



# Employment of children laws

## When is a child<sup>1</sup> considered to be employed?

If a child is engaged to carry out work, whether or not the child receives payment, or any other kind of reward, the child is considered to be employed.

## At what age can a child be employed and what kind of work can he or she do?

The age a child can be employed and the kind of work that a child can do depends on a number of factors. These are:

- whether the work is in addition to full-time school, i.e. part-time, casual or holiday work
- whether the work is an alternative to full-time school
- the type of work
- certain conditions (eg parental supervision or approval), and
- the hours of work.

Children **cannot** be employed:

- to perform in an indecent, obscene or pornographic way while participating in an entertainment, exhibition or making of an advertisement, or
- where the Chief Executive Officer of the Department for Child Protection considers the work to be harmful to the child's wellbeing and has issued a notice regarding this.

## At what age can a child that is attending school be employed?

Generally children need to be at least 15 years of age to be employed in part-time, casual or holiday jobs. There are some exceptions when younger children can be employed, however certain conditions need to be met. These are set out below.

### Children aged at least 10 years and less than 13 years

The child may be employed to deliver newspapers, pamphlets or advertising material, as long as:

- it is between the hours of 6.00 am and 7.00 pm and outside school hours, and
- while carrying out the delivery work the child is accompanied by a parent, or adult whom the child's parent has given written permission to accompany the child.

### Children aged at least 13 years and less than 15 years

The child may, after providing a parent's written permission, be employed:

- delivering newspapers, pamphlets or advertising material
- in a shop, retail outlet or restaurant, or
- collecting shopping trolleys from a shop or retail outlet, including adjacent areas

between the hours of 6.00 am and 10.00 pm and if the work is outside of school hours.

***It is illegal to employ a child less than 15 years of age to do work other than as described above, or for the child to work outside the allowed hours.***

### Children of any age

Children of any age **may** work:

- as part of a school program
- in a family business where the business is carried out by a parent or relative of the child
- in a not-for-profit organisation or situation
- in a dramatic or musical performance or other form of entertainment or in the making of an advertisement.

### At what age can a child leave school for employment?

The minimum school leaving age is the end of the year a child turns 17 years. There are certain exceptions where a younger person can be working, or working and studying if the child has either been:

1. Child means a person who is under 18 years of age

exempted from attending school (up to the end of their 15th year) and the conditions are being met, or

- where a *Notice of Arrangements* exists (for those in their 16th and 17th years).

The school the child attends or the local district education office can be contacted for more information about options for a child of compulsory school age.

***It is illegal to employ a child of compulsory school age during the hours the child is required to either attend school, or take part in an educational programme, except where there is a Notice of Arrangements or school exemption.***

### **What are the penalties?**

The person who employs a child, or a parent who permits their child, to undertake work which is not allowed or to work outside the allowed hours, could be fined up to \$24,000. An incorporated employer could be fined up to \$120,000.

It is a defence if an employer can prove they believed, on reasonable grounds, that the child had reached 15 years of age.

The penalty for a person to employ, or for a parent to permit, a child of less than 18 years to perform in an indecent, obscene or pornographic way while participating in an entertainment, exhibition or the making of an advertisement is imprisonment for up to 10 years.

### **What if a child is doing work that could be harmful to them?**

If it is considered that the work a child is doing is harmful to the child's wellbeing, including health and safety, the Chief Executive Officer of the Department for Child Protection can issue a notice to the child's parent/s and employer, stopping the child from working or placing limits on what work the child is allowed to do.

If a parent and/or employer continues to knowingly allow the child to work after a notice has been issued, the parent / employer could be fined up to \$36,000 and imprisoned for up to 3 years. An incorporated employer could be fined up to \$180,000.

### **How are these laws enforced?**

Authorised officers from the Department for Child Protection and Industrial Inspectors under the *Industrial Relations Act 1979* have the power to enter workplaces where children are employed and carry out checks.

When required to answer questions it is an offence to give false or misleading information to an Authorised Officer or an Industrial Inspector. The penalty for this offence is a fine of up to \$6,000.

It is an offence for a parent or child to give false or misleading information to an employer. The penalty for this offence is a fine of up to \$6,000.

The Industrial Magistrate's Court has the power to hear and determine prosecutions for breaches of these child employment laws.

### **What if I have concerns or need more information?**

Contact Wageline at the Department of Consumer and Employment Protection on 1300 655 266 for information about these laws and any concerns about a child in employment. The Department for Child Protection can also provide information or discuss concerns about a child in employment on 9222 2555.

### **What if I want to make a complaint?**

Contact Wageline at the Department of Consumer and Employment Protection on 1300 655 266. Talking with an officer from Wageline is the first step in making a complaint to an Industrial Inspector.