



# FACT SHEET

## Child Employment Laws

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Replaces: November 2011

The *Child Employment Act 2006* (the 'Act') is Queensland legislation in place to safeguard working conditions for children, by:

- Protecting school-aged children from being required to perform work that may be harmful to their health and safety, or physical, mental, moral and social welfare.
- Limiting the hours of work so that children's studies aren't adversely affected by their work.

The *Child Employment Regulation 2006* supports the Act and details an employer's obligations to undertake actions such as providing WH&S and induction training, providing appropriate adult supervision, providing a harassment free environment, and allowing parental contact.

The legislation sets the minimum age that a child can work, which is 13 years of age, and prescribes the permissible type of work performed by school aged and young children. In addition, the legislation:

- Sets the number of hours that can be worked;
- The times worked;
- Supervisory requirements of school aged and young children;
- Requires consent for school aged and young children to perform work;
- Prohibits employment of school aged children when they are required to be at school;
- Requires employers to keep specific records regarding the employment of children; and
- Prescribes regulations about working conditions for children.

### CHILDREN BETWEEN 11 AND 13 YEARS OF AGE

While the legislation sets the minimum age of employment as 13 years of age, children between the ages of 11 and 13 can perform supervised delivery work, such as mail drops of leaflets and newspapers.

### CHILDREN 13 YEARS OF AGE AND OVER

#### **AUTHORITY FOR SCHOOL AGED OR YOUNG CHILDREN TO WORK**

- Section 10 of the Act requires either a parent's consent form or a special circumstances certificate as authority for school aged or young children to work. The employer must keep the consent form or certificate on file.
- Section 11 of the Act requires an employer to ensure that a child works in accordance with the information contained in the parent's consent form or the special circumstances certificate.

#### **MEANING OF SCHOOL AGED CHILD AND YOUNG CHILD**

A school-aged child is defined under the Act as a child:

1. Under 16 years of age; and
2. Who is required to be enrolled at a State or non-State school as per the relevant education legislation.

A young child is a child who is not yet of compulsory school age, as defined under the relevant education legislation.

## **MEANING OF A “PARENT” OF A CHILD**

Section 6 of the *Child Employment Act 2006* defines a parent of a child as:

- The child’s mother;
- The child’s father;
- A person who exercises parental responsibility;
- A person, who by way of Aboriginal tradition or Torres Strait Island customs is regarded as a parent of a child;
- A person who exercises parental responsibility under a decision or order of a State or Federal court.

## **MEANING OF “WORK” IN RELATION TO A CHILD**

Section 8 defines the meaning of work in relation to a child as work:

- Under “contract of service”;
- Work under a contract including piece rate work;
- Work performed for labour only or substantially for labour only;
- Work of a supervisory or leading hand nature;
- Participation or assisting in any business carried on for profit;
- Unpaid or voluntary work.

“Work” by a child does not include domestic chores, collections work or work that is part of work experience, an apprenticeship, traineeship or vocational placement.

## **RESTRICTIONS - WORK**

Part 2 of the Act and Regulation 4 details the type of work an employer must not require or permit a child to undertake, which includes:

- Prohibition on nudity and sexually provocative clothing;
- Prohibition on work as social escort;
- Prohibition on inappropriate roles and situations; and
- Other restrictions on work performed by children.

## **RESTRICTIONS - HOURS**

Regulation 5 of the *Child Employment Regulation 2006* states that School aged children may work no longer than:

- 12 hours during a school week;
- 38 hours in a non-school week;
- 8 hours in a non-school day;
- 4 hours on any one day before a one hour break applies.

Young children may work no longer than:

- 4 hours per day;
- 12 hours in one week.

School aged or young children may not work between the hours of 10pm and 6am, or more than one shift per day, or within 12 hours of last finishing work with the same employer. School aged children must not work during school hours.

## **CHILD EMPLOYMENT GUIDE**

A copy of the Guide can be downloaded from the Queensland Government website – [www.qld.gov.au](http://www.qld.gov.au).

An employer must display the Child Employment Guide in a conspicuous place.

### **Further Assistance**

Financial QHA members are encouraged to contact the QHA's Employment Relations Department (refer the contact details at the bottom of this page) for a confidential discussion about the information in this Fact Sheet, or to discuss any queries relating to specific workplace matters.

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