

**Senate Standing Committee on Education Employment and Workplace
Relations**

**QUESTIONS ON NOTICE
Supplementary Budget Estimates 2011-2012**

Outcome 5 - Workplace Relations & Economic Strategy

DEEWR Question No. EW0819_12

Senator Back asked on 20 October 2011 , Hansard page 53

Question

WISE program, the Volunteers for Isolated Students' Education

Senator BACK: Right. I only draw it to your attention. It is an organisation which has been going for about 20 years, by which, as the name suggests, retired teachers volunteer their time in remote station, et cetera. The reason I draw it to your attention is that—and it possibly may not come under your area of influence—legislation seems to be changing to the effect that, although they earn no funds and are paid nothing, they are to be considered as employees and not volunteers. This is going to change substantially the whole relationship in terms of insurance, especially for occupational health and safety. But it would appear not to be something under your control. Ms Wall: No, but certainly we are happy to— CHAIR: I think that was discussed with the workplace ombudsman yesterday. Ms Wall: Yes. We can follow that up with our colleagues. I know that I have met with them in the past on a different issue. They were concerned about different teacher registration issues in every state, because it stopped a New South Wales trained teacher from going to the Northern Territory without going through a separate registration. Our current which was announced last week and ministers agreeing to a national approach to registration is going to help that problem, but we can have a look at it. Senator BACK: If you could take it on because their concern is they are going to have to wind the program out because of the risks both to them and to people hosting them on stations. CHAIR: It might be a question of outcome 5 as well. Ms Paul: Yes, I think so. We will take it on notice.

Answer

Safe Work Australia has provided the following response.

The model Work Health and Safety (WHS) Act aims to protect the health and safety of all workers nationwide, including volunteers. Protecting the health and safety of volunteers demonstrates that their commitment is valued and recognises the vital role they play in the community.

Safe Work Australia has been working closely with peak volunteering organisations including Volunteering Australia and Volunteers for Isolated Students Education (WISE) regarding the application of the model WHS Act to volunteer organisations like WISE.

A draft regulation has been developed to ensure that the 'volunteer association' exception to the meaning of a person conducting a business or undertaking (PCBU) applies to equivalent incorporated organisations. This covers all organisations which comprise a group of volunteers working together for one or more community purposes which do not have any employees and which happen to be incorporated for insurance or other purposes. It clarifies that volunteer organisations that do not employ any workers to carry out work for the organisation are not considered to be PCBUs under the model WHS Act and will not be captured by the duties which apply to them. The activities of organisations like VISE that do not have employees will not be affected by the model WHS laws and can continue their operations as usual.

Safe Work Australia is also collaborating with Volunteering Australia and its state and territory peak member bodies to develop practical national guidance on the impact of the model WHS laws on volunteer organisations and their volunteers. The guidance is for volunteer officers, volunteer organisations and volunteer workers.

Safe Work Australia is continuing to work closely with Volunteering Australia, VISE and other volunteer organisations to ensure that any issues surrounding the application of the model WHS Act are effectively addressed and the valuable work of volunteers can continue.