

# Report on the management of volunteer disputes in South Australia

## *Executive summary and recommendations*

2021

---

### Volunteering in South Australia

Volunteering is important and valued in South Australia. With a population of 1.7 million people (ABS 2020) there is an estimated 900,000 people who volunteer either formally or informally.<sup>1</sup> Current estimates of volunteers who contribute to the work of government agencies annually is higher than 120,000 at the state government level (SAicorp Annual Insurance and Risk Management Questionnaire, South Australia Government Financing Authority 2015-16) and 11,000 at the local government level (Local Government Association of SA).

In 2006, the economic value of volunteering was estimated as 7.7% of the SA Gross State Product (GSP) equivalent to \$4.9 billion (Ironmonger 2011). Over time, Harrison Research found that, statistically, volunteering rates in South Australia remain stable (Harrison Research, 2018) although the ongoing COVID-19 pandemic has detrimentally affected the volunteering rate across Australia from 36% in 2019 to 24% in 2021 (Biddle & Gray 2021).

Supporting the work of volunteers benefits the community as a whole and individuals as an expression of citizenship. In recognition of the work of volunteers, the South Australian *Volunteer Protection Act 2001*, protects volunteers 'carrying out community work for a community organisation' against personal liability. Within this Act, a community organisation is one that directs or coordinates volunteers, is incorporated, a co-operative, company, government department or agency. Other South Australia legislation that applies to volunteers includes the Equal Opportunity Act 1984 (SA) (Equal Opportunity Commission 2021). The Fire and Emergency Services Act 2005 (SA) limits the extent to which volunteers may be liable for negligence. Any liability is moved to the organisation or the Crown (Government of South Australia 2005).

To further enhance the volunteer's experience and breakdown barriers to volunteering, peak bodies, government agencies and organisations have developed volunteer standards, formalised policies and procedures, with organisations providing training for both volunteers and managers of volunteers.

### Background to this report

As part of the ongoing work to enhance volunteering in South Australia and breakdown barriers, Volunteering SA&NT, the peak body for volunteering in South Australia, sought a commitment from the major South Australian political parties on a proposal for a new statutory position - a Not for Profit and Volunteering Advocate. Their proposal, in 2018, contained 13 suggestions that ranged over five broad areas: the systemic organisational issues that can affect all volunteers; relationships between not for profit and government;

---

<sup>1</sup> A formal volunteer is a person who volunteers at the direction of an organisation, or government agency, while an informal volunteer is a person who acts and provides care beyond institutional parameters.

workforce development; compliance issues; and the introduction of binding resolutions to disputes with and between volunteers (Volunteering SA&NT 2018).

In response to this proposal, the Marshall Liberal Government agreed to explore how best to manage disputes involving volunteers that might include governance training, resourcing and potentially, change to the relevant legislation. This work would be undertaken in consultation with the not for profit sector.

In March 2020, the Minister for Human Services approved to progress this matter under the auspices of the Volunteering Strategy for South Australia. A specialised Working Group was established to explore the role of a Volunteer Advocate and conduct desktop research on the nature and scope of problems experienced by volunteers and how they might be addressed.

To guide the work of the Working Group, a problem statement was developed to ensure that the work remained in scope, was true to the intent, and would achieve a common shared understanding of the work ahead. The problem statement aimed:

*To help South Australian volunteers and volunteer-involving organisations prevent and mediate disputes. Where disputes fail to be resolved or other options are not available, a new mechanism that could have the power to make a binding decision will be explored.*

The working group identified the need to employ a range of methods to collect evidence on volunteers' experiences and how best to address assertions of unfair or unjust treatment. The evidence gathering included:

1. Examining data collected on volunteer rights at a national and international level.
2. Examining data on how volunteer disputes are managed across jurisdictions.
3. Examining data collected from external support organisations – SafeWork SA, Equal Opportunity Commission, Ombudsman SA, Volunteering SA&NT.
4. Undertaking interviews with a range of Alternative Dispute Resolution experts on binding and non-binding decisions.
5. Undertaking interviews with volunteer resource centres.
6. Conducting surveys targeting volunteers and volunteer involving organisations, groups and clubs to better understand the nature and scope of conflict and disputes.
7. Cataloguing the range of tools and resources to help manage volunteer disputes.

The full report provides a synthesis of the information and data gathered. It includes an analysis of two surveys carried out in 2020 which gave volunteers and organisations the opportunity to provide their current perspectives and experiences of volunteering in South Australia.

## Summary

It was found that an abundance of information, support and services did exist to assist the resolution of conflict. However, the working group identified that the range of mechanisms was broadly unknown, hard to find or needed greater development and adaption.

Further, while anecdotal stories of conflict abound, and some bodies attempted to capture the range and depth of problems, it was evident that little data about disputes and how they were resolved appears to have been captured consistently over time. This meant that the data available could not be compared or contrasted across organisations or sectors, making it difficult to identify themes that could be addressed in a targeted fashion. It was also difficult to judge whether the quality of available resources met the needs of volunteers and organisations in solving disputes.

Among the experts interviewed, there was a strong recommendation to shift the focus of attention to preventing problems beginning.

Once disputes do occur, it is vital to try to resolve them before they escalate. Greater communication about the resources available and research on identifying gaps were seen as action that would provide information as well as help prevent and manage problems in a timely fashion and with respect for all parties.

Evidence of the need for a new power that could make binding decisions was not found. Rather, it appeared that the process to institute a binding decision was not related to advocacy but to investigating a problem and then making a decision which may only benefit one of the parties involved. The process of advocacy was seen to more likely involve open communication respectively encouraged, a working together to solve problems and a realisation of a solution acceptable to all. Additionally, the working group recognise that Ombudsman SA already has powers over local and State Government volunteers, and consideration of the possibility of extending those powers to community volunteers could be explored.

## Recommendations

Based on the findings and conclusions of the literature review, interviews, submissions and the surveys for individuals and organisations, the following recommendations are suggested as a baseline for a clear understanding of volunteer disputes and processes necessary for prevention, management and resolution.

Further, there exist internal and external mechanisms and services available to help resolve disputes involving volunteers. These include mediation services, Ombudsman SA and the Office of Consumer and Business Services whose roles in assisting volunteers and volunteer involving organisation could be amplified.

Area	Recommendation
1. Data collection	1.1 Explore the merits of developing a centralised database to capture number of disputes and conflicts involving volunteers, establishing a baseline against which to measure activity over time.

2. Tools and resources	2.1 Maintain a catalogue of existing resources related to preventing and resolving volunteer disputes.
3. Awareness raising and promotion	3.1 Develop a communication strategy to promote existing resources and services for preventing and resolving volunteer disputes.
4. Build strong networks	<p>4.1 Continuation of quarterly network meetings across sectors to encourage good practice in volunteer management.</p> <p>Current networks are:</p> <ul style="list-style-type: none"> <li>• Public Sector Volunteer Policy Network.</li> <li>• Local Government Volunteer Managers Network.</li> <li>• Metro and Regional Volunteer Managers Networks.</li> <li>• Business SA Networks.</li> </ul>
5. External support	<p>5.1 Referring volunteers and organisations to existing external supports, such as Alternative Dispute Resolution services, as an early intervention option for resolving disputes.</p> <p>5.2 Explore expanding the current powers of Ombudsman SA to include community volunteers, in addition to their current dispute resolution responsibilities for local and State government volunteers.</p> <p>5.3 Advocate for the addition of a dispute resolution process to be included in the model rules for incorporated associations in South Australia. This process should specify that mediation be chosen as the first external option to resolving disputes. To raise awareness of the new process, training and education should be provided.</p>
6. Leadership	6.1 Encourage peak, umbrella bodies and government agencies to highlight the options available to volunteers and organisations when internal processes and mediation are unsuccessful.