

Guide to engaging and working with youth volunteers

A guide for community organisations

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Part 1

**What's different about youth
volunteers?**

What's different about youth volunteers?

Your organisation's obligations to volunteers also apply to youth volunteers.

However, when your organisation engages youth volunteers, you must also consider issues that are specific to this group.



Note

This guide provides general information about engaging youth volunteers in Australia. This information is intended as a guide only and is not legal advice. If you or your organisation has a specific legal issue, you should seek legal advice before deciding what to do.

Please refer to [the full disclaimer](#) that applies to this guide.

Youth volunteers are an integral part of many not-for-profit organisations. Volunteering can be a richly rewarding experience for youth volunteers to engage with their communities and the participation of youth volunteers can be an invaluable asset to organisations.

However, when engaging youth volunteers, it's important to consider specific legal issues and obligations that may apply to this group. These obligations may differ slightly in each state and territory.

The guide is made up of five parts:





What do we mean by 'youth volunteer'?

Generally, when we refer to 'youth volunteers', we mean volunteers under the age of 18.

Distinguishing characteristics of youth volunteers

Youth volunteers have the following distinguishing characteristics that your organisation must consider when recruiting and engaging them –

Skills and experience

Young people are still developing skills and may have different competencies and physical capabilities from adult volunteers.

Knowledge of rights and responsibilities

Youth volunteers are likely to have little workplace experience or knowledge of their rights (for example, the right to a safe workplace) and responsibilities (for example, appropriate workplace behaviour and safety).

Confidence

Young people may lack confidence, so creating an environment where they are comfortable to speak out is important. Other young people may be overly confident, so adequate supervision is also an important part of your organisation's management of youth volunteers.

Vulnerability

Children and young people are considered to be at greater risk than other members of our community in certain areas. **Specific laws apply to protect children and young people.**



More information

For further information about volunteers (including youth volunteers), see [our volunteers webpage](#) which has useful tools and our National Volunteer Guide.

Our guide is in six parts and includes information on:

- Key legal issues for volunteer involving organisations
- Volunteer or employee or independent contractor
- Volunteer safety
- Volunteers and unlawful workplace behaviour
- Recruiting, inducting and managing volunteers
- Organisational issues and volunteers



Part 2

Engaging youth volunteers

Engaging youth volunteers

Before engaging a youth volunteer, consider:

- whether they have adequate skills and experience to perform the role – does the role require skills or experience that young people may not have yet?
- is your organisation able to meet its duty of care to provide a safe workplace for the young person in respect of their physical, mental and emotional safety?

If you answer 'no' to either question, reflect on whether it would be safe for a youth volunteer to perform the role and whether your organisation can put any safeguards and processes in place to manage their safety.



Caution – volunteer or employee?

Before engaging a youth volunteer, consider whether the youth volunteer is actually a volunteer or whether the substance of the relationship is one of employee and employer. **This distinction is important as different entitlements and obligations apply to employees.**

See part 2 of our [National Volunteer Guide](#), which deals with the differences between a volunteer and other workers, like employee relationships.

Parental consent for youth volunteers

In some states (for example, Queensland), an organisation may be formally required to get consent from a youth volunteer's parent or guardian for the youth to volunteer with the organisation.

Regardless, from a best practice perspective, your organisation should get written consent from a prospective youth volunteer's parent or guardian about the youth volunteer's planned role with the organisation.



Tip

To make sure parents and guardians can provide informed consent, give them clear information about the proposed scope of the volunteering role, including:

- what the youth volunteer will be doing
- where the youth volunteer will be volunteering
- when the youth volunteer will be volunteering
- who will be supervising the youth volunteer, and
- the contact details of a person at the organisation the parent or guardian can contact if they have any questions about the volunteering



Your organisation should also get consent from a parent or guardian before a youth volunteer is photographed, audio taped or otherwise filmed in their volunteering role.

If a youth volunteer's volunteering role changes, make sure you get separate parental consent for the youth volunteer to take on that role.

Induction and training

During the induction and training of youth volunteers:

- make sure they understand what they will be doing in their role
- get the volunteer's consent for the collection of their personal information, including consent to photograph, film or otherwise record the volunteer in their role, and explain how you are going to use it
- make sure the volunteer understands the organisation's policies and why they exist
- highlight policies that are particularly relevant to youth volunteers, such as social media, privacy, IT and appropriate workplace behaviour
- explain the importance of a safe workplace and provide training on how to avoid harmful situations where possible, and point out any special safety requirements that relate to youth volunteers
- set out the reporting lines and process for dealing with the youth volunteer's complaints and concerns (or their guardian's complaints and concerns)
- allocate a trusted buddy or mentor to the volunteer
- foster a culture of open communication by encouraging the people in your organisation to express any concerns about child safety
- understand the volunteer's study requirements and term dates to make sure that volunteering doesn't interfere with their study, and
- make sure you have emergency contacts for the youth volunteer and important health information, such as allergy information



Tip

Make sure any induction program your organisation holds for youth volunteers is appropriately tailored to that particular age group. This includes both the appropriateness of content and form of delivery. It may be necessary to adapt any existing induction programs your organisation delivers, as required.



More information

For further information, see part 5 of our [National Volunteer Guide](#) which covers recruiting, inducting, managing and ending the volunteer relationship



Part 3

Managing youth volunteers



Managing youth volunteers

Duty and standard of care

Duty of care

Maintaining a safe workplace is not only an important consideration for your organisation's reputation, but also a legal requirement under specific state and territory work health and safety legislation and the common law (judge-made law) of negligence.

Your organisation must ensure, as far as is 'reasonably practicable', the health and safety of your youth volunteers and the people that your youth volunteers interact with in their role (for example, clients, other volunteers, staff and members of the public).



Note

This duty of care may extend beyond the organisation's physical workplace to places where youth volunteers are working on behalf of your organisation, such as other private or public places or even their homes.

Standard of care

If your organisation owes a 'duty of care' to a person or category of persons, such as a youth volunteer, your organisation needs to treat those people with an appropriate standard of care.

Essentially, in all states and territories, the standard of care expected is the standard of 'the reasonable person' in the same position and with the same knowledge as the person being judged.



Note

The standard of care expected in relation to youth volunteers may be higher than that owed to other volunteers, given the relative vulnerability of youth volunteers to other volunteers.



Example

Caitlin and Jack are both youth volunteers for a local not-for-profit organisation and regularly assist with the delivery of care parcels to residential homes.

Before starting their first volunteer shift, the organisation gives them an induction session about staying safe while on their shift. This includes information about:

- working in pairs
- never entering a stranger's home, and
- what to do if they are in a situation where they are threatened or intimidated by a member of the public

Breach of duty

If your organisation fails to meet the standard of care owed to youth volunteers or the public interacting with your youth volunteers, it will be considered to have breached its duty and your organisation may be required to compensate the injured person for their loss.

Work health and safety requirements

Your organisation may have additional obligations under specific state and territory work health and safety legislation.

The primary duties owed by organisations to volunteers (including youth volunteers) across each state and territory are:

- the duty to provide and maintain a working environment that is safe and free of risks to the health of workers (which includes volunteers)
- the duty to 'consult' with workers about safety, and
- the duty to notify the relevant regulator of notifiable incidents, and to preserve incident sites

Each volunteer also has their own obligations in relation to occupational health and safety. This includes:

- taking reasonable care for their own health and safety
- taking reasonable care that their acts or omissions do not adversely affect the health and safety of other persons, and
- complying and cooperating with reasonable instructions, policies and procedures relating to health and safety



Note

Not all organisations have duties under WHS legislation. For example, if your organisation is a volunteer association, being an association made up entirely of volunteers and does not employ any paid workers, you don't have duties under WHS legislation. However, we recommend that your organisation put practices and procedures in place that promote the health and safety of your organisation.



Caution

While the Australian Capital Territory, New South Wales, Northern Territory, South Australia, Tasmania, Queensland and Western Australia have adopted the Harmonised WHS Laws, there are differences between the states and territories. Always consult the relevant legislation in the applicable state or territory.



More information

For further information about WHS laws see:

- part 4 of our [National Volunteer Guide](#) which sets out the laws that regulate health and safety in the workplace in all states and territories
- our [guide to community organisations and work health and safety laws](#)
- [guidance on employing young workers](#) published by the Fair Work Ombudsman



Caution

We have not summarised the state and territory laws that regulate health and safety in the workplace. For more information about these laws see part 4 of our [National Volunteer Guide](#).

Work conditions for youth volunteers

Each state and territory has its own legal obligations that apply to the working conditions of children.



Note

Even though many of these obligations apply to child employment only (as opposed to volunteering), as a matter of best practice, your organisation should use these obligations as a guide when engaging youth volunteers.

Generally, legal obligations that apply to the working conditions of children:

- set out the time of day that a child is permitted to work (generally not before 6am or after 10pm, but this differs between jurisdictions)
- set out the maximum hours per week a child is permitted to work
- require that any work not interfere with a child's participation in education or training, and
- set standards of working condition for children (for example, engaging in light work or work that is not harmful to the child's physical, mental or emotional wellbeing)



Caution

We have extracted some of the key state and territory legal provisions regarding work conditions below – they are not exhaustive.

If you have a question, you will need to check the particular legislation or get legal advice.

Victoria

In Victoria, the *Child Employment Act 2003 (Vic)* is relevant to work conditions for youth volunteers and defines a 'child' as a person under 15 years of age.

Span of hours	Children may not engage in any non-work activity for a not-for-profit organisation in a public place or engage in door-to-door fundraising earlier than 6.00am or sunrise (whichever is earlier) or later than 6.00pm or sunset (whichever is earlier), unless accompanied by an adult.
Maximum hours	<p>The following restrictions only apply to children employed in a for-profit business. However, as a matter of best practice, a not-for-profit organisation should apply these restrictions to youth volunteers.</p> <p>The maximum hours children may work (including rest breaks) are:</p> <ul style="list-style-type: none"> • three hours per day (12 hours per week) during school term, and • six hours per day (30 hours per week) outside school term
Work restrictions	<p>A person may not allow a child to engage in any activity that is not 'light work'. 'Light work' includes any activity that is not likely to:</p> <ul style="list-style-type: none"> • harm the child's health, safety or moral or material welfare, or • prejudice a child's attendance at school or capacity to benefit from instruction <p>Activities that are likely to be harmful to a child's health or safety can include:</p> <ul style="list-style-type: none"> • repetitive bending, twisting or lifting • manually lifting heavy items • working with or near cooking or any other equipment that may produce high temperatures • working with sharp instruments or equipment, power operated tools and any other dangerous equipment • working near moving vehicles • working at heights • working with uncontrolled animals • working in extreme weather conditions <p>When determining whether any activity is 'light work' or likely to be harmful to a child's health, safety or moral or material welfare or development, consideration must be given to:</p> <ul style="list-style-type: none"> • the child's age, sex and physical and emotional development and maturity, and • the nature and management of the activity and the nature and environment of the place where the activity is, or is to be, performed



Australian Capital Territory

In the ACT, the [Children and Young People \(Employment\) Standards 2011 \(No 1\) \(ACT\)](#) is relevant to work conditions for youth volunteers and defines:

- a 'child' as a person under 12 years of age, and
- a 'young person' as a person at least 12 years of age and under 18 years of age

Span of hours	Children and young people may not be employed before 6.00am or sunrise (whichever is later), or after 10.00pm, or as otherwise agreed to by the Director-General.
Maximum hours	<p>Children and young people may undertake 'light work' for up to 10 hours per week. Hours of work must be calculated to include all workplaces, not 10 hours for each workplace.</p> <p>Maximum hours per day depend on the child or young persons' age:</p> <ul style="list-style-type: none"> • 0 to 3 years is three hours • 4 to 12 years is four hours • 12 to 15 years is six hours <p>Children and young people may not be employed for more than one shift per day and there must be at least a 12-hour gap between shifts.</p>
Work restrictions	<p>Children and young people should only undertake 'light work' that does not interfere with their participation in education or training or the likelihood of benefiting from their education or training.</p> <p>'Light work' is work that is:</p> <ul style="list-style-type: none"> • not contrary to the best interests of the child or young person • is suitable for the physical, emotional and developmental competency of the child or young person under adequate supervision, and • under conditions where appropriate work safety standards to protect the child or young person from exposure to hazards or potential hazards are in place

New South Wales

In New South Wales, the [Children and Young Persons \(Care and Protection\) \(Child Employment\) Regulation 2015 \(NSW\)](#) is relevant to work conditions for youth volunteers and defines a 'child' as a person under 16 years of age.

Span of hours	<p>General work</p> <p>Children may not start work (including work in preparation for work) after 9.00pm on any day before a school day .</p> <p>Work in entertainment and exhibition, still photography and door-to-door sales industries</p> <p>Children can only be employed for a restricted number of hours per day, during certain times of the day and for a limited number of days per week, varying across the entertainment and exhibition, still photography and door-to-door sales industries.</p>
Maximum hours	<p>General work</p> <p>Children must not work:</p> <ul style="list-style-type: none"> • more than one shift per day • more than five days in a row • more than 50 hours per week • more than four hours on school days • at all if there hasn't been at least a 12-hour gap between their last shift <p>Work in entertainment and exhibition, still photography and door-to-door sales industries</p> <p>Maximum hours range from one to five days per week and four to eight hours per day, depending on the age of the child and the work being performed.</p>



Work restrictions	Employers of children must comply with their Code of Conduct. Restrictions under the Code of Conduct include: <ul style="list-style-type: none"> • if a child is under 12 years of age, they must be taken home from work by a parent (or another person nominated by a parent), unless the distance between work and home is less than 10km and it is daylight if the child is travelling by public transport • children of compulsory school-age must not be employed during school hours of normal attendance without prior approval from the principal or the Secretary of the Department of Education
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Northern Territory

In the Northern Territory, the Care and protection of Children Act 2007 (NT) is relevant to work conditions for youth volunteers and defines a ‘child’ as a person less than 18 years of age or apparently less than 18 years of age if the person’s age cannot be proved.

Span of hours	Children under 15 years old may not work between the hours of 10.00pm and 6.00am.
Maximum hours	There are no specific maximum hours. However, your organisation should manage the hours a child is engaged to work or volunteer to ensure the child is not being exploited, harmed, or likely to be harmed (physically, mentally or emotionally) by their hours of engagement.
Work restrictions	Children may not perform any work that is exploitative, harmful, or likely to be harmful, to their physical, mental or emotional wellbeing.

Queensland

In Queensland, the Child Employment Regulation 2016 (QLD) is relevant to work conditions for youth volunteers.

For the purposes of the of the relevant legislation in Queensland:

- a ‘child’ is a person under 18 years of age
- a ‘school-aged child’ is a child who is under 16 years of age and is required to be enrolled in school (Education (General Provisions) Act 2006 (QLD))
- a ‘young child’ means a child who is not yet of compulsory school age (Education (General Provisions) Act 2006 (QLD)), and
- in relation to a child, ‘work’ includes unpaid or voluntary work (Child Employment Act 2006 (Qld))

Span of hours	<p>School-aged and young children May not work between 10.00pm and 6.00am.</p> <p>Delivery work A child who is 11 or 12 years of age may not do delivery work between 6.00pm and 6.00am</p>
Maximum hours	<p>Working hours generally for school-aged and young children School-aged children or young children may not work if they:</p> <ul style="list-style-type: none"> • started work before 8.00am and have not had at least an hour’s break after five hours of work • started work between 8.00am and 10.00am and have not had at least an hour’s break before 1.00pm • are 13 years of age and have not had at least a 10-minute break after 50 minutes of work (unless they have already had a break under one of the two options above) • have not had a minimum of 12-hours between shifts with the same employer • they have already worked for four hours on a school day of at least three hours, or • have worked for 40 hours in the previous seven days for any employer or if they are required to attend school



Work restrictions

Additional working hours restrictions for young children

Young children must also not work if they have already worked:

- 12 hours during a week
- four hours during a day, or

for the same employer for a period of time that ended within the previous 12 hours

All children

An employer of a child must take reasonable steps to:

- notify parents if a child becomes ill at work and is no longer able to work
- ensure the child is not subject to deliberate or unnecessary social isolation or any behaviour likely to intimidate, threaten, frighten or humiliate the child
- ensure parents are contactable when the child is at work
- in reasonable circumstances, allow a child to contact their parents while the child is at work, and
- ensure a child is given appropriate induction training (including workplace health and safety training) appropriate to their age level

School-aged or young children

Written consent from a child’s parent must be obtained before a school-aged or young child is permitted to work unless special circumstances apply.

Recorded and live entertainment

Children working in recorded or live entertainment may be subject to different working restrictions.

South Australia

In South Australia, the [Education and Children's Services Act 2019 \(SA\)](#) is relevant to work conditions for youth volunteers. Under this Act:

- a ‘child of compulsory education age’ is a person who is 16 years of age, and
- a ‘child of compulsory school age’ is a person who is between 6 and 15 years of age (unless stated otherwise)

Span of hours
Maximum hours
Work restrictions

Children may work outside school hours or when they are required to participate in an approved learning program

N/A

It is unlawful to employ a child during the hours in which they are required to attend school or participate in an approved learning program.

Tasmania

Under the [Education Act 1994 \(Tas\)](#), a ‘child’ is a person who is not yet 16 years of age.

Span of hours
Maximum hours
Work restrictions

A child may work outside school hours

N/A

A person must not employ a school-aged child during the hours when the child is required to attend school.



Western Australia

Under the [Children and Community Services Act 2004 \(WA\)](#):

- a 'child' is a person who is under 18 years of age or is apparently under 18 years of age if there is no proof of age available, and
- in relation to a child, 'employ' means to engage the child to carry out work whether the child receives payment or other reward for the work or not

Span of hours	<p>All children May work outside school hours or when they are otherwise required to participate in an educational programme of a school.</p> <p>Children between 13 and 15 years of age May work between 6.00am and 10.00pm with the written permission of a parent, provided the child is employed to carry out delivery work or work in a shop, retail outlet or restaurant.</p> <p>Children between 10 and 13 years of age May work between 6.00am and 7.00pm if accompanied by a parent or authorised adult.</p>
Maximum hours	N/A
Work restrictions	A person who employs a child to perform in an indecent, obscene or pornographic manner in the course of participating in an entertainment, exhibition or advertisement is guilty of a crime.



More information

For further information, see part 5 of our [National Volunteer Guide](#) which covers recruiting, inducting, managing and ending the volunteer relationship



Part 4

Protecting youth volunteers

Protecting youth volunteers

Screening requirements



Note

If your organisation is planning to engage youth volunteers, it's particularly important to make sure the organisation has processes in place to screen employees and volunteers who will be working with these youth volunteers.

Some background screening checks are required by law (either under legislation or contract), while others are optional.



Tip

Even when a screening check is not required, it's best practice for organisations to conduct some level of screening to make sure they maintain a safe environment for all workers (paid and unpaid) and clients.

Unless there is a legal obligation for your organisation to ensure workers have a particular type of check, organisations have discretion to determine what types of screening processes they will incorporate as part of their induction process.

For example, your organisation should consider:

- the number of youth volunteers engaged by the organisation
- how closely youth volunteers work with other adult employees or volunteers of the organisation
- whether all workers will be required to get a certain check or only those workers who will work closely with youth volunteers
- whether youth volunteers work alone with adult employees or volunteers, and
- the relative vulnerability of youth volunteers (taking into account age, disability and any other relevant factors)

Working with children checks

Each state and territory has requirements that oblige organisations to make sure people engaging in certain categories of work have a working with children check.

Generally, these checks examine:

- a person's criminal record in all Australian states and territories to determine whether certain categories of offences have been committed that are relevant to the safety of children (for example, serious sexual, violent and drug offences)

- professional conduct (for example, professional disciplinary bodies)
- compliance with health practitioner legislation (historical and current), and
- reporting obligations or orders under sex offender specific legislation (current or historical)

Police checks

Another common screening mechanism is through a police check.

A police check allows an organisation to be informed about a person's previous convictions and is not limited to child-related offences. Unlike a working with children check, where the result is either a pass or fail, a police check provides a list of outcomes and it's up to the organisation to assess whether they are relevant to the person's role and the risk they pose to youth volunteers.

Other checks

An organisation may also require workers to submit other background checks, such as references. This will allow an organisation to consult with a worker's references and ask questions about the worker's capacity to work with or engage with children.



More information

For more information, see our [webpage on background checks](#).

Child Safe Standards

In February 2019, the Federal Government endorsed the [National Principles for Child Safe Organisations \(National Principles\)](#). The National Principles draw on [recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse](#) and provide a nationally consistent approach to embedding a child safe culture across all organisations in all sectors in Australia.



Note

Although Australian organisations are not legally required to adopt them, the National Principles are considered best practice for fostering child safety and wellbeing culture and practice.

If your organisation interacts with children on a regular basis or plans to engage youth volunteers, we recommend you use these National Principles as a guide to create a child safe environment. You can then be satisfied that your organisation is taking steps to protect children from risks to their health and safety.



More information

For more information on child safety in your organisation, see:

- the [Complaint Handling Guide: Upholding the rights of children and young people](#) published by the National Office for Child Safety
- the [Child Safe Organisations website](#)



Victoria – Child Safe Standards

In Victoria, organisations that engage youth volunteers (or provide services to children) must comply with the minimum Child Safe Standards as set out in the Child Wellbeing and Safety Act 2005 (Vic).

These standards aim to:

- create and ensure child safe environments
- reduce and remove risks of child abuse
- encourage reporting of any suspected child abuse, and
- improve responses to any allegations of child abuse



More information

For more information see:

- our [guide to child safety in Victoria](#)
- the [Victorian Commission for Children and Young People website](#)

New South Wales – Child Safe Standards

Child safe standards were introduced in New South Wales from 1 February 2022 for agencies delivering services to children and young people.



More information

For more information see the [NSW Office of the Children's Guardian website](#).

South Australia – child safe environments

In South Australia, certain organisations must provide child safe environments and comply with the requirements under the Children and Young People (Safety) Act 2017 (SA) and the Child Safety (Prohibited Persons) Act 2016 (SA). These organisations must:

- have a child safe environments policy in place
- meet working with children check obligations, and
- lodge a child safe environments compliance statement, which should all cover youth volunteers



More information

For more information about the child safe requirements in South Australia, visit the [Department of Human Services website](#).



Mandatory reporting

Each state and territory has its own mandatory reporting obligations.

These obligations generally require certain categories of people to report reasonable concerns they hold about a child's welfare, which arise in the course of their work. This includes registered medical practitioners, nurses, registered teachers, police officers and others.

Further, almost all states and territories require all adults (regardless of their occupation) who hold a reasonable belief that a sexual offence has been committed by an adult against a child under 16 years of age to report the matter to police. A failure to report is a criminal offence.



Note

If your organisation engages or works with children, it's important that everyone who works in your organisation (including volunteers) is aware of their reporting obligations and any potential consequences of failing to meet them.



Tip

Reporting obligations should form part of your organisation's standard induction, training and ongoing professional development processes, and you should have written policies and procedures in place.



Caution

We have extracted some of the key state and territory legal provisions regarding mandatory reporting below – they are not exhaustive.

If you have a question, you will need to check the particular legislation or get legal advice.

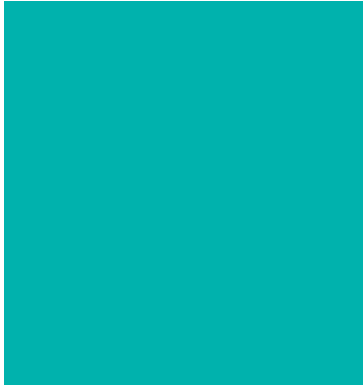
Victoria

Reporting obligations that apply to all adults

- An adult (a person 18 years or older) who has a reasonable belief that a sexual offence has been committed by an adult against a child under 16 years has an obligation to report that information to police.
- This reporting obligation applies to all adults in your organisation in relation to a belief or information they hold about any child, including youth volunteers.
- If an adult fails to report this information to police, this is a criminal offence (a 'failure to disclose' offence) punishable by up to three years' imprisonment under the *Crimes Act 1958 (Vic)* (**Vic Crimes Act**). A 'reasonable belief' does not require proof. Rather, it is formed if a reasonable person in the same position would have formed the belief on the same grounds.
- A person will not be guilty of the failure to disclose offence if they have a reasonable excuse for not reporting the suspected abuse. There are also some exceptions to the failure to disclose offence (for example, if you fear for your own safety or the safety of another person, or you believe the information has already been reported to police).

Reporting obligations that apply to certain people

- There is also an obligation to report concerns about a child's welfare in certain circumstances. The *Children, Youth and Families Act 2005 (Vic)* (**Vic Child**



Reducing or removing risk of child sex abuse

Protection Act) provides that certain people (including registered medical practitioners, nurses, registered teachers, school counsellors, early childhood workers, certain care workers, youth justice workers) must report if they believe that a child is 'in need of protection'. The circumstances in which a child is 'in need of protection' are defined in the Vic Child Protection Act and include:

- physical injury
- sexual abuse
- emotional or intellectual development
- physical development or health
- abandonment or parental harm

- Under the VIC Crimes Act, people associated with certain kinds of organisations (including employees, owners, volunteers, contractors and office holders) may be charged with a criminal 'failure to protect' offence in certain circumstances.
- The list of 'relevant organisations' (covered by the VIC Crimes Act) includes youth organisations, sporting groups, charities and benevolent organisations (see section 49O of the Vic Crimes Act for the full list).

Australian Capital Territory

Reporting obligations that apply to all adults

- An adult (a person 18 years or older) commits an offence if they obtain information that leads them to reasonably believe that a sexual offence has been committed against a child and does not, as soon as practicable after forming the belief, give the information to a police officer (*Crimes Act 1900 (ACT) (ACT Crimes Act)*).
- A person is not guilty of an offence if they have a reasonable excuse for not reporting the suspected abuse.
- This reporting obligation applies to all adults in your organisation in relation to a belief or information they hold about any child, including youth volunteers.

Reporting obligations that apply to certain people

- A mandatory reporter (defined under the *Children and Young People Act 2008 (ACT) (ACT Child Protection Act)*) includes a doctor, dentist, nurse, psychologist, teacher, minister of religion, police officer, child carer or counsellor) has an obligation to report a belief, on reasonable grounds, that a child or young person has experienced or is experiencing sexual abuse or non-accidental physical injury and the belief arises from information obtained by the person during the course of, or because of, the person's work (whether paid or unpaid).
- A mandatory reporter is guilty of an offence punishable by a maximum of 50 penalty units, six months' imprisonment or both if they do not, as soon as practicable after forming the belief, report to the Director-General of the Community Services Directorate.
- A person is not guilty of an offence if they have a reasonable excuse for not reporting the suspected abuse.

Reducing or removing risk of child sex abuse

- People associated with certain kinds of organisations (including employees, owners, volunteers and contractors of an entity that provides services to children) may be charged with a criminal 'failure to protect' offence in certain circumstances (ACT Crimes Act).



New South Wales

Reporting obligations that apply to all adults

- An adult (a person 18 years or over) who knows, believes or reasonably ought to know that a child abuse offence has been committed against another person, that they have information that might be of material assistance in securing the apprehension of the offender or the prosecution or conviction of the offender for the offence, must bring that information to the attention of a member of the NSW Police Force as soon as it is practicable to do so (*Crimes Act 1900 (NSW) (NSW Crimes ACT)*).
- An adult is guilty of an offence punishable by a maximum penalty of two years' imprisonment (if the maximum penalty for the child abuse offence is less than five years' imprisonment) or five years' imprisonment (if the maximum penalty for the child abuse offence is five years' imprisonment or more) if they fail to bring that information to the attention of a member of the NSW Police Force as soon as it is practicable to do so.
- A person is not guilty of an offence if they have a reasonable excuse for not reporting the suspected abuse, (for example, if you fear for your own safety or the safety of another person, or you believe the information has already been reported to police)
- This reporting obligation applies to all adults in your organisation in relation to a belief or information they hold about any child, including youth volunteers.

Reporting obligations that apply to certain people

- A person who delivers or holds a management position in healthcare, welfare, education, children's services, residential services or law enforcement, wholly or partly, to children, a person in religious ministry or a person providing religion-based activities to children, or a registered psychologist who has reasonable grounds to suspect that a child is at risk of significant harm and those grounds arise during the course of or from the person's work, has a duty to report, as soon as practicable, to the Secretary of the Department of Communities and Justice (Secretary) (*Children and Young Persons (Care and Protection) Act 1998 (NSW) (NSW Child Protection Act)*).

Significant harm includes where:

- the child's basic physical or psychological needs are not being met, including medical care
- the child is living in a household where there have been incidents of domestic violence and the child is at risk of serious physical or psychological harm
- a parent or other caregiver has behaved in such a way towards the child that the child has suffered or is at risk of suffering serious psychological harm

(see section 23 of the NSW Child Protection Act for a full list).

- The Secretary must determine whether a child or young person is in need of care and protection, and is empowered to take whatever action is necessary to safeguard or promote the safety, welfare and wellbeing of the child or young person.
- People associated with certain kinds of organisations (including employees, volunteers, contractors or other person who carries out work of an entity that provides for an organisation that provides services to children) may be charged with a criminal 'failure to protect' offence in certain circumstances (NSW Crimes Act).

Reducing or removing risk of child sex abuse



Northern Territory

Reporting obligations that apply to all adults

- A person who gets (or who seeks or agrees to get) any property or benefit for any person on agreement or understanding that the person will compound or hide an offence is guilty of a crime and is liable to a maximum of three years' imprisonment, or seven years where the indictable offence is such that the person found guilty is liable to sentenced to imprisonment for life (*Criminal Code Act 1983 (NT)*) (**NT Criminal Code**).
- A person who has a belief on reasonable grounds that a child (a person less than 18 years of age) has suffered or is likely to suffer harm or exploitation (being physical, sexual, emotional or psychological abuse or exposure to physical violence), or that a child aged less than 14 years has been or is likely to be a victim of a sexual offence, or a child has been or is likely to be the victim of an offence against section 128 of the NT Criminal Code (sexual intercourse or gross indecency by a carer against a child who is of or over the age of 16 years) has an obligation to report that information to the CEO of the Department of Children and Families (**CEO**) or a police officer.
- A person is guilty of an offence under section 26(1) of the *Care and Protection of Children 2007 (NT)* (**NT Child Protection Act**) if they do not, as soon as possible after forming that belief, report (orally or in writing) to the CEO or a police officer. The maximum penalty is 200 penalty units.
- A person will not be guilty of an offence if they have a reasonable excuse for not reporting the suspected abuse.
- These reporting obligations apply to all adults in your organisation in relation to a belief or information they hold about any child, including youth volunteers.

Reporting obligations that apply to certain people

- A health practitioner or someone who performs work of a kind prescribed by regulation has an obligation to report a belief on reasonable grounds that a child aged 14 or 15 years has been or is likely to be a victim of a sexual offence and the age difference between the child and offender is greater than two years.
- A health practitioner or someone who performs work of a kind prescribed by regulation is guilty of an offence punishable by a maximum of 200 penalty units under the NT Child Protection Act if they do not, as soon as possible after forming that belief, report (orally or in writing) to the CEO or a police officer.
- A person will not be guilty of an offence if they have a reasonable excuse for not reporting the suspected abuse.

Reducing or removing risk of child sex abuse

- N/A

Queensland

Reporting obligations that apply to all adults

- A person who gets (or who seeks or agrees to get) any property or benefit, pecuniary or otherwise for any person on an agreement or understanding that the person will compound or hide an offence is guilty of a crime and is liable to a maximum of three years' imprisonment, or seven years where the indictable offence is such that the person found guilty is liable to sentenced to imprisonment for life (*Criminal Code Act 1899 (QLD)*) (**QLD Criminal Code**).
- This obligation applies to all adults in your organisation in relation to information they hold about any child, including youth volunteers.
- A person who has a belief on reasonable grounds that a child sexual offence (which includes indecent treatment of a child, carnal knowledge with or of a child, rape, incest, grooming a child, making child exploitation material or maintaining a sexual relationship with a child) is being or has been committed against a child by another adult and at the relevant time the child is or was, under 16 years or a person with an impairment of the mind, has an obligation to report that information to the police.
- A person is guilty of an offence under the QLD Criminal Code if they do not, as soon as reasonably practicable after forming that belief, report to a police officer. The maximum penalty is three years imprisonment.



Reporting obligations that apply to certain people
Reducing or removing risk of child sex abuse

- A person will not be guilty of an offence if they have a reasonable excuse for not reporting the suspected abuse (QLD Criminal Code).
- These reporting obligation apply to all adults in your organisation in relation to a belief or information they hold about any child, including youth volunteers.
- A person employed in the public service or in a child care service has an obligation to report to the chief-executive (**Chief**) under the [Child Protection Act 1999 \(QLD\)](#) (**QLD Child Protection Act**) a reasonable suspicion that a child in care has suffered, is suffering, or is at an unacceptable risk of suffering, significant harm caused by physical or sexual abuse.
- A doctor, registered nurse, teacher, police officer, child advocate or early childhood education and care professional has an obligation to report to the Chief a reasonable suspicion that a child in care has suffered, is suffering, or is at an unacceptable risk of suffering, significant harm caused by physical or sexual abuse and may not have a parent able and willing to protect the child from the harm.
- School staff have an obligation to immediately report to the school principal or principal's supervisor or director of the school's governing body, and the school principal or principal's supervisor or director of the school's governing body must provide a report to both a police officer and a nominee of the chief under the [Education \(General Provisions\) Act 2006 \(QLD\)](#) (**QLD Education Act**) an awareness or reasonable suspicion that a child has been or is likely to be sexually abused (and the suspicion is formed during the course of their employment).
- A failure to report is punishable by a maximum of 20 penalty units.
- People associated with certain kinds of organisations (including employees, volunteers, contractors or other person who carries out work of an entity that provides for an organisation that provides services to children) may be charged with a criminal 'failure to protect' offence in certain circumstances (QLD Criminal Code).

South Australia

Reporting obligations that apply to all adults
Reporting obligations that apply to certain people
Reducing or removing risk of child sex abuse

- Every person has a duty to keep children and young people safe from harm under the [Children and Young People \(Safety\) Act 2017 \(SA\)](#) (**SA Child Protection Act**).
- This general reporting obligation applies to all adults in your organisation in relation to a belief or information they hold about any child, including youth volunteers.
- A prescribed health practitioner, police officer, community corrections officer, social worker, minister of religion, employee or volunteer of a religious organisation, teacher, employee or volunteer of an organisation which provides services to children and any other person prescribed has an obligation to report to the Minister for Child Protection as soon as practicable a suspicion on reasonable grounds (arising during the course of their employment) that a child or young person is, or may be at risk of physical, sexual, emotional or psychological abuse or neglect, unless there is a reasonable excuse not to do so (SA Child Protection Act).
- A failure to report without reasonable excuse is an offence punishable by a maximum penalty of \$10,000 (SA Child Protection Act).
- People associated with certain kinds of organisations (including employees, volunteers, contractors or other person who carries out work of an entity that provides for an organisation that provides services to children) may be charged with a criminal 'failure to protect' offence in certain circumstances (under the [Criminal Law Consolidation Act 1935 \(SA\)](#)).



Tasmania

Reporting obligations that apply to all adults

- An adult (a person 18 years or over) is guilty of an offence under the *Criminal Code Act 1924 (TAS)* (**TAS Criminal Code**) if the person has information that leads the person to form a reasonable belief that an abuse offence has been committed against a child and fails without reasonable excuse to disclose that information to a police officer as soon as practicable.
- A person will not be guilty of an offence if they have a reasonable excuse for not reporting the suspected abuse (TAS Criminal Code).
- An adult who knows, or believes or suspects on reasonable grounds that a child is suffering, has suffered or is likely to suffer abuse or neglect has a responsibility to take steps to prevent the occurrence or further occurrence of the abuse or neglect under the *Children, Young Persons and Their Families Act 1997 (TAS)* (**TAS Child Protection Act**).
- One step the adult may take to prevent the occurrence of abuse or neglect of a child is to inform the Secretary under the TAS Child Protection Act (**Secretary**) or a community-based intake service of their knowledge, belief or suspicion and the basis of that knowledge, belief or suspicion (TAS Child Protection Act).
- These reporting obligations apply to all adults in your organisation in relation to a belief or information they hold about any child, including youth volunteers.

Reporting obligations that apply to certain people

- A prescribed person (defined under the TAS Child Protection Act to include medical practitioners, nurses, police officers and members of the clergy), in carrying out official duties or in the course of their work (whether paid or voluntary) has an obligation to report a belief or suspicion on reasonable grounds that a child has been or is being abused or neglected, or that there is a reasonable likelihood of a child being killed or abused or neglected by a person with whom the child resides to the Secretary or a community-based intake service of that belief, suspicion or knowledge as soon as practicable (TAS Child Protection Act).
- A failure to report without reasonable excuse is an offence punishable by a maximum fine of 20 penalty units (TAS Child Protection Act).

Reducing or removing risk of child sex abuse

- People associated with certain kinds of organisations (including employees, volunteers, contractors or other person who carries out work of an entity that provides for an organisation that provides services to children) may be charged with a criminal 'failure to protect' offence in certain circumstances (TAS Child Protection Act).

Western Australia

Reporting obligations that apply to all adults

- A person who gets (or who seeks or agrees to get) any property or benefit, pecuniary or otherwise for any person on an agreement or understanding that the person will compound or hide an offence is guilty of a crime and is liable to a maximum of seven years' imprisonment under the *Criminal Code Act Compilation Act 1913 (WA)* (**WA Criminal Code**).
- This offence applies to all adults in your organisation in relation to information they hold about any child, including youth volunteers.

Reporting obligations that apply to certain people

- A doctor, nurse, midwife, police officer, teacher or boarding supervisor who believes on reasonable grounds that a child has been the subject of sexual abuse and forms that belief in the course of the person's work has an obligation to report that belief to the CEO of the Department of Public Service (**CEO**), a person approved by the CEO or a person who is a member of a class of persons approved by the CEO (under the *Children and Community Services Act 2004 (WA)* (**WA Child Protection Act**)).
- As at August 2022, Western Australia is introducing new mandatory reporter groups in a staged expansion. Groups to which sections 124B(1) and (2) of the WA Child Protection Act will apply include ministers for religion, departmental officers of the Department of Communities and out-of-home care workers (by November 2023), school counsellors, psychologists and early childhood workers (by November 2024) and youth justice workers (by May 2025).



Reducing or removing risk of child sex abuse

- A failure to report as soon as practicable without reasonable excuse is punishable by a maximum penalty of \$6,000 (WA Child Protection Act). A reasonable excuse means where the person honestly and reasonably believed that all the reasonable grounds for the belief were the subject of a report made by another person, the CEO had caused, or was causing inquiries to be made about the child's wellbeing or the CEO had taken, or was taking, action in respect of the child's wellbeing (WA Child Protection Act).
- Under the *Family Court Act 1997 (WA)*, the Principal Registrar, a registrar or deputy registrar, family consultant, counsellor, dispute resolution practitioner, arbitrator or legal practitioner independently representing a child's interests who has reasonable grounds for suspecting that a child has been abused or is at risk of being abused, or has been ill-treated or is at risk of being ill-treated, or has been exposed or subjected to, or is at risk of being exposed or subjected to psychological harm may notify the CEO of the suspicion and the basis for the suspicion.
- A person who has the care or control of a child and who engages in conduct knowing (or reckless) that the conduct may result in the child suffering harm because of physical, sexual, emotional abuse or neglect is guilty of a crime liable to a maximum of 10 years' imprisonment (WA Child Protection Act).



More information

For more information about child protection and mandatory reporting, also go to the website of the relevant Government Department in your state or territory.

To report concerns that are life threatening, call the Police on 000. For urgent child protection concerns, call the After Hours Child Protection Emergency Services on 13 12 78.



Part 5

Insurance considerations

Insurance considerations

Even if your organisation puts measures in place to avoid or minimise risk to the safety and wellbeing of youth volunteers, there may be potential risks that can't be avoided. Your community organisation should consider insurance options available to protect against those risks.

Your organisation should also be aware of what is and isn't covered in insurance policies, such as whether they apply to youth volunteers.



Tips

Review your current policies and, if in doubt, ask your insurer questions, including:

- does the policy have any age limits that may affect a claim?
- are youth volunteers' actions covered?
- are injuries sustained by youth volunteers covered?
- are you required to provide any particular information to the insurer about your youth volunteers?

Ask your insurer to confirm the above in writing so the position is clear to everyone. And if there is any dispute about the policy's coverage, you can refer to this correspondence.

Make sure your youth volunteers are aware of the protections that apply (and don't apply) to them under your insurance policies. For example – if they are injured while volunteering, will any financial assistance be available?.



More information

For more information, see our [guide on insurance and risk management for community organisations](#).

