



Volunteering Australia

**Submission to the Senate Inquiry into the Fair Work Amendment (Respect for
Emergency Services Volunteers) Bill 2016**

September 2016

Committee Secretary
Senate Education and Employment Committees

Volunteering Australia Contacts

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About Volunteering Australia

Volunteering Australia is the national peak body for volunteering. We work to advance volunteering in the Australian community.

Volunteering Australia's vision is to promote strong, connected communities through volunteering. Our mission is to lead, strengthen, promote and celebrate volunteering in Australia.

We work collectively with the seven State and Territory volunteering peak bodies listed in Attachment A (**Peaks**) to deliver national, state and local volunteering programs and initiatives in accordance with the Government's priorities.

Introduction

Volunteering Australia welcomes the opportunity to make a submission to the Senate Education and Employment Committees for their consideration in relation to the Fair Work Amendment (Respect for Emergency Services Volunteers) Bill 2016.

Volunteers in the emergency services save lives. Their work is a major component of what we are talking about when we say that volunteering in Australia contributes an estimated \$290 billion in value to the Australian economy – this figure includes the realistic estimate of lives saved by volunteers including firefighters, surf lifesavers and first aid practitionersⁱ. Volunteering Australia is therefore pleased to see the Federal Parliament engaging with the issue of respect for volunteers within the emergency services and we welcome the opportunity to debate the contribution of volunteers to Australian society and wellbeing overall.

We have read the Fair Work Amendment (Respect for Emergency Services Volunteers) Bill 2016 and have noted its intention as being one which Volunteering Australia is broadly able to support. We do however have some further comments and potential areas of clarification that we would like to seek in regard to the practical impact of the Fair Work Act changes and how these will be implemented. We would welcome the opportunity to be consulted on this Bill further in order to ensure that it is the strongest response possible to the issue of respect for volunteers in the emergency services.

Volunteering Australia would welcome the opportunity to address any further questions or considerations that this submission might raise.

Position on the Value of Emergency Services Volunteers

Volunteers in the emergency services save lives. Their work is a major component of what we are talking about when we say that volunteering in Australia contributes an estimated \$290 billion in value to the Australian economy – this figure includes the realistic estimate of lives saved by volunteers including firefighters, surf lifesavers and first aid practitionersⁱⁱ.

The generosity of emergency services volunteers is perhaps most strongly demonstrated and noticed in times of crisis. In the time surrounding Victoria's Black Saturday bushfires in 2009, over 22,000

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people spontaneously volunteered their support, together with the 4,000 CFA volunteers who responded to the fires.

Volunteering Australia fundamentally believes that volunteers deserve to be afforded the same level of respect, and to be valued as highly as paid staff.

Volunteers are not covered by the same protections in the workplace as paid staff are through Fair Work Australia. Bodies such as Volunteering Australia's Foundation members (the State and Territory peaks) and emergency services volunteer and advocacy groups such as the Council of Australian Volunteer Fire Associations, Volunteer Fire Brigades Victoria, the Rural Fire Brigades Association Queensland, the NSW Rural Fires Association (RFSA), the Association of Volunteer Fire Brigades of WA, the ACT Volunteer Brigades Association, the Northern Territory Bushfire Volunteer Association, the Queensland Auxillary Firefighters Association, the SA Country Firefighters Association, the Tasmanian Retained Volunteer Firefighters Association, the Tasmanian Volunteer Fire Brigades Association, the WA Volunteer Fire and Rescue Services Association, Surf Life Saving Australia, the State Emergency Services and the many other like bodies exist to give a voice to volunteers and to ensure their rights – to be valued equally, to operate in a safe workplace and to be respected for their contribution - are protected.

In the emergency services, volunteers have been highly trained and supervised to ensure a specialist knowledge in their field. This kind of authority must be respected and fostered.

We agree that any measure which undermines the capacity of volunteers to protect their own communities will ultimately lead to volunteers feeling unsupported and demotivated, which has a negative impact on us all.

In rural areas, volunteers in the emergency services are connected and contribute across their communities in ways that extend far beyond fighting fires. Devaluing the work of volunteers will act in the same way as pulling a linchpin from the axle of these communities; the wheels that keep these rural areas turning will simply stop without support for emergency services volunteers.

We would like to acknowledge the funding that is already being expended in this area. In particular we are aware that current events relating to the Country Fire Authority in Victoria have given rise to this Bill Amendment. We do acknowledge that the Victorian State Government has recognised the importance of training highly qualified volunteers in the emergency services earlier this year as part of their State Budget by providing \$46.2m to build improved training centres for volunteer and paid firefighters in the Central Highlands and upgrades to Huntley Victorian Emergency Management Training College.

At a Federal level, the COAG National Strategy for Disaster Resilience (2011) acknowledges the contribution of volunteers to the emergency services during times of disaster, noting:

“Non-government and community organisations are at the forefront of strengthening disaster resilience in Australia. It is to them that Australians often turn for support or advice and the dedicated work of these agencies and organisations is critical to helping communities to cope with, and recover from, a disaster. Australian governments will continue to partner with these agencies and organisations to spread the disaster resilience message and to find practical ways to strengthen disaster resilience in the communities they serve.”ⁱⁱⁱ

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The National Partnership Agreement on Natural Disaster Resilience (NPA) operates as a Federal-State partnership by contributing financially to programs, including those which engage spontaneous volunteers to respond to emergencies. Examples of programs funded through this Scheme include Volunteering Victoria's Managers of Spontaneous Emergency Volunteers (MSEV) training and HelpOUT volunteer placement service. This Government recognition must be carried through and translated into support for the work rights of volunteers across the emergency services.

Volunteering Australia stands with volunteers in the emergency services and, as the national peak body for volunteering, will continue to advocate for the rights of all volunteers to be valued equally in their places of voluntary work and respected for the incalculable contribution they make to our community.

Comments on Proposed Amendments to The Bill

Volunteering Australia has read the Fair Work Amendment (Respect for Emergency Services Volunteers) Bill 2016 and has noted its intention as being one which we are broadly in support of. Phrases such as "recognise, value, respect or promote the contribution of its volunteers to the well-being and safety of the community" are very much in accordance with Volunteering Australia's principles and reflect the intention behind documents such as the National Standards for Volunteer Involvement. We are pleased to see the Federal Parliament engaging with the issue of respect for volunteers within the emergency services and welcome the opportunity to debate the contribution of volunteers to Australian society and wellbeing overall.

We note with some interest the definition which is provided for "volunteer" within the Bill. The Bill states that:

"A person is a volunteer of a designated emergency body if:

- (a) the person engages in activities with the body on a voluntary basis (whether or not the person directly or indirectly takes or agrees to take an honorarium, gratuity or similar payment wholly or partly for engaging in the activity); and
- (b) the person is a member of, or has a member-like association with, the body."

In 2015, Volunteering Australia revised our definition of "volunteering" to be:

Volunteering is time willingly given for the common good and without financial gain.^{iv}

The way that people choose to volunteer is changing. We are seeing increases in the number of people who volunteer in sporadic and/or informal ways. This is due to a variety of reasons, with work and family demands and an increasingly casualised Australian workforce meaning that committing to the same time and location each week is no longer an option for many people who are still eager to give back to the community and contribute their skills in a meaningful way. This is especially true in the emergency services, where natural disasters are by definition sporadic in nature. The 22,000 people who offered to volunteer their time following the Black Saturday bushfires were spontaneous volunteers. The impact of these volunteers has not always been valued appropriately or harnessed effectively and it is only through recent innovations such as Volunteering Queensland's EV Crew program, Volunteering Tasmania's Emergency Volunteering and EV Crew

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programs and Volunteering Victoria's MSEV and HelpOUT, that spontaneous volunteers have had the opportunity to offer their support and be paired to activities effectively in times of crisis.

Volunteering Australia would be disappointed to see sporadic and spontaneous emergency services volunteers excluded from this Bill. A Bill that seeks to recognise the value of emergency services volunteers should not distinguish any volunteer as more worthy or important than another and must instead apply across the whole.

In addition, it is Volunteering Australia's understanding that volunteers are not necessarily treated as the same under the law as members of organisations. To require that a volunteer be both acting in a voluntary capacity AND be a member of the organisation is not a requirement of the Bill that we would be able to support. We feel that this is undemocratic, and may also involve the imposing of additional costs on volunteers where financial membership of an organisation is required.

We would like to recognise and acknowledge the exceptional work that has been done in analysing both this Bill and the CFA dispute in Victoria by Dr Michael Eburn, Associate Professor at the ANU College of Law. In his online paper, *Commonwealth Bill to amend laws in response to CFA enterprise agreement*, he notes:

"The biggest issue I foresee will be for agencies that have a few volunteers. These organisations may find the relationships with employees more complicated or may find that they can use the presence of some volunteers within their ranks as a way to weaken the bargaining power of the employees even if employees form the bulk of the workforce."

Volunteering Australia echoes this concern and would like to reinforce the importance of this Bill encompassing not just large organisations such as the CFA but also smaller organisations that engage volunteers in emergency services and recovery.

A key component of the Bill is the entitlement of volunteer bodies to make submissions to Fair Work Australia. This is a positive step forward as currently volunteers are unprotected by the same rights and protections that are otherwise afforded to paid employees by the Fair Work Act; allowing volunteer bodies to make submissions to Fair Work Australia is a step in the right direction in acknowledging the role that volunteers play. However, which organisations will be covered by the definition provided for "volunteer bodies" remains unclear. "Volunteer bodies" are defined within the Bill as:

- (a) a body corporate that:
 - (i) has a history of representing the interests of the designated emergency management body's volunteers; and
 - (ii) is not prescribed by the regulations for the purposes of this subparagraph;
- (b) any other body that is prescribed by the regulations for the purposes of this paragraph.

Because the volunteering sector operates through a series of tiers and partnerships, including but not limited to the National peak (Volunteering Australia), the State and Territory peaks (Volunteering & Contact ACT, the Centre for Volunteering – NSW, Volunteering Queensland, Volunteering South Australia & Northern Territory, Volunteering Tasmania, Volunteering Victoria and Volunteering Western Australia), various like-minded organisations that represent specific

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tenets of the volunteering sector (including the regional firefighting organisations and their representative bodies) and the Volunteer Resource Centres and Volunteer Support Organisations that resource and place volunteers at a local level, defining those bodies which “ha(ve) a history of representing the interests of the designated emergency management body’s volunteers” is highly fraught. Certainly we would argue that Volunteering Australia and the State and Territory peaks should be included under this definition. In debating the Bill, we would encourage the Senate to further define the term of “volunteer body” and ensure that the intention of this provision is to include all of the relevant bodies that advocate for volunteers within the emergency services.

Whilst this Bill says many positive things and uses all the right terms to describe the value of emergency services volunteers in principle, it remains unclear to us how it will apply in practice. Terms such as “value”, “respect” and even “rights” are so immeasurable that applying them under the Fair Work Act is surely challenging. We would welcome further clarification around what the Bill’s impact and application will be in a practical sense, perhaps through the use of examples.

We do wish to note our disappointment at the politicisation of the contribution of volunteers in the emergency services that took place during the recent Federal election campaign. Volunteering Australia ran a national campaign during the election to encourage candidates for Federal office to sign a Vote for Volunteering pledge. The purpose of this pledge was to indicate appreciation for the value of volunteering to our national wellbeing and to acknowledge the impact that insufficient funding has on volunteer management and the capacity of volunteer managers to appropriately train and place volunteers, an issue that is of particular relevance within the emergency services. We were surprised that neither the Coalition nor the Australian Labor Party took the opportunity to sign this pledge, as the pledge did not seek any specific financial or legislative commitments. In addition it is worthy of note that at no stage have we as the national peak body for volunteers been engaged or consulted in the process of drafting this Bill prior to this point.

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Authorisation

This submission has been authorised by the Chief Executive Officer of Volunteering Australia.



Brett Williamson OAM

Chief Executive Officer

Endorsements

This submission has been endorsed by the seven State and Territory volunteering peak bodies listed in Attachment A.

Glossary

Peaks	The seven State and Territory volunteering peak bodies (listed in Attachment A).
VA	Volunteering Australia is the national peak body for volunteering in Australia. It works collectively with the peaks to deliver national, state and local volunteering programs and initiatives.
VIOs	Volunteer-involving organisations are organisations that utilise volunteers as part of their workforce.
VSOs	Volunteer support organisations (also known as volunteer resource centres or services) provide place-based volunteer support services to volunteers and VIOs in their locality.

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ⁱ O'Dwyer, Dr Lisel (2014) 'Volunteering worth \$290 billion a year', *Flinders University*, <http://blogs.flinders.edu.au/flinders-news/2014/10/31/volunteering-worth-290-billion-a-year/>

ⁱⁱ O'Dwyer, Dr Lisel (2014) 'Volunteering worth \$290 billion a year', *Flinders University*, <http://blogs.flinders.edu.au/flinders-news/2014/10/31/volunteering-worth-290-billion-a-year/>

ⁱⁱⁱ Council of Australian Governments (February 2011) *National Strategy for Disaster Resilience*, <https://www.ag.gov.au/EmergencyManagement/About-us-emergency-management/Documents/National-Strategy-for-Disaster-Resilience.pdf>.

^{iv} Volunteering Australia (2015) 'Definition of Volunteering', <http://www.volunteeringaustralia.org/policy-and-best-practise/definition-of-volunteering/>

^v Eburn, Dr M. (22 August 2016) 'Commonwealth Bill to amend laws in response to CFA enterprise agreement', *Australian Emergency Law*, <https://emergencylaw.wordpress.com/2016/08/22/commonwealth-bill-to-amend-laws-in-response-to-cfa-enterprise-agreement/>