

# Child Employment Act review

## Terms of reference

November 2020

## Background

The *Child Employment Act 2003 (Vic)* (CE Act) regulates the employment of children under 15 years of age in Victoria.

The past few years have seen significant changes to the employment landscape, in addition to regulation associated with child protection. These changes were highlighted by research conducted by EY Sweeney into the prevalence and nature of child employment in Victoria (research project).

Any changes in the employment landscape may impact on the children working within it. It is important that the CE Act is reviewed to ensure it is responsive to contemporary workplace issues.

The Review of the CE Act (Review) will consider contemporary issues and challenges with respect to the employment of children. This includes any emerging risks as well as issues identified as part of the research project.

## Scope

The purpose of the CE Act is to:

- regulate the conditions applicable to child employment in Victoria;
- protect children from performing work that could be harmful to their health or safety, or impact on their welfare, development or attendance at school; and
- ensure that they are not subject to any form of exploitation.

The Review will consider whether the CE Act is fit for these intended purposes by:

- examining the extent to which the CE Act promotes the protection of children in the workplace;
- considering how the CE Act could be enhanced to be more risk-based and prevention focused;
- examining whether any amendments to the CE Act are required to respond to emerging issues and challenges related to the employment of children;
- identifying ways to streamline and modernise the CE Act and the processes which govern regulation in this space, including the permit system.

The employment of children in the entertainment industry is also governed by a mandatory Code of Practice. For the purposes of this Review, the content of the Code is not within the scope. However, a comprehensive review of the Code will be undertaken at a later stage.

## Principles

The Review will utilise the evidence and data obtained from the research project and be guided by the following principles:

- (a) that the regulatory response to the employment of children be risk-based with a focus on prevention;
- (b) that the welfare of children in the workplace is paramount and the protective features within the current legislative scheme should not be diminished;
- (c) that compliance and enforcement should be proportionate, targeted and effective, with a range of regulatory tools available; and
- (d) that regulatory processes should be modernised and streamlined as much as possible.

## Deliverables

As part of the Review, stakeholder consultation will be undertaken, including an invitation for stakeholders to provide submissions on issues that they believe could be addressed through policy or legislative reform. All submissions will be confidential. In addition to the invitation to provide written submissions, online focus groups will be held with key stakeholders.

Consultation outcomes, as well as evidence and data obtained through the child employment research project, will be used to inform policy development on the regulation of child employment in Victoria.