

Juvenile Code of Practice

PART 1 – GENERAL

1. Record of Employment

(1) An employer must ensure that a record is kept for each child employed.

(2) The record must include the following particulars:

- a. the name, address & home telephone number (if any) of the child;
- b. the name, address & both home & business telephone numbers of the child's parents;
- c. the name, address & both home & business telephone numbers (if any) of some other person nominated by the child's parents as being a person responsible for the child in the event of the parents being unavailable;
- d. the child's date of birth;
- e. the nature of the work that the child is employed to carry out;
- f. in the case of a child for whose employment a consent is required by or under any Act or law, particulars of any consent so given;
- g. the dates & times of each occasion on which the child is employed;
- h. particulars of the place of work/location at which the child is employed on each occasion;
- i. the name, address & both home & business telephone numbers (if any) of the child's supervisor on each such occasion.

(3) The record must be kept available for inspection by a Department inspector at the business premises of the employer specified in that regard by the relevant employers' authority.

2. Notice of Work Locations

(1) An employer must not at any time employ a child at any place of work or location unless the Director-General has been given at least 7 days notice (or such lesser notice as the Director-General may, in a particular case or class of cases, allow) of the employer's intention to employ children at that place of work or location & at that time.

(2) The notice must give details of any unusual risks existing in connection with the proposed location.

3. Insurance

(1) An employer must ensure that each child is covered by a policy of personal accident insurance with benefits for injuries no less than those payable for the same injuries under the Workers Compensation Act 1987.

(2) This clause does not apply with respect to any child in respect of whom compensation for injury is the subject of injury insurance effected in accordance with the Workers Compensation Act 1987.

Juvenile Code of Practice

4. Hours of Work

- (1) An employer must not employ a child for more than one shift on any one day.
- (2) An employer must not employ a child for more than 4 hours on any day on which a child is required to attend school.
- (3) An employer must ensure that each child is given a 10 minute rest break every hour and a 1 hour rest break every 4 hours.

5. Calculation of Time of Employment

- (1) A child's total period of employment during any period of 24 hours is to be calculated as if the following periods formed part of the time for which the child is employed:
 - a. any time in excess of 45 minutes spent by the child in travelling from home to the place of work;
 - b. if the employer is responsible for bringing the child to work, any time between the child's arrival at the place of work & the child's actual commencement of work;
 - c. the whole of the time (including any rest breaks in work & any travelling time) that the child is required to be at work;
 - d. any time in excess of 45 minutes spent by the child in travelling home from the final place of work;
 - e. if the employer is responsible for taking the child home from work, any time between the child's finishing work & the start of the child's journey home from work;

6. Travel

- (1) An employer must ensure that each child is taken home after the child finishes work.
- (2) An employer must ensure that each child's journey home commences within 30 minutes after the child finishes work.
- (3) This clause does not apply.
 - a. if the child is more than 12 years old; &
 - b. if the distance between work & home is less than 10 kilometres; &
 - c. if the journey can be completed by public transport within daylight hours.

7. Minimum Breaks Between Successive Shifts

- (1) An employer must ensure that no child is required to start work less than 12 hours after the child has previously finished work, whether for the same or for any other employer.
- (2) An employer must not require a child to work later than 9.00 pm on any day if the child is required to attend school on the following day.

8. Food & Drink

- (1) An employer must ensure that each child is provided with appropriate & sufficient nutritious food, having regard to the age, taste & culture of the child.
- (2) The food should be varied & should be served to children at reasonable hours.
- (3) An employer must ensure that water, fruit juice or other such drinks must be readily available at all times to any child.

Juvenile Code of Practice

9. Toilet Facilities

(1) An employer must ensure that clean & easily accessible toilet, hand washing & hand drying facilities are provided at each place of work.

10. Protection from the Elements

(1) An employer must ensure that each child is adequately clothed & otherwise protected from extremes of climate.

11. Punishment Prohibited

(1) An employer must ensure that no child is subjected to any form of corporal punishment, social isolation, immobilisation or any behaviour likely to humiliate or frighten the child.

12. Notification of Accidents

(1) In the event of a child becoming ill or being injured, the child's employer must ensure that at least one of the child's parents is immediately notified of the fact.

13. Parental Contact

(1) An employer must at all times ensure that each child is able to make contact with his or her parents or with some other person responsible for the child & must facilitate the making of any such contact whenever the child so requests or whenever it is otherwise appropriate to do so in the interests of the child.

14. Awards and Agreement under the Workplace Relations Act 1996

(1) The application of this Code of Practice to any child is subject to the provisions of any award or agreement in force under the Workplace Relations Act 1996 in relation to the child.

PART 2 – ENTERTAINMENT, EXHIBITIONS & STILL PHOTOGRAPHY

15. Recreation Facilities

(1) An employer must ensure that appropriate recreational materials & rest facilities are available for each child during breaks in work, having regard to the age & circumstances of the child.

16. Dressing Room Facilities

(1) An employer must ensure that facilities exist so that any child is able to dress & undress in private.

17. Work Directions

(1) An employer must ensure that no child is cast in a role or situation that is inappropriate to the child, having regard to the child's age, maturity, emotional or psychological development & sensitivity.

(2) An employer must not allow a child:

- a. to be exposed to scenes which are likely to cause distress to the child; or
- b. to become distressed in order to obtain a more realistic depiction of a particular emotion or reaction.

(3) An employer must not employ a child in any situation in which the child or any other person is naked.

Juvenile Code of Practice

18. Times of Work

- (1) An employer must not employ a child otherwise than in accordance with;
- the times set out in Table A to this schedule with respect to film & television, shopping centre performances, still photography & modelling or other exhibitions; &
 - the times set out in Table B to this schedule with respect to theatrical performances.
- (2) In addition, an employer must not employ a child for more than 3 consecutive evening performances if the day following each performance is a day on which the child is required to attend school.
- (3) The times allowed by Tables A & B to this schedule are subject to other provisions of this Schedule with respect to hours of work.

Table A – Entertainment & Exhibition

Includes: Film, TV, Video, Commercials, Still Photography, Modelling & Shopping Centre Performances

Age	Hours during which child may be employed	Number of days of employment in any period of 7 days	Actual time performing per day	Maximum employment per day
under 6 months	9am to 6pm	1	20 mins	4 hrs
6 months & under 2 yrs	9am to 6pm	1	1 hour	4 hrs
2 yrs & under 6 yrs	9am to 6pm	3	2 hours	4 hrs
6 yrs & under 11 yrs	6am to 10pm	5	3 hours	6 hrs
11 yrs & under 15 yrs	6am to 10pm	5	4 hours	8hrs

Table B – Theatrical Performances

Age	Hours during which child may be employed	Number of days of employment in any period of 7 days	Actual time performing per day	Maximum employment per day
under 6 months	9am to 6pm	1	20 mins	4 hrs
6 months & under 2 yrs	9am to 6pm	1	1 hour	4 hrs
2 yrs & under 6 yrs	9am to 6pm	3	2 hours	4 hrs
6 yrs & under 10 yrs	9am to 10pm		2 hours	4 hrs
10 yrs & under 12 yrs	9am to 10pm		3 hours	6 hrs
12 yrs & under 15 yrs	9am to 10pm		4 hours	8 hrs

Juvenile Code of Practice

19. Supervision

(1) An employer must ensure that each child is provided with appropriate supervision, having regard to the age, sex & degree of maturity of the child.

(2) In particular:

- a. the child is to be accompanied by a person responsible for the child or by an adult authorised by name in writing by a person responsible for the child, whenever the child is travelling between home & the place of work or between places of work; &
- b. if the child's employment requires the child to spend one or more nights away from home, appropriate accommodation must be provided for both the child & a person responsible for the child; &
- c. if the child is less than 6 years old, the child is to be supervised;
 - (i) by a person responsible for the child or a person authorised by a person responsible for the child; or
 - (ii) by the holder of a child care certificate or a certificate of child care studies issued by a college of technical & further education; or
 - (iii) by a baby care professional
- d. if the child is more than 6 years old, the child is to be supervised by a person responsible for the child or by an adult with training or experience in the care of children of the age of the child to be supervised.

(3) Subclause 19 (2) a. does not apply:

- a. if the child is more than 12 years old; &
- b. if the distance between work & home is less than 10 kilometres; &
- c. if the journey is to be completed within daylight hours; &
- d. if public transport is generally available.

(4) An employer must ensure that no supervisor supervises at any one time more than:

- a. 2 children, if any of the children are under 3 years old; &
- b. 2 children, if any of the children are between 3 & 5 years old; &
- c. 10 children, if the children are more than 5 years old

(5) An employer must ensure that a supervisor does not have any other responsibilities while supervising the children.

PART 3 – BABIES UNDER 12 WEEKS OF AGE

20. Application

(1) This Division applies to babies who are less than 12 weeks old.

21. Employment Requires Express Authority

(1) An employer must not employ a baby unless the conditions of the employers' authority expressly authorise the employer to do so.

22. Babycare Professional to be Present

(1) An employer must not employ a baby unless;

- a. a babycare professional is present at all times; &
- b. the babycare professional advises the employer that the baby is suitable for employment;
- c. the babycare professional advises the employer that the environment in which the baby is to be employed (including in particular, the lighting & the temperature) will not cause the baby to become distressed; &
- d. the employer follows the advice of the babycare professional in all matters (such as the provision of nursing & mothercare & the use of makeup) that relate to the welfare of the baby.

Juvenile Code of Practice

(2) The babycare professional must not advise that a baby is suitable for employment unless he or she is satisfied:

- a.** that the baby was delivered full term & in good health; &
- b.** that the baby's birth weight was at least 3.5 kilograms; &
- c.** that the baby has not had any post natal problems; &
- d.** that the baby is feeding successfully; &
- e.** that the baby's weight gain from birth has been satisfactory.

23. Direct Lighting Not To Be Used

(1) An employer who employs a baby must not allow the baby to be exposed to direct lighting.

24. Use of Make-up

(1) An employer must not allow makeup to be applied to a baby unless the makeup is non-irritating & uncontaminated.

25. Handling

(1) An employer who employs a baby must not allow more than 4 people (including the baby's mother & the babycare professional) to handle the baby during any single period of employment.

26. Segregation from Persons Suffering Respiratory or Skin Infections

(1) An employer who employs a baby must not allow any person who has a respiratory or skin infection to come into contact with the baby.