

## 5. Providing stronger protections for volunteers in State legislation



Justice Connect and Volunteering Victoria have identified three priority areas of legislation and policy for the Victorian Government to provide greater clarity and certainty to the volunteering sector. We seek to work closely with the Victorian Government to explore how legislation affecting volunteers can be improved, in consultation with the volunteering sector. Volunteer-involving organisations should be supported and resourced to adapt to legislative changes and continue to be in line with best practice.



### Recommendation:

**Work with Volunteering Victoria and Justice Connect on legislative improvements in close consultation with volunteer-involving organisations and other peak bodies.**

### 5.A. Working with Children Check scheme

We acknowledge the work the Victorian Government has already done to implement the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. The scheme continues to be challenging for the volunteering sector given variations (and at times inconsistencies) between different jurisdictions.

### Recommendation:

**The Victorian Government prioritises work towards a nationally consistent scheme which incorporates recommendations in the Working with Children Check Report.**

### 5.B. Equal Opportunity Act 2010 (Vic)

Under the Equal Opportunity Act 2010 (Vic), volunteering is not included as an area of public life in which discrimination can occur. For the purpose of sexual harassment provisions only, employment includes 'work on a voluntary or unpaid basis'. As a general principle, equal protection should be given to volunteers in respect of both discriminatory conduct and sexual harassment. There may be a need to consider how best to balance a regulatory burden, if any, against equality before the law.

### Recommendation:

**Volunteering should be specifically listed as a protected area of public life to the Equal Opportunity Act 2010 (Vic).**

Care will need to be taken when amending the legislation. In particular to the definition of volunteering (making sure it reflects current forms of volunteering and other forms of unpaid work, for example, Work for the Dole participants, mutual obligation activities, court-ordered volunteering, work under work and development permits), and to balance the regulatory burden, if any, against equality before the law.

Legislative changes should be phased in and the sector should be supported to adapt to changes and responsibilities.

### 5.C Wrongs Act 1958 (Vic)

Section 37 of the Wrongs Act states: "A volunteer is not liable in any civil proceeding for anything done, or not done, in good faith by him or her in providing a service in relation to community work organised by a community organisation." However, it is unclear whether these protections apply to other types of unpaid work (such as Work for the Dole or mutual obligations).

### Recommendation:

**The Act should clarify different types of unpaid work and provide the same protections to other forms of unpaid worker participants, as traditional volunteers.**

The Victorian Government should also check to ensure that there are alternative (and sufficient) protections for these kinds of unpaid work (e.g. in the same way that emergency volunteers have been excluded as alternative protections apply).

## 2018 State Election Priorities

### Volunteering in Victoria

931,544 of our fellow Victorians willingly give their time for the common good and without financial gain. That means about one in five Victorians (19.2%) volunteer formally, many more volunteer informally and even more volunteer without even considering it volunteering.

**"Without volunteers the most vulnerable people will not get the help and support they deserve (e.g. people with disability, homeless people, the elderly, people with a life limiting illness). A lot of not for profit organisations couldn't deliver their services without volunteers."**

Volunteers are crucial to service delivery for many organisations. Many of the portfolios that the Victorian Government is responsible for are supported by the dedication and contribution of volunteers. For example in Victoria, 87% of community services organisations engage volunteers. At least 580,000 volunteers underpin community sport and active recreation. Victorian hospitals, community health, aged care and palliative care services would not be able to provide the services they do without the tens of thousands of volunteers. There are approximately 100,000 emergency management volunteers throughout the State across a wide range of agencies.

However effective volunteering does not happen all by itself. There are around 30 Volunteer Support Organisations which provide volunteer support services across Victoria, forming a critical part of the community networks and social infrastructure that supports volunteering at a local level. Volunteering Victoria and a range of volunteering networks and peak body organisations work together to improve and implement government policy to ensure effective volunteer management.

**Regardless of which party forms the next Victorian Government, the volunteering sector aspires for all political parties and independents to recognise, support and invest in volunteering. Through these election priorities we aim work to promote and build a vibrant, prosperous and strong volunteering community that is inclusive, respected and sustainable.**

## 1. Whole-of-government volunteering sector policy

Volunteering is integral to the success of a broad range of areas – sports, tourism, international education, conservation, healthcare, culture, heritage, emergency management, community development and so on. Every relevant government area should be actively involved in helping volunteering to flourish.

A government volunteering policy would help to identify cross-portfolio initiatives and opportunities for investment to benefit the sector and establish a list of achievements 18 months into the next Victorian Government. Clear signalling from government allows organisations to plan and adapt to the changing nature of volunteering with a view to the medium-long term.

The Victorian Government has already undertaken considerable work to report on trends, challenges and identify opportunities, a sector policy would build on this work for greater impact.

### Recommendation:

Develop a whole-of-government volunteering sector policy.

A volunteering policy would clearly signpost to the sector how we will address the issues and social changes affecting the sector. It should be one that involves all relevant government portfolios, proposes and funds next steps. Such a plan should be developed in close consultation with the volunteering sector, including rural and regional perspectives.

*“Volunteers are important in all community programs. When there is a lack of funding and resources to support so many programs, it is the volunteers that add the value. If volunteers cease to engage in the coming years, government will find that they will be fitting the bill... if they invest now, they will certainly continue to benefit,”*

## 2. Volunteering-specific portfolio

Retaining a dedicated volunteering portfolio is important to the volunteering sector. Government policy can help or hinder the volunteering sector. A dedicated volunteering portfolio helps to shape better government policy and reduce negative impacts on the sector. The volunteering sector values government accountability and having a champion in government.

### Recommendation:

The Victorian Government should retain volunteering as a government portfolio

The Victorian Government should have a Parliamentary Secretary and/or Ministerial portfolio to engage with and to resolve issues which affect the whole sector.

**“It gives those who find it hard to get employment the chance to build skills, those who are isolated the chance to feel valued and connect,”**

## 3. Making it easier to volunteer and to lead volunteers

Volunteer managers oversee, coordinate and mobilise a large workforce for their organisation. It is common for a volunteer manager to support a workforce of dozens or hundreds of volunteers. For volunteers to continue to support Victorians – it will require careful consideration and investment in the infrastructure, tools and resources to support them.

Government administration is a common challenge for volunteer managers. While much of this administration is necessary for the protection of vulnerable people, the more time spent on administration, the less time volunteer managers have to effectively engage their workforce.

### Recommendation:

Government should work with the volunteering sector to find ways to make volunteering easier and volunteering management more effective.

We encourage the Victorian Government to explore:

- Ways to streamline government administration, such as screening checks on volunteers. (volunteer passports, fewer forms of ID);
- Free police checks for volunteers (currently \$17.90).

## 4. Build capacity for volunteer management at the local level

The infrastructure that supports volunteers at a local level is vital for a thriving volunteering workforce. This includes Volunteer Support Organisations, local councils or other organisations that provide the local infrastructure that facilitate volunteer opportunities. The capacity of local organisations and volunteer managers varies from place to place.

### Recommendation:

Continue strategic investments in resources which support volunteer management and builds the professional capacity of organisations across Victoria.

Such investments include working with Volunteer Support Organisations to map volunteer manager training and support in Victoria with the view to invest in tools and resources for volunteer managers.

**“Without Volunteers, the public of Victoria would not be as safe and well cared for as it is today.”**