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Quick guide to employing children

Before you start – are you employing a child?

What does employment mean?

You are employing a child if all three of these things is true:

1. The child is performing in the entertainment, exhibition, still photography or modelling sectors.
2. You are giving the child, or someone else, a payment or material benefit (goods and services in lieu of payment) at any point in time for the child's services.
3. You have some level of responsibility for casting a child in a role and for the directions given to that child to perform activities.

Students

Tertiary students who direct children to perform in entertainment or still photography as part of their studies are deemed to be employing children, even if the children are not being paid.

Who is a child?

A child is a performer who is under 15 years of age or a model who is under 16 years of age.

What must I do when employing children?

- **The Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015** contains the administrative requirements for employers and performer representatives.
- **The Code of Practice** or Schedule 1 of the Regulation, outlines the workplace conditions and employment documentation that employers must have.

The steps to follow

Step 1: Tell us your plans at least 7 days before children are employed

- You don't need to have cast the children yet.
- You must tell us your plans and proposed risk management strategies now.

- The more complex your job, the more notice you should give.

Submit your 7 days minimum notice online.

What information do I need to give for 7 days notice?

- The first likely work day after casting.
- The child's approximate working hours and number of days
- How many children and the age range you plan to cast.
- The role requirements - what will children say, see, hear and do
- The role risks including location risks, skilled action and stunts, animals, SFX, pyrotechnics, long days, night shoots, weapons etc.
- Adult oriented or inappropriate content or action and the plans to separate it from the children's role.
- Risk management strategies you are planning
- Variations needed due to circumstances outside of your control.

Step 2: Apply for an authority and prepare records 3 to 4 days before employment

- Apply for your Authority to Employ Children in NSW. Penalties apply if you employ children without the correct Authority.
- Develop your Code of Conduct if you don't have a suitable one. Every adult present must have a copy before a child starts work.

- Make sure you have or are developing your own incident reporting register (16.8KB) and forms from our sample templates. (220.7KB)
- Have a sign in and out sheet or a method of accurately recording arrival, start and departure times for each child.

Step 3: Organise a registered nurse if you employ children under three years of age.

Employing babies under 12 weeks of age requires specific permission.

- Babies must be suitable for employment.
- Forward a nurse report form (231KB) to your registered nurse to complete
- Complete a variation application. (209.1KB)
- Email us the completed nurse report and variation application 2 to 3 days before.

Step 4: Organise your supervisors, nurses or chaperones, verify employee Working With Children Checks

You are required to ensure each child has appropriate supervision.

Is the parent supervising?

- The supervisor must be able to see the child at all times.
- The best person to supervise a child is their own parent.
- If a child's parent asks anyone to supervise at any time (e.g. grandmother or a nanny), they must give that person permission in writing before they can supervise.

- You can receive written parent permission via a text message or e-mail or use the Parent Nominee Authorisation form.
- A parent-nominated supervisor does not need a Working With Children Check.

Are you employing or providing a supervisor, tutor, chaperone or a nurse?

- If you employ people in child-related roles you are required to register as a child-related employer on the Working With Children Check system.
- Ensure that any supervisor or nurse has given you their WWC or APP number, full name and date of birth.
- Check your supervisors and nurses are cleared. If they are not cleared, they must not be employed.
- All chaperones and supervisors that you engage must have training and experience in their role.

Step 5: Provide any updated or outstanding information 2 to 3 days before employment

- Major changes in risks to the children notified late may require additional information and may delay your plans.
- Where one child is employed, all children working must be notified and have the same working conditions as outlined in the Code of Practice.
- Make sure that principal permission (169KB) is being organised if filming during school hours with school-aged children.
- Make sure private change facilities and bathrooms are appropriate and hygienic for the children who will use them.

Email us:

- a completed child details form (52KB) with all children who will be working
- a variation application (209.1KB) if you need variations to the Code of Practice
- any finalised safety reports and risk assessments
- the registered nurse details where you are employing children under 3 years of age
- any changes to your script, role requirements or workplace.

Step 6: The day before children start work

- Email us your call sheet.
- Give a copy of your Code of Conduct to all adults on set.
- Give a copy of the parent fact sheet (218KB) to all parents.
- Ensure that any parent nominated supervisor has a signed parent nominee authorisation (164.2KB) to give to you.
- Get blank copies of the code of conduct and the parent nominee form in case staff change overnight or parents cease supervising for a short time on set.
- Ensure that principal permission for absence (169KB) has been granted. You can collect this as the child arrives at the worksite.

Ongoing

- Keep us updated on any schedule, action or script changes.
- Send the daily call sheets before the children start work.
- Check-in with children and their parents regularly to make sure

they are coping with their role.