

Child Employment Regulation 2016

Explanatory notes for SL 2016 No. 137

made under the

Child Employment Act 2006
State Penalties Enforcement Act 1999

General Outline

Short Title

Child Employment Regulation 2016

Authorising law

Section 39 of the *Child Employment Act 2006* (the CE Act)
Section 165 of the *State Penalties Enforcement Act 1999*

Policy objectives and the reasons for them

In accordance with the 10 year sunset provisions of the *Statutory Instruments Act 1992* the *Child Employment Regulation 2006* (CE Regulation 2006) is due to expire on 1 September 2016.

The objectives of the CE Act and the CE Regulation 2006 are to safeguard children (up to the age of 18 years) working in Queensland by ensuring that work does not interfere with a child's compulsory schooling (up to the age of 16 years or completion of year 10) and by preventing children performing work that may be harmful to their health or safety or physical, mental, moral or social development.

While the CE Act sets out the scope for and administration of the regulation of work performed by children, the CE Regulation 2006 prescribes what the particular limitations on work and protections of children are to be including: the types of work prohibited; minimum age of work; limits on working hours; and specific obligations of employers. The CE Regulation 2006 applies to industry generally but also makes provision for conditions and obligations specific to the entertainment industry that recognise the particular requirements of work in that industry.

Consideration of regulatory activity under the CE Regulation 2006 and its objectives indicated no substantive issues which needed to be addressed and that it adequately provides for standards to protect children without imposing onerous obligations on employers. Without a child employment regulation, it would be more difficult to set limits on work performed by children to balance other parts of their life and education. Children could also face more exposure to risks of injury, physical and emotional harm and sexual abuse.

It is considered that maintaining a child employment regulation will deliver a net benefit to the community. Therefore, the *Child Employment Regulation 2016* (CE Regulation 2016) repeals the CE Regulation 2006 but continues its provisions substantially unchanged

except for minor amendments necessary to remove obsolete provisions and accord with modern drafting practice.

It has also been necessary to make a consequential amendment to the *State Penalties Enforcement Regulation 2014* to reflect the renumbering of provisions in the CE Regulation 2016 for which infringement notices and fines can be issued.

Achievement of policy objectives

The CE Regulation 2016 is to commence on 1 September 2016. It will prescribe particular limitations on work and protections of children in industry generally and specific arrangements for the entertainment industry.

Consistency with policy objectives of authorising law

By prescribing limitations on work and protections for children at work including: the types of work prohibited; minimum age of work; limits on working hours; and specific obligations of employers, the CE Regulation 2016 is consistent with the main policy objective of the CE Act, which is to safeguard children working in Queensland by ensuring that work does not interfere with children's schooling and by preventing children performing work that may be harmful to their health or safety or physical, mental, moral or social development.

Inconsistency with policy objectives of other legislation

The CE Regulation 2016 is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The CE Regulation 2016 provides for the protection of children at work without imposing onerous obligations on employers.

The CE Regulation 2016 will also ensure that children are not left vulnerable to harm at work and that there is a balance between their work, education and other aspects of life.

As the requirements in the CE Regulation 2016 remain unchanged from the CE Regulation 2006, the replacement Regulation does not impose any additional costs.

Consistency with fundamental legislative principles

The replacement Regulation is consistent with fundamental legislative principles.

Consultation

The Queensland Productivity Commission (QPC) was consulted with regard to Regulatory Impact Statement (RIS) system requirements. QPC advised that a RIS is not required.

The Department of the Premier and Cabinet was consulted on the making of a replacement regulation.

The relevant peak stakeholder organisations including the Queensland Council of Unions, the Australian Workers Union, the Media, Entertainment and the Arts Alliance representing workers and the Chamber of Commerce and Industry Queensland representing employers were also consulted on the making of the CE Regulation 2016. There were no objections to the proposal.