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Child Employment Act 2003

MANDATORY CODE OF PRACTICE FOR THE EMPLOYMENT OF CHILDREN IN ENTERTAINMENT (2014)

Ministerial Order

This order is made under section 29 of the **Child Employment Act 2003** ('the Act') by me in my capacity as the Minister for Employment and Trade.

This order revokes the former Mandatory Code of Practice for the Employment of Children in Entertainment ('the former Code') pursuant to section 33 of the Act, published in the Victorian Government Gazette on 16 June 2005, as varied from time to time. The former Code is revoked from 12 October 2014.

This order also establishes a new Mandatory Code of Practice for the Employment of Children in Entertainment (2014) under section 31 of the Act, commencing on 13 October 2014.

Dated 14 July 2014

THE HON LOUISE ASHER MP
Minister for Employment and Trade

MANDATORY CODE OF PRACTICE FOR THE EMPLOYMENT OF CHILDREN IN ENTERTAINMENT (2014)

INTRODUCTION

This code of practice is made under section 29 of the **Child Employment Act 2003** ('the Act'). This code of practice contains provisions regulating the employment of children in entertainment.

A **child** is defined in the Act as a person under 15 years of age.

The employer of a child is required to obtain a permit under the Act before the child can engage in employment, unless the child is working in a family business. It is an offence for a person to employ a child unless a permit has been issued for the employment.

Under section 3 of the Act, **entertainment** means any form of entertainment and includes –

- (a) singing, dancing or acting;
- (b) playing a musical instrument;
- (c) appearing in a radio, television, film or Internet program or production, or any similar program or production;
- (d) modelling;
- (e) appearing in promotional events or advertising;
- (f) working as a photographic subject, whether still or moving;
- (g) working in or in relation to a circus;
- (h) taking part in a performance that is recorded for use in a subsequent entertainment or exhibition;
- (i) working in musical theatre, plays, operas or other live entertainment;
- (j) performing in a shopping centre;
- (k) preparatory activities to the entertainment except –
 - (i) screen tests before the child is booked for the entertainment; and
 - (ii) casting walk-ons.

Examples

Examples of preparatory activities include wardrobe fittings, rehearsals, shoots, promotional activities, sound recordings and re-shoots.

SPECIAL

Under section 4(1) of the Act, a child is engaged in **employment** if the child performs work—

- (a) under a contract of service or a contract for services (whether written or unwritten); or
- (b) in a business, trade or occupation carried on for profit under any other arrangement whether or not the child receives payment or other reward for performing that work.

The Act lists activities that do not constitute **employment** in section 4(3). They include (but are not limited to) —

- (a) participating in a church service or religious program;
- (b) participating in a project or entertainment the net proceeds of which are applied for the benefit of a church or other religious body or institution established for public worship;
- (c) participating in a project or entertainment for the benefit or as part of the activities of the school at which the child is enrolled if the child is under the direction or control of the school; or
- (d) performing work in relation to a sporting activity, including coaching, refereeing or umpiring (except in relation to martial arts, horse riding, gym instruction and other sporting activity with a high risk of injury that is prescribed by the regulations).

Under section 32 of the Act, a person who employs a child in entertainment must not contravene the code of practice.

Maximum penalties are specified in section 32 as:

- 100 penalty units in the case of a body corporate;
- 60 penalty units in any other case.

The Act gives a number of powers to the Secretary to the Department of State Development, Business and Innovation or the Secretary's successor in law. In practice, a number of these powers are delegated to child employment officers appointed under the Act.

PROVISIONS OF CODE

PART 1 – PRELIMINARY

1 Application

This code of practice applies to all employers of children working in entertainment, whether or not the employer is named in a permit issued under Division 2 of Part 2 of the **Child Employment Act 2003**.

2 Commencement

This code of practice takes effect on 13 October 2014 in accordance with the order of the Minister made under section 31 of the Act and published in the Victoria Government Gazette.

3 Revocation

This Code supersedes the former Code published in the Victoria Government Gazette on 16 June 2005, as amended from time to time, which was revoked by an order of the Minister made under section 33 of the Act from 13 October 2014.

4 Definitions

In this code of practice—

former Code means the Mandatory Code of Practice for the Employment of Children in Entertainment published in the Victoria Government Gazette on 16 June 2005, as varied from time to time;

registered midwife means a person registered under the Health Practitioner Regulation National Law (Victoria) —

- (a) to practice in the nursing and midwifery profession as a midwife (other than as a student); and
- (b) in the register of midwives kept for that purpose;

registered nurse means a person registered under the Health Practitioner Regulation National Law (Victoria) –

- (a) to practice in the nursing and midwifery profession as a nurse (other than as a midwife or student); and
- (b) in the registered nurses division of that profession;

registered teacher means a person registered under Part 2.6 of the **Education and Training Reform Act 2006** as a teacher or a person who is granted permission to teach under Part 2.6;

rest break means a period during which the child is not required to carry out any employment duties, including rehearsal and preparation;

the Act means the **Child Employment Act 2003**;

tutoring means the delivery of education by a tutor as required under Part 5;

week means:

- (a) if an employer has a regular working week, the period of 7 consecutive days beginning on and including the day ordinarily regarded as the start of that working week;
- (b) if an employer does not have a regular working week, the period of 7 consecutive days beginning on and including a Monday.

Example:

If an employer regularly rosters its employees over a 7 day period, beginning on a Thursday and ending on a Wednesday, this would be the employer's regular working week and so it would be the week for the purposes of this Part.

Note:

Other expressions used in this code of practice have the same meanings as they have in the Act. For example –

child means a person under 15 years of age;

Department means the Department of State Development, Business and Innovation or its successor in law; and

Secretary means Secretary to the Department with the responsibility for administering this code of practice.

5 Relationship with awards and agreements

The application of this code of practice is subject to the provisions of any award or agreement in force under the **Fair Work Act 2009** that are directly applicable to the employment of children under 15 in entertainment.

6 Provision of information about code to parents and guardians

- (1) Before a child commences employment, an employer must ensure that a parent or guardian of the child is provided with a summary document, in the form approved by the Secretary, explaining this code of practice.
- (2) The Secretary must make the approved form of the summary document available to employers by publishing it on the Internet or making it available in any other manner the Secretary considers appropriate.
- (3) If a parent or guardian of the child requests a copy of this code of practice, the employer must ensure that it is provided to the parent or guardian.

PART 2 – RECORD KEEPING

7 Personal information

Before a child commences employment, an employer must obtain from a parent or guardian of the child the following:

- (a) the name, home address and home telephone numbers of the child; and

- (b) the names, addresses and telephone numbers of the child's parents or guardians; and
- (c) the name, address and telephone numbers of any person who has lawful authority to consent to the medical treatment of the child; and
- (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, any emergency medical treatment as is reasonably necessary; and
- (e) the name, address and telephone numbers of any person who is to be notified of any accident, injury, trauma or illness involving the child; and
- (f) details of allergies or other relevant medical conditions and needs of the child; and
- (g) details of any dietary restrictions of the child; and
- (h) names, addresses and telephone numbers of the persons who are authorised to collect the child from the employer.

Note:

A Child Information Form, which may be used to record the information specified above, is available at business.vic.gov.au/childemployment

8. Records of employment

An employer must include the following additional details in the records required to be kept under the Child Employment Regulations 2004:

- (a) details of the location at which the child is employed on each occasion of employment; and
- (b) the times during which the child received education from a tutor engaged by the employer, and the general subject matters covered; and
- (c) the information obtained under clause 6.

Note:

Under the Child Employment Regulations 2004 employers must keep records containing:

- (a) the times the child started work and finished work each day of work; and
- (b) the hours the child worked each day and each week; and
- (c) the date the child started employment and the date that he or she finished employment; and
- (d) each date the child worked.

Under the Act, employers must also keep certain records relating to parental consent, exemptions from school attendance and child supervisors. Further information about record keeping requirements is available at business.vic.gov.au/childemployment

9 Access to child employment permit

An employer must take a copy of a child's employment permit to each workplace of the child and be able to access the permit.

Note:

Under the Act, a child employment officer may require a person to produce a document (including a child employment permit).

PART 3 – GENERAL DUTIES OF EMPLOYER

10 Provision of information about proposed employment

Before a child commences employment, an employer must ensure that:

- (1) the 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.

Note:

Under section 13 of the Act, when applying for a child employment permit, a prospective employer must give an undertaking that they will ensure that a parent or guardian of the child consents in writing to the child's employment before the employment commences.

11 Food and drink

- (1) An employer must ensure that each child has, at reasonable hours during the employment, access to appropriate and sufficient nutritious food, having regard to the age, taste, culture and dietary restrictions of the child.
- (2) An employer must ensure that each child has access at all times during the employment to water and such other drinks that are suitable having regard to the age and dietary restrictions of the child.

12 Toilet, washing and dressing room facilities

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

13 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 and the length of the employment.

14 Protection from harmful weather

An employer must ensure that during the employment each child is adequately clothed and otherwise protected from weather that may be harmful to the child's health or safety.

15 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) If a child becomes ill or is injured while at work, the employer must immediately notify one of the child's parents or guardians of that fact, or, if no parent or guardian is contactable, another person nominated by the parent or guardian.

Note:

Under clause 7(d), prior to employing a child an employer must also obtain a signed authority to seek or administer any emergency medical treatment to the child as is reasonably necessary.

16 Punishment prohibited

An employer must ensure that a child is not subjected during the employment to any form of corporal punishment, social isolation, immobilisation or any other behaviour likely to humiliate or frighten the child.

17 Inappropriate roles or situations

- (1) An employer must ensure that a child is not 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 or situations that 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 emotional reaction.

- (3) Subject to subclause (4), 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.
- (4) Subclause (3) does not apply if:
 - (a) the child is under the age of 12 months; and
 - (b) a parent or guardian of the child has provided written consent to the employer authorising the child to be naked or present when any other person is naked; and
 - (c) a parent or guardian of the child is present for the whole period during which the child is naked or the other person is naked, as the case may be.

18 Supervision

- (1) In addition to the supervision obligations in section 19 of the Act, an employer must ensure that:
 - (a) a child aged 12 weeks or older but less than 6 years old is 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 who holds an approved early childhood teaching qualification included in the list, as in force from time to time, published by the Australian Children's Education and Care Quality Authority in accordance with regulation 137(1)(a) of the Education and Care Services National Regulations; or
 - (iii) a person who holds a diploma level education and care qualification included in the list, as in force from time to time, published by the Australian Children's Education and Care Quality Authority in accordance with regulation 137(1)(b) of the Education and Care Services National Regulations; or
 - (iv) a registered nurse, or a registered midwife; and
 - (b) a child aged 6 years or older, is 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) a child less than 12 weeks old is supervised in accordance with the requirements in clause 32.
- (2) An employer must ensure that a supervisor of a child is not given other responsibilities that prevent the supervisor from providing direct supervision to the child.

Note:

Under section 19 of the Act an employer must ensure that a child is provided with direct and adequate supervision at all times by a person who has a current assessment notice under the **Working with Children Act 2005** or is exempt from the requirement to have a current assessment notice under section 19B of the Act.

The Education and Care Services National Regulations prescribe staff to child ratios that must be adhered to when children are being cared for or educated by a children's service. These ratios, while not prescribed for the purposes of this code of practice, may provide guidance as to the appropriate number of supervisors where multiple children are engaged. Further detail about these ratios is available at: business.vic.gov.au/childemployment

19 Parental contact

- (1) An employer must at all times during the employment ensure that each child is able to make contact with their parents or guardians 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.
- (2) Subject to subclause (3), an employer must allow a parent or guardian of a child to be present at the workplace at all times when the child is present at the workplace.
- (3) An employer may exclude a parent or guardian from a particular area of the workplace or from direct contact with the child, provided that the exclusion is only for a period and only from an area necessary to ensure that the employer's undertaking or production is not unduly disrupted, or to protect the health and safety of any person present in the workplace including the parent or guardian.
- (4) If the child's employment requires the child to spend 1 or more nights away from home, the employer must provide appropriate accommodation for both the child and a parent or guardian of the child, if the parent or guardian intends to accompany the child.

20 Travel home

- (1) An employer must ensure that each child aged less than 13 years 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 each 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 a parent or guardian of the child permitting the child to travel home alone, and travel home will be completed in the ordinary course before 8.30pm.
- (3) An employer must ensure that each child's journey home commences within 30 minutes after the child finishes work unless the child is accompanied by a parent or guardian of the child.

PART 4 – HOURS OF WORK**21 Calculation of employment time**

- (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 1 hour spent by the child in travelling from home to the place of work; and
 - (b) any time in excess of 1 hour spent by the child in travelling home from the final place of work; and
 - (c) the whole of the time that the child is required to be at work, excluding the 45 minute rest break required under clause 25 (provided that any time taken for the rest break in excess of 45 minutes must be counted as time worked, unless the longer rest break is taken in order to comply with an award or agreement in force under the **Fair Work Act 2009**); and
 - (d) 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; and

- (e) 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.
 - (2) Any travel in excess of 1 hour under subclause (1)(a) or (b) must be within the spread of hours during which a child may be employed as specified under clause 22.
- 22 Maximum number of days of employment in any week, employment hours per day, consecutive days of employment and spread of hours**
- (1) An employer must not employ a child in excess of the maximum number of days of employment in any week, the maximum employment hours per day or the maximum number of consecutive days of employment specified in Table A or Table B (whichever applies).
 - (2) An employer must not employ a child outside the spread of hours specified in Table A or Table B (whichever applies).
 - (3) **Table A** applies to children working in any form of entertainment not covered by **Table B**, including:
 - (a) appearing in a radio, television, film or Internet program or production, or any similar program or production;
 - (b) appearing in promotional events or advertising;
 - (c) working as a photographic subject, whether still or moving;
 - (d) modelling;
 - (e) performing in a shopping centre;
 - (f) taking part in a performance that is recorded for use in a subsequent entertainment or exhibition;
 - (g) taking part in preparatory activities to these forms of entertainment (excluding screen tests before the child is booked for the entertainment and casting walk-ons).
 - (4) **Table B** applies to children working in musical theatre, plays, operas or other live entertainment, or in or in relation to a circus, including preparatory activities to these forms of entertainment (excluding casting walk-ons).
 - (5) An employer must not employ a child to work later than 9pm on any day if the child is required to attend school on the morning of the following day.
 - (6) An employer must not employ a child for more than 4 hours on any day on which the child attends school for at least 3 hours.

TABLE A – Film, Television, Radio, Advertising, Photography, Modelling etc.

Age	Maximum number of days of employment in any week	Spread of hours	Maximum employment hours per day	Maximum number of consecutive days of employment
Under 3 years	3	6 am–6 pm	4 hours	3
3 years and under 8 years	4	6 am–11 pm*	6 hours**	4
8 years and under 15 years	5	6 am–11 pm*	8 hours**	5

*A child cannot work beyond 9 pm if they are required to attend school on the morning of the following day.

**A child cannot work for more than 4 hours on any day on which they attend school for 3 hours or more.

TABLE B – Live Entertainment, including Musical Theatre, Plays, Operas, Circus etc.

Age	Maximum number of days of employment in any week	Spread of hours	Maximum employment hours per day	Maximum number of consecutive days of employment
Under 2 years	1	9 am–6 pm	4 hours	1
2 years and under 6 years	3	9 am–6 pm	4 hours	3
6 years and under 10 years	4	9 am–10 pm*	4 hours	4
10 years and under 12 years	4	9 am–11 pm*	6 hours**	4
12 years and under 15 years	4	9 am–11 pm*	8 hours**	4

*A child cannot work beyond 9 pm if they are required to attend school on the morning of the following day.

**A child cannot work for more than 4 hours on any day on which they attend school for 3 hours or more.

23 Maximum weekly education and employment hours

(1) In this clause –

education hours means:

- (a) if the child has not been exempted from attendance at school, 4 hours for each school day; or
- (b) if the child has been fully or partly exempted under section 2.1.5 of the **Education and Training Reform Act 2006** from attendance at school to undertake employment:
 - (i) any hours of tutoring required to be undertaken in accordance with this code of practice; and
 - (ii) 4 hours on any day that the child attends school for 4 hours or more, or 2 hours on any day that the child attends school for less than 4 hours.

employment hours means the hours that a child is employed in any week.

- (2) A child's combined education hours and employment hours must not exceed 40 hours in any week.
- (3) An employer must not employ a child in contravention of subclause (2).

Note:

It is an offence under the Act for a child to be employed during school hours on any school day unless the child has been granted an exemption from attendance at school. A child's school principal has authority to exempt the child from school attendance to undertake employment in the entertainment industry. Applications for exemptions must be made, and will be assessed, in accordance with Department of Education and Early Childhood Development guidelines.

The limit of 40 hours per week for work and education is an overall maximum. Employers must also comply with clause 22 of this code of practice, which limits the spread of hours, number of hours per day, number of days per week and number of consecutive days that a child may be employed (see clause 22, Tables A and B).

24 Shifts

- (1) Subject to this clause, an employer –
 - (a) must not employ a child for more than 1 shift on any day; and
 - (b) must ensure that a child is not required to start work on a day less than 12 hours after the child has finished work on the previous day, whether for the same or for any other employer;
- (2) Subclause 1(a) does not apply if the working day is interrupted to enable the child to attend regular school.
- (3) Subclause 1(b) does not apply if the employer reasonably believes, after making reasonable enquiries, that before commencing work with the employer, the child had not worked for another employer in the preceding 12 hour period.

25 Rest breaks

An employer must ensure that a child is given:

- (a) a 10 minute rest break every hour; and
- (b) a 45 minute rest break every 5 hours, provided that the first 45 minute break must commence at or before 1pm if the child commenced work prior to 10am.

26 Variation of clauses 22, 23, 24 and 25

- (1) On written application from an employer, the Secretary, or a child employment officer appointed under section 38 of the Act, may approve in writing a variation of any requirement of clauses 22, 23, 24 or 25 in relation to a particular activity, event, performance or production.
- (2) The employer's application must contain reasons for the proposed variation and be provided to the Secretary or a child employment officer sufficiently in advance of the work in question to enable a proper assessment to be made of the merits of the application.
- (3) A variation may only be approved if the Secretary or a child employment officer is satisfied that the health, education and moral and material welfare of the child or children concerned will not suffer as a result of the variation.
- (4) A variation is subject to any conditions determined by the Secretary or a child employment officer and specified in the variation.
- (5) The employer must comply with the requirement as varied under this section, including any conditions to which the variation is subject.

PART 5 – TUTORING**27 When tutoring is to be provided**

- (1) If a child has been exempted from attendance at school under section 2.1.5 of the **Education and Training Reform Act 2006** and it is a condition of the exemption that the child fulfil a stipulated period of education, the employer must engage a tutor to provide the stipulated amount and subject matter (if stipulated) of education.
- (2) If no period of education is stipulated in the exemption, once a child is absent from school for a period or periods totalling 9 days during employment with the employer, the employer must engage a tutor to provide at least 2 hours of education on each school day for the remainder of the employment.
- (3) For the purposes of subclause (2), if a child attends school for a part day on 2 occasions, that is taken to be a day's absence. A **part day** is a day on which a child attends school for less than 4 hours.
- (4) The employer may meet the obligation in subclause (2) by providing tutoring over a period of up to 4 weeks, such that the child receives an average of 10 hours of tutoring per week over that period.

28 Hours of tutoring

- (1) If an employer is required to engage a tutor under clause 27, the employer must ensure that the tutoring is provided during the spread of hours specified under clause 22.
- (2) Despite subclause (1), if the provision of tutoring during the spread of hours specified under clause 22 is impractical, a parent or guardian of the child and the employer may agree for the parent or guardian to obtain the services of a tutor to provide education outside the spread of hours.
- (3) For the avoidance of doubt:
 - (a) when calculating the total weekly hours of employment and education under clause 23, any time spent in tutoring undertaken in accordance with subclause (2) must be included; and
 - (b) when calculating the maximum employment hours per day and maximum number of days of employment in any week under clause 22, any time spent in tutoring must not be included.

29 Qualifications of tutor

A tutor engaged by an employer under clause 27 must be a registered teacher who is appropriately qualified to teach the child having regard to the child's age and level of education.

30 Tutoring facilities / education plan

If an employer is required to engage a tutor under clause 27, the employer must:

- (a) ensure that the tutor is given a proper opportunity to consult with the child's school and develop an education plan for the child in consultation with the school; and
- (b) provide an area of sufficient space and facilities of sufficient quality to enable the tutor to provide appropriate education to the child, and ensure that children being tutored and the tutor have exclusive access to the area and facilities while education is being provided.

31 Tutoring expenses

- (1) If a parent or guardian of the child obtains the services of a tutor to provide tutoring outside the spread of hours in accordance with subclause 28(2), the employer must reimburse the parent or guardian for the costs of the tutor.
- (2) For the avoidance of doubt, an employer is not obliged under subclause (1) to reimburse the parent or guardian for tutoring hours in excess of those required to be provided in accordance with this code of practice.

PART 6 – BABIES**32 Application of this Part**

This Part applies to babies who are less than 12 weeks old.

33 Baby to be fit for employment and adequately supervised

- (1) An employer must not employ a baby for more than 1 hour on any day unless:
 - (a) a registered nurse or registered midwife 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.
- (2) An employer may employ a baby for 1 hour or less on any day provided that:
 - (a) a parent or guardian of the baby 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 birthweight 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.

34 Harmful lighting not to be used

An employer must not allow a baby to be exposed to harmful lighting during the employment.

35 Use of make-up

An employer must not allow make-up to be applied to a baby during the employment unless the make-up is non-irritating and uncontaminated.

36 Segregation from persons suffering respiratory or skin infections

An employer must not allow any person who is known by the employer to have a respiratory or skin infection or to be carrying an infectious disease to come into contact with a baby during the baby's employment.

PART 7 – TRANSITIONAL**37 General transitional provision**

This part does not affect or take away from the **Interpretation of Legislation Act 1984**.

38 Application of Code to employment before 13 October 2014

- (1) This clause applies to a contract or other arrangement under which a child was employed in entertainment in accordance with the Act, the Regulations and the former Code, that was in force immediately before 13 October 2014 and that continues in force on and after that day.
- (2) On and after 13 October 2014, the provisions of this code of practice that are applicable during the employment of a child apply in relation to a contract or other arrangement referred to in subclause (1).

39 Application of Code to permit granted before 13 October 2014

- (1) This clause applies to a permit for a child to engage in employment in entertainment that was granted in accordance with the Act, the Regulations and the former Code, that was in force immediately before 13 October 2014 and that continues in force on or after that day.

- (2) On and after 13 October 2014, the following provisions of this code of practice apply in relation to the employment to which a permit referred to in subclause (1) relates—
- (a) if the employment commenced before 13 October 2014, the provisions of this code of practice are applicable during the employment of a child;
 - (b) if the employment commences on or after 13 October 2014, the whole of this code of practice.
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