

# 1. Commonwealth

## CONVENTION ON THE RIGHTS OF THE CHILD (CRC): TABLE OF RELEVANT AUSTRALIAN LEGISLATION

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p><b>ARTICLE 32:</b></p> <p>1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.</p> <p>2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:</p> <p>(a) Provide for a minimum age or minimum ages for admission to employment;</p> <p>(b) Provide for appropriate regulation of the hours and conditions of employment;</p> <p>(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.</p>	<p><b>Australian Human Rights Commission Act 1986</b></p>	<p>Cth</p>	<p>Schedule 3</p>	<p><b>Declaration of the Rights of the Child - Principle 9</b></p> <p>The child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development.</p>

## 2. New South Wales

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<p><b>ARTICLE 32:</b></p> <p>1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.</p> <p>2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:</p> <p>(a) Provide for a minimum age or minimum ages for admission to employment;</p>	<p><b>Industrial Relations (Child Employment) Act 2006 (NSW)</b></p>	NSW	s 4	When Employing Children, Employer to ensure minimum conditions of employment are satisfied, minimum conditions being the conditions of employment for adult employees performing similar work under an award or industrial agreement.
			s 5	Determination procedure for assessment under s 4
			s 6	Employers of Children must display relevant awards at workplace
			s 7	Full records of Child employment are to be kept
			ss 8 -14	Compliance Notice provisions for s 4
			s 15	If an industrial court is satisfied that an affected employer of a child has contravened section 4, it may order the employer to pay a pecuniary penalty not exceeding \$10,000
			s 17	Provisions relating to Unfair dismissal of a Child employed by a constitutional corporations

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<p>(b) Provide for appropriate regulation of the hours and conditions of employment;</p> <p>(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.</p>			s 19	<p>Provision noting the following relevant Acts in relation to child employment:</p> <ul style="list-style-type: none"> <li>• industrial relations legislation</li> <li>• <i>Industrial Relations (Ethical Clothing Trades) Act 2001</i></li> <li>• <i>Children and Young Persons (Care and Protection) Act 1998,</i></li> <li>• <i>Apprenticeship and Traineeship Act 2001.</i></li> </ul>
	<p><b>Industrial Relations (Ethical Clothing Trades) Act 2001 (NSW)</b></p>	NSW	s 7	<p>Functions of Ethical Clothing Trades Council including advising and making recommendations to the Minister generally on the clothing industry and outwork practices in the clothing trades.</p>
	<p><b>Children and Young Persons (Care and Protection) Act 1998 (NSW)</b></p>	NSW	s 222	<p>A person who causes or allows a child to take part in any employment in the course of which the child's physical or emotional well-being is put at risk is guilty of an offence.</p> <p>N.B. Reg 4 of <i>Children and Young Persons (Care and Protection) Regulation 2010</i> (NSW) states that for the purposes of the Act, a person is taken to employ a child if the person makes a payment to (or confers any other material benefit on) the child or another person in respect of services rendered by the child or in respect of preparatory actions of the child related to those services.</p>
	s 223	(1) A person (other than the holder of an employer's		

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				<p>authority) must not employ a child:</p> <p>(a) to take part in an entertainment or exhibition, or</p> <p>(b) to take part in a performance which is recorded for use in a subsequent entertainment or exhibition, or</p> <p>(c) to offer anything for sale from door-to-door, or</p> <p>(d) to do anything else that is prescribed for the purposes of this section by the regulations. (Reg 6 states that for the purposes of section 223 (1) (d) of the Act, participation by a child in still photographic sessions is prescribed as a matter with respect to which an employer's authority is required.)</p> <p>(2) The holder of an employer's authority must not employ a child in contravention of the conditions of an authority.</p>
			s 224	<p>There are exceptions to the above license requirement - No license required where charitable fundraising or occasional employment for a charitable purpose.</p> <p><i>N.B. - Children and Young Persons (Care and Protection) Regulation 2010 (NSW) Reg 7 also exempts a person from being required to hold an employer's authority in respect of the employment of a child in any of the following circumstances:</i></p> <p>(a) the child is more than 10 years old and the employment is outside school hours and for no more than 10 hours per week,</p> <p>(b) the child is a national of a foreign country who is</p>

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				employed in connection with the conduct of an entertainment, exhibition or performance under the auspices of the government of the foreign country.
			s 226	A child is taken to be a child in need of care and protection if  (a) a person (other than a relative of the child) is employing the child in contravention of this Chapter at any place, and  (b) the Children’s Guardian requests a person responsible for the child to remove the child from the place, and  (c) the child is not immediately so removed.
	<b>Apprenticeship and Traineeship Act 2001 (NSW)</b>	NSW	s 25	Juniors (Under 21 years of age) not to be employed in recognised trade vocations unless apprentices or qualified tradespersons

**N.B.** There is no minimum legal age limit for starting work in NSW.

### 3. Victoria

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				entertainment industry;  (h) prohibit the employment of children under the age of 15 years in certain kinds of work;  (i) empower the Governor in Council to declare kinds of employment prohibited for children under the age of 15 years;  (j) set out offences;  (k) provide for the appointment of child employment officers and the powers of those officers to ensure compliance with the Act.
			4	Definition of employment under the Act including work-  (a) under a contract of service or a contract for services (whether written or unwritten); or  (b) in a business, trade or occupation carried on for profit under any other arrangement whether or not the child receives payment or other reward for performing that work.  Dependant on intention, understanding, whether conduct would ordinarily require payment.  Exclusions include:  <ul style="list-style-type: none"> <li>• Participation in a religious service or program or entertainment where proceeds will be collected for</li> </ul>

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				<p>religious cause.</p> <ul style="list-style-type: none"> <li>• Non-for profit collections</li> <li>• Educational or sporting activities</li> </ul>
			8	<p>A child may be employed:</p> <ul style="list-style-type: none"> <li>• in accordance with a permit and with the prior written consent of the parent or guardian of the child; or</li> <li>• in a family business.</li> </ul>
			9	<p>A person must not employ a child unless a permit has been issued for the employment.</p> <p>100 Unit Penalty for Employment without a permit for Employer and Parent</p>
			10	<p>Minimum age of employment:</p> <ul style="list-style-type: none"> <li>• 11 years of age for delivering newspapers, pamphlets or other advertising material or making deliveries for a registered pharmacist.</li> <li>• 13 years of age for any other employment.</li> </ul> <p>There is no minimum age for the employment of a child in a family business or in entertainment.</p>
			11	<p>A person must not employ a child during school hours on any school day unless the Minister has granted the child an</p>



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				exemption from attendance.
			12	<p>Specific prohibition of certain types of employment for children, namely:</p> <ul style="list-style-type: none"> <li>(a) door-to-door selling;</li> <li>(b) employment on a fishing boat, other than a boat operating on inland waters</li> <li>(c) employment on a building or construction site at any time before the buildings on the site are at lock-up stage</li> <li>(d) any kind of employment declared by Governor in Council</li> </ul>
			13-18A	<p>Provisions relating to permits.</p> <p>Including considerations in granting a permit-</p> <ul style="list-style-type: none"> <li>(a) the health, safety, education and moral and material welfare of the child will not suffer from the proposed employment; and</li> <li>(b) the child will not be subjected to any form of exploitation in the course of the proposed employment; and</li> <li>(c) the proposed employment is not prohibited employment; and</li> <li>(d) the child is of or over the minimum age permitted by section 10 for the proposed employment.</li> </ul>

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			18B	Employer must keep written records of parental consent, exemption notices
			19	Child must be supervised at all times by a supervisor with a current assessment notice having regard to the work environment, the type of work and the type of child.  Employer must keep written supervision records.
			20	A Child may only be employed to perform light work (work that is not likely to be harmful to the child's health, safety, moral or material welfare).
			21	<p>Maximum Hours - A Child may be employed:</p> <ul style="list-style-type: none"> <li>• for a maximum of 3 hours per day and 12 hours per week at any time during the school term inclusive of rest breaks.</li> <li>• for a maximum of 6 hours per day and 30 hours per week at any time outside school term.</li> </ul> <p>A child must not be employed to perform work on any day-</p> <p>(a) earlier than 6 a.m. or sunrise (whichever is later) or later than 6 p.m. or sunset (whichever is earlier) if the child is employed in street trading;</p> <p>(b) earlier than 6 a.m. or later than 9 p.m. in any other case.</p>
			22	Rest Break

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				Children must be given a rest break of 30 mins every 3 hours  There must be a break of at least 12 hours between shifts for children.
			24	A Child may be employed in a family business
			25	In relation to Family businesses, there is no minimum age, maximum hours or required rest breaks.
			26	Children employed in family business must be supervised.
			27	A child may be employed in entertainment with prior written permission or parental consent.
			28	In relation to employment in entertainment, there is no minimum age, maximum hours or required rest breaks.
			29-34	Mandatory Code - Minister must make mandatory code of practice in relation to children in entertainment, Procedure of the Code, Penalties.
			35	Person must not cause child to engage in work excluded as employment under s 4 (religious, educational, sporting exclusions) unless it is light work.
			36	Children must only engage in not-for-profit outdoor collection work unsupervised during the hours of 6am - 6 pm (or Sunrise to Sunset).
			37-49	Provisions in respect of Child Employment Officers including

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				powers of investigation and entry re permits.
			49A	Prosecutions under the Act conducted by a member of the Department of Innovation, Industry and Regional Development
			50A	Offences by bodies Corporate - If a body corporate contravenes any provision of the Act, each person who is an officer of the body corporate is to be taken to have contravened the same provision if the person knew of, knowingly authorised or permitted the contravention.
			50B	Offence taken to have been committed by body corporate if action was in the scope of authority of the employee or officer who committed it.
			51	Offences by unincorporated associations may be brought against any or all of the members.

## 4. Queensland

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			7	<p>School-Age child mean child under 16 required to be enrolled at school</p>
			8	<p>Meaning of Work - includes voluntary work, does not include: domestic chores, collection work or work experience</p>
			8A	<p>Prohibition on children working in nude or wearing sexually provocative clothing - Exemptions for Entertainment industry where child under 12 months and parental consent and supervision is obtained.</p>
			8B	<p>Prohibition on work as a social escort</p>
			9	<p>Employers must not employ a child younger than minimum age as set by the regulations (See Below).</p> <p>Employers must not make a child work in a manner not authorised by the Regulations (See Below).</p> <p>Employer must not allow a child to work when a Regulation states the child may not work.</p> <p>However, it does not apply to work a school-aged or young child does—</p>

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the present article.				<p>(a) that is work in the entertainment industry; or</p> <p>(b) in a business, or for a corporation, that is totally owned by a close adult relative.</p> <p>Employer must not allow a child to work unless appropriately supervised by an adult.</p>
			10	<p>An employer must not require or permit a school-aged or young child to perform work unless the employer has:</p> <p>(a) a parent's consent form; or</p> <p>(b) if the child is a school-aged child and does not have a parent's consent form—a special circumstances certificate authorising the school-aged child to perform work when the school-aged child is not required to attend school.</p>
			11	<p>An employer must not require a school aged child to work during the school hours as specified by the parental consent or by special circumstances certificate.</p> <p>Should the child's school hours change, within 14 days the parent must complete updated parental consent form and provide to employer.</p> <p>Provision does not apply to children employed in business wholly owned by close relatives.</p>
			12	<p>Child or adult on child's behalf may apply to Chief Executive for a special circumstances certificate permission to be</p>

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				<p>exempt from the operation of the provisions of the Act.</p> <p>The Chief Executive must be satisfied that the exemption will not result in the child being employed in circumstances that will:</p> <p>(a) interfere with the child's schooling; and</p> <p>(b) be harmful to the child's health or safety or physical, mental, moral or social development.</p>
			13	<p>Chief executive may prohibit a child doing particular work or limit the work the child may do.</p> <p>May issue probation notice to ensure that circumstances of a child's employment will not:</p> <p>(a) interfere with the child's schooling; or</p> <p>(b) be harmful to the child's health or safety or physical, mental, moral or social development.</p> <p>Chief Executive may issue prohibition notice on own volition.</p> <p>Requirement to give Notice to employer and invite employer to provide submission</p>
			14	<p>Notification - If the chief executive decides to grant or refuse a special circumstances certificate or to issue a work limitation notice, the chief executive must give an affected person a copy of the special circumstances certificate or the</p>

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				work limitation notice
			15	Chief Executive to give Reasons for above decision if asked.
			16-24	Provisions relating to Inspectors - Description of functions, powers of Inspectors, provisions relating to seizure
			25	Proceedings under the Act - A prosecution for an offence against this Act must be by way of summary proceedings before an industrial magistrate.
			27	An affected person who is dissatisfied with a decision of the chief executive may appeal
			28-31	Procedure of Appeal
			33	Executive Officers must ensure Compliance with the Act. If a corporation commits an offence against a provision of this Act, each of the corporation's executive officers also commits an offence except where, being in a position to influence the conduct of the corporation in relation to the offence, the officer exercised reasonable diligence to ensure the corporation complied with the provision or the officer was not in a position to influence the conduct of the corporation.
			34	An act done or omitted to be done for a person by a representative of the person within the scope of the representative's actual or apparent authority is taken to have been done or omitted to be done also by the person, unless the person proves the person could not, by the exercise of reasonable diligence, have prevented the act or omission.



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			35	A person must not state anything to an official the person knows is false or misleading in a material particular.
			36	A person must not give to an official a document containing information the person knows is false or misleading in a material particular.
			Reg 4	<p>An Employer must not employ a child unless:</p> <ul style="list-style-type: none"> <li>(a) the work is delivery work and the child is at least 11 years; or</li> <li>(b) the work is voluntary work; or</li> <li>(c) the work is work in the entertainment industry; or</li> <li>(d) for any other work—the child is at least 13 years.</li> </ul>
			Reg 5	<p>A school aged child must not work where:</p> <ul style="list-style-type: none"> <li>(a) it is a school week and the child has already worked 12 hours during the week; or</li> <li>(b) it is a week that is not a school week and the child has already worked 38 hours during the week; or</li> <li>(c) it is a school day and the child has already worked 4 hours on the day; or</li> <li>(d) it is a day that is not a school day and the child has already worked 8 hours on the day; or</li> </ul>

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				<p>(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</p> <p>(f) the child has already worked for the same employer within the last 12 hours; or</p> <p>(g) the child has already done a shift on the day.</p> <p>A young child may not work if the child—</p> <p>(a) has already worked for 12 hours during the week; or</p> <p>(b) has already worked for 4 hours during the day; or</p> <p>(c) has already worked for the same employer within the last 12 hours; or</p> <p>(d) has already done a shift on the day.</p> <p>A school-aged or young child may not work between 10p.m. and 6a.m.</p> <p>A school-aged child who is at least 11 years but under 13 years may not perform delivery work between 6p.m. and 6a.m.</p> <p>An exemption applies if the employer is a close relative of the school-aged or young child or if a relevant industrial instrument provides to the contrary.</p>
			Reg 7	An employer must take reasonable steps to ensure that a child is able to contact his/her parent and must contact the child's

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				parent or nominated person if the child falls ill.
			Reg 8	<p>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.</p> <p>Employer must provide induction training.</p> <p>Employer must display Child Employment Guide.</p>
			Reg 9	Employer must keep record of employment of children
			Reg 12	<p>Employers must ensure that children in the entertainment industry are not exposed to inappropriate roles or situation including those involving nudity or scenes or situations that are likely to distress or embarrass the child;</p> <p>Does not apply if the child is under 12 months; and</p> <p>a parent of the child, who is not the employer of the child, has given the employer written consent</p>
			Reg 13	<p>For Children under 12 weeks of age in the entertainment industry:</p> <p>A baby may not work for 1 hour or less on a single day unless:</p> <p>(a) a parent of the baby is present while the baby is at work;</p>

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				<p>and</p> <ul style="list-style-type: none"> <li>(b) the employer is satisfied on advice from a parent that—</li> <li>(c) the baby was delivered full term and in good health; and</li> <li>(d) the baby’s birth weight was at least 3 kilograms; and</li> <li>(e) the baby has not had a post-natal problem; and</li> <li>(f) the baby is feeding successfully; and</li> <li>(g) the baby’s weight gain from birth has been satisfactory.</li> </ul> <p>A baby may not work for more than 1 hour on a single day unless</p> <ul style="list-style-type: none"> <li>(a) a parent of the baby is present while the baby is at work; and</li> <li>(b) a midwife or registered nurse is present while the baby is at work; and</li> <li>(c) the midwife or registered nurse advises the employer that the baby is suitable for employment; and</li> <li>(d) the midwife or registered nurse advises the employer that the work environment is unlikely to distress the baby; and</li> <li>(e) the employer follows the advice of the midwife or registered nurse about the welfare of the baby.</li> </ul>

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				<p>A baby may not—</p> <p>(a) be exposed to harmful lighting; or</p> <p>(b) have cosmetics applied to him or her unless the cosmetics are non-irritating and uncontaminated; or</p> <p>(c) be touched by a person or be so close to a person whom the employer knows, or reasonably ought to know, has a contagious medical condition that the condition.</p>
			Reg 14	<p>Time limits for children employed in entertainment</p> <p><b><u>Permitted working hours for school-aged or young children working in recorded entertainment</u></b></p> <p><b>Under 3 Years</b></p> <p>Hours which School-aged or young child may work - 6am - 6pm</p> <p>Maximum Hours per day - 4</p> <p>Maximum number of days of work in the previous 7 days- 3</p> <p><b>Between 3 years and 8 years</b></p> <p>Hours which School-aged or young child may work - 6am to 11pm</p> <p>Maximum Hours per day- 6</p>

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				<p>Maximum number of days of work in the previous 7 days - 4</p> <p><b>Between 8 years and 16 years</b></p> <p>Hours which School-aged or young child may work - 6am to 11pm</p> <p>Maximum Hours per day - 8</p> <p>Maximum number of days of work in the previous 7 days - 5</p> <p><b><u>Permitted working hours for school-aged or young children working in live entertainment</u></b></p> <p>1. <b>Under 2 Years</b></p> <p>Hours which School-aged or young child may work - 6am - 6pm</p> <p>Maximum Hours per day - 4</p> <p>Maximum number of days of work in the previous 7 days- 1</p> <p><b>Between 2 years and 6 years</b></p> <p>Hours which School-aged or young child may work - 9am to 6pm</p> <p>Maximum Hours per day- 4</p> <p>Maximum number of days of work in the previous 7 days - 3</p>

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				<p><b>Between 6 years and 10 years</b></p> <p>Hours which School-aged or young child may work - 9am to 10pm</p> <p>Maximum Hours per day - 4</p> <p>Maximum number of days of work in the previous 7 days - 4</p> <p><b>Between 10 years and 12 years</b></p> <p>Hours which School-aged or young child may work - 9am to 11pm</p> <p>Maximum Hours per day - 6</p> <p>Maximum number of days of work in the previous 7 days - 4</p> <p><b>Between 12 years and 16 years</b></p> <p>Hours which School-aged or young child may work - 9am to 11pm</p> <p>Maximum Hours per day - 8</p> <p>Maximum number of days of work in the previous 7 days - 4</p>
			Reg 20	Employer must provide child with nutritious food and drink.
			Reg 21	Employer must ensure that child is suitably clothed and protected from climatic conditions.

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			Reg 22	Employer must provide dressing room facilities.
			Reg 23	Employer must provide adequate rest facilities and recreational facilities.
			Reg 24	Employer must not allow child to work if unfit or ill.
			Reg 25	Employer must allow parent of prescribed child access to the premises.
			Reg 26	For prescribed children, Employer must engage teacher



## 5. South Australia

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<p><b>ARTICLE 32:</b> 1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.</p> <p>2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:</p> <p>(a) Provide for a minimum age or minimum ages for admission to employment;</p> <p>(b) Provide for appropriate regulation of the hours and conditions of employment;</p> <p>(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.</p>	<p><b>Criminal Law Consolidation Act 1935</b></p>	<p>SA</p>	<p>68</p>	<p>A person must not employ, engage, cause or permit a child to provide, or to continue to provide, or ask a child to provide commercial sexual services.</p> <p>A person must not have an arrangement with a child who provides commercial sexual services under which the person receives, on a regular or systematic basis, the proceeds, or a share in the proceeds, of commercial sexual services provided by the child or exploit a child by obtaining money knowing it to be the proceeds of commercial sexual services provided by the child.</p>
	<p><b>Education Act 1972</b></p>	<p>SA</p>	<p>75</p>	<p>A child of compulsory school age must be enrolled at a primary school or secondary school.</p>
	<p>76</p>	<p>A child of compulsory school age is required to attend at the school at which he or she is enrolled on every day, and for such parts of every day, that instruction is provided for the child at the school.</p>		
	<p>78</p>	<p>A person must not employ a child of compulsory school age or compulsory education age—</p> <p>(a) during the hours at which the child is required to attend school or to participate in an approved learning program (as the case requires); or</p> <p>(b) in any labour or occupation that renders, or is likely to render, the child unfit to attend school or participate in an</p>		

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				approved learning program or to obtain the proper benefit from such attendance or participation.
	<b>Intervention Orders (Prevention of Abuse) Act 2009</b>	SA	10	<p>In determining whether it is appropriate to issue an intervention order there are several factors to be considered, including:</p> <p>(a) it is of primary importance to prevent abuse and to prevent children from being exposed to the effects of abuse</p> <p>(b) intervention should be designed to if the defendant is a child to ensure the child has appropriate accommodation, care and supervision and to ensure the child has access to appropriate educational and health services and to allow the education, training and employment of the child to continue without interruption.</p>

## 6. Western Australia

### CONVENTION ON THE RIGHTS OF THE CHILD (CRC): TABLE OF RELEVANT AUSTRALIAN LEGISLATION

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<p><b>ARTICLE 32:</b> 1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.</p> <p>2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:</p> <p>(a) Provide for a minimum age or minimum ages for admission to employment;</p> <p>(b) Provide for appropriate regulation of the hours and conditions of employment;</p> <p>(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.</p>	<p><b>Children and Community Services Act 2004</b></p>	<p>WA</p>	<p>6</p>	<p>An object of the Act is to protect children from exploitation in employment.</p>
			<p>190</p>	<p>A person must not employ a child under 15 years of age in a business, trade or occupation carried on for profit.</p> <p>A parent of a child under 15 years of age must not permit the child to be employed in a business, trade or occupation carried on for profit.</p>
			<p>191</p>	<p>Exceptions to s. 190</p> <p>Section 190 does not apply if the child is employed in a family business, in a dramatic or musical performance or other form of entertainment or in the making of an advertisement.</p> <p>Section 190 does not apply in relation to a child who has reached 10 years of age but is under 13 years of age if —</p> <p>(a) the child is employed to carry out delivery work between 6 a.m. and 7 p.m.; and</p> <p>(b) while carrying out the delivery work, the child is accompanied by —</p> <p>(i) a parent of the child; or</p>

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				<p>(ii) an adult authorised in writing by a parent of the child to accompany the child.</p> <p>Section 190 does not apply in relation to a child who has reached 13 years of age if the child is employed to carry out</p> <p>(a) delivery work; or</p> <p>(b) work in a shop, other retail outlet or restaurant; or</p> <p>(c) any other work of a kind prescribed for the purposes of this subsection,</p> <p>between 6 a.m. and 10 p.m. with the written permission of a parent of the child.</p> <p>Further exemptions apply in relation to the <i>School Education Act 1999</i>.</p>
			192	<p>A person who employs a child to perform in an indecent, obscene or pornographic manner in the course of participating in an entertainment or exhibition or in the making of an advertisement is guilty of a crime, and is liable to imprisonment for 10 years.</p> <p>A parent of a child who permits the child to be employed to perform in an indecent, obscene or pornographic manner in the course of participating in an entertainment or exhibition or in the making of an advertisement is guilty of a crime, and is liable to imprisonment for 10 years.</p>

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			193	<p>If the CEO of the Department of Public Service is of the opinion that the wellbeing of a particular child is likely to be jeopardised by the fact that the child is employed, or the nature or extent of the work that the child is employed to carry out, the CEO may, by written notice given to a parent of the child —</p> <p>(a) prohibit the employment of the child; or</p> <p>(b) impose limitations on the employment of the child.</p>
			194A	<p>If the CEO —</p> <p>(a) believes on reasonable grounds that one or more children are, or may in the future be, employed in a particular business or place; and</p> <p>(b) is of the opinion that the wellbeing of those children is likely to be jeopardised because of the nature of the business or place or the nature of the work carried out in the business or place, the CEO may, by written notice given to the employer or prospective employer, as the case requires —</p> <p>(c) prohibit the employment of children; or</p> <p>(d) impose limitations on the employment of children, in the business or place.</p>
			195	This section gives authorised officers certain powers of

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				<p>investigation to monitor compliance, including:</p> <p>(a) enter a place in which a child is employed, or in which the authorised officer believes on reasonable grounds a child is, or may in the future be, employed, for the purpose of inspecting the place and making such inquiries in relation to the employment or prospective employment of a child in the place as the authorised officer considers appropriate.</p> <p>(3) An authorised officer may require any person to answer a question put to the person by the authorised officer in relation to the employment or prospective employment of a child.</p>
	<p><b>School Education Act 1999</b></p>	<p>WA</p>	<p>11B</p>	<p>In year 11 and year 12 a child may be employed under a contract of employment, but subject to approval being in force under section 11G.</p>
			<p>11G</p>	<p>(1) A child is not to be employed as mentioned in section 11B, whether or not the employment is in combination with any other option, unless the approval of the Minister has been obtained under this section and remains in force.</p> <p>(2) On application made by a parent of a child in a form approved by the Minister, the Minister may, by notice in writing to the applicant, give approval to the child being employed by a specified employer.</p> <p>(3) If application is made for the approval of part-time employment, the Minister is to give approval only if the Minister is satisfied that the employment and participation in</p>

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				<p>another option or other options chosen will meet the requirements of section 11C and regulations made for the purposes of that section.</p> <p>(4) In making a decision under subsection (3) the Minister is to also take into account any enrolment of the child for part-time studies at a school.</p> <p>(5) The Minister may —</p> <p>(a) make an approval subject to any condition; and</p> <p>(b) at any time by notice to a parent of the child concerned impose any further condition or vary or revoke a condition.</p>
			29	A person must not employ or permit to be employed a child of compulsory school age during the hours when the child is required to attend school or otherwise participate in an educational programme of a school.

## 7. Northern Territory

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<p><b>ARTICLE 32:</b> 1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.</p> <p>2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:</p> <p>(a) Provide for a minimum age or minimum ages for admission to employment;</p> <p>(b) Provide for appropriate regulation of the hours and conditions of employment;</p> <p>(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.</p>	<p><b>Care and Protection of Children Act</b></p>	<p>NT</p>	<p>4</p>	<p>An object of the Act is to promote the wellbeing of children including to protect children from harm and exploitation.</p>
			<p>10</p>	<p>When a decision involving a child is made, the best interests of the child are the paramount concern. Consideration should be given to the following matters in determining the best interests of a child including the need to protect the child from harm and exploitation.</p>
			<p>26</p>	<p>A person is guilty of an offence if the person believes, on reasonable grounds, a child has suffered or is likely to suffer harm or exploitation and does not to the CEO of the Department of Families and Children or a police officer.</p>
			<p>Part 3.3 and section 198</p>	<p>This part of the Act deals with the prevention of the exploitation of children I their employment and to ensure the wellbeing of children who are in employment.</p>
			<p>201</p>	<p>If a child is employed and the CEO of the Department of Families and Children is of the opinion that:</p> <p>(i) the child suffers, or is likely to suffer, exploitation because of the employment; or</p> <p>(ii) the wellbeing of the child is, or is likely to be, jeopardised because of the employment,</p> <p>Then the CEO may, by written notice given to a parent of the</p>



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				<p>child:</p> <p>(a) prohibit the child from being so employed; or</p> <p>(b) prohibit the child from employment generally; or</p> <p>(c) prohibit the child from specified types of employment; or</p> <p>(d) impose specified conditions on the employment of the child (whether generally or in relation to specified types of employment).</p> <p>The parent and employer of the child must comply with the notice or otherwise penalty provisions apply.</p>
			203	<p>An employer or parent of a child is guilty of an offence if the employer requires the child to perform any work at any time after 10 pm at night and before 6 am in the morning and the child is less than 15 years of age.</p> <p>An employer or parent of a child must not require the child to perform any work that is harmful, or likely to be harmful, to the child's physical, mental or emotional wellbeing.</p> <p>An employer or parent a child must not require the child to perform any work that involves the exploitation of the child.</p>
			204	<p>This section gives authorised officers certain powers of investigation to monitor compliance, including:</p> <p>(a) enter a place where the officer reasonably believes a child</p>

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				<p>is employed; and</p> <p>(b) inspect the place and any facilities at the place; and</p> <p>(c) require any person at the place to give the officer specified information or produce to the officer specified records; and</p> <p>(d) operate any electronic equipment at the place to retrieve the records; and</p> <p>(e) make extracts or copies of the records.</p>
			205	An authorised officer may, by written notice, require a person who employs a child to give the officer specified information about the employment.
			202C	<p>A person who conducts a business that involves the sexual servitude of a child of or over the age of 12 years is guilty of a crime and is liable to imprisonment for 20 years.</p> <p>A person who conducts a business that involves the sexual servitude of a child under the age of 12 years is guilty of a crime and is liable to imprisonment for life.</p>
	<b>Criminal Code Act</b>	NT	202D	A person who, with the intention of inducing another person to enter into an engagement to provide sexual services, deceives that person about the fact that the engagement will involve the provision of sexual services is guilty of a crime and is liable to imprisonment for 10 years. If the person deceived by the offender is a child, the offender is liable to

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				imprisonment for 15 years.
	<b>Education Act</b>	NT	24	<p>A person must not employ, or permit to be employed, the child during a time of a school day when the child is required to attend school.</p> <p>Also, a person must not employ, or permit to be employed, the child at any time in employment likely to cause the child to be:</p> <p>(a) unfit or unable to attend school at the times the child is required to attend school; or</p> <p>(b) unfit or unable to understand instruction provided for the child when attending the school.</p>

## 8. Tasmania

### CONVENTION ON THE RIGHTS OF THE CHILD (CRC): TABLE OF RELEVANT AUSTRALIAN LEGISLATION

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<p><b>ARTICLE 32:</b></p> <p>1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.</p> <p>2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:</p> <p>(a) Provide for a minimum age or minimum ages for admission to employment;</p> <p>(b) Provide for appropriate regulation of the</p>	<p><b>Children, Young Persons and their Families Act 1997</b></p>	<p>TAS<sup>1</sup></p>	Section 3	Abuse or neglect means sexual abuse or physical or emotional injury or other abuse or neglect to the extent the injured, abused or neglected person has suffered, or is likely to suffer, physical or psychological harm detrimental to the person's wellbeing; or the injured, abused or neglected person's physical or psychological development is in jeopardy.
			Section 13	An adult who knows, or believes or suspects on reasonable grounds, that a child is suffering, has suffered or is likely to suffer abuse or neglect has a responsibility to take steps to prevent the occurrence or further occurrence of the abuse or neglect.
			Section 91	It is an offence to fail to protect a child from harm.  The section provides that a person who has a duty of care in respect of a child must not intentionally take, or fail to take, action that could reasonably be expected to result in (a) the child suffering significant harm as a result of physical injury or sexual abuse; or (b) the child suffering emotional or

<sup>1</sup> As at 21 September 2012, Tasmania does not have legislation specifically focused on the employment of children. The Tasmanian Government is currently conducting a review of Tasmania Child Labour Laws with a focus on assessing whether the current laws are sufficient and appropriate to legally protect children employed in Tasmania; whether any laws should be changed, strengthened or simplified to better protect children; and whether there should be increased education and compliance assessments to ensure the current laws are well understood and complied with (see report entitled 'Review of Tasmania Child Labour Laws' dated July 2012 released by Workplace Standards Tasmania). As at 21 September 2012, the status of the review was that submissions had been received and were currently under review.

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<p>hours and conditions of employment;</p> <p>(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.</p>				<p>psychological harm of such a kind that the child's emotional or intellectual development is, or is likely to be, significantly damaged; or (c) the child's physical development or health being significantly harmed.</p> <p>The penalties for a breach of this section are a fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.</p>
			Section 93	<p>A person must not procure, induce, permit, counsel or assist a child to take part in a public entertainment which, in relation to that child, is a restricted public entertainment, except where the Secretary has given written permission for the child to take part in the public entertainment.</p> <p>For the purposes of this section public entertainment means any entertainment where payment is required for admission; which is open to the public (whether or not payment is required on admission); which is intended to be, seen or heard by the general public on broadcast receivers or television receivers or by the projection of a film or video.</p> <p>For the purposes of this section restricted public entertainment, in relation to a child, means a public entertainment which, or which is of a class which, the Minister has declared to be restricted public entertainment in respect of children the same age as the child.</p> <p>The prohibition is not applicable where the net proceeds of the entertainment are for the benefit of a school or charitable purpose, or where it takes place on premises used for conducting religious services. Minister may declare any</p>

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				<p>public entertainment or class of entertainment to be restricted public entertainment in respect of children under 14 years of age.</p> <p>The penalties for a breach of this provision is a fine not exceeding 15 penalty units or imprisonment for a term not exceeding 3 months.</p>
			Section 94	<p>A child aged under 11 years may not perform work where it involves offering anything for sale in a public place.</p> <p>It is prohibited for a person to procure or induce a child who has not attained the age of 11 years to offer any thing for sale in a public place; or to be in a public place with any thing for the purpose of offering that thing for sale, either in a public place or elsewhere.</p> <p>It is also prohibited for a person to procure or induce a child between the ages of 11 and 14 years to be in a public place between the hours of 9 p.m. of any day and 5 a.m. of the following day for the purpose of offering any thing for sale (either in that place or elsewhere).</p> <p>The penalty for a breach of the above prohibitions is a fine not exceeding 15 penalty units or imprisonment for a term not exceeding 3 months.</p> <p>These restrictions do not apply where the net proceeds are devoted to the benefit of a school or charitable purpose.</p>
	<b>Classification (Publications, Films)</b>	TAS	Section 16	A person must not allow a minor (under 18) employed by them to have access to restricted publications or to sell a

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	<b>and Computer Games) Enforcement Act 1995</b>			restricted publication.  The penalty for a breach of this prohibition is a fine not exceeding 50 penalty units or imprisonment for a term not exceeding 12 months, or both.
	<b>Collections for Charities Act 2001</b>	TAS	Section 8	An organisation may permit a person under the age of 16 years to solicit for a charitable purpose where the person is under the supervision of an adult and, where the person is under 12 years of age, is under the immediate control of an adult.
	<b>Education Act 1994</b>	TAS	Section 4	A parent of a child must ensure their child (at least 5 years of age as at 1 January in any year) is enrolled at a school or is provided with home education until the child completes the school year during which he or she attains the age of 16 years.  Penalty for breach of this section is a fine not exceeding 10 penalty units.
			Section 5	The Secretary of the Education Department may, upon application by the parent, grant an exception from the requirements to be enrolled at a school if satisfied that it is in the best interests of the child's or children's education.
			Section 6	Parent of a child must ensure that the child attends school or receives home education. The penalty for breach of this provision is a fine not exceeding 10 penalty units and a daily fine not exceeding 2 penalty units.

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			Section 14	Social Workers (authorised persons) may investigate a child's absence from school.
			Section 82	<p>A person must not employ or permit to be employed a school-aged child during the hours when the child is required to attend school or undertake home education, except as authorised by the Secretary of the relevant government department.</p> <p>The penalty for breach of this prohibition is a fine not exceeding 100 penalty units.</p>
	<b>Public Health Act 1997</b>	TAS	Sections 74A to 74L	A person must be 18 years or over to apply for a Tobacco Sellers licence, which is required to be able to sell tobacco or tobacco products. However, there is no minimum age for people who can sell tobacco products in Tasmania in a business which holds a Tobacco Sellers licence.
	<b>Security and Investigations Agents Act 2001</b>	TAS	Section 5	A person must be 18 years of age or over to hold a security agents licence.
	<b>Sex Industry Offences Act 2005</b>	TAS	Section 8	<p>It is an offence for a person, for the purpose of offering or procuring sexual services in a sexual services business, to accost a child.</p> <p>The penalty for engaging in this conduct is a fine not exceeding 300 penalty units or imprisonment for a term not exceeding 3 years, or both.</p>
Section 9			It is an offence for a person to procure, or otherwise cause or permit, a child to provide sexual services in a sexual services	



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				<p>business or to receive a fee or reward that he or she knows, or must reasonably be expected to know, is derived, directly or indirectly, from sexual services provided by a child in a sexual services business.</p> <p>The penalty for engaging in this conduct is imprisonment for a term not exceeding 15 years.</p>
	<p><b>Workplace Health and Safety Regulations 1998</b></p>	<p>TAS</p>	<p>Regulation 44B</p>	<p>Requires a person to hold a high risk work licence (or equivalent licence or certificate of competency) in order to perform high risk work (such as engaging in scaffolding, rigging or dogging work, and anyone operating certain classes of cranes and hoists, forklift trucks etc). In order to obtain a licence, person needs to be at least 18 years of age.</p>

## 9. Australian Capital Territory

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			Section 8	In making a decision for a child or young person, the decision-maker must regard the best interests of the child or young person as the paramount consideration. In making a decision otherwise than for a particular child or young person, the decision-maker must consider the best interests of children and young people.
			Section 11	Child is defined as a person who is under 12 years old.
			Section 12	A Young Person is defined as a person who is 12 years old or older, but not yet an adult.
			Section 781	<p><b>When does someone employ a child or young person?</b></p> <p>For the purposes of determining when someone employs a young person, employment means:</p> <p>(a) performance of work under a contract of service or a contract for services (whether written or unwritten); or</p> <p>(b) an apprenticeship, traineeship or other work-related training for a trade or occupation; or</p> <p>(c) work experience, other than work experience as part of a</p>

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the present article.				<p>work experience program exempted under section 784 .</p> <p>In determining whether something is employment of a child or young person, it doesn't matter whether the child or young person receives payment (however described). However, taking part in an approved program of compliance testing under the <i>Tobacco Act</i> is not considered employment under the Act.</p>
			Section 782	<p><b>When is employment contrary to the best interests of a child or young person?</b></p> <p>Employment is considered contrary to the best interests of a child or young person if:</p> <p>(a) for a child or young person under 15 years old who is required to attend school—it is likely to prejudice the ability of the child or young person to benefit from the education; or</p> <p>(b) for a child or young person engaged in education or training—it is likely to prejudice the ability of the child or young person to benefit from the education or training; or</p> <p>(c) it is otherwise likely to harm the child's or young person's health, safety, personal or social development (including by sexual or financial exploitation).</p>
			Section 783	<p><b>Work experience exemption</b></p> <p>An educational institution may apply for an exemption from the operation of employment provisions for a work</p>

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				<p>experience program conducted by the educational institution.</p> <p>The application must be in writing to the director-general and include details of how the work experience program complies with the work experience standards.</p>
			Section 784	<p><b>Work experience program—decision on application</b></p> <p>If the director-general receives an application for an exemption under section 783, the director-general may exempt the educational institution only if the director-general believes on reasonable grounds that the work experience program complies with, and will continue to comply with, the work experience standards.</p>
			Section 785	<p><b>Work experience program exemption—further information</b></p> <p>If the director-general may, at any time, ask the educational institution to give the further information about an application for exemption or the work experience program and the educational institution must comply with a request as soon as practicable.</p>
			Section 786	<p><b>Suspension of work experience program exemption</b></p> <p>The director-general may suspend an educational institution's exemption if the director-general suspects on reasonable grounds that the educational institution has not complied with, or continued to comply with, the work experience standards.</p>

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			Section 787	<p><b>Revocation of educational institution's exemption</b></p> <p>The director-general may revoke an educational institution's exemption if satisfied that the educational institution has not complied with, or continued to comply with, the work experience standards, but prior to revoking an exemption must give the education institution notice and an opportunity to make a submission in writing.</p>
			Section 788	<p><b>Director-general may prohibit employment</b></p> <p>The director-general may, by written notice (employment prohibition notice) prohibit an employer from employing, or continuing to employ, a child or young person if the director-general believes on reasonable grounds that the employment is, or is likely to be, contrary to the best interests of the child or young person.</p>
			Section 789	<p><b>Offence—contravene employment prohibition notice</b></p> <p>An employer commits an offence the employer engages in conduct that contravenes the employment prohibition notice.</p> <p>The maximum penalty is 50 penalty units, imprisonment for 6 months or both.</p>
			Section 790	<p><b>Director-general may state conditions of employment</b></p> <p>The director-general may issue a written notice to an employer stating the conditions in relation to the employment of a child or young person named in the notice, that must be complied with to ensure the employment is not contrary to</p>

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				<p>the best interests of the child or young person.</p> <p>The Act lists a number of examples of conditions which include conditions about:</p> <ul style="list-style-type: none"> <li>• adequate direct supervision;</li> <li>• appropriate induction and training;</li> <li>• supply and use of suitable protective clothing;</li> <li>• workplace premises including compliance with any registration or licensing requirement;</li> <li>• availability of grief or trauma counselling at the workplace.</li> </ul>
			Section 791	<p><b>Offence—contravene employment conditions notice</b></p> <p>An employer commits an offence if the employer engages in conduct that contravenes the employment conditions notice.</p> <p>The maximum penalty is 50 penalty units.</p>
			Section 792	<p><b>Children and young people employment standards</b></p> <p>An employer of a child or young person must comply with the children and young people employment standards (made by the Minister under s 887) in relation to the employment.</p>
			Section 793	<p><b>What is light work?</b></p>

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				Light work means work that is not contrary to the best interests of a child or young person and is declared by regulation to be light work.
			Section 794	<p><b>What is high risk employment?</b></p> <p>High risk employment means employment declared to be high risk employment under section 798 (1).</p>
			Section 795	<p><b>Offence—employment of children and young people under 15 years old</b></p> <p>It is an offence to employ a child or young person under 15 years old unless exceptions apply.</p> <p>The maximum penalty is 50 penalty units, imprisonment for 6 months or both.</p>
			Section 796	<p><b>Exception to s 795—employment in light work</b></p> <p>Prohibition on employing a child or young person under 15 years does not apply to the employment of a child or young person if the employment is in light work and the child or young person is employed for 10 hours per week or less. If the employment is in light work but for more than 10 hours per week, the prohibition also does not apply if the proposed employer has, at least 7 days before the day the employment starts, told the director-general in writing about the employment.</p>
			Section 797	<p><b>Exception to s 795—employment in family business</b></p>

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				Prohibition on employing a child or young person under 15 years does not apply to the employment of a child or young person if the employer is a parent, a company of which a parent is a director or a partnership of which a parent is a partner and the employment is light work.
			Section 798	<p><b>Declaration of high risk employment</b></p> <p>The Minister may declare employment in an industry, occupation or activity to be high risk employment if satisfied that it is likely to harm a child's or young person's health, safety, personal or social development (including by sexual or financial exploitation).</p>
			Section 799	<p><b>High risk employment—employer may apply for permit</b></p> <p>An employer may apply to the director-general for a permit to employ a child or young person who is under 15 years old in high risk employment (a high risk employment permit). The application must be in writing and must include details of the activities the child or young person will be expected to perform, the period of employment, and how the employer proposes to protect the young person's health, safety, personal or social development during the employment. Application must also be accompanied by the written consent of a person with daily care responsibility for the young person.</p>
			Section 800	<p><b>High risk employment permit—decision on application</b></p> <p>If the director-general has received an application for a high risk employment permit the director-general may issue the permit only if the director-general believes on reasonable</p>



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				<p>grounds that the proposed employment is not likely to harm the child's or young person's health, safety, personal or social development (including by sexual or financial exploitation). The permit may be subject to conditions, examples of which include conditions about:</p> <ul style="list-style-type: none"> <li>• adequate direct supervision of the young person;</li> <li>• appropriate induction and training;</li> <li>• supply and use of suitable protective clothing;</li> <li>• workplace premises including compliance with any registration or licensing requirement;</li> <li>• availability of grief or trauma counselling at the workplace.</li> </ul>
			Section 801	<p><b>High risk employment permit—further information</b></p> <p>If the director-general has received an application from an employer for a high risk employment permit or has issued a high risk employment permit to an employer the director-general may, at any time, ask the employer to give the director-general further information about the application or the employment of the child or young person. The employer must comply with a request as soon as practicable.</p>
			Section 802	<p><b>High risk employment permit—content</b></p> <p>A high risk employment permit must state details such as the name of the employer who is to employ the child or young</p>

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				person, the name of the child or young person who is to be employed, the location of the premises where the employment is to be undertaken, the length of the permit and any conditions to which the permit is subject.
			Section 803	<p><b>Offence—employment of child or young person under 15 years old in high risk employment</b></p> <p>It is an offence to employ a child or young person under 15 years if the employment is in high risk employment.</p> <p>The maximum penalty is 200 penalty units, imprisonment for 2 years or both.</p> <p>It is not an offence if the director-general has issued a high risk employment permit in relation to the employment of the child or young person.</p>
			Section 804	<p><b>Offence—contravene condition of permit</b></p> <p>It is an offence if the person who employs a child or young person contravenes a condition of a high risk employment permit.</p> <p>The maximum penalty is 100 penalty units, imprisonment for 1 year or both.</p>
	<b>Children and Young People Regulation 2009</b>	ACT	Reg 4	<p><b>Meaning of Light Work</b></p> <p>Work is light work if it is:</p>

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				<p>(a) suitable for the physical, emotional and developmental capacity of the child or young person; and</p> <p>(b) adequately supervised; and</p> <p>(c) done under conditions where appropriate work safety standards to protect the child or young person from exposure to hazards or potential hazards are in place.</p> <p><b>'Adequately supervised'</b> means:</p> <p>(a) for a child 3 years of age or younger - supervision by a parent or guardian at all times; and</p> <p>(b) for a child more than 3 years of age but under 12 years of age - supervision by a parent or guardian or supervision by a responsible adult approved by a parent or guardian; and</p> <p>(c) for a young person - supervision by a responsible adult.</p> <p>The Regulations provide the following examples of light work:</p> <ul style="list-style-type: none"> <li>• going on errands;</li> <li>• casual work in or around a private home;</li> <li>• work related to sporting activities such as being an umpire, referee, golf-caddy or court attendant;</li> </ul>

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				<ul style="list-style-type: none"> <li>• clerical work;</li> <li>• work as a cashier;</li> <li>• gardening;</li> <li>• taking care of children in or around a private home;</li> <li>• providing entertainment at a place used for providing entertainment or amusement or at sporting activities;</li> <li>• singing, dancing or playing a musical instrument;</li> <li>• performing in a radio, television or film program or production;</li> <li>• modelling;</li> <li>• a photographic subject, whether still or moving.</li> </ul>
	<b>Children and Young People (Employment) Standards 2011 (No 1)</b>	ACT	Standard 1  (Applicable to people under the age of 18)	<p><b>Best interests of the child or young person</b></p> <p>Any employment of a child or young person under 18 years of age must not be contrary to the best interests of the child or young person.</p> <p>Employment of a child or young person must not adversely affect the child or young person's ability to benefit from their education or training.</p> <p>An employer must not employ a child or young person of compulsory education age (under 17) during school hours, if</p>

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				<p>the child or young person is required by the ACT Department of Education and Training to attend school.</p> <p>Employment must not harm a child or young person's health, safety, personal or social development (including sexual or financial exploitation).</p>
			<p>Standard 2  (Applicable to people under the age of 18)</p>	<p><b>Other Commonwealth and Territory Laws</b></p> <p>Employers must operate in accordance with all other Australian Capital Territory and Commonwealth laws and regulations. This includes, but is not limited to, fair work, human rights, privacy and workplace safety legislation and relevant industrial instruments.</p>
			<p>Standard 3  (Applicable to children and young people under 15 years)</p>	<p><b>Developmental Competency</b></p> <p>Consideration must be given to:</p> <ul style="list-style-type: none"> <li>• the child or young person's physical ability (e.g. size, strength, dexterity, hand-eye coordination) to undertake the requirements of the position. Particular consideration must be given to tasks such as lifting heavy objects and handling hot substances.</li> <li>• the impact of the work on the emotional development of the child or young person. The duties of the employment must be appropriate for the child or young person's age and not adversely influence their emotional maturity.</li> <li>• the impact of the work on the child or young person's physical and social development and societal</li> </ul>

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				<p>expectations of age appropriateness.</p> <p>The level of responsibility of the role must be consistent with the child or young person's capacity to perform the duties, regardless of age.</p>
			<p>Standard 4  (Applicable to children and young people under 15 years)</p>	<p><b>Consent</b></p> <p>The child or young person must provide consent to undertake the specified employment. For children and young people who cannot verbally express their views, regard should be given by the proposed employer to other means of obtaining their consent.</p> <p>A child or young person's consent to the employment may be revoked by the child or young person at any time. All current Australian Capital Territory and Commonwealth laws and regulations on the rights and obligations of employers and employees post resignation apply.</p> <p>Parent / guardians must give informed written consent prior to their child or young person under 15 years of age beginning the employment. In making this decision, consideration should be given to the child or young person's capacity to provide their own consent.</p> <p>Employers must seek consent from the child or young person and their parent / guardian prior to employing the child or young person.</p> <p>Employers shall provide the child or young person's parent / guardian with adequate information to provide informed</p>

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				consent. The safety and privacy of the employer and other employees should not be compromised when providing information to parent / guardians.
			Standard 5  (Applicable to children and young people under 15 years)	<p><b>Duty of Care</b></p> <p><i>Supervision</i></p> <p>Employers must ensure each child and young person under 15 years of age is provided with adequate and reasonable supervision by a responsible adult, having regard to the age, sex and capacity of the child or young person.</p> <p>Children aged 3 years and younger must be directly supervised by a parent / guardian at all times, or a suitably qualified child development expert.</p> <p>Children under 12 years of age must be directly supervised by a parent / guardian or by a responsible adult approved by a parent / guardian.</p> <p>Consideration should be given to the suitability of the adult supervising the child or young person, if the supervisor is not the child or young person's parent / guardian.</p> <p>Children and young people under 15 years of age may engage in door to door sales only if accompanied by a parent / guardian or a responsible adult approved by a parent / guardian.</p> <p>A child or young person under 15 years of age cannot be employed in outdoor work outside of daylight hours (e.g.</p>

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				<p>pamphlet delivery, sports refereeing) unless directly supervised by a parent / guardian or directly supervised by a responsible adult approved by a parent / guardian.</p> <p><i>Environment</i></p> <p>Employers must provide and maintain a safe and healthy work environment. Particular consideration must be given to health and safety risks as they pertain to children and young people.</p> <p>Employers must provide appropriate work safety standards to ensure a child or young person in a workplace is not exposed to potential hazards. This may vary from using sun screen and wearing sun smart clothing to not allowing a child or young person under 15 years of age access to large mechanical equipment.</p> <p>Employers must ensure appropriate information, training and supervision is provided to children and young people regarding workplace health and safety including the use of required protective equipment.</p> <p>Employers must ensure children and young people have reasonable access to appropriate toileting facilities, including facilities to wash hands with soap and water.</p> <p>Where children and young people may need to change clothes, appropriate facilities must be available to dress and undress in private. For example, a lockable cubicle could be provided.</p>



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				<p>Employers must ensure children and young people have reasonable access to appropriate facilities for rest breaks.</p> <p>Employers must ensure children and young people have reasonable access to water or other appropriate drinks.</p> <p>Employers must ensure children and young people have reasonable access, whether provided by the employer or not, to food including appropriate storage for their food. Expectations about the provision of food should be discussed prior to commencing the employment.</p> <p><i>Access to Parent or Guardian</i></p> <p>Employers must ensure a child or young person has reasonable access to facilities to contact his or her parent / guardian.</p> <p>In the event of a child or young person becoming ill or being injured, employers must take reasonable steps to ensure a parent / guardian or emergency contact for the child or young person is notified as soon as possible.</p> <p><i>Performance Management</i></p> <p>Employers must provide an appropriate induction to children and young people, including adequate instruction to undertake required duties.</p> <p>Employers must take reasonable steps to ensure that while at work, a child or young person is not subjected to bullying, corporal punishment, deliberate social isolation,</p>

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				<p>immobilisation or any other behaviour likely to intimidate, threaten, frighten or humiliate the child or young person.</p> <p>Employers must ensure performance management techniques do not include corporal punishment, social isolation, immobilisation or any behaviour likely to intimidate, threaten, frighten or humiliate the child or young person. This includes behaviour likely to be perceived to have this effect.</p>
			<p>Standard 6  (Applicable to children and young people under 15 years)</p>	<p><b>Hours of work</b></p> <p>A child or young person under 15 years of age may undertake light work for up to 10 hours per week. Hours of work must be calculated to include all workplaces, not 10 hours for each workplace.</p> <p>An employer must notify the chief executive, at least 7 days in advance if they wish to employ a child or young person for more than 10 hours in a week. The employment must be light work which is not contrary to the best interests of the child or young person.</p> <p>A child or young person, unless authorised in writing by the Director- General, can be employed for a maximum of:</p> <ul style="list-style-type: none"> <li>• 3 hours on any given day if the child is 3 years of age or younger;</li> <li>• 4 hours on any given day if the child is aged between 4 and not yet 12 years; or</li> <li>• 6 hours on any given day if the young person is aged</li> </ul>

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				<p>between 12 and not yet 15 years.</p> <p>A child or young person must not be employed for more than one shift on any one day.</p> <p>A child or young person, unless authorised in writing by the Director- General, must have a minimum of 12 hours elapse between shifts.</p> <p>Hours of work must not interfere with the child or young person’s participation in education or training, or the likelihood of benefiting from their education or training.</p> <p>A child or young person must not be employed before 6:00 am or sunrise (whichever is later), or after 10:00 pm, or as otherwise agreed to by the Director-General.</p> <p>Employers must ensure children and young people take adequate rest breaks as children and young people may tire easily or not recognise fatigue.</p>
			<p>Standard 7  (Applicable to children and young people under 15 years)</p>	<p><b>Travel</b></p> <p>Employers must take reasonable steps to ensure that children and young people have arrangements in place for safe travel to and from work appropriate to the age and maturity of the child or young person. Employers should check that a child or young person has arranged transport home. If working hours are changed within a shift, employers must ensure the child or young person is able to make a phone call to</p>

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				re-arrange their transport home.
			Standard 8  (Applicable to children and young people under 15 years)	<p><b>Risk</b></p> <p>A child or young person must not be employed if the employment is considered to be high risk. High risk employment is described in the ACT Children and Young People High Risk Employment Declaration.</p> <p>An employer may apply to the Director General for a permit to employ a child or young person under the 15 year of age in high risk employment. A high risk permit will only be granted if the proposed employment is not likely to harm the child's or young person's health, safety, personal or social development. The permit may be subject to conditions as stipulated by the Director-General.</p>
			Standard 9  (Applicable to children and young people under 15 years)	<p><b>Family Business</b></p> <p>Children and young people employed in family businesses are covered by the requirements set out for all employers in the ACT <i>Children and Young People (Employment) Standards 2011 (No 1)</i> as well as Chapter 21 of the <i>Children and Young People Act 2008</i>, the <i>Children and Young People Regulation 2009</i> and the <i>Children and Young People (High Risk Employment) Declaration 2009 (No 1)</i>.</p> <p>A child or young person under 15 year of age cannot be employed in a family business for more than 10 hours a week, unless the family business notified the Director-General (refer to Standard 6.2 and 6.3).</p>

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			<p>Standard 10</p> <p>(Applicable to children and young people under 15 years)</p>	<p><b>Record Keeping</b></p> <p>Employers of children and young people must keep up to date records as required by current legislation and regulations.</p> <p>Required records must be kept for a minimum of seven years. Relevant legislation must be considered for all record keeping practices.</p> <p>In addition, employers are required to keep the following records for children and young people under 15 years of age in employment:</p> <ul style="list-style-type: none"> <li>• full name, address and telephone number of the child or young person;</li> <li>• child or young person's date of birth;</li> <li>• name address and contact telephone numbers for the child or young person's parent / guardian;</li> <li>• name, address and contact telephone numbers for an emergency contact person (adult) in the case that a parent / guardian is required and they cannot be contacted;</li> <li>• particulars of consent including record of written consent from the parent / guardian; and</li> <li>• the full name of responsible adults authorised to</li> </ul>

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				supervise the child or young person.
	<b>Children and Young People (High Risk Employment) Declaration 2009 (No 1)</b>	ACT	N/A	<p>The Minister for Children and Young People has declared under section 798 of the <i>Children and Young People Act 2008</i> that employment in an industry, occupation or activity that involves any of the following, to be high risk employment:</p> <ul style="list-style-type: none"> <li>• use of dangerous machinery;</li> <li>• use of dangerous substances (as defined in the <i>Dangerous Substances Act 2004</i>);</li> <li>• handling harsh or toxic chemicals;</li> <li>• high elevation work;</li> <li>• service of alcohol;</li> <li>• gaming or gambling service;</li> <li>• nudity and display of genitals;</li> <li>• working with extreme temperatures;</li> <li>• heavy construction and excavation work.</li> </ul>
	<b>Children and Young People (Work Experience) Standards 2009</b>	ACT	Paragraph 4	<p><b>Age Limits</b></p> <p>A student involved in a work experience program shall be 14 years of age or over, except in relation to a work experience program approved by the Chief Executive to provide work</p>

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	(No 1)			experience for students under 14 years of age.
			Paragraphs 5-6	<p><b>Register of Host Employers</b></p> <p>The Department/providers/schools shall keep a register of participating host employers. Prior to placing the host employer on the register, the Department/provider/school must take reasonable steps to ascertain the suitability of the particular type of employment and the fitness of the particular host employer for work experience placements. In determining whether a host employer is suitable the Department/provider/school shall ensure that the work experience does not involve prohibited high risk activities.</p> <p>Providers and schools shall comply with all reasonable requests to provide the register of host employers to the Chief Executive.</p>
			Paragraphs 7-13	<p><b>Work Experience Placements</b></p> <p>A student may apply to the host school for a work experience placement. A host school may refer a student to an approved provider to arrange for work experience.</p> <p>Before entering into work experience, the placement must be approved/agreed in writing by:</p> <ul style="list-style-type: none"> <li>a) The student;</li> <li>b) The student's parent or guardian;</li> </ul>

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				<p>c) The host school;</p> <p>d) The host employer; and</p> <p>e) Where a provider is involved, the provider.</p> <p>In considering whether to approve a placement the parties must consider:</p> <p>a) Whether the placement contravenes the <i>Education Act 2004</i>, section 13 in relation to the child or young person; or</p> <p>b) Whether the placement is likely to prejudice the ability of the child or young person to benefit from the education or training; or</p> <p>c) Whether the placement is otherwise likely to prejudice the health, safety or personal or social development of the student.</p> <p>The Department/provider/host school shall ensure that Unions ACT is informed of proposed work experience placements prior to work experience placements occurring.</p> <p>If the work experience placement is with a butcher, the host employer must write to the Meat and Allied Trades Union advising that Union that the host employer will comply with that Union's guidelines.</p> <p>Before entering into a work experience program, the student, the host school, the host employer and the student's parents (and where a provider is involved, the provider) shall enter</p>



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				<p>into an agreement, setting out the parties' rights and obligations.</p> <p>Such agreement shall provide for a complaints protocol that includes:</p> <ul style="list-style-type: none"> <li>a) that the parent or student has a right to make a complaint about any aspect of the work experience program;</li> <li>b) that complaints should be made in the first instance to the host school or provider (where applicable) who shall initially investigate the complaint;</li> <li>c) in the event the resolution proposed by the host school or provider is not accepted by the person making a complaint, they may take up their complaint with the host school's oversight body;</li> <li>d) if the person is still not satisfied with the resolution, the person may make a complaint to the Chief Executive; and</li> <li>e) that all reasonable requests by the Chief Executive for documentation related to the work experience placement be complied with.</li> </ul>
			Paragraph 14	<p><b>Obligations of Host Organisations</b></p> <p>Host organisations shall:</p> <ul style="list-style-type: none"> <li>a) not provide remuneration in any way to the student;</li> <li>b) ensure the work premises comply with all legal</li> </ul>

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				<p>requirements for a workplace, including any legal requirements in relation to children and young people;</p> <p>c) comply with all work safety requirements and provide an induction session where the student is informed of the requirements for their workplace, including instruction in the use of required protective clothing;</p> <p>d) ensure the student wears required protective clothing;</p> <p>e) ensure the working conditions are free from all types of harassment and unlawful discrimination;</p> <p>f) take appropriate steps to provide the student a positive work experience, this can include:</p> <ul style="list-style-type: none"> <li>• job sampling;</li> <li>• research; and</li> <li>• work shadowing.</li> </ul> <p>g) ensure the student has the opportunity to experience a variety of tasks whilst being appropriately and directly supervised;</p> <p>h) report any difficulties in the work experience placement with the host school/provider;</p> <p>i) advise the school/provider in the event of an industrial dispute affecting the placement;</p>

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				<p>j) take reasonable steps as requested by the host school or umbrella body to resolve a complaint;</p> <p>k) provide a report to the school/provider at the conclusion of the placement; and</p> <p>l) where the report in (k) above is to the provider, the provider shall forward a copy of that report to the school.</p>
			Paragraphs 15-17	<p><b>The Host School</b></p> <p>The host school or, where a provider is involved, the provider, shall take reasonable steps to:</p> <p>a) ensure that a student is not placed in a work situation where a hazard exists taking note of the student's age, capacity, and maturity in respect to the working conditions;</p> <p>b) ensure that if a student is undertaking a placement on a building site the student holds a 'Blue Card' or equivalent;</p> <p>c) ensure the working conditions are free from all types of harassment and unlawful discrimination;</p> <p>d) ensure the student is covered by insurance including personal accident and public liability insurance while undertaking work experience;</p> <p>e) adequately prepare the student for the work experience; and f) provide the student with an Emergency Procedures Card which includes contact details for the school and, if the work experience placement extends after hours, with after</p>

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				<p>hours contact details for a person at the school.</p> <p>A host school/provider shall, where practicable, arrange for a teacher to visit each student at least once in each period of work experience with each host employer.</p> <p>Students shall attend work experience placements on the same conditions as apply to ordinary workers in that workplace; and shall be accountable to the school as well as their host employer.</p>
			Paragraph 18	<p><b>Prohibited Activities</b></p> <p>Work experience programs shall not include an activity declared to be high risk under section 798 of the Act, or defined as prohibited in the Department of Education and Training Work Experience Guidelines.</p>
			Paragraph 19	<p><b>Hours of Work Placements</b></p> <p>Except with the approval of the Chief Executive obtained under clause 20 here of:</p> <p>a) Work placements shall generally be for normal working hours in the host organisation but shall not take place outside the hours of 7.00 am and 7.00 pm.</p> <p>b) Working hours should be for a full working day rather than school hours and not exceed working hours as specified by relevant legislation or industrial awards.</p> <p>c) Regular breaks shall be taken in negotiation with host</p>

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				<p>employers to ensure students are adequately safeguarded against fatigue.</p> <p>d) Work placements shall not be for more than 40 days in each calendar year and 10 days during each school term.</p> <p>e) A work experience placement in New South Wales shall be limited to 5 days.</p>
			Paragraph 21	<p><b>Payment</b></p> <p>No payment or remuneration of any sort shall be paid to a student for participation in work experience.</p>
	<b>Crimes Act 1900</b>	ACT	Section 64	<p>It is an offence for a person to use offer or procure a child for the production of child pornography or for a pornographic performance.</p> <p>For offences against children younger than 12 years, the maximum penalty is 1,500 penalty units, imprisonment for 15 years or both.</p> <p>For offences against children 12 years or older, the maximum penalty is 1,000 penalty units, imprisonment for 10 years or both.</p>
<b>Education Act 2004</b>	ACT	Section 9	<p><b>Meaning of compulsory education</b></p> <p>A child is of compulsory education age if the child is at least 6 years old and under the age that the first of the following happens:</p>	

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				(a) the child is 17 years old; (b) the child completes year 12