

Children's Employment

Information for School Principals

December 2015



Permission to be absent from school

An employer must not employ a child of compulsory school age (within the meaning of the *Education Act 1990*) during hours of normal school attendance unless:

- (a) the period of absence is approved by the Principal of the child's school (or the Secretary of the NSW Department of Education), or
- (b) the child is enrolled at a school to undertake courses of study by means of distance education, or
- (c) the child is registered for home schooling under Division 2 of Part 7 of the *Education Act 1990* and the employment is permitted by the conditions to which that registration is subject.

The Office of the Children's Guardian does not offer a standard template to parents or carers who are seeking permission for their child to be absent from school. However, we recommend that the request for permission includes the child's name, the type of employment the child will be undertaking, the name of the employer and the dates and/or times that the child will be absent from school due to employment.

The decision to grant or deny approval for a child to be absent from school for the purposes of engaging in employment is at the school's discretion.

School tuition

If a Principal elects to set tuition requirements as a condition of absence from school, the OCG considers this as receiving schooling, and the employer will be required to comply with the general limitations on hours of work relating to schooling requirements.

Hours of work relating to schooling requirements

The hours that a child is permitted to work are set out in the [Code of Practice](#), and vary according to the child's age and their industry of employment. Specific requirements relating to a child's schooling include:

- Children must not have a combined total of more than 50 hours of school and work in one week.
- Children must not be employed for more than four hours if they have school on the same day that they work.
- If they have school the following day, they must not be employed past 9pm.

Authority to work with children

Anyone in NSW who employs a child under 16 for modelling work or a child under 15 for work in entertainment, exhibition, still photography or door-to-door sales must obtain an Authority to work with children in NSW, issued by the Office of the Children's Guardian.

To see whether an employer holds a current Authority, check the [Register of Authorised Employers](#).

More information

For more information about Children's Employment, go to www.kidsguardian.nsw.gov.au

If you have any questions, please email kids@kidsguardian.nsw.gov.au or call us on (02) 8219 3600.

See also:

[Children and Young Persons \(Care and Protection\) \(Child Employment\) Regulation 2015](#)
[Children and Young Persons \(Care and Protection\) Act 1998](#).