

VOLUNTARY WORKERS INSURANCE AND PUBLIC LIABILITY INSURANCE



1. Volunteer Accident Policy

Wildcare voluntary workers insurance is designed to provide 24 hour cover, 7 days a week for Wildcare members, for Wildcare authorised work. Activities need to be within the authorised scope and appropriately risk managed, for cover to apply. Cover is limited and is subject to eligibility assessment in each instance.

There may be additional insurance cover from other policies, for example the Tasmanian Risk Management Fund (TRMF) applicable to State Government managed land, depending on the ownership of the land that you are working on. Commercial operators should also have their own insurance, however, cover may be limited.

People need to be a Wildcare member to be covered under the Wildcare policy. Depending on the type of land being worked on, they may be covered under other policies though, even if they are not covered by the Wildcare insurance policy.

Wildcare's voluntary workers insurance policy is an 'out of pocket' expenses policy. If you have Private Health Insurance you are required to lodge your Non-Medicare Medical Expenses through your Private Health Insurer first, as the policy offsets against all Private Health Insurance rebates.

Payment of Medicare related medical expenses is prohibited by Commonwealth Government legislation under the National Health Act. This means that no insurer is allowed to pay benefits for medical expenses which are claimable through Medicare either **in part or full** and this includes the Out-of-Pocket Expense or Gap following the Medicare rebate. In other words, if you receive a rebate through Medicare for any part of a medical bill, the whole bill cannot be assessable under the voluntary worker's insurance policy.

2. Public liability insurance

Public liability insurance is also carried and covers Wildcare and its members in the event of incidents or injuries to third parties due to negligence on the part of Wildcare.

Claims against public liability insurance are processed through court hearings where negligence must be proven.

1. WHAT IS AN AUTHORISED EVENT?

For coverage under the Wildcare voluntary workers insurance policy, activities must be authorised, eg within the agreed scope of your Branch. When a Wildcare Branch is established, a scope of activities is agreed with the Wildcare Office and a Leadership team, eg President, Treasurer and Secretary is appointed.

If the following conditions are met, then your event is an authorised Wildcare event:

- activities remain within the agreed Branch scope,
- the Branch Leadership team has authorised the work event,
- you are working cooperatively with any land managers and have completed all Control test requirements.

Do I have to lodge my event on the Wildcare calendar for cover to apply?

No. Putting your event on the Wildcare calendar does not have any impact on whether or not you are covered for insurance.

However, lodging your event on the Wildcare calendar is generally strongly encouraged. It shows inclusivity through having your event open to participation to all Wildcare volunteers and helps us showcase what Wildcare is about and to attract new members, volunteers and financial supporters. In certain circumstances, there are limitations on the number of volunteers at a site or specialist skills are needed. In this case, it is ok not to post the event on the calendar.

2. WHAT COVER APPLIES WHEN WORKING ON LAND MANAGED BY TASMANIAN GOVERNMENT (EG NATIONAL PARKS, STATE RESERVES)

Many Wildcare Branches work on land managed by a division of the Department of Primary Industry, Parks, Water and Environment (DPIPWE), commonly either the Parks and Wildlife Division or Natural, Cultural and Heritage Branch.

Cover is provided through the Tasmanian Risk Management Fund (TRMF) for and in respect of approved Department volunteers for legal liability (where the Department is found to be legally liable for the actions of a volunteer) and personal injury (no-fault personal accident cover for personal injury to a volunteer). This is provided that Control test requirements have been met. Cover is limited and is subject to eligibility assessment in each instance.

What is the Control test?

To access Tasmanian Risk Management Fund (TRMF) volunteer personal accident cover, volunteers must satisfy the TRMF Agency control test as detailed in the [TRMF Policy and Disclosure Document on page 11](#). In order for volunteers to access that cover, the following conditions must be met:

- The individual/group is directly appointed by the Agency;
- There is existence of high level Agency supervision over the activities of the individual/group; and
- The agency has the power to dismiss the individual/group.

In practice this means that:

- All volunteers complete the DPIPWE Volunteer Activity Agreement and any associated Medical Disclosure Form and have them signed by a PWS Manager/ Supervisor and a Responsible Officer.
- Volunteers do work that is:
 - suitable for them to undertake given their qualifications, training, skills and abilities
 - an activity of benefit to the agency / crown (crown law advice)
 - clearly identified in an activity statement, partnership agreement or plan
 - risk assessed through Activity Risk Assessment (ARA) or JRA, JSA.
 - subject to an approved safety management plan if in remote, isolated or rough terrain.

What about travel?

- Just as ordinary travel by an employee between home and a workplace would not be covered by the worker's compensation insurance, ordinary **primary** travel by a volunteer to a worksite is not covered by TRMF volunteer personal accident insurance. In the case of say driving from home to a working bee, if there is a motor vehicle accident involving injury to a volunteer, the making of a claim with the Motor Accident Insurance Board (MAIB) is the first port of call.
- However, if **secondary** travel is required as part of your volunteering work, eg you convene with fellow volunteers and land managers at a site and then need to travel together on a plane, boat or motor vehicle to your ultimate destination, then that second leg of the travel forms part of the volunteering worksite. This would fall within the jurisdiction of the volunteering arrangement and a claim could be made under the TRMF personal accident insurance cover.
Provided the travel is an agreed and required part of the volunteering arrangement in order to get to the site, the cover would apply irrespective of whether the transport booking is made by a member of the volunteer group or by the land manager in charge of the site.

3. DEALING WITH CONTRACTORS

Groups need to ensure when engaging contractors to conduct works, that there is agreement of the land manager for the third party to be engaged, in order for coverage under the TRMF to be assured. Alternatively, having the land manager engage the contractor directly avoids issues.

4. EXCLUSIONS

What is covered will always be considered on a case by case basis whenever a claim is made.

NOTABLE COVERAGE EXCLUSIONS UNDER WILDCARE INSURANCE:

- any claims arising from deliberate, illegal or criminal acts are not covered
- a volunteer is covered when in an aircraft flying to the worksite only if they are a passenger, eg not flying the aircraft,
- claims for pre-existing medical conditions are not covered.

NOTABLE EXCLUSIONS UNDER THE TRMF:

Personal accident cover is not provided in circumstances where workers' compensation would not apply to an employee in the same circumstances. In addition, personal accident cover is not provided in circumstances where a volunteer:

- is involved in a motor vehicle accident; or
- acts outside the scope of the activities authorised by the agency, or contrary to its instructions; or
- is affected by alcohol /other drugs at the time of the incident; or
- the personal injury occurs during time off – even if this has been sanctioned by a relevant officer or authorised representative.

Full details of the Tasmanian Risk Management Fund insurance are [here](#)