

# LPA Code of Practice

## Child Employment in Live Entertainment

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## Child Employment in Live Entertainment

### Introduction

Employers should comply with the provisions of the *Code of Practice for Child Employment in Live Entertainment* (“Code of Practice”) when no other legally binding Code of Practice is in place in the State where the child will be employed. Where such legally binding Code of Practice is in place (i.e. in Victoria, New South Wales and Queensland) the Employer is bound by that Code (and any exemptions approved) and not the Code of Practice as outlined below to the extent to which that code, in a particular respect, is superior to the Code of Practice outlined below.

The laws in operation around Australia at the date of publication are:

State	Regulatory instrument	Regulatory body	Contact details
<b>NSW</b>	<i>Children and Young Persons (Care and Protection) Act 1998, Children and Young Persons (Care and Protection – Child Employment) Regulation 2015 – including Schedule 1 – Code of Practice</i>	NSW Office of the Children’s Guardian	<p>☎ 02 8219 3600</p> <p>💻 <a href="http://www.kidsguardian.nsw.gov.au">www.kidsguardian.nsw.gov.au</a></p> <p>e: <a href="mailto:kids@kidsguardian.nsw.gov.au">kids@kidsguardian.nsw.gov.au</a></p>
<b>VIC</b>	<i>Child Employment Act 2003, Mandatory Code of Practice for the Employment of Children in Entertainment (2014)</i>	Department of Economic Development, Jobs, Transport and Resources (Child Employment)	<p>☎ 1800 287 287</p> <p>💻 <a href="http://www.business.vic.gov.au">www.business.vic.gov.au</a></p> <p>e: <a href="mailto:childemployment@ecodev.vic.gov.au">childemployment@ecodev.vic.gov.au</a></p>
<b>QLD</b>	<i>Child Employment Act 2006, Child Employment Regulation 2006 (as amended effective 1 January 2007)</i>	Queensland Treasury	<p>☎ 07 3225 2299</p> <p>💻 <a href="http://www.business.qld.gov.au">www.business.qld.gov.au</a></p> <p><i>Applications for Special Circumstances certificate may be posted to:</i></p> <p>Deputy Director General, Office of Industrial Relations</p> <p>GPO Box 69</p> <p>Brisbane QLD 4001</p>
<b>WA</b>	<i>Children and Community Services Act 2004</i>	Not applicable. The Act broadly exempts the entertainment industry. Follow this Code of Practice.	

<b>SA</b>	None	Not applicable. The Act broadly exempts the entertainment industry. Follow this Code of Practice.	
<b>TAS</b>	None	Not applicable. The Act broadly exempts the entertainment industry. Follow this Code of Practice.	
<b>NT</b>	None	Not applicable. The Act broadly exempts the entertainment industry. Follow this Code of Practice.	
<b>ACT</b>	None	Not applicable. The Act broadly exempts the entertainment industry. Follow this Code of Practice.	

## Code of Practice

### 1. General requirement to comply with Code of Practice

- 1) Except as provided for in (3), an employer must not at any time employ a child (under 15 years of age) except in accordance with this Code of Practice, or in accordance with the laws in force in the State in which the child is to be employed.
- 2) Where required under State law, an employer must obtain a permit before causing a child to be employed.
- 3) In States where no child employment laws apply, an employer may employ a child in a manner inconsistent with this Code of Practice if prior agreement is reached with the Media, Entertainment & Arts Alliance (MEAA).

### 2. Record keeping

- 1) An employer must ensure that a record is kept for each child employed.
- 2) The record must include the following particulars:

#### *Personal information*

*(to be obtained from a parent or guardian before the child commences employment)*

- a) the name, address and home telephone number of the child;
- b) the names, addresses and home, business and mobile telephone numbers (as applicable) of the child's parents or guardians;
- c) the name, address and telephone number of any person who has lawful authority to consent to the medical treatment of the child;
- d) an authority signed by a person who has lawful authority to consent to the medical treatment of the child consenting to the employer seeking, or where appropriate administering, such emergency medical treatment as is reasonably necessary;
- e) the name, address and both personal and business telephone numbers of some other person nominated by the child's parents or guardians as being a person responsible for the child in the event of the parents or guardians being unavailable;
- f) the name, address and telephone number of any person who is to be notified of any accident, injury, trauma or illness involving the child;
- g) the child's date of birth
- h) details of allergies or other relevant medical conditions and needs of the child;
- i) details of any dietary restrictions of the child;
- j) names, addresses and telephone numbers of the persons who are authorised to collect the child from the employer;

#### *Employment information*

- k) the nature of the work that the child is employed to carry out;
- l) the dates and times of each occasion on which the child is employed;
- m) the hours the child worked each day and each week;
- n) the date the child started and finished their period of employment;
- o) particulars of the place of work/location at which the child is employed on each occasion;
- p) the name, address and both home and business telephone numbers (if any) of the child's supervisor on each such occasion.

- 3) The record must be:
  - a) kept for a minimum period of 6 years, and
  - b) kept securely, and
  - c) made available for inspection by the relevant government authority (where applicable).

### 3. Provision of information about proposed employment

- 1) Before a child commences employment, an employer must ensure that:
  - a) the parent or guardian of the child has sufficient information about the intended role and duties that the child will perform, including the nature of the role or situation that a child is cast in, and the intended employment hours and workplaces;
  - b) the parent or guardian has consented to the proposed employment.
- 2) If a parent or guardian of a child employed requests a copy of this Code of Practice, the employer must ensure that it is provided to the parent or guardian.

### 4. Incident register

- 1) An incident register must be maintained to record details in relation to each child employed by the employer of any of the following incidents that occur in the course of the child's employment:
  - a) an accident involving the child,
  - b) an injury to the child,
  - c) an incident that is the subject of a complaint made by the child or a parent or guardian of the child in relation to the employment,
  - d) an event or circumstances involving a breach of this Code of Practice.

**Note.** Examples of complaints that should be recorded in an incident register include complaints relating to the contract of employment, such as not being paid for services, and more serious complaints, such as allegations of physical abuse or sexual misconduct occurring in the course of the child's employment.
- 2) A record of the incident must also contain the following information:
  - a) the name of the child involved in the incident,
  - b) the time, date and place the incident occurred,
  - c) details of any action taken in response to the incident.
- 3) A record of an incident must be made, and kept securely for a period of 6 years from the date on which the incident occurred.

### 5. Insurance

An employer must ensure that each child is insured under the Workers Compensation regime in the State in which the child is to be employed.

### 6. Hours of work

- 1) An employer must not employ a child otherwise than in accordance with;
  - a) the times set out in Table A with respect to film and television, radio, shopping centre performances, still photography and modelling or other exhibitions; and
  - b) the times set out in Table B with respect to theatrical performances.
- 2) An employer must not require a child to work later than 9.00 pm on any day if the child has not been exempted from attending school in the morning on the following day.

- 3) An employer must not employ a child for more than 4 hours on any day on which a child is required to attend school for at least 3 hours.
- 4) The combined time required to fulfill educational requirements and employment in any seven consecutive days, must not exceed 50 hours.

## 7. Shifts and rest breaks

- 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 ensure that each child is given:
  - a) within any 4-hour period—an appropriate number of rest breaks, of an appropriate duration, taking into account the age and needs of the child and the nature of the work the child is engaged in, and
  - b) a 1-hour rest break every 4 hours.
- 3) An employer must not employ a child for more than one shift on any one day.
- 4) An employer must not employ a child for more than 5 consecutive days.

## 8. 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 and the child's actual commencement of work;
  - c) time spent in preparatory activities;
  - d) the whole of the time (excluding any rest break required by clause 7.2.(b)) that the child is required to be at work;
  - e) any time in excess of 45 minutes spent by the child in travelling home from the final place of work;
  - f) if the employer is responsible for taking the child home from work, any time between the child's finishing work and the start of the child's journey home from work.

## 9. Schooling requirements

A child of compulsory school-age must not be employed during hours of normal school attendance unless permission is sought to exempt the child from school during school hours in accordance with the regulatory requirements of the State (where applicable).

## 10. Travel home

- 1) An employer must ensure that each child aged 12 years or under is collected or taken home after the child finishes work by a parent or guardian of the child, or a person authorised by the parent or guardian to collect or take home the child.
- 2) An employer must ensure that a child aged 13 years or older is collected or taken home after the child finishes work by a parent or guardian of the child, or a person authorised by the parent or guardian to collect or take home the child unless either of the following applies:

- a) the distance between work and home is less than 10 kilometres and travel home will be completed in the ordinary course within daylight hours or before 6pm, whichever is earlier; or
- b) the employer has been provided with written consent from the child's parent or guardian permitting the child to travel home alone, and travel home will be completed in the ordinary course before 8:30pm.

### **11. Food and drink**

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

### **12. Protection from the elements**

An employer must ensure that each child is adequately clothed and otherwise protected from extremes of climate.

### **13. Punishment prohibited**

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

### **14. Medical issues**

- 1) An employer must not allow a child to work if the child is known by the employer to be ill, to be unfit for work, or to be carrying or to have been exposed to an infectious disease that poses a risk to the health of others in the workplace.
- 2) In the event of a child becoming ill or being injured in the course of the child's employment, or appearing to the employer to become ill, or the child reporting to be feeling ill in the course of employment, the child's employer must ensure that at least one of the child's parents or guardians is immediately notified of that fact, or, if no parent or guardian is contactable, another person nominated by the parent or guardian.

### **15. Parental contact**

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 and 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.



## 16. Recreation facilities

An employer must ensure that appropriate recreational materials and rest facilities are available for each child during breaks in work, having regard to the age and developmental needs of the child.

## 17. Dressing room and toilet facilities

- 1) An employer must ensure that facilities exist so that any child is able to dress and undress in private.
- 2) An employer must ensure that clean and easily accessible toilet, hand washing and hand drying facilities are provided at each place of work.

## 18. Inappropriate roles or situations

- 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 and sensitivity.
- 2) An employer must not allow a child:
  - a) to be exposed to scenes which are likely to cause distress or embarrassment 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 is naked, and must ensure that the child is not present when any other person is naked.

## 19. Supervision

- 1) An employer must ensure that each child is provided with adequate and direct supervision, having regard to the age, sex and degree of maturity of the child, and having regard to the number of children being employed at any one time.
- 2) In particular-
  - a) if the child is more than 12 weeks old and less than 6 years old, the child is to be supervised by;
    - i. a parent or guardian of the child or a person nominated by the employer and authorised by the parent or guardian; or
    - ii. a person with an early childhood qualification; or
    - iii. a registered nurse, a registered midwife or a registered maternal and child health nurse; and
  - b) if the child is more than 6 years old, the child is to be supervised by a parent or guardian of the child, or a person nominated by the employer and authorised by the parent or guardian, or by an adult with training or experience in the care of children of the age of the child to be supervised, and
  - c) the child must be in view of the person supervising the child at all times
- 3) An employer must ensure that a supervisor does not have any other responsibilities while supervising children.

## 20. Babies

- 1) This clause applies to babies who are less than 12 weeks old.
- 2) An employer must not employ a baby for more than one hour on any one day unless –
  - a) a registered nurse, registered midwife or registered maternal and child health nurse is present at all times; and
  - b) a parent or guardian of the baby is present at all times; and
  - c) the registered nurse or registered midwife advises the employer that the baby is fit for employment; and
  - d) the registered nurse or registered midwife advises the employer that the environment in which the baby is to be employed is unlikely to cause the baby to become distressed; and
  - e) the employer follows the advice of the registered nurse or registered midwife in all matters that relate to the welfare of the baby.
- 3) An employer may employ a baby for one hour or less on any one day provided that –
  - a) one of the baby’s parents or guardians is present at all times; and
  - b) the employer is satisfied on advice from the parent or guardian that –
    - i. the baby was delivered full term and in good health; and
    - ii. the baby’s birth weight was at least 3 kilograms; and
    - iii. the baby has not had any post-natal problems; and
    - iv. the baby is feeding successfully; and
    - v. the baby’s weight gain from birth has been satisfactory.
- 4) An employer who employs a baby must not allow the baby to be exposed to harmful lighting.
- 5) An employer must not allow makeup to be applied to a baby unless the makeup is non-irritating and uncontaminated.
- 6) An employer must not allow any person who is known by the employer to have a respiratory or skin infection to come into contact with the baby.

## TABLE A - ENTERTAINMENT and EXHIBITION

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

Age	Hours during which child may be employed	Maximum number of days of employment in any week	Maximum employment hours per day
Under 6 months	6am to 6pm	1	4 hours
6 months & under 3 years	6am to 6pm	2	4 hours
3 years & under 8 years	6am to 11pm	4	6 hours
8 years & under 15 years	6am to 11pm	5	8 hours

## TABLE B – THEATRICAL PERFORMANCES

Age	Hours during which child may be employed	Maximum number of days of employment in any week	Maximum employment hours per day
Under 6 months	6am to 6pm	1	4 hours
6 months & under 3 years	6am to 6pm	2	4 hours
3 years & under 6 years	6am to 9pm	4	4 hours
6 years & under 8 years	6am to 10pm	4	6 hours
8 years & under 15 years	6am to 11pm	4	8 hours