

Ms M White
Deputy Ombudsman
PO Box 25386
St Georges Terrace WA 6831

19 January 2021

Dear Ms White

REPORTABLE CONDUCT SCHEME SUBMISSION ON GREEN BILL

Thank you for your correspondence of 27 November 2020 inviting submissions on the Green Bill "*Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2020*".

Volunteering WA would like to thank you for your proactive engagement regarding the establishment of a reportable conduct scheme in Western Australia.

We understand the imperative for the scheme further to recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse and the need to ensure that the health, safety and protection of children is paramount. Volunteering WA notes that the scope of the scheme includes volunteers.

As the peak body for volunteering in Western Australia, our role is to lead, advance and celebrate volunteering. This submission provides some context to understand the role of volunteers in delivering services to children in WA and highlights two issues for consideration:

- Raising awareness and building competency in volunteer involving organisations; and
- Providing adequate support and privacy for volunteers through any investigative process.

Volunteering in WA

Volunteer involving organisations and volunteers deliver many services to our community that otherwise would not be provided. Volunteers also benefit personally in terms of social connection, participation and mental health.

Approximately 545,000¹ Western Australians formally volunteer through an estimated 5,000 volunteer involving organisations².

Level 1, 3 Loftus Street
WEST LEEDERVILLE WA 6007

t 9482 4333

info@volunteeringwa.org.au

www.volunteeringwa.org.au

¹ ABS General Social Survey 2019

² IPM, The Economic, Social and Cultural Value of Volunteering to Western Australia 2015

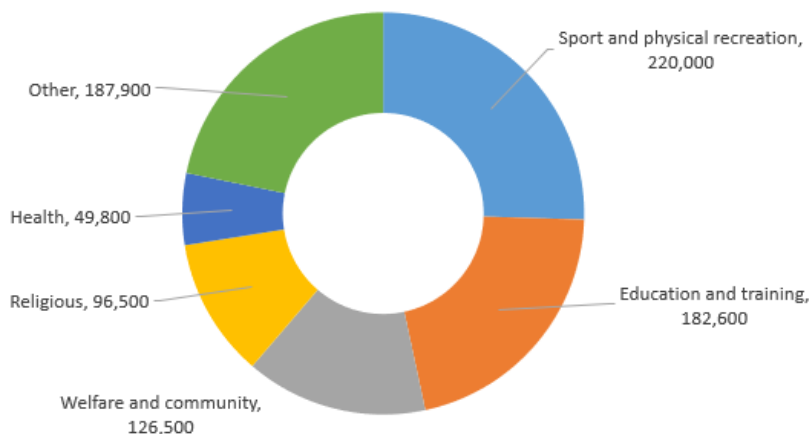
The WA Volunteering Strategy³, released by the State Government in 2018, includes the following strategies, recognising growing concerns regarding barriers to volunteering:

- 1.7 *Minimise the financial and administrative barriers to volunteering*
- 2.3 *Address barriers to volunteering*
- 2.5 *Reduce barriers to recruitment and participation*
- 3.1 *Support volunteer-involving organisations to manage risk, legal liability and legislative requirements*
- 3.3 *Administrative and governance support for volunteer-involving organisations*
- 3.4 *Reduce the financial burden on volunteer-involving organisations*

Unfortunately, the rate of formal volunteering in WA is falling. The most recent ABS figures⁴ indicate a loss of some 130,000 volunteers in WA – a concerning 19% reduction between 2014 and 2019 (pre-COVID). A recent survey of our members rated the area of poorest performance against the outcomes of the WA Volunteering Strategy as being “financial and regulatory barriers to volunteering are reducing”.

Figure 1 outlines the number of volunteers who contributed their time to different sectors in 2014. Many of these organisations have extensive interfaces with children.

Figure 1: Types of volunteering organisations in WA, 2014⁵



It is estimated there are over 150,000 adult volunteers in WA who have been issued with a Working With Children (WWC) Check card⁶ (child volunteers are exempt from the requirement to hold a WWC card).

It should be noted that a large number of volunteers also work in informal settings which do not appear to be in the scope of application of the proposed legislation.

Raising awareness and building competency in volunteer involving organisations

Australian workplaces are increasingly regulated to protect worker and public health and safety, children, those with disabilities and those in aged care. Relevant legislation tends to be complex.

³ Department of Communities, WA Volunteering Strategy 2018

⁴ ABS General Social Survey 2019

⁵ ABS General Social Survey 2014

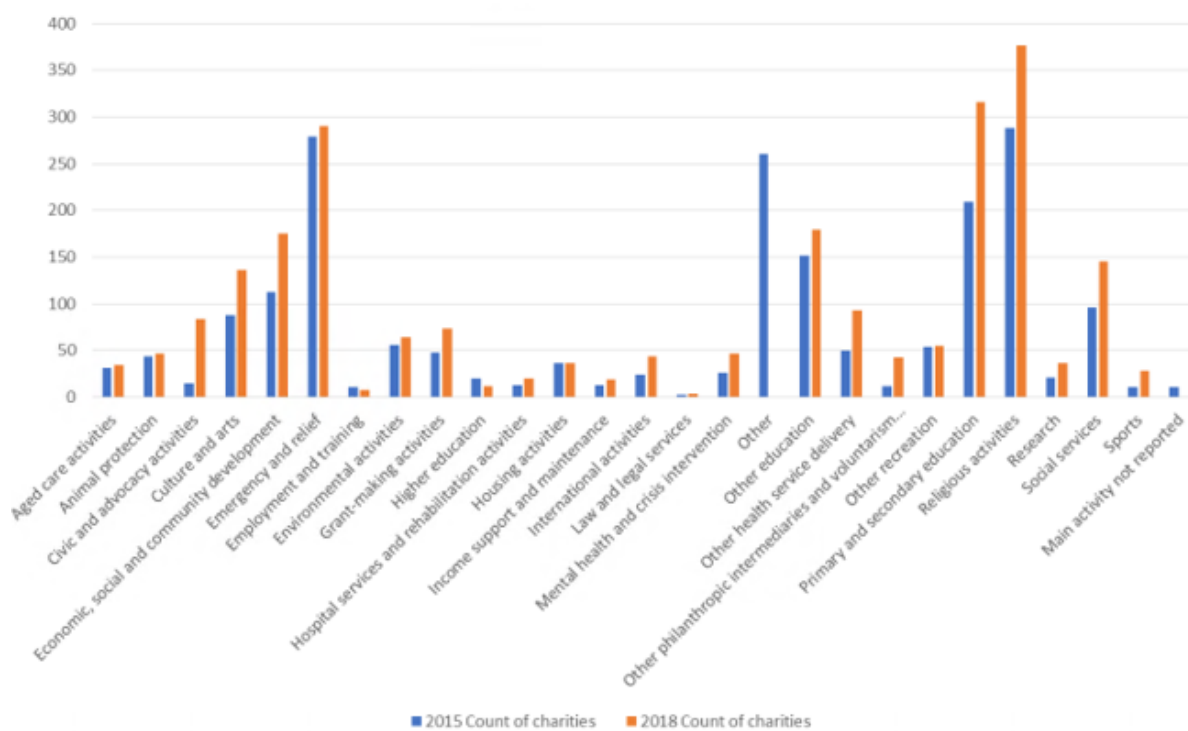
⁶ Based on email correspondence from Department of Communities 23 Dec 2020

Many workplaces with paid staff are struggling to become aware of, understand the impacts, retrain and manage staff, report on compliance and investigate and take action on non-compliance.

Recent reports of the WA Auditor General⁷ have highlighted the difficulties that large, funded and mature organisations have with complying with their own Working with Children Check obligations which have been in place for over 15 years. Audits of the Departments of Communities, Justice and Education and the WA Health system highlighted significant issues with compliance including shortfalls in corporate direction, identification of roles, monitoring, recording and reporting.

Half of all of Australia's charities have no paid staff, and rely on volunteers to manage other volunteers. The incidence is reflected in Western Australia, where there is a large and growing number of volunteer organisations with no full-time staff. Many others only have part-time staff and most tend to have very high staff:volunteer ratios.

Figure 2: Numbers of charities with no full time employees in WA, 2018⁸



Recommendation: We recommend that the matter of how to resource volunteer involving organisations who are subject to the Scheme be considered when determining the phasing in of obligations. There should also be adequate communication, legal, human and financial capacity to support awareness and implementation.

These issues should be explicitly addressed in Explanatory Memoranda so that elected officials considering the legislation are aware of how the voluntary sector will be impacted and supported in implementation.

⁷ Office of the Auditor General WA, Working with Children Checks – Managing Compliance, 2020 and Working with Children Checks – Follow Up, 2019

⁸ University of Western Australia, Western Australia's Not-for-profit landscape, 2020

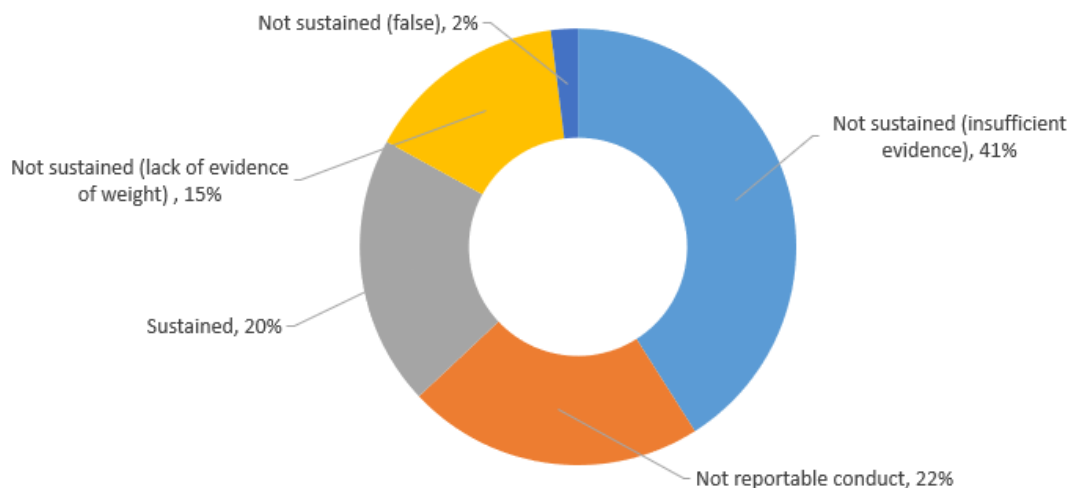
Providing adequate support for volunteers through any investigative process

The work volunteers undertake is, by definition, not compensated. In addition, volunteers are increasingly subject to legislative and regulatory obligations without the usual workforce protections of unfair dismissal, workers compensation or union or other representation.

Our experience suggests that volunteer access to related processes such as work place communications, grievance processes and Employee Assistance Programs ranges from being available and appropriate to being inconsistent and / or inadequate or non-existent.

The experience in the ACT Reportable Conduct Scheme highlights the range of outcomes that we can expect from reportable conduct investigations:

Figure 3: Outcomes of ACT Reportable Conduct Scheme Investigations 2019-20⁹



While the proportion of these cases that apply to volunteers is not known, it is expected to be relatively low. Providing some support for volunteers would be expected to cost very little, while demonstrating the State Government's commitment to remove unfair barriers to volunteering.

It should also be remembered that volunteers may be children themselves – 27% of WA youth aged between 15-17 years old formally volunteered in 2014¹⁰.

Recommendation: We recommend that volunteers be provided with independent and capable assistance through any investigative process, including access to counselling services. This protection should be enshrined in the legislation and funded by the WA State Government.

⁹ ACT Ombudsman Annual Report 2019-20

¹⁰ ABS General Social Survey 2014

Closing

Thank you for the opportunity to provide comment on the draft legislation. The final scope and implementation schedule of the proposed scheme will help us to understand the full impact on volunteer involving organisations. Volunteering WA can support implementation through communications with volunteer organisations and volunteers.

We understand that schemes of this nature have been enacted in a number of states / territories. It would be helpful to understand the experience to date with volunteer involving organisations.

Please contact myself or Meredith Blais, Senior Policy Advisor on 0400 564 054 if we can be of further assistance in any way.

Kind regards,

A handwritten signature in black ink, appearing to read 'Tina Williams', written in a cursive style.

Tina Williams
CEO
Volunteering WA