

Authorised Version No. 001
Child Employment Regulations 2014

S.R. No. 43/2014

Authorised Version as at
7 June 2014

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1 Objectives

The objectives of these Regulations are—

- (a) to prescribe the form required for the occupier's consent to entry of a child employment officer to any part of the occupier's premises used for residential purposes; and
- (b) to require an employer to keep records in relation to the employment of a child.

2 Authorising provision

These Regulations are made under section 53 of the **Child Employment Act 2003**.

3 Commencement

These Regulations come into operation on 7 June 2014.

4 Revocation

The Child Employment Regulations 2004¹ are **revoked**.

5 Definitions

In these Regulations—

extended family member, in relation to a child, means a person who is the child's—

- (a) grandparent; or
- (b) aunt or uncle; or

- (c) brother or sister (including half-brother, half-sister, step-brother, step-sister, brother-in-law or sister-in-law);

the Act means the **Child Employment Act 2003**.

6 Consent to entry

For the purposes of section 42(5) of the Act, the prescribed form is the form set out in the Schedule.

7 Records

- (1) An employer must keep records in accordance with this regulation in relation to each child employed by the employer under a permit.
Penalty: 10 penalty units.
- (2) The records must state—
 - (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.
- (3) The records in relation to a child must be kept for at least 12 months after the date on which the last entry was made in those records in relation to the child.
- (4) An employer must not alter a record, or allow a record to be altered, except to correct an error.
- (5) An employer must—
 - (a) correct any error in a record as soon as the employer becomes aware of that error; and
 - (b) record the nature of the error with the correction.

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- (6) A record kept under this regulation must—
- (a) be in a legible form in the English language;
or
 - (b) be in a form that is readily accessible and is convertible into a legible form in the English language.
- (7) This regulation does not apply to—
- (a) an employer who employs a child under a permit in accordance with a work experience arrangement under the **Education and Training Reform Act 2006**; or
 - (b) an employer who is an extended family member of the child.

Note

Additional record keeping requirements apply under the Act. There may be additional record keeping requirements in relation to a child's employment under other legislation.

8 Availability of records

- (1) An employer must make a copy of a record kept under regulation 7 available to—
- (a) the child to whom the record relates, on request from that child; or
 - (b) a parent or guardian of the child, on request from that parent or guardian.
- (2) The employer must make the copy available—
- (a) if the record is kept at the premises where the child is or was employed, as soon as practicable after the request at those premises; or
 - (b) in any other case, within 14 days after the request in a manner agreed between the employer and the person making the request.

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9 Copies of permits

- (1) An employer who employs a child under a permit must keep a copy of the permit in relation to each child, until the expiry date of each document.
 - (2) This regulation does not apply to an employer who is an extended family member of the child.
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SCHEDULE

Regulation 6

Child Employment Act 2003

**ACKNOWLEDGMENT OF OCCUPIER'S CONSENT TO
ENTER PREMISES**

A Child Employment Officer appointed under the **Child Employment Act 2003** may not enter any part of premises used for residential purposes unless—

- (a) the Child Employment Officer produces his or her identity card for inspection; and
- (b) the Child Employment Officer informs the owner or occupier of the purpose of the entry; and
- (c) the Child Employment Officer informs the occupier that he or she may refuse to consent to the entry; and
- (d) the occupier consents to the entry of those premises by the Child Employment Officer.

As an occupier of premises any part of which is used for residential purposes, you have a right to refuse entry to a Child Employment Officer to those parts of your premises.

If you, as the occupier, are willing to consent to the entry of the Child Employment Officer, in accordance with section 42(5) of the **Child Employment Act 2003** you are requested to acknowledge this consent by signing below. By signing this consent for the Child Employment Officer to enter your premises, you are acknowledging that:

- You have been informed of the purpose of the entry; and
- You have been informed that you have the right to refuse to consent to the entry; and
- You have consented to the entry.

Time: _____ a.m./p.m.
(time consent given)

Date: _____
(date consent given)

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Signed:

(signature)

(full name of occupier)

Address of premises:

Child Employment Officer:

(signature)

(full name of Child Employment Officer)

Time of departure: a.m./p.m.

Date:

The Child Employment Officer must give the occupier a copy of this Acknowledgment before leaving the premises.

It is advisable that the occupier retain a copy of this Acknowledgment for his or her records.

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ENDNOTES

1. General Information

The Child Employment Regulations 2014, S.R. No. 43/2014 were made on 27 May 2014 by the Governor in Council under section 53 of the **Child Employment Act 2003**, No. 81/2003 and came into operation on 7 June 2014: regulation 3.

The Child Employment Regulations 2014 will sunset 10 years after the day of making on 27 May 2024 (see section 5 of the **Subordinate Legislation Act 1994**).

Endnotes

2. Table of Amendments

There are no amendments made to the Child Employment Regulations 2014 by statutory rules, subordinate instruments and Acts.

3. Explanatory Details

¹ Reg. 4: S.R. No. 60/2004.

Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2013 is \$144.36.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.