

Guide to engaging and working with youth volunteers

A guide for community organisations

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Contents

Part 1	4
Engaging youth volunteers	5
What's different about youth volunteers?	5
Distinguishing characteristics of youth volunteers	5
Induction and training	7
Part 2	8
Managing youth volunteers	9
Duty of care	9
Standard of care	9
Breach of duty	10
Work health and safety requirements	10
Work conditions for youth volunteers	11
Victoria	12
Australian Capital Territory	13
New South Wales	14
Northern Territory	15
Queensland	15
South Australia	17
Tasmania	17
Western Australia	17
Part 3	19
Protecting youth volunteers	20
Screening requirements	20
Working with children checks	20
Police checks	21
Other checks	21

Child Safe Standards	21
Mandatory reporting	23
Victoria	24
Australian Capital Territory	25
New South Wales	25
Northern Territory	27
Queensland	28
South Australia	29
Tasmania	29
Western Australia	30
Part 4	32
Insurance considerations	33



Part 1

Engaging youth volunteers

Engaging 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. This guide sets out the requirements associated with engaging youth volunteers.



Disclaimer

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.

What's different about youth volunteers?

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.



What do we mean by 'youth volunteer'?

Generally, when we refer to 'youth volunteers', we mean volunteers under the age of 18. However, this age limit may differ across the states and territories. The relevant ages are set out in [part 2 of this guide](#).

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.**



For more information about volunteers (including youth volunteers), see [our volunteers webpage](#).

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 our [guide: Employee, contractor or volunteer?](#) for more information.

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 before the young person starts work with the organisation, about the person's planned role with the organisation.

**Tip**

To help parents or guardians give informed consent, provide clear information about the volunteering role, including what the young person will do, where and when they will volunteer, who will supervise them, and who to contact with questions.

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

If a youth volunteer's volunteering role changes, you should obtain parental or guardian before implementing the proposed changes.

Induction and training

During the induction and training of youth volunteers:

- make sure the youth volunteer understands what they will be doing in their role
- obtain 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 youth volunteer
- foster a culture of open communication by encouraging the people in your organisation to express any concerns about child safety
- understand the youth 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 your induction program is suitable for youth volunteers, including both the content and how it is delivered. You may need to adapt your existing induction program to meet their needs.



For more information, see our [National Volunteering Guide](#) which covers recruiting, inducting, managing and ending the volunteer relationship



Part 2

Managing youth volunteers

Managing youth volunteers



Duty of care

Providing and 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 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 compared to other volunteers.



Example

Caitlin and Jack volunteer for a local not-for-profit delivering care parcels to residential homes. Before their first shift, they attend an induction on staying safe, including working in pairs, not entering strangers' homes, and what to do if they are threatened or intimidated.

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

While 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 worker (which includes volunteers) 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
- complying and cooperating with reasonable instructions, policies and procedures relating to health and safety
- using all risk control measures, including personal protective equipment, or PPE, provided by the organisation
- attending and completing workplace health and safety training, and
- reporting hazards and risks in the workplace



Note – volunteer associations

Not all organisations have duties under WHS legislation. For example, if your organisation is a volunteer association (that is – an association made up entirely of volunteers that does not employ any paid workers), you don't have duties under WHS legislation. However, it's best practice 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 'harmonised' their WHS laws by enacting similar legislation, based on an agreed 'model' WHS Act, there are differences between the states and territories. Victoria has not adopted the model WHS Act and has retained its own Occupational Health and Safety legislation.

Always consult the relevant legislation in the applicable state or territory.



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

State and territory laws that regulate health and safety in the workplace are not summarised in this guide. For more information about these laws see our [National Volunteering Guide](#).

Work conditions for youth volunteers

Each state and territory has legislation setting out the specific legal obligations that apply to the working conditions of children.



Note

While 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 may differ 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 the work conditions for children and defines a 'child' as a person under 15 years of age.

In Victoria, a youth volunteer is any person under the age of 15.

Span of hours	Restricted hours apply to not-for-profit organisations – a child must not engage in any activity (that is not employment) 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 later) or later than 6.00pm or sunset (whichever is earlier), unless accompanied by an adult.
Maximum hours	The following restrictions only apply to a child employed under a contract of service or a contract for services (whether written or unwritten), or in a for-profit business irrespective of whether the child receives payment or other reward for performing that work. However, as a matter of best practice, a not-for-profit organisation should apply these restrictions to youth volunteers. The maximum hours a child may work (including rest breaks) are: • 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	A child must only be engaged to perform 'light work' outside school hours and which does not prejudice the child's attendance at school or their capacity to benefit from instruction. 'Light work' includes any activity that: • is not likely to be harmful to the child's health, safety or moral or material welfare or development, or • will not prejudice a child's attendance at school or capacity to benefit from instruction Activities that are likely to be harmful to a child's health or safety includes those which involve: • 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, and • working in extreme weather conditions 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: • 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



Note – your organisation may require a licence in Victoria

In Victoria, organisations generally need a child employment licence before engaging a person under 15 in work covered by the *Child Employment Act 2003*. This can include volunteer roles. An employer usually needs a licence **whether the work is paid or voluntary**. Employing a child without a licence where one is required is an offence.

Licences are free and last for up to two years. An organisation can engage multiple children under one licence.

For more information, see the Victorian government webpage [Employing children under 15 years old](#). You can use the [tool on this webpage](#) to help assess whether you need a licence.

Australian Capital Territory

In the ACT, the *Children and Young People (Employment) Standards 2011 (No 1) (ACT)*, made under the *Children and Young People Act 2008 (ACT)*, are relevant to work conditions for children and young persons 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

A youth volunteer in the ACT is any person under the age of 18.

Span of hours	A child or young person must 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	A child or young person under the age of 15 may undertake 'light work' for up to 10 hours per week. Hours of work includes work undertaken at all workplaces, not an individual workplace. The maximum hours a child may be engaged per day depends on the child or young person's age. For a child or young person aged: • 0 to three years, the maximum daily hours is three hours • four to 12 years, the maximum daily hours is four hours, and • 12 to 15 years, the maximum daily hours is six hours A child or young person may not be employed for more than one shift per day and there must be at least a 12-hour gap between shifts.
Work restrictions	A child or young person should only undertake 'light work' outside of school hours (if under 17 years) and which otherwise does not adversely affect the child or young person's ability to benefit from their education or training. 'Light work' is work that is: • not contrary to the best interests of the child or young person • does not harm the child or young person's health, safety, personal or social development • is suitable for the physical, emotional and developmental competency of the child or young person under adequate supervision, and • carried out 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's Guardian Act 2019 (NSW)* (**Act**) and the *Children's Guardian Regulation 2022 (NSW)* (**Regulations**) are relevant to work conditions for children and define a 'child' as a person under 15 years of age or 16 years in the case of a model.

Employers must comply with the Code of Practice set out in Schedule 6 of the Regulations (**Code**) and use their best endeavours to ensure that all persons under the employer's control comply with the Code.

A youth volunteer in New South Wales is any person under the age of 16.

Span of hours	General work A child must not work (including work in preparation for work) later than 9.00pm if the child is to receive schooling the following day. Work in entertainment and exhibition and still photography industries 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 and still photography industries.
Maximum hours	General work A child must not work: • 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, or • at all if there hasn't been at least a 12-hour gap between their last shift Work in entertainment and exhibition and still photography industries 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.
Work restrictions	A child must be accompanied by a parent of the child or a parent's nominee when travelling between the child's home and place of work or between places of work, unless: • the child is at least 13 years old • the distance travelled is less than 10 kilometres • travel will be by public transport, and • travel will be completed within daylight hours A Child's journey home must start within 30 minutes after the child finishes work unless accompanied by a parent of the child or a parent's nominee. A child of compulsory school-age under the <i>Education Act 1900 (NSW)</i> (Education Act) must not be employed in the child's usual hours of school attendance unless: • the employment is for a period in which the child is not required to attend school under approval given by the principal of the school the child attends, or the Secretary of the Department of Education • the child is enrolled at a school to undertake courses of study by distance education, or • the child is registered for home schooling under the Education Act and the employment is permitted by the conditions of registration

Northern Territory

In the Northern Territory, the [Care and protection of Children Act 2007 \(NT\)](#) is relevant to work conditions for children 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.

A youth volunteer in the Northern Territory is any person under the age of 18, or apparently under the age of 18 if their age cannot be proved.

There are additional restrictions for children under the age of 15, including in relation to the hours in which work may be performed.

Span of hours	A child under the age of 15 years old must not work between the hours of 10.00pm and 6.00am. A breach of this attracts a maximum penalty of 400 penalty units for the employer, and a maximum penalty of 400 penalty units or 6 months imprisonment for the parent.
Maximum hours	There are no specific maximum hours. However, your organisation should manage the hours a child is engaged 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	The CEO of the Northern Territory may, by written notice given to a parent of a child, prohibit a child from being employed if they are of the opinion that: - the child suffers, or is likely to suffer, exploitation, or - the wellbeing of the child is, or likely to be, jeopardised because of the employment There are also penalty provisions preventing organisations from requiring a child to perform any work that: - is harmful, or likely to be harmful, to the child's physical, mental or emotional well-being (100 penalty units or 12 months imprisonment), or - involves the exploitation of the child (800 penalty units or 4 years imprisonment)

Queensland

In Queensland, the [Child Employment Regulation 2016 \(QLD\)](#) is relevant to work conditions for children.

For the purposes of the of the relevant regulations 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 \(Qld\)](#))

If volunteer engaged in Queensland meets any of the definitions above, they are a youth volunteer.

Span of hours	School-aged and young children May not work between 10.00pm and 6.00am. Delivery work A child who is 11 or 12 years of age may not do delivery work between 6.00pm and 6.00am
Maximum hours	Working hours generally for school-aged and young children A school-aged child or a young child may not work if they:



- 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)
- they have already worked for four hours on a school day of at least three hours
- have worked for 40 hours in the previous seven days for any employer or if they are required to attend school, or
- work more than once in the same day for an employer, unless the child left work to attend school and the child works for the employer for only one further period on that day

Working hours generally for school-aged children

A school-aged child may not work if they:

- have already worked 12 hours during a school week
- have already worked 38 hours during a non-school week;
- have already worked four hours on a school day
- have already worked eight hours on a non-school day
- have not had a minimum of 12-hours between shifts with the same employer
- work more than four consecutive hours and have not had at least a one hour rest break after five hours of work, unless otherwise provided by a relevant industrial instrument, or
- work more than once in the same day, unless otherwise provided by a relevant industrial instrument

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 that ended within the previous 12 hours

Work restrictions

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)

A youth volunteer in South Australia is any person under the age of 16.

Span of hours	Children may work outside school hours or when they are required to participate in an approved learning program
Maximum hours	N/A
Work restrictions	It is unlawful to employ a child of compulsory education age during: • the hours in which they are required to attend school or participate in an approved learning program, or • at any time of the day or night that would make the child unfit to attend school or to obtain proper benefit from attending

Tasmania

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

A youth volunteer in Tasmania is any person under the age of 16.

Span of hours	A child may work outside school hours
Maximum hours	N/A
Work restrictions	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 or not the child receives payment or other reward for the work, is engaged under a contract of service, a contract for services or any other arrangement

A youth volunteer in Western Australia is any person under the age of 18, or apparently under the age of 18.

Span of hours	Children under 15 years of age A child under the age of 15 years must not be employed in a business, trade or occupation carried on for profit. This prohibition does not apply to a child: • employed in a family business • employed in dramatic or musical performance or other form of entertainment or the making of an advertisement • between the ages of 10 and 12 employed to work between 6.00am and 7.00pm provided the child is accompanied by a parent of the child or an adult
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	authorised in writing by a parent of the child, and is employed to carry out delivery work, or • between the ages of 13 and 14 employed to 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
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 and is liable to imprisonment for 10 years.



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



Part 3

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 laws that require organisations to ensure 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.



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

Child Safe Standards

The [National Principles for Child Safe Organisations \(National Principles\)](#), endorsed by the Federal Government in 2019, aim to provide a nationally consistent approach to creating organisational cultures that foster child safety and wellbeing.



National Principles for Child Safe Organisations

Principle 1: Child safety and wellbeing is embedded in organisational leadership, governance and culture.

Principle 2: Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.

Principle 3: Families and communities are informed and involved in promoting child safety and wellbeing.

Principle 4: Equity is upheld and diverse needs respected in policy and practice.

Principle 5: People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.

Principle 6: Processes to respond to complaints and concerns are child focused.

Principle 7: Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.

Principle 8: Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.

Principle 9: Implementation of the national child safe principles is regularly reviewed and improved.

Principle 10: Policies and procedures document how the organisation is safe for children and young people.

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.

The current position in each of state and territory is summarised below.

Victoria	In Victoria, organisations that engage youth volunteers (or provide services to children) must comply with the <u>Victorian Child Safe Standards (Standards)</u> as set out in the <u>Child Wellbeing and Safety Act 2005 (Vic)</u> . The Standards can be accessed on the <u>Victorian Commission for Children and Young People's (Commission) website</u> .
ACT	The ACT endorsed the National Principles in February 2019 and, from 1 August 2024, implemented a <u>Child Safe Standards Scheme</u> .
New South Wales	In New South Wales, agencies delivering services to children and young people must comply with <u>Child Safe Standards</u> adopted by the New South Wales Government. <u>The Office of the Children's Guardian</u> has responsibility to implement the Standards.
Northern Territory	In the Northern Territory, with the exception of schools, the National Principles are not mandatory.
Queensland	The <u>Child Safe Organisations Bill</u> passed by the Queensland Parliament in September 2024 mandates 10 child safe standards. The <u>child safe standards</u> come into effect from 1 October 2025 through a staged approach, with all child safe organisations required to comply with the Child Safe Standards by 1 April 2026.
South Australia	In South Australia, certain organisations must provide child safe environments and comply with the requirements under the <u>Children and Young People (Safety) Act 2017 (SA)</u> and the <u>Child Safety (Prohibited Persons) Act 2016 (SA)</u>. 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 The Department of Human Services (DHS) has adopted the National Principles as well as state-informed policy. The DHS assists organisations in creating Child Safe policies and oversees the Child Safe Environments Program.
Tasmania	On 1 January 2024, Tasmania's <u>Child and Youth Safe Standards</u> came into effect under the <u>Child and Youth Safe Organisations Act 2023 (Tas)</u>. These standards align with the Federal Government's National Principles. If your organisation engages with children and young people, it could be legally required to comply with the Standards. The <u>Child and Youth Safe Organisations Act 2023 (Tas)</u> sets out who must comply with the Standards and includes: • certain entities that provide accommodation or residential services, child care or child-minding services, child protection services or out-of-home care, educational services, health services, justice or detention services, or transport services specifically for children • certain religious community services and religious entities, disability service providers, and certain clubs, associations and cadet organisations • entities that provide coaching or tuition services to children or commercial services to children, and • certain entities operating as Neighbourhood Houses

The specific organisations that must comply with the Standards are listed in Schedule 2 of the *Child and Youth Safe Organisations Act 2023 (Tas)* – some entities must comply with the Standards from **1 January 2024**, while others must comply from **1 July 2024**.

Western Australia

The Western Australia Government is currently working to develop an independent oversight system that includes monitoring and enforcement of the National Principles. In the meantime, the WA Government encourages organisations across the state that engage with children and young people to implement the National Principles.

If your organisation is not required to implement the National Principles or equivalent standards in the state or territory in which it operates, and interacts with children or youth volunteers, we recommend you use the National Principles as a guide to create a child safe environment.



For more information about the National Principles, as well as the implementation of child safety standards in each state and territory, see our screening checks guides published on our background checks webpage.

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 works with children, make sure all staff and volunteers understand their reporting obligations and the consequences of failing to meet them.



Tip

Reporting obligations should be covered in induction, training and professional development, and supported by written policies and procedures.



Caution

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

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



Victoria

Reporting obligations that apply to all adults

- Under the *Crimes Act 1958 (Vic)* (**Vic Crimes Act**), a person 18 years or older (an adult) who has information that leads them to form a reasonable belief that a sexual offence has been committed in Victoria against a child under 16 years by another adult has an obligation to report that information to a police officer as soon as it is practicable to do so, unless that person has a reasonable excuse for not doing so.
- A failure to report this information to police, is a criminal offence ('failure to disclose') punishable by up to three years' imprisonment.
- While a 'reasonable belief' does not require proof, it must be based on some information held by the person and which would have been formed by a reasonable person in the same circumstances.
- There are limited exceptions to the failure to disclose offence. For example, a person has a reasonable excuse for not reporting information to police, if they:
 - reasonably fear that their own safety or the safety of another person (other than the suspected offender) might be at risk in disclosing the information to police, or
 - reasonably believe the information has already been reported to police
- This reporting obligation applies to all adults in your organisation if they reasonably believe any child (including a youth volunteer) has been a victim of a sexual offence.

Reporting obligations that apply to certain people

- There are additional obligations to report concerns about a child's welfare in certain circumstances. The *Children, Youth and Families Act 2005 (Vic)* (**Vic Child Protection Act**) provides that certain persons (including registered medical practitioners, nurses, registered teachers, school counsellors, early childhood workers, certain care workers, youth justice workers) are required to 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
 - impairment of emotional or intellectual development
 - impairment of physical development or health, and
 - abandonment or harm inflicted by a parent

Reducing or removing risk of child sex abuse

- The Vic Crimes Act includes a 'failure to protect' offence for certain persons. A person associated with a relevant organisation (including as an employee, owner, manager, volunteer, contractor, officer or agent) will commit a criminal offence in certain circumstances where they have negligently failed to reduce or remove a substantial risk of a child becoming a victim of a sexual offence.
- Relevant organisations include youth organisations, sporting groups, charities and benevolent organisations (see section 49O of the Vic Crimes Act for the full list of relevant organisations).



Australian Capital Territory

Reporting obligations that apply to all adults	- Under the <i>Crimes Act 1900 (ACT)</i> (ACT Crimes Act), a person 18 years or older (an adult) 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. - There are limited exceptions to the failure to report offence. For example, a person will not be guilty of the offence if they: - obtained the information when the alleged victim was no longer a child and reasonably believe the alleged victim does not want a police officer to be told about the person's belief, or - reasonably believe that giving the information to a police officer would endanger the safety of a person (other than the suspected offender) (see section 66AA of the ACT Crimes Act for the full list of relevant exceptions) - This reporting obligation applies to all adults in your organisation if they reasonably believe any child (including a youth volunteer) has been a victim of a sexual offence.
Reporting obligations that apply to certain people	- Under the <i>Children and Young People Act 2008 (ACT)</i> (ACT Child Protection Act), certain persons are designated 'mandatory reporters'. This includes doctors, dentists, nurses, psychologists, teachers, ministers of religion, police officers, child carers and counsellors. These individuals have an obligation to report if they form a belief, based 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). - If a mandatory reporter fails to report this belief to the Director-General of the Community Services Directorate as soon as practicable after forming it, they may be found guilty of an offence. The maximum penalty for this offence is 50 penalty units, six months' imprisonment, or both. - 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	- The ACT Crimes Act introduces a 'failure to protect' offence for certain persons. A person associated with a relevant institution (including as an employee, owner, manager, volunteer, contractor, officer or agent) will commit a criminal offence in certain circumstances where they have intentionally or negligently failed to reduce or remove a substantial risk of a child in the institutions care, supervision or control from becoming a victim of a sexual offence. - A relevant institution includes an entity, other than an individual, that operates facilities for, engages in activities with, or provides services to, children under the entity's care, supervision or control.

New South Wales

Reporting obligations that apply to all adults	Under the <i>Crimes Act 1900 (NSW)</i> (NSW Crimes Act), a person 18 years or over (an adult) 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
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	the attention of a member of the NSW Police Force as soon as it is practicable to do so. • A person 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. Examples of a reasonable excuse include: – the person believes on reasonable grounds that the information is already known to the police, or – the person has reasonable grounds to fear for their safety or the safety of another person (other than the suspected offender) (see section 316A of the NSW Crimes Act for the full list of relevant exceptions). • This reporting obligation applies to all adults in your organisation if they reasonably believe any child (including a youth volunteer) has been a victim of a sexual offence.
Reporting obligations that apply to certain people	• Under the <u><i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i></u> (NSW Child Protection Act), certain persons have a duty to report if a child (a person under the age of 16) or young person (a person aged 16 or above but under the age of 18) at risk of significant harm. This includes a person who delivers or holds a management position in healthcare, welfare, education, children's services, residential services or law enforcement, either wholly or partly to children. It also applies to individuals in religious ministry, those providing religious-based activities to children or young persons, or a registered psychologist. If these individuals have reasonable grounds to suspect that a child or young person is at risk of 'significant harm' and those grounds arise during the course of, or from the person's work, they have an obligation to report this, as soon as practicable, to the Secretary of the Department of Communities and Justice (Secretary). Significant harm includes where: – the child or young person's basic physical or psychological needs are not being met, including medical care – the child or young person's 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, or – a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm (see section 23 of the NSW Child Protection Act for a full list of the circumstances in which a child or young person is at risk of significant harm). • 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.
Reducing or removing risk of child sex abuse	• Under the NSW Crimes Act, an adult who carries out work for an organisation whether as an employee, volunteer or contractors

(**Position Holder**) commits a criminal offence ('failure to reduce or remove a risk of a child becoming a victim of child abuse') if:

- the organisation employs an adult worker who is involved in child-related work
- there exists a serious risk that the adult worker might commit a child abuse offence against a child who is under, or may come under, the care, supervision, or authority of the organisation
- the Position Holder is aware of the existence of this risk
- the Position Holder, due to their position, has the ability or duty to mitigate or eliminate that risk, and
- the Position Holder negligently fails to mitigate or eliminate that risk
- The offence carries a maximum penalty of two years imprisonment.

Northern Territory

Reporting obligations that apply to all adults

- Under the Care and Protection of Children 2007 (NT) (**NT Child Protection Act**), 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)
 - 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 sections 208K, 208KA or 208KB of the Criminal Code Act 1983 (NT)
 has an obligation to report (orally or in writing) that information to the CEO of the Department of Children and Families (**CEO**) or a police officer as soon as possible after forming that belief and is guilty of an offence if they fail to make a report. 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.
- This reporting obligation applies to all adults in your organisation.

Reporting obligations that apply to certain people

- There are additional reporting obligations for health practitioner's or persons who performs work of a kind prescribed by regulation under the NT Child Protection Act. These persons have an obligation to report a reasonable belief 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 penalty of 200 penalty units 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	- Under the <i>Criminal Code Act 1899 (QLD)</i> (QLD Criminal Code), an adult who gains information that causes them to believe on reasonable grounds, or ought reasonably to cause the adult to believe 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 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. - A person will not be 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 if they reasonably believe any child (including a youth volunteer) has been a victim of a sexual offence.
Reporting obligations that apply to certain people	- Under the <i>Child Protection Act 1999 (QLD)</i> (QLD Child Protection Act), a doctor, registered nurse, teacher, police officer, child advocate or early childhood education and care professional has an obligation to report to the chief-executive, 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 - Under the QLD Child Protection Act, a person employed in the public service or in a child care service have an obligation to report to the chief-executive, 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. - The report must: - state the basis on which the person has formed the reportable suspicion, and - include the information prescribed by regulation, to the extent of the person's knowledge - Under the <i>Education (General Provisions) Act 2006 (QLD)</i> (QLD Education Act), a staff member of a State school (First Person) has an obligation to immediately give a written report to the school's principal or principal's supervisor, if they becomes aware, or reasonably suspects, in the course of their employment, that a student under 18 years has been sexually abused by another person. - If the First Person is the school's principal, the principal must give a written report about the abuse, or suspected abuse, to a police officer. - The principal or principal's supervisor must also immediately give a copy of the report to a police officer and a person nominated by the chief executive for the purpose. - A failure to report is punishable by a maximum of 20 penalty units.
Reducing or removing risk of child sex abuse	The QLD Criminal Code introduces a 'failure to protect' offence. A person associated with an institution (whether as an employee, contractor, volunteer or otherwise) will commit a criminal offence if they

know that there is a significant risk that another adult associated with the institution will commit a child sexual offence:

- in relation to a child (under 16 years of age, or 16 or 17 years of age but with impairment of the mind) under the care, supervision or control of the institution
- have the power or responsibility to reduce or remove the risk, and
- wilfully or negligently fail to reduce or remove the risk

South Australia

Reporting obligations that apply to all adults

- Under the *Children and Young People (Safety) Act 2017 (SA)* (**SA Child Protection Act**), every person has a duty to keep children and young people safe from harm.

Reporting obligations that apply to certain people

- Under the SA Child Protection Act, certain persons have an obligation to report suspicions of child abuse or neglect – 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 must report or notify the Minister for Child Protection, as soon as practicable, if they suspect on reasonable grounds that a child or young person is, or may be, at risk of harm (including physical, sexual, emotional or psychological abuse or neglect). This suspicion must be formed in the course of their employment (whether paid or voluntary).
- A failure to report without reasonable excuse is an offence punishable by a maximum penalty of \$10,000.

Reducing or removing risk of child sex abuse

- The *Criminal Law Consolidation Act 1935 (SA)*, introduces a 'failure to protect' offence. 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 offence if they fail to take steps that they could reasonably be expected to have been taken in the circumstances to protect a child or vulnerable adult (**Victim**) from harm, and their failure to do so was, in the circumstances, so serious that a criminal penalty is warranted.
- The maximum penalty for a contravention of the 'failure to protect' offence is imprisonment for life where the Victim dies, or 15 years in any other case.

Tasmania

Reporting obligations that apply to all adults

- Under the *Criminal Code Act 1924 (TAS)* (**TAS Criminal Code**), a person 18 years or over (an adult) is guilty of an offence 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.
- Under the *Children, Young Persons and Their Families Act 1997 (TAS)* (**TAS Child Protection Act**), an adult who knows, 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. - One step the adult may take to prevent the occurrence of abuse or neglect of a child is to inform the Secretary or a community-based intake service of their knowledge, belief or suspicion and the basis of that knowledge, belief or suspicion. - 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	- The TAS Child Protection Act imposes a reporting obligation on certain 'prescribed persons', which includes medical practitioners, nurses, police officers, and members of the clergy. These individuals, in the course of their official duties or work (whether paid or voluntary), are required to report any belief or suspicion, formed on reasonable grounds, that a child is being or has been abused or neglected. This also applies if there is a reasonable likelihood of a child being killed, abused, or neglected by a person who lives with the child. Reports should be made to the Secretary or a community-based intake service as soon as practicable. - A failure to report without reasonable excuse is an offence punishable by a maximum fine of 20 penalty units.
Reducing or removing risk of child sex abuse	- The TAS Child Protection Act introduces a 'failure to protect' offence. A person who has a duty of care to a child must not intentionally take action or fail to take action that could reasonably be expected to result in harm to the child. This applies to people associated with certain kinds of organisations, including employees, volunteers, contractors, or other persons who carry out work for an entity that provides services to children. - The maximum penalty for a contravention of the 'failure to protect' offence is a fine not exceeding 50 penalty units or imprisonment for a term not exceeding two years, or both.

Western Australia

Reporting obligations that apply to all adults	Under current Western Australia legislation, there are no general mandatory reporting obligations for adults who suspect a child has been a victim of an offence. However, anyone can and should notify the Western Australia Department of Communities (Department) if they have concerns about the wellbeing of a child. People who voluntarily notify the Department in good faith about concerns they have for a child are protected under legislation.
Reporting obligations that apply to certain people	Under the <i>Children and Community Services Act 2004 (WA)</i> (WA Child Protection Act), 'specified persons' have an obligation to report suspicions of child sexual abuse. These 'specified persons' currently include assessors, boarding supervisors, departmental officers, doctors, midwives, ministers of religion, nurses, out-of-home care workers, police officers, psychologists, school counsellors and teachers. If these individuals form a belief on reasonable grounds during their work (whether paid or unpaid) that a child has been the subject of sexual abuse, they have 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.

	- Groups to which sections 124B of the WA Child Protection Act will apply will be expanded to include early childhood workers (by November 2024) and youth justice workers (by May 2025). - If a 'specified person' fails to report their belief as soon as practicable after forming the belief without a 'reasonable excuse', they can be punished by a maximum penalty of \$6,000. - 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 - Under the <i>Family Court Act 1997 (WA)</i>, certain professionals who work with children have an obligation to report suspicions of child abuse or risk of abuse. These professionals include the Principal Registrar, a registrar or deputy registrar, family consultant, counsellor, dispute resolution practitioner, arbitrator, or a legal practitioner independently representing a child's interests. If these individuals have reasonable grounds for suspecting that a child has been abused or is at risk of being abused, 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, they are required to notify the CEO of their suspicion and the basis for the suspicion
Reducing or removing risk of child sex abuse	The WA Child Protection Act introduces a 'failure to protect' offence. A person who has the care or control of a child and who engages in conduct knowingly or recklessly that the conduct may result in the child suffering harm because of physical, sexual, emotional abuse or neglect is liable to a maximum of 10 years' imprisonment.



For more information about mandatory reporting, see our screening checks guides published on our [background checks webpage](#).



Part 4

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 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 information to the insurer about your youth volunteers?

Ask your insurer to confirm the above in writing so the position is clear to everyone. 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?.



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

