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Information for performer representatives

While performer representatives don't normally employ children, there are some sections of the Children's Employment laws that they are required to comply with when arranging work for a child.

What are my specific responsibilities when representing children?

Check that the employer's Authority to Employ Children in NSW is valid. Allowing a child to start any work for an unauthorised employer can result in penalties of up to \$11,000. Record the employer's authority number and expiry date as proof of your check each time you place a child in employment. The authority is issued to the entity name that is registered with the company's ABN.

Checking the authority number

There are several ways you can do this:

- Ask the employer to give you a copy of their authority certificate before you release the children for work. The authority certificate is usually issued to the principal officer or a director of the company.
- Look up the register of authorised employers on the OCG website and note the authority number and expiry date.
- The employer may forward you the email received from the OCG acknowledging receipt of an Authority Application. This does not mean they can employ children. You will still need to confirm an authority has been issued and the expiry date before a child can start any employment activities.

What if I can't find the authority on the register?

- Check that you have the employer's registered company name, rather than their trading name.
- If the employer is not on the register they may be in the process of renewing, or they are not authorised.
- You can contact us to confirm their status. Mark your email as URGENT authority check.
- The employer may be exempt from the requirement to hold an authority. You can ask them to provide a letter of confirmation from the OCG. The employer and performer representative are still required to comply

with all of the children's employment laws.

Book children for allowable hours of work only

Performer representatives need to comply with limitations to working hours when booking or arranging work for a child. Maximum employment days and times for children will differ depending on age and activity.

Ensure a child works one shift per day

- Children can only work one shift per day, whether it is for the same or a different employer.
- Performer representatives can request a variation for a child to work more than one shift with different employers, if the schedule is considered to be reasonable.
- A shift starts at call time, or when employment commences (i.e. changing into costume or having hair and makeup done etc) whichever is earlier.
- A shift ends when the child is signed out of location.
- All breaks will be counted as work time except for the 1 hour mandatory break.

Ensure a minimum of 12 hours break between shifts

There must be no less than 12 hours (turnaround) between instances of employment.

- Often short voiceover recordings or a costume fitting

can be booked as a second employment activity on a day. To do this a performer representative will need to request and be granted a variation before the child starts work for the second employer.

- Where a photo shoot occurs at the end of filming, this is counted as being part of the original shoot if it is conducted by the original employer.
- Where a child works on consecutive days, be aware of any variations to finish times the employer has been granted so that there is a 12 hour gap between call times.

Ensure a child works a combination of no more than 50 hours of employment activities and schooling in a week

All employment activities and compulsory schooling are counted towards the 50-hour limit. A week is counted from Monday through to Sunday

- Schooling includes traditional schooling, home schooling, distance education, and all on-set tutoring.
- Weekend sport or any other organised activity is also counted if it forms part of the child's compulsory school requirements.
- The hours required to be counted are the compulsory attendance hours of the child's usual school day, including breaks.
- It does not include discretionary activities such as before or after school music or dance lessons,

non-mandatory tutoring or sport coaching, or any before and after school care.

Ensure a child does not work for more than 5 consecutive days for one or more employers

A child must not work for more than 5 consecutive days for one or more employers.

Keep records securely for six years for each child

- Accurate records of each child's employment must be kept as required under Clause 3 of the Code of Practice.
- These records need to be kept securely for a minimum of 6 years and made available to the OCG on request.

The records that must be kept include:

- The reference number of the employer authority for every job. It is recommended that you keep a record of the employer's authority expiry date to ensure that the authority covers the date of employment
- The name, address and personal telephone number of:
 - the child and their parents
 - anyone (including grandparents and nannies) nominated by the child's parents as their supervisor
 - anyone else directly supervising the child
- The child's date of birth
- What kind of work the child is doing

- The dates and times for each shift
- The address or location of each shift
- Any written consent required for employment, for example;
 - principal permissions for absence
 - SAG, LPA or other industrial agreements
 - written parent nominee for supervisor if the parent is not able to supervise the child's work.

Supply Information to parents

- Give a copy of the Information For Parents which explains the Code of Practice to parents of child performers.
- This is a requirement of the Entertainment Industry Act 2013.

What is child employment?

Who is a child?

A child is a performer who is under 15 years of age or a model who is under 16 years of age.

Is the child employed?

A child is employed if these two things are true:

- A child is directed to perform in, or do preparatory work (e.g. rehearsals, fittings, publicity etc) for the entertainment, exhibition, still photography or

modelling sectors

- Someone gives a payment or material benefit (goods and services in lieu of payment) to any one of the following:
 - a child performer
 - a child's parent
 - a child's performer representative
 - anyone else at any point in time for a child's services.

This includes children who are not paid or given material benefit when there is another child on set at the same time who is paid.

Who is the employer?

The employer is the person or organisation who:

1. Requires a child to be cast into a role
2. Generates the payment for the child's services
3. Has final approval of a child cast for a role
4. Specifies that a child performs the activities required for a role

What is employment?

Employment begins after a child is cast into the role.

Callbacks for casting purposes are not considered to be employment even if payment is given.

Usually, employment of a child involves three kinds of activities:

Preparing for a role

Activities such as rehearsals, meet and greet, hair and makeup tests, haircuts specifically for the role, training to use specialised equipment or perform specialised skills, publicity including online and standard media interviews

Performance

Live performances and exhibition activities, all recorded performances recorded for broadcast either immediately (e.g. radio) or later (e.g. TV series) and any kind of social media activity whether contracted or implied as part of receiving goods or services; still photography and modelling

Post production

Publicity activities, including interaction with media on opening or closing nights where attendance is required, ADR or voiceover recordings, photography, contracted or otherwise implied social media activities, meet and greet and re-shoots.

Performer representative audit program

If you arrange work for a child in NSW, the Office of the Children's Guardian may contact you to carry out an audit of

your records. Audits are conducted regularly with randomly selected performer representatives throughout the year. Ofocers will request to inspect your records relating to the employment of children and talk to you about your processes and systems. The purpose of audits is to make sure that children work for authorised employers only. The audit will also conorm that your records are maintained as required by the legislation.

Legislation

The Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015 contains the administrative requirements for employers and performer representatives.

The Code of Practice or Schedule 1 of the Regulation, outlines the workplace conditions and employment documentation that employers must have.