

## Executive Summary

Timely and accessible legal information and resources are cornerstones for the effective functioning and growth of the volunteering sector in Australia. National surveys show that legal issues are becoming increasingly complex for volunteering organisations and they continue to find it challenging to access specific resources to help meet their legal needs.

Following the model of *Justice made to measure* (2006), The Centre for Volunteering has undertaken to identify and assess the legal needs of the NSW volunteering sector and how to best meet them. The Centre applied to the Law and Justice Foundation NSW for a grant to conduct a scoping project. This report details the findings of five areas undertaken during that project:

1. **Literature review:** The Australian legal literature for the volunteering sector has been mainly concerned with insurance and civil liability issues due to the negative impact of the HIH collapse and September 11 2001. Lack of comprehensive data and legislative uniformity across all states and territories, concerning insurance, civil liability and volunteer protection, hinders collective action and collective bargaining power for the sector. This situation negatively impacts all volunteering organisations, especially small-to-medium sized ones.
2. **NSW legislation review:** NSW volunteers and volunteering organisations are acknowledged by some legislation however, there is room for improving the specific legal recognition of and conditions for volunteers and volunteering organisations in occupational health and safety, equal opportunity, worker's compensation, police and criminal checking procedures, insurance and anti-discrimination issues.
3. **Legal resources:** There currently exists an extensive range of online and print legal resources and services available to NSW volunteering organisations but there is no comprehensive and interactive online legal resource that provides easy access to them.
4. **Legally speaking:** The School of Volunteer Management's workshop *Legally Speaking* has been reviewed and updated by Sparke Helmore. The bulk of this workshop complies with current NSW legislation and minor amendments have been made to its content.
5. **Legal issues and resources research:** The Centre for Volunteering conducted the *Legal Issues and Resources Survey* by telephone interviews with 283 NSW volunteering organisations. These findings identify the legal issues and needs of volunteering organisations, the resources they draw on and suggestions about how to improve access to legal information and resources. A complete statistical report of this survey will be released early 2007. Below are the survey's main findings.
  - **The sample:** This NSW survey sample is largely comparable to the types of volunteering organisations surveyed nationally by the Australian Bureau of Statistics except that in The Centre's survey, emergency services, unions, law/justice and political organisations are under-represented. The survey attracted a very successful response rate of

47%. This rate is the likely combination of an appropriate methodology and concern by the sector about this important issue.

- **Types of legal issues:** A significant majority of these NSW volunteering organisations (91%) identified that the main legal issues they face are in the areas of: Occupational Health and Safety, Civil Liability, Personal Accident Insurance, Child Protection, and Contracts, Property and Tax.
- **Legal resources used:** Half the Sydney-based volunteering organisations with paid staff of over 100 persons are more likely to have access to lawyers within their organisation and make use of lawyers in universities. Small-to-medium sized organisations and organisations in rural and remote NSW are more likely to use pro bono lawyers and websites for legal information. However, more small-to-medium sized organisations and those regional, rural and remote NSW organisations pay for legal services and are less likely to use community legal community centres. Regional organisations mainly use the web and non-legal sources such as colleagues and volunteer referral centers for information; pro bono lawyers are relatively under-utilised. Resources such as Legal Aid and LawAccess are infrequently used legal resources by any volunteering organisation irrespective of its size or location.
- **Barriers:** Small-to-medium sized organisations in regional, rural and remote NSW experience more difficulty with finding up-to-date legal and resources than larger ones. Lack of specialised volunteering legal services and lack of knowledge of services available are major barriers identified by all organisations and costs were more likely to be noted by small-to-medium sized organisations in regional, rural and remote NSW.
- **Future resources:** The majority of NSW volunteering organisations (70%) identified the need for a freely accessible online legal resource to assist them to understand and comply with current legislation. A volunteering hotline was another useful resource as indicated by 61% of organisations. Regional, rural and remote organisations expressed more interest in having access to courses, workshops and seminars.

This research has produced the first comprehensive assessment of legal needs for NSW volunteering organisations. This study identifies that there are access barriers to timely and accurate legal resources for NSW volunteering organisations, especially small-to-medium sized ones. The main barriers include not knowing where to find legal information specific to volunteering and how to seek this information and support. While there are a number of legal resources currently available in NSW, there is no one freely accessible directory tailored to the needs of the volunteering sector. Providing a web-based resource would be a first major step in contributing to the legal and access to justice needs of the NSW volunteering sector in four ways by:

1. obtaining appropriate and affordable legal assistance
2. obtaining assistance from a wide range of print, online and pro bono sources
3. increasing legal compliance and legal risk management and
4. participating effectively in law reform processes to the benefit of the NSW volunteering sector.

