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# “It’s a bit of a minefield”

Findings from the  
Legal Issues and Resources Survey of  
NSW Volunteering Organisations

**Prepared by**

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# CONTENTS

List of Tables .....	4
Acknowledgments .....	5
Executive Summary .....	6
Introduction.....	8
Method.....	10
Legal Issues and Resources Survey .....	10
Results .....	13
Organisation characteristics of the total sample.....	13
Size of organisations .....	14
Legal status .....	14
Location .....	15
Types of legal issues faced.....	15
Legal resources used.....	17
Locating legal information .....	19
Barriers to finding legal information .....	20
Recent legal issues.....	20
Number of times legal information was sought.....	21
Most recent significant legal issue.....	21
Satisfaction with information received and outcome of legal issue	24
Legal resources.....	25
Future legal resources .....	25
Open comments by respondents .....	26
Legal issues affecting volunteers and volunteering organisations .	26
Police Checks .....	26
Legal Resources .....	27
Telephone Interviewer comments .....	29
Definition of a legal issue .....	29
Information and resource networks among not-for-profit organisations.....	29
Sector needs and concerns .....	29
Summary.....	30
Recommendations.....	30
Appendix Legal Issues and Resources Survey 2006 .....	31
References .....	40
Cases .....	44
Legislation .....	44

## List of Tables

Table 1	Type of NSW volunteering organisations .....	13
Table 2	Number of paid employees in organisation .....	14
Table 3	Number of volunteers contributing to organisation .....	14
Table 4	Legal status of organisation .....	15
Table 5	Location of the NSW volunteering organisation's head office .....	15
Table 6	Type of legal issues faced by NSW volunteering organisations .....	16
Table 7	Type of legal resources used .....	17
Table 8	Comparison of legal resources used by metropolitan, regional and rural organisations .....	18
Table 9	Degree of ease or difficulty with finding legal information .....	19
Table 10	Barriers to finding legal advice .....	20
Table 11	Need for legal information, advice or action in the past year .....	20
Table 12	Need for legal information, advice or action in the past five years .....	22
Table 13	Number of times legal information was sought regarding volunteers or volunteering.....	21
Table 14	Type of most significant recent legal issue .....	22
Table 15	Type of legal help sought .....	22
Table 16	Barriers in seeking legal advice .....	23
Table 17	Resolution of legal issue .....	23
Table 18	Satisfaction levels with legal information received.....	24
Table 19	Satisfaction levels with the outcome of the recent legal issue .....	24
Table 20	Reason for dissatisfaction with outcome .....	24
Table 21	Number of enquiries about legal issue.....	25
Table 22	Future legal resources .....	25

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## Executive Summary

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Timely and accessible legal information and resources are required cornerstones of the effective functioning and growth of the volunteering sector in Australia. National and international research suggest that legal issues are becoming increasingly complex for volunteering organisations and they find it challenging to access specific resources to help meet their legal needs and implement effective legal risk management strategies.

The Centre for Volunteering NSW (hereafter, The Centre) undertook a project to identify the legal needs of the NSW volunteering sector and how to best meet them. The Centre applied successfully to the Law and Justice Foundation NSW in December 2005 for a seeding grant. This report, *It's a bit of a minefield: findings from the Legal Issues and Resources Survey of NSW Volunteering Organisations* identifies the legal issues and needs of volunteering organisations, the resources they draw on and suggestions about how to improve access to appropriate legal information and resources.

This report is an accompaniment to *Making the Law Accessible: legal issues and resources for NSW volunteering organisations* (Mischewski, Dohle & Kenny 2007), which provides information on literature and legislative reviews, an audit of online legal resources addressing volunteers and volunteering organisations, a conference presentation given at the 11th National Conference on Volunteering and a review of the legal workshop for volunteer managers held by the School of Volunteer Management NSW.

Below are the main findings from the legal issues and resources survey:

### THE SAMPLE

This Legal Issues and Resources Survey sample is largely comparable to the types of volunteering organisations surveyed nationally by the Australian Bureau of Statistics except that, in The Legal Issues and Resource's Survey, emergency services, unions, law/justice and political organisations are under-represented. The survey attracted a successful response rate of 47%. This reasonably high rate is the likely combination of an appropriate methodology and the importance of this issue to participants.

### TYPES OF LEGAL ISSUES

The main legal issues faced by all the NSW volunteering organisations in this sample are in the following areas: Occupational Health and Safety, Child Protection and police checks, Personal Accident Insurance and Civil Liability. Urban organisations stated anti-discrimination issues (10%) compared with rural organisations (1%) and large organisations stated industrial relations issues (16% compared with 6% of small organisations), anti-discrimination (12% compared with 6%) and child protection (47% compared with 26%). For rural organisations, the main legal issues were: Occupational Health and Safety (46%), Personal Accident Insurance (37%) and Child Protection and police checks (33%).

### LEGAL RESOURCES USED

A legal practitioner/division in situ, pro bono legal services and paid legal services are the most used resources of this sample. Half the urban organisations with paid staff of over 100 persons are more likely to have access to lawyers in situ and make use of lawyers based in university faculties. More small organisations use community

OH&S, Child Protection and police checks, Personal Accident Insurance and Civil Liability are the main legal issues faced by NSW volunteering organisations

legal centres (11%) and government websites (30%) than do large organisations (3% and 19% respectively). 44% of large organisations make use of lawyers in situ; pro bono lawyers are used by 37% of large organisations compared with 30% of small ones. Resources such as Legal Aid and LawAccess are infrequently used by any volunteering organisation irrespective of its size or location.

Small-to-medium organisations and rural organisations are more likely to use pro bono lawyers and websites for legal information. However, more small-to-medium organisations and rural organisations pay for legal services and are less likely to use community legal community centres. Rural organisations mainly use the web and non-legal sources such as colleagues and volunteer referral centres for information.

## **BARRIERS**

Small-to-medium rural organisations experience more difficulty with finding up-to-date legal information and resources than large urban ones. However, lack of specialised volunteering legal services and lack of knowledge of services available are major barriers identified by all organisations. Costs were more likely to be noted as a barrier by small-to-medium and rural organisations.

## **FUTURE RESOURCES**

The main preferences for future legal resources were a freely accessible online legal resource and a 1800 volunteering hotline. Rural organisations expressed more interest in having access to courses, workshops and seminars.

## **CONCLUSION**

This study identifies the access barriers to appropriate legal resources for NSW volunteering organisations, especially small-to-medium and rural organisations. The main barriers are a lack of knowledge about legal information resources specific to volunteering and how to access them. While there are a number of legal resources currently available in NSW, there is not one specific freely-accessible directory tailored to the needs of the volunteering sector.

Providing a web-based resource would be the first major step in contributing positively to the legal access needs and risk management practices of the NSW volunteering sector in four key ways by:

Obtaining appropriate and affordable legal assistance.

Gaining assistance from a wide range of print, online and pro bono sources.

Increasing legal compliance and legal risk management.

Participating effectively in law reform processes that benefit the volunteering sector.

## Introduction

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There are many areas of law that affect the day-to-day management of the not-for-profit sector in Australia. These areas include issues such as: incorporation; dealing with money through tax, grants and fundraising; buying appropriate and affordable insurance; being an employer and providing a duty of care to volunteers; and leasing commercial premises. The increasing complexity of legal issues that impact volunteering organisations is clearly noted in the sector internationally (Cihlar 2004; National Survey of Volunteering Issues 2006). Legal scholars and practitioners in Australia have noted that there has been an increase in the importance and complexity of these legal issues for the sector since the mid- 1990s. These areas include the commercialisation of sport and associated clubs, the devolution of social welfare provision from the State to community services organisations and in the increasingly professional nature of fundraising (McGregor-Lowndes, Fletcher & Sievers 1996). Furthermore, there is the need to stay abreast of the changes in Australian law as it applies to the crucial areas of civil emergency and emergency services in which trained volunteers provide necessary services (Eburn 2006).

At the time of writing, legal changes have occurred in the areas of police checking for federally-funded aged care and residential services. These changes are likely to impact the entire volunteering sector within the near future and present major challenges to volunteering organisations that will be required to meet stricter standards in this important area. Such changes emphasise the crucial need of having accessible, up-to-date and appropriate legal information and support for the volunteering sector in NSW.

It is well known that the volunteering sector is an extremely diverse, dynamic and crucial part of our social fabric. According to *Giving Australia: Research on Philanthropy in Australia* (2005), Australians contribute an estimated 836 million hours of their time at an average of 132 hours per year per volunteer to 700,000 non-profit organisations contributing revenue of about \$33.5 billion to the national economy (Giving Australia 2005, p vii). Sydney metropolitan's volunteering rate is estimated at 36.7% of the population and in NSW country, 44% (p12). In terms of mean hours volunteered, Sydney completed 125 hours compared to NSW country of 137 hours (p12). This freely-delivered contribution of volunteers provides essential support to about 300,000 non-profit organisations and associations in many areas including community/welfare, sport, arts and culture, youth services and groups and emergency services. However, 'research on giving in Australia is not substantial' ( p1). There is little detailed research on the legal issues affecting and resources used and available to the NSW volunteering sector.

There is a substantial body of research on access to the justice and legal needs of economically and socially disadvantaged members of society. *Justice Made to Measure* (Coumarelos, Wei & Zhou 2006) provides an extensive summary of studies conducted nationally and internationally on legal issues and equitable access to justice. However, in terms of the Australian not-for-profit sector, there is little reliable empirical evidence on the different types of legal needs, the strategies and resources used to address these issues, and how they are resolved. To date, no large-scale surveys focusing on the types of legal issues, resources and outcomes of the Australian not-for-profit sector have been carried out.

There is increasing complexity with legal issues that impact volunteering organisations

To address this situation, The Centre for Volunteering NSW initiated the project Making the Law Accessible. This project responded to findings from The Centre's survey of its 380 member organisations, at that time, in which they indicated that legal resources needed improvement (Mischewski 2006). In response, The Centre applied for funding through the Law and Justice Foundation NSW in February 2006 to undertake a pilot scoping project.

The aim of Making the Law Accessible was to carry out an evidence-based assessment of the legal rights, responsibilities and resources of a sample of NSW volunteering organisations to provide information on how to provide appropriate legal resources for this sector. These findings have helped inform how to improve access to legal resources and increase effective risk management of legal issues. This data provides a starting point to identify these issues because of the challenges of having a representative sample of about 300,000 NSW volunteering organisations. More importantly, this project has raised important questions for further investigation within NSW and across Australia.

*It's a Bit of a Minefield* focuses on the method and findings of the legal issues and resources survey that was carried out in 2006. This report describes how the survey was modelled on the design of comparable studies of legal disadvantage in the Australian and international communities. The results are discussed in terms of the types of legal issues faced, the resources used, level of satisfaction with these resources, how legal issues are resolved and what resources the not-for-profit sector would like to see in place to help them. General comments from the survey respondents are discussed along with observations from the interviewers. The final section makes recommendations about how to address the need for legal resources in the NSW not-for-profit sector.

# Method

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## LEGAL ISSUES AND RESOURCES SURVEY

The Centre for Volunteering NSW designed a legal issues and resources survey modelled on one used in the project, *Justice Made to Measure*, a comprehensive assessment of legal needs in disadvantaged areas in NSW (Coumarelos, Wei & Zhou 2006).

### The Centre's survey explored the following areas

- type, legal status and location of the organisation
- number of paid employees and number of volunteers
- recent and past legal issues volunteering organisations faced
- resources used to seek legal information, advice and/or action
- levels of satisfaction with legal information received
- barriers associated with accessing legal resources
- resolution process of their most significant recent legal issue
- type of legal resources needed in the future

### The questionnaire comprises five main sections in relation to each organisation

- 1 Background information regarding the organisation.
- 2 Types of legal issues faced in the past five years, the range of legal resources used, levels of satisfaction with those resources and general barriers faced when seeking legal advice or when trying to find information.
- 3 Recent legal issues encountered in the past year: Here, the number of times legal issues have arisen is addressed and Section 2 is repeated but with questions about how the recent legal issue was resolved and levels of satisfaction with that outcome.
- 4 Frequency of networking with other volunteering organisations for legal information and the types of legal resources organisations would like to see developed in the future.
- 5 Open-ended questions on any issues that had been raised during the questionnaire. Here, interviewers were informed about any legal cases the organisation had dealt with and other comments regarding specific legal issues. These comments are discussed in the final section of this report.

The questionnaire was designed by The Centre for Volunteering's Research and Policy Manager, reviewed by The Centre's staff and third parties with expertise in volunteering legal issues: the Centre for Non-profit Studies, Queensland University and the Centre for Community Organisations and Management, University of Technology, Sydney. The questionnaire was piloted on ten NSW volunteering

organisations comprising a range of volunteering organisations within metropolitan Sydney, and regional and rural NSW (See Appendix: Legal Issues and Resources Survey 2006).

Respondents were invited to comment on the broad areas of legal issues and resources at the conclusion of the questionnaire. It is noteworthy that several legal cases were brought to the interviewer's attention. With the consent of the respondent, these cases were followed up later and discussed in more detail. Such cases have provided examples that can be used as material for a series of discussion sheets that will be part of the legal resources generated by this project.

A final data set was gathered by 'interviewing the interviewers'. This important area of information is often overlooked in projects like this. The head interviewer conducted focus groups with other interviewers about how questions were answered and people's overall responses to discussing legal issues and volunteering. These observations are detailed in the final section of the results.

## The survey sample

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A random sample of volunteering organisations was not possible for this project as there are approximately 300,000 NSW volunteering organisations that cover numerous community/welfare, environmental, sporting and education sectors to name but a few. Because of the project's limited resources, convenience and quota samples were generated from the following sources:

The Centre for Volunteering NSW members' list of 380 organisations

Advertisers associated with FIDO for skilled volunteers

NSW entries in the Directory of Australian Associations

Online directories of sport and environmental groups in NSW

Sydney Pink Pages

Active Sydney List ([www.active.org.au/sydney/](http://www.active.org.au/sydney/))

Organisations were classified according to the standard categories used by the Australian Bureau of Statistics in their national survey of voluntary work (ABS 2000). Because there is a vast array of volunteering organisations, this project had to draw limits on which sectors would be involved in the study. The two major sectors of emergency services and high schools were excluded for the following reasons:

- 1 The emergency services sector operates under its own legislative umbrella and already has dedicated, comprehensive online legal resources (see [www.ses.nsw.gov.au/](http://www.ses.nsw.gov.au/) [www.rfs.nsw.gov.au/dsp\\_content.cfm?CAT\\_ID=174](http://www.rfs.nsw.gov.au/dsp_content.cfm?CAT_ID=174) and Eburn (2005).
- 2 To achieve a representative sample of NSW high schools was beyond the resources of this project.

Periodic data checks were made to monitor the response rates from different types of volunteering organisations. This ensured an even spread as possible of the sample in terms of the sector the respondent was from, its size and the location of its head office. A sampling strategy was used to increase the number of sports, environment, animal welfare, and arts and culture organisations as well as organisations based in regional, rural and remote NSW.

The Research and Policy Manager recruited and trained a team of eight volunteer interviewers who administered the survey between August and November 2006. Two hundred and eighty-three telephone interviews were completed by volunteers and there was an overall response rate of 47%.

The encouraging response rate (47%) for this project might be due to the combination of the methodology of telephone interviews, the people skills of the volunteer interviewers and the long-term need or imperative of the respondents to gain information about access to legal information and resources.

Of the 1093 organisations contacted by telephone, 517 did not reply or there were wrong or disconnected numbers. These responses were excluded as direct refusals and were treated as 'not contactable'. This is likely to be a result of smaller volunteering organisations and associations that operate with no paid staff outside of standard working hours making contact and follow up difficult, if not impossible.

As well as direct refusals to participate because of time constraints, 13 organisations stated that they had no long-term volunteer manager who knew about their legal issues. This refusal rate confirms anecdotal information about the high turnover of volunteer management positions in small organisations. While 79 requests were made for the questionnaire to be sent by e-mail, only 15 were returned after two email reminders and follow-up calls. This represents a disappointing 19% response rate in this part of the project suggesting perhaps a 'polite' form of refusal.

Interestingly, refusals were made by some associations that stated that they had 'no volunteers'. This response was noted during regular debriefing sessions with interviewers who said that serving as a board member was considered by some as not being a volunteer. Interviewers were encouraged to 'politely challenge' this mistaken assumption but this did not often lead to participation in the survey. Such exclusions will be taken into account during the design and development of online legal resources.

## Results

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Data was entered by a team of volunteers into an EXCEL spreadsheet and then analysed using SPSS (Statistical Package for the Social Sciences). Results are presented first in terms of the total sample of volunteering organisations then as a series of cross tabulations to examine whether there are legal issues specific to an organisation's type, size or location. The data was recoded then analysed by cross-tabulations according to factors that would make a difference to the overall results.

Aspects such as the size and location of the organisation were examined and discussed where differences were noted. The data was recoded to make two approximately equal groups: small and large organisations. For this project, small organisations are those with less than 100 paid employees whereas large organisations are those with 100 or more. For example, it is common sector knowledge that large urban organisations with paid staff of 100 persons or more, will often have ready access to lawyers in situ whereas with small rural organisations, this would probably not be the case. Such differences are important to identify as they reflect the diversity of the volunteering sector and its different needs in terms of legal issues and resources.

Please note that because this sample is not a randomised one, the findings in this report cannot be taken as representative of the NSW volunteering sector as a whole. These findings are first and foremost particular to this sample of 283 NSW volunteering organisations. Some of the patterns that emerge may resonate with issues the sector faces as a whole while others may be because of this sample's unique characteristics. It is hoped that the findings of this survey will promote further discussion about how relevant these issues are for other NSW volunteering organisations.

### ORGANISATION CHARACTERISTICS OF THE TOTAL SAMPLE

This section presents the frequencies of the total sample of the 283 respondents. Table 1 describes the total number of respondents by type of volunteering organisation.

**Table 1** Type of NSW volunteering organisations (n=283)

TYPE OF ORGANISATION	%
Community/Welfare	49
Sport/Recreation	12
Religious organisations	3
Health	10
Arts/Culture	6
Business/Professional	2
Unions	1
Emergency Services	4
Environment	1
Law/Justice/Political	6
Education/Youth development	3
Advocacy Organisations/Interest Groups	3
Other	1

This sample is largely comparable to the types of organisations surveyed in national data sets (such as those produced by the Australian Bureau of Statistics) where volunteering organisations are largely represented by the community/welfare sector. However, emergency services, unions, law/justice and political organisations are under-represented in The Centre's sample because of the limitations of creating a random sample of the 300,000 NSW volunteering organisations mentioned previously in Methodology (see p11). There were fewer sport/recreation organisations than large ones (15% compared with 5% respectively) and there were more large health organisations than smaller ones (17% compared with 7% respectively).

## SIZE OF ORGANISATIONS

The size of the volunteering organisation was measured by two variables. Table 2 indicates the number of paid employees in the organisation and Table 3 indicates the number of volunteers engaged by them.

**TABLE 2** Number of paid employees in organisation (n=283)

NUMBER OF PAID EMPLOYEES IN ORGANISATION	% of all organisations
No paid employees	9
1 to 19 employees	58
20 to 100 employees	20
Over 101 employees	13

**TABLE 3** Number of volunteers contributing to organisation (n=283)

NUMBER OF VOLUNTEERS	% of all organisations
1 to 9 volunteers	11
10 to 49 volunteers	32
50 to 99 volunteers	17
Over 100 volunteers	40

The majority of respondents in this study are from small-to-medium organisations. Only 9% of the sample stated they had no employees and this figure is likely to under-represent that group. There were similar rates of small and large organisations from urban and rural areas except that there were more small organisations from rural areas (13%) than large organisations (7%).

## LEGAL STATUS

There are five main legal structures in operation in Australia as represented in Table 4 (below). Within a 'non-corporate' model there are: unincorporated (voluntary) associations and trusts; within a 'corporate model' there are incorporated associations, public companies limited by guarantee and organisations incorporated by enabling legislation or royal charter' (Morris & Brown 2005, p3).

“ The majority of respondents are from small-to-medium organisations. ”

**TABLE 4** Legal status of organisation (n=283)

LEGAL STATUS	%
Charitable trust	9
Unincorporated (voluntary) associations and trusts	5
Incorporated association	64
Company Limited by Guarantee	16
Other	7

The majority (77%) of these volunteering organisations are incorporated or comprises companies limited by guarantee. However, charitable trusts and unincorporated associations are under-represented. This is probably due to those smaller organisations operating outside standard working hours and probably having few or none paid staff which made contact by interviewers impossible.

### LOCATION

Organisations were asked to state the location of their head office. Because there are no hard-and-fast rules governing geographical boundaries, this project worked with the following parameters and is presented in Table 5 below:

- The Sydney metropolitan area is bounded in the north by Northern Road, Penrith, in the west by Mona Vale and in the south by Cronulla.
- Regional urban centres are towns with major populations: Bathurst, Lithgow, Maitland, Newcastle, Orange and Cowra.
- Locations outside these regional urban areas were coded as rural (or non-urban).

**TABLE 5** Location of the NSW volunteering organisation's head office (n=283)

LOCATION	%
Sydney Metropolitan	72
Sydney Region	13
Regional urban centres	11
Rural	3

Almost three-quarters of the sample (71%) are based in the Sydney metropolitan area and the remaining quarters are in regional, remote areas or interstate. There were about twice as many small organisations located in rural areas than large ones (13% compared with 7% respectively).

### TYPES OF LEGAL ISSUES FACED

Because there is a lack of consensus about the definition of a 'legal issue', in this study, a 'legal issue' was defined as having to seek information on a legal matter, seek legal advice of any nature or take legal action in a dispute. The purpose of

There were about twice as many small organisations located in rural areas than large ones

such a broad definition was to identify the main areas that were most important and their frequency. However, a respondent's understanding of a 'legal issue' presented a challenge to the project. For a more comprehensive discussion of the concept of 'legal need' and legal 'event' within studies of legal disadvantage, see Justice Made to Measure (2006, pp10-29).

Organisations were asked to indicate the types of legal issues they had faced over the past five years. Table 6 (below) ranks how many times each respondent mentioned a particular issue.

**TABLE 6** Type of legal issues faced by NSW volunteering organisations (n=283)

TYPE OF LEGAL ISSUE	%
Occupational Health & Safety	18
Child Protection Laws including criminal checks of volunteers	13
Personal Accident Insurance	13
Civil Liability including third party property damage and personal injury	10
None, there have never been any issues	9
Contracts, Property and/or Tax	6
Information and Privacy	6
Governance	6
Professional Indemnity Liability	6
Industrial Relations	4
Other issues not specified	4
Anti-discrimination	3
Theft, criminal conduct by volunteers or board members	1

These percentages are presented as the total number of responses (i.e. per respondent) to this question rather than the total number of cases. Organisations could nominate any number of legal issues where they had to find information, seek advice or take action. Because the total number of responses to this question was 704, this means that, on average, all organisations in this sample had approximately 2.4 different legal areas they had to deal with over a five-year period.

The main legal issues faced by this group of volunteering organisations are OH&S, child protection and criminal checking, personal accident insurance and civil liability. There was consistency with the types of legal issues encountered whether the organisation was urban or rural. One exception was that more Sydney metropolitan organisations stated anti-discrimination issues (10%) compared with regional and rural organisations (1%). However, there were some differences between the types of issues faced by small and large organisations. More large organisations indicated the following issues: industrial relations (16% of large organisations compared with 6% of small ones), anti-discrimination (12% compared with 6%) and child protection (47% compared with 26%).

'No legal issues' is stated by 9% of all the organisations. During the piloting phase, several reviewers raised the problem with competing definitions of 'legal issues'. Often, a 'legal issue' was taken to refer to matters that only involve courts, judges and potential prosecution. This understanding of legal issues meant that respondents would more likely state that they had no legal issues. Interviewers were instructed to emphasise the broader definition of 'legal issue' for this study. This matter of definition and what constitutes a legal issue are discussed in the section on the interviewers' comments and present an important aspect to address in the design of future legal resources for the sector.

## LEGAL RESOURCES USED

Respondents were asked to identify which resources they used in general to help them deal with their legal issues. Table 7 presents frequencies of resources used by all organisations to find information or seek legal advice about any issues to do with volunteers or volunteering. The responses are ranked according to how many organisations nominated a particular resource.

The category 'non-legal sources' refers to informal consultations with colleagues and associates in the volunteering sector and non-legal professionals refers to enquiries to organisations such as The Centre for Volunteering. For more discussion on The Centre as a legal resource, see the report *Making the Law Accessible* (Mischewski et al 2007). If a respondent stated their insurance company as a legal resource, then it was coded as paid services.

Similarly to Table 6, organisations could nominate any number of legal resources that applied to their situation. There were 685 separate responses to this question which means that, on average, each organisation in the sample used approximately 2.4 different legal resources to deal with their legal issues.

**TABLE 7** Type of legal resources used (n=283)

LEGAL RESOURCE	%
Internal legal practitioner/division	16
Pro Bono lawyer/law firm	15
Private lawyer/law firm paid services	13
Government website	11
Non-legal sources	8
Non-legal professionals	7
Employee advocate	6
Police/complaint handling body	4
Other adviser	4
Community Legal Centre	4
Legal Aid NSW	3
Academic lawyer	1
Local court	1
Law Access NSW	1

Overall, an internal legal practitioner/division, pro bono legal services and paid legal services are the most used resources of this sample. Organisations with affiliations to government departments such as the Department of Ageing, Disability and Home Care, the Department of Health or local councils indicated legal personnel with whom they could contact. In other cases, organisations stated that they contacted their peak body where one exists. Some respondents noted that they felt their request for legal information concerning volunteering was treated as a lower priority, especially if requests were made to government bodies.

Resources such as academic lawyers, local courts, Legal Aid and LawAccess are infrequently used as legal resources by volunteering organisations, irrespective of their size or location. This finding is of concern given the high quality of these sites but may be because of factors particular to this sample of NSW volunteering organisations.

Half the urban organisations with paid staff of over 100 persons are more likely to have access to lawyers in situ and make use of lawyers in universities. More small organisations use community legal centres (11%) and government websites (30%) than do large organisations (3% and 19% respectively). 44% of large organisations make use of lawyers in situ; pro bono lawyers are used by 37% of large organisations compared with 30% of small ones.

More differences emerge when an organisation's location are taken into account. Location refers to whether an organisation has an urban-based head office or a rural one. For purposes of this analysis, Table 8 (below) combines the regional, rural and remote categories because there were no differences in terms of the legal resources used by them.

**TABLE 8** Comparison of legal resources used by metropolitan, regional and rural organisations (n=283).

LEGAL RESOURCE	%	
	Urban	Rural
Internal legal practitioner/division	46	20
Pro Bono lawyer/law firm	41	24
Private lawyer/law firm paid services	30	39
Government website	23	34
Non-legal sources	19	19
Non-legal professionals	15	18
Employee advocate	12	18
Police/complaint handling body	9	10
Other adviser	9	13
Legal Aid NSW	9	2
Community Legal Centre	8	10
Law Access NSW	3	0
Academic lawyer	2	4
Local court	2	4

Local courts,  
Legal Aid and  
LawAccess are  
infrequently  
used as legal  
resources

Small-to-medium organisations and organisations in rural NSW are more likely to use pro bono lawyers and websites for legal information. However, more small-to-medium and rural organisations pay for legal services and are less likely to use community legal community centres. Rural organisations mainly use the web and non-legal sources such as colleagues and volunteer referral centers for information. Resources such as Legal Aid and LawAccess are infrequently used by any volunteering organisation irrespective of its size or location.

### LOCATING LEGAL INFORMATION

Organisations were asked to indicate how easy or difficult it was for them to access information and resources specific to volunteering. Results appear below in Table 9.

**TABLE 9** Degree of ease or difficulty with finding legal information (n=283)

DEGREE	%
Extremely easy	28
Somewhat easy	18
Generally not a problem	25
Somewhat difficult	17
Extremely difficult	3
Don't know/NA	9

It is encouraging that over half the sample rated access to information as easy. However, 20% of organisations found it difficult to locate up-to-date legal resources. In some cases, the ease or difficulty related to the type of issue for which a person sought information. From The Centre's experience in handling legal enquiries, a major hurdle is discussing the scenario with the organisation to identify the exact nature of the legal issue. Having telephone support of this nature could be a factor in the ease or difficulty a volunteer has in finding appropriate legal information. Where there is face-to-face access with a legal professional as a paid staff or board member, there was less difficulty mentioned. Because of the better access to legal practitioners in situ, more large organisations found it extremely easy to find information (36%) compared with small organisations (24%).

More large organisations (36%) stated that they found it very easy to find information compared with small ones (24%). This could be because large organisations have easier access to lawyers in situ compared with small ones. One minor difference between these two groups was that small organisations said they found it 'generally not a problem' to find information (28% compared with 18% large organisations). Interestingly, there were minimal differences between those organisations who found it extremely difficult. This finding points to the potentially broad benefits of developing relevant resources for the entire sector.

## BARRIERS TO FINDING LEGAL INFORMATION

Organisations were asked to indicate what they considered to be the major barriers in seeking legal information. These responses are found below in Table 10.

**TABLE 10** Barriers to finding legal advice (n=283)

BARRIERS	%
Lack of services with specialised knowledge of volunteering issues	20
Lack of local or nearby legal resource service	5
Cost	21
Difficulty getting through on the telephone	4
Delays in getting a response	7
Lack of knowledge of services available	13
None, I don't experience any barriers	23
Other	6

The major barriers identified by this sample of volunteering organisations are the high cost of lawyers, lack of specialised volunteering legal services and lack of knowledge of services available. While about a quarter of all organisations (23%) said that they experienced 'no barriers', these organisations were more likely to be large urban ones with legal practitioners in situ. There were no discernible differences between small and large organisations concerning the types of barriers identified.

## RECENT LEGAL ISSUES

Section 3 of the questionnaire focussed specifically on a recent legal issue to compare any differences with the general patterns noted previously. These questions covered the number of times an organisation had to find information, the type of enquiry they had, the legal resource they used in that case, any barriers they faced, their level of satisfaction and the outcome of the matter. Tables 11 and 12 show the number of times an organisation needed to find information, seek legal advice or had to take legal action.

**TABLE 11** Need for legal information, advice or action in the past year (n=283)

NEED FOR LEGAL INFORMATION, ADVICE OR ACTION	%
No, we have not had a legal issue	58
Yes, we had to find legal information	21
Yes, we sought legal advice from qualified legal source	17
Yes, we had to take legal action	3

**TABLE 12** Need for legal information, advice or action in the past five years (n=171)

NUMBER OF LEGAL ISSUES	%
No, we have not had a legal issue	63
Yes, we had to find legal information	27
Yes, we sought legal advice from qualified legal source	7
Yes, we had to take legal action	3

The majority of the sample (58%) stated that they had not had a legal issue in the past year but this figure was 63% when respondents were asked about the past five years. As expected, there were relatively few incidents involving legal action in court over the past year to August 2006 and over the past five years (3% and 2% respectively). When size of organisation was taken into account, there were no differences regarding the need for legal information in the past year or the past five years.

The number of positive responses to 'No, we have not had a legal issue' was noted during periodic checks of the data. Interviewers said that respondents had narrowly defined 'legal issues', which meant organisations excluded issues such as insurance reviews and renewals, tenancy leases and internal policy reviews. Interviewers probed the 'no legal issue' response and included prompts such as 'have you ever had to review your insurance requirements and needs?' The key lesson of this response is that the definition of a 'legal issue' remains an important area to address in the development of future legal resources for the volunteering sector.

#### NUMBER OF TIMES LEGAL INFORMATION WAS SOUGHT

Of the respondents who indicated that they had to find information, seek legal advice or take legal action in the past year, Table 13 (below) indicates the number of times this happened.

**TABLE 13** Number of times legal information was sought regarding volunteers or volunteering (n=122)

FREQUENCY	%
Once	39
2-5 times	45
6 times or more	16

Nearly half (43%) the organisations had a legal issue of some nature. Large organisations with more than 100 paid staff noted that they encountered six or more occasions when they needed legal information than did small organisations (11% compared with 5%).

#### MOST RECENT SIGNIFICANT LEGAL ISSUE

This section of the questionnaire addressed the type of recent legal issue, the resources used, the barriers encountered, how the issue was resolved or not and the satisfaction with outcome. Tables 14 to 17 describe the type of legal issue, legal

the definition of a 'legal issue' remains an important area to address for future resources.

resources used and level of satisfaction with the resource and outcomes of legal issues. The results are presented as a percentage of the total number of responses to these questions. These total numbers of responses vary because respondents could identify as many responses that were applicable to their situation.

**TABLE 14** Types of most significant recent legal issue (n=214)

<b>TYPES OF LEGAL ISSUE</b>	<b>%</b>
OH&S	30
Personal Accident Insurance issues	15
Civil Liability	12
Governance	12
Child Protection Laws	10
Other legal issues	7
Information and Privacy	4
Industrial Relations	4
Professional Indemnity Liability	3
None, there have never been any issues	2
Anti-Discrimination	1
Theft/Criminal conduct by volunteer/board member	0

**TABLE 15** Type of legal help sought (n=238)

<b>TYPE OF HELP</b>	<b>%</b>
Internal legal practitioner/division	20
Private lawyer/paid services	16
Government website	16
Pro Bono lawyer/law firm	15
Non-legal professional	7
Other adviser	6
Non-legal sources	5
Employer advocate	3
Police/complaint handling body	3
Local court	3
Legal Aid NSW	3
Community Legal Centre	3

**TABLE 16** Barriers in seeking legal advice (n=196)

<b>BARRIER EXPERIENCED</b>	<b>%</b>
Lack of services with specialised knowledge of volunteering issues	10
Lack of local or nearby legal resource service	4
Cost	9
Difficulty getting through on the telephone	1
Delays in getting a response	6
Lack of knowledge of services available	6
None, I don't experience any barriers	57
Other	7

**TABLE 17** Resolution of legal issue (n=182)

<b>RESOLUTION</b>	<b>%</b>
Did not require any legal action on our part	43
Resolved informally	22
Being resolved	13
Resolved through formal mediation	7
Unresolved	5
Resolved through court or tribunal proceedings	4
Other	6

These results largely follow the patterns of previous data in this survey (Tables 6, 7, 9, 10). Of note are the higher frequency of OH&S as the most recent significant issue and the lower frequency of personal accident insurance and child protection issues. When read in conjunction with Table 6, Table 14 suggests that there are similar issues currently important to volunteer organisations.

In terms of barriers noted, large organisations (13%) stated that there was a lack of services with specialised knowledge compared with small organisations (4%). This difference may be because large organisations deal with a greater range of legal issues and, in some cases, are more likely to have a greater need for more specific information.

Most legal issues faced by volunteering organisations are resolved through informal legal action. This finding indicates the importance of being able to talk through a query and address it through, for example, changes in policies and procedures. Legal risk management is therefore a priority for the volunteering sector and pre-emptive action is crucial for organisations in seeking legal information so that issues do not become court cases but rather are dealt with through other channels such

as mediation. The type of recent and previous legal help sought used is comparable (Tables 7 & 15) except that there is slightly less use of pro bono legal services to deal with recent legal issues.

### **SATISFACTION WITH INFORMATION RECEIVED AND OUTCOME OF LEGAL ISSUE**

Respondents were asked to rate their level of satisfaction with the legal information they received and the outcome of this particular legal issue. These results are presented below in Tables 18 and 19. If there was some level of dissatisfaction, respondents were asked why and Table 20 itemises these reasons.

**TABLE 18** Satisfaction levels with legal information received (n=169)

<b>LEVEL OF SATISFACTION</b>	<b>%</b>
Very satisfied	53
Mostly satisfied	27
Neither satisfied nor dissatisfied	13
Generally dissatisfied	3
Very dissatisfied	4

**TABLE 19** Satisfaction levels with the outcome of the recent legal issue (n=162)

<b>LEVEL OF SATISFACTION</b>	<b>%</b>
Very satisfied	38
Mostly satisfied	15
Neither satisfied nor dissatisfied	22
Generally dissatisfied	2
Very dissatisfied	2
DK/NA	21

**TABLE 20** Reason for dissatisfaction with outcome (n=23)

<b>REASON</b>	<b>%</b>
The negative financial impact of the event	18
The result was unfair or unsatisfactory	18
Lack of helpful assistance	13
Event too expensive to resolve	8
Other	43

The generally high levels of satisfaction is encouraging for the legal and volunteering sectors alike suggesting that timely access through the legal channels is a positive outcome. However, dissatisfaction rates are noted by about a quarter of those organisations answering this question. These levels of satisfaction for obtaining legal information and the outcome of the legal event were similar for small and large organisations.

## LEGAL RESOURCES

Finally, Section 4 of the questionnaire asked two questions about resources. Respondents were asked whether they received enquiries from other volunteers or volunteering organisations for legal information. This question was designed to gauge the degree of networking among organisations on legal issues and is presented in Table 21 (below).

**TABLE 21** Number of enquiries about legal issues (n=283).

NUMBER	%
None	59
1 to 4	16
5 to 9	6
Over 10	12
DK/NA	6

34% of the total sample stated that they received one or more enquiries from another volunteering organisation for legal information. 41% of all organisations received at least four enquiries in the past year from volunteers or other volunteer organisations about legal issues. There were similar rates for large and small organisations (41% and 31% respectively). This finding suggests that it is important to appreciate the levels of networking happening between organisations to better target the development and promotion of future legal resources.

## FUTURE LEGAL RESOURCES

Organisations were asked to nominate what types of legal resources they would like to see in place in the future to better assist them with their legal issues and legal risk management within their organisation. Table 22 (below) presents these preferences which is a percentage of the total number of responses (n=765) from all organisations

**TABLE 22** Future legal resources (n=765)

TYPES OF RESOURCES	%
A free and comprehensive online NSW legal resource with community board and chat room	26
Free, printed material and factsheets	15
A dedicated 1800 hotline for legal advice	22
Courses, workshops, seminars	18
Free face-to-face access to legal professionals	17
Other	2

An online legal resource was the most preferred option for future support

The most preferred options for a future legal resource were a freely accessible online legal resource to assist them to understand and comply with current legislation and a dedicated volunteering telephone hotline. Small organisations nominated print material (43%) and a 1800 legal hotline (63%) as preferred legal resource options compared with large organisations (35% and 56% respectively).

## **OPEN COMMENTS BY RESPONDENTS**

At the end of the survey, respondents were asked if they wanted to raise any issues or make further comments about the law, volunteering, legal issues and resources. Below is a summary of the key areas raised by volunteer organisations.

### **LEGAL ISSUES AFFECTING VOLUNTEERS AND VOLUNTEERING ORGANISATIONS**

There was mention of the legal complexities posed by those people who volunteer for an organisation. In due course, they might be hired as a paid employee with the same organisation or continue to volunteer for the same organisation. This presented some volunteer managers with a legal 'grey' area mainly in terms of the demarcation of legal rights and responsibilities of both the volunteer and the employee. For example, the same person now working as an employee should have a completely different and more detailed job description as an employee. The volunteering role and the paid role are not the same. Working as a paid employee or as a volunteer in the same position may have industrial relations implications.

There was mention of issues regarding volunteers receiving cash and non-cash benefits. There was some confusion arising from payments as a reimbursement of out-of-pocket expenses compared with non-cash benefits that could be interpreted as payment for services rendered. In terms of honorariums, respondents noted their frustration with this issue as it is a discretionary matter for the Australian Taxation Office.

### **POLICE CHECKS**

The issue of police checks, or criminal records checking and working with children checks, is a complex area for volunteer organisations. There is some confusion about the differences between these different types of checks, how to go about them, where to get them done as well as the meaning of a 'positive identification' and its implication for a volunteering organisation.

There was concern expressed that police checks are not mandatory for volunteers in NSW even if they perform similar duties of paid employees. This situation has changed since the survey was conducted. New legislation was enacted in January 2007 for criminal history (police) checks for staff and volunteers working in Australian Government-subsidised residential aged care home and community care services.

### **OTHER POINTS OF CONCERN INCLUDE:**

**1. Prohibited Employment Declarations:** Organisations were concerned that volunteers only have to sign a Prohibited Employment Declaration stating that they are not registered as a prohibited person and have not committed crimes relating to children. These declarations are indeed fallible because the onus is on the person signing the declaration to be doing so honestly.

**2. Police checks are costly and potentially can take longer than advertised for state-based volunteering organisations:** Frustration was registered at the length of time some police checks take. This meant that it was not possible to engage a keen volunteer immediately. The relatively high costs of police checks for a volunteering organisation was noted. Often organisations do not have sufficient funds to pay for them especially if there were considerable numbers of volunteers to check. The cost has been reported to outweigh the retention rate as some volunteers often only work for a short time. Costs of getting police checks were prohibitive if the organisation did not receive funding from a government agency and therefore had to pay for the service.

*Case study: One organisation has attempted to offset the high costs incurred with police checks by requesting that volunteers pay for the criminal checks. The volunteers are reimbursed the cost of checks after they have been in the position for six months. The organisation finds this to be a practical solution for them but notes that it is a potential disincentive for volunteers.*

**3. Checks must be renewed:** A police check is only valid up until the time of lodgement. The cost of periodically updating record checks is noted as a financial burden for organisations. Organisations raised the issue of duty of care to clients in the case of long-term volunteers who had not been re-checked for a number of years. There was concern about how long a police check is valid and whether a police check is transferable to another organisation. Other organisations asked if a volunteer is entitled to a copy of their police check record.

**4. Police checks between Australian states:** There was a need expressed to know what other states in Australia were doing with respect to police checks. Respondents noted that it was potentially problematic to obtain a criminal check on an interstate volunteer.

**5. International and migrant volunteers:** A major issue with engaging volunteers from overseas is that they often can't be police checked from Australia. This exclusion may potentially limit the type of volunteer roles that they could carry out for an organisation and be a major issue if police checking volunteers become mandatory across all organisations.

## LEGAL RESOURCES

Organisations related different experiences about seeking and receiving legal help. Some experienced difficulty in understanding the legal information available because the language was too technical and jargonistic. Others stated that they would receive different interpretations from different sources which made the matter even more confusing. In part, this difficulty is systemic because of the lack of legal precedent and cases testing the law, especially in the area of civil liability.

From discussions with community legal centre staff and management, they find it challenging to engage and retain legal staff with specific experience and knowledge in volunteering. Organisations also noted that they experienced difficulty in keeping up-to-date with changes in legislation and the impact this may present for them. Time spent searching for information was also a major barrier noted by volunteering organisations as there is no single comprehensive guide that directs volunteer organisations to the specific sources. Other issues raised include:

**1. Pro Bono legal assistance:** The levels of satisfaction with pro bono legal services were generally very favourable and some volunteering organisations emphasised the benefit of developing continuing links with the lawyers they were working with.

**2. Delays in getting a response:** Volunteer organisations felt that delays were because their issues received a low priority from the legal firm.

**3. Unsatisfactory and conflicting information:** Organisations reported that legal advice from pro bono and/or paid legal sources reflected a lack of expertise in volunteering legal issues. The volunteer organisation could be confused with the different legal viewpoints, especially when conflicting advice had been received. This situation occurs often because there is a lack of case law that has not been tested. In one instance, a volunteer manager said that their lawyers advised them to not bother with volunteer accident insurance because there is no legal requirement to have it. It was important to tell this organisation that The Centre for Volunteering NSW had to state that it would not refer potential volunteers to any organisation that does not have volunteer accident insurance.

**4. Lack of central public access to information:** Organisations expressed a preference to be sent important changes in legislation regarding volunteering. There is a stated need for a public access point, such as a website, to legal information involving volunteers or a not-for-profit organisation. Increasing public access to legal information about volunteering would clarify a volunteer's rights and responsibilities in the event of a possible dispute with an organisation.

**5. Government support:** Organisations expressed a wish for greater government support and recognition of volunteering at a practical level.

#### **TELEPHONE INTERVIEWERS' COMMENTS**

Important insights have been revealed by the interviewers of a survey. During this project, one interviewer conducted periodic discussions with other interviewers about the administration of the survey and the types of responses they received.

Interviewers noted that refusals by organisations to respond to the survey were often because a volunteer manager was relatively new to an organisation and had no knowledge of its previous legal issues. Some volunteer managers reported that legal questions needed to be answered by more than one person. Because knowledge of legal matters is often dispersed throughout an organisation, some new managers requested that the survey be sent by email. Some volunteer managers refused as they were 'too busy and had no time'. One organisation declined because they did not want to provide information that could be potentially used by the Federal Government. This organisation had concerns about potential decreases to their funding even though confidentiality was assured.

Respondents experienced an initial doubt in their ability to answer questions about legal issues. This demonstrated their understanding of these issues as complex and daunting. However, most managers became confident in answering the questions as the interview progressed.

Conflicting legal advice can occur because of the lack of case law that has not been tested.

## DEFINITION OF A LEGAL ISSUE

The term 'legal issue' presented several challenges during the survey because of its divergent meanings to respondents. Of concern is the response that 'we do not have any legal issues'. This response needs addressing in the development of any legal resource for such a diverse sector. Below are a number of variations to this response and its implications

- Organisations reported they had 'no legal issues' because they have few volunteers.
- Board members do not consider themselves volunteers and would rather be referred to as members of an organisation.
- Volunteers were considered to be 'caring and giving people' and one manager stated that 'volunteers don't sue!' Another comment was made that 'we only take on volunteers we know and we don't need volunteer accident insurance'.
- Legal issues associated with volunteering were often put in the 'too hard basket' because there is a lack of clarity or conflict with what course of action is best to take.
- Legal issues were associated with courts, lawyers and judges rather than as a risk management process aligned to good governance and management practices.
- Some respondents stated that they had 'no interest' in legal issues.

## INFORMATION AND RESOURCE NETWORKS AMONG NOT-FOR-PROFIT ORGANISATIONS

Legal information networks are now being formed by some organisations so that they can collectively share responsibility for accessing up-to-date legal information and provide support to each other. Respondents from these organisations were noted as being more familiar with their legal rights and responsibilities. These observations suggest that some organisations are taking the initiative in order to access legal information but others are unaware of the range of legal information sources that are available to them.

## SECTOR NEEDS AND CONCERNS

**From a legal perspective, interviewers reported the following needs for the volunteering sector**

- Increased access to legal information before accepting volunteers into the organisation.
- Clarity and consistency in the legal information provided especially for all types of police checks.
- Access to legal information regarding engaging volunteers with disabilities and mental health issues.
- Concerns regarding discrimination against volunteers who are aged under 16 and over 65.
- Support with developing policies in line with National Standards for legal risk management strategies.

## Summary

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This survey has provided the first comprehensive findings of the legal issues and resources used by a sample of 283 NSW volunteering organisations. While these results cannot be taken as representative of the entire NSW sector, they point to some key patterns.

This sample of organisations broadly face similar types of legal issues in areas of OH&S, child protection, police checking, personal accident insurance and civil liability. There are differences with the types of legal resources an organisation can access and is aware of. Large urban organisations are understandably better resourced and more knowledgeable while small urban and rural organisations are not. However, some high quality legal resources such as Legal Aid and LawAccess are under-utilised by all organisations in this sample.

There is a need to better promote the use of pro bono legal services especially for all rural organisations who already derive considerable benefit from this service. Organisations note that there is a lack of specialised legal services for volunteering and a lack of knowledge of the full range of legal services and resources available. A freely accessible online legal resource and a 1800 volunteering hotline are the preferred services to develop in the future.

### **AREAS THAT WILL REQUIRE FURTHER INVESTIGATION AND DISCUSSION WITHIN THE SECTOR ARE OUTLINED BELOW:**

- Confusion over the term 'legal issues' is a potential barrier to the development of legal resources for the NSW volunteering sector. It is vital to ensure that legal risk management is seen as a vitally important activity that can be done with support, by all organisations.
- More research is required for police checking as this area is of importance to organisations and could limit the pool of potential volunteers.
- Identifying legal resources on the subject of volunteering and related aspects would benefit organisations and potentially address concern about knowing what to do if they received conflicting advice.
- Promoting legal information networks is a promising avenue to explore for volunteering organisations.

## Recommendations

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Based on the findings of this report, the following recommendation is that funding be sought by The Centre for Volunteering NSW to:

1. Develop an online legal clearinghouse of legal information with a comprehensive directory and specialised resources.
2. Investigate the provision of an 1800 hotline to complement the legal resources online clearinghouse.
3. Promote the legal clearinghouse to all NSW volunteering organisations, legal professionals and government agencies.
4. Develop greater legal advocacy networks with all NSW volunteering organisations, legal professionals and government agencies.

# Questionnaire for Legal Issues & Resources Survey 2006

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## Introduction

Hi, my name is \_\_\_\_\_ I am a volunteer from the Centre for Volunteering which is the peak body for the not-for-profit sector in NSW. We would like your help to better understand the legal needs affecting your organisation and your volunteers.

**Can I speak to a volunteer manager or coordinator who knows about your organisation and is familiar with any legal issues your organisation may have had in the past five years?**

### If nobody is presently available

Get contact name and make another time. Enter their details on contact sheet.

**Thank you very much. Somebody will be in touch with them soon to conduct the interview. CLOSE INTERVIEW.**

### If somebody is available

Hi, my name is \_\_\_\_\_ I am a volunteer from the Centre for Volunteering, the peak body for the not-for-profit sector in NSW. We are doing research on legal issues that affect NSW volunteers and volunteering organisations.

We understand that many organisations who use volunteers sometimes encounter legal issues. We would like your help to better understand how [use organisation's name] deals with legal issues and what resources you draw on. Your responses will help us develop and improve legal resources to help organisations like [use organisation's name].

This telephone interview will take between 10 to 15 minutes to complete.

All responses are confidential and no names will be connected with responses.

If you wish to discuss any matters connected to this survey,

Call **Dr Anton Mischewski 9261 3600** or

Email **[amischewski@volunteering.com.au](mailto:amischewski@volunteering.com.au)**

He will respond to your enquiry as soon as possible or can I take a contact name and number for him?

If yes, note details on callback sheet and inform Anton.

## Begin survey

# SECTION 1

The first section is about your volunteer organisation's type and structure.

**QUESTION 1** Which category BEST describes the field of activity of your organisation or service?

Please indicate only ONE (1) category.

- Community/Welfare
- Sport/Recreation
- Religious organization
- Health
- Arts/Culture
- Business/Professional
- Unions
- Emergency Services
- Environment/Animal Welfare
- Law/Justice/Political
- Education/Youth development
- Advocacy organisations/Interest Groups
- Other please state

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**QUESTION 2** Approximately, how many PAID employees are there in your organisation?

- None
- 1-19
- 20-100
- 101+
- Other

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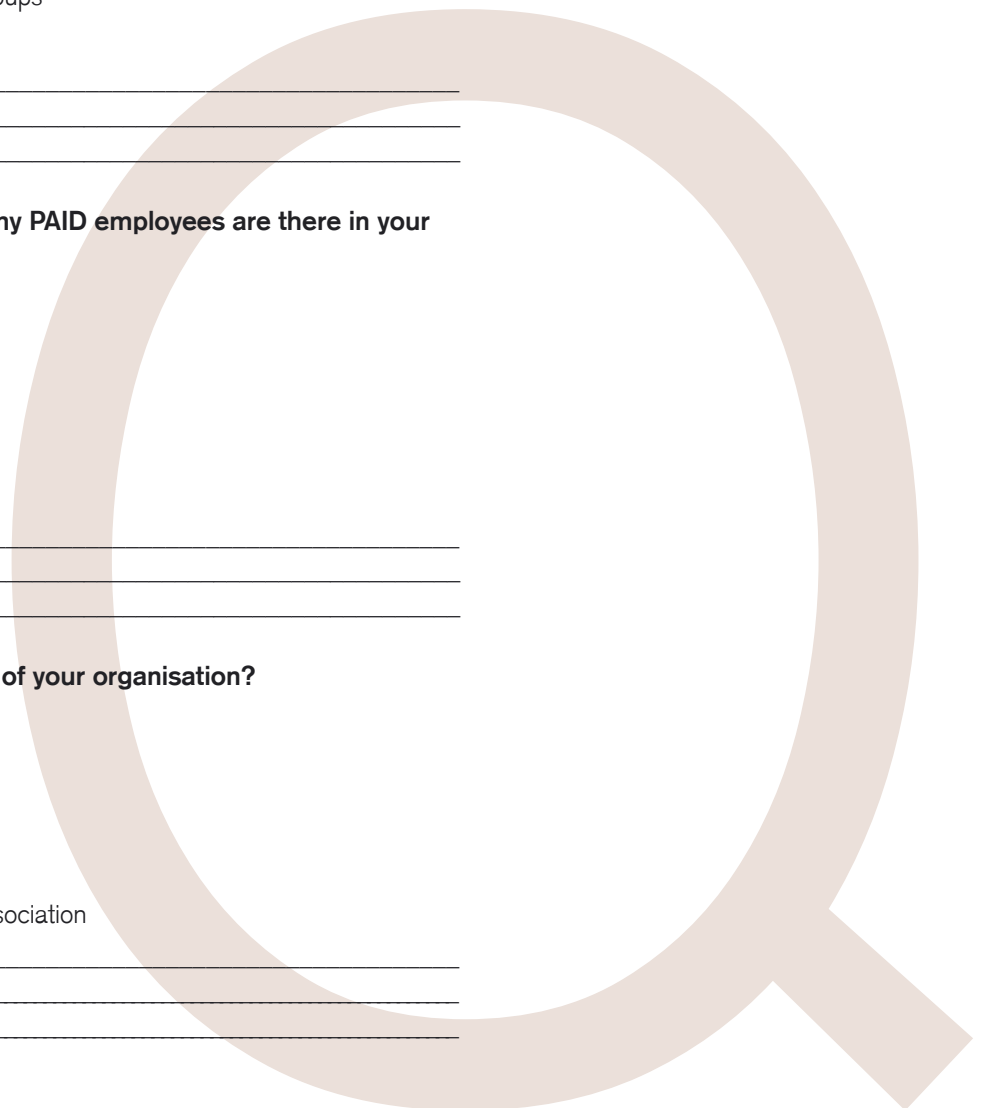
**QUESTION 3** What is the legal status of your organisation?

- Charitable trust
- Unincorporated association
- Incorporated association
- Company Limited by Guarantee
- Other e.g. Parents and Citizen's Association

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**QUESTION 4** Approximately, how many volunteers contribute to your organisation over a year?

- 1-9..... 1
- 10-49..... 2
- 50-99..... 3
- 100+..... 4
- Other..... 5

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**QUESTION 5** Where is your organisation's head office located?

See Maps. If in doubt, write location and code later.

- Sydney Metropolitan
- Sydney Region
- Rural/remote
- Other, e.g. interstate

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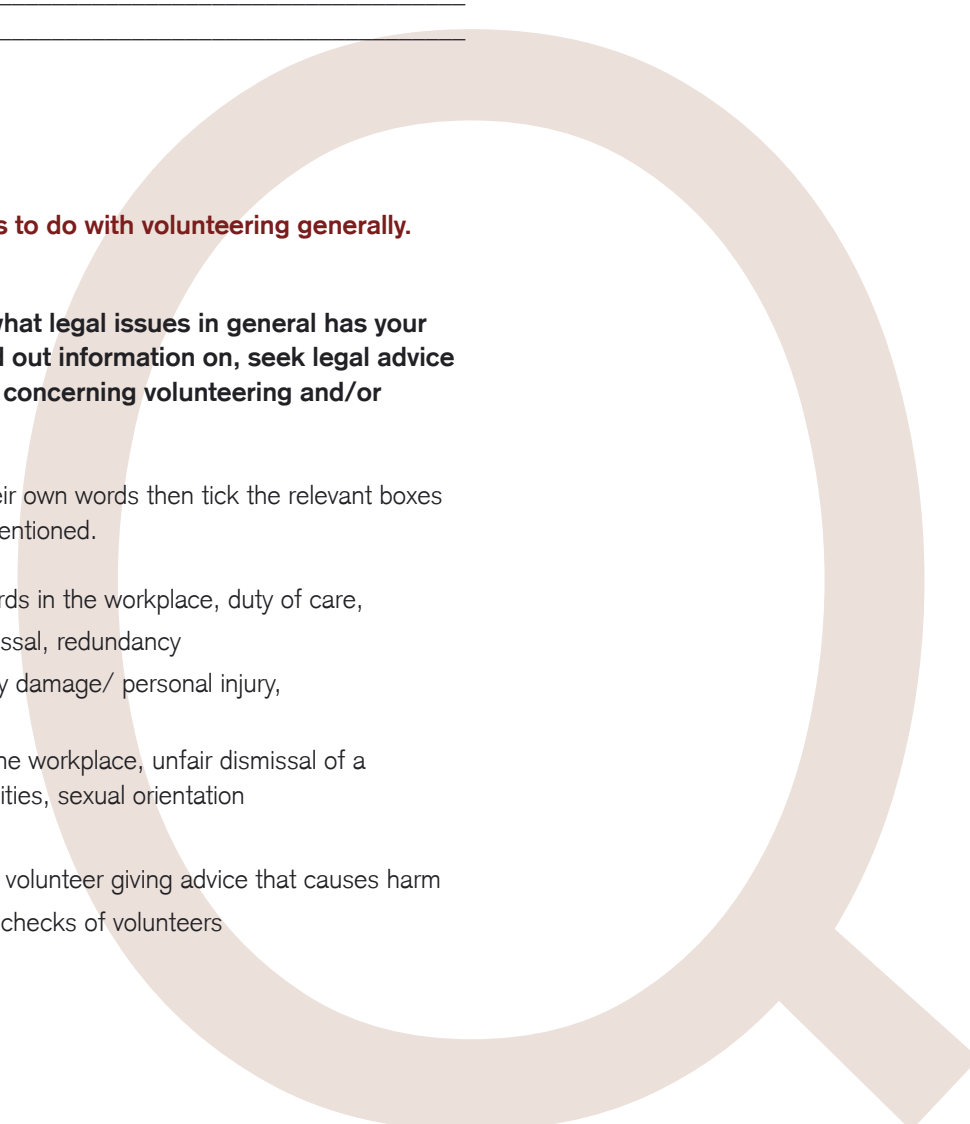
## SECTION 2

The next section is about legal issues to do with volunteering generally.

**QUESTION 6** In the past five years, what legal issues in general has your organization had to find out information on, seek legal advice or take legal action on, concerning volunteering and/or volunteers?

Let the respondent describe issues in their own words then tick the relevant boxes below. Then, prompt other areas if not mentioned.

- OH&S e.g. work place safety, hazards in the workplace, duty of care,
- Industrial Relations e.g. unfair dismissal, redundancy
- Civil Liability e.g. third party property damage/ personal injury, Motor accident
- Anti-Discrimination e.g. sexism at the workplace, unfair dismissal of a volunteer, racist harassment, disabilities, sexual orientation
- Personal Accident Insurance issues
- Professional Indemnity Liability e.g. volunteer giving advice that causes harm
- Child Protection Laws e.g. criminal checks of volunteers



- Information and Privacy e.g. breach of personal information security
- Governance e.g. issues with board/committee members, policy about out-of-pocket expenses
- Contracts, Property and/or Tax e.g. leases
- Theft/Criminal conduct by volunteer/board member
- None, there have never been any issues
- Other please specify

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**QUESTION 7 Thinking of these general legal issues concerning volunteering and/or volunteers, what sort of legal resources does/would your organisation use? Please tick all categories that apply**

- Internal legal practitioner/division i.e. board member
- Employer advocate e.g. Jobs Australia, Employers First
- Paid services e.g. lawyer, insurance broker
- Pro Bono lawyer/law firm
- Local court
- Legal Aid NSW
- Law Access NSW
- Community Legal Centre
- Non-legal sources such as friends, family, colleagues
- Non-legal professionals e.g. volunteer referral centers
- Public Servant/Government Official/website
- Police/complaint handling body
- Academic lawyer
- Other adviser, please specify

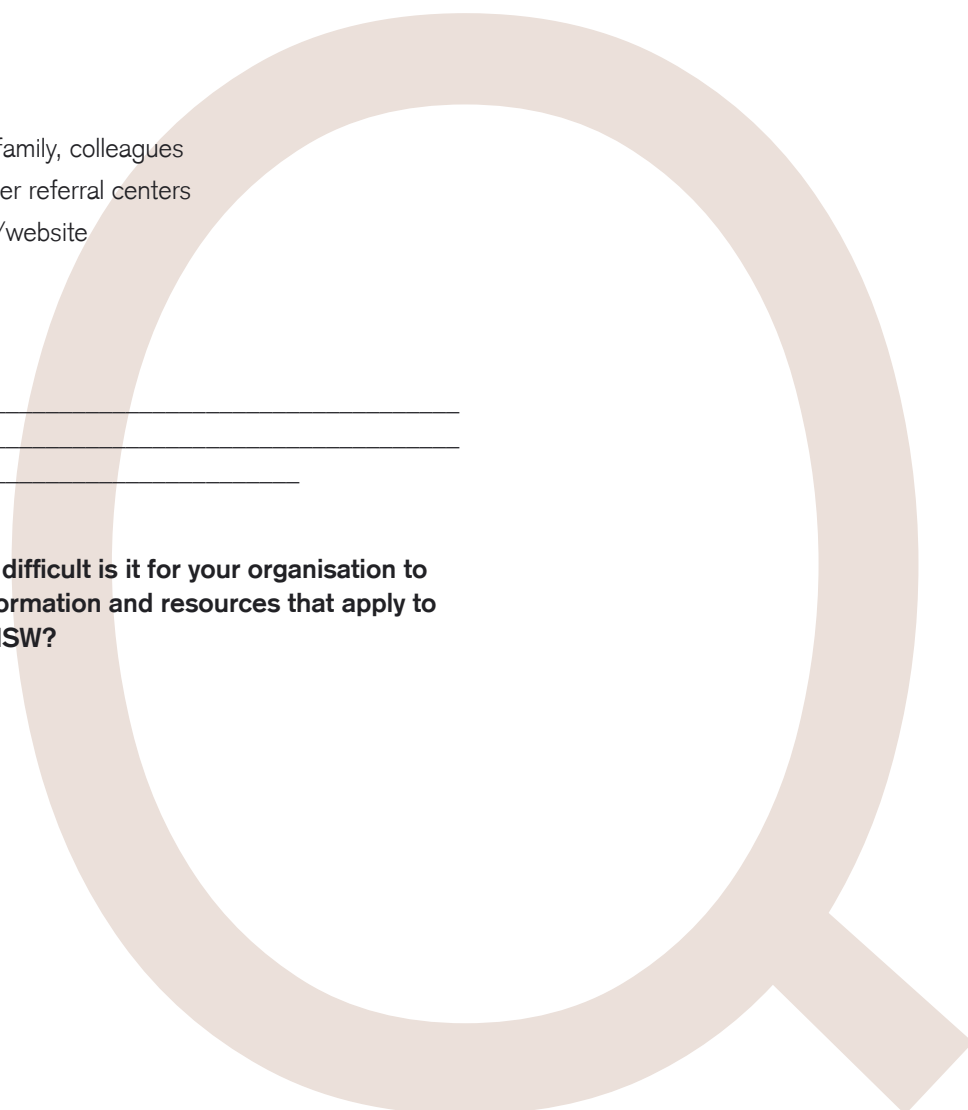
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**QUESTION 8 In general, how easy or difficult is it for your organisation to find up-to-date legal information and resources that apply to volunteering issues in NSW?**

- Extremely easy
- Somewhat easy
- Generally not a problem
- Somewhat difficult
- Extremely difficult
- Don't know/ NA



**QUESTION 9 What barriers might you expect to find in seeking legal advice and/or information?**

- Lack of services with specialised knowledge on volunteering issues
- Lack of local or nearby legal resource service
- Cost
- Difficulty getting through on the telephone
- Delays in getting a response
- Lack of knowledge of services available
- None, I don't experience any barriers
- Other, please specify

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## SECTION 3

**This section is about recent legal issues that your organisation has had concerning volunteers or volunteering.**

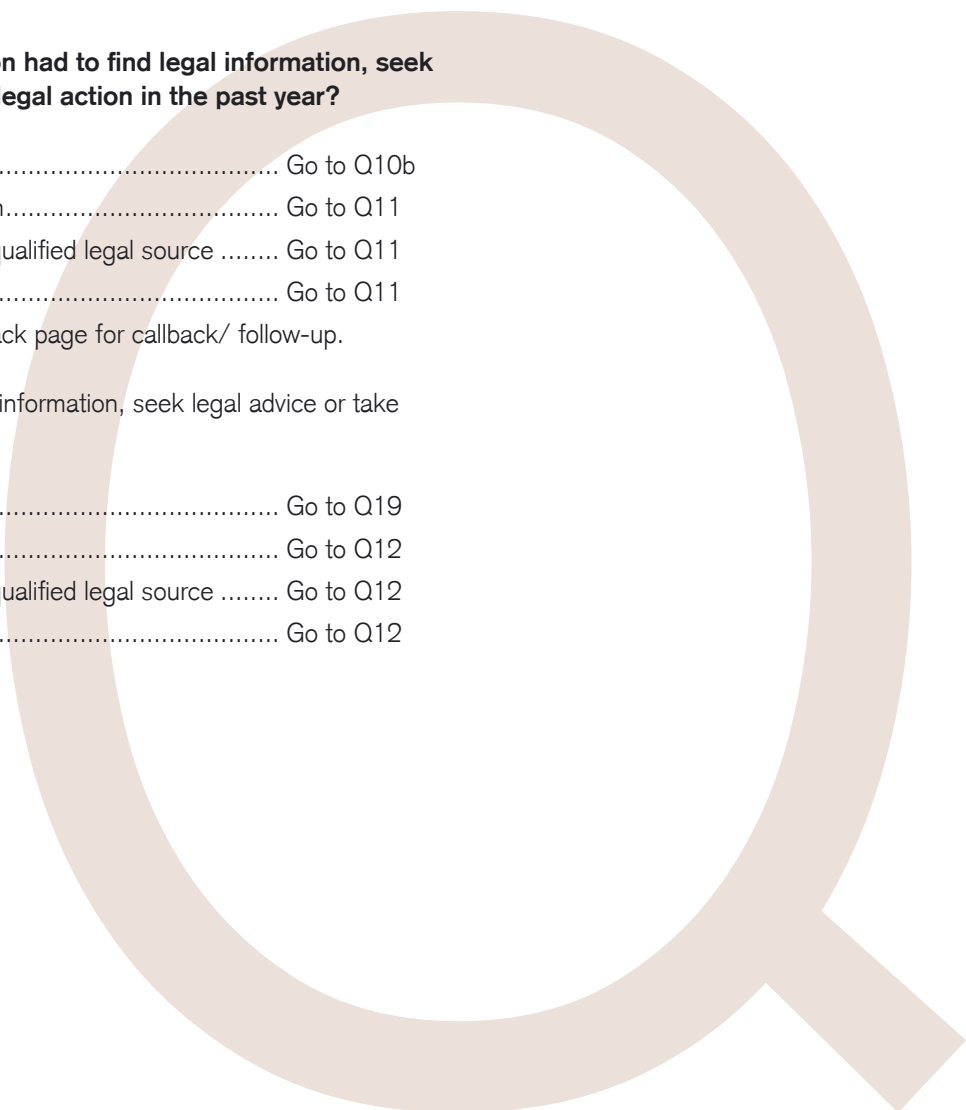
**QUESTION 10 a) Has your organisation had to find legal information, seek legal advice or take legal action in the past year?**

- No, we have not had a legal issue ..... Go to Q10b
- Yes, we had to find legal information..... Go to Q11
- Yes, we sought legal advice from a qualified legal source ..... Go to Q11
- Yes, we had to take legal action ..... Go to Q11

If YES, ask for contact details. Note on back page for callback/ follow-up.

**b) Has your organisation had to find legal information, seek legal advice or take legal action in the past five years?**

- No, we have not had a legal issue ..... Go to Q19
- Yes, we had to find legal information..... Go to Q12
- Yes, we sought legal advice from a qualified legal source ..... Go to Q12
- Yes, we had to take legal action ..... Go to Q12



**QUESTION 11** Approximately, how many times in the past year, have you had to find legal information, seek legal advice or take legal action about a matter concerning volunteers or volunteering?

- Once
- 2-5 times
- 6 times or more

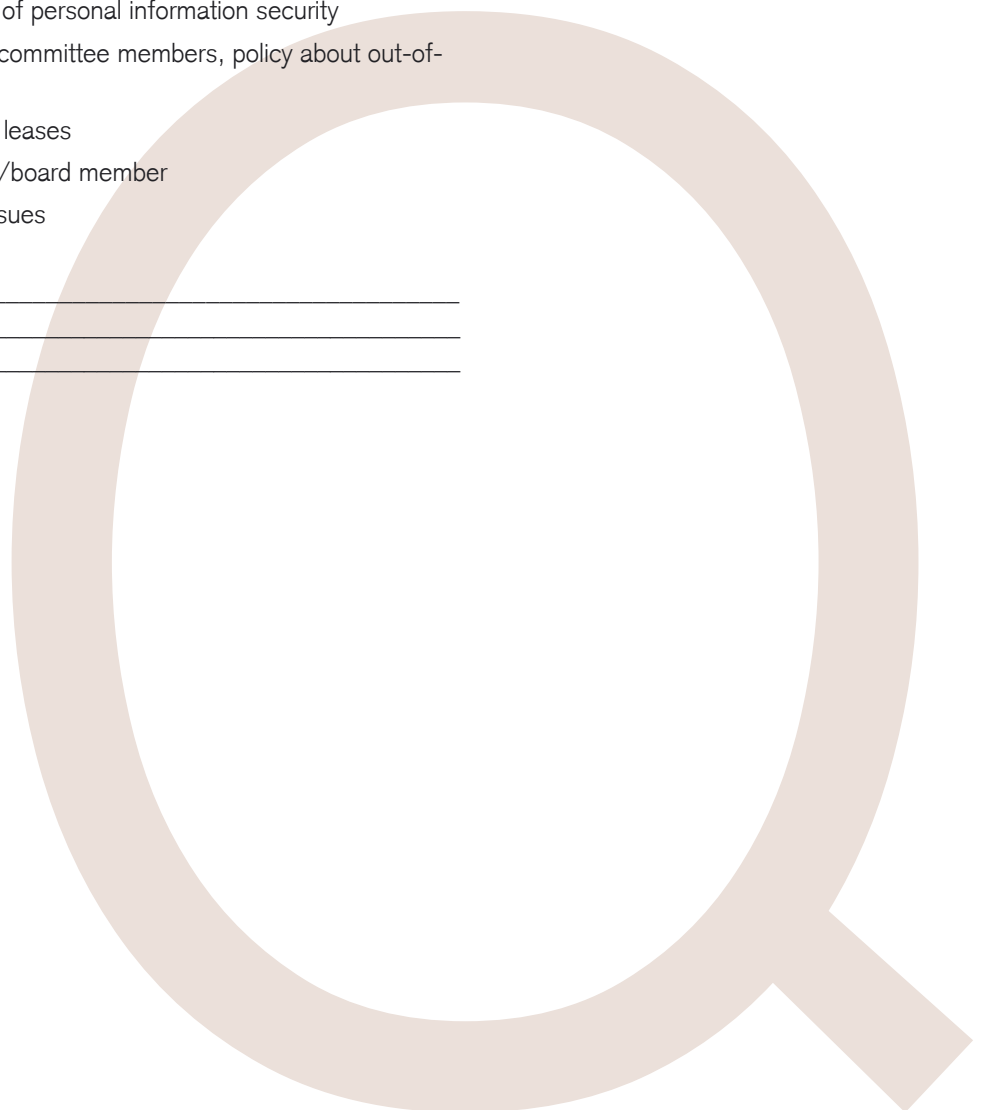
**QUESTION 12** Thinking of your most significant recent legal issue, what was this about?

- OH&S e.g. work place safety, hazards in the workplace, duty of care, negligence
- Industrial Relations e.g. unfair dismissal, redundancy
- Civil Liability e.g. third party property damage/ personal injury, Motor accident
- Anti-Discrimination e.g. sexism at the workplace, unfair dismissal of a volunteer, racist harassment, disabilities, sexual orientation
- Personal Accident Insurance issues
- Professional Indemnity Liability e.g. volunteer giving advice that causes harm
- Child Protection Laws e.g. criminal checks of volunteers
- Information and Privacy e.g. breach of personal information security
- Governance e.g. issues with board/committee members, policy about out-of-pocket expenses
- Contracts, Property and/or Tax e.g. leases
- Theft/Criminal conduct by volunteer/board member
- None, there have never been any issues
- Other please specify

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**QUESTION 13** Thinking of this most significant legal issue, what sort of help did you seek? Please tick as many boxes as required

- Internal legal practitioner/division i.e. board member
- Employer advocate e.g. Jobs Australia, Employers First
- Private lawyer/law firm paid services
- Pro Bono lawyer/law firm
- Local court
- Legal Aid NSW, Pro bono lawyer
- Law Access NSW
- Community Legal Centre
- Non-legal sources such as friends, family, colleagues
- Non-legal professionals e.g. volunteer referral centers
- Public Servant/Government Official/website
- Police/complaint handling body
- Academic lawyer
- Other adviser, please specify

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**QUESTION 14** What barriers did you experience in seeking legal information in this instance?

- Lack of services with specialised knowledge on volunteering issues
- Lack of local or nearby legal resource service
- Cost
- Difficulty getting through on the telephone
- Delays in getting a response
- Lack of knowledge of services available
- None, I didn't experience any barriers
- Other, please specify

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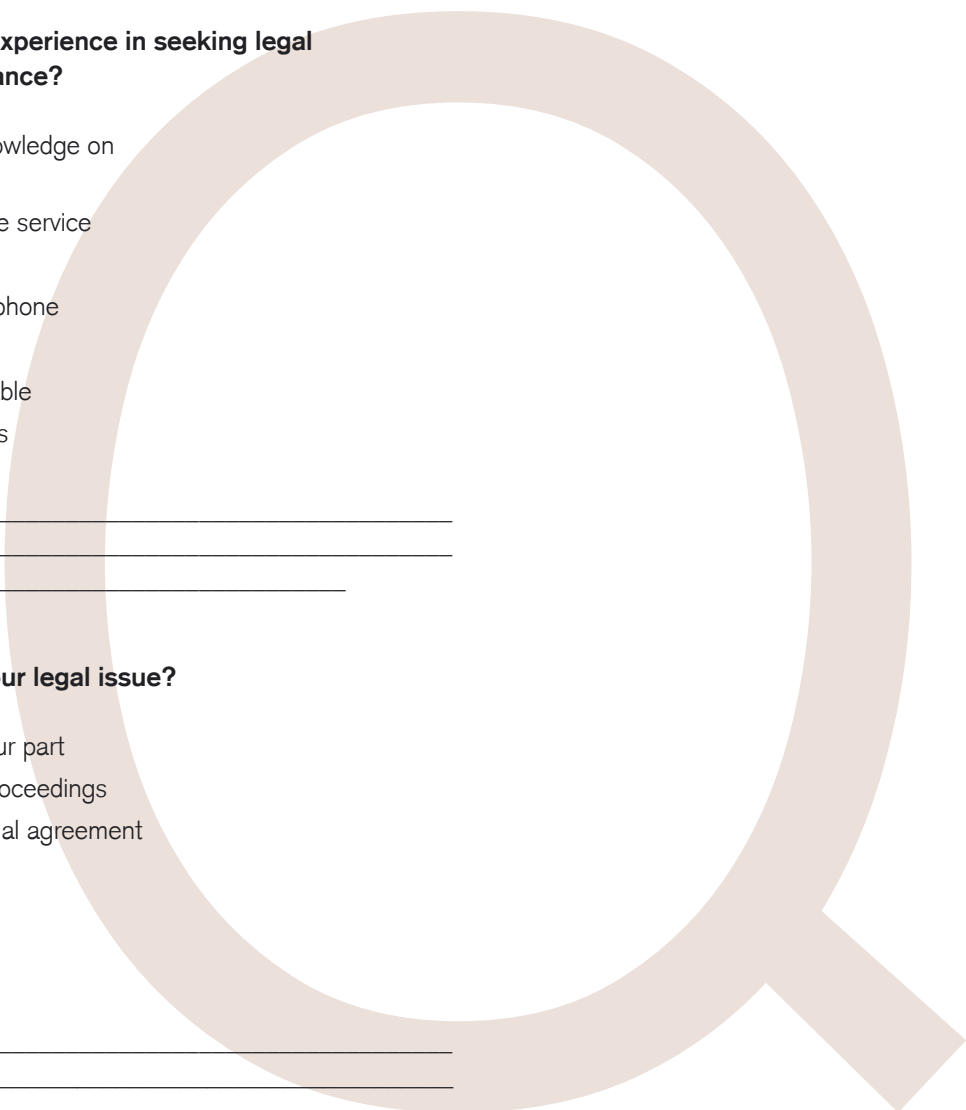
**QUESTION 15** How did you resolve your legal issue?

- Did not require any legal action on our part
- Resolved through court or tribunal proceedings
- Resolved formally e.g. mediation, legal agreement
- Resolved informally
- Unresolved
- Being resolved
- Other, please specify

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**QUESTION 16** How satisfied were you with the legal information you received?

- Very satisfied
- Mostly satisfied
- Neither satisfied nor dissatisfied
- Generally dissatisfied
- Very dissatisfied

**QUESTION 17** How satisfied were you with the outcome of your legal event?

- Very satisfied ..... Go To Q 19
- Mostly satisfied ..... Go To Q 19
- Neither satisfied nor dissatisfied ..... Go To Q 19
- Generally dissatisfied ..... Go To Q 18
- Very dissatisfied ..... Go To Q 18
- Don't know/NA ..... Go To Q 18

**QUESTION 18** If dissatisfied, what was the main reason for this?

- The negative financial impact of the event
- The result was unfair or unsatisfactory
- Lack of helpful assistance
- Event too expensive to resolve
- Other, please specify

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## SECTION 4

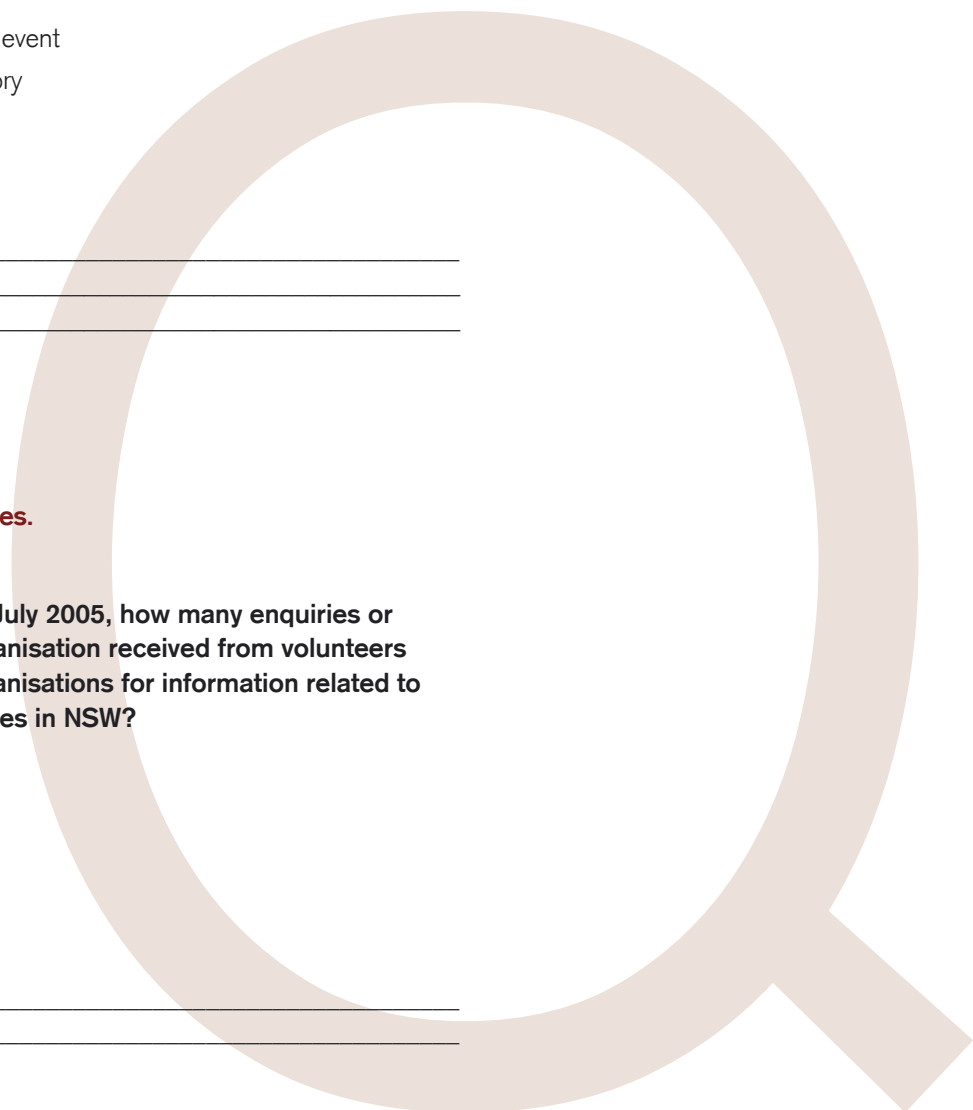
**This final section is about legal resources.**

**QUESTION 19** In the past year since July 2005, how many enquiries or requests has your organisation received from volunteers or other volunteer organisations for information related to volunteering legal issues in NSW?

- None
- 1-4
- 5-9
- 10+
- DK/NA

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