indirectly discriminated against, as they are least likely to be able to pay. This no doubt is an issue for other regional and remote areas across Australia.

The issue of confidentiality in similar areas by health care providers and allied professionals such as pharmacists, discriminates against young people also. Confidential access to contraception, STD treatment, pregnancy termination and related information is limited as young people and their information are viewed as the property of the town. Confidentiality of young people's information in the health setting is not only an issue in rural and remote areas, resulting again from adult **perceptions**, that until young people reach at least the age of majority – 18, they have few, if any rights.

To get informed consent to medical treatment, the health care provider must explain the choices available and what the treatment is about in a way or in language which can be understood by the patient. What the Gillick case means is that if a young person, no matter what their age, can understand the explanation, and is able to make an informed decision based on that explanation, then in Queensland they are entitled to be treated by the health care provider in the same way as an adult, which includes not telling anyone else that the person has been to the health care provider or why.

Although this is the law in Queensland, it is not the law in every State because other State parliaments have passed specific laws which state a particular age at which a health care provider can presume that a young person is able to give informed consent to treatment. Even in Queensland, some health care providers might believe that they must consult with a parent or guardian, so it is critical that young people understand their rights in this case. This is of course not well promoted probably for fear of the 'What about parents rights?' backlash and the lack of value placed on young people. This issue is well evident by the views espoused by the majority of submissions (51%) to the inquiry into the implementation of CROC (1998), which opposed the Convention. While many people accept the bulk of the Convention, which addresses the protection rights of children as being beneficial, many were concerned about the 'choice' rights. It was argued that 'the Convention grants children's rights over parent's rights, the Convention is biased towards the rights of children as against the duties and responsibilities of parents in rearing their children in a caring atmosphere; and gives governments more power to intrude into families and negatively impacts of Australia's sovereignty.' (1998:66)

Why should young people have different or fewer choices than adults?

There is little uniformity in legislation or health services for children and young people across state borders. The Joint Standing Committee on Treaties 1998 inquiry into the implementation of the United Nations Convention On The Rights Of The Child found that rural areas where primary

health care is most needed often suffer most from cuts in health funding. Concern was expressed about the trend to reduce services outside metropolitan areas and the adequacy of services to children in rural families especially at a time of economic difficulty, declining employment opportunities and increasing rural youth suicide rates. It was also submitted that children and young people are discriminated against in health care in terms of regulatory approval for pharmaceuticals; clinical trials; case mix allocations; allowances for incontinence equipment; carers allowances; and availability of drugs and medicines on the Pharmaceuticals Benefits Scheme.

YOUNG PEOPLE AND HOUSING

Studies on the nature of young people and housing show that young people are more likely to be housed as part of a family unit. However young people living independently are predominantly housed in the private rental market. Public rental housing plays a limited albeit important role for young families, but much less so for single young people. A significant proportion of young people hold other tenures in places such as boarding houses and shelters, or live rent free.

The private rental market can be a precarious tenure for many young people given the exploitation and discrimination experienced. Data on the household income of people in the private rental market shows that the incomes of young people are lower than for all households. Not surprisingly the youngest households have the lowest incomes with these lower incomes reflecting the nature of employment opportunities available to young people, often only casual or part-time work. The lower incomes will also reflect the lower payments available to young people from Centrelink. This reality gives young people little bargaining power or choice particularly in areas with minimal available private rental properties. If you don't want to pay, move out. If you complain, you may end up homeless.

Given that young people's rents are not any different from the community as a whole, and that young peoples' incomes are lower than the rest of the community, then it can be assumed that young people, and especially young single people are committing high proportions of limited income to meeting rent payments. Young people are not provided with junior costs, for example, rent, but young people must meet these costs from lower junior incomes.

For young people on low incomes or income support, typical rents for very basic, one bedroom housing could be expected to absorb up to 70 per cent of income.

The private rental market is highly competitive with discrimination experienced by many young people - particularly young mothers, Indigenous young people, NESB young people - stories abound of young people being told that properties are no longer available when attending interviews with landlords and estate agents.

When traditional housing options fail or are unavailable, the result may be homelessness. The National Youth Coalition for Housing defines homelessness as 'the absence of safe, secure, affordable and adequate shelter (as perceived by the young person) (NYCH 1989). Regardless of the reasons for leaving home, young people are homeless because, having left home, very few housing options are available to them.

There are few long term supported or independent accommodation options available. The private rental market is costly and young people are discriminated to the point of being excluded. **Public housing is not an option for single people under 18 unless they can enter the Youth**

Headlease Transfer Scheme (YHTS). The YHTS is a scheme specifically for young people in Queensland. It aims to improve access to secure independent housing for young people who have experienced homelessness and may require assistance to establish a secure tenancy. Existing public housing dwellings are leased to community organisations to sublease and provide initial support to their clients. Over time, the tenancy may be transferred to public housing, or other long-term housing options. There are limited numbers of this tenure of housing available.

The Commonwealth-State Housing Agreement (CSHA) is a funding agreement between each of the States and the Commonwealth. It contains provisions on how housing assistance is directed in Australia. Assistance available includes public housing, home ownership and community managed housing.

The Agreement states that assistance will be provided on a non discriminatory basis '...to all sections of the community irrespective of age, sex, marital status, race, religion, disability or life situation...(CSHA)

While the provisions quoted have been in the Commonwealth-State Housing Agreement since 1984, the former Queensland Housing Commission did not operate in the spirit of the agreement and excluded single young people from a number of programs. It is only since early 1990 that Queensland has commenced aligning its services more fully with the provision of the Commonwealth-State Housing Agreement.

Existing policy now states that all people **aged 18 and over** may apply for public housing. Young people under 18 with children can also apply. At June 1993 fewer than 180 single people under 25 years old had been allocated their own tenancy in public housing of approximately 47,000 households in Queensland.

Young people under 18 without accompanying children are not eligible for public housing in Queensland. Most one bedroom public tenure accommodation has been allocated to older people. The stock of housing appropriate to young people is limited, and in some areas of Queensland, non-existent.

Apart from emergency assistance, the types of housing assistance available in Queensland are designed to help people gain or maintain access to one of the major housing tenures. Young people are discriminated against in accessing all tenures including home ownership, private rental and public housing

INCOME SUPPORT

The introduction of the Youth Allowance has been one of the most significant youth policy changes made by the Howard Government. The Australian Youth Policy and Action Coalition (AYPAC) long argued for a simplified system, located under one government department and underpinned by a living income. Young people are now covered by the one income support payment.

However, the income support system still discriminates on the basis of age.

Young people **under 15 do not qualify** for Youth Allowance. The processing and responsibility for payment of under 15's is subject to the Commonwealth and State/Territory Protocols. The basic assumption of the current Protocols is that responsibility for the income support for young people in this age group lies with the State/Territory Governments. This does not mean that

people under 15 cannot receive a Social Security payment, however in practice this is often the case with many young people participating in opportunistic prostitution and criminal activities to survive.

Young people 15, 16 and 17 who have not completed their secondary education are **not regarded as having reached the minimum age for Youth allowance**, and therefore do not qualify unless undertaking full-time education or training or they are exempted.

Youth Allowance recipients (whether unemployed or full-time students) in the **18 – 20 year age group are treated as dependent on their parents** unless they jump through a number of hoops in order to establish 'independence'. Young people in this age group are subject to parental income and assets tests as well as a personal income test, unless they are independent.

Between the ages of 21 and 24 years young people are treated differently depending on whether they are a student, unemployed, or a long term income support student. Also, a person reaches the age of independence, in the case of a full-time student at 25 years, and in the case of an unemployed person at 21 years.

Unless independence is established a parental means test applies. Where this occurs and the young person is living away from the parental home, they could also receive Rent Assistance. The circumstances for establishing independence are detailed in the Social Security Act.

The changes to payments for 16 and 17 year olds have resulted in young people being forced to return to school or lose their benefit, placing education systems under stress, not to mention the stress for the many young people for whom mainstream education does not suit. 45 000 young people aged 18 – 20 have had their payments reduced or cancelled, largely due to the introduction of the parental means test for this age group receiving a job search payment.

Discrimination against young unemployed people who are **perceived** as 'dole bludgers' has also resulted in the introduction of punitive measures such as the Dole Diary and compulsory Work for the Dole schemes.

Levels of payment remain inadequate for those 'lucky' enough to receive income support. Even the highest Youth Allowance payments (\$267 per fortnight) are well below the Henderson Poverty Line (\$390 per fortnight).

A study by the NSW Social Policy Research Centre found that a single person renting needs an income of around \$580 per fortnight in order to maintain "a standard of living which may require frugal and careful management of resources but would still allow social and economic participation consistent with community standards". A Youth Allowance payment for an independent young person is 45% of this figure. It does not represent anything like a living income.

These recent changes to income support for young people are based on assumptions that young people can rely on their families for support, or that they require less income than other individuals simply because they are young. Essentially, **the construction of Youth Allowance sends a message from government and community to young people – We don't value you!!!**

If young people had a voice to government through the right to vote, the process of decision making around issues such as Youth Allowance would be radically different.

EMPLOYMENT AND EQUAL PAY FOR EQUAL WORK

The *Industrial Relations Reform Act* in 1993 was introduced as part of a package of measures associated with the "Working Nation" policies. That Act declared for the first time an object of the Act that introduced two sets of measures intended to eliminate gradually provisions that discriminate against an employee because of various reasons. An amendment to the legislation was introduced by the Australian Democrats in the Senate to include age as one such reason, youth access to employment, and the level of junior rates being cited as part of the justification for the amendment.

The *Workplace Relations Act 1996* under section 120B stated that a Full Bench must prepare a report for the Minister before 22 June 1999 on the feasibility of replacing junior rates with non-discriminatory alternatives.

The current debate on whether to retain junior rates in federal awards relates to different views on how best to respond to unacceptable levels of young unemployment. 'It is highly concerning that current responses by the federal government are narrowly restricted and focus almost exclusively on perceived deficiencies in individuals, rather than structural and societal factors driving the decline of the youth labour market.' (Matthews 1999:1)

The decline of the youth labour market (15-19's) was the one common area agreed by all stakeholders in the Junior Rates Inquiry process.

Some aspects of that decline are identified below:

- The official youth unemployment rate rose from 14.6% as late as June 1989 and reached a peak of 34.1% in June 1992.
- The number of full-time jobs held by teenagers more than halved from 424 000 to 205 000 between the mid 1980's and mid 1990's.
- Part-time employment rose from 120 000 in April 1978 to 350 000 by April 1998.
- Young people's earnings from both full and part-time work fell dramatically between the mid 1980's and mid 1990's, while real earnings for employees as a whole rose. Full time wages fell by 6% and part-time wages by 29%.
- Between 1991 and 1997 some 272 600 full-time jobs were created in Australia while full-time jobs for teenagers fell by 71 000
- Estimates are cited of 187 705 teenagers (15% of the teenage population) are not in full time work or education, including 67 800 in part-time work and not in education.

(Drawn from various papers from Dusseldorp Skills Forum, March 1998)

Attempts to address the issues of youth unemployment have been introduced within a framework which appears to have "shifted the blame" from the inability of government programs and industry structures onto young people, for their inability to gain employment. Work for the dole schemes suggest that young people owe some responsibility for not being employed.

While it is easier to shift the responsibility of youth unemployment onto the shoulders of young people, the fact is, that youth unemployment is largely a consequence of the actions and policy

decisions of governments, industry and the broader community. Young people have little say in these arenas.

Attitudes to young people discriminate against young people.

The government's case for retaining junior rates is based on the claim that without it there is potential to lose 300 000 jobs for young people. Claims of mass sackings of young workers and increased levels of unemployment if youth wages were abolished are completely unsubstantiated and being used as scare tactics. It is interesting to note that the Mitsubishi Motor company abolished junior rates as they found that age is irrelevant to the issue of productivity in their workforce.

Changes brought about in the *Workplace Relations Act 1996* have made the wages and conditions of young workers particularly vulnerable. Individual workplace agreements are negotiated directly between workers and employers with this arrangement discriminating against young people who have little if any bargaining power and often minimal industrial knowledge. Young people are also less likely to be members of their union.

The Act has entrenched wage discrimination against young people.

Within the current parameters of the Act, a case by case approach will be required once the temporary exemption expires on 22 June 2000. 'This provides the capacity for an award by award assessment of the need for junior rates and an approach targeted to the specific needs of each industry. This is the most sensible methodology for establishing industry specific wages systems that reflect the characteristics of that industry, and the role performed by young workers.' (Matthews 1999:17) The Inquiry has acknowledged that "we were already persuaded that in the design of replacement of junior rate classifications no one size fits all." (AIRC 1999)

CONCLUSION

"Discrimination should be actively eliminated in all circumstances. Discrimination for reasons of age is not a lesser form of discrimination than race, colour, sex, sexual preference, disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin." (Matthews 1999:15)

Those more likely to be disadvantage or marginalised in society are more vulnerable to discrimination at an individual and structural level. Policy makers and governments will ignore or blatantly abuse and they and society will hold attitudes that then blame the victim. Negative perceptions of young people and the lack of value placed upon them results in multiple forms of discrimination.

Young people will continue to be discriminated against until such time as they are valued and respected. Only when this occurs will the myths that maintain young peoples marginalised status be exploded; perceptions, attitudes and beliefs challenged; and their needs and rights addressed.

Recommendations

1. That the voting age is lowered for the purpose of all local, State, Territory and Federal Elections
2. That there is the need for the following federal actions
 - A public education campaign on age discrimination
 - Amendments to discriminatory federal laws relating to employment of young people
 - A federal Age Discrimination Act
 - Amendment of all federal laws which are currently discriminatory, including social security and immigration law
3. That a federal Age Discrimination Act should make age discrimination unlawful in
 - Job advertisements, recruitment, job training, promotion and other employment terms and conditions
 - Termination of employment and retirement
 - Accommodation
 - Education
 - Provision of goods and services including financial services
 - Access to public places, facilities and vehicles

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