

Insurance cover offered to independent community groups by Department for Environment and Water (DEW) and Landscape Boards

The insurance arrangement

Volunteers across South Australia work on projects that make a significant contribution to the management of the state's natural environment as well as connecting local communities to nature. In recognition of this, DEW has an agreement with Green Adelaide, the Hills and Fleurieu Landscape Board and the State Government to provide insurance cover to not-for-profit community groups of two or more people, working independently from DEW and the Landscape Board business and staff, but who still work towards managing our natural environment and building capacity in our communities. This insurance cover extends to approved activities in direct strategic alignment with focus areas of the Regional Landscape Plans.

Civil liability incurred during work performed by groups independent of DEW and the Landscape Boards would attach to the community organisation to which the volunteer is associated, and would be covered under the Volunteer section of DEW's agreement with the insurer.

The Insurer

SAicorp is the captive insurer for the Government of South Australia. It provides comprehensive insurance protection, insuring the risks of South Australian Government agencies and provides insurance advice and assistance to those agencies.

DEW has an agreement with SAicorp to provide a level of cover to registered volunteers working on projects approved by DEW staff and the Landscape Boards.

The insurance product

Personal accident cover for volunteers is similar to compulsory Return to Work cover for paid employees however volunteers are not considered as workers for workers compensation purposes.

The insurance cover offered to volunteers under DEW's agreement with SAicorp includes:

1. Personal Accident Cover (bodily injury)
2. Civil Liability

Benefits for personal bodily injury or death are equivalent to the benefits that would have been payable to a worker under the *Return to Work Act 2014* (the Act) if the Volunteer were an employee of DEW.

Any liability to a third party arising from the action or advice of a volunteer acting in accordance with DEW, Green Adelaide or Hills and Fleurieu Landscape Board instruction is treated as if the action or advice were that of an employee.



Who can be covered by the insurance?

Volunteer insurance cover is not unconditional. It is approved for specific activities and is reviewed and endorsed on a case by case basis, usually annually. Volunteers will be covered by this insurance only when DEW staff and the Landscape Boards have endorsed the volunteer activities through the independent volunteer group insurance process.

Volunteer groups that work independently of DEW and the Landscape Boards but their activities contribute to DEW business or focus areas in Regional Landscape Plans may receive insurance cover. This requires agreement and documentation between parties involved and is captured through an annual application for volunteer insurance.

To ensure cover by SAicorp insurance, the following *minimum* processes must be followed by independent groups:

- 1. Landholder permission must be obtained for any independent community group activity or works not on the group's own premises/property.**
- 2. Volunteers must be registered members of the group or registered as volunteers at activities organised by the group**

Volunteers must either be listed in the group membership records or, if participating in specific group activities, listed on an attendance record.
These records should provide emergency contact details for each volunteer and any medical information relevant to the safety of individual volunteers and those working with them.
- 3. An attendance record must be kept for the group's activities, events and visitors.**

The group is asked to keep copies of their attendance sheet/records safely for future reference. Should an insurance claim be made by a volunteer or member of the public, these records provide proof for the insurer that the person was involved with a group activity at the time of injury.
- 4. Suitable risk assessments are conducted on site for all volunteer activities to identify and avoid any reasonably foreseeable accident or injury**

Independent community groups registered for insurance by Hills and Fleurieu Landscape Board remain independent of DEW supervision, guidance, policy and procedure. It is the responsibility of the group to assess all risks and ensure that reasonable measures are taken to mitigate any risks associated with your activities and any equipment to be used. In the event of a claim, cover will only be provided if your group can show SAicorp it has adhered to the industry standards for risk mitigation. Please visit www.safework@sa.gov.au for guidance on appropriate risk management.



Covers provided

1. Personal accident cover (bodily injury)

Personal accident cover will provide a level of compensation to a volunteer should accidental bodily injury or death occur whilst engaged or undertaking voluntary work authorised by DEW, Green Adelaide or Landscape SA staff.

What it covers:

- ✓ Registered volunteers following accidental bodily injury or death while volunteering. Benefits are paid on an out of pocket basis after other entitlements have been used with regard to medical and reasonable rehabilitation costs. Note, other entitlements include Medicare, private health insurance, personal insurance, superannuation, employment sick leave entitlements, compulsory third party bodily insurance and so forth.
- ✓ Lump sums for death or serious disability which are paid on the same basis as the Act.
- ✓ Weekly income is paid to volunteers who can demonstrate a loss of income. Benefits take account of actual lost income up to the Act ceiling of twice the State Average Weekly Earnings. For long-term incapacities, benefit reductions in line with the Act rules apply.
- ✓ All benefits, except weekly income benefits for long-term incapacities, are payable regardless of age.

What is not covered:

- ✗ No benefit is payable in respect to the gap between payment made by Medicare and charges incurred.
- ✗ Damage to equipment or property other than during the incident that caused the bodily injury or death (e.g. stolen from a shed).
- ✗ Claims following a bodily injury or death, if the injury is wholly or predominantly attributable to serious and wilful misconduct on the part of the worker.
- ✗ Claims following a bodily injury or death, if the injury is wholly or predominantly attributable to the influence of alcohol or a drug voluntarily consumed by the worker (other than a drug lawfully obtained and consumed in a reasonable quantity by the worker).
- ✗ Claims involving vehicle accidents that occur between home and the place of work.

2. Civil liability cover

Civil liability cover is insurance to cover the legal liability to pay or indemnify volunteers, DEW, Green Adelaide and the Landscape Boards if they are sued for negligence or a civil claim is lodged for damages under common law, contract or statute. The cover amount is without limit.

What it covers:

- ✓ Liability of a registered volunteer following an action that results in personal injury, death, damage or loss to a third party.
- ✓ All legal costs, charges and expenses incurred in the management of a civil liability claim where such costs, expenses and charges are incurred by SAicorp or DEW with SAicorp's prior written approval.

What is not covered:

- ✗ Civil claims against the organisation or an individual for defamation.



- ✖ Claims that fall within the ambit of a scheme of compulsory third-party motor vehicle insurance.
- ✖ Claims where the volunteer's ability to carry out the work properly was, at the relevant time, significantly impaired by a recreational drug.
- ✖ Claims where the volunteer was acting, and knew or ought to have known that he or she was acting, outside the scope of the activities authorised by the community organisation or DEW.
- ✖ Claims if the volunteer was acting, and knew or ought to have known that he or she was acting, contrary to instructions given by the community organisation.
- ✖ Claims involving vehicle accidents that occur between home and the place of work.

Making a claim

Volunteers discussing the incident with medical practitioners should not indicate this is a WorkCover related claim/incident.

To make a claim, volunteers will need to provide details of the incident and details of all medical treatment including dates, practice attended, fees incurred and personal benefits utilised and out of pocket expenses.

Green Adelaide and Hills and Fleurieu Landscape Board staff can assist with lodging a claim to SAicorp. Please contact Dana Miles on 0427 600 722 or email dana.miles@sa.gov.au if you need assistance.

