

Child Employment Bill 2005

Explanatory Notes

Amendments to be moved during Consideration in Detail by the Honourable Tom Barton MP, Minister for Employment, Training and Industrial Relations and Minister for Sport

Title of the Bill

Child Employment Bill 2005

Objective of the Amendments

The objective is to make amendments to correct errors and to ensure that the provisions align with the policy intent of the Bill.

Achievement of the Objective

Commencement date for the Bill

The amendment provides for a specific start date for the majority of the Bill (i.e. 1 July 2006) rather than commencing on a date to be later proclaimed. It is considered that this will give more certainty for members of the community to be affected by the Bill while still allowing an interim period to finalise administrative issues relating to the Bill's operation and to complete drafting of a proposed Regulation to start at the same time as the Bill.

Restrictions on work performed by children – Appropriate adult supervision

The amendment omits an example of appropriate adult supervision. The example is redundant in the Bill given that there is a power to prescribe what is appropriate adult supervision in a regulation. The proposed Regulation will include a provision specifying what appropriate adult supervision includes for school-aged or young children.

The amendment also clarifies that an employer does not commit an offence if they supervise a child in accordance with a regulation prescribing supervision by reference to a child or to work. Currently in the Bill the supervision may be prescribed only by reference to particular work and this has been considered to not be wide enough to encompass supervision by reference to a particular group of children (e.g. school-aged or young children).

Restrictions on work performed by children – Bill to override industrial instruments

The amendment clarifies that the provisions of the Bill prescribing permissible work, ways work may be done or when work may be done will not be overridden by the provisions of federal awards, federal agreements or industrial instruments (i.e. state awards or agreements). In clause 9(5) employers of children do not commit an offence if the child works as permitted or authorised under an ‘Act’. In this context and by virtue of the *Acts Interpretation Act 1954*, the term ‘Act’ would include instruments such as federal awards, federal agreements or industrial instruments. The amendment is therefore necessary to bring the provision in line with the policy intent that provisions governing work in the Bill override provisions permitting work contained in federal awards, federal agreements or industrial instruments.

Alternative Ways of Achieving Policy

There are no alternative ways of achieving the policy objectives. The amendments are in accordance with the policy intent of the Bill.

Estimated Cost for Government Implementation

Nil.

Consistency with Fundamental Legislative Principles

The amendments have been drafted to comply with fundamental legislative principles.

Consultation

The Department of the Premier and Cabinet and the Office of the Queensland Parliamentary Counsel have been consulted in drafting the amendments.

Notes on Provisions

Clause 1 amends clause 2 ‘Commencement’ of the Bill by providing that the Bill, other than part 7, will commence on 1 July 2006. Part 7 ‘Amendment of Industrial Relations Act 1999’ will commence on date of assent.

Clause 2 amends clause 9 ‘Restrictions on work performed by children’ to omit an example of appropriate adult supervision from subclause 4. The example is redundant given that the Bill provides for such matters to be prescribed in a regulation. The issue of appropriate adult supervision will be dealt with in a proposed Regulation to commence at the same time as the Bill.

Clause 3 amends clause 9 ‘Restrictions on work performed by children’ at subclause 6 to provide that offences are not committed where a child worker is supervised in accordance with a regulation that prescribes supervision by reference either to a prescribed child or prescribed work.

Clause 4 amends clause 9 ‘Restrictions on work performed by children’ by inserting a new subclause 7 that limits the definition of the term ‘Act’ where it is used in subclause 5. The amendment removes federal awards, federal agreements and industrial instruments from the definition (as prescribed by the *Acts Interpretation Act 1954*) so that it would be an offence to require or authorise a child to work in accordance with those instruments if they conflict with provisions of the Bill.