

NSW Office of Liquor , Gaming and Racing Charities Branch

Participation of Children in Fundraising Appeals



PART 2 – PARTICIPATION OF CHILDREN IN FUNDRAISING APPEALS

Division 1 – General

25 Definitions

In this Part:

child participant means a child who participates in a fundraising appeal.

parent, in relation to a child, means a person who has for the time being parental responsibility for the child.

child means a person under the age of 15 years

26 Participation of children in fundraising appeals

(1) A child must not participate in a fundraising appeal if the child has not attained the age of 8 years

(2) A child participant must not receive wages or commission or other material benefit (other than reimbursement for reasonable out-of-pocket expenses) if the child has not attained the age of 13 years.

Division 2 – General Conditions where children participate in fundraising appeals

27 Application of this Division

(1) This Division prescribes conditions with respect to the participation of children in fundraising appeals, whether or not a child participant receives a wage or commission or some other material benefit (other than reimbursement of reasonable out-of-pocket expenses) in respect of the appeal.

(2) An authorised fundraiser conducting an appeal:

(a) must ensure that the relevant requirements of this Schedule are complied with in relation to any child participant, and

(b) must take all reasonable steps to ensure that any child participant in the appeal complies with the relevant requirements of this Schedule.

28 Parental consent and contact

(1) An authorised fundraiser that proposes to allow a child to participate in an appeal conducted by it:

(a) must take all reasonable steps to notify a parent of the child of its proposal before allowing the child to participate in the appeal, and

(b) must not allow the child to participate in the appeal if a parent of the child notifies it that the parent objects to the child participating in the appeal.

(2) The person or organisation conducting the appeal must take all reasonable steps to ensure that a child participant is able to contact his or her parents during the appeal.

29 Supervision

(1) A child participant must be adequately supervised having regard to the age, sex and degree of maturity of the child.

(2) A supervisor may supervise no more than 6 child participants simultaneously.

(3) A supervisor must be in close proximity to a child participant, must know the whereabouts of the child and must make contact with the child at intervals not greater than 30 minutes.

(4) In the case of a child participant less than 11 years of age, the supervisor must be in constant contact with the child.

30 Working with other children

A child participant must work with at least one other child participant.

31 Endangering of child

An authorised fundraiser conducting an appeal must ensure that the physical and emotional well-being of a child participant is not put at risk.

32 Insurance

Appropriate insurance must be secured for a child participant, together with any other insurance required to protect the interests of the child against any claim which could be brought against the child for property damage, public risk liability and other such risks.

33 Prohibition on entry to private homes, and dealing with persons in motor vehicles

An authorised fundraiser conducting an appeal must take all reasonable steps to ensure that a child participant:

- (a) does not enter a private dwelling when soliciting door-to-door, and
- (b) does not solicit, sell to or collect from a person in a motor vehicle.

34 Hours of participation

- (1) A child participant must not participate in a fundraising appeal for more than 4 hours on any school day (that is, a day on which the child is required to attend school).
- (2) On days other than school days, a child participant must not participate in a fundraising appeal for more than 6 hours.
- (3) A child participant must not participate in a fundraising appeal on more than 5 days per week.
- (4) If participating in a fundraising appeal outdoors, a child participant must not start before sunrise and must not finish later than sunset.
- (5) A child participant must not be required or permitted to participate in a fundraising appeal later than 8.30 pm if the following day is a school day.

35 Minimum breaks between successive shifts

A child participant must not be required or permitted to participate further in a fundraising appeal after participating for any maximum period permitted by this Division without receiving a minimum break of 12 hours.

36 Maximum loads for lifting

A child participant must not be required or permitted to lift any weight that, having regard to the age and condition of the child, would be likely to be dangerous to the health of the child.

37 Food and drink

- (1) An authorised fundraiser conducting an appeal must take all reasonable steps to ensure that a child participant receives appropriate and sufficient nutritious food.
- (2) Food should be available to a child participant at reasonable hours and drinking water at all times.

38 Toilet facilities

Toilet, hand-washing and hand-drying facilities must be accessible to each child participant.

39 Travel

- (1) A child participant must be accompanied:
 - (a) by a parent of the child, or
 - (b) by an adult authorised by a parent of the child, when the child is travelling home after his or her participation in the appeal is finished.
- (2) This condition does not apply if:
 - (a) the child is more than 12 years old, and
 - (b) the distance to the child's home is less than 10 kilometres, and
 - (c) public transport is available, and
 - (d) the journey is to be completed within daylight hours.

40 Protection from elements

A child participant is to be adequately clothed and otherwise protected from extremes of climate or temperature.

41 Punishment prohibited

A child participant is not to be subjected to any form of punishment, social isolation or immobilisation or subjected to any other behaviour likely to humiliate or frighten the child.

Division 3 – Additional conditions where children receive benefit for participation in fundraising appeal

42 Application of this Division

This Division prescribes additional conditions with respect to the participation of children in fundraising appeals, in circumstances in which a child participant receives a wage or commission or some other material benefit (other than reimbursement of reasonable out-of-pocket expenses) in respect of the appeal.

43 Letter of appointment

- (1) A letter of employment or engagement must be issued to a child participant, being a letter containing details of the terms and conditions under which he or she is employed or engaged.
- (2) The letter must include:
 - (a) details of the basis or method on or by which payment of wages or commission or some other material benefit will be calculated or provided, including details of any guaranteed minimum payment or benefit, and
 - (b) the method by which payment will be effected, and
 - (c) the general conditions of employment, and
 - (d) the rights of the employee.

44 Record of employment

- (1) A record of employment must be maintained for each child participant employed or engaged.
- (2) The record must include the following particulars with respect to the child:
 - (a) the child's full name, residential address and telephone number (if any)
 - (b) the child's date of birth
 - (c) a description of the nature of the employment
 - (d) details of any consent provided by the child's parents (any written documentation must be retained)
 - (e) the name and address of the person immediately responsible for the child during the appeal.
- (3) If the employer is a trader, the employer must make the records available to the authorised fundraiser.