



VOLUNTARY WORKERS INSURANCE AND PUBLIC LIABILITY INSURANCE

If your project is managed under a Volunteer Program Plan within the NRET (formerly DPIPWE) Volunteer Framework or is part of a project on land managed by another organisation, then it is that organisation who is the PCBU and Wildcare members must ensure they adhere to the organisation's safety management systems, including any volunteer sign-up processes.

The Department of Natural Resources and Environment Tasmania, ensure appropriate risk management procedures and safe practices are in place when volunteers participate in NRE Tas authorised activities. Whenever our members are engaged by the PWS, through a Volunteer Program Plan or Ranger Assist Program, those WILDCARE Tasmania members are volunteering for NRE Tas. Learn more about volunteering at NRET [here](#).

When Wildcare Tasmania groups and members are undertaking projects that are not managed under a Volunteer Program Plan within the NRET Volunteer Framework or are not part of a volunteer project on land managed by other organisations, (including other state or local government departments), members are volunteering for Wildcare Tasmania, and operating in a Wildcare 'workplace'. In those circumstances, Wildcare Tas. is the 'person conducting a business or undertaking' (PCBU) and has the primary duty of care.

To assist you in planning/preparing for such events, please utilise the forms located on [this](#) page.

1. Volunteer Accident Policy

Wildcare voluntary workers insurance is designed to provide 24 hour cover, 7 days a week for Wildcare members undertaking 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 on which you are working. 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, even if they are not covered by the Wildcare insurance policy. You should always check with the relevant landowner to ensure personal accident and liability insurance is in place prior to commencing any work.

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 workers' 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, e.g. 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, e.g. 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 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 attract new members, volunteers and financial supporters. In certain circumstances, volunteers are preselected or an event is for a pre-arranged group, such as a club or school. In these cases, 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 the Department of Natural Resources and Environment (NRE), commonly either the Parks and Wildlife Service or Environment, Heritage and Land.

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 on the condition 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 the 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 NRE Volunteer Program Plan and any associated Medical Disclosure Forms 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 driving from home to a working bee for example, if there is a motor vehicle accident involving injury to a volunteer, making a claim with the Motor Accident Insurance Board (MAIB) is the first port of call.

- If secondary travel is required as part of your volunteering work, e.g. 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 you will need to ensure that the owner of that mode of transport has personal accident and liability insurance prior to the travel.

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
- 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](#).

5. ATTENDING PUBLIC EVENTS

If a Wildcare member is attending a public event as part of a Branch activity i.e. promoting or displaying the Branch, and not run by Wildcare, they must ensure in writing the event organisers have personal accident and liability insurance.