



AtOne AGRI
HR & Compliance Solutions

CHILDREN WORKING ON FARMS:

Getting the Balance Right
Across Australia

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Children Working on Farms: Getting the Balance Right Across Australia

Australian agriculture has always involved family participation. On many farms, children and young people gain skills, confidence and a sense of responsibility through hands on work. That reality hasn't changed, but the **legal expectations around how children are involved in farm work have evolved significantly.**

Across Australia, regulators now consistently treat children as a **legally vulnerable worker group**, requiring **higher, child specific safety and wellbeing controls**, particularly where plant, long hours or physically demanding work is involved.

This article outlines:

- The **national legal principles** that apply when children work on farms.
- How **child employment, education and WHS laws interact**, and
- The **practical steps** agribusinesses can take to reduce risk while maintaining operational reality.

A National Snapshot

The Common Thread Across States and Territories

While child employment laws vary between states and territories, there is a **strong national consistency** in regulator expectations.

Across Australia:

- **There is generally no blanket prohibition** on children working in agriculture.
- **Children are legally recognised as a higher risk cohort** due to age, experience, judgement and fatigue vulnerability.
- Employers must ensure work **does not harm a child's health, safety or wellbeing**, even where parents are involved or consent is given.
- **Tradition, familiarity or "farm upbringing" are not accepted defences** if a child is injured or exposed to undue risk.

The biggest compliance failures occur not because children are involved in farm work, but because:

- risks are unmanaged,
- controls are informal or undocumented, or
- adult standards are applied to children without adjustment.

How the Three Key Legal Frameworks Work Together

1. Child Employment Law - Wellbeing Comes First

Every Australian jurisdiction has legislation regulating the employment of children. While the details differ, the underlying principle is consistent:

Work must not be detrimental to a child's wellbeing.

These laws:

- Focus on **age appropriateness**, not just hours worked.
- Take a **holistic view** of physical, psychological and fatigue impacts; and
- Allow regulators or courts to look beyond awards or agreements if a child's wellbeing is compromised.

Importantly, **award compliance alone is not enough**. Awards set minimum adult standards, they are **not a safe harbour** for child specific risk.

2. Education Law - Work Must Not Undermine Schooling

Education legislation across Australia establishes **compulsory participation requirements**, typically until completion of Year 10 and, in most states, until at least age 17 through schooling, training or approved pathways.

For employers, this means:

- Work must not occur during compulsory school hours (unless lawful alternatives apply); and
- Work must not be structured in a way that undermines attendance, learning capacity or recovery.

Employers are not expected to administer education law, but **they are expected to structure work, so it does not conflict with it.**

3. Work Health and Safety Law - Heightened Duties for Young Workers

All states and territories now operate under harmonised WHS legislation (or closely aligned equivalents).

Under WHS law:

- Children are recognised as **vulnerable workers**.
- What is considered "reasonably practicable" for a child, is **higher** than for an adult.
- Fatigue, supervision, task complexity and work hours must be **actively managed**, not assumed away.

Regulators consistently expect:

- Shorter continuous work periods
- Clearer supervision arrangements, and
- Conservative controls around machinery and hours.

Parental consent or family relationships **do not reduce WHS duties**.

Rest Breaks and Fatigue

Why Children Are Treated Differently

One of the most common questions we receive is:

- "Why do children need longer or more frequent breaks than adults?"
- The answer is simple: **Fatigue impacts children differently**.

Across Australia, regulator aligned guidance consistently adopts **more protective rest break standards for children**, particularly those under 15.

While not always written as a single numeric rule in legislation, enforcement practice reflects that:

- Children require **more frequent recovery time**.
- Physically demanding or repetitive tasks accelerate fatigue; and
- Extended periods without meaningful rest materially increase injury risk.

This is why many compliant agribusinesses adopt **rest-break standards for children that exceed adult award minimums**, even during school holidays. Holidays remove school attendance obligations, they do **not remove fatigue risk**.

Machinery and High-Risk Work

Where Exposure Commonly Arises

Nationwide, farm incidents involving children overwhelmingly occur in connection with:

- Tractors and mobile plant.
- PTO driven equipment.
- Quad bikes and side by side vehicles.
- Ground based assisting or "spotting" tasks, and
- Long days under seasonal pressure.

Regulators expect agribusinesses to:

- Deliberately restrict high risk machinery by age and competency.
- Differentiate between lower risk and higher risk plant.
- Document how and why access is allowed.

Saying "they've done it before" or "they grew up on the farm" carries no legal weight if something goes wrong.

Practical Controls That Stand Up Across Australia

Well managed, low risk operations typically share the same features, regardless of state:

- **Age and competency thresholds** for machinery and tasks.
- Clear rules distinguishing **permitted vs prohibited activities** for children.
- **Shorter work blocks and structured rest breaks**, especially for under 15s.
- Strong, visible **adult supervision**.
- Documented inductions and sign off, even for family members.
- Conservative approaches to **hours, fatigue and seasonal peak pressures**.

These controls do not require removing children from farm life, they require **intentional structure**.

The Real Question Regulators Ask

More often than not after an incident, regulators will ask:

"Why was this child allowed to perform this task, at this time, under these conditions, and how was the risk controlled?"

Operations with clear, documented, child specific decision making frameworks are in a far stronger position to answer that question.

Final Thoughts

Children can continue to be part of agricultural work in Australia - but **informal, assumed and undocumented practices no longer meet legal expectations.**

Across all states and territories, the direction is clear:

- Children are not "small adults" at law.
- Adult standards are not always sufficient; and
- Structured, defensible controls are the difference between manageable risk and serious exposure.

If you would like assistance tailoring child specific frameworks, matrices or policies to your state or operation type, AtOne AGRI can help translate these principles into practical, workable systems.