



Wide Bay Burnett
Community Legal Service

The Art of Volunteer Coordination

VOLUNTEER AGREEMENTS





ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the Butchulla people, the Traditional Custodians of the land on which we live and work, and recognise their continuing connection to land, water and community. We pay our respect to Elders past and present. We extend that respect to Aboriginal and Torres Strait Islander people viewing this presentation today.



The Art of Volunteer Coordination

Volunteer Agreements:

Supporting volunteers to understand their:

– Role

– Rights

– Responsibilities





*Volunteering is time willingly given for the common good and
without financial gain*

(Volunteering Australia)



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A VOLUNTEER AGREEMENT CAN SUPPORT A VOLUNTEER TO UNDERSTAND THEIR ROLE

WAS THE BINGO CALLER A VOLUNTEER OR AN EMPLOYEE?

- Mrs Bergman claimed termination of her role as a bingo caller at a club was harsh, unjust and unfair
- Mrs Bergman could only succeed if she was an employee
- No written agreement in place
- The club claimed Mrs Bergman was engaged in a voluntary capacity not as an employee
- Mrs Bergman was paid \$50 per week for calling bingo

Susan Bergman v Broken Hill Musicians Club Ltd T/A Broken Hill Musicians Club [2011] FWA 1143



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A VOLUNTEER AGREEMENT CAN SUPPORT A VOLUNTEER TO UNDERSTAND THEIR ROLE

Helpful provisions in volunteer agreement

- not an employee or, or contractor to, the organisation
 - if the volunteer is also an employee, clarify roles are separate
- performs role on a voluntary basis
- no remuneration (but may receive an honorarium/reasonable reimbursement of expenses/gift donation)
- no intention to create an employee or contractual relationship
- arrangement not intended to be a legally binding contract
- volunteer or organisation can cancel the arrangement at any time



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A VOLUNTEER AGREEMENT CAN SUPPORT A VOLUNTEER TO UNDERSTAND THEIR ROLE

Helpful provisions in volunteer agreement

- role description (to match advertisement/application)
- estimated hours/time commitment
- roster details
- location
- tasks volunteer authorized to perform
- tasks volunteer prohibited from performing
- subject to direction and instructions
- contact person for checking with



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THE ROLE DESCRIPTION CAN SUPPORT A VOLUNTEER TO UNDERSTAND THEIR RESPONSIBILITIES

Volunteer may be personally liable for harm or damage they cause if they act outside their role description or do not follow instructions (or are affected by drugs or alcohol)



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VOLUNTEER RIGHTS AND RESPONSIBILITIES (VOLUNTEERING QUEENSLAND)

Volunteer rights

- be interviewed and engaged as a volunteer in accordance with equal opportunity and anti-discrimination legislation
- receive information about the organisation
- a clearly written role description
- know to whom they are accountable
- be recognized as a valued team member
- be supported and supervised
- a healthy and safe working environment
- be protected by appropriate insurance



VOLUNTEER RIGHTS AND RESPONSIBILITIES (VOLUNTEERING QUEENSLAND)

Volunteer rights

- say no if they feel they are being exploited
- be reimbursed for approved out-of-pocket expenses
- be advised of the travel reimbursement policy
- be informed and consulted on matters which directly or indirectly affect them and their work
- be made aware of the grievance procedure
- orientation and training
- information about policies and procedures that affect their work
- have their confidential and personal information dealt with in accordance with the Privacy Act 1988 (Cth)



VOLUNTEER RIGHTS AND RESPONSIBILITIES (VOLUNTEERING QUEENSLAND)

Volunteer responsibilities

- be reliable
- respect confidentiality
- carry out the tasks defined in the role description
- be accountable
- be committed to the organisation
- undertake training as requested
- ask for support when they need it
- give notice before they leave
- value and support other team members
- carry out the work they have agreed to do responsibly and ethically
- notify the organisation as soon as possible of absences
- adhere to policies and procedures.



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A VOLUNTEER AGREEMENT CAN SUPPORT A VOLUNTEER TO UNDERSTAND THEIR RIGHTS AND RESPONSIBILITIES

Helpful provisions in volunteer agreement

- Set out a list of what the volunteer can expect (rights) based on the lists of rights above
- Set out a list of what the organisation expects (volunteer responsibilities) based on the list of responsibilities above
- What happens if expectation about rights/responsibilities not met
- Consider special requirements, e.g.,
 - through funding arrangements or partner agencies
 - if the volunteer is under 18
 - if working with children



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A VOLUNTEER AGREEMENT CAN SUPPORT A VOLUNTEER TO UNDERSTAND THEIR RIGHTS AND RESPONSIBILITIES

Some rights and responsibilities may be imposed by law or regulation (i.e., apply whether or not set out in an agreement between organisation and volunteer) – It may still be helpful to set these out, e.g.:

- key policies - equal opportunity/anti-discrimination
- policies that apply because of the role, e.g. legal volunteer subject to confidentiality/information barrier



A VOLUNTEER AGREEMENT CAN SUPPORT A VOLUNTEER TO UNDERSTAND THEIR RIGHTS AND RESPONSIBILITIES

Because:

- The organisation has obligations towards:
 - the volunteer
 - the clients and other people the volunteer interacts with
- The organisation has a duty of care to minimize risks to everyone affected by its conduct (including by the volunteer)
- A volunteer may have duties to:
 - take reasonable care for their health & safety
 - take reasonable care for the health & safety of others
 - comply with reasonable directions
 - notify the organisation of any concerns about their fitness or safety
 - cooperate with the reasonable rules, policies and procedures



A VOLUNTEER AGREEMENT CAN SUPPORT A VOLUNTEER TO UNDERSTAND THEIR RESPONSIBILITIES

Helpful provisions

- Explain how health & safety laws affect the organisation and the volunteer
- Cross reference relevant policies and procedures
- State the importance of the volunteer only performing the tasks authorized under the role description
- State the importance of following instructions
- State the importance of the volunteer notifying the organisation of any concerns about their safety or fitness or any relevant change



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OTHER TOOLS TO SUPPORT A VOLUNTEER TO UNDERSTAND THEIR RIGHTS AND RESPONSIBILITIES

Consider the organisation's circumstances

- Induction
- Safety equipment
- Training
- Policies
- Reviews



A VOLUNTEER AGREEMENT CAN SUPPORT A VOLUNTEER TO UNDERSTAND THEIR INSURANCE COVER

WAS THE HORSE RIDER ENTITLED TO WORKERS COMPENSATION?

- Ms Guilbert 'worked' at a horse-riding ranch saddling and feeding horses, cleaning and helping in the café
- She could participate in riding lessons and go on trail rides when a horse was available
- Ms Guilbert was injured on a trail ride
- She needed to show she was a worker to be entitled to workers compensate on in NSW

*Guilbert v Glenworth Valley Horse Riding Pty Ltd
[2020]NSWCCPD*



A VOLUNTEER AGREEMENT CAN SUPPORT A VOLUNTEER TO UNDERSTAND APPLICABLE INSURANCE

Helpful provisions about insurance

- State whether or not the volunteer is covered by the organisation's workers compensation insurance
- List the insurances that may provide cover for the volunteer while carrying out their volunteering role (accident/public liability)
- Specify requirements for notifying incidents
- State relevant exclusions from, or limits on, the organisation's insurance policies
- State whether certain events are unlikely to be covered, e.g.:
 - actions beyond the scope of the volunteer role
 - actions taken without proper authority or permission
 - criminal activity/traffic infringements
 - dishonest or reckless activities (such as being under the influence of drugs or alcohol)



A VOLUNTEER AGREEMENT CAN SUPPORT A VOLUNTEER TO UNDERSTAND THEIR RIGHTS TO INTELLECTUAL PROPERTY

Helpful provisions about intellectual property

- Explain intellectual property
- Are rights transferred to the organisation?
- Does the volunteer waive their moral rights?
- Does the volunteer consent for the organisation to use rights?
- If owning and protecting intellectual property is particularly important to the organisation:
 - consider requiring the volunteer to sign a binding deed that sets out the volunteer's rights and obligations about intellectual property



A VOLUNTEER AGREEMENT CAN SUPPORT A VOLUNTEER TO UNDERSTAND THEIR RESPONSIBILITIES ABOUT CONFIDENTIALITY

Helpful provisions about confidentiality

- Explain confidential information:
 - Specific information about the organisation's business, services, clients which is designated as confidential
 - information about the organisation's business, services, clients which is by its nature confidential or proprietary (owned) by the organisation
- State the volunteer is not permitted to use or disclose confidential information except as needed to perform their volunteer role
- If confidentiality is particularly important to the organisation:
 - consider requiring the volunteer to sign a binding confidentiality deed
- State rules for representing the organisation and social media policy



A VOLUNTEER AGREEMENT CAN SUPPORT A VOLUNTEER TO UNDERSTAND PRIVACY CONSENTS

Helpful provisions about privacy consents

- At volunteer's option, specify whether or not volunteer consents to the organisation using photos, videos and images of the volunteer for the purpose of marketing and promotion, including on social media platforms
- Explain right of organisation to collect information about the volunteer
- Explain record keeping procedures
- Include consent for organisation to:
 - provide information about the volunteer to third parties for specified purposes
 - send information to the volunteer about the organisation and its products, services or activities
- Include specific reference to the organisation's privacy policy



ALTERNATIVES/ADDITIONS TO SIGNED VOLUNTEER AGREEMENT

What are the organisation's needs?

- Lite:
 - Signed volunteer application incorporating:
 - personal details
 - declaration that volunteer position is voluntary, agreement to comply with policies and confidentiality requirements, consent for use of images/recordings
- Legally binding:
 - Confidentiality deed
 - Intellectual property management deed

- Performance based:
 - Full induction
 - Training

*‘Walk the walk’ (not just the talk) –
e.g., Organisation needs to balance
tension between ‘proper management’
of a volunteer and discrimination or
bullying*



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RESOURCES

What are the organisation's needs?

- Volunteering Australia
<https://www.volunteeringaustralia.org/>
<https://www.volunteeringaustralia.org/resources/national-volunteer-guide/>
[National Standards for Volunteer Involvement 2024](#)
[\(volunteeringaustralia.org\)](#)
- Volunteering Queensland
volunteeringqld.org.au
- Justice Connect
- Qld State Government:
<https://www.qld.gov.au/community/community-organisations-volunteering>
- Other web sites with volunteer opportunities and resources



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