

Application for Special Circumstances Certificate

Child Employment Act 2006 (Section 12)

Notes about Special Circumstances Certificates

The *Child Employment Act 2006* and *Child Employment Regulation 2006* contain a number of requirements that apply to work done by a child. In particular, the Regulation provides for specific restrictions to apply where work is done by school-aged and young children.

The purpose of prescribing these requirements and restrictions in the Act and Regulation is to safeguard children at work by:

- ensuring that work does not interfere with children's schooling; and
- preventing children performing work that may be harmful to their health or safety or physical, mental, moral or social development.

In recognition that individual circumstances may make it necessary for work to be done that does not comply with the requirements and restrictions in the Act and Regulation, a special circumstances certificate may authorise work to be done:

- that the Regulation states a child may not do;
- in a way that the Regulation states a child may not work;
- at a time when the Regulation states a child may not work;
- without appropriate supervision by an adult; or
- by a school-aged child without having a parent's consent form (if that child does not have a parent or lives independently from his or her parents).

A special circumstances certificate can only be granted by the chief executive of the Department of Employment and Industrial Relations. A certificate may be granted subject to conditions and may be reviewed at any time considered appropriate by the chief executive.

It is important to note that a special circumstances certificate may be granted **only** if the chief executive is satisfied, on reasonable grounds, that having regard to a child's particular circumstances, the work:

- will not interfere with a child's schooling; and
- will not be harmful to their health or safety or physical, mental, moral or social development.

An application for a special circumstances certificate must:

- be made by the child affected by the application or an adult on the child's behalf (e.g. the child's parent or the child's employer/proposed employer);
- state enough detail about what is sought to allow proper consideration of the application. If additional information must be obtained this may delay consideration of the application;
- if the child affected by the application is school-aged, state when the child is required to attend school; and
- be supported by:
 - a parent of the child (unless the child has no parents or lives independently of them);
 - the child affected by the application;
 - the employer or proposed employer of the child affected by the application; and
 - any information required by the chief executive or under the Regulation.

Information about the Act and Regulation may be found in the 'Definitions and Additional Information' section of this application form.

This application may be posted to the Director-General, Department of Employment and Industrial Relations, GPO Box 69, Brisbane Q 4001 or faxed to **3225 2275** or emailed to **childemployment@deir.qld.gov.au**.

Definitions and Additional Information

Parent A parent is the child's mother, father or another person who exercises parental control over the child. A person temporarily standing in the place of the parent is not considered to be a parent.

Where the child is an Aboriginal or a Torres Strait Islander, a parent includes a person who is regarded as a parent of the child under Aboriginal tradition or Island custom.

Where a person has been granted guardianship under the *Child Protection Act 1999* or where a person has been granted parental responsibility through a decision of a Federal or State court then that person is considered to be the only parent of the child. In these cases no other person, including the child's biological parent, would be regarded as the child's parent.

If a child does not have a parent or guardian the child may seek authorisation to work by applying for a Special Circumstances Certificate.

School-Aged Child A school-aged child is a child who is under 16 years and required to be enrolled at a school. A child who is below the age of 16 years is not a school-aged child if the child has completed compulsory schooling (i.e. completion of year 10) or is for any other reason not required to be enrolled at a school.

Young Child A young child is a child who is not old enough to be enrolled for compulsory schooling.

Restrictions on work by school-aged and young children

For children working other than as performers in the entertainment industry

Age restrictions Generally, the minimum age for employment is 13 years. This is lowered to 11 years where the child carries out supervised delivery work that involves delivering newspapers, advertising material or similar items.

Maximum allowable hours of work for school-aged and young children

	On a school day	On a non-school day	During a school week	During a non-school week
School-aged child	4	8	12	38
Young child	N/A	4	N/A	12

*A school week is a week commencing on a Sunday, when the child is required to attend school on any day of that week.

Prohibited Hours A school-aged or young child must not work between the hours of 10pm and 6am. Children between the ages of 11 and 13 years carrying out delivery work may only work between the hours of 6am and 6pm.

Exemptions The above restrictions do not apply to children working in their family's business or in the entertainment industry. The restrictions upon the age when children may work do not apply in respect of voluntary work but all other restrictions do apply.

For children working as performers in the entertainment industry

The *Child Employment Regulation 2006* includes specific restrictions and requirements affecting work by children in the entertainment industry. There are two sets of restricted hours prescribed for school-aged or young children working in the entertainment industry. These hours are categorised into permitted hours in recorded entertainment (e.g. film, television, advertising, photographic modelling etc.) and permitted hours in live entertainment (e.g. theatre, opera, fashion parades, etc.).

Within the categories of recorded and live entertainment, the spread of hours within which work may be performed, the maximum permitted working hours per day and the maximum number of days in a week on which work can be performed are prescribed for a number of age groupings. There is no minimum age for work in the entertainment industry.

For example, the permitted hours of work range from:

- a maximum of four hours on one day per week between the hours of 9am to 6pm for children aged less than two years working in live entertainment;

to

- a maximum of eight hours per day on five days per week between the hours of 6am to 11pm for children aged between 8 and 16 years working in recorded entertainment.

The total of hours spent at work and in completing compulsory educational requirements [whether at a school or in another arrangement (e.g. tutoring at the workplace) approved under the *Education (General Provisions) Act 2006*] must not exceed 40 in any week. For example, a child who attends school for 30 hours each week may work only 10 hours in the entertainment industry.

For more information on these and other restrictions and requirements affecting children at work visit www.deir.qld.gov.au or telephone 1300 369 945.

Section 1. Applicant

Given name/s _____

Family name _____

Address _____

_____ Postcode _____

Telephone (home) _____ (work) _____

Mobile _____ Email _____

Status of applicant

(a) The applicant is the child affected by this application

YES NO

If you have marked 'YES'

Date of birth ____ / ____ / ____ Current year level at school _____

(b) The applicant is an adult acting on behalf of the child

YES NO

Please state your relationship to the child affected by this application (e.g. employer/prospective employer or their representative, mother, father, person granted guardianship or exercising parental responsibility under a court order, etc.) _____

Statement

I have read this application including the 'Notes' and 'Definitions and Additional Information' sections. To the best of my knowledge all information contained in this application is correct.

I hereby make application for a special circumstances certificate to authorise the child named in this application to work in accordance with the details set out in this application.

(Signature)

____ / ____ / ____

(Date)

Section 2. Child affected by this application

(if the child is not the applicant in Section 1)

Given name/s _____

Family name _____

Address _____

_____ Postcode _____

Telephone (home) _____ (work) _____

Mobile _____ Email _____

Date of birth ____ / ____ / ____ Current year level at school _____

Statement

I have read this application including the 'Notes' and 'Definitions and Additional Information' sections. To the best of my knowledge all information contained in this application is correct. I support this application.

(Signature)

____ / ____ / ____
(Date)

Section 3. Parent of the child affected by this application

(if the parent is not the applicant in Section 1)

Note: This section does not need to be completed if the child affected by the application does not have a parent or lives independently from his or her parents.

Given name/s _____

Family name _____

Address _____

_____ Postcode _____

Telephone (home) _____ (work) _____

Mobile _____ Email _____

Statement

I have read this application including the 'Notes' and 'Definitions and Additional Information' sections. To the best of my knowledge all information contained in this application is correct. I support this application.

(Signature)

____ / ____ / ____
(Date)

Section 4. Employer or proposed employer

Given name/s (if applicable) _____

Family name (if applicable) _____

Full names of all partners (if applicable) _____

Name of corporation (if applicable) _____

Trading name (if applicable) _____

Address at which child is working/will work

_____ Postcode _____

Person authorised on behalf of employer to provide information about this application (if applicable)

Telephone (home) _____ (work) _____

Mobile _____ Email _____

Statement

I have read this application including the 'Notes' and 'Definitions and Additional Information' sections. To the best of my knowledge all information contained in this application is correct. The employer/proposed employer (strike out whichever is not applicable) supports this application.

(Signature)

____ / ____ / ____
(Date)

Section 6. Hours that the child affected by this application is required to attend school

Please state the hours (i.e. the starting and finishing times) the child is required to attend school.

The hours the child is required to attend school include any hours the child is required to participate in an external program under the *Education (General Provisions) Act 2006*. An external program includes being tutored at work in the entertainment industry, at home or through a distance education program. Also included is any informal arrangement between the child and their school.

Monday

Thursday

Tuesday

Friday

Wednesday

The times listed above only apply during school term and are exclusive of public holidays and pupil free days. If known, please advise if the school holidays or pupil free school days differ from the standard arrangements for Queensland state high schools.

Start and finish dates of school holidays (1)

Start and finish dates of school holidays (2)

Start and finish dates of school holidays (3)

Start and finish dates of school holidays (4)

Start and finish dates of school holidays (5)

Pupil free days
