



Volunteer Protection Act 2001

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The *Volunteer Protection Act 2001 (SA)* (the 'Act') gives legal protection from personal liability to people doing community work on a voluntary basis for community organisations.

The Act, in effect, transfers liability from the individual to the community organisation.

There are 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 instructions given by the community organisation.

To be a 'community organisation' under the Act, the organisation must:

- direct or co-ordinate the carrying out of community work by volunteers
- be incorporated – this could be as a community organisation under the *Associations Incorporation Act 1985 (SA)*, or as a co-operative, or as a company; government departments and agencies are also included.

Who is protected?

- volunteers for an incorporated community organisation or a government sponsored volunteer group such as the Department of Primary Industries and Regions 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.

NB: Board members of community organisations are protected separately under the *Associations Incorporation Act 1985*.

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' [defined in *section 3 (a) Volunteers Protection Act 2001 (SA)*]
- the basis on which the work was being done – it must not involve a payment (note: honoraria or reimbursement for expenses are not considered as 'payment' under the Act)
- 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 – it must be a community organisation that directs or coordinates community work and be incorporated
- what the volunteer was doing at the time the damage or injury occurred – was it within the volunteer's duties or was it something being done on their own initiative? This is an example of why it's important to ensure that volunteers' duties are clearly outlined and understood by all parties.

The Act in practice:

Suggestions for community organisations

- talk about the Act with your insurance broker to ensure that your insurance policy provides the appropriate type of 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
- consider creating documented duty statements to help minimise risk
- ensure that your 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
- Ask about what insurance cover/s the organisation provides as the Act does not provide public liability or personal accident insurance cover for members of an organisation.

Related Links

[Information on Volunteer Protection Act 2001](#): Legal Services Commission of SA

[Information on becoming incorporated](#): Consumer and Business Services (CBS)

[Volunteer Protection](#): Information from sa.gov.au website

[Legal Compliance Education and Awareness, Volunteer Protection Act 2001](#): The University of Adelaide

Legislation

[Volunteer Protection Act 2001](#)

[Volunteer Protection Regulations 2004](#)