



Government of Western Australia  
Department of Mines, Industry Regulation  
and Safety

**wageline**  
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# Private Sector Labour Relations Proactive Compliance Campaign Evaluation Report

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Horse riding schools and equestrian centres  
September 2018 – January 2019

## How can we help?

-  Pay rates
-  Leave entitlements
-  Long service leave
-  Employment arrangements
-  Record keeping obligations

## Introduction

Private Sector Labour Relations Division conducted a proactive compliance campaign targeting horse riding schools and equestrian centres employing children under 15 years of age from September 2018 to January 2019. The campaign was conducted in response to a reactive complaint received earlier in 2018 as well as a prior prosecution matter.

Private Sector Labour Relations is responsible for ensuring all businesses in Western Australia comply with the legal requirements regarding when children can work under the *Children and Community Services Act 2004* (CCS Act). Under the CCS Act a child under 15 years of age must not be employed or engaged to carry out work in the horse riding and equestrian industry regardless of:

- whether or not the child receives payment or another reward for the work; or
- whether or not the child is engaged under a contract of service, or any other arrangements, such as volunteer work.

There are exclusions if the child is working in a family business owned by a relative such as a parent, aunt, or grandparent, or the organisation is a charity or not-for-profit organisation.

There are significant penalties for breaching the laws on when children can work. These include:

- employing a child under 15 years of age in a business carried on for profit – a fine of up to \$24,000 or \$120,000 for a body corporate;
- allowing a child to continue to work if the Department of Communities has issued a notice for the employment to cease – imprisonment for up to 3 years and a fine of up to \$36,000 or \$180,000 for a body corporate.

## Aims

The aim of the proactive campaign was to ensure that all horse riding schools and equestrian centres in Western Australia were aware of and complied with the laws governing the employment of children: that children under the age of 15 years must not be employed even if the child is volunteering their services in a business carried on for profit.

## Implementation

The proactive campaign involved two stages: Stage 1 - education and Stage 2 - compliance audits.

Stage 1 involved an education mail out consisting of a letter and information brochure to all identified horse riding schools and equestrian centres in WA. A target business list was collated from the Australian Business Register (ABR). To accompany Stage 1 of the campaign, an online web announcement, an online information page with a series of frequently asked questions and

a newsletter article were prepared to provide support materials and to advertise the campaign widely.

In September 2018 a total of 150 targeted businesses were sent the education material. The main stakeholder, the State Equestrian Centre, was also contacted and sent education materials so that the campaign information could be circulated via its online networks. On 13 September 2018, the State Equestrian Centre published an article in its online newsletter sent to around 2,000 members, [www.equestrian.org.au/newsletters](http://www.equestrian.org.au/newsletters), referring employers to the information on our website.



Stage 2 involved compliance audits of 78 targeted businesses which had been included in Stage 1 of the campaign. The remainder of the Stage 1 businesses were excluded from Stage 2 due to the businesses not employing, being deregistered or no longer trading at the time of the audit. A sample of businesses is normally undertaken for inspection audits, however given the seriousness of employing underage children and the fact that the business only had to respond to one question (whether or not they employed a child under 15 years of age); all operating and employing businesses were included in Stage 2.

Commencing November 2018, 78 businesses were sent a letter about the inspection audit process and a *Notice to Produce Employment Records*. A *Notice to Produce* authorises industrial inspectors to request employment records from employing businesses under the *Industrial Relations Act 1979*. If the business informed Private Sector Labour Relations that no children under the age of 15 years were employed, an industrial inspector sent the business a *Compliance Undertaking* form.

A *Compliance Undertaking* form requests the business owner to acknowledge that no child under 15 years of age will be employed to perform work of any kind in the future, and that the business is aware of its employment obligations in compliance with the provisions of the CCS Act and will comply with those obligations. The business owner then signs the compliance undertaking and returns the form to Private Sector Labour Relations.

## Findings

### Stage 1 - education

Stage 1 of the proactive compliance campaign generated a number of Wageline phone calls from targeted businesses and parents of children who receive riding lessons from these businesses. Wageline staff recorded the details of six phone calls where clients had an issue with the

campaign. Most were concerned about the issue of children under the age of 15 years not being able to volunteer their services. The calls highlighted that this was a common scenario that occurs in horse riding schools and equestrian centres in WA and supported anecdotal information Private Sector Labour Relations had previously received.

Children under the age of 15 years often volunteer their services (with parental approval) because they love being around horses and/or in part payment for riding lessons. Many of these children worked alongside paid adult employees to walk and exercise horses, groom horses, muck out the stalls and generally tidy up the premises. Many businesses were not aware that children under the age of 15 years under the CCS Act were not allowed to volunteer in this industry.

Two phone calls to Wageline were received from parents who had been informed by their riding school or equestrian centre that their children could no longer be allowed to assist in the care of horses outside of paid lessons. The parents were concerned that the CCS Act did not allow children to volunteer, especially as the children had a genuine love of horses and wanted to spend as much time as possible with them.

In one instance, a mother of a 13 year old with autism was disappointed that her child could no longer help at her riding school, as it was an activity that assisted her child's condition. In this instance the parent was informed that there are exclusions under the CCS Act for not-for-profit riding schools, operating to assist disabled or impaired children, to allow children of all ages to participate in caring for horses.

The majority of callers to Wageline seemed to accept that the CCS Act was enacted to protect young children from being exploited by businesses where an older employee should have performed those duties. The critical issue of workplace safety was also highlighted to ensure the safety of children working in the equestrian industry.

Between August 2018 and January 2019, there were 597 web hits to the campaign web page, [Employment of children laws in WA – horse riding schools and equestrian centres](#) and a further 13,951 web hits on the general [When children can work in Western Australia](#) page.

## **Stage 2 – compliance audits**

Of the 78 businesses audited during Stage 2, 63% (49 businesses) returned *Compliance Undertaking* forms confirming that children under 15 years of age were not employed. A further 21 businesses confirmed via telephone or email that no children were employed. Overall, there was positive engagement from businesses audited during Stage 2 with a 90% response rate.

Of the 78 businesses included in the audit, 8 businesses failed to confirm whether or not children were employed. The 8 non-responsive business entities have been placed on a 'watch list' for follow up within the year.

Ultimately, no breaches were identified during the compliance audit. A few businesses (2 or 3) did discuss with an industrial inspector whether they could run a saddle club in the future. These

businesses were advised that they could not do so if children under the age of 15 years would be required to carry out work. These businesses have also been added to the 'watch list' for future follow up.

## Recommendations

Due to the success of this proactive campaign in highlighting the importance of child employment in horse riding schools and equestrian centres, it is recommended that this campaign should be repeated in five years' time.

In the meantime, the campaign materials should remain on the Wageline website to provide ongoing guidance for the equestrian industry and the businesses included on the 'watch list' will be monitored and followed up by the Compliance team within 6 months.