



THE UNIVERSITY
of ADELAIDE

Legal Compliance Education and Awareness



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Volunteers Protection Act 2001

(South Australian)

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What does the Volunteers Protection Act do?

- Provides protection for volunteers from being held personally liable for damage, loss or injury they may have caused to others while undertaking volunteer work
- Seeks to strike a balance between the need to protect volunteers & the interests of those who suffer injury
- The intent of the Act is to encourage people to volunteer by reducing risk to the individual & transferring the liability to the community organisation

What is a Volunteer?

- ***A volunteer is a person who undertakes 'community work' & who is not paid for the work they do***
- Volunteering is undertaken:
 - *to be of benefit to the community & the volunteer*
 - *of the volunteer's own free will & without coercion*
 - *for no financial payment*
 - *in designated volunteer positions only*
- A person carrying out work under the order of a court or as a condition of a bond is ***not*** regarded as a volunteer

Volunteer 'payment'

- If you are being paid, you are **not** a volunteer
- The following **does not** constitute payment:
 - being reimbursed for expenses incurred in carrying out voluntary work; or
 - monetary gifts given in recognition of a volunteer's work (an honorarium)
 - **BUT** the gift must be a 'true honorarium': the gift must not be relied on or expected by the volunteer as a source of income

What is 'community work'?

Community work is work done for any of the following purposes:

- for a religious, educational, charitable or benevolent purpose
- for promoting or encouraging literature, science or the arts
- for looking after, or providing medical treatment or attention for, people who need care because of a physical or mental disability or condition
- for sport, recreation or amusement
- for conserving resources or protecting the natural environment from harm
- for preserving historical or cultural heritage
- for a political purpose
- for protecting or promoting the common interests of the community generally or a particular section of the community

How does the Act apply to the University?

- The University is considered a 'community organisation' for the purpose of the Act as it:
 - directs & co-ordinates the carrying out of work by volunteers; &
 - is a body corporate
- The University has people volunteering in a variety of ways & in a variety of areas, for example;
 - *preserving records for University Archives & Collections*
 - *gardening at Waite Campus*
 - *directing tours of Urrbrae House*
 - *assisting with publicity for the Theatre Guild*
 - *producing & presenting programs for Radio Adelaide*

What protection from liability is provided to a volunteer?

- The Act provides volunteers immunity from personal liability for an act or omission in the course of carrying out community work
 - *For example: A volunteer gardener at Waite campus digs a hole into which a member of the public steps & breaks a leg*
 - *For example: A volunteer assisting at a graduation ceremony does not erect a row of seats correctly & a visitor falls to the ground, injuring their back*
- Protection from liability **only** applies where the volunteer acts within the scope of their allocated tasks, in good faith & without recklessness
- ***Non-compliance with the Act by a volunteer will cause the individual to lose the 'safety net' of immunity, making the individual personally responsible for damage, loss or injury they may have caused***

When does protection from liability not apply?

Volunteers will not be protected under the Act:

- For defamatory comments
- For situations covered by compulsory third-party motor vehicle insurance
 - For example: where a volunteer was driving a car & was involved in an accident where someone was injured. In this case, the injured person follows the normal procedure for making a claim
- Where the volunteer's ability to carry out the work properly was significantly impaired by drugs or alcohol
- Where the volunteer was acting & knew (or ought to have known) they were acting outside the scope of the activities authorised by the University
- Where the volunteer was acting & knew (or ought to have known) they were acting, contrary to instructions given by the University

What should you do if you wish to engage volunteers?

- Ensure volunteers tasks & responsibilities are documented & agreed to (eg: through a [volunteer agreement](#))
- Provide induction & training to enable volunteers to be fully aware of:
 - *their tasks & responsibilities*
 - *the process for reimbursements for out of pocket expenses*
 - *occupational health & safety conditions & procedures*
 - *insurance coverage*
 - *equal opportunity, grievance & disciplinary policies*
 - *support & supervision*
 - *privacy, security & confidentiality issues*
 - *Other applicable policies & procedures*
- Identify potential risks involved in the work of volunteers & take measures to minimise the risk of damage, loss or injury to others
- If you become aware of an insurance claim against a volunteer, notify the University's Insurance Officer, Tom Pontt
 - thomas.pontt@adelaide.edu.au
 - 8313 3878

Additional Resources

- [Celine McInerney](#), General Counsel
 - 8313 5033
- [Richard Duddy](#), Legal Counsel
 - 8313 0085
- [University of Adelaide volunteers website](#)
- [University Volunteer Policy & Handbook for Volunteer Co-ordinators](#)
- [Volunteers Protection Act 2001 \(SA\)](#)
- [Volunteers Protection Regulations 2004 \(SA\)](#)
- [Volunteering Australia](#)



Disclaimer

The content of this material is intended only to provide a summary & general overview of the *Volunteers Protection Act* as it applies to the University of Adelaide.

It is not intended to be comprehensive nor does it constitute legal advice.

Please contact *Richard Duddy* or Legal & Risk if you are unsure of your compliance obligations under the Act.