

Bond University

# Sports Law and Governance Journal

---

Volume 1 Issue 2

---

2025

Striking a Balance: Volunteers and Safe Sport

Millie Jones

Lawyer (Sport and Leisure), Lander & Rogers

---

Follow this and additional works at: <https://slgj.scholasticahq.com/>



© Copyright the authors.

This work is licensed under a [Creative Commons Attribution-NonCommercial-NoDerivative 4.0 International Licence](https://creativecommons.org/licenses/by-nc-nd/4.0/).

# STRIKING A BALANCE: VOLUNTEERS AND SAFE SPORT

MILLIE JONES\*

## 1 INTRODUCTION

Volunteers are at the core of every community sport. In Australia, behind the raffle tickets, canteens, well-kept pitches, stopwatches and whistles are approximately 1.8 million volunteers donating over 158 million hours of their time to sport annually.<sup>1</sup> In fact, the sport and recreation industry reflects the most common type of organisation to attract volunteers, with some 25 per cent opting to devote their free time accordingly.<sup>2</sup>

Without undermining the invaluable contribution that these volunteers play in delivering grassroots sport, there remains an unfortunate risk of harm, abuse, and exploitation when children and other vulnerable persons are involved. While safeguarding in sport has become a non-negotiable for sporting organisations, there are instances where the very people we entrust to manage, coach, and referee children have committed egregious offences against them. As such, this commentary explores the evolving challenge of maintaining high levels of volunteer engagement in sport while ensuring adequate regulation to promote child safety.

## 2 WORKING WITH CHILDREN REGULATION

The suitability of the laws and processes in place for regulating those who volunteer and work with children have been subject to significant scrutiny in recent years. At a very high level, the working with children system is aimed to screen and monitor these individuals who have access to young and vulnerable people in sectors such as childcare, education, disability services, entertainment, and sport.

In Queensland, the *Working with Children (Risk Management and Screening) Act 2000* mandates the holding of a Blue Card in order to volunteer or operate in child-related employment or businesses. In theory, being granted a Blue Card goes well beyond a police check—including by reviewing whether a candidate

---

\* Lawyer (Sport & Leisure), Lander & Rogers.

<sup>1</sup> Boston Consulting Group for the Australian Sports Commission, *Intergenerational Review of Australian Sport 2017* (Report, 2017) 43.

<sup>2</sup> Nicholas Biddle et al, *Volunteering in Australia 2022: The Volunteering Perspective* (Report, 2022) 12.

has any criminal charges or convictions (even where no conviction is recorded), disciplinary information from professional organisations, domestic violence records, and police investigations regarding serious child-related sexual offending.

### 3 BLUE CARD EXEMPTIONS FOR PARENT VOLUNTEERS

Without delving into certain shortcomings identified with the Blue Card scheme of late,<sup>3</sup> these issues have at least prompted legislative action. In September 2024, the Queensland Parliament passed the *Child Safe Organisations Act 2024* (Qld) ('CSO Act'), enacting a raft of amendments to the state's Blue Card scheme. Amidst introducing new categories of child-related work or services requiring a Blue Card, increasing self-disclosure obligations for holders, and enhancing compliance powers, the CSO Act also includes new and standardised exemptions.

As of September 2025, parents who volunteer for an activity that their child participates in will generally not require a Blue Card, with a view to allowing parents to continue participating in activities with their children.<sup>4</sup> With the Australian Sports Commission reporting that families are the most likely cohort to volunteer in organised sport, and earlier research indicating 51 per cent of club sport volunteers have children at home,<sup>5</sup> the rationale behind removing barriers that may prevent parents from becoming involved in sport are readily apparent.

That said, the CSO Act includes a number of carveouts to this exemption, ostensibly for safeguarding reasons, such that it will not apply to:

- parents who volunteer for activities *not* involving their own child;
- overnight excursions or camps;
- volunteering which includes close personal contact with a child; or
- parents who are restricted persons.

With sporting clubs across various codes experiencing a downturn in available coaches and administrators,<sup>6</sup> the CSO Act at least outwardly appears to strike some balance between maintaining the stringent requirements of Queensland's

---

<sup>3</sup> *Royal Commission into Institutional Responses to Child Sexual Abuse: Final Report Recommendations* (Final Report, December 2017).

<sup>4</sup> 'Changes to the Blue Card System', *Queensland Government* (Web Page, 22 September 2025) <<https://www.qld.gov.au/law/laws-regulated-industries-and-accountability/queensland-laws-and-regulations/regulated-industries-and-licensing/blue-card/system/changes-to-the-blue-card-system>>.

<sup>5</sup> 'Affiliation', *Clearinghouse for Sport* (Web Page, 2025) <<https://www.ausport.gov.au/clearinghouse/evidence/volunteers-in-sport/factors/affiliation>>.

<sup>6</sup> 'Club Sport is in Crisis', *Australian Sports Federation* (Web Page, 20 October 2023) <<https://asf.org.au/resources/blog/club-sport-is-in-crisis>>.

Blue Card scheme, while allowing flexibility for parents to be involved in their children's sport. That said, recent case law indicates the importance of ensuring that volunteers are provided with adequate guidance, supervision and safeguards to minimise risk to children.

#### 4 WHEN VOLUNTEERING GOES WRONG

The Victorian Court of Appeal's decision in *Footscray Football Club Ltd v Kneale* affirms that sporting clubs owe a duty to take reasonable care to avoid foreseeable risks of injury which they knew or ought to have been aware of, even if the culpable individuals are not directly connected to a sporting club (e.g., as an employee).<sup>7</sup> In that case, the plaintiff brought a claim against Footscray Football Club on the basis that he was subject to sexual abuse and trafficking perpetrated by a volunteer, Graeme Hobbs, at the Club's Western Oval.

Mr Hobbs was an unpaid volunteer of the Club in the 1980s, at a time the plaintiff was a child attending the grounds as a spectator. Between the ages of 11 and 16, the plaintiff was subject to regular and egregious sexual abuse by Mr Hobbs, allegedly in the Club's administration offices and change rooms. Mr Hobbs pleaded guilty to nine counts of indecent assault and was sentenced to imprisonment for this conduct.

The proceedings against Footscray Football Club were brought on the basis that it was liable for the injuries sustained by the plaintiff due to Mr Hobbs' sexual abuse. In its defence, the Club admitted that Mr Hobbs assisted as a volunteer with some fundraising and incidental game days activities for its Under 19s team.<sup>8</sup> The Club also admitted that it owed a general duty of care to persons attending at the Western Oval to avoid foreseeable risks of injury that it knew or ought to have been aware of. Ultimately, such a duty was held not to be limited to the physical condition of the premises,<sup>9</sup> and included the reprehensible actions of a Club volunteer.

The function of volunteers was mentioned by several witnesses during the course of the jury trial. In fact, the Court of Appeal summarised that: "*In those days (and perhaps now), volunteers were, if not the life blood, vital contributors to the operations of a football club*".<sup>10</sup> Even so, the judgment (and the \$2,637,000 award of damages) make clear that an errant volunteer can have devastating consequences—both for a potentially liable sporting organisation and, more importantly, for young persons placed in harm's way.

---

<sup>7</sup> [2024] VSCA 314.

<sup>8</sup> Ibid [44].

<sup>9</sup> Ibid [224].

<sup>10</sup> Ibid [268].

## 5 CONCLUSION

The above judgment underscores the need for sporting organisations across Australia to adopt and enforce comprehensive policies and practices dealing with child safeguarding and member protection—a significant focus of Sport Integrity Australia.<sup>11</sup> However, sport finds itself in an unenviable position of desperately needing such policies and practices, while running the risk that increasing compliance and governance requirements may render the volunteering experience increasingly complex and unattractive to the average person.<sup>12</sup>

In this sense, the parent volunteer exemption under the CSO Act may be thought to reflect a sensible middle point in Queensland's sporting ecosystem, specifically, one which fosters the increased involvement of parents in their own children's sport, in a way that is appropriately qualified to minimise the risk of harm, abuse, and exploitation (and that remains supplemented by appropriate safeguards at a national, state and club sporting level).

---

<sup>11</sup> Sport Integrity Australia, *Creating Safer Sport for Children and Young People: How to Apply the National Principles for Child Safe Organisations* (Report, March 2025).

<sup>12</sup> See Blake Bennett, Shengnan Wang and Glenn Fyall, 'Coach Perceptions of Child Safeguarding Policy in New Zealand's Youth Sport Sector' (2023) *Sports Coaching Review* 1.