



Employment of Children laws – Information Sheet

Children and Community Services Act 2004

When is a child¹ considered to be employed?

If a child is engaged to carry out work, whether paid or not, or receiving 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?

This depends on a number of factors:

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

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

Generally, children need to be at least 15 years of age old 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 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 6.00 am and 10.00 pm, outside school hours.

Children of any age

Children of any age may work in the following situations:

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

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

At what age can a child leave school for employment?

The minimum school leaving age is the end of the year in which the child reaches the age of 17 years and 6 months, or the child reaches 18 years of age, whichever happens first. There are certain exceptions where a younger person can work, or work and study, if the child has either been:

- exempted from attending school (up to the end of their 15th and 16th year) and the conditions are being met; or
- where a Notice of Arrangements exists (for those in their 17th and 18th years).

Contact the school the child attends or the local district education office for more information about options for a child of compulsory school age.

¹ Child means a person who is under 18 years old.



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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 that 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.

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

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

The Chief Executive Officer of the Department of Communities can issue a notice to stop a child from working or place limits on what work the child is allowed to do if it is considered that the work, or the nature of the work carried out is harmful to the child's wellbeing, health and safety.

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

How are these laws enforced?

Authorised Officers from the Department of Communities and Industrial Inspectors from the Department of Commerce have the power to enter workplaces where children are employed, or where they may be employed in the future, and carry out checks.

Authorised Officers and Industrial Inspectors may talk with any person in the workplace or elsewhere, regarding the employment of a child. The person is required to answer questions asked of them. The penalty for refusing to answer or giving false or misleading information 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?

For all general inquiries about the employment of children laws, contact Wageline at the Department of Commerce on 1300 655 266.

If you have concerns about a child in employment, contact the Department of Communities on 9222 2555.

What if I want to make a complaint?

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

This information is derived from Part 7 of the *Children and Community Services Act 2004*. It is not legal advice.