

Policy: Employment of Children

NOTE: Any reference to Authorised Officer in this policy applies to staff authorised under the *Care and Protection of Children Act (2007)*.

Policy Purpose

To describe the role Territory Families plays in monitoring compliance to legislation regarding the employment of children.

Policy Statement

To investigate any complaints or concerns about the employment of a child, an Authorised Officer may enter a place of employment at any time to investigate, and require that specified information or records related to the child's employment be provided under s205 of the *Care and Protection of Children Act 2007* (the Act). The Authorised Officer has the right to inspect the premises, retrieve electronic records and make copies of the records under s204 of the Act.

It is advisable that unless there is evidence to the contrary, Authorised Officers adopt a measured response to the investigation of concerns, with a presumption that the employer's actions result from ignorance of the law rather than deliberate misconduct or child exploitation. Approaching an employer to seek information, and explaining their legal obligations, may be more appropriate than an unannounced workplace inspection.

Under s201(2) of the Act, the Chief Executive Officer can restrict or prohibit the employment of a child if, in their opinion, the child suffers or is likely to suffer exploitation because of the employment; or the wellbeing of the child is, or is likely to be, jeopardised. Written notice of this restriction or prohibition must be given to a parent of the child, a copy should be given to the child and may be given to the employer.

Failure to comply with the notice by the parent or employer is an offence.

The parent of a child is entitled to apply to the Local Court for a review of the decision within 28 working days of receiving the written notice.

The Education Act 2006 includes provisions prohibiting employment of children. Children of compulsory school age cannot be employed during school hours, and their employment must not adversely affect the attendance or ability to understand instruction when at school. Adherence to these provisions is enforced by person's authorised under the Education Act.

Legislative Basis

[*Care and Protection of Children Act 2007 s201\(2\)*](#)

[*Education Act 2016 s38, s163, s164*](#)

Authorised by:

Executive Director, Service Development and Policy on:	16/03/2015	Active from:	16/03/2015
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Update:	Rebranding and clarifying the term Authorised Officer.		