

NEW CHILD EMPLOYMENT LEGISLATION

The Qld Child Employment Act 2006 applied from 1 July 2006 which provides substantial regulations on the employment of both school aged children and young children a summary of the law is as follows:

1. The Act applies to all children under 18 years of age;
2. A "school aged child" is defined at s7 of the Act as a child that is under 16 years of age and is required to be enrolled for an educational program pursuant to the *Education (General Provisions) Act 1989*;
3. The Act defines "a young child" as a child under 6 years of age;
4. The Act establishes a minimum age of 13 years for children starting work although a child may perform work from 11 years if engaged in delivery work such as newspapers and advertising leaflets;
5. The Act states that "school aged children" (i.e. children under 16 years) are not allowed to work longer than 12 hours during a school week and 38 hours during a week that is not a school week, 4 hours on a School day and 8 hours on a day that is not a school day and they may not work during the hours of 10pm until 6am (this also applies to young children);
Section 5 (3) of the *Child Employment Regulation 2006* (hereinafter called the "Regulation") says as follows:

"(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 week that is not a school week and the child has already worked 4 hours on the day; or*
- (d) it is 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 hours 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 that day."*

Further s.5 (e) and (g) do not apply if a relevant industrial instrument provides otherwise.

6. The Act requires that parental consent is obtained for "school aged children" and "young children" to work and that children cannot work when they should be at school. The parental consent form must be completed for existing and new school aged young children working for the Company.
7. Section 8 (3) of the Regulation requires the employer to "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."

8. Section 9 provides that in addition to the normal employment records that the Company is required to keep the following must also be kept for children:
 1. the child's address and telephone number;
 2. the name address and home address or business phone number of a parent or nominated person;
 3. the child's date of birth;
 4. a copy of any special circumstances certificate (allowing a child to work in excess of the maximum hours);
 5. a record of the child's hours and breaks; and
 6. a copy of identification for a child who is not school aged or young.

The above records must be kept for 2 years at the store. If you want a copy of the parent consent form or the Child employment Guide please contact Agnew D'Arcy Legal