



# **BYRON SHIRE COUNCIL**

## **POLICY 14/014**

### **VOLUNTEERING WITH COUNCIL**

E2018/19919

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**INFORMATION ABOUT THIS DOCUMENT**

|                                |                                  |                                   |               |
|--------------------------------|----------------------------------|-----------------------------------|---------------|
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**Document History**

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**Further Document Information and Relationships**

|   |   |
|---|---|
| <b>Related Legislation*</b>                                 | Work Health and Safety Act 2011<br>Section 355 Local Government Act 1993<br>Privacy and Personal Information Protection Act 1998<br>Child Protection (Working With children) Act 2012<br>Civil Liability Act 2002 No 22 |
| <b>Related Policies</b>                                     | Work Health and Safety Policy<br>Code of Conduct<br>Complaints Management Policy  |
| <b>Related Procedures/ Protocols, Statements, documents</b> | Engagement of Volunteers Guidelines and Procedures E2014/48727<br>Volunteer Committee Members – Induction Handbook<br>General Volunteers – Induction Handbook   |

*Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.*



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**POLICY TITLE VOLUNTEERING WITH COUNCIL**

**1. BACKGROUND**

- 1.1. Byron Council is committed to providing excellent service to its customers and ratepayers throughout all areas of Council’s activities and with a variety of engagement mechanisms. The existing and future contribution made by volunteers in this regard is highly valued and recognised by Council.
- 1.2. In accordance with the Work Health and Safety Act 2011, Council must provide a safe environment for its employees, contractors and volunteers who are deemed as workers under this Act. Council has a number of areas within its operations that can offer a variety of volunteering opportunities which require differing skills to carry out the role.
- 1.3. Volunteers will undertake duties that assist Council to enhance the quality of lifestyle and community within the Shire. The role of the volunteer is not intended to be a substitute for the functions of qualified Council staff.
- 1.4. Volunteering roles can be created on Council’s initiative or following a person nominating to volunteer, by either:
  - a) a Council resolution,
  - b) a Council staff member with approval from the General Manager;

**2. POLICY STATEMENT**

2.1. Council:

- a) Recognises the substantial contribution of volunteers to the community and is indebted to them for their generous donation of time, skill, experience and caring spirit.
- b) Manage and support Council’s volunteers in accordance with relevant legislation.
- c) Promote volunteering in our community as a mutually beneficial and enriching social exchange.
- d) Will aim to fund volunteer activities within budgetary constraints as set out in its Integrated Planning Documents.

2.2. Volunteers:

- a) Feel personally rewarded by their involvement in the various services and programs in which they participate.
- b) Are recognised by the community as having contributed significantly to the community through their participation in services and programs.

**3. OBJECTIVES**

- 3.1. To recognise through Council’s Integrated Planning Documents that volunteer involvement is a vital component in achieving its vision to build community capacity, improving health

and wellbeing, creating pathways to paid work and in the delivery of effective and relevant service provisions.

- 3.2. To ensure that volunteering remains a mutually beneficial activity.
- 3.3. To recognise the important contribution volunteers make to achieving Council and community goals.
- 3.4. To clarify the relationship between Council, staff and volunteers.
- 3.5. To engage volunteers in accordance with approved Guidelines and Procedures.
- 3.6. To provide a safe and healthy workplace for volunteers.
- 3.7. To identify training requirements to ensure associated activities are undertaken in a safe manner.
- 3.8. To provide appropriate supervision and, where volunteers are engaged by Council, equipment to ensure the role can be satisfactorily performed.

#### **4. SCOPE**

Council volunteering opportunities which are the basis of this Policy are, but are not limited to:

- a) Committees of Council set up under the provisions of Section 355 of the Local Government Act 1993 and other Council Committee volunteer members.
- b) Volunteers undertaking work on Council property but not under the direction of Council; eg. care of public land (eg. reserves / nature strips / footpaths).
- c) Volunteers undertaking work on a Council service or program that is recognised as suitable for volunteering. (eg. dune planting / cemetery beautification / adopt a garden bed / adopt a road / graffiti removal / Byron Greeters / NYE / Park and Ride / Youth Council events.)

#### **5. DEFINITION**

**Volunteer** A person or organisation who is freely motivated to undertake some form of community activity, not for financial gain, and in so doing, the community derives a benefit from the activity undertaken by the volunteer.

**Council staff Member** For the purposes of this policy – a Council employee who engages the volunteer(s).

#### **6. VOLUNTEERS' ENTITLEMENTS AND LIMITATIONS**

6.1. Where engagement has been authorised by Council, Volunteers' entitlements are:

- a) To work in a healthy and safe environment.
- b) To be engaged in accordance with equal opportunity and antidiscrimination legislation.

- c) To be adequately covered by insurance where they are acting lawfully, in good faith and in accordance with the guidance and directions of Council.
- d) To be given accurate and truthful information about the role for which they volunteer.
- e) To be reimbursed for agreed out of pocket expenses.
- f) To have access to complaints resolution procedures.
- g) To be provided with an induction.
- h) To be provided with sufficient training to carry out the role/project.
- i) To have your confidential and personal information dealt with in accordance with the principles of the Privacy and Personal Information Protection Act 1998.
- j) To be acknowledged for their contribution in an appropriate manner.

6.2. Volunteers' limitations:

- a) Volunteers are required to be approved by Council prior to commencement of the volunteer role/service.
- b) Are required to perform the role/service in accordance with Council Guidelines, Code of Conduct, Policies and Procedures.
- c) Are unable to receive a reward, discount or remuneration (eg. a rate reduction) for volunteering.
- d) Are unable to be engaged under the age of 10 or over the age of 90 years. (*As they will not be covered by Council's insurer*).
- e) Are unable to seek from Council the costs of maintenance, repair or replacement of private equipment used to carry out the role/service.

6.3. Volunteering is not possible where the roles or services would otherwise be provided by paid staff.

## **7. INSURANCE**

*Note: Insurance coverage in the Policy is to be considered under the Policy Wording, Terms and Conditions of the Insured Policy.*

Volunteers' insurance coverage:

### 7.1. Property Insurance

Council does not hold a policy for, nor does it cover, Volunteers' personal effects such as tools, vehicles, jewellery, glasses or property such as cars or equipment.

## 7.2. Public Liability

This insurance applies to third party liability for bodily injury and damage to property.

Whilst volunteering as authorised by Council and under the care and control of Council, Volunteers are generally protected against public liability claims under this policy. The cover does not extend to incidents where damage has been caused through wilful or deliberate acts or omissions or in relation to acts that are unlawful or not authorised by Council.

## 7.3. Council and Officers Liability

Volunteers engaged in Council activities can be covered for some personal liability associated with wrongful acts or omissions e.g. statutory liability (i.e. Work Health and Safety breaches of legislation) but again wilful or deliberate acts or omissions or acts that are criminal or not authorised by Council may not be covered.

## 7.4. Personal Accident

Personal accident insurance can apply when the Volunteers are engaged by Council in, or on, activity connected with, or on behalf of, the Council. In some circumstances this can include during periods of travelling directly to and from the activity if exceeding 50km from the place of residence.

Coverage is for people aged 10 to 90 years and may not extend to of wilful or deliberate acts or omissions leading to accident or acts/omissions that are unlawful or not authorised by Council.

Medical costs are **not** reimbursed under this insurance.

## 7.5. Motor Vehicle

Volunteer's personal motor vehicles are not covered in any way including personal injury or property damage caused during journeys to or from, a Council site or activity or whilst the vehicle is being used for purposes associated with the volunteering role.

# 8. WORK HEALTH AND SAFETY

## 8.1. Work Health and Safety Policy

Council is committed to providing a safe and healthy working environment for its workers, which includes its volunteers.

This is achieved by Council, management, workers and volunteers working together, following a program of health and safety activities and procedures which are funded, monitored, reviewed and audited by the relevant Council staff member to achieve best practice.

The Work Health and Safety Policy and WHS Management Systems that apply to the volunteering activity are required to be adhered to at all times.



## 8.2. Risk Management and Assessment

The Council staff member and Volunteer have a responsibility not to place themselves and others at risk through their activities.

On being authorised to undertake voluntary work it is imperative that volunteers follow all reasonable directions in regard to ensuring the volunteering is undertaken in a safe and healthy way.

## 9. RESPONSIBLE BEHAVIOUR AND CODE OF CONDUCT

Certain conduct and standards of behavior are expected to be adhered to whilst undertaking volunteer duties. Volunteers are required to adhere to Council's adopted Code of Conduct at all times.

## 10. COMPLAINTS

Volunteers who experience any type of problem, concern or complaint during their volunteering have a right to raise a complaint with Council.

Complaints are dealt with in accordance with Council's Complaints Management Policy.

## 11. ASSOCIATED LEGISLATION

Volunteers have a responsibility to comply with legislation applying to the volunteer role they are performing for example but not limited to:

- A Working with Children Check is a prerequisite for anyone in child-related work.
- Volunteers have to keep information confidential in accordance with the Privacy and Personal Information Protection Act 1998.
- Volunteers have to comply with Work Health Safety requirements in accordance with WHS legislations
- Civil Liability Act 2002 No. 22 – Section 42 Principles concerning resources, responsibilities etc. of public or other authorities.

## 12. OTHER VOLUNTEERING RELATIONSHIPS

Other volunteering relationships with Council that are not associated with this Policy are:

- a) Work experience students or vocational placements.
- b) Groups or arrangements where there is a formal agreement with Council eg Landcare/Dunecare groups arrangements. Council supports a variety of Community Groups through formal arrangements such as Memorandums of Understanding, leases or licences.
- c) Community Gardens Groups – See Community Gardens Policy. Council promotes the development of communal gardens by supporting community gardens and provides in-kind support.

d) Groups where Council provides promotional support only eg. Red Frogs Australia for Schoolies in Byron Bay.

e) Government Mutual Obligation arrangements for example:

Work for the Dole where Government Coordinators work closely with the host organisation and Job Services Australia (JSA) to help deliver the work for the Dole Programme and will be responsible for referring eligible job seekers.

JSA are responsible for insurance arrangements, ensuring WHS requirements are met, job seekers are fully equipped and supervised to undertake an activity, required training is conducted (eg. work, health and safety) and all required checks are performed.

f) Community Service Order activities where people who have offended can be engaged through a Community Service Order (CSO) Organiser after a voluntary accreditation process.

In these programs, the CSO Organiser appoints an offender to suitable duties and the Department of Corrective Services, provides supervision, guidance or equipment etc. and indemnifies agencies such as Council against claims for compensation for injuries sustained by workers performing authorised Community Service Order work.