



Education
and Training

CHILD EMPLOYMENT LEGISLATION AND WORKPLACE LEARNING

FREQUENTLY ASKED QUESTIONS



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Authorised by the Department of Education and Training,

2 Treasury Place, East Melbourne, Victoria, 3002

INTRODUCTION

Workplace learning activities are an integral part of students' learning and career development, which can help them to:

- develop employability skills;
- explore possible career options;
- understand employer expectations; and
- increase their self-understanding, maturity, independence and self-confidence.

The workplace learning activities referred to in this resource are:

- **Work experience:** The short-term placement of secondary school students with employers to provide insights into the industry and the workplace in which they are located. Students are placed with employers primarily to observe and learn – not to undertake activities which require extensive training or experience.
- **Structured workplace learning:** Provides students with the opportunity to integrate practical on-the-job experience and learnings in industry with nationally recognised VET undertaken as part of either the Victorian Certificate of Education (VCE) or the Victorian Certificate of Applied Learning (VCAL); VCE Industry and Enterprise; or VCAL units.

STUDENTS AGED UNDER 15 YEARS

Under the *Child Employment Act 2003*, it is a requirement that all employers of work experience students aged under 15 years obtain a Child Employment Permit.

It is also a requirement that all supervisors of work experience students aged under 15 years must hold a valid Working with Children Check. If the employer is also the nominated supervisor, then the employer is also required to hold a valid Working with Children Check.

There are also a range of additional requirements which employers should familiarise themselves with, including record keeping obligations.

Please note: The minimum age for work experience is 14 years.

How do I apply for a Child Employment Permit?

The Child Employment Permit application form can be obtained from the Business Victoria website at:

<http://www.business.vic.gov.au/operating-a-business/employing-and-managing-people/employing-children>

The employer is required to enter details about the job, including proposed supervision arrangements. The parent/guardian of the student is required to enter their details and provide their written consent. With each application for a Child Employment Permit, the employer is required to indicate on the form that the child will be supervised at all times by a person who holds a valid Working with Children Check.

The principal, parent/guardian and the employer are required to sign the Child Employment Permit application form.

A Risk Assessment Form completed by the school and the employer must also be submitted with the application form. A Risk Assessment Form is available at:

<http://www.education.vic.gov.au/school/teachers/teachingresources/careers/work/pages/workexperience.aspx>

The application form and Risk Assessment Form can be submitted by:

Post:

Department of Economic Development, Jobs, Transport and Resources
Child Employment
GPO Box 4509
Melbourne VIC 3001

Email: childemployment@ecodev.vic.gov.au

Fax: (03) 9651 9703

The application form must be sent for approval well in advance of the placement, as a Child Employment Permit must be obtained before the placement commences. To ensure that a Child Employment Permit is obtained in time, applicants should allow sufficient time to plan and lodge their applications.

For more information and advice about the *Child Employment Act 2003* or assistance with completing an application form, please contact a Child Employment Officer at childemployment@ecodev.vic.gov.au or 1800 287 287.

How do I apply for a Working with Children Check?

Information about applying for a Working with Children Check can be obtained from the Department of Justice and Regulation website at: <http://www.workingwithchildren.vic.gov.au/>

If I own my own company, do I need to get a Working with Children Check?

If you are responsible for supervising a work experience student aged under 15 years, you must hold a valid Working with Children Check. If you are not responsible for supervising a work experience student aged under 15 years then you must ensure that any nominated supervisor of the student holds a valid Working with Children Check.

I haven't received my Working with Children Check yet – is it ok if I supervise a work experience student aged under 15 years?

No, it is not. You must obtain your Working with Children Check before you are able to supervise a work experience student aged under 15 years. A certified copy of any nominated supervisor's valid Working with Children Check must also be provided to the principal prior to the work experience placement commencing.

I already have a Working with Children Check as a result of my volunteer work. Can I rely on this to supervise a work experience student aged under 15 years in my workplace?

No, you cannot. You are required to apply for an employee Working with Children Check and pay a fee if you wish to undertake paid child-related work (e.g. supervising a work experience student aged under 15 years). Under the *Working with Children Act 2005*, it is an offence to use a volunteer Working with Children Check for paid child-related work.

Who pays for the Working with Children Check application if I am supervising a work experience student aged under 15 years?

The Department of Education and Training will reimburse any employer/supervisor who applies for a Working with Children Check for the purposes of supervising a work experience student aged under 15 years.

To process payment, the Department requires an invoice that includes the following details:

- Name of the work experience student
- Name and phone number of the student's school
- Name of the supervisor
- Work experience dates

Invoices should be sent to:

Ms Leela Darvall
Secondary Reform, Transitions and Priority Cohorts Division
Department of Education and Training
GPO Box 4367
Melbourne, 3001

STUDENTS AGED 15 YEARS AND OVER

The *Child Employment Act 2003* does not affect work experience or structured workplace learning arrangements for students aged 15 years and over.

Employers of work experience or structured workplace learning students aged 15 years and over are not required to obtain a Child Employment Permit, and supervisors are not required to obtain a Working with Children Check.

OTHER FREQUENTLY ASKED QUESTIONS

I have heard that amendments have been made to the *Working with Children Act 2005*. Do these amendments mean I need to obtain a Working with Children Check if I am supervising a workplace learning student?

The Royal Commission into Institutional Responses to Child Sexual Abuse made specific recommendations aimed at strengthening the protection children receive through Working with Children Checks. Several of these recommendations have been implemented through amendments to the Working with Children Act 2005, which will come into effect on 1 August 2017.

These amendments include changes to the definition of child-related work as follows:

1. The reference to **'supervision'** has been removed and no longer applies. This means that even if a person's contact with children as part of their child-related work is supervised by another person, they will still need to apply for a Working with Children Check.
2. The definition of **'direct contact'** has been expanded and now includes oral, written or electronic communication, as well as face-to-face and physical contact.

These changes to the definition of child-related work **do not** alter the existing Working with Children Check requirements for supervisors of workplace learning students – that is, only supervisors of work experience students aged under 15 years are required to hold a valid Working with Children Check.

What are the Child Safe Standards and do they mean I need to obtain a Working with Children Check if I am supervising a workplace learning student?

As part of the Victorian Government's commitment to implementing the recommendations of the Betrayal of Trust report, which found that more must be done to prevent and respond to child abuse in our community, there is a new regulatory landscape surrounding child safety, underpinned by new Child Safe Standards. The Child Safe Standards are compulsory for all organisations providing services to children.

Further information about the Child Safe Standards is available on the Department of Health and Human Services website at:

<http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/child-safe-standards>

The Child Safe Standards **do not** alter the existing Working with Children Check requirements for supervisors of workplace learning students – that is, only supervisors of work experience students aged under 15 years are required to hold a valid Working with Children Check.

Are workplace learning students required to obtain a Working with Children Check if their placement involves working with children?

The definition of 'work' under the *Working with Children Act 2005* excludes an arrangement or agreement under Part 5.4 of the *Education and Training Reform Act 2006*. Work experience and structured workplace learning are therefore not considered child-related work and students participating in these arrangements are not required to obtain a Working with Children Check.