



Victoria Government Gazette

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Subordinate Legislation Act 1994

NOTICE OF DECISION

(Section 12J)

Mandatory Code of Practice for the Employment of Children in Entertainment (2014)

I, the Hon Louise Asher, MP, Minister for Employment and Trade and the Minister responsible for administering the **Child Employment Act 2003** ('the Act') give notice under section 12J of the **Subordinate Legislation Act 1994** of my decision to:

- revoke the *Mandatory Code of Practice for the Employment of Children in Entertainment* published in the Government Gazette on 16 June 2005; and
- establish a new *Mandatory Code of Practice for the Employment of Children in Entertainment (2014)* under section 29 of the Act.

A Regulatory Impact Statement (RIS) has been prepared in relation to the new *Mandatory Code of Practice for the Employment of Children in Entertainment (2014)* ('the Code'). The key objectives of the Code are to:

- address the unique needs of the large number of children working in the entertainment industry; and
- protect those children from performing work that could be harmful to their health or safety, their moral or material welfare, their development and attendance at school and their capacity to benefit from instruction.

The Code creates binding obligations for employers of children concerning such matters as: information and record keeping, the supervisory duties of employers of children, availability of facilities, medical matters and general conduct in entertainment-based workplace situations, maximum hours of work for children, provision of tutoring if children are missing school, and particular provisions for the protection of babies.

The key reasons for re-making the Code are to:

- maintain the existing protections for children engaged in employment in the entertainment industry;
- reduce the costs of compliance for employers, to the extent possible; and
- improve the readability of the Code to ensure it is easier to understand and apply.

The RIS was advertised in the Victoria Government Gazette and circulated in the Herald Sun newspaper on 30 April 2014. The RIS was also promoted on the Department of State Development, Business and Innovation's website. An email was sent to key stakeholders seeking public comment. Consultation and feedback has been sought from the general public between 30 April 2014 and 28 May 2014.

Three written submissions were received in response to the RIS process. These submissions were generally supportive of the proposed Code, noting in particular the reduced burden that the proposed Code would impose on business.

One submission suggested a minor change to clarify clause 9 of the draft Code released for public comment. That clause requires employers to provide information to parents and guardians of children working in the entertainment industry and to seek their consent to the employment.

The submission received proposed that a parent or guardian of a child should be able to make an *informed decision* about the well-being of a child before consenting to the employment arrangements.

SPECIAL

This recommendation has been accepted in principle, and subject to an adjustment in the suggested wording to avoid any ambiguity or confusion regarding the use of the term ‘well-being’ in this context, has been incorporated, in part, into the relevant clause. The new clause has been renumbered as clause 10 and it now provides as follows:

10 Provision of Information about proposed employment

Before a child commences employment:

- (1) An employer must ensure that a parent or guardian of the child has sufficient information about the intended role and duties that the child will perform and the intended employment hours and workplaces *to make an informed decision*; and
- (2) the parent or guardian of the child has consented in writing to the proposed employment.

Dated 23 June 2014

THE HON LOUISE ASHER MP
Minister for Employment and Trade

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