

The Volunteer Protection Act 2001

The Volunteer Protection Act 2001 was introduced to encourage people to volunteer for community organisations by addressing the concerns that they could be held legally responsible for doing voluntary work on behalf of an organisation.

The Volunteer Protection Act 2001 gives legal protection from personal liability to volunteers doing voluntary work for an incorporated community organisation or “the Crown” (a government organisation i.e. conservation volunteers doing work for the Department for Environment and Heritage).

There are, of course, obvious exclusions to this such as if the volunteer is acting illegally, affected by alcohol or illicit drugs, has defamed someone or, is acting outside or contrary to activities authorised by the community organisation. The Act, in effect, transfers liability from the individual to the incorporated organisation.

Who is protected?

- > Volunteers for an incorporated community organisation or a government sponsored volunteer group such as the Department of Primary Industries and Resources SA's Fishcare volunteers
- > Volunteers for an unincorporated organisation that is part of a large incorporated state or national association
- > People who volunteer for incorporated professional organisations that promote the interests of its members such as the Astronomical Society of Australia Inc., the Australian Dental Association etc
- > Board members of community organisations are protected under the Associations Incorporation Act 1985.

The volunteer organisation must be incorporated at a local or state level or be a government sponsored program with its own legal identity.

When does the Act apply?

Whether protection applies to a particular situation depends on a number of considerations such as:

- > The nature of the work being undertaken by the volunteer – it must be classified as ‘community work’
- > The basis on which the work was being done – for no payment (except for honoraria or reimbursement for expenses)
- > The manner in which the work was being done – was it in good faith and not reckless?
- > The nature of the organisation for which the work was being carried out – a community organisation that directs or coordinates community work
- > What the volunteer was actually doing at the time the damage or injury occurred – was it within the volunteer's duties or something being done on their own initiative. Because of this final point, it's important to ensure that volunteers' duties are clearly outlined and understood.



**Government
of South Australia**

Office for Volunteers

THE ACT IN PRACTICE:

Suggestions for Incorporated Community Organisations

- > Talk about the Act with your insurance broker to ensure that your insurance policy provides appropriate cover
- > Seek professional advice about any specific circumstances that you are unsure of. This will help to satisfy due care and diligence requirements for board members as well as making you well-informed
- > Be aware of the roles and duties of your volunteers, including those who do work for affiliated or member groups. Documented duty statements should be considered to help you minimise risk
- > Ensure volunteers receive appropriate instruction and training.

Suggestions for Volunteers

- > Check whether the organisation you volunteer for is incorporated
- > Speak to the organisation's management if you have any concerns
- > Be clear on your role and duties as a volunteer and ask for a written duty statement
- > Undertake any training provided for you
- > Remember that the Act doesn't provide you with personal accident cover.

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www.ofv.sa.gov.au