

Worker Screening Regulations Consultation

DEPARTMENT OF JUSTICE AND COMMUNITY SAFETY

9 December 2020

(submitted by email: NDISworkerscreening@justice.vic.gov.au)



Volunteering Victoria welcomes the opportunity to provide this submission to the Department of Justice and Community Safety. This submission is in response to the Regulatory Impact Statement – Worker Screening Regulations 2020 (VIC) (**the RIS**), and in particular about the impact of the proposed fees for services provided by volunteers within the National Disability Insurance Scheme (**NDIS**) sector under the Worker Screening Regulations 2020 (VIC) (**Regulations**) and Worker Screening Bill 2020 (VIC) (**the Bill**¹).

1. EXECUTIVE SUMMARY

1. The purpose of the Bill – to assist in protecting children and vulnerable persons from harm by ensuring that people who work with, or care for them, are subject to a screening process – is of critical importance. As is the importance of requiring volunteers and employees intending to work with children, or providing services under the NDIS, to undergo the necessary screening and checks.
2. Volunteers are an essential part of the care provided to children and to people with a disability.
3. Volunteers receive no financial benefit for the support they provide but they add significant value to the level of care that can be provided at a relatively small cost to Volunteer Involving Organisations (**VIO**) and to the taxpayer.
4. While volunteers provide their time willingly and freely, it has been found that volunteering places a financial burden on them.²
5. Working With Children Checks (**WWC checks**) have governed working with children since 2006. These checks have been free of charge for volunteers working with children to ensure volunteers are not discouraged from providing this vital support. Under the NDIS, since 2016 these checks have also governed working with people with a disability, screening people who are paid or volunteer their time to provide their care.
6. Volunteers who provide care in both areas are just as vital. Because of this, volunteers need to be encouraged to provide support and any additional barriers to their involvement should be avoided.

¹ The Worker Screening Bill 2020 was passed in October 2020. The object of the Bill is to provide for the screening of persons working with or caring for children or providing supports or services to persons with a disability under the NDIS and to repeal the Working with Children Act 2005. The Bill requires volunteers and employees intending to work with children or who provide services under the National Disability Insurance Scheme (NDIS) to undergo a national criminal history check and screening process in order to obtain a Working with Children Check or NDIS check. Applications for WWC checks and NDIS checks are processed by the Department of Justice and Community Safety.

² Volunteering Victoria State of Volunteering Report (2020) – Executive Summary. Data for this report was collected across April-June 2020: [State of Volunteering - Volunteering Victoria](#)

7. The Regulations recognise the role of volunteers in caring for children. Volunteers who provide care to people with a disability should be afforded similar recognition.
8. Any disincentives, such as the proposed costs of screening, may have a serious impact on the care that can be provided. Placing the additional burden of the proposed cost of the NDIS check on the volunteer or the VIO will create a significant barrier to volunteering within the sector.
9. With the sharp decline in volunteers during the pandemic, closures in Victoria and the concern about encouraging volunteers back into their roles, it is now more than ever critical that barriers are not put in the way of volunteering.
10. The proposed costs will, if carried by the VIO, act as a disincentive for re-engagement and, if placed on the volunteer, provide a significant barrier to the volunteer.
11. There are many not-for-profit organisations providing services in the disability sector who rely heavily on volunteers. Funding of these VIOs is already in many cases low. For-profit organisations that use volunteers will be similarly impacted by the additional costs impacting the care they provide.
12. Any introduction of costs for volunteers will set an unwelcome precedent for future disability support models, in Victoria and in other states and territories across Australia.
13. People with disability are themselves volunteers. Volunteering is an important part of participating in the community.
14. Volunteering is also an important means of gaining work experience – particularly for students, many of whom are on limited incomes.
15. Volunteering Victoria calls for NDIS checks for volunteers to be free, noting with concern that the proposed Regulation does not distinguish between NDIS checks for workers and volunteers.
16. It is proposed that the costs of the NDIS volunteer checks be subsidised by the fees charged for employee WWC and NDIS checks, as is proposed for WWC volunteer checks.

Volunteering Victoria is concerned the proposed costs will introduce an additional barrier to volunteering at a time when the sector is most in need and will significantly and negatively impact on the disability sector.

Volunteering Victoria calls strongly on the government to exempt volunteers in the disability sector from the costs of screening checks as is currently, and will continue to be, the case with volunteers who work with children.

2. IMPORTANCE OF VOLUNTEERING TO VICTORIANS

Volunteering is 'time willingly given for the common good and without financial gain.'³

A significant number of people in Victoria volunteer, in fact 2.3 million (or 42.1% of) Victorians over 15 years of age volunteer. The impact of this is highlighted in Victoria's first State of Volunteering Report which shows in 2019, the value of volunteering to Victoria was \$58.1 billion dollars. This includes the \$19.4 billion it would cost to replace the labour volunteers contribute to Victoria as well as \$8.2 billion in contributions to Victoria's Gross State Product. This represents a net return of approximately \$3.70 on every dollar invested⁴

In fact, as was reported in the State of Volunteering Report, the volunteering sector is over one and a half times larger than the Victorian government sector and nearly half the size of the private sector.⁵

It is well known that individuals, communities and governments at all levels benefit from volunteering and volunteers. The Government of Victoria has expressly recognised the extent, value, contribution and impact of volunteers by delivering on a 2018 Election commitment to develop a volunteer strategy to support and enhance volunteerism in Victoria.

The 2017 Ministerial Council for Volunteer's report on *Volunteers in Victoria: Trends, Challenges and Opportunities (Ministerial Council for Volunteer's Report)*, notes that:

Volunteers are a vital part of Victoria's social, economic, cultural and environmental fabric, and volunteering delivers immense value to Victoria, for communities, places and individuals.⁶

The Ministerial Council for Volunteer's Report goes on to highlight some of the benefits of volunteerism:

In addition to the direct economic benefits provided by a volunteer workforce of 1,511,500 Victorians, volunteering has many direct and indirect benefits for the strength and resilience of Victorian communities.⁷

³ Volunteering Australia, <https://www.volunteeringaustralia.org/resources/definition-of-volunteering/#/>.

⁴ Ibid n2

⁵ Ibid n2

⁶ Ministerial Council for Volunteer's Report on *Volunteers in Victoria: Trends, Challenges and Opportunities Report*, 2017, This Report was developed in 2017 to provide a contemporary narrative for volunteering. It also provides a summary of the known social benefits, economic value and current trends. Findings from this report highlight key trends, challenges and opportunities for volunteering, and have informed the development of strategic priorities to strengthen and support the volunteer sector in Victoria, p5

⁷ Ibid, p5

Volunteers undertake important and valuable work that improves social cohesion, and makes our communities stronger, safer and more liveable.⁸

Additionally, the mental health benefits of volunteering should not be underestimated. Most Victorians will have felt the effects of the recent and long COVID lockdown in various ways, with volunteers also being deprived the mental health benefits of being purposefully involved.

Furthermore, the Ministerial Council for Volunteer's Report notes:

Victoria gains immense benefits from its volunteers, not just from the economic contribution that volunteers make, but also from enhanced social cohesion and environmental, spiritual and health and wellbeing outcomes.⁹

The importance of volunteering for social cohesion is underlined by the fact that the vast majority (81 per cent) of Victorian community sector charities are supported by volunteers (VCOSS, 2015).¹⁰

By harnessing existing supports and practices and building upon available opportunities, all levels of government, together with the community, not-for-profit sector and businesses, can work together to ensure Victoria has a strong culture of volunteering into the future.¹¹

Recognising the critical role that volunteering plays in society, encouraging, promoting and supporting volunteering should be a focus while barriers to volunteering need to be identified and limited as far as possible. The RIS acknowledges the role played by volunteers in caring for children:

Notwithstanding the need for efficient pricing, there may be a discouraging effect that paying the efficient price of receiving a WWC check can have on volunteers participating in markets that involve working with children. Volunteers provide a valuable service to the community for free and charging them a fee is likely to be strongly resisted by the community.¹²

Many volunteer applicants are on a limited income and could not afford this additional cost. While the application process can be lengthy, the applicant should not have to bear a financial burden.¹³

8 Ibid n6, p5

9 Ibid n6, p41

10 Ibid n6, p32

11 Ibid n6, p41

12 Department of Justice and Community Safety, Regulatory Impact Statement – Worker Screening Regulations (November 2020) Engage Victoria <https://engage.vic.gov.au/worker-screening-regulations-2020> p23

13 Sue Jakob - Pinarc Disability Support and EasyTech Living, a community not-for-profit organisation providing services to around 1,000 children and adults with disability, their families, and carers across the Grampians Region and in the Melton / Brimbank region

3. IMPORTANCE OF VOLUNTEERING WITHIN THE DISABILITY SECTOR – NOW MORE THAN EVER

For people with disability, their family members and carers, volunteers and service providers, the unique support that volunteers bring to the lives of people with disability and their families is invaluable.¹⁴

“Volunteers are” as noted by Keith McVilly and Gemma A. Dodevska “on the frontlines delivering services for communities in a wide variety of contexts, in not for profit organisations, private sector organisations and for governments.¹⁵

The role of volunteers in the disability sector provides critical support to paid workers, which Volunteering Victoria would argue is an essential part of the circle of care people with a disability are entitled to. This role needs to be recognised, acknowledged and supported in ensuring they receive the professional care and dignity they deserve. As Victoria emerges from severe and lengthy COVID restrictions, during which many volunteers were stood down,¹⁶ VIOs need to be supported to ensure they are able to attract and retain volunteers and volunteers are effectively engaged and benefit from their involvement.

Not-for-profits organisations operate on a limited budget and such an expense would severely limit the number of volunteers they are able to engage. It would not be a good return on investment due to the transient nature of volunteerism. By restricting volunteer engagement, the delivery of programs to customers will be limited and not as many opportunities for socialisation and activity would be available.¹⁷

The July 2018 Interchange Report *Value Added: Volunteer-Supported Services and the Challenge of the NDIS* found:

due to financial barriers, organisations are already closing existing volunteer supported services, despite large waiting lists and high demand. This would pose a significant risk to people with disability, their families and carers who rely heavily on the social capital and unpaid support provided by volunteers. As this report highlights, such support cannot be simply substituted by a paid workforce.¹⁸

14 Keith McVilly and Gemma A. Dodevska, *Volunteers Don't Come Free* (19 November 2019) University of Melbourne <https://pursuit.unimelb.edu.au/articles/volunteers-don-t-come-free>

15 Ibid n6

16 *Research Briefing: The experience of volunteers during Covid-19* (2020) Volunteering Australia <https://www.volunteeringaustralia.org/research/research-briefing-the-experience-of-volunteers-during-covid-19/#>

17 Ibid n13

18 K McVilly, G Dodevska, and Newton, D, *Value Added: Volunteer-Supported Services and the Challenge of the NDIS* (2019) University of Melbourne, School of Social and Political Sciences <https://www.interchange.org.au/wp-content/uploads/2020/06/Value-Added-Volunteer-Supported-Services-and-the-Challenge-of-the-NDIS.pdf> The Department of Health and Human Services funded Interchange Incorporated, University of Melbourne, Melbourne Humanities Foundation Small Grants Scheme

The COVID-19 pandemic has significantly disrupted volunteerism in Victoria. There was a sharp drop in volunteering rates in the early pandemic period. The volunteering participation rate was cut in half (50.2% decline) and there was a net decline of volunteering hours by almost two thirds (64.1%).¹⁹ This disruption will have impacted certain sectors more than others – in particular, the aged care, the health sector and the disability sector. Further barriers to volunteering in the disability sector will exacerbate the situation.

4. COMMENT ON VOLUNTEER FEES FOR SERVICES PROPOSED UNDER THE NEW REGULATIONS

The stated objectives of the Bill and in developing the Regulations are “to not discourage volunteer Working with Children (WWC) check applicants, to have parity between WWC check and NDIS check fees” and “to fully fund the scheme without general taxpayer revenue”. The Regulations seek to ensure a fee structure which is relatively simple and “fairly applied to different types of workers who may require screening and who would receive a similar benefit from the screening”. The Regulations propose to not charge for WWC volunteer checks “to ensure that volunteers in the WWC environment are not deterred from volunteering”.

4.1 RECOGNISING VOLUNTEER VALUE

Volunteer WWC checks in Victoria are currently free of charge. The WWC check scheme was designed to ensure it created no disincentive to volunteering due to the public benefits this activity provides.

As indicated in the RIS the WWC check, which commenced in April 2006, has prevented over 5,000 unsuitable people from working with, or caring for, children.

Volunteers in the NDIS sector will, however, be dealt with on the same basis as employees and charged a fee (\$119.20 in 2020/2021.)

Using the terminology in the Regulations in the context of working with children, volunteers who are engaged in disability-related work “neither profit nor gain benefit through being able to volunteer their time in this work”. However, volunteers add a significant value at very little cost to the VIO or the taxpayer.

Volunteers should not be denied recognition of their contribution to the community. Supporting their continued and valuable involvement by removing screening fees would go a long way to showing that government acknowledges the positive contribution of volunteers in the lives of people with disability, and the value volunteers bring to the disability sector.

19 Ibid n16

4.2 REMOVING BARRIERS TO VOLUNTEERING

“Volunteers don’t come free”²⁰ – this goes as much for volunteers in the disability sector as for those working with children. Similar justification exists for screening both and the same reason exists for wanting to encourage, not place barriers in the way of, volunteering in both sectors.

Additionally, the State of Volunteering Report found that volunteers generally, but particularly in Victoria, already bear a large portion of the costs of volunteering themselves. In fact, Volunteers directly spent \$3.9 billion in support of their own volunteering. This is almost as much as volunteering-involving organisation’s expenditure of \$4.8 billion.²¹

The proposed cost of NDIS checks will only increase this burden and could discourage volunteering. As the WWC check scheme “was designed to ensure it created no disincentive to volunteering due to the public benefits this activity provides”, so too would free NDIS checks ensure that volunteering within the disability sector would not be disincentivised by the screening fees.

VIOs that operate in the disability sector similarly benefit from the assurance that volunteers are screened by the proposed NDIS checks and therefore the risks associated with working with vulnerable people are also reduced. The proposed costs of NDIS checks will place additional burdens on VIOs to provide the services undertaken by volunteers in the sector.

While we acknowledge that there is a time cost in completing the checks,²² volunteers and the organisations that involve them should not be taken for granted. Volunteer time may be given willingly and without financial gain but assuming that, because it is done willingly, it will continue on a sustained basis without support, is simply incorrect. If the rate of volunteering reduces in-line with current trends, this will have an enormous and detrimental impact on services provided by the state. VIOs in the NDIS sector play a vital role in supporting, managing and encouraging volunteering. But these organisations like VIOs in other sectors need support, specifically in relation to their volunteering activities, to ensure they are able to attract and retain volunteers. Not all the organisations that involve volunteers are for profit organisations - there are a number of not for profit organisations in the sector that rely on volunteers doing work that benefits the community across a wide range of sectors. These organisations directly and significantly improve the quality of life for various parts of the community.

Organisations that depend on volunteers face a challenge in attracting new volunteers, and in ensuring that rates of participation are adequate to provide a stable volunteer workforce. According to the ABS (2015), Australia-wide rates of volunteering dropped from 42 per cent of the population aged over 15 years in 2006, to 32 per cent in 2014.²³

20 Ibid n14

21 Ibid n2, State of Volunteering Report: ... it is also costing Victorian volunteers on average over \$1,700 a year to volunteer. On average, volunteer-involving organisations (VIOs) are reimbursing only one dollar for every eight dollars a volunteer spends on volunteering. This means on top of their valuable time, volunteers are donating on average nearly \$6.70/ hour to volunteer after reimbursement

22 RIS, p20

23 Ibid n6, p12

4.3 ENSURING CONSISTENCY

The arguments to justify no WWC check fees for volunteers working with children also apply to volunteers in the disability sector. As with children, “there is a direct benefit to the community through the exclusion of unsuitable people”. Furthermore, volunteers in the disability sector provide services “at far less cost to the state” and provide people living with a disability with opportunities that they would not otherwise have without volunteers.²⁴

The Regulations also state “Notwithstanding the need for efficient pricing, there may be a discouraging effect that paying the efficient price of receiving a WWC check can have on volunteers participating in markets that involve working with children. Volunteers provide a valuable service to the community for free and charging them a fee is likely to be strongly resisted by the community.”²⁵

Volunteering Victoria is disappointed that these insights are not applied to volunteering in the disability sector when clearly this is also the case.

There is no loss in fees if checks are provided for free. The situation would be that certain people (for example, volunteers who provide of their time freely and voluntarily) are exempt from the fees and the cost of processing checks could similarly be offset by a slightly higher cost for employee check fees.

4.4 LIMITS OF THE NDIS FUNDING MODEL

We note that, according to the RIS, “The two checks serve broadly the same purpose and are conducted by the same business unit, so having vastly different fees for each one may confuse the public” and that “It is also unlikely that the benefits provided by a WWC check would be much different from an NDIS check for an employee in the relevant industry, which would imply that the efficient cost should be similar”.

We also note that, according to the RIS, “The only substantive difference between the two checks is how they deal with volunteers, as there is a volunteer WWC check but no volunteer NDIS check”, and that this is “due to the NDIS check being tied directly to NDIS funding, which does not contemplate volunteers.”²⁶ Furthermore, we note that according to the RIS, “While a registered NDIS provider can engage volunteers, they would be doing so as an adjunct to a funded service, making a free NDIS check for volunteers inappropriate.”²⁷

This last statement is, we believe the crux of the issue – the fact that NDIS funding “does not contemplate volunteers” is a serious omission and error. The Regulations are an opportunity to correct this and to recognise the role of volunteers and to equalise the situation – not to worsen it as will be the case if fees are charged as proposed.

24 RIS, p23

25 Ibid

26 RIS p24

27 Ibid

5. ABOUT US

Volunteering Victoria is the state peak body for volunteering in Victoria, focusing on advocacy, sector development and the promotion of volunteering. Volunteering Victoria's role is to lead the development of a collaborative, sustainable, thriving volunteering community and movement in Victoria.

Volunteering Victoria promotes and builds a vibrant, strong volunteering community that is inclusive, respected and sustainable, encouraging resilient communities and empowered, active people through meaningful volunteering. Volunteering Victoria works with key strategic partners, its 372 members and stakeholders to promote, value and support effective volunteering.

Volunteering Victoria strives to find new and creative ways to engage organisations and individuals in meaningful volunteering, supporting volunteer managers, volunteers and volunteer-involving organisations. In preparing this submission Volunteering Victoria elicited the views of its members a number of whom will be directly impacted by the proposed Regulations. Volunteering Victoria also worked closely with Justice Connect.

6. RECOMMENDATIONS

6.1. THAT THE PROPOSED NDIS VOLUNTEER CHECK FEES BE RECONSIDERED AND REMOVED

Volunteering Victoria is strongly of the view that the proposed NDIS volunteer screening check fee will discourage and acts as a disincentive for volunteers from participating in the disability sector.

It is recommended that, as with the WWC check, fees for volunteers should be similarly free, with the volunteer NDIS check applications and renewals being subsidised through the fees charged for employee WWC and NDIS checks.

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