

Working with Children & Child Employment Policy

April 2021



Introduction

SBS acknowledges the vulnerability of children in the workplace and is committed to ensuring the safety and well-being of all children who are employed by SBS or who may be involved in or directly affected by the work of SBS. Child safety and wellbeing must be embedded within our leadership, governance and culture. The purpose of this policy is to ensure that anyone who works for SBS is aware of and complies with the legislative requirements, national principles and procedures involved in working with children.

When does this Policy apply?

This policy applies when SBS employees, contractors and volunteers have direct contact with children on a production, project or event or when children are employed (including through an agency) on an SBS production, project or event.

Working with Children Checks in New South Wales

What is a Working With Children Check?

In New South Wales, a Working with Children Check (**WWCC**) is a requirement for anyone who works or volunteers in child-related work in NSW. It involves a National Police Check (criminal history record check) and a review of reportable workplace misconduct.

The outcome of a check is either a clearance to work with children or a bar against working with children. If cleared, the check will be valid for 5 years, however applicants are continuously monitored.

Child-related work is:

- (a) Work that involves direct contact by the worker with a child or children and that contact is a usual; or
- (b) The worker is engaged in work in a child-related role.

Who is a "child" for the purposes of a Working with Children Check?

A child is a person under the age of 18 years.



When is a Working with Children Check required?

In many instances at SBS, because of the nature of our work or the reason for interacting with a child at work, a WWCC is not required by law.

However, there may be circumstances where a WWCC is required – in particular, crew members who have direct contact with children on a production, project or event who receive some form of payment for their participation and that contact is a **usual** part of their work.

For example, roles that would require a WWCC in our industry include:

- Nurses who have been employed by SBS specifically to care for children in the workplace;
- Chaperones and supervisors who have been employed to look after children where a parent or guardian isn't or can't be present;
- Drivers who have been employed by SBS to transfer children to and from the workplace;
- Wardrobe/makeup/hair stylists who have been employed to dress and style children, or who are more than likely to dress and style children as part of their usual role; and
- Production staff that have regular contact with children as a usual part of their role.

Where a production is child-centred (e.g. a series where a majority of the actors are children), then it is advised that all crew members obtain a WWCC. This WWCC **must** be verified by People & Culture **before** you commence working with children.

Under the relevant legislation, there may be exemptions from the requirement to apply for a WWCC. For example, in New South Wales, the exemptions include:

- administrative, clerical, maintenance or ancillary work not ordinarily involving contact with children for extended periods;
- very short term work i.e. a worker who works for a period of not more than a total of 5 working days in a calendar year, if the work involves minimal direct contact with children or is supervised when children are present; and
- a worker who is a co-worker of a child or who is a work supervisor or work placement supervisor of a child. Note, this includes a child who is doing **work experience** at SBS because the employee is considered a "co-worker" of the child;
- a worker attends as event as part of their role where children are present.

As each production, project or event may vary in the number of children and the type of personnel involved, the production, project or event manager (**SBS Manager**) should assess each one on a case by case basis to determine which personnel would require a WWCC. If the SBS Manager is unsure of who is required to have a check, they should contact the relevant State or Territory authority (e.g. in NSW, the Office of the Children's Guardian) for further information (details below).

Applying for a Working with Children Check

- It is the responsibility of the **SBS Manager** to ensure that all SBS employees, contractors and volunteers who are required to have a WWCC apply for the check and are cleared to work with children on the relevant production, project or event. The SBS Manager must provide a list of all individuals who are required to apply for a WWCC to People & Culture.



- It is the responsibility of the **individual** who is required to have a valid and current WWCC to obtain the check and provide the check **and** their date of birth to People & Culture for online verification. Paper evidence of a clearance will not be accepted. All individuals must immediately inform People & Culture if their WWCC is revoked or suspended and must cease all contact with children until further notice.

Costs associated with obtaining a WWCC, if required by SBS, will be reimbursed to employees by SBS only on production of a tax receipt and through Concur. The cost of a current WWCC obtained prior to SBS requiring it will not be reimbursed by SBS.

The WWCC can be applied for by following the processes set out in the links referred to below for each State or Territory as required and the legislation in each State and Territory differs. Where you need a WWCC outside of New South Wales, you must inform People & Culture.

New South Wales

Office of the Children's Guardian

Phone: 02 9286 7219

Email: check@kidsguardian.nsw.gov.au

Application link: <https://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check>

The individual must apply online and then take their APP Number to a NSW Service Centre and show proof of identification to complete the application process. The individual will then usually receive their WWCC Number by email approximately 5-7 days after attending the NSW Service Centre. SBS will then verify the check. In NSW, the Working with Children Check lasts for 5 years. Cleared applicants will be subject to ongoing monitoring.

Victoria

Victoria State Government Justice and Regulation

Phone: 1300 652 879

Email: workingwithchildren@justice.vic.gov.au

Application link: https://www.workingwithchildren.vic.gov.au/individuals/applicants/how-to-apply?utm_expid=aKyZFTXQSc6O9p_1DbVp7g.o&utm_referrer=https%3A%2F%2Fwww.workingwithchildren.vic.gov.au%2F

*Under the **Working with Children Act 2005** (Vic), there is an exemption for Work Experience placements – meaning that a WWCC is not required in these circumstances. In addition, SBS does not meet any of the definitions of the services or places of work which require a WWCC. Accordingly, it is likely that you will not need a WWCC during the course of your employment if you are in Victoria.*

To confirm whether you need a WWCC in Victoria, you can use this interactive tool:

<https://www.workingwithchildren.vic.gov.au/do-i-need-a-check>



If you do require a WWCC, after the check is approved by the Victorian authority, SBS will then assess the individual's suitability to work with or care for children.

Queensland

Queensland Government

Phone: 1800 113 611

Email: https://www.bluecard.qld.gov.au/contact_form-legislation-enquiry.aspx

Application link: <https://www.bluecard.qld.gov.au/applications/need-to-apply-for-card.html>

Western Australia

Government of Western Australia

Phone: (08) 6217 8100

Email: checkquery@cpfes.wa.gov.au

Application link: <https://workingwithchildren.wa.gov.au/applicants-card-holders/applying-for-a-wwc-check/how-to-apply>

South Australia

Government of South Australia – Department of Human Services

Phone: 1300 321 592

Application link: <https://screening.dhs.sa.gov.au/apply>

Australian Capital Territory

ACT Government – Access Canberra

Phone: 13 22 81

Email: <https://www.accesscanberra.act.gov.au/app/ask/>

Application link: https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1804/-/working-with-vulnerable-people-%28wwvp%29-registration

Northern Territory

Northern Territory Government

Phone: 1800 723 368

Email: safent.police@pfes.nt.gov.au

Application link: <https://forms.pfes.nt.gov.au/safent/Apply.aspx?App=WWC>

Offences and penalties

It is essential that you obtain a WWCC before undertaking any work which requires such authorisation. There are significant penalties, ranging from fines to imprisonment, for a failure to first obtain this authorisation. For example, in Victoria, if a person engages in child-related work and does not have a check (and requires one under the legislation), the maximum penalty is 2 years imprisonment or a fine



up 240 penalty units (currently \$26,400) of both. Similarly, in NSW the maximum penalty is 100 penalty units (currently \$11,000) or imprisonment for 2 years, or both.

You must also ensure that you maintain the currency of your information on your Working With Children Check. In NSW you are legally required to update any change in your contact details (eg your name or address) within 3 months of any change. A maximum penalty of 5 penalty units (currently \$550) applies if you fail to do this without reasonable excuse.



Employment of children by SBS (New South Wales only)

From time to time, it may be necessary to employ children for the purposes of a production, project or event. Currently, SBS is only authorised in New South Wales to employ children from at least 12 weeks of age and under 15 years old for entertainment and exhibition (including still photography) purposes and under 16 years of age for any modelling purposes. Therefore, the following information **does not apply to:**

- children who are 15 years or older for entertainment and exhibition purposes;
- children who are 16 years or older for modelling purposes; or
- employment of children in any State or Territory outside of NSW.

IMPORTANT NOTE:

SBS is **employing** a child if **all three** of these things are true:

1. The child is performing in the entertainment, exhibition, still photography or modelling sectors.
2. SBS is giving the child, or someone else, a payment or material benefit (goods and services in lieu of payment) at any point in time for the child's services.
3. SBS has some level of responsibility for casting a child in a role and for the directions given to that child to perform activities.

It includes when SBS:

- employs a child directly as an employee;
- engages a child as a contractor;
- engages a child through an agency (either a labour hire agency and/or a talent agency).

However, SBS is **NOT** the employer of the child where SBS has commissioned content from a production company and the production company hires a child, pays the child and directs the child on what to do for the purposes of the content. However, where a child is engaged for the purposes of the content, the SBS Manager **MUST** ensure that the production company has an Office of Children's Guardian Authority to Employ Children and complies with the relevant legislation regarding employment of children.

The employment of a child in NSW is subject to the *Children's Guardian Act 2019* (NSW) (**Act**). The Office of the Children's Guardian (**Children's Guardian**) is responsible for enforcing compliance with the terms of the Act. SBS is required by law to meet a number of strict compliance conditions under the Act in order to legally employ a child in NSW.

SBS has applied for and been granted an Authority to Employ Children in NSW by the Office of the Children's Guardian subject to certain conditions being met on an ongoing basis. The Authority is valid until **30 January 2022** (Authority No. 00013), but the Authority may be revoked for non-compliance and penalties applied.

The Authority permits SBS to employ children from at least 12 weeks of age and under 15 years old for entertainment and exhibition (including still photography) purposes and under 16 years of age for any modelling purposes. There are a number of additional conditions contained in the Authority. Failure to comply with the conditions of the Authority will expose SBS to a penalty of up to \$5,500 and/or



prosecution. The Children's Guardian may also issue a warning, place additional conditions on the Authority or suspend or revoke the Authority.

If you want to employ a child 15 years and older for entertainment and exhibition purposes or a child 16 years and older for modelling purposes, you do **not** need to comply with the Authority or the Act.

Scope of the Authority

The SBS Authority to Employ Children is for children being employed for the purposes of entertainment and exhibition, still photography and modelling work.

The types of activities covered by the Authority include (but are not limited to):

- film and video performance
- television commercials
- television series
- recordings for digital media
- live performances
- theatre
- still photography
- performance activities including modelling, promotional work, performance art, public speaking and public performance
- recordings for DVDs and the internet
- radio performances
- sound recordings and voiceovers
- catwalk modelling
- door-to-door sales

The following preparatory activities are also included:

- rehearsals
- wardrobe fittings
- sound recordings (both pre and post production)
- publicity activities

The Children's Guardian can also determine whether an activity is "employment" in situations where a child is not receiving payment or material benefit.

People & Culture are responsible for the administration of the Authority's approval conditions and renewal of the approval.

Note that young persons (under the age of 18) being employed in positions which are not within the scope of activities listed above are not subject to the conditions set out in this Policy (unless otherwise determined by the Children's Guardian). Appropriate action should be taken by the hiring manager to ensure that young persons to whom this Policy does not apply are protected.



Conditions for employing children in NSW

As a condition of the Authority, SBS **must** comply with the Code of Practice contained in the Children and Young Persons (Care & Protection) (Child employment) Regulation 2015 (Code of Practice).

The Code of Practice is designed to:

- protect children in employment from exploitation and abuse and prevent inappropriate or unreasonable demands being made of them;
- ensure SBS takes responsibility for employed children's interactions with adults while the children are engaged in regulated work activities; and
- ensure that children are provided with a safe environment in which to work.

SBS requires that any SBS Manager who wishes to employ a child to familiarises themselves with the Code of Practice, which covers matters such as record-keeping, incident reporting, access to toilet facilities, working hours, illnesses or injuries, insurance requirements, supervision requirements, dressing room facilities and special restrictions for babies and children under 3 years old. The SBS Manager is also responsible for ensuring that all employees, contractors, subcontractors, chaperones or volunteers involved in the production, project or event are aware of and are complying with their obligations under the Code of Practice.

If the Children's Guardian identifies a breach of the Code of Practice, corrective action or termination of the child's employment may be required.

The Children's Guardian may also:

- issue a warning letter to SBS
- issue penalties to SBS for breaches of the Code of Practice
- place additional conditions upon SBS's Authority
- suspend SBS's Authority
- revoke SBS's Authority
- prosecute SBS

Steps to employ children at SBS in NSW

1. Notify People & Culture

As soon as practicable before employing any child at least 12 weeks of age and under 15 years old for entertainment and exhibition (including still photography) purposes and under 16 years of age for any modelling purposes, the SBS Manager must contact People & Culture to inform them of the intended child employment and coordinate the required employment documentation for each child. Note the strict time-based reporting requirements set out in this Policy and the Code of Practice.

After notifying People & Culture of the intention to employ a child, a "Child Employment Record" folder will be created by People & Culture in Dochub and assigned to the SBS Manager for storing all relevant records, which is mandatory.

IMPORTANT: The SBS Manager is responsible for creating and storing all child employment records within the "Child Employment Record" folder in Dochub. This is mandatory under law and the records must be kept and made available for 6 years. See further below at "Record Keeping".



2. **Notify child employment, 7 days in advance**

The SBS Manager must then notify the Children's Guardian by submitting the mandatory Online Notification Form at least **7 days** before the employment begins (i.e. at least 7 days before you child can be involved in the production). In this form, you must advise the Children's Guardian of what the child will be required to do and how you will make their work environment a positive and safe environment. You will need

- SBS information, including details of our Authority to Employ Children;
- Approximate dates, times and location of the production
- Approximate ages of the children
- Child role requirements (working hours and days, how many children, what the children will say, see, hear and do)
- Role risks (location risks, skilled action and stunts, animals, SFX, pyrotechnics, long days, night shoots, weapons, etc)
- Risk management strategies you are planning
- Storyboards, moodboards or scripts
- Variations needed due to circumstances outside of SBS's control

Failure to comply with the 7 day requirement will mean you have **breached the law**. Enforcement action includes on the spot fines of \$550 per child or prosecution through courts which could result in fines of up to \$11,000 per child. If the child employment plans change significantly, the SBS Manager must let the Children's Guardian know.

3. **Create a Child Employee Record Form**

Under the Code of Practice, SBS is legally required to keep records for all children engaged to provide a service, for both paid and unpaid services using the Child Employee Record Form. The SBS Manager must complete the Child Employee Record Form and store it in Dochub, together with the other relevant documentation required.

4. **Organise a registered nurse for children under 3 years of age**

For children over 12 weeks old but less than 3 years old, the SBS Manager must organise a registered nurse in accordance with the Code of Practice. The SBS Manager must forward a Nurse Report Form to the registered nurse to complete, complete a Variation Application and email the Children's Guardian the documents 2 to 3 days before the intended employment.

5. **Organise supervision of the child**

The SBS Manager must ensure that each child will have a supervisor who remains in the line of sight of the child at all times (**Child's Supervisor**). Ideally, the Child's Supervisor will be the child's parent or guardian or another person nominated in writing by the parent or guardian (such as the grandparent, nanny) using the Parent Nominee Authorisation Form or by email. A parent-nominated supervisor does not need a WWCC.



If a parent or guardian (or a nominated person) is not available and a chaperone is hired by SBS or an employee of SBS is required to act as the Child's Supervisor, SBS strictly requires that the chaperone or employed supervisor:

- has a valid, current and clear W/WCC that has been **verified**. Please contact People & Culture to ensure that the check is verified;
- if the child is under 6 years old, is a person with a child care or child care studies qualification or is a registered nurse or registered midwife;
- if the child is over 6 years old, is an adult with training and experience in the care of children of that particular age;
- is provided with a copy of the SBS Child Safety Code of Conduct and complies with the Code of Practice;
- notifies a parent if a child is injured or becomes ill during the course of their employment;
- notifies SBS of any accident involving the child, injury to the child or complaint made by the child or parent in relation to the employment; and
- enables the child's contact with their parent or parent nominee whenever the child requests contact or whenever it is appropriate to do so in the interests of the child.

6. **2 to 3 days before the employment, provide updated and outstanding information to the Children's Guardian**

- Major changes in risks to the children notified late may require additional information and may delay your plans.
- Where one child is employed, all children working must be notified and have the same working conditions as outlined in the Code of Practice.
- Make sure that principal permission is being organised if filming during school hours with school-aged children.
- Make sure private change facilities and bathrooms are appropriate and hygienic for the children who will use them.
- **Email the Children's Guardian:**
 - **At least 48 hours** before children are employed, the SBS Manager must email a completed Child Details Form to the Children's Guardian;
 - a Variation Application if you need variations to the Code of Practice
 - any finalised safety reports and risk assessments
 - the registered nurse details where you are employing children under 3 years of age
 - any changes to your script, role requirements or workplace.

7. **The day before children start work**

The SBS Manager must

- Email the Children's Guardian the relevant call sheet;
- Give a copy of the SBS Child Safety Code of Conduct to **all adults** on set;
- Give a copy of the Information for Parents Factsheet to all parents;
- Ensure that any parent who is nominating supervisor has signed a Parent Nominee Authorisation Form; and
- Ensure that any SBS staff understand their obligations under the Code of Practice.

Child Employment Incident register

If a child is injured or there is an incident involving a child that is employed by SBS, the SBS Manager must inform People & Culture immediately, as well as the SBS Safety Manager. The SBS Manager must



ensure that appropriate action is taken in consultation with the child's parent, guardian and/or supervisor e.g. first aid, ambulance, police.

The SBS Manager must also complete a *Child Employment Incident Register Form* for any incident, including any:

- accident involving a child;
- injury to a child;
- incident that is subject to a complaint, including any allegation of sexual abuse; and
- action taken in relation to the above items.

The *Child Employment Incident Register Form* **must** be provided to the Children's Guardian within 72 hours of SBS being made aware of the incident occurring by emailing it to kids@kidsguardian.nsw.gov.au and copied to People & Culture.

SBS must also maintain a *Child Employment Incident Register*. The incident register will be maintained and updated by People & Culture.

Both the *Child Employment Incident Register Forms* and the *Child Employment Incident Register* must be kept and securely stored for 6 years after the incident.

Hours of work for children

Information regarding the hours of work a child is permitted to work is set out in the Code of Practice. A summary of the requirements can be found on the Office of Children's Guardian website [here](#) and should be strictly observed.

A sign in and out sheet or other method of accurately recording arrival, start and departure times for each child must be utilised.

Record keeping requirements

The SBS Manager has responsibility under legislation to retain child employment records **for a minimum period of six (6) years**, and these records must be made available for inspection by an officer appointed by the Children's Guardian.

The SBS Manager must then ensure that the folder is correctly populated with relevant forms including:

- Child Employee Record Form
- Child Details Form
- Parent Nominee Authorisation Form
- Variation Applications
- Incident Register Form
- Other Documents



Other considerations

The conditions for employing children at SBS set out in this Policy and the Authority to Employ Children issued to SBS applies to each child who is employed and each time the child is subsequently employed.



Employment of children in States other than NSW

The above information relates to employment of children in NSW only.

If a need arises for a child to be employed in any other State or Territory, please be aware:

- **Victoria:** You must obtain a permit from Employment Information and Compliance prior to the employment commencing for a permit to employ a child under the age of 15. Child employment permits applications and support documents must be lodged a minimum of 72 hours prior to a child commencing work. Further information can be found on the [Business Victoria](#) website.
- **Queensland:** You must not employ a school-aged (under 16 years of age) or young child (a child not old enough to be enrolled for school) until you have obtained a parent's consent form or special circumstances certificate authorising the child to perform work. Further information can be found on the [Business Queensland](#) website.
- **Australian Capital Territory:** Children and young people under the age of 15 may only be employed in light work, and only for a maximum of 10 hours per week. Written parental consent is required to employ a person under 15 years of age. Use this [Checklist](#) as a guide.
- **Western Australia:** As long as the work does not prevent school attendance, children of any age can perform professionally as an actor, musician, entertainer or in an advertisement. Further information can be found on the [Department of Mines, Industry Regulation and Safety](#) website.
- **South Australia:** a child of compulsory school age between 6 and 16 years of age cannot be employed during the hours that they are required to attend school. Nor are they allowed to work at a time, such as late at night or early in the morning that is likely to render them unfit to attend school or obtain the proper benefit from such attendance.

If you intend to employ a child outside of New South Wales, please notify [People & Culture](#) as soon as possible before the employment of a child and review the compliance obligations in the relevant State or Territory. [People & Culture](#) may also be able to assist you in meeting these compliance obligations.

Details relating to the employment of children in States and Territories other than NSW can be found at the following details:

Australian Capital Territory

[ACT Community Services](#)

ph: (02) 6205 0480

email: youngworkers@act.gov.au

Northern Territory

Central Intake

Department of Health and Community Services

Family and Children's Services Program

ph: 08 8922 7460

Special Broadcasting Service

14 Herbert Street, Artarmon NSW 2064 Australia sbs.com.au

Tel: +61 2 9430 2828

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fax: 08 8946 5222

email: Centralintake@nt.gov.au

Queensland

Industrial Relations Services Unit

ph: 07 3225 2299

South Australia

WorkSafe SA

ph: 08 8303 0400

Tasmania

WorkSafe Tasmania

ph: 03 6166 4600

Victoria

Department of State Development, Business and Innovation
Employment Information and Compliance

ph: 1800 287 287

fax: 03 9651 9703

Western Australia

Department of Mines, Industry Regulation and Safety

ph: (08) 6251 2100

email: labourrelations@dmirs.wa.gov.au

Special Broadcasting Service

14 Herbert Street, Artarmon NSW 2064 Australia sbs.com.au

Tel: +61 2 9430 2828

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Records relating to child abuse

All records relating to child sexual abuse which has occurred or is alleged to have occurred are subject to a Commonwealth Government Notice of Disposal Freeze. These records may be individual client and case files, policy and other administrative records, records of legal and disciplinary proceedings, investigations, reviews, reports, inquiries and appeals, support or compensation records related to matters of abuse and allegations of abuse. SBS must not destroy any records that may be relevant to the freeze and must retain, for at least **45 years**, records relating to child sexual abuse that has occurred or is alleged to have occurred in the course of child-related work.

For further information, please see the following:

- [Notice of Disposal Freeze: Records related to institutional responses to child sexual abuse](#)
- [SBS Records Management Policy](#)

National Redress Scheme

As a Government agency, SBS is a participant in the National Redress Scheme for people who have experienced institutional child sexual abuse (**Scheme**). The Scheme provides acknowledgement and support to people who experienced institutional child sexual abuse. It was created in response to the Royal Commission into Institutional Responses to Child Sexual Abuse, which estimated that 60,000 people experienced institutional child sexual abuse in Australia.

Redress is an alternative to seeking compensation through the courts. The Scheme can provide three things:

1. Access to counselling;
2. A payment; and
3. A direct personal response from the institution e.g. an apology, for people who want it

The Scheme started on 1 July 2018 and will run for 10 years. People who were abused in the care of SBS can apply to the Scheme for redress, using an online or paper form. Free and confidential Redress Support Services are available throughout the process. They can help explain the Scheme and who can apply. For more information, visit www.nationalredress.gov.au or call the National Redress Scheme line on 1800 737 377.

Policy Information	
Version	Version 9 April 2021
Policy Changes	This Policy may be rescinded, changed or replaced at any time at the absolute discretion of the Director of People and Culture or an authorised delegate.
Contracts of Employment	The terms of this Policy are not intended to be contractual in nature and do not form part of any employee's contract of employment.



Related Policies and Documents

- *Children's Guardian Act 2019* (NSW)
- Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015 (NSW) Schedule 1 – Code of Practice
- SBS Authority to Employ Children
- SBS Children in the Workplace Policy
- SBS Code of Conduct
- SBS Child Safety Code of Conduct
- At SBS We Look Out for One Another – Appropriate Workplace Behaviour Policy