

	<p>Scouts Australia NSW  <b>LEADER NEWS - ON THE WEB</b>                  Members Support &amp; Child Protection Team</p>	<p>PO Box 125                  Lidcombe                   Phone: 97359000                  Fx: 97359001</p>
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**July 2010**

**MINIMUM AGE FOR MEMBERSHIP OF JOEY SCOUTS  
 AND OF SCOUTS AUSTRALIA**

(This information was first published in November 2007. Leaders choosing to operate contrary to the rules are advised to seek their own legal advice)

Question: **Can someone under 6 become a Joey Scout and as a result a member?**

**Answer: NO.** The minimum age for a Joey, and therefore to be considered a member, is fixed by the National Policy & Rules 2008 as '**Joey Scouts must have had their sixth birthday**' (Rule 5.3.3).

Question: ***If someone under six attends Joeys are they covered by our membership insurance etc?***

**Answer: NO.** Only by our Public risk Insurance. In the event of accident or injury they have to take legal action against Scouts NSW or the Leader responsible.

Question: ***Are leaders covered by Scouts NSW if they accept youth who have not yet reached their 6<sup>th</sup> birthday and there is an accident or injury?***

**Answer: PROBABLY NOT.** This is an insurance company issue and out of Scouts' hands. Any action may be taken against the Leader personally either by the parents of the child (or by cross-claim by the Insurer), as the Leader could be considered (a) *outside the scope of the activities authorised by the community organisation concerned*, or (b) *contrary to instructions given by the community organisation*.

It may also put the GL/LIC/RC (Joey Scouts), at personal risk, if she/he approved or knowingly allowed the child to be invested and took no action, or failed to ensure the Leader knew of the rules.

Question: ***Can't we use discretion with Joeys joining? Doesn't our NSW Organisation & Information Handbook state leaders can use discretion with ages?***

**Answer: NO.** The discretion is only for those already members moving up to the next section. In most cases this is to hold back immature youth members.

There is one exception only, for 14 year olds who are not members going to Venturers, where there is no Scout Troop they can join (O&I 2.5 SECTION AGE RANGES (page 121) Section (h)). This does not allow them to have full membership privileges only to be Associate Member status. This doesn't apply to younger age groups.

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**SO REMEMBER, unless YOU want to take the risks of explaining to parents that their injured child is NOT covered by our accident Policy AND of YOU PERSONALLY being sued for damages, DON'T accept 5 year olds into Joeys.**

References **POLICY AND RULES (National)**

**P&R 5.3 MEMBERSHIP (Joeys, page 62)**

**R5.3.3 Joey Scouts must have had their sixth birthday.....**

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**CIVIL LIABILITY ACT 2002 (NSW)**

**Part 9 – Volunteers**

**61 Protection of volunteers**

A volunteer does not incur any personal civil liability in respect of any act or omission done or made by the volunteer in good faith when doing community work:

- (a) organised by a community organisation, or
- (b) as an office holder of a community organisation.

**63 Liability of intoxicated volunteer not excluded**

The protection from personal liability conferred on a volunteer by this Part in connection with any community work does not apply if

- (a) the ability of the volunteer to exercise reasonable care and skill when doing the work was significantly impaired by reason of the volunteer being under the influence of alcohol or a drug voluntarily consumed (whether or not it was consumed for medication), and
- (b) the volunteer failed to exercise reasonable care and skill when doing the work.

**64 Liability of volunteer not excluded if acting outside scope of activities or contrary to instructions**

This Part does not confer protection from personal liability on a volunteer in respect of an act or omission of a volunteer if the volunteer knew or ought reasonably to have known that he or she was acting:

- (a) outside the scope of the activities authorised by the community organisation concerned, or
- (b) contrary to instructions given by the community organisation

**66 Liability not excluded for motor accidents**

The protection from personal liability conferred on a volunteer by this Part does not apply if the liability would, but for this Part, be covered by a third-party insurance policy under the Motor Accidents Compensation Act 1999 or be recoverable from the Nominal Defendant under that Act.

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**ORGANISATION AND INFORMATION HANDBOOK NSW**

2.5 SECTION AGE RANGES (page 121)

2.5.2 The following guidelines to **advancement** should be considered by the Group Committee. They are intended to be a guide NOT rules or regulations to be applied in an inflexible manner:

- a. Young people should advance from one Section to another at a time that is consistent with their own individual maturity. This will be different for each individual child and will be influenced by factors such as gender, year of schooling, and participation in other related activities.
- b. The minimum and maximum age ranges specified for each Section in P&R are given below. In general, it is usual (but not essential) for **advancement** to occur around the age ranges indicated:

	<u>Minimum</u>	<u>Advancement</u>	<u>Standard Maximum</u>
Joey Scouts	6 yrs	7 yrs	8 yrs
Cub Scouts	7 yrs	10 yrs	11yrs
Scouts	10 yrs	14 yrs	14.5 yrs
Venturer Scouts	14 yrs	17 yrs	18 yrs
Rovers	17 yrs	-	26 yrs

- c. It is important that youth members are adequately prepared for advancement to the next Section. This involves a period of visiting the next Section and undertaking basic skills training in the weeks leading up to advancement.
- d. In some instances, youth members may benefit from an extended transition period during which they continue to attend and participate in activities of both Sections (even after a theoretical advancement date).
- e. In some instances it may be preferable to de-emphasise the importance of having a specific advancement date.
- f. Wherever possible consideration should be given to having youth members advance in pairs or small groups (rather than individually).
- g. Consideration should be given to the timing of advancement in relation to key points during the school year (e.g. School terms).
- h. A young person who is around 14 years of age (and depending on their level of development) may join the Venturer Scout Unit directly as an Associate Member. A young person, who has not reached their 14th birthday and depending on their reasons for wishing to join, should primarily be considered for membership of the Troop.

2.23 YOUTH MEMBERSHIP OF A GROUP (PAGE 126)

2.23.1 The admission of any boy or girl rests with the GL but in normal cases will be delegated to the Leader in charge of the Section concerned who, in the case of a Scout or Venturer Scout, will act in consultation with the Troop Council or the members of the Venturer Scout Unit as the case may be. The admission to a Rover Crew rests with the members of the Crew.