

Inquiry into volunteering in Queensland

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Terminology

In my submission:

entity / volunteer-based entity means charities and other beneficial community groups that are staffed mostly (but not entirely) by volunteers.

group / local group means the local division, club, chapter, formation, group, branch or similar.

Observations relating to local government (including local laws, local planning instruments, and local government policies)

I submit that the Committee needs to investigate the impact of local laws, local planning instruments and local government policies (collectively referred to as **local rules** by me for convenience) on volunteers and volunteer-based entities.

I submit that such local rules have a significant impact on the morale and satisfaction of volunteers, negatively effecting volunteer retention. I also submit that such local rules divert volunteer time and efforts away from activities beneficial to the community and the State, creating barriers to 'active' volunteering.

Basis for submission

I wish to illustrate my point by way of a series of examples and questions which, when worked through, help the Committee to understand how a volunteer feels.

- **Aging property; short term leases:** To start, in older areas like Brisbane and regional centres, the stock of local government owned community use leasehold is aging. The buildings are often so old or dated that it is difficult to encourage other local groups to hire them, notwithstanding local governments are pushing the shared use of community facilities. Even though charities and community groups don't own these premises, and local governments rarely commit to a lease longer than 10 years, local governments expect the local groups to maintain them, including by undertaking significant structural and remediation works.

How does a volunteer feel about a local government's lack of commitment to them? How does a volunteer feel about the fact their building is falling apart, and their local government expects them to raise hundreds of thousands of dollars to fix a building they do not even own? Does the committee of the local group have the time and energy to apply for grants or fundraise for such a large quantum of money?

The one exception to my observation is in new estates / townships. Developers and local governments are eager to encourage volunteer-based groups into the area, and will often build new facilities with them in mind.

- **Prohibitions on renovation and development:** And then, the local government may not even let a local group renovate their own facilities. I have seen several instances where, because a council lease is in a flood zone, the council's position is that it should not be renovated, extended or rebuilt. This is notwithstanding that a large portion of land zoned for community use or purposes lies in flood zones, because the land was not deemed suitable for residential purposes.

How does a volunteer feel if their facilities are in disrepair and there is no hope of them ever being improved because the local government won't let them renovate or rebuild? How does a volunteer feel if they need to go through the lengthy process of obtaining a development approval, liaising with council, obtaining surveys, obtaining quotes etc?

- **Prohibitive lease covenants:** And then, a local group's lease with the local government may prohibit the use of the facility for its intended purposes. For example, a significant number of leases prohibit fires, camping, erecting temporary structures and vehicle movement. Campfires and camping are integral parts of the Scout program, and the lease areas often have built in fire pits. Further, for many local environmental groups, they often want to hold a working bee day and will need to erect temporary shade or have vehicles access the premises.

Does a volunteer within a local group have time to organise permits from the local government to erect temporary structures or allow vehicle access? Does a volunteer within a local group have the time and energy to deal with complaints from local residents over a campfire? How does a volunteer member feel if they have to knowingly break council rules or restrictions just to use the premises for the purposes it is leased for?

- **Time consuming approval processes:** And then, to do many simple and beneficial things to a leased premises, a local group requires the consent of the local government. That is because most council leases prohibit erections, fixtures, renovations and building work of any kind without consent. The provisions prohibit the most basic of things: installing signs, installing lighting, erecting fencing, any earthworks, concreting areas, planting gardens and trees. In my experience it is quite common for leases to specifically prohibit the erection of any signage outright (even with consent), including signage simply indicating that your community group uses the hall and displaying their meeting times. I have even read a lease where changing the external or internal colour of the building was prohibited.

How does a volunteer feel about the fact they can't affix a sign promoting their local group to the side of their local hall? How does a volunteer feel about being prevented from letting their young people paint a mural on the side of their local hall? Does a volunteer have time to write a full application to council over their desire to concrete an existing pathway so a disabled patron can better access the premises? Or to justify their desire to install a garden and plant trees to

improve the premises? Does the volunteer have time to prepare a full project plan, including aerial photographs, quotes, plans, letters of support etc? How does a volunteer feel that their local government does not trust them to look after a property they expect them to repair and maintain?

- **Costly and changing government requirements:** And then, local government requirements may change, forcing local groups to adopt higher cost solutions which they cannot simply afford. For example, it has been a trend of late for local governments to “crack down” on shipping containers being used as storage by community groups. Most councils have now adopted positions whereby the placement of shipping containers for storage is prohibited, except for temporary periods of time.

How does a volunteer feel about having to remove the container they store their supplies or equipment in? How does a volunteer feel about needing to raise further hundreds of thousands of dollars to build a shed?

With all the above in mind, I submit the Committee should ask itself: how does a volunteer feel that so much of their time is spent not on the primary charitable activities of the entity, but on management and operations? How do they feel about missing out on actively and directly helping the intended beneficiaries?

By working through the above examples, I submit that the Committee will come to appreciate that:

- local rules divert volunteers’ time away from active volunteering to procedural matters, fundraising and project management.
- local rules impose significant cost pressures on local groups by prescribing acceptable solutions that are expensive relative to their limited income sources.
- local rules impose unnecessary conditions which, if adhered to, would undermine or prohibit the activities that volunteers undertake.
- due to the above, local rules:
 - place significant mental, time and financial burdens on volunteers, impacting on volunteer retention.
 - divert volunteer time and efforts away from activities beneficial to the community and the State, creating barriers to ‘active’ volunteering.
 - make local groups feel unsupported by their local government (being an extension of, and representative body for, their local community).

NOTE: It should be pointed out there is often a significant divide between the support from Councillors, who are usually very positive, supportive, and eager to support the growth of groups that benefit their community, and local governments and their officers.

Solutions

I submit that, to improve volunteer retention and time spent ‘actively’ volunteering, ‘red tape’ applying to how volunteers and entities operate needs to be reduced.

I submit that the Committee should recommend legislative amendments which:

- restrict local governments from imposing on entities, whether as a covenant of the lease, provision of a local law or otherwise, the prohibitions or restrictions of the kinds described above. This would cover both outright restrictions, and ‘subject to approval / consent’ type restrictions. This could be achieved by amending the powers of a local government over Crown or local government owned and/or managed lands and the power to make local laws under the *Local Government Act 2009* (or, for Brisbane, the *City of Brisbane Act 2010*).
- prescribe certain development, being the kinds of development described above, as accepted development. In most cases, the kinds of development described above are already prescribed as being accepted development. See schedules 1 and 2 of the *Building Regulation 2021*.¹
- in relation to premises in flood zones, loosening the requirements imposed by local governments in relation to developments of community use buildings in flood zones, particularly where existing facilities exist. This could be achieved by amending the provisions relating to flood hazard areas under the *Building Act 1975* and *Building Regulation 2021*, or more generally placing restrictions on what a local government can include within a local planning instrument under the *Planning Act 2016* and *Planning Regulation 2017*.

An example of a burdensome requirement can be found under the *Brisbane City Plan 2014*. Under the Plan, assembly uses (including club uses, community uses etc.) in flood planning areas generally must be code assessed against the outcomes in sections B and C of the Flood Overlay Code (within s 8.2.11). The building floor level for a Class 9 Building is stated to be Category A, which is the most restrictive, being 1% AEP flood level + 500mm (or a 1 in 100-year flood + 500mm). Further, the Flood Overlay Codes requires that the “building floor level for habitable rooms in Class 9b where involving children, such as a childcare centre” be greater than the level for a 0.2% AEP flood (or a 1 in 500 year flood). This applies a higher standard than under the QDC, as performance requirement P1 of QDC pt 3.5 relating to the design of buildings to safeguard occupants in times of flooding, and the associated acceptable solution (AS) of a floor height for habitable rooms at the defined flood level, does not apply to the construction of new class 9b buildings.

I also submit the Committee should recommend similar legislative amendments to State-level legislation, such as the *Queensland Heritage Act 1992*. The issues identified in relation to local rules equally apply to many State-level laws, policies and practises. For example, I know of a leased property that takes up what I would estimate to be 3% of the total area of a park but, because the entire park is heritage listed as a State heritage place, trying to install a ramp to make the building wheelchair accessible would be costly as either a heritage agreement needs to be entered into, or a heritage assessment will need to be conducted to show there would be no or minimal detrimental impact on the cultural heritage significance of the place.

¹ The *Planning Regulation 2017* sch 7, s 1 prescribes that building work declared under the *Building Act 1975* s 21 is accepted development. *Building Act 1975* s 21 states that a building work prescribed by regulation and complying with any prescribed relevant provisions is accepted development for the purposes of the *Planning Act 2016*. The *Building Regulation 2021* s 4 prescribes that the building work stated in schs 1 and 2 is accepted development for the purposes of the *Planning Act 2016*.¹

Observations relating to the *Working with Children (Risk Management and Screening) Act 2000* and *Working with Children (Risk Management and Screening) Regulation 2020*

I submit that the *Working with Children (Risk Management and Screening) Act 2000* (**WWC Act**) and *Working with Children (Risk Management and Screening) Regulation 2020* (**WWC Reg**) are overly burdensome in relation to interstate and foreign visitors to the State. I submit that this acts as a barrier and in some cases outright restricts a variety of volunteers from visiting Queensland to volunteer, having a significant impact on a variety of national and international activities and events undertaken by volunteer-based organisations.

Basis for submission

In Queensland, there is no recognition of interstate working with children clearances (**WWCCs**), nor any exceptions relating to interstate or international visitors. This means that a volunteer from interstate or another country must get a Blue Card if they intend to volunteer within Queensland.

To obtain a Blue Card, a person is required to first obtain a Customer Reference Number (**CRN**) from the Department of Transport and Main Roads (**DTMR**). My understanding is that the requirement to obtain a CRN is a requirement of the 'approved form' made by the chief executive under sections 188 and 400 of the *WCC Act*. Section 188 requires that an application for a Blue Card must be in the approved form, and such approved form must require that the applicant provide proof of identity.

While the process of obtaining a Blue Card has improved due to the implementation of the Blue Card Services online portal, the process of obtaining a CRN for someone interstate is not easy. An individual who resides interstate will need to have certain proof of identity documents witnessed, and then forward these documents via post to DTMR for processing. The individual also needs to obtain and forward on two passport style photos.² This is obviously a barrier to obtaining a Blue Card, as it adds to the time and financial burden of volunteering (particularly in regional areas where volunteers do not have witnesses easily locatable and will need to travel to get documents witnessed or passport style photos).

The process of obtaining a CRN for international persons is even more difficult. This is because international persons do not have documents issued by a jurisdiction within Australia. To meet the proof of identity requirements imposed by DTMR, they must present either:

- 1 category A document + 2 category B documents; or
- 2 category A documents + 1 category B document.³

However, only the following international documents are recognised by DTMR:

- Class A – Foreign Passport or a Convention Travel Document
- Class B – Debit or credit card with an embossed or printed name

Consequently, unless an international person holds either two foreign passports or two bank cards with an embossed or printed name, it is impossible for an international person intending to travel to Queensland to obtain a CRN. Further, even if they do have these documents, international postage, even for letters, is not cheap.

² See BCS' "How-to guide Getting a Customer Reference Number for your blue card application remotely"

³ <https://www.qld.gov.au/transport/licensing/driver-licensing/identity#categoryB>

Context

First, I wish to point out to the Committee the large number of individuals and organisations affected by the lack of interstate or international visitor exceptions within the *WWC Act* or *WWC Reg*.

Individuals and organisations affected include:

- Scouting, Girl Guiding etc. – Jamborees and other national events, national training camps, local group interstate trips etc.
- Sporting clubs and associations – national and international competitions or tournaments, local groups during regular season if their competition boundaries cross state borders.
- Arts and cultural groups – performance tours, local groups in border towns.
- Churches, temples, religious entities etc. – members of the clergy or similar who travel.

Second, I wish to point out that the activities bring about substantial benefits to Queensland. National events and tours help the young people of Queensland, as well as those from other States and Territories, grow, develop, be active and learn. These activities also benefit the local economy through the influx of people; for example, it has been reported recently that the recent 2025 Australian Jamboree brought in \$9 to \$10 million to the Fraser Coast economy.⁴

Third, I wish to point out that Queensland is an outlier amongst other States and Territories by not offering exceptions targeted at interstate visitors. Below is a table which summarises the relevant exceptions applicable in other States and Territories.

State	Act, scope	Effect / substance
NSW	<i>Child Protection (Working with Children) Regulation 2013</i> Section 20(1)(m) and (n) <u>One-off events or tours under 30-days</u> <u>Visitors, under 30-days total each year, w/ interstate WWC</u>	20(m) - Visiting NSW + for the purposes of a one-off event such as a jamboree, sporting or religious event or tour + event is the only child-related work carried out by the worker in NSW in that calendar year + period of the work does not exceed 30 days. 20(n) - Visiting NSW + for the purposes of child-related work + holds an interstate WWCC in the jurisdiction in which the person ordinarily resides or is exempt from the requirement to have such a check in that jurisdiction + does not exceed a total of 30 days in any calendar year.
Vic	<i>Worker Screen Act 2020</i> Sections 116(1) and (2) <u>One-off events or tours under 30-days</u> <u>Visitors, under 30-days total each year, w/ interstate WWC</u>	116(1) - Visiting Vic + period of child-related work does not exceed 30 days + no other child-related work in Vic in that calendar year. 116(2) – Visiting Vic + holds an interstate WWCC in the jurisdiction in which the person ordinarily resides + does not exceed 30 days of child-related work in any 12-month period.

⁴ Courtier Mail, “\$9-10m: Huge economic injection from Scout Jamboree”, 18 Jan 2025.

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SA	<p><i>Child Safety (Prohibited Persons) Regulations 2019</i></p> <p>Section 9(1)(b)</p> <p><u>One-off events or tours under 10 days</u></p>	<p>9(1)(b) - Visiting SA + holds an interstate WWCC in the jurisdiction in which the person ordinarily resides + child-related work occurs as part of an organised event + child-related work does not exceed 10 consecutive days.</p> <p>Specifically includes Australian Scout Jamboree as an example of an "organised event". NOTE: many Jamborees exceed 10 day considering travel time.</p>
WA	<p><i>Working with Children (Screening) Regulations 2005</i></p> <p>Sch 1, cls 1 and 17</p> <p><u>Visitors, under 2 weeks</u></p> <p><u>One-off national events or tours under 30 days</u></p>	<p>Sch 1, cl 1 – Visting WA + work occurs within the 2-week period after arriving in WA + does not exceed 2 weeks in any 12-month period.</p> <p>Sch 1, cl 17 - Visting WA + work is in connection with a national event or a national tour + does not exceed 30 days in any 12-month period.</p> <p>Cannot use both exceptions in the same 12-month period.</p>
Tas	<p><i>Registration to Work with Vulnerable People Act 2013</i></p> <p>Section 15(2)(a)</p> <p><u>All interstate WWCC</u></p>	<p>15(2)(a) - registered under a corresponding law + the regulated activity is substantially similar to an activity or service that the person is allowed, by that registration, to engage in under the corresponding law + the class of persons in relation to whom the person engages in a regulated activity is substantially similar to the class of vulnerable persons to whom the registration under the corresponding law relate.</p>
ACT	<p><i>Working with Vulnerable People (Background Checking) Act 2011</i></p> <p>Sections 12(2)(c) and (o)</p> <p><u>Visitors, under 30-days total each year, w/ interstate WWC</u></p> <p><u>One-off national events if declared</u></p>	<p>12(2)(c) holds an interstate WWC + the activity is substantially similar to a regulated activity the person is allowed to engage in under the corresponding law + does not exceed 28 days in any 12-month period.</p> <p>12(2)(o) - engaged in the activity for a Territory or national event + commissioner declares that the person is not required to be registered for the activity.</p>
NT	<p><i>Care and Protection of Children Act 2007</i></p> <p>Section 186(c)</p> <p><i>Care and Protection of Children (Screening) Regulations 2010</i></p> <p>Section 4</p> <p><u>Visitors, under 30-days total each year</u></p>	<p>186(c) - Visting the NT + volunteering + does not exceed limit prescribed by regulation.</p> <p>4 - the limit is 30 days (whether or not consecutive) in a 12-month period.</p>

Finally, I wish to point out that, in relation to exceptions such as those in NSW under s 20(m) and Vic under s 116(1) which allow a person to volunteer without a WWCC, these need to be understood in the context of the overall child safety and safeguarding obligations that volunteer-based entities that work with children and young people have.

Queensland has very stringent laws in the child safety area. Under the new *Child Safe Organisation Act 2024*, 10 mandatory standards apply, including Standard 6 which requires that “people working with children are suitable and supported to reflect child safety and wellbeing in practice.” Failure to comply with this standard can result in enforcement via compliance notices and enforceable undertakings, and naming and shaming. Further, entities have a duty of care to prevent child abuse, which failure to comply with can result in significant civil liability. Case law shows that the standard of care required is quite high. Further, since 2019, in Queensland the onus of proof rests with the entity rather than the claimant to prove that it took all reasonable steps to prevent the child abuse (see *Civil Liability Act 2003* s 33E)

Such an exception will therefore only be relied on by volunteer-based entities in narrow circumstances, after conducting a risk assessment and implementing mitigation strategies (such as obtaining foreign police checks). I submit that the risk posed by the exception is appropriately managed by how entities will use the exception.

Solution

I submit the Committee should recommend that:

- two exceptions be introduced into the *WWC Act* or *WWC Reg*:
 - Interstate WWCC, one-off events or tours up to 30 days:** Visiting Qld for the purposes of a one-off event or tour (such as a jamboree, sporting or religious event or tour) + period of child-related work in connection with that event or tour does not exceed 30 days + that work is volunteering / unpaid.
 - Interstate WWCC, up to 30 days total per 12-month period:** Visiting Qld + holds an interstate WWCC in the jurisdiction in which the person ordinarily resides + does not exceed 30 days of child-related work in any 12-month period + that work is volunteering / unpaid.
- These exceptions mirror the existing exceptions in NSW under s 20(m) and Vic under s 116(1). They give entities running one-off events and tours flexibility to in the first instance require Blue Cards but then not require them where obtaining them would be overly burdensome (e.g. remote interstate or foreign attendees) and an informed risk assessment justifies such decision. They also give some level of recognition for interstate WWCCs, ensuring that individuals engaging in regular but sporadic travel (eg to run a series of activities over the year) do not need to obtain an additional WWCC for Queensland.
- DTMR amend its rules and processes relating to applying for a CRN to make it easier for interstate and international applicants to apply.
 - the State and Territory governments work towards implementing a uniform national working with children clearance scheme.

Observations relating to how governments engage with volunteers and volunteer-based entities

I submit that the Committee should investigate the relationship between governmental decision making in relation to programs and other activities funded by government, and the financial and morale situation of volunteers running those programs or activities. I submit that volunteer retention and engagement is negatively affected by what I would characterise as “insight lacking” decision-making by governments in this area.

Basis for submission

To use an example to illustrate the point I wish to make, I have helped run a partially government-funded youth program for several years. Recently, a media advisor in a government department directed that important application dates for the youth program be extended for the purpose of making the government look good in light of the flooding in North Queensland. I use the word “directed” deliberately, because it very much was a direction; we were told we had no choice in the matter. I think relevantly, the Queensland Government’s logo and branding do not appear on any of the social media promotional materials.

The government’s direction has had quite significant consequences for the volunteer team of 20+ volunteers who run this youth program. 20+ volunteers now need to give up a different weekend of their time to volunteer, as the weekend set aside for assessing the applications now must be moved to a later date. The volunteers in the media and marketing team now need to redo a lot of their already prepared social media content, taking up hours of their time. Some team members who usually work weekends now need to take additional time off, costing them income, and it is now too late to pick up a shift for the weekend that is now free. I personally will need to cancel a weekend away with my partner, which I have had planned for several months.

I suggest that the Committee ask itself: how does a team of 20+ volunteers feel when a paid media advisor within a government department demands on moving dates simply because it could possibly make the government look good? How do the volunteers who now need to do extra work in a shorter period of time feel? How do the volunteers who lose out on income feel?

I submit that the Committee, having regard to the above and the personal stories of others in their submissions, will come to appreciate that:

- volunteers are not like paid staff, and entities run by volunteers are not like outsourced service providers. They are not paid to re-do work repeatedly. They have limited time they can give. They plan their lives around when they will and won’t be volunteering.
- decisions of governments in relation to very unimportant, often self-serving matters can have significant impacts on volunteers, including their financial circumstances, personal circumstances, and their morale.
- this affects a volunteer-based entity’s ability to retain volunteers, and diverts volunteers’ time away from ‘active’ volunteering.

Solutions

I submit that, to improve volunteer retention and time spent ‘actively’ volunteering, the practises of governments need to be changed.

To achieve this, I submit the Committee should recommend that:

- agreements between government and entities relating to the funding of programs delivered mostly using volunteer resources should include provisions designed to protect volunteers, such as a right to refuse variations on the basis it would prejudice volunteers.
- a Code of Conduct for how public service / sector employees interact with volunteers and volunteer managers should be developed. This Code should include guidance on decision-making, including a mandatory requirement to consider the impacts of decision-making on volunteers. Further, decisions driven for publicity, scheduling or similar reasons should be prohibited where such decisions would adversely impact on volunteers.

Observations relating to duty of care, industry standards and expectations of insurers.

I submit that volunteers face significant barriers to volunteering in the form of overly burdensome and time-consuming training, standards and screening requirements. Such training, standards and screening is often more extensive and/or burdensome than the level of training apply in regular office jobs. Such things act as a disincentive to start volunteering, take away from the time a volunteer can spend actively volunteering, and add to the 'mental load' volunteers face. Such things therefore also affect volunteer retention.

I submit that the burdensome and time-consuming training, standards and screening volunteers must undertake or comply with are a product of fear of civil liability in negligence, industry standards designed for professionals in the relevant sector, and the unrealistic expectations of insurers. This is particularly relevant in the outdoor recreation and child safeguarding areas, as cover is becoming increasingly expensive and more difficult to obtain. Consequently, action needs to be taken to address fear of civil liability, rising industry standards and insurer's unrealistic expectations.

Basis for submission

I first wish to illustrate to the Committee how burdensome the training, standards and screening applying to volunteers can be by way of a series of examples.

First, volunteers are required to undertake a considerable amount of training; more training than would apply in many standard office jobs that don't involve interacting with young people, outdoor recreation activities, serving food, running large events etc. As a way of illustrating my point, I ask the Committee to consider the following. I know that this training is required as I have personally done all of this training as a volunteer.

- Most volunteers are required to complete mandatory child safety, WHS modules and risk management modules, which take one to two hours to complete.
- A volunteer, depending on their role, will need to complete First Aid training every three years, and CPR refresher training each year. This is an extra half-day each year. Some volunteers will also need to complete advanced or wilderness first aid training, adding additional days of training each year.
- A volunteer, depending on their role, may also need to undertake outdoor recreation training, which aligns with the applicable VET units and industry body recommendations for the level of training for activity leaders. This can take a number of weekends practising and evenings

completing logbooks, workbooks and gathering evidence, and requires re-demonstration of competency on a regular basis.

- A volunteer, depending on their role, may also need to complete further / advanced child safety and safeguarding training, such as VET units CHCSS00146 “Working in a Child Safe Environment” or CHCSS00141 “Child Protection Skill Set”. This may take a number of evenings to collate evidence and have conversations with referees and assessors.
- A volunteer, depending on their role, may also need to undertake Mental Health First Aid training from an industry recognised provider. This is usually a two-day course.
- A volunteer, depending on their role, may also need to undertake advanced event management training, if running a major activity or event for an entity. This could include things like large camps, conferences, gatherings etc. This might be delivered internally, or aligned to VET units of competence, or linked to best practise guidelines developed by the State or local government.
- A volunteer, depending on their role, may need to undertake food safety and food service training, which may take a few hours.
- A volunteer, depending on their role, may need to undertake complaints handling training, which may take a few hours.
- A volunteer, depending on their role, may need to undertake information handling and privacy training, which may take a few hours.
- A volunteer, depending on their role, may need to undertake trauma training, including in relation to vicarious traumatisation. This may take a few hours.

I submit this is an extraordinary amount of training, greater than the level of training expected in most office job environments. To impose it on volunteers is extremely burdensome.

Second, volunteers often face quite stringent, in some cases impossible, standards that are designed for professional and paid employees. One example I can share relates to one entity that I volunteer with, who mostly employs paid staff in the early childhood education, teaching and fitness profession. That entities’ child and young people safety and safeguarding policies and procedures were recently reviewed and updated. The updated policies and procedures now prohibit any person (including volunteers) from:

- using their personal devices (e.g phone, laptop) while “on shift”;
- taking photos of young people on personal devices;
- communicating to young people using their personal devices.
- making phone calls or text messages to young people.

However, the program I help deliver with that entity does not have sufficient budget to provide me and other volunteers with entity-provided devices. Further, an inherent requirement of the program is making phone calls or text messages with young people, as this is required when they are not making contact via the standard monitored channels. Therefore, it is impossible for volunteers to both comply with the safeguarding standard imposed blanketly by the entity and fulfil their volunteer duties, as directed by their managers. It also: prohibits volunteers from donating and using their personal resources like personal electronics; places a burden on them by requiring them to

carry around additional equipment and electronics; and, limits the time they can give by preventing them from doing volunteer work on their phone (e.g. while commuting or on lunch break) or on work electronics (e.g. while on lunch break). Flexibility is key to engaging volunteers.

Third, volunteers often face burdensome screening requirements. One example is that, for a long period of time, an entity that I volunteer with prohibited any person from volunteering if they did not have a Blue Card, even if they were a parent falling within the parental exception under the *WWCC Act*. While obtaining a Blue Card has been made significantly easier in recent times due to the move away from paper forms to the BCS Portal, the requirement to have a Blue Card acts as a barrier to having “parent helpers” who support on an ad hoc basis (say once a term). This screening requirement, which goes beyond law, stops organic irregular volunteering.

Solutions

I submit that there are three avenues to reduce the burden of training, standards and screening requirements applying to volunteers.

One way of tackling the issue is providing greater opportunities for volunteers to undertake required training. By providing more locations, times and ways of completing mandatory training, it is easier for volunteers to undertake such training. I submit that the Committee should recommend that:

- the Queensland Government and local governments (in partnership) establish and fund initiatives whereby first aid training (HLTAID009 Provide cardiopulmonary resuscitation and HLTAID011 Provide first aid) is provided for free to volunteers during evenings and on weekends on a regular basis. Many local governments already organise and fund free evening and weekend fitness, social and cultural activities, so adding first aid training to the list of things they organise and fund would not overly burden them.
- the Queensland Government introduces a single statewide child and young person safety and safeguarding training package, similar to the uniform “Safeguarding Children and Young People” training applying in sport through Sports Integrity Australia. That training would be recognised by all major volunteer-based entities and major child abuse / molestation insurers. That training would include general training, and then short modules for different sectors (e.g. sports, youth groups, performing arts etc) a volunteer could select. By completing that training, a volunteer would not need to complete new training for each volunteer-based entity they volunteer with, or would only need to complete a small additional module relevant to the new sector they plan to volunteer in.
- the Queensland Government introduces a single statewide workplace health and safety and risk management training package. By completing that training, a volunteer would only need to complete an additional supplement pointing a volunteer to the particular documents and templates applying in or used by the relevant volunteer-based entity.

I note that standardised training would reduce the burden on volunteer-based entities to fund first aid training and may bring down insurance premiums.

Another (potential) avenue to reduce the burden of training, standards and screening is through greater inter-entity collaboration when it comes to insurance. By establishing larger insurance pools for similar entities, insurers may be willing to take more risks, resulting in the cost of insurance should falling and/or the level of internal training, standards and screening falling. Further, policies

and procedures between entities will become more uniform over time, making it easier for individuals to volunteer for multiple different entities. I therefore submit that Committee should investigate how entities can collaborate in the area of insurance, and also whether a government run insurance scheme / pool could be established.

A final avenue for tackling the issue is through changes to the liability regime applying to volunteer-based entities. By altering the circumstances in which a volunteer-based entity is civilly liable, the standard required by the law of negligence, the requirements specified in industry standards and best practise and the expectations of insurers will change. Volunteer-based entities can then reduce the level of training, activity preparation and screening applying to volunteers. This means volunteers can spend more time actively volunteering, and take more risks leading to more social benefit. I therefore submit that the Committee should recommend:

- legislating that a volunteer-based entity will only be liable in negligence if the act or omission is so unreasonable that no reasonable volunteer-based entity could properly consider the act or omission to be reasonable. This could be achieved by enacting a provision similar to *Civil Liability Act* s 36, which applies to public authorities.

Section 36 of the *Civil Liability Act* was enacted on the recommendation of the Ipp Review. The Ipp Review was concerned with, among other things, modifying the law of negligence to reduce insurance costs. It recommended the standard that public authorities are judged by be lowered given the acts and omissions of a public authority are done for the benefit of the public and often driven by complex financial, economic, political and social factors.⁵

I submit that the same can be said about volunteer-based entities. Volunteer-based entities (in particular volunteer-based charities) perform public functions; to be charitable, the activities must by law benefit the public or a substantial portion of the public. Further, volunteer-based entities have limited financial and human resources and complex interactions with their beneficiaries, volunteers, donors/funders and governments, leading to very complex decision-making. Large volunteer-based entities, like Scouts, Surf Life Saving, Salvation Army, Churches etc., often have relatively small budgets compared to a private enterprise, yet have responsibility for activities, programs and infrastructure spanning a significant geographic area, many different communities and thousands of beneficiaries.

- inserting provisions providing guidance to courts concerning their assessment of the standard of care required, in particular the factors of burden and social utility under *Civil Liability Act* ss 9(2)(c) and (d). Courts should expressly be required to consider the burden of an action, practise or decision would have on volunteers, including the inconvenience experienced by volunteers as unpaid individuals giving up their time voluntarily, and the entity's ability to obtain and retain volunteers. Likewise, Courts should expressly be required to consider the general social utility of volunteering, and the economic and social consequences that would occur should volunteering reduce.
- inserting a provision, similar to *Civil Liability Act* s 35(a), requiring a court have regard to how a volunteer-based entity's actions, practises and decisions are affected and limited by its limited

⁵ Richard Douglas, Gerard Mullins and Simon Grant, *Annotated Civil Liability Legislation – Queensland*, 3rd edition, at pages 329 to 330.

financial and human resources, and also inserting a provision, similar to *Civil Liability Act* s 35(b), requiring a court not challenge a volunteer-based entities' general allocation of resources.

The reasoning in relation to the first dot point of this section applies equally to this dot point. Further, where an entity lacks sufficient resources to comply with industry standards or the accepted duty of care, it should not be judged according to that standard. While this does increase the risk of harm arising, the overall social good that volunteer-based entities generate well outweighs such risk.

- legislating that no duty of care is owed by a volunteer-based entity to protect children and young people from abuse occurring outside of the entity, such as at home or at school. This would allow entities to reduce the amount of time spent on educating volunteers on how to identify and report potential child abuse occurring outside of the entity. This could be achieved by inserting a new provision after *Civil Liability Act* ss 33D and 33E, which set out the statutory duty to prevent child abuse.

I would submit that there are other considerations which support introducing such an amendment. First, the law does not normally impose liability to prevent the criminal acts of third parties (e.g. child abusing parents), except in exceptional circumstances. Second, looking at the 'salient features' of the relationship between a volunteer-based entity and a child participant, there are a lack of relevant salient features warranting the imposition of liability: the volunteer-based entity does not create the risk; the volunteer-based entity does not assume responsibility for reporting the abuse; the volunteer-based entity has not intervened prior; the volunteer-based entity does not hold sole or actual knowledge of the abuse if there is a mere suspicion; and, unlike schools, hospitals or government departments, people do not rely on volunteers and volunteer-based entities to protect them. Third, there are policy factors against imposing liability: imposing liability leads to defensive practises and over-reporting, taking time away from active volunteering; imposing liability discourages volunteer-based entities from encouraging young people to speak up about abuse; liability effectively punishes all members of a volunteer-based entity and diverts funds away from fulfilling its charitable purposes. Fourth, if a child is displaying signs of potential abuse in a volunteer-based entity, then it will be showing the same signs of abuse at school, where paid, better trained teachers can action such signs. Finally, at least for child sexual abuse, failing to report is an individual criminal manner; it is unfair to hold a volunteer-based entity liable for an individual's criminal actions, especially given the doctrine of vicarious liability does not apply to volunteers and given volunteer-based entities having limited control over their volunteers compared to a employer-employee relationship.

- expressly legislating the outcome of *Bird v DP (a pseudonym)* [2024] HCA 41, being that the doctrine of vicarious liability does not extend to volunteers. This would provide certainty in this area as the case's specific facts only concerned a member of a diocese, allowing insurance premiums to reduce.

I note that *Civil Liability Act* pt 3, div 2 already contains provisions designed to protect volunteers from personal liability. It is therefore not inconsistent to introduce further provisions relating to the liability of volunteer-based entities.

Observations relating to financial matters

I submit that the Federal Minister for Charities' announcement that the DGR donation threshold for a tax deductible donation of \$2 will be removed is a very poorly thought-out idea. Every volunteer-based entity is required to produce a receipt or donation confirmation for a DGR donation upon request. This would mean that a volunteer, if asked, would need to spend time writing a donation for a 5 cent, 10 cent or 20 cent donation. This is absurd. I submit the Committee should write correspondence to the Minister for Charities advocating against removing the DGR donation threshold.

Similarly, I submit that the proposed changes to the ability of not-for-profit entities to prepare special purpose financial statements, set out in AASB Exposure Draft 334, are poorly thought out. The proposed changes would effectively mean that all charities with revenue >\$500k would need to prepare general purpose financial statements. Consideration must be had to structures that are branch / local group based, where entities rely on a significant portion of volunteers from many different geographic areas, who are not always well-skilled, resourced and full of time, to undertake day to day accounting activities. Further, how they will report is unique given certain revenues and expenditures may wish to be included or excluded, reflecting the head office vs branch / local group-divide. I submit such volunteer-based entities should be excluded from any reforms. Likewise, consideration needs to be had to the threshold; \$500,000 is too low. I submit that any reform should only apply to charities and not for profits with an annual revenue >\$3 million, at the lowest. I submit the Committee should write correspondence to the AASB advocating against special purpose financial statement reform.

Observations relating to entities with mostly employees and limited volunteers.

I submit that the Committee needs to investigate the treatment of volunteers by entities with mostly employees. I submit that entities with mostly employees often fail to consider the perspectives of volunteers, fail to properly include their volunteers, fail to properly recognise their volunteers and fail to properly resource their volunteers. This leads to the mistreatment of volunteers, the worsening of volunteer morale, and the creation of barriers to entry as a volunteer.

Basis for submission

I refer to my earlier example where an entity with mostly paid staff requires certain standards be complied with, but does not provide volunteers with the resources to comply with such standards. Further, these standards are not aligned to the work of volunteers, and are not developed with volunteers in mind.

In that same entity:

- I was asked to join a committee which only had meetings during business hours.
- Award ceremonies are often held only during business hours.
- 'All-hands' staff meetings, which volunteers are actively encouraged to attend, are held only during business hours, and contain mostly irrelevant information for volunteers.

Solutions

I submit that the Committee should recommend the Government work with the volunteering sector to promote the volunteer code of practice published by Volunteering Queensland. I submit this code of practise needs to be overhauled. <https://volunteeringqld.org.au/resources/code-of-practice/>

Observations relating to parental expectations and behaviours

I submit that volunteers are increasingly being burdened by unrealistic parental expectations or problematic parental behaviours. These include: treating volunteers at youth groups as free childcare and not expecting to help out; sending young people without having taken their medication / without their medication; not disclosing medical information relating to allergies, chronic illnesses and disability; and, expecting volunteers to look after children with disabilities who need carers / one-on-one supervision and support.

I submit that the Committee should recommend that the Queensland Government undertake a public advertising campaign addressing these issues, so that, when parents send their children to youth groups, they understand what is expected of them and actively support volunteers, rather than being a burden.

Observations relating to incentivising volunteering

I submit the Committee should investigate and report on the following possible incentives for volunteers and volunteering:

- to encourage personal volunteering:
 - rates concessions.
 - free public transport fares.
 - electricity rebates.
 - water charges rebates.
- to encourage corporate volunteering:
 - payroll tax deductions.

I submit that such incentives should only be available to volunteering for a narrow class of entities, such as only entities with DGR status or only those approved by the Minister. This incentivises volunteers to volunteer in areas that provide the most benefit to the community, and in existing established organisations with better systems and resources. This also means that the amount of hours of volunteering can be reliably tracked, as a scheme involving only large, well-recognised charities would exist.

Kind regards,

Tobias Kennett

ANNEXURE – SUMMARY OF SUBMISSIONS

I submit that the Committee should recommend that:

1. legislative amendments be introduced which restrict local governments from imposing on entities, whether as a covenant of a lease, provision of a local law or otherwise, the prohibitions or restrictions of the kinds referred to in this submission.
2. legislative amendments prescribe certain development, being the kinds of development described in this submission, as accepted development.
3. in relation to premises in flood zones, legislative amendments be introduced loosening the requirements imposed by local governments in relation to developments of community use buildings in flood zones, particularly where existing facilities exist.
4. similar legislative amendments to State-level legislation, such as to the *Queensland Heritage Act 1992*, be introduced.
5. two exceptions be introduced into the *WWC Act* or *WWC Regulation*:
 - Interstate WWCC, one-off events or tours up to 30 days:** Visiting Qld for the purposes of a one-off event or tour (such as a jamboree, sporting or religious event or tour) + period of child-related work in connection with that event or tour does not exceed 30 days + that work is volunteering / unpaid.
 - Interstate WWCC, up to 30 days total per 12-month period:** Visiting Qld + holds an interstate WWCC in the jurisdiction in which the person ordinarily resides OR exception is granted by the Chief Executive (or delegate) to the entity + does not exceed 30 days of child-related work in any 12-month period + that work is volunteering / unpaid.
6. DTMR amend its rules and processes relating to applying for a CRN to make it easier for interstate and international applicants to apply.
7. the State and Territory governments work towards implementing a uniform national working with children clearance scheme.
8. agreements between government and entities relating to the funding of programs delivered mostly using volunteer resources should include provisions designed to protect volunteers, such as a right to refuse variations on the basis it would prejudice volunteers.
9. a Code of Conduct for how public service / sector employees interact with volunteers and volunteer managers should be developed.
10. the Queensland Government and local governments (in partnership) establish and fund initiatives whereby first aid training (HLTAID009 Provide cardiopulmonary resuscitation and HLTAID011 Provide first aid) is provided for free to volunteers during evenings and on weekends on a regular basis.
11. the Queensland Government introduces a single statewide child and young person safety and safeguarding training package, similar to the uniform “Safeguarding Children and Young People” training applying in sport through Sports Integrity Australia

SUBMISSION TO THE INQUIRY INTO VOLUNTEERING IN QUEENSLAND

12. the civil liability position of volunteer-based entities be reform, including the specific legislative proposals set out in this submission.
13. the Queensland Government work with the volunteering sector to overhaul and promote the volunteer code of practice published by Volunteering Queensland.
14. the Queensland Government undertake a public advertising campaign so that, when parents send their children to youth groups, they understand what is expected of them and actively support volunteers.

I submit the Committee should investigate and report on the following possible incentives for volunteers and volunteering: rates concessions; free public transport fares; electricity rebates; water charges rebates; and, payroll tax deductions.

I submit that the Committee should write correspondence to the Minister for Charities advocating against removing the DGR donation threshold, and write correspondence to the AASB advocating against special purpose financial statement reform.