

Consultation paper: Sunset review of the Child Employment Regulation 2016

1. Background

The Child Employment Regulation 2016 (the Regulation) is subordinate legislation made under the *Child Employment Act 2006* (the Act). The Regulation includes provisions authorised by the Act that ensure work performed by children does not interfere with their compulsory schooling (up to the age of 16 years or completion of year 10) and by preventing children performing work that may be harmful to their health or safety or physical, mental, moral or social development.

The Regulation is monitored and enforced by the Industrial Relations Regulation and Compliance Unit, part of the Office of Industrial Relations (OIR). Inspectors manage complaints, conduct audits and can prosecute to ensure compliance with the Regulation.

Statutory principles provide that subordinate legislation automatically expires ("sunset") every ten years unless action is taken to preserve it. This automatic expiry ensures subordinate legislation is regularly reviewed and provides an opportunity to evaluate its effectiveness and efficiency, including whether it is still required.

The Regulation is due to expire on the 31 August 2026. Ahead of its expiry, the OIR is undertaking a sunset review of the regulation, including consultation with stakeholders to identify if the regulation is performing as intended.

2. Coverage of the Child Employment Regulation

The Regulation applies to all industries generally but also makes provisions for conditions and obligations specific to the entertainment industry, recognising the unique requirements of working in that industry, with the overarching aim of protecting children's health, safety, and educational development.

The Regulation prescribes the minimum standards applying to child workers' hours, schooling, supervision and additional requirements for children working in the entertainment industry. Child employment includes, but is not limited to, work in these industries:

- hospitality,
- retail,
- entertainment,
- delivery work.

The Regulation sets strict age-based thresholds. Children under 13 are generally prohibited from working, though exceptions exist for delivery work (from age 11), work in a family business, volunteer roles and the entertainment industry. For infants under 12 weeks, employment is permitted only in entertainment settings and under stringent conditions, including medical clearance and close supervision.

Working hours are carefully regulated to prevent interference with schooling and rest. School-aged children may work up to 12 hours per week during school terms and up to 38 hours during holidays. Daily limits vary depending on whether the child attends school that day. Delivery work for children aged 11 to 12 is restricted to daylight hours between 6am and 6pm.

The Regulation provides further protections for children working in entertainment. These include limits on consecutive workdays, weekly hour caps and requirements for educational support if work overlaps with school commitments. Hours counted as working hours include travel and rest time, and with prescribed limits varying depending on the child's age and whether the work is live or recorded.

The Regulation provides for supervision of children as a key safeguard; prescribing adult supervision with set ratios based on the child's age: e.g. one adult for every two children under three years old and one for every eight school-aged children. Supervisors must meet qualification standards, particularly in entertainment settings.

Under the Regulation, employers are required to provide adequate food, rest, clothing and recreational materials to maintain child employee wellbeing. They must also ensure safe travel arrangements and workplace exits and must notify parents promptly in case of illness or injury, and children must not be exposed to harmful substances or unsafe conditions.

Employers are also subject to record-keeping obligations and must document work schedules, rest breaks and parental consents and display the Child Employment Guide prominently in the workplace.

3. Review of the Child Employment Regulation

As the Regulation is subordinate to the Act, its review is limited to the sections contained within the Regulation. The Regulation cannot change provisions, such as purpose and meanings, provided in the Act.

The Regulation is required to ensure protection of child employees as well as employers of children and promote safe working environments for children while supporting their schooling and overall wellbeing.

Preliminary consultation indicates that the Regulation is still required and is performing as intended to protect working children.

The Office of Industrial Relations welcomes feedback on any aspect of the Regulation, in addition to the following discussion questions:

1. Do the existing supervision requirements provide for sufficient flexibility for a range of family (e.g., extended family members) and workplace circumstances?
2. To align with modern awards, should section 25 of the Regulation be amended to reduce the maximum hours a child can work from 40 hours per week to 38 per week?
3. Are the existing provisions regarding privacy and facilities (e.g. bathroom facilities) sufficient to ensure the protection of children in the workplace?
4. Are the provisions in relation to special circumstances certificates appropriate?
5. Is the scope of work activities performed by children covered by the Regulation effective?
6. Considering the new [Psychosocial Code of Practice](#), are the provisions sufficient to protect children at work?
7. Have you identified any new risks that pose a threat to child employees' safety, health and/or wellbeing?
8. If you work across multiple Australian jurisdictions, what aspects of Queensland's child employment system have you found easier or more challenging compared with others?

4. Submissions

The Office of Industrial Relations is calling for written submissions from any interested parties regarding the proposed remake of the Regulation. Submissions will not be published.

Please send your response via email to irpolicy@oir.qld.gov.au.

Consultation for this paper closes on Friday 20 March 2026.