

Guidelines for Fundraising Appeals Involving Children

If children participate in your fundraising appeal, additional laws will apply. This fact sheet explains some aspects of these laws, as well as Cancer Council TAS's own requirements. It is not a substitute for your own legal advice.

A *child* is anyone younger than 15 years. Children can participate in fundraising appeals from 8 years of age and on a paid basis from 13 years of age.

To *participate* in a fundraising appeal means to organise the appeal, or solicit or receive money. Simply attending a fundraising event or donating money isn't considered 'participating' and these guidelines will not apply.

The law says that if you use children in your fundraising appeal, you must:

- Notify the child's parent or guardian in writing.
- Ensure that the child can contact his or her parent or guardian while participating in the appeal.
- Ensure children are adequately supervised – this means that the supervisor is looking after a maximum of 6 children, stays close to them, and knows where they are at all times.
- Make sure they have enough water and food, and access to toilet facilities at all times.
- Ensure children's safety – this means making sure they are not:
 - Exposed to weather.
 - Lifting dangerous weights.
 - Entering private homes when door knocking.
 - Engaging with people in cars.
 - Walking home alone (unless they are at least 13 years old, live less than 10km away and can access public transport).
- Make sure you don't do anything that is likely to humiliate or frighten children.
- Get appropriate insurance to cover children for any accidents, injury or damage they might cause themselves.
- Ensure that each child works with at least one other child.
- Prepare written instructions for each child, and give these to the parent or guardian, as well as the supervisor.

Children can only participate in appeals for limited periods. Make sure that children:

- Participate for no more than 4 hours on a school day, and no more than 6 hours otherwise.
- Have a 12-hour break between shifts.
- Don't participate in the appeal on more than 5 days in any week.
- Don't start before sunrise or finish later than sunset.
- Don't participate after 8.30pm on a school night.

If you are planning to pay a child participant (other than by reimbursing them for out-of-pocket expenses), you must:

- Give them a letter of appointment, which contains the terms and conditions of the child's employment including the child's rights, the details of the method of calculating payment, and how payment will be made.
- Keep a record of each child participant, including their name, contact details and date of birth, as well as details of any consent provided by the child's parents or guardians, and the name and address of the appeal supervisor.

If you are planning on taking or using photos of children participating in your fundraising appeal, you should:

- Obtain written permission from a parent or guardian.
- Only use photos that are appropriate.

A *Working with Children Check* may need to be carried out for any adult who will be participating alongside anyone aged 18 years or under. This check will show any convictions for serious offences that would disallow a person from working with children.

The check is *not required* if the adult will only be participating for 5 working days in a calendar year (or less) and will be supervised by another adult when children are present.

There is also a phase-in schedule for different types of volunteer activities, and it may not be necessary to obtain a check at this stage.

A Working with Children Check requires:

- You to identify all paid and unpaid workers participating alongside anyone under 18 years (unless they are supervised, and will work for less than 5 days)
- Those workers must apply for a Working with Children Check (free for volunteers).
- You must then verify the Working with Children Check.

The verification must be completed online. If the outcome of the online check is 'barred', 'interim barred' or 'not found', you cannot allow that person to work with children and it is an offence to do so.

You should not allow anyone convicted of a sex offence to work with, supervise, or have contact with anyone aged under 18 that will participate in your appeal.