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<b>CIRCULAR:</b>	177.NAT.177.23
<b>DATE:</b>	3 May 2023
<b>SUBJECT:</b>	Child Employment (Vic)
<b>ATTENTION:</b>	Chief Executive Officer

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The Wage Inspectorate of Victoria (WIV) has recently alleged that Muffin Break's Southland store in Melbourne has engaged in 360 breaches of child employment laws under the Child Employment Act 2003 (Vic) (**the Act**). Furthermore, as of 1 July 2023, an amendment to the Child Employment Act will commence, which drastically increases the penalties associated with any breach of the Act.

In the above context, this Circular provides some basic but important information about your obligations when engaging a person covered by the Act.

Firstly, and most importantly, the Act covers the employment of a person under 15 years only.

Therefore, if you employ persons 15 years and over, the obligations and restrictions under the Act will **not** apply to you.


To engage employees less than 15 years old, there are a variety of duties that employers must adhere to, in addition to normal obligations of an employer, to ensure that they are not breaching the Act. We note specifically (with section references being to the Act):

- To employ a child, employers must obtain a permit by filing an application for a permit with the WIV (s 9)
- Children must be supervised at all times while working (s 19)
- A supervisor of a child must have a current Working with Children check (s 19)
- Children must not work longer than 12 hours per week or 3 hours per day during a school term (s 21)
- Children must not work longer than 30 hours per week or 6 hours per day outside of a school term (s 21)
- Children must not work during school hours (s 11)
- Children must be given a rest break of at least 30 minutes after every 3 hours of work (s 22)
- Children must be given a break of at least 12 hours between the end of one shift and the start of another (s 22)

The penalties for breaching each of these requirements are currently 100 penalty units in the case of a body corporate, and 60 penalty units in any other case. Given that each penalty unit is currently \$184.92 in Victoria, for a body corporate, the maximum fine would exceed \$18,000 for each breach. From 1 July 2023, these penalties will be increased to 1200 penalty units for a body corporate, and 240 penalty units in any other case. This corresponds to a maximum fine of greater than \$220,000 for each breach, although this will likely be more when the value of a penalty unit is indexed, which will also occur on 1 July 2023.

These penalties, alongside the WIV's recent allegations against Muffin Break of 360 breaches, highlight the importance of ensuring that, where applicable, these laws are complied with.

If you have any questions or if you require further information, please contact the SIAG National Advisory Service on 03 9644 1400 or 1300 (SIAG HR) / 1300 742 447.

A handwritten signature in black ink, appearing to read "B. Cook".

**Brian Cook**  
**Managing Director**

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