

Young People and Legal Issues

October 2016

This Fact Sheet gives information and advice to Volunteer Involving Organisations looking to involve young people (under 18 years of age) in their organisation.

Background: Things to Think About When Involving Young Volunteers

There is no legislation to stop a young person from volunteering. The *Children, Young Persons and Their Families Act 1997* does not state an age when someone can start volunteering. However Volunteer Involving Organisations should think about some of the following restrictions:

- a) Children aged under 11 are not allowed to work in sales;
- b) Children aged under 14 are not allowed to sell anything between 9pm and 5am
- c) Children under 16 years cannot work during school or TAFE hours (generally 8.45am – 3pm)
- d) Young people are required to attend school until they are 17 years of age

Make sure that your youth volunteer role fits with these restrictions. If you have any more questions or need some advice on the legislation, we recommend contacting WorkSafe Tasmania on 1300 366 322 or visit <http://worksafe.tas.gov.au/>

Insurance for Young Volunteers

If you want to involve young volunteers you will need to make sure you have the right insurance. If you haven't involved young people in your organisation before, check that your insurance policy is suitable. You will need to see if there are any exemptions or conditions for young volunteers.

Check Your Position Description

If you are managing young volunteers make sure they can easily understand the tasks they will be doing. It is recommended you have a clear position description that states:

- a) the tasks expected in the volunteer role
- b) the expectations of them in the volunteer role
- c) any risks involved in the volunteer role

You need to make sure that you communicate these tasks to suit the reading age of a young person.

Consent for Young Volunteers

You may like to consider asking the young person's parent or guardian for a consent form before they start volunteering. Often this is used to reduce liability for an organisation.

It is also good practice to make sure you have consent forms, policies and procedures for any photography and filming of young volunteers. This is important if you want to use images for any promotion – including social media. You may also want to get a parent or guardian's consent when taking or sharing any images of young volunteers.

Working with Children Checks

Involving young people in your organisation may mean paid and unpaid staff will need to undertake a Working with Children Registration. If you are unsure if you need a Working with Children Check contact the Department of Justice on 1300 654 499 or visit http://www.justice.tas.gov.au/working_with_children

Discrimination

People of all ages have the right to fair treatment. All organisations must adhere to the *Anti-Discrimination Act 1998 (Tas)*. Both paid and unpaid staff need to be aware of their rights and responsibilities under the Act. If you need more advice on the Anti-Discrimination Act we recommend contacting Equal Opportunity Tasmania on (03) 6165 7515 or visit <http://www.equalopportunity.tas.gov.au>

Intellectual Property

Are you engaging a young person to design services for you? There is no hard and fast rule about intellectual property. If you are engaging a volunteer to design a website, logo or collateral you need to be clear about who owns the intellectual property. You may need to write an agreement with the volunteer outlining the ownership of intellectual property rights. Remember to keep it in Plain English and make it accessible for the volunteer.

Disclaimer:

Every effort has been made to make sure the information in this document is accurate and up to date. Volunteering Tasmania does not accept responsibility for any liability out of this document.

Volunteering Tasmania would like to thank the Youth Affairs Council of Victoria for their assistance in developing this document.

References

Australian Government, "What Age Can I Start Work?", *Fair Work Ombudsman* at <https://www.fairwork.gov.au/find-help-for/young-workers-and-students/what-age-can-i-start-work#tas> (accessed 20 January 2016)

Children Young Persons and Their Families Act 1997 (Tas)

Tasmanian Government, "Working with Children - Volunteers", *Department of Justice* http://www.justice.tas.gov.au/working_with_children/volunteers (accessed 20 January 2016)

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Equal Opportunity Tasmania, "Responsibilities", *Information for Organisations* http://equalopportunity.tas.gov.au/information_for_organisations (accessed 20 January 2016)

Youth Affairs Council of Victoria, "Young Volunteers & Some Legal Requirements", *Tip Sheet 9* www.yavic.org.au (accessed 20 January 2016)