# Special circumstances certificate application

*(General employment (other than entertainment industry))*

This application may be completed by the child affected by the application or an adult on the child's behalf (e.g. the child's parent or the child's employer/proposed employer).

For enquiries regarding this application, call (07) 3406 9999.

## Introduction

The purpose of the *Child Employment Act 2006* (the Act) and the *Child Employment Regulation 2016* (the Regulation) is to safeguard all children (under 18 years of age) from being required to perform work that may be harmful to their health or safety, or physical, mental, moral or social development.

The legislation is also designed to ensure that work does not interfere with a child's education, particularly when they are required to be at school.

We recognise that individual circumstances may mean some work does not comply with the requirements and restrictions in the Act and Regulation. In these instances, a special circumstances certificate may authorise work to be done:

- that the Regulation states a child may not do
- in a way that the Regulation states a child may not work
- at a time when the Regulation states a child may not work
- without appropriate supervision by an adult
- by a school-aged child without having a parent's consent form (if that child does not have a parent or lives independently from their parents).

A special circumstances certificate may be granted only if the chief executive is satisfied, on reasonable grounds, that having regard to a child's particular circumstances, the work will not interfere with a child's schooling and will not be harmful to their health or safety or physical, mental, moral or social development.

A certificate may be granted subject to conditions and may be reviewed at any time considered appropriate by the chief executive.

An application for a special circumstances certificate must:

- state enough detail about what is sought to allow proper consideration of the application. If additional information must be obtained this may delay consideration of the application
- state when the child is required to attend school (if the child affected by the application is school-aged)
- be supported by:
  - a parent of the child (unless the child has no parents or lives independently of them)
  - the child affected by the application
  - the employer or proposed employer of the child affected by the application
  - any information required by the chief executive or under the Regulation.

# 1. Child affected by this application

| | | | | | | |
|---|---|---|---|---|---|---|
| Given name/s | | Surname | | | | |
| Address | | | State | | Postcode | |
| Telephone contact number/s | | | | | | |
| Email | | | | | | |
| Date of birth | | | Age | | | |
| Does the child have a parent? | Yes ☐ | No ☐ | | | | |
| Does the child have a parent's consent form? | Yes ☐ | No ☐ | | | | |
| Does the child live independently from their parent? | Yes ☐ | No ☐ | | | | |
| Education provider | | | | | | |
| Child's current school year level | | | | | | |

## Hours the child is required to attend school

Provide the hours (i.e. start and finish times) the child is required to attend school including any hours the child is required to participate in an external or distance education program under the *Education (General Provisions) Act 2006.*

Please include details of any arrangement with the school the child attends.

The times stated below apply during school terms and exclude public holidays and pupil free days.

| | Monday | Tuesday | Wednesday | Thursday | Friday |
|---|---|---|---|---|---|
| Start | | | | | |
| Finish | | | | | |

| | | |
|---|---|---|
| Do the school holidays or pupil free school days differ from the standard arrangements for Queensland state schools? | Yes ☐ | No ☐ |
| If yes, provide details | | |

# Address where child is or will be working

| | | | | | |
|---|---|---|---|---|---|
| Address | | State | | Postcode | |

# 2. Parent/guardian of the child affected by this application

**Note:** This section does not need to be completed if the child affected by the application does not have a parent or lives independently from their parent.

| | | | | | | |
|---|---|---|---|---|---|---|
| Given name/s | | Surname | | | | |
| Address | | | State | | Postcode | |
| Telephone contact number/s | | | | | | |
| Email | | | | | | |

# 3. Employer

## Corporation / Partnership

| | |
|---|---|
| Employer name/legal name | |
| Trading/business name | |
| Full name of all partners (if applicable) | |

| | | | | | | |
|---|---|---|---|---|---|---|
| ABN | | | ACN | | | |
| Contact person | Name: | | | | | |
| | Position: | | | | | |
| Registered address of corporation/partnership | | | State | | Postcode | |
| Telephone contact number/s | | | | | | |
| Email | | | | | | |

## Individual

| | | | | | | |
|---|---|---|---|---|---|---|
| Given name/s | | Surname | | | | |
| Trading/business name (if applicable) | | | | | | |
| Address | | | State | | Postcode | |
| Telephone contact number/s | | | | | | |
| Email | | | | | | |

# 4. Reason for application

Reasons for seeking authorisation to work contrary to requirements or restrictions under the *Child Employment Act 2006* and the *Child Employment Regulation 2016*.

| What are you seeking to have authorised?<br>(For example: authorisation for the child to work six hours per day on a school day) |
|---|
| |
| Provide details of the proposed hours to be worked. |
| |
| What period of time is the authorisation being sought to cover? (For example: 1 July 2026 to 14 July 2026) |
| |

# 5. Declaration of applicant

I declare that:

- the information supplied in this application is true and correct to the best of my knowledge
- where applicable, I have received support for this application from the child, the child's parent/s (unless they have no parents or live independently), and the employer.

I acknowledge that it is an offence under the *Child Employment Act 2006* to provide false and misleading information in this application or in any documents submitted in support of this application.

| First name/s | | | Surname | |
|---|---|---|---|---|
| Signature | ☐ | I acknowledge Queensland Laws will accept this communication as containing my signature within the meaning of the *Electronic Transactions (Queensland) Act 2001*.<br>***Note:*** *Acknowledgement must be made before the form can be lodged.* | | |
| Date signed | | | | |

# 6. Lodgement of application

To lodge your application or for further information please use the contact details below.

| | |
|---|---|
| Email: | info@oir.qld.gov.au |
| Post: | The Director<br>Industrial Relations Regulation and Compliance<br>Office of Industrial Relations<br>GPO Box 69<br>Brisbane Qld 4001 |
| Telephone: | (07) 3406 9999 |
| Website: | Employing children \| Business Queensland |

# 7. Additional Information

## Definitions

### Parent

A parent is the child's mother, father or another person who exercises parental control over the child. A person temporarily standing in the place of the parent is not considered to be a parent.

Where the child is an Aboriginal or a Torres Strait Islander, a parent includes a person who is regarded as a parent of the child under Aboriginal tradition or Island custom.

Where a person has been granted guardianship under the *Child Protection Act 1999* or where a person has been granted parental responsibility through a decision of a Federal or State Court then that person is considered the parent of the child.

If a child does not have a parent or guardian, the child may seek authorisation to work by applying for a special circumstances certificate.

### School-aged child

A school-aged child is a child who is under 16 years and required to be enrolled at a school. A child who is below the age of 16 years is not a school-aged child if the child has completed compulsory schooling (i.e. completion of year 10) or is for any other reason not required to be enrolled at a school.

## Restrictions on work performed by school-aged children

### Age restrictions

Generally, the minimum age for employment is 13 years. This is lowered to 11 years where the child carries out supervised delivery work that involves delivering newspapers, advertising material or similar items. A child of any age may do volunteer work.

### Maximum allowable hours of work for school-aged children:

| | On a school day | On a non-school day | During a school week | During a non-school week |
|---|---|---|---|---|
| School-aged child | 4 | 8 | 12 | 38 |

* A school week is a week commencing on a Sunday, when the child is required to attend school on any day of that week.

### Prohibited hours:

An employer must not require or permit a school-aged child to perform work during school hours when the child is required to attend school.

A school-aged child must not work between the hours of 10pm and 6am. Children aged 11 or 12 carrying out delivery work may only work between the hours of 6am and 6pm.

### Exemptions:

Family's businesses are exempt from the maximum hours, prohibited hours and break requirements under the legislation.

## 8. Review of decision

A decision on an application for a special circumstances certificate under section 12 of the *Child Employment Act 2006* may be reviewed by the Chief Executive at any time.

For more information on review of decisions, call (07) 3406 9999.

## *Privacy Statement*

*The Office of Industrial Relations (OIR) is collecting your personal information for the purpose of assessing your application for a special circumstances certificate under the Child Employment Act 2006 ('the Act'). OIR are authorised and required to collect this personal information for this purpose under the Act. OIR usually give this information to OIR staff, in particular Inspectors appointed under the Act. We may also use it for statistical research, monitoring and evaluation of our services. OIR will not use the information provided for any other purpose unless we are authorised or required under an Australian law, or court or tribunal order to do so. If you choose not to provide this information, OIR may not be able to assess your application. You can find the OIR privacy policy at www.oir.qld.gov.au/privacy. It explains how you can access and amend your personal information, how to make a complaint about the way we have handled your personal information, and how your complaint will be handled.*

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