



ACT
Government

Chief Minister and Cabinet

International Labour Organisation

Minimum Age Convention, 1973 (No. 138)

Law and Practice Report of the ACT

Office of Industrial Relations

Phone: +61 2 6207 5922

Email: oir@act.gov.au

Publication Date: May, 2012

International Labour Organisation

Minimum Age Convention, 1973 (No. 138)

Law and Practice Report of ACT

2012

Overview for the ACT

The Australian Capital Territory (ACT) regards itself as compliant with the Minimum Age Convention, 1973 (No. 138).

The *Children and Young People Act 2008* seeks to protect children and young people from any exploitation and risk they may face in the workplace and the legislation seeks to provide standards and regulations which work towards this goal.

Many children and young people and their families benefit from work and work experience. For many young people, work brings them independence, self esteem, money, skills and friendships. Employers also derive economic benefits from the employment of children and young people. It is the intention of the ACT Government to promote the benefits of employment while ensuring there are safety measures that protect and promote the best interests of the children and young people.

ACT laws protect children and young people by providing compulsory education, ensuring that the vast majority of children attend school on a full time basis through the *Education Act 2004*.

Further, under section 803 of the *Children and Young People Act 2008*, a person commits an offence if they employ a child or young person under the age of 15 years in high risk employment. This Act also broadly restricts employment of children and young people that is contrary to their best interests and/or involves high risk employment. Restrictions on the employment of children and young people are principally set out in:

- the *Children and Young People Act 2008*;
- Children and Young People Regulation 2009;
- Children and Young People (Employment) Standards 2009 (No. 1); and
- Children and Young People (High Risk Employment) Declaration 2009 (No. 1).

These laws restrict the types of employment and the number of hours per week a child or young person may be engaged to ensure that employment is not contrary to the best interests of a child or young person. In addition, the employment of a child or young person must not adversely affect the child or young person's ability to benefit from their education or training and an employer must not employ a child or young person of compulsory education age during school hours.

In addition, the *Work Health and Safety Act 2011* protects the health and safety at work of all workers, including children and young people, whether they perform work as an employee, contractor, volunteer, apprentice or work experience student. The ACT also has industry-specific legislation to regulate the minimum age for entry into certain occupations, including those that involve the service of alcohol. For example, under the *Liquor Act 2010*, a licensee or permit holder commits an offence if they employ a child or young person who supplies liquor in an adults-only area of the licensed premises.

Further laws that protect children and young people in the Territory at work include the *Fair Work Act 2009*, a Commonwealth law that applies wholly in the ACT and the *Criminal Code 2002*. In evaluating the incidence of child employment, the ACT relies principally on data obtained through the Australian Bureau of Statistics and other national source material.

Article 1

Each Member must pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

Note:

The Commonwealth will be primarily responsible for illustrating how Australia complies with this Article.

Article 2

1. Each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.
2. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by further declarations, that it specifies a minimum age higher than that previously specified.
3. The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, *shall not be less than 15 years*.
4. Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.
5. Each Member which has specified a minimum age of 14 years in pursuance of the provisions of the preceding paragraph shall include in its reports on the application of this Convention submitted under article 22 of the constitution of the International Labour Organisation a statement--
 - (a) that its reason for doing so subsists; or
 - (b) that it renounces its right to avail itself of the provisions in question as from a stated date.

ACT response:

The Territory regards itself as compliant with this Article. ACT legislation provides for compulsory education, ensuring that the vast majority of children attend school on a full-time basis.

Under section 10 of the *Education Act 2004* (ACT), children in the ACT must attend school if the child is at least 6 years old and are required to remain in full-time education (at least 25 hours per week) until achieving Year 10, unless they receive an exemption certificate from the government. After completing year 10, young people are required to participate in full-time education, training or employment until completing Year 12 or equivalent or reaching age 17, whichever occurs first.

If a person under the age of 17 wishes to leave school to enter the workforce, do work-related training or get an apprenticeship or traineeship, the child or the child's parent may apply to the Director-General for an Approval Statement, approving the child's participation in a training or employment alternative during the child's post Year 10 period (the time between when the child finishes year 10 and completes year 12 or is 17 years old).

In issuing an approval statement, section 14(a) of the *Education Act 2004* provides that the Director-General may refuse to issue an approval statement for a child if the Director-General is not satisfied on reasonable grounds that it is in the child's best interest to issue the statement. In deciding this, the Director-General may consider:

- the young person's health;
- education;
- sense of racial, ethnic, religious or cultural identity;
- development; and

- whether the training or employment alternative for which the statement is sought would benefit the child.

In addition, under 788 of the *Children and Young People Act 2008*, the Director-General may prohibit employment if they believe on reasonable grounds that the employment is, or is likely to be, contrary to the best interests of the child or young person. Section 782 of the Act provides that, regarding a child or young person's education, employment is contrary to the best interests of a child or young person if:

- for a child or young person under 15 years old who is required to attend a school, the employment is likely to prejudice the ability of the child or young person to benefit from the education; or
- for a young person engaged in education or training, the employment is likely to prejudice the ability of the child or young person to benefit from the education or training.

The *Children and Young People (Employment) Standards 2011* also lists the following as contrary to the best interests of a child or young person:

- the employment occurs during hours in which a child or young person is required to attend school, or an approved post Year 10 period training or employment alternative.

There are two instances where a child or young person may legally work during school hours:

- when the child or young person has received an exemption from the relevant school authority (this should be a rarity); and
- when the child or young person is in a registered home school program (as school hours may vary).

Further, the *Children and Young People Act 2008 (ACT)* provides that, under most circumstances, a person must not employ a child or young person under the age of 15 years (section 795). The following legal exemptions are provided for if the employment is in 'light work' and either:

- the child or young person is employed for 10 hours per week or less, or, the proposed employer has told the director-general in writing about the employment at least seven days in advance (s.796);
- the employment is in a family business (s.797).

Light work under the *Children and Young People Act* means work that is not contrary to the best interests of the child or young person. A job may be classified as light work if it is suitable for the physical, emotional and developmental competency of the child or young person. This includes the provision of adequate supervision, along with appropriate work safety standards to protect the child or young person from hazards.

Article 3

1. The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.
2. The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist.
3. Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, authorise employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

ACT response:

The Territory regards itself as compliant with this Article. ACT legislation broadly restricts employment of children and young people that is contrary to their best interests and/or involves high risk employment.

Under section 803 of the *Children and Young People Act 2008*, a person commits an offence if they employ a child or young person under the age of 15 years in high risk employment.

Under section 798 of the *Children and Young People Act 2008*, the Minister may declare employment in an industry to be high risk employment if satisfied that it is likely to harm a child's or young person's health, safety, personal or social development (including by sexual or financial exploitation). The *ACT Children and Young People (High Risk Employment) Declaration 2009 (No1)* (made under s.798 of the *Children and Young People Act 2008*) describes high risk employment as employment in an industry, occupation or activity that involves:

- use of dangerous machinery;
- use of dangerous substances (*as defined in the Dangerous Substances Act 2004 (ACT)*);
- handling harsh or toxic chemicals;
- high elevation work;
- service of alcohol;
- gaming or gambling service;
- nudity and display of genitals;
- working with extreme temperatures; or
- heavy construction and excavation work.

Section 800 of the *Children and Young People Act 2008* provides an exception whereby the director-general can issue an employer with a permit to employ a child or young person under 15 years of age in high risk employment. A permit may only be issued if the director-general believes on reasonable grounds that the proposed employment is not likely to harm the child's or young person's health, safety, personal or social development (including by sexual or financial exploitation).

Permits that allow high risk employment may be subject to conditions about the child's or young person's health and safety. The following are examples of conditions:

- conditions about adequate direct supervision of the young person;
- conditions about appropriate induction and training;
- conditions about supply and use of suitable protective clothing;
- conditions about workplace premises including compliance with any registration or licensing requirement; and
- conditions about availability of grief or trauma counselling at the workplace.

To obtain a permit, an employer must apply in writing with complete details of:

- the activities that the child or young person will be expected to perform during the proposed employment; the period of proposed employment; and
- how the employer proposes to protect the young person's health, safety, personal or social development during the employment (s.799).

The application must also be accompanied by written consent to the proposed employment of a person with daily care responsibility of the young person. The employer must give a copy of the permit to this person with daily care responsibility who gave consent when the application for the permit was made.

The *Children and Young People (Employment) Standards 2011 (No 1)* made under section 792 of the *Children and Young People Act 2008*, are also relevant to this Article.

Standard 1 of the *Children and Young People (Employment) Standards 2011 (No 1)* states that the employment of a child or young person under 18 years of age must not be contrary to the best interests of the child or young person (i.e. not adversely affect their schooling or harm their health, safety, personal or social development).

The *Children and Young People (Employment) Standards 2011* list the following provisions applicable to the employment of children and young people under 15 years of age:

- Standard 3 - Consideration must be given to the child or young person's physical ability and the impact of the work on their physical, emotional and social development. The level of responsibility of the role must be consistent with the child or young person's capacity to perform the duties, regardless of age.
- Standard 4 - Employers must seek consent from the child or young person and their parent/guardian prior to employing the child or young person.
- Standard 5 - Employers have a duty of care to ensure each child or young person is provided with adequate and reasonable supervision, a safe and healthy work environment, access to their parent/guardian, and appropriate induction and performance management techniques.

Work health safety for all workers is also dealt with in the *Work Health and Safety Act 2011*. Under section 19 (3) (f) of this Act, a person conducting a business or undertaking has a duty of care to provide training, instruction and adequate supervision to all workers. This includes both employees and other types of workers including apprentices and work experience students.

The ACT also has industry-specific legislation to regulate the minimum age for entry into certain occupations to protect children and young people from engaging in occupations of high risk. Provisions from relevant legislation are stated below.

Under section 118 the *Liquor Act 2010*, a licensee or permit holder commits an offence if they employ a child or young person who supplies liquor in an adults-only area of the licensed premises.

Under section 80 of the *Casino Control Act 2006*, a casino official commits an offence if the official allows a child to enter or remain in the casino.

Under the *Prostitution Act 1992*, a person commits an offence if they:

- accost a child for the purpose of offering or getting commercial sexual services (s19(2));
- cause, permit, offers or procures a child to provide commercial sexual services (s20);
- receive proceeds of child prostitution (s 21); or
- permit a child on the premises of a brothel or escort agency (s23).

Under section 21 of the *Security Industry Act 2003*, the Commissioner for Fair Trading must not issue or vary a licence unless the applicant, if the applicant is an individual, is an adult.

Article 4

1. In so far as necessary, the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, may exclude from the application of this Convention limited categories of employment or work in respect of which special and substantial problems of application arise.
2. Each Member which ratifies this Convention shall list in its first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation any categories which may have been excluded in pursuance of paragraph 1 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the categories excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.
3. Employment or work covered by Article 3 of this Convention shall not be excluded from the application of the Convention in pursuance of this Article.

ACT response:

The Territory regards itself as compliant with this Convention in light of the limited exemptions provided for in the *Children and Young People Act 2008 (ACT)*. This Act provides that, under most circumstances, a person must not employ a child or young person under the age of 15 years (section 795). The following legal exemptions are provided for if the employment is in 'light work' and either:

- the child or young person is employed for 10 hours per week or less, or, the proposed employer has told the director-general in writing about the employment at least seven days in advance (s.796);
- the employment is in a family business (s.797).

As stated above in response to Article 2, light work under the *Children and Young People Act* means work that is not contrary to the best interests of the child or young person. A job may be classified as light work if it is suitable for the physical, emotional and developmental competency of the child or young person. This includes the provision of adequate supervision, along with appropriate work safety standards to protect the child or young person from hazards.

Section 4 of the Children and Young People Regulation 2009 prescribes that, for s.793 of the Act, light work by a child or young person must be adequately supervised, suitable for his or her physical, emotion and developmental capacity, and, done under conditions where appropriate work safety standard to protect him or her from exposure to hazards or potential hazards are in place. It also lists examples number of 'light work'. These examples are consistent with the type of work undertaken by children and young people of similar age in other Australian jurisdictions.

Light work under the Regulation includes errands, sporting activities, gardening, casual house work, cashier duties, babysitting, performance, modelling and providing entertainment in specific settings.

In light of the above, the Territory would seek to exclude from the application of Convention 138 in accordance with this article those limited categories of employment where a large number of children under the age of thirteen work in practice that fall within the limited exemptions for 'light work' set out in sections 796 and 797 of the *Children and Young People Act 2008*.

Additional protections also exist under ACT law for workers under the age of thirteen. For example, the *Children and Young People (Employment) Standards 2011* provides that:

- a child or young person must not be employed for more than one shift per day and can be employed for specific maximum hours based on their age;
- a child or young person must not be employed before 6:00am or sunrise (whichever is later), or after 10:00pm;
- employers must ensure children and young people take adequate rest breaks and have a minimum of 12 hours elapse between shifts; and
- hours of work must not interfere with the child or young person's participation in education or training, or the likelihood of benefiting from education or training.

Further, under section 796 of the *Children and Young People Act 2008*, for a child or young person under 15 years old to work more than the stipulated 10 hours per week in 'light work', the proposed employer must notify the Director-General in writing about the employment at least 7 days prior to commencement.

Standard 9 of the *Children and Young People (Employment) Standards (No 1)* provides that children and young people employed in family businesses are covered by the requirements set out for all employers in the *Children and Young People (Employment) Standards (No 1)*, Chapter 21 of the *Children and Young People Act 2008*, the *Children and Young People Regulation 2009* and the *Children and Young People (High Risk Employment) Declaration 2009 (No. 1)*.

Other relevant laws provide for the protection of all children and young people in employment in the Territory. As set out in relation to Article 2, the *Education Act 2004* enforces a policy of school attendance until the completion of Year 10 and provides for employment under the age of 17 on a restricted basis. The *Children and Young People Act 2008* protects against a child or young person under the age of 15 years being employed in high risk employment, as set out at Article 3. Further laws that protect children and young people in the Territory at work include the *Fair Work Act 2009*, *Work Health and Safety Act 2011* and *Criminal Code 2002*.

Article 5

1. A Member whose economy and administrative facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially limit the scope of application of this Convention.
2. Each Member which avails itself of the provisions of paragraph 1 of this Article shall specify, in a declaration appended to its ratification, the branches of economic activity or types of undertakings to which it will apply the provisions of the Convention.
3. The provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.
4. Any Member which has limited the scope of application of this Convention in pursuance of this Article--
 - (a) shall indicate in its reports under article 22 of the Constitution of the International Labour Organisation the general position as regards the employment or work of young persons and children in the branches of activity which are excluded from the scope of application of this Convention and any progress which may have been made towards wider application of the provisions of the Convention;
 - (b) may at any time formally extend the scope of application by a declaration addressed to the Director-General of the International Labour Office.

Note:

As a developed country this Article is not applicable to Australia. No response is required

Article 6

This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, and is an integral part of-

- (a) a course of education or training for which a school or training institution is primarily responsible;
- (b) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or
- (c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.

ACT response:

The Territory regards itself as compliant with the Convention in respect of work done in schools or enterprises for the purposes of education or training as set out in Article 6.

In the ACT school-aged children may be employed during school hours as part of an education program through work experience program conducted by the educational institution, or, through training or employment alternatives undertaken during the period between when a child or young person finishes year 10 and completes year 12 (or is 17 years old). The second option is outside the scope of this Convention as set out in Article 6.

Section 783 of the *Children and Young People Act 2008* provides that an educational institution may apply for an exemption from the operation of chapter 21 (Employment of Children and Young People) of the Act for a work experience program conducted by the educational institution. In doing so, the application must:

- be made in writing to the director-general; and
- include complete details of how the work experience program complies with the Children and Young People (Work Experience) Standards 2009 (No1).

The Children and Young People (Work Experience) Standards 2009 (No1) relate to work experience programs conducted by an educational institution as part of school curriculum in relation to students under the age of 15. Under these Standards, a student involved in a work experience program shall be 14 years of age or over, except in relation to a work experience program approved by the Director-General to provide work experience for students under 14 years of age. In addition, work experience programs shall not include an activity declared to be high risk under section 798 of the *Children and Young People Act 2008* or defined as prohibited in the Education and Training Directorate's Work Experience guidelines.

The Children and Young People (Work Experience) Standards 2009 (No. 1) also sets out the following provisions relating to duty of care. An employer providing a work experience placement for a particular student shall:

- not provide remuneration in any way to the student;
- ensure the work premises comply with all legal requirements for a workplace, including any legal requirements in relation to children and young people;

- comply with all work safety requirements and provide an induction session where the student is informed of the requirements for their workplace, including instruction in the use of required protective clothing;
- ensure the student wears required protective clothing;
- ensure the working conditions are free from all types of harassment and unlawful discrimination.

The educational institution at which the work experience student is normally educated must also take reasonable steps to:

- ensure that a student is not placed in a work situation where a hazard exists taking note of the student's age, capacity, and maturity in respect to the working conditions;
- ensure the working conditions are free from all types of harassment and unlawful discrimination;
- ensure the student is covered by insurance including personal accident and public liability insurance while undertaking work experience; and
- adequately prepare the student for the work experience.

In addition, relevant parties (including the student and the student's parents) must consider the following when determine the suitability of a work experience placement:

- whether the placement is likely to prejudice the ability of the child or young person to benefit from education and training;
- whether the placement is otherwise likely to prejudice the health, safety or personal or social development of the student.

Under section 784, the Director-General may exempt the educational institution in relation to a work experience program only if the Director-General believes on reasonable grounds that the work experience program complies with, and will continue to comply with, the Children and Young People (Work Experience) Standards 2009 (No1). The exemption may be subject to conditions.

Under section 786 of the *Children and Young People Act 2008*, the Director-General may suspend an educational institution's exemption if they suspect on reasonable grounds that the educational institution has not complied with, or continued to comply with, the work experience standards. Under section 787, The Director-General may revoke an educational institution's exemption if satisfied that the educational institution has not complied with, or continued to comply with, the Children and Young People (Work Experience) Standards 2009 (No1).

Article 7

1. National laws or regulations may permit the employment or work of persons 13 to 15 years of age in light work which is--

(a) not likely to be harmful to their health or development; and

(b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.

2. National laws or regulations may also permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling on work which meets the requirements set forth in sub-paragraphs (a) and (b) of paragraph 1 of this Article.

3. The competent authority shall determine the activities in which employment or work may be permitted under paragraphs 1 and 2 of this Article and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.

4. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, a Member which has availed itself of the provisions of paragraph 4 of Article 2 may, for as long as it continues to do so, substitute the ages 12 and 14 for the ages 13 and 15 in paragraph 1 and the age 14 for the age 15 in paragraph 2 of this Article.

ACT response:

The Territory regards itself as compliant with this Convention in light of the limited exemptions provided for in the *Children and Young People Act 2008 (ACT)*. As outlined above in relation to Article 4, this Act provides that, under most circumstances, a person must not employ a child or young person under the age of 15 years (section 795). The following legal exemptions are provided for if the employment is in 'light work' and either:

- the child or young person is employed for 10 hours per week or less, or, the proposed employer has told the director-general in writing about the employment at least seven days in advance (s.796);
- the employment is in a family business (s.797).

As stated above in response to Article 2, light work under the *Children and Young People Act* means work that is not contrary to the best interests of the child or young person. A job may be classified as light work if it is suitable for the physical, emotional and developmental competency of the child or young person. This includes the provision of adequate supervision, along with appropriate work safety standards to protect the child or young person from hazards.

Section 4 of the Children and Young People Regulation 2009 prescribes that, for s.793 of the Act, light work by a child or young person must be adequately supervised, suitable for his or her physical, emotion and developmental capacity, and, done under conditions where appropriate work safety standard to protect him or her from exposure to hazards or potential hazards are in place. It also lists examples number of 'light work'. These examples are consistent with the type of work undertaken by children and young people of similar age in other Australian jurisdictions.

Light work under the Children and Young People Regulation 2009 includes errands, sporting activities, gardening, casual house work, cashier duties, babysitting, performance, modelling and providing entertainment in specific settings.

The Territory also regulates the involvement of children and young people in charitable collections. Under section 1.1 of schedule 1 of the Charitable Collections Regulation 2003, a child who is under

12 years old must not take part in a collection unless a person with parental responsibility for the child has given written consent to the child taking part in the collection. A child who is at least 12 years old must not take part in a collection unless:

- (a) the child has given his or her written consent to taking part in the collection; and
- (b) a person with parental responsibility for the child has given written consent to the child taking part in the collection.

Under section 1.2 of the Charitable Collections Regulation 2003, a child who is taking part in a collection must be directly supervised by a person with parental responsibility for the child.

Under section 1.3 of the Regulation, a child who is 6 years old or older who is taking part in a collection, the child must be adequately supervised having regard to the age, sex and maturity of the child and the person supervising must be an adult. In addition, unless the a child is accompanied by an adult while taking part in the collection the following provision relating to duty of care also apply to the person supervising the child:

- (a) supervise no more than 6 children; and
- (b) ensure that each child is accompanied by another child who is at least 6 years old or by an adult; and
- (c) be in close proximity to each child being supervised; and
- (d) know the whereabouts of each child; and
- (e) take all reasonable steps to ensure that each child does not—
 - (i) enter a private dwelling; or
 - (ii) solicit or receive money or a benefit from a person in a
 - (iii) motor vehicle; and
- (f) make contact with each child at intervals of not longer than 30 minutes.

The Charitable Collections Regulation 2003 also provides that a child must not take part in a collection before 6 am or sunrise (whichever is later) and after 7 pm or sunset (whichever is earlier), unless the child is accompanied by an adult while taking part in the collection. A child under 12 years old must not take part in a collection for more than 3 hours (including any rest breaks) on any 1 day. A child who is at least 12 years old must not take part in a collection for more than 3 hours without a rest break of at least 30 minutes and for not more than 7 hours (including any rest breaks) on any 1 day.

Further, a collection must be carried out in such a way as to give a person with parental responsibility reasonable opportunity to contact the child (s. 1.4).

In light of the above, the Territory would seek to exclude from the application of Convention 138 in accordance with this article those limited categories of employment where a number of children under the age of thirteen work in practice that fall within the limited exemptions for 'light work' set out in sections 796 and 797 of the *Children and Young People Act 2008*. The Territory would also seek to exclude the involvement of children and young people in charitable collections, as set out in schedule 1 of the Charitable Collections Regulation 2003, from the application of Convention 138.

Additional protections also exist under ACT law for workers under the age of thirteen. For example, the *Children and Young People (Employment) Standards 2011* provides that:

- a child or young person must not be employed for more than one shift per day and can be employed for specific maximum hours based on their age;

- a child or young person must not be employed before 6:00am or sunrise (whichever is later), or after 10:00pm;
- employers must ensure children and young people take adequate rest breaks and have a minimum of 12 hours elapse between shifts; and
- hours of work must not interfere with the child or young person's participation in education or training, or the likelihood of benefiting from education or training.

Standard 9 of the *Children and Young People (Employment) Standards (No 1)* provides that children and young people employed in family businesses are covered by the requirements set out for all employers in the *Children and Young People (Employment) Standards (No 1)*, Chapter 21 of the *Children and Young People Act 2008*, the *Children and Young People Regulation 2009* and the *Children and Young People (High Risk Employment) Declaration 2009 (No. 1)*.

ACT legislation also provides for compulsory education, ensuring that the vast majority of children attend school on a full time basis. Under section 10 of the *Education Act 2004 (ACT)*, children in the ACT must attend school if the child is at least 6 years old and are required to remain in full-time education (at least 25 hours per week) until achieving Year 10, unless they receive an exemption certificate from the government. Further, under section 782 of the *Children and Young People Act*, the employment of a child or young person must not adversely affect his or her ability to benefit from their education or training. An employer must not employ a child or young person of compulsory education age during school hours unless he or she:

- when the child or young person has received an exemption from the relevant school authority (this should be a rarity); and
- when the child or young person is in a registered home school program (as school hours may vary).

Section 796 of the *Children and Young People Act 2008* requires employers to notify the director-general if they wish to employ a child or young person in light work for more than 10 hours in a week. This will most often occur during school holidays and each application is determined on an individual basis. Compliance with the *ACT Children and Young People Employment Standards* and *ACT Children and Young People High Risk Employment Declaration* are conditions of suitability. Section 799 of the *Children and Young People Act 2008* prescribes a limited permit system for high risk employment involving children or young people under 15 years old. Please refer to Article 3 for provisions relating to hazardous work.

In addition, employers of children and young people must comply with the 10 standards set out in the *Children and Young People (Employment) Standards (No 1)* (made under section 887 of the *Children and Young People Act 2008*). Standard 1 applies to the employment of all child and young people under 18 years of age and standards 2-10 apply to the employment of all child and young people under 15 years of age. A summary of these Standards is as follows:

- Standard 1 - The employment of a child or young person under 18 years of age must not be contrary to the best interests of the child or young person (ie not adversely affect their schooling or harm their health, safety, personal or social development).
- Standard 2 – Employers must operate in accordance with all other Australian Capital Territory and Commonwealth legislation and regulations.

- Standard 3 - Consideration must be given to the child or young person's physical ability and the impact of the work on their physical, emotional and social development. The level of responsibility of the role must be consistent with the child or young person's capacity to perform the duties, regardless of age.
- Standard 4 - Employers must seek consent from the child or young person and their parent/guardian prior to employing the child or young person.
- Standard 5 - Employers have a duty of care to ensure each child or young person is provided with appropriate supervision, a safe and healthy work environment, access to their parent/guardian, and appropriate induction and performance management techniques.
- Standard 6 – Children and young people may undertake light work for up to 10 hours per week, in all workplaces. Children or young people may only be employed for one shift per day, minimum 12 hours between shifts, not between 10pm and 6am and access to adequate rest breaks. Children aged between 12 and 15 years may not work longer than 6 hours in one day.
- Standard 7 – Employers must take reasonable measures to ensure children and young people have arrangements in place for safe travel to and from work.
- Standard 8 – A child or young person must not be employed if the employment is considered to be high risk.
- Standard 9 – These employment standards still apply to children and young people in a family business.
- Standard 10 – Employers must keep up to date records, including additional records pertaining to employees to those required under current legislation and regulations.

Article 8

1. After consultation with the organisations of employers and workers concerned, where such exist, the competent authority may, by permits granted in individual cases, allow exceptions to the prohibition of employment or work provided for in Article 2 of this Convention, for such purposes as participation in *artistic performances*.
2. Permits so granted shall limit the number of hours during which and prescribe the conditions in which employment or work is allowed.

ACT response:

The Territory regards itself as compliant with this Convention in light of Article 8. As set out in relation to Articles 2, 3, 4 and 6 the ACT has education laws that prohibit children working during school hours with specific limited exemptions. Further, laws specifically designed to protect children and young people prohibit employment of children and young people under the age of 15 years with two limited exceptions for light work in specific circumstances. The engagement of children in artistic performances in the ACT must be compliant with the scope of these laws and is therefore consistent with Article 2.

There is an exemption allowing children and young people participate in artistic performances under section 796 of the *Children and Young People Act 2008*. This is the general exemption that allows children and young people under the age of 15 engage in 'light work' of not more than 10 hours per week. Regulation 4 of the Children and Young People Regulations 2009 uses the following examples of 'light work' relating to engagement in artistic performances:

- singing, dancing or playing a musical instrument;
- providing entertainment at a place used for providing entertainment or amusement or at sporting activities;
- performing in a radio, television or film program or production;
- modelling; and
- a photographic subject, whether still or moving.

For employment of children and young people under 15 years of age in the entertainment industry, the following provisions relating to duty of care, as set out in the *Children and Young People (Employment) Standards 2011* apply for the employer:

- ensuring each child and young person is provided with adequate and reasonable supervision by a reasonable adult, having regard to the age, sex and capacity of the child or young person (children 3 years and younger must be supervised by a parent/guardian at all times);
- ensuring reasonable access to toileting facilities and appropriate facilities in order to dress and undress in private; and
- ensuring reasonable access to food and water.

The following provisions relating to hours of work also apply:

- a child or young person must not be employed for more than one shift per day and can be employed for a maximum of:
 - 3 hours per day if the child is 3 years of age or younger;

- 4 hours per day if the child is aged between 4 and not yet 12 years; and
- 6 hours per day if the child or young person is aged between 12 and 15 years;
- a child or young person must not be employed before 6:00am or sunrise (whichever is later), or after 10:00pm;
- employers must ensure children and young people take adequate rest breaks and have a minimum of 12 hours elapse between shifts; and
- hours of work must not interfere with the child or young person's participation in education or training, or the likelihood of benefiting from education or training.

In addition, under section 782 of the *Children and Young People Act 2008*, an employer must not employ a child or young person if the work is likely to harm the child's or young person's health, safety, personal or social development (including by sexual or financial exploitation). If the *artistic performance* falls within the definition of 'high risk employment', those involving high elevation work or nudity and exposing genitals, a permit is required before employment may commence. For example, working in a circus, trapeze work etc may fall within this category. Please refer to Article 3 for provisions relating to hazardous work.

Article 9

1. All necessary measures, including the provision of appropriate penalties, shall be taken by the competent authority to ensure the effective enforcement of the provisions of this Convention.
2. National laws or regulations or the competent authority shall define the persons responsible for compliance with the provisions giving effect to the Convention.
3. National laws or regulations or the competent authority shall prescribe the registers or other documents which shall be kept and made available by the employer; such registers or documents shall contain the names and ages or dates of birth, duly certified wherever possible, of persons whom he employs or who work for him and who are less than 18 years of age.

ACT Response

The Territory regards itself as substantially compliant with Article 9. All laws relevant to the protection of children and young people in employment clearly identify who is responsible for compliance with the law. Further, compliance with the law is expected of all to whom it applies.

Part 2.6 of the *Education Act 2004* provides for offences in relation to parents. Section 17A of the *Education Act 2004* relates to the contravention of information and compliance notices. A child's parents will commit an offence if they are provided with an information notice or a compliance notice and they fail to comply with either notice. The maximum penalty for failing to comply with an information notice is 5 penalty units (\$550) and for failing to comply with a compliance notice is 10 penalty units (\$1100).

An information notice is a "written notice" that the Director-General will provide to a child's parents if the Director-General believes on reasonable grounds that the child is:

- not enrolled at an education provider or registered for home education;
- not attending a school at which they are enrolled;
- enrolled at an education provider other than a school for the purpose of the provider's education course and is not participating or contravening section 10D(3)(Child of compulsory education age- participation requirement); or
- the child is not participating in training or employment and employment alternatives).

A compliance notice is a written notice that the Director-General may provide to the child's parents if the Director-General believes on reasonable grounds that the parents have contravened or are contravening specific sections of the Education Act that require enrolment or registration, attendance, participation or compliance with an approval statement (ss.10A-14D).

Section 788 of the *Children and Young People Act 2008* provides that the Director-General may prohibit employment if they believe on reasonable grounds that the employment is, or is likely to be, contrary to the best interests of the child or young person. The *Children and Young People (Employment) Standards 2011* also lists the following as contrary to the best interests of a child or young person:

- the employment occurs during hours in which a child or young person is required to attend school, or an approved post Year 10 period training or employment alternative.

A person commits an offence under section 789 of the *Children and Young People Act 2008* if the Director-General gives the employer an employment prohibition notice and the employer engages in conduct that contravenes the employment prohibition notice. The maximum penalty for failing to

comply with an employment prohibition notice is 50 units (\$5500), imprisonment for 6 months or both.

Further, section 790 of the *Children and Young People Act 2008* provides that the Director-General may state the conditions in relation to the employment of a child or young person named in the notice, that must be complied with to ensure the employment is not contrary to the best interests of the child or young person. A person commits an offence under section 791 of the *Children and Young People Act 2008* if the Director-General gives the employer an employment conditions notice and the employer engages in conduct that contravenes the employment conditions notice. The maximum penalty for failing to comply with an employment conditions notice is 50 units (\$5500), imprisonment for 6 months or both.

Under section 118 of the *Liquor Act 2010*, a licensee or permit holder commits an offence if they employ a child or young person who supplies liquor in an adults-only area of the licensed or permitted premises. The maximum penalty for this offence is 50 penalty units (\$5500).

Under section 80 of the *Casino Control Act 2006*, a casino official commits an offence if the official allows a child to enter or remain in the casino. The maximum penalty for this offence is 50 penalty units (\$5500). It is a defence to a prosecution for an offence against this section if the child was at least 16 years old and the defendant proves that—

- (a) the child had shown a document of identification before entering the casino; and
- (b) the defendant believed that the child was at least 18 years old.

Section 19(2) of the *Prostitution Act 1992*, provides that a person shall not, for the purpose of offering or procuring commercial sexual services, accost a child in a public place. The maximum penalty for this is 3 years imprisonment. Under section 20 of the Act, a person commits an offence if the person causes, permits, offers or procures a child to provide commercial sexual services. The maximum penalty for offences relating to a child under 12 years old is 1500 penalty units (\$165000), imprisonment for 15 years or both and for offences relating to a child under 12 years old is 1000 penalty units (\$11000), imprisonment for 10 years or both.

In addition, section 21 of the *Prostitution Act 1992*, provides that a person shall not receive payment that he or she knows, or could reasonably be expected to have known, is derived, directly or indirectly, from commercial sexual services provided by a child. The maximum penalty for this is imprisonment for 7 years.

Further, under section 21 of the *Prostitution Act 1992*, an operator or owner of a brothel or escort agency shall not, without reasonable excuse, permit a child to be on the premises. The maximum penalty for this offence is 20 penalty units (\$2200).

Under section 21 of the *Security Industry Act 2003*, the Commissioner for Fair Trading must not issue or vary a licence unless the applicant, if the applicant is an individual, is an adult.

Under section 795 of the *Children and Young People Act 2008*, a person commits an offence if the person employs a child or a young person and they are under the age of fifteen years. The maximum penalty for this offence is 50 penalty units, imprisonment for six months or both.

Pursuant to section 796 of the *Children and Young People Act 2008*, an offence has *not* been committed if the child or young person is employed in light work for ten hours per week or less. However, under section 797 *Children and Young People Act 2008*, an offence has not been committed if the employer is a parent of the child or young person or the employment is a company

for which the parent is a director, or the employment is a partnership for which the parents is a partner and the employment is light work.

Pursuant to section 803 of the Children and Young People Act 2008 a person commits an offence if the person employs a child or young person and they are aged 15 years or under and the employment is high risk. The maximum penalty for this offence is 200 penalty units, imprisonment for 2 years or both. Where the Director-General has issued a high risk employment permit in relation to the employment of the child or young person, section 803 of the *Children and Young People Act 2008* does not apply.

Chapter 23 of the *Children and Young People Act 2008* also includes enforcement provisions.

Regarding the issue of record keeping, Standard 10 of the *Children and Young People (Employment) Standards 2011 (No 1)* states that employers of children and young people must keep their records up to date as required by the legislation and regulation in force at the time. The records must be kept for a minimum period of seven years and the relevant legislation must be utilised during record keeping. For those employers who employ children and young people under the age of fifteen years the following information must be recorded:

- full name, address and telephone number of the child or young person;
- child or young person's date of birth;
- name, address and contact telephone numbers for the child or young person's parent/guardian;
- name, address and contact telephone numbers for an emergency contact person (adult) in the case that a parent/guardian is needed and cannot be contacted;
- particulars of consent including record of written consent from the parent/guardian; and
- the full name of responsible adults authorised to supervise the child or young person.

The *Work Health and Safety Act 2011 (ACT)* applies to all workers, including children and young people whether working as employees, contractors, volunteers, apprentices or work experience students. The principal duty of care outlined at section 19 of that Act requires a person conducting a business or undertaking to ensure, so far as is reasonably practicable, the health and safety of workers engaged or caused to be engaged by them. As part of this duty they must ensure the provision and maintenance of a work environment without risks to health and safety. They must also ensure the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the business or undertaking.

Section 86 of the Work Health and Safety Regulation 2011 made under the *Work Health and Safety Act* further specifies that *high risk work* may only be performed by a person who has attained the age of 18 years. Applicants must have also obtained a government-issued licence indicating they are competent to perform the work. *High risk work* for this purpose is set out at Schedule 3 to the Regulation and covers a range of work, for example, operating specific cranes, erecting scaffolding and operating different types of pressure equipment.

Article 10

1. This Convention revises, on the terms set forth in this Article, the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965.
2. The coming into force of this Convention shall not close the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, or the Minimum Age (Underground Work) Convention, 1965, to further ratification.
3. The Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, and the Minimum Age (Trimmers and Stokers) Convention, 1921, shall be closed to further ratification when all the parties thereto have consented to such closing by ratification of this Convention or by a declaration communicated to the Director-General of the International Labour Office.
4. When the obligations of this Convention are accepted--
 - (a) by a Member which is a party to the Minimum Age (Industry) Convention (Revised), 1937, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,
 - (b) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention, 1932, by a Member which is a party to that Convention, this shall ipso jure involve the immediate denunciation of that Convention,
 - (c) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, by a Member which is a party to that Convention, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,
 - (d) in respect of maritime employment, by a Member which is a party to the Minimum Age (Sea) Convention (Revised), 1936, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to maritime employment, this shall ipso jure involve the immediate denunciation of that Convention,
 - (e) in respect of employment in maritime fishing, by a Member which is a party to the Minimum Age (Fishermen) Convention, 1959, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to employment in maritime fishing, this shall ipso jure involve the immediate denunciation of that Convention,
 - (f) by a Member which is a party to the Minimum Age (Underground Work) Convention, 1965, and a minimum age of not less than the age specified in pursuance of that Convention is specified in pursuance of Article 2 of this Convention or the Member specifies that such an age applies to employment underground in mines in virtue of Article 3 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention, if and when this Convention shall have come into force.

5. Acceptance of the obligations of this Convention--

(a) shall involve the denunciation of the Minimum Age (Industry) Convention, 1919, in accordance with Article 12 thereof,

(b) in respect of agriculture shall involve the denunciation of the Minimum Age (Agriculture) Convention, 1921, in accordance with Article 9 thereof,

(c) in respect of maritime employment shall involve the denunciation of the Minimum Age (Sea) Convention, 1920, in accordance with Article 10 thereof, and of the Minimum Age (Trimmers and Stokers) Convention, 1921, in accordance with Article 12 thereof, if and when this Convention shall have come into force.

Article 11

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 12

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratifications has been registered.

Article 13

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an Act communicated to the Director-General of the International Labour Office for registration. Such denunciation should not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 14

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 15

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 16

At such times as may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

N

Article 17

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

- a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force;
- b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 18

The English and French versions of the text of this Convention are equally authoritative.

ATTACHMENT C**Proposed categories of workers to be excluded from the scope of Convention 138 under Article 4**

Article 4 of Convention 138 provides that:

- 1. In so far as necessary, the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, may exclude from the application of this Convention limited categories of employment or work in respect of which special and substantial problems of application arise.*
- 2. Each Member which ratifies this Convention shall list in its first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation any categories which may have been excluded in pursuance of paragraph 1 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the categories excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.*
- 3. Employment or work covered by Article 3 of this Convention shall not be excluded from the application of the Convention in pursuance of this Article.*

The jurisdictions that specifically regulate child employment generally set the minimum age for employment or light work at 13 years. However, many provide for an exemption to this provision. Such exemptions would be considered inconsistent with Article 7 of Convention 138 which provides that children aged 13 – 15 may undertake “light work”. Therefore, it will be highly likely that Australia will need to exclude limited categories of workers as permitted by Article 4 of the Convention in order for it to comply with the Convention. In advice received from the ILO on this issue, the Government was advised that:

If the Government were to have recourse to Article 4 of the Convention, it would be advisable for it to exclude those limited categories of employment where a large number of children under the age of 13 years work in practice and where relevant legislation does not establish a minimum age for admission to light work. (Para 13)

On the issue of “temporary” exclusions under Article 4, the ILO advised that:

With regard to your second query as to whether the Committee of Experts has previously considered the issue of temporary exclusion, I should like to inform you that it has indeed considered this issue during the examination of first reports on the application of Convention No. 138 submitted by a number of countries which have ratified this Convention over the past few years. In addition, while the Committee of Experts has requested the Governments concerned to provide information in subsequent Article 22 reports on the position of their law and practice in respect of the categories excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories, it would not appear that the Committee has contemplated an appropriate time frame for such exclusions under Article 4. The Committee appears to have left this issue to the discretion of Governments provided that they submit

information in subsequent reports on the position of their law and practice in respect of the categories excluded.

On the basis of current exemptions provided in Australian jurisdictions it is proposed that the following categories of workers be excluded from the scope of Convention 138:

- family enterprises; and
- delivery work (for example, but not limited to, newspapers and pamphlets).

In addition to the above, it may also be pertinent to exclude the limited categories of work where a large number of children under 13 work in practice, these being:

- work on a (family) farm; and
- volunteer work

We consider that substantial problems of application of Convention 138 would arise if these categories of workers were not excluded from the scope of Convention 138. In particular, work in family enterprises is often ad hoc and can take place in the same location where a child lives. A total prohibition of children undertaking any kind of work in a family enterprise would be extremely difficult to enforce. Additionally, delivery work in Australia stems from the tradition of the 'paperboy' and has been undertaken by children in Australia for generations. It is commonly seen as an appropriate and safe way for children to develop a work ethic. In Australia, this form of work is by and large performed in the local area in which a child lives and allows local businesses to provide this service to the community in a way which is economical.

However, it is important to note that while these limited categories of employment may be excluded from the application of child employment legislation or minimum ages may be set below the 13 year threshold, child employment and other legislation (for example, compulsory education and occupational health and safety) continues to regulate these categories of employment consistent with the basic objectives of this Convention. Importantly, state and territory legislation prevents employment from interfering with a child's full participation in education (for example, by generally not permitting children to work during school hours). Further, as illustrated below, the participation of children under 15 in the workforce is low (in terms of number of children) and minimal (in terms of hours worked per week).

The employment of children under 15 years of age (and in some cases under 13 years) is in the main a minority practice. In 2006, the Australian Bureau of Statistics (ABS) found that¹:

- 175,100 children aged 5 to 14 years worked at some time during the last 12 months. This represented 6.6% of all children aged 5 to 14 years (1.8% of children aged 5 to 9 years and 11% of children aged 10 to 14 years).
- 54% of those children worked for an employer, 33% worked in a family business or farm and 16% worked for themselves. However, for children aged 5 to 9 years, 56% worked in a family business or farm and 31% worked for an employer.

¹ Australian Bureau of Statistics (ABS), Child Employment, Australia, (Cat. No. 6211.0), June 2006, <http://abs.gov.au/AUSSTATS/abs@.nsf/Latestproducts/6211.0Main%20Features2Jun%202006?opendocument&tabname=Summary&prodno=6211.0&issue=Jun%202006&num=&view=>

- the most common occupation for boys in their main job during school terms was 'Leaflet or Newspaper Delivery' (24%), while 'Farm, Forestry and Garden Workers' was the most common occupation for boys in their main job during school holidays (26%). For girls, the most common occupation in their main job during both school holidays and school terms was 'Sales Workers' (17% and 20% respectively).