



Queensland

Child Employment Regulation 2006

Subordinate Legislation 2006 No. 143

made under the

Child Employment Act 2006

State Penalties Enforcement Act 1999

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1 Short title

This regulation may be cited as the *Child Employment Regulation 2006*.

2 Commencement

This regulation commences on 1 July 2006.

3 Definitions

The dictionary in the schedule defines particular terms used in this regulation.

4 Prohibited work for school-aged or young children

- (1) This section does not apply to work done by a school-aged or young child in a business, or for a corporation, that is totally owned by a close adult relative of the child.
- (2) For section 9(1)¹ of the Act, an employer must not require or permit a school-aged or young child to do work unless—
 - (a) the work is delivery work and the child is at least 11 years; or
 - (b) the work is voluntary work; or
 - (c) the work is work in the entertainment industry; or
 - (d) for any other work—the child is at least 13 years.

Note—

Special circumstances certificates may provide an exception to requirements under this section or section 5. See section 9(5) of the Act.

5 Prohibited working hours for school-aged or young children

- (1) For section 9(3) of the Act, this section provides for when a school-aged or young child may not work.

¹ Section 9 (Restrictions on work performed by children) of the Act

- (2) However, it does not apply to work a school-aged or young child does—
 - (a) in the entertainment industry; or
 - (b) in a business, or for a corporation, that is totally owned by a close adult relative of the school-aged or young child.
- (3) A school-aged child may not work if—
 - (a) it is a school week and the child has already worked 12 hours during the week; or
 - (b) it is a week that is not a school week and the child has already worked 38 hours during the week; or
 - (c) it is a school day and the child has already worked 4 hours on the day; or
 - (d) it is a day that is not a school day and the child has already worked 8 hours on the day; or
 - (e) the child has already worked 4 consecutive hours and has not been given at least 1 hour's break at the end of the fourth hour; or
 - (f) the child has already worked for the same employer within the last 12 hours; or
 - (g) the child has already done a shift on the day.
- (4) Subsection 3(e) and (g) do not apply if a relevant industrial instrument provides to the contrary.
- (5) A young child may not work if the child—
 - (a) has already worked for 12 hours during the week; or
 - (b) has already worked for 4 hours during the day; or
 - (c) has already worked for the same employer within the last 12 hours; or
 - (d) has already done a shift on the day.
- (6) Subsection (5)(d) does not apply if a relevant industrial instrument provides to the contrary.
- (7) A school-aged or young child may not work between 10pm and 6am.

(8) A school-aged child who is at least 11 years but under 13 years may not perform delivery work between 6pm and 6am.

(9) In this section—

industrial instrument means a federal award, federal agreement or industrial instrument, as defined under the *Industrial Relations Act 1999*.

school day means a day on which the school-aged child is required to attend school.

school week means a week, starting on a Sunday, during which the school-aged child is required to attend school.

6 Prescribed supervision of school-aged or young children

(1) Subsection (2) prescribes, for section 9(6) of the Act, the way for an employer to supervise a school-aged or young child who does work involving the exchange of money or delivery work.

(2) The way is—

(a) to have an adult in the near vicinity of, and in regular contact with, the child; and

(b) for the child to be otherwise appropriately supervised by an adult.

7 Employer's duty about ability to contact a parent

(1) This section does not apply to a child's employer who is the child's parent.

(2) A child's employer must—

(a) take reasonable steps to ensure that the child is able to contact—

(i) a parent of the child while the child is at work; or

(ii) if it is impractical for the child to contact a parent of the child while the child is at work—a nominated person; and

(b) allow the child, while the child is at work, to contact the following person in reasonable circumstances—

- (i) a parent of the child;
- (ii) if a parent of the child can not be contacted while the child is at work, a nominated person.

Maximum penalty—40 penalty units.

- (3) If, while at work, a child becomes ill, or is injured, to an extent that the child can no longer work, the child's employer must take reasonable steps to immediately contact—
 - (a) a parent of the child; or
 - (b) if it is impractical for the employer to contact a parent of the child, a nominated person.

Maximum penalty—40 penalty units.

8 Employer's duty to safeguard children while they are at work

- (1) While a child is at work, the child's employer must take reasonable steps to ensure that the child is not subjected to deliberate or unnecessary social isolation or to any other behaviour that is likely to intimidate, threaten, frighten or humiliate the child.

Maximum penalty—40 penalty units.

- (2) A child's employer must give the child induction training, including workplace health and safety training, appropriate to the child's age.

Maximum penalty—40 penalty units.

- (3) A child's employer must display a copy of the child employment guide in a conspicuous position at the place where the child works where it is easily read by children employed at the place.

Maximum penalty—20 penalty units.

- (4) In this section—

child employment guide² means a guide about children at work published by the chief executive.

² A copy of the child employment guide is available on the department's website at <www.dir.qld.gov.au> and at any office of the department.

9 Records for children who are working

- (1) A child's employer must keep a record containing the following details and documents for the child—
- (a) the full name of the employer;
 - (b) the address where the child works;
 - (c) the full name, address and any home phone number of the child;
 - (d) the name, address and any home or business phone number of a parent of the child;
 - (e) the name, address and any home or business phone number of a nominated person;
 - (f) the child's date of birth;
 - (g) the nature of the work that the child is required to perform for the employer;
 - (h) a copy of any special circumstances certificate relevant to the child's employment with the employer;
 - (i) a copy of any work limitation notice relevant to the child's employment with the employer;
 - (j) for a school-aged or young child—
 - (i) the number of hours worked by the child during each day and week; and
 - (ii) the times when the child started and stopped work; and
 - (iii) details of work breaks including meal breaks; and
 - (iv) the parent's consent form for the child;
 - (k) for a child who is not a school-aged or young child—a copy of a form of identification, stating the child's date of birth, issued under an Act or by the child's school.

Example—

a passport, birth certificate, school ID card

Maximum penalty—40 penalty units.

- (2) The employer must keep the record for 2 years at a place from which the employer conducts operations as an employer.

Maximum penalty—40 penalty units.

- (3) Subsection (1) applies in addition to the record keeping requirements under the *Industrial Relations Act 1999*.

10 Amendment of State Penalties Enforcement Regulation 2000

- (1) This section amends the *State Penalties Enforcement Regulation 2000*.

- (2) Schedule 5—

insert—

‘Child Employment Act 2006

	Column 2	
	Individual	Corporation
	Column 1	Column 2
	Infringement notice offence	Infringement notice fine (penalty units)
s 9(1)	10	40
s 9(2)	10	40
s 9(3)	10	40
s 10(1)	4	20
s 11(1)	10	40
s 12(7)	10	20
s 13(10)	10	20

Authorised person for service of infringement notices—an inspector performing functions under the *Child Employment Act 2006*, section 16³

3 *Child Employment Act 2006*, section 16 (Inspector’s functions)

‘Child Employment Regulation 2006

	Column 1	Column 2	
	Infringement notice offence	Infringement notice fine (penalty units)	
		Individual	Corporation
s 8(3)		2	10
s 9(1)		4	20
s 9(2)		4	20

Authorised person for service of infringement notices—an inspector performing functions under the *Child Employment Act 2006*, section 16’.

Schedule Dictionary

section 3

close adult relative, of a child, means an adult who is a parent, grandparent, aunt, uncle, sibling or step sibling of the child.

delivery work means delivering newspapers, advertising material or other similar things.

nominated person means a person whom a parent of the child has nominated as being responsible for the child if a parent of the child can not be contacted by the employer.

work in the entertainment industry—

- (a) means work that is performing, including work that is as follows, for advertising or entertainment (**work as a performer**)—
 - (i) acting, dancing, miming, playing, singing, speaking or modelling;
 - (ii) standing-in for someone else;
 - (iii) rehearsing, preparing or taking part in publicity for a performance; but
- (b) does not include work by a worker whose duties are not predominantly work as a performer but who is sometimes required to do work as a performer, for example, work as an announcer or in advertising.

ENDNOTES

- 1 Made by the Governor in Council on 22 June 2006.
- 2 Notified in the gazette on 23 June 2006.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Industrial Relations.