# INFORMATION FOR PARENTS/CARERS: EXEMPTING STUDENTS FROM SCHOOL ATTENDANCE FOR EMPLOYMENT IN THE ENTERTAINMENT INDUSTRY

This factsheet contains information for parents/carers of all Victorian students (Government, Catholic and Independent schools) on the process for students undertaking employment in the entertainment industry during school hours.

## OVERVIEW

Under the *Education and Training Reform Act 2006* (Vic), schooling is compulsory for students who have turned 6 until they turn 17 unless an exemption has been granted. Any student of compulsory school age wishing to be employed in the entertainment industry during school hours requires a written exemption from school attendance (exemption) before undertaking employment. An exemption is not required for students undertaking employment in the entertainment industry outside of school hours.

School attendance is vital to a child’s education, and students learn new things at school every day. A student who misses one day a fortnight will miss four weeks in a year and more than a year of school by year 10. Children also make and maintain important social connections at school with their friends and teachers through their attendance.

It is unlawful under the *Child Employment Act 2003* for a child under 15 to be employed during school hours without an exemption. This applies to all Victorian students, including government, Catholic and independent school students. Students must continue to attend school until an exemption is granted.

**At a school, only the principal may grant an exemption – other school staff may not make a decision on an application**. Parents/carers may seek a review of refused applications from the Regional Director (or Diocesan Director for Catholic schools).

Employers who employ children under the age of 15 must also hold a valid child employment licence.

Parents, carers and students may visit the [Wage Inspectorate Victoria](https://www.vic.gov.au/child-employment-permits) website or contact the Wage Inspectorate by phone at 1800 287 287 or email childemployment@wageinspectorate.vic.gov.au for more information.

## APPLYING FOR AN EXEMPTION

Awritten exemption is required for any student to be employed in the entertainment industry during school hours. An exemption is not required for employment outside of school hours.

To apply for an exemption, the student’s parent/carer must submit an application form: [School Attendance Exemption for Employment in the Entertainment Industry](https://www.education.vic.gov.au/PAL/application-school-exemption-employment-in-entertainment-industry.docx) to the student’s school.

It is the responsibility of the parents/carers to ensure that the sections of the form for parents/carers are completed. Incomplete applications may not be accepted by the school and may be returned to the parent/carer to complete. Parents/carers may seek assistance from the school to complete the application.

After receiving the application, the principal will complete the remaining sections of the form and decide whether to grant an exemption, including if any educational conditions apply. The principal will provide a copy of the completed form and their decision to the following:

* The student/parent/carer (within seven days)
* The Department of Education Regional Director for government and independent schools or Diocesan Director for Catholic schools (within seven days)

Parents/carers may have conversations with the principal before submitting an application. However, the principal must provide their decision on the application in writing. An application must be submitted for all exemptions, and a decision is only confirmed once it is in writing.

## CONSIDERATIONS FOR GRANTING OR REFUSING AN EXEMPTION

The principal must consider the following when making a decision about an exemption:

* Whether the child meets the requirements for exemption, including that they are of compulsory school age and the proposed employment is in the entertainment industry. Entertainment means any form of entertainment and includes:
	+ - singing, dancing, or acting
		- playing a musical instrument
		- appearing in a radio, television, film or internet program or production or any similar program or production
		- modelling
		- appearing in promotional events or advertising
		- working as a photographic subject, whether still or moving
		- working in or in relation to a circus
		- taking part in a performance that is recorded for use in a subsequent entertainment or exhibition.
		- working in musical theatre, plays, operas, or other live entertainment.
		- performing in a shopping centre
		- preparatory activities to the entertainment (except screen tests before the child is booked for the entertainment or casting walk-ons).
* Whether the application has been submitted by at least one parent/carer of the child.
* Whether an exemption would adversely affect the student’s education, taking into account:
	+ the short-term and long-term benefits to the student
	+ the student’s educational needs, attitudes, and employment prospects, and
	+ the family’s views.
* Whether there are possible alternate arrangements to exemption, for example, whether the work could be undertaken after school or on weekends.

Under the Mandatory Code of Practice for the Employment of Children in Entertainment (2014) (the Code), students under the age of 15 can only engage in a maximum of 40 hours of combined work and education in any seven-day week. The student’s employer holds responsibility for ensuring this is not exceeded; however, principals may consider these maximum hours when assessing the impact of any exemption on the student’s education.

If the principal grants the exemption, they will:

* decide if any educational requirements or conditions are required as part of the exemption.
* specify the date/s of the exemption (exemptions may not be approved for more than 12 months).

Regional and Diocesan Directors will review applications against the same criteria (as detailed above).

### Tutoring and other conditions

When granting an exemption, principals decide whether any educational requirements or conditions are necessary, including the amount of any tutoring and in what subjects. For example, the principal may require your child to sit exams and attend certain school functions, events and/or classes.

If the student is under 15 and a principal specifies tutoring as a condition of the exemption, **the Code requires the student’s employer to engage a tutor to provide the education required**.

If the student is under 15 years old and the school principal does not specify tutoring requirements, the Code sets minimum education requirements. The Code requires that once a student is absent from school for the equivalent of nine days for employment with the same employer, the employer must engage a tutor to provide at least two hours of education on each school day for the remainder of the employment (or an average of 10 hours of tutoring per week over a four-week period).

The employer must ensure the tutor is given a proper opportunity to consult with the student’s school and develop an education plan for the student in consultation with the school. This normally involves the tutor being allocated time to visit the child’s school and meet with the class teacher or principal and develop an education plan to meet the needs of the child. There is usually ongoing liaison during the course of the employment to monitor progress and vary the plan as required.

The Code also requires that:

* tutors are registered teachers who are appropriately qualified to teach the student having regard to their age and level of education.
* the employer must provide an area of sufficient space and facilities of sufficient quality to enable the tutor to provide appropriate education to the child.
* the employer must ensure exclusive access to the area and facilities for the tutor and student while education is being provided.
* the employer must ensure they keep records of the hours of tutoring provided to the student and the curriculum covered.
* the employer is responsible for covering tutoring expenses (unless the tutoring is in excess of those required to be provided in accordance with the Code).

Parents/carers may wish to speak to the school principal about amending tutoring requirements if they feel it would assist your child to balance their educational and employment needs.

If the principal wishes to amend any tutoring or other education requirements or conditions, principals must record the changes in writing by:

* making an amendment to the application form, or
* providing official notice detailing the amendments (e.g., via a letter or email on school letterhead).

The principal must then forward a copy of the changes to the student/parent/carer and the Regional/Diocesan Director.

### Child Employment Licence

In addition to being exempt from school attendance, Employers who employ children under the age of 15 must also hold a valid child employment licence before they can legally employ a child. Schools are not involved in the Child Employment Licence process. Potential employers must apply for a licence through Wage Inspectorate Victoria and be granted the Child Employment Licence before they can legally employ a child.

Further information about Child Employment Licence is available on the [Wage Inspectorate Victoria](https://www.vic.gov.au/child-employment-permits) website, and student/parents/carers may contact the Wage Inspectorate by phone on 1800 287 287 or email childemployment@wageinspectorate.vic.gov.au.

## PARENT/CARER AND EMPLOYER RESPONSIBILITIES

Parents/carers and employers have important responsibilities for their child when they are exempted from school for employment in the entertainment industry. These responsibilities are designed to keep children and young people safe, free from exploitation and engaged in education.

### Parents/carers

Parents/carers are responsible for:

* ensuring they have sufficient information about the proposed employment before agreeing
* considering if the absences from school required for employment in the entertainment industry, and the work itself, are appropriate for their child and in their child’s best interests
* applying in writing to the principal for an Exemption for any employment during school hours. This must be done by completing an application for [School Attendance Exemption for Work in the Entertainment Industry form](https://www.education.vic.gov.au/PAL/application-school-exemption-employment-in-entertainment-industry.docx)
* keeping a record of all information required to complete the application form, including:
	+ past Exemptions submitted (granted and refused)
	+ days their child has been absent for employment reasons.
	+ number of hours of tutoring their child has received.
	+ employer details and information about the nature of the work and proposed dates
* ensuring their child attends school unless an exemption is granted
* ensuring their child does not engage in any employment during school hours without an exemption
* providing a copy of the granted exemption to their child’s employer before employment begins.

If the student’s parents are separated, the parent submitting the application should have parental responsibility and, to the best of their knowledge, not be aware that the other parent objects to the application and school exemption.

### Employer

Employers have important responsibilities for children and young people employed in the entertainment industry, including:

* obtaining a Child Employment Licence from Wage Inspectorate Victoria prior to employing a child under 15 years
* ensuring that the employed child or young person is supervised at all times by a person who holds a current and up-to-date Working with Children Check (employee)
* ensuring they receive a copy of a granted Exemption before the employment starts
* ensuring they receive a copy of the parental consent form
* ensuring they receive the Child Information form
* ensuring the tutor is a registered teacher who is appropriately qualified to teach the student having regard to their age and level of education
* ensuring the tutor is given a proper opportunity to consult with the student’s school and develop an education plan for the student in consultation with the school
* providing an area of sufficient space and facilities of sufficient quality to enable the tutor to provide appropriate education to the child
* ensuring exclusive access to the area and facilities for the tutor and student while education is being provided
* keeping records of the hours of tutoring provided to the student and the curriculum covered
* covering tutoring expenses (unless the tutoring is in excess of those required to be provided in accordance with the Code)
* complying with any tutoring or educational conditions and requirements specified by the principal (or the Code).

## REVIEW OF REFUSED EXEMPTIONS

A decision to refuse an exemption is subject to review and final determination by the Regional Director (or Diocesan Director for Catholic schools) within 14 days of the Regional/Diocesan Director receiving the principal’s decision.

Parents/carers may email their Department of Education Regional Office (or Diocesan Catholic Education Office for Catholic schools) to ask for a review. Parents/carers must attach a copy of the completed application and principal’s decision to their email request and any other information they wish to be considered. Contact details for Department of Education Regional offices and Diocesan Catholic Education Offices are at the end of this factsheet.

The Regional/Diocesan Director’s uses the same considerations to review a decision as the principal (see the considerations for granting or refusing an exemption section below). Regional/Diocesan Directors may seek further information, including from the principal and parent/carer, before making their final decision.

The Regional/Diocesan Director will provide a copy of the final decision in writing to the:

* student/parent/carer
* principal.

## Contacts

### Department of Education Regional Offices

**North Eastern Victoria**

Phone: 1300 333 231

Email: nevr@education.vic.gov.au

**North Western Victoria**

Phone: 1300 338 691

Email: nwvr@education.vic.gov.au

**South Eastern Victoria**

Phone: 1300 338 738

Email: sevr@education.vic.gov.au

**South Western Victoria**

Phone: 1300 333 232

Email: swvr@education.vic.gov.au

**For Independent schools**

To assist Independent schools to identify which Department of Education Region they are in, please visit:

<https://www.education.vic.gov.au/about/department/structure/Pages/regions.aspx>

### Catholic Education Diocesan Director contacts

To find out which Diocese your child’s school is in, please visit:

<http://www.cecv.catholic.edu.au/About-Us/Dioceses>

**Catholic Education Melbourne**

Phone: 03 9267 0228

**Catholic Education Office Ballarat**

Phone: 03 5337 7135

**Catholic Education Office Sale**

Phone: 03 5622 6600

**Catholic Education Sandhurst**

Phone: 03 5443 2377

### Wage Inspectorate Victoria

Phone: 1800 287 287

Email: childemployment@wageinspectorate.vic.gov.au

Website: [Wage Inspectorate Victoria](https://www.vic.gov.au/child-employment-permits)

## FURTHER INFORMATION

### Related information:

* [Application form: school exemption for employment in the entertainment](https://www.education.vic.gov.au/PAL/application-school-exemption-employment-in-entertainment-industry.docx)
* [Guidance for Victorian schools: exempting students from school attendance for employment in the entertainment industry](https://www2.education.vic.gov.au/pal/exemption-school-attendance-and-enrolment/guidance/4-exemption-process-students-who-have-not)

For more information on school policy and guidance for exemption from school attendance, see:

<https://www2.education.vic.gov.au/pal/exemption-school-attendance-and-enrolment/policy>

For more information on child employment, Child Employment Licences or the Mandatory Code of Practice for the Employment of Children in Entertainment, see:

<https://www.vic.gov.au/child-employment-permits>

For more information on the definition of parental responsibility, see:

<https://www.education.vic.gov.au/school/principals/spag/safety/Pages/parentalresponsibility.aspx>