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Exemptions and variations

Exemptions

You may be exempt from holding an employer's Authority if you:

- are a performer representative who is acting solely in this capacity
- plan to employ a child for the purpose of a fundraising appeal (within the meaning of the Charitable Fundraising Act 1991)
- plan to employ a child for an occasional entertainment or exhibition where the net proceeds are applied wholly for a charitable object
- plan to employ a child who is more than 10 years old, and the employment is outside of school hours and is for no more than 10 hours per week
- plan to employ a child who is a national of a foreign country, who is performing under the auspices of the government of that foreign country.

Exempt employers still need to:

- send a notification to employ children, 7 days in advance
- complete the child details form (52KB) when cast is confirmed
- comply with the Code of Practice
- develop and distribute a code of conduct

How to apply

Complete an [online fee exemption form](#)

Once approved, you will be issued with an exemption letter by email.

Variations

If you are unable to comply with the Code of Practice, you can apply for a variation. In the application you will need to:

- demonstrate you cannot reasonably work within the Code requirements
- clearly explain the reason for the proposed variation to the child's parent
- obtain the child's parent's agreement that the proposed variation is appropriate for their child and if the Office of the Children's Guardian is satisfied that the child's welfare and wellbeing will not be compromised
- provide evidence of the principal's approval for the child's planned absence, if the child is employed when they would normally be

attending school

If you wish to employ babies under 12 weeks of age you will need to apply for a variation. A nurse's report will also be required and submitted by email.

If your request is approved, you will receive a notice of variation by email that details the terms and conditions you need to follow.

[Apply for a variation \(656.2KB\)](#) and email completed form to kidsemployment@kidsguardian.nsw.gov.au