

Volunteers in WA – Mind the (Insurance) Gap!

Volunteering WA has drafted this discussion paper in response to queries from volunteers, volunteer organisations and government as to “what are the gaps in volunteer personal accident insurance?”.

Please note that while every effort has been made to report accurately on the current state, this does not constitute legal advice and we do not hold ourselves out as experts in this complex and multi-layered field.

It is intended to be a (relatively) plain-English guide to summarise our understanding.

We hope that through engagement, education, and dialogue, we gain and share a clear understanding of this matter.

Volunteering WA’s goal is to contribute constructively to finding solutions in collaboration with stakeholders, volunteer involving organisations and our volunteers.

Lack of Workers’ Compensation coverage

Volunteers (and paid workers) in WA are required to comply with certain provisions of the *Work Health and Safety Act 2020 (WA)* and may commit an offense for failing to comply with certain provisions¹.

However, volunteers do not enjoy the same protections as paid workers.

While paid workers are covered under the *Workers Compensation and Injury Management Act 1981 (WA)*, volunteers are not.

Gap 1: Volunteers are not eligible for Workers’ Compensation in WA, although some volunteers are covered in other states and territories.

There appear to be much greater coverage of volunteer roles for workers’ compensation in other jurisdictions (table 1)².

State / Territory	State / Territory Government Workers’ Compensation extended to specified categories of <u>volunteers</u>
Western Australia	<ul style="list-style-type: none"> • none
New South Wales	<ul style="list-style-type: none"> • Emergency services workers • Volunteer firefighters • Volunteer ambulance officers

¹ [Volunteer organisations | Department of Energy, Mines, Industry Regulation and Safety \(commerce.wa.gov.au\)](http://www.commerce.wa.gov.au)

² [National Volunteering Guide Part 4 \(nfplaw.org.au\)](http://www.nfplaw.org.au) pages 59 - 60

Northern Territory	<ul style="list-style-type: none"> • Emergency services volunteers (who receive nothing more than reasonable travelling, accommodation or other out of pocket expenses)
Queensland	<ul style="list-style-type: none"> • A voluntary emergency services or ambulance worker; or • A volunteer involved in a religious, charitable or benevolent organisation; or • A volunteer involved in a not-for-profit organisation; <p>and</p> <ul style="list-style-type: none"> • The organisation they are engaged by has an insurance policy that covers such people •
South Australia	<ul style="list-style-type: none"> • State emergency services member • Marine rescue worker • Firefighters
Tasmania	<ul style="list-style-type: none"> • Police volunteers • Volunteer fire-fighters • Volunteer police staff • Prescribed volunteers
Victoria	<ul style="list-style-type: none"> • Voluntary emergency and state emergency services workers • Jurors • Volunteer workers in government schools • Volunteers assisting police officers • Volunteer firefighters

Table 1

Lack of private insurance coverage

The WA State of Volunteering Report 2023, notes that about three quarters (76.5%) of voluntary organisations provide coverage to volunteers for personal accident insurance³.

This is very similar to the national average for volunteering organisation where 24% of volunteer organisations report that they do not provide personal accident protection to volunteers⁴.

Gap 2: The WA State of Volunteering Report 2023 highlights that one in four volunteer involving organisations do not hold any form of private insurance coverage for volunteers

³ [wa-state-of-volunteering-report-2023-spreads-2-.pdf \(volunteeringwa.org.au\)](https://volunteeringwa.org.au/wp-content/uploads/2023/01/wa-state-of-volunteering-report-2023-spreads-2-.pdf) page 50

⁴ <https://volunteeringstrategy.org.au/wp-content/uploads/2024/01/National-Strategy-for-Volunteering-2023-2033.pdf> page 68

In some cases, ‘standard’ volunteer accident insurance policies may have age limits (e.g., exclude volunteers less than 18 years or over 70 years).

We understand that this can be relatively easily and economically resolved by asking insurers to include these cohorts, but some volunteer organisations may not be aware of this or extend their insurance to all age groups.

Promotion of volunteer personal accident insurance

For many years, it has been thought that the solution was simply to promote volunteer personal accident insurance. This has been promoted in several forums including:

- State and Territory peak bodies, such as Volunteering WA⁵, require organisations to maintain this insurance to be eligible for membership;
- Services Australia, requires voluntary organisations to hold an appropriate level of “voluntary workers’ cover” as a pre-requisite for approval to become an “approved voluntary work organisation”⁶ (for benefits such as Job Keeper);
- Confirmation of volunteer personal accident insurance to advertise volunteer roles on National Volunteering Database via VIKTOR and SEEK platforms; and
- Requirement for some Government grants and / or funding.

Lack of coverage for Medicare-related medical expenses

However, even where an organisation takes out volunteer personal accident insurance there is a specific exclusion, set in federal legislation⁷ for Medicare-related medical expenses⁸.

For example, a volunteer was injured and went to the doctor. If they incurred a bill of \$80 and Medicare paid \$35, the volunteer would be out of pocket \$45 and unable to claim (even where they have an approved claim under their organisations’ volunteer personal accident insurance policy).

The intent in the legislation was for Medicare to cover all these costs as part of the “universal health care” principle when it was established. However, as we know, there are fewer and fewer “bulk-billing” arrangements available.

Gap 3: Volunteers, even when covered by their organisation’s volunteer personal accident insurance policy, are unable by law to claim Medicare-related medical expenses (i.e., where there is a gap).

⁵ <https://www.volunteeringwa.org.au/membership/become-a-member>

⁶ <https://www.servicesaustralia.gov.au/su461>

⁷ National Health Act 1953 (Cth), Health Insurance Act 1973, Private Health Insurance Act 2007 (C’th)

⁸ [What’s covered by Medicare - Medicare - Services Australia](#)

Volunteers are limited to claims for non-Medicare costs such as ambulance, dental, physiotherapy and private hospital rooms. An excellent resource in this area has been produced by Aon, an Australian insurance company. [NFP-Non-Medical-Exp-Article.pdf](#)

Case study – Jack Doe*

Jack* was required to volunteer 30 hours a fortnight, to receive JobSeeker payments.

He contacted Services Australia (Centrelink) and was advised that ABC Organisation* were an 'approved' organisation with whom Jack could undertake this service. Centrelink requires organisations to register and provide evidence of personal accident / voluntary workers' insurance to be approved. Centrelink do not require a minimum level of coverage.

Jack was severely injured while volunteering, and now requires an operation to re-attach tendons in his shoulder. ABC Organisation referred him to their insurer, and his claim was approved the following month. ABC Organisation have advised that he is to direct all queries to the insurer.

However, most of Jack's medical costs are not covered, including:

- The excess of \$100 (which he has been asked to pay); and
- No coverage for Medicare-related medical costs.

Jack estimates that the out-of-pocket cost to him is between \$4,000-\$7,000. He has a referral to a specialist surgeon, but his treatment is on hold due to his lack of insurance coverage.

He has reached out to Centrelink and Worksafe WA and feels that there is limited knowledge or understanding of these gaps. Jack has spoken to numerous different government departments, with some giving him Volunteering WA as a contact point. Volunteering WA is not resourced or funded to support individual volunteers.

Jack's volunteering is on hold until he is well enough again, and he misses this rewarding role and his fellow volunteers. He is in pain, frustrated, adversely impacted by the physical limitations caused by his injury, and is worried about his fellow volunteers.

No coverage for illness

As we know, volunteers undertake numerous essential roles in Western Australia. These include a range of roles including in health care, shelters for people experiencing homelessness and / or family and domestic violence, disability, emergency food relief and emergency services (to name a few).

During the pandemic, many of these volunteer roles were classed as essential services. Volunteers were granted exclusions from some lockdown provisions and prioritised for vaccination roll-out to ensure they could continue to give their time freely to support the health and safety of the WA community.

However, they did not receive any protection from the federal or state governments and were not covered by their organisations' volunteer personal accident insurance policies.

Gap 4: Volunteers are not generally covered for illness acquired while volunteering, by volunteer personal accident insurance policies.

Justice Connect and Volunteering Australia put out a joint call during the pandemic for this gap to be recognised and addressed⁹.

Note that this is not limited to pandemic situations but may include other illnesses acquired while volunteering (e.g., asbestosis).

Note that some insurance policies may provide cover for some illnesses, acquired while volunteering¹⁰.

Not all policies are created equally

Even when volunteers have approved claims under existing volunteer personal accident insurance, there are limitations to coverage. These may include but not be limited to (in some policies):

- No coverage for capital loss (such as death or permanent disability);
- Claim limits (\$1,000, \$5,000 and \$10,000 are frequently cited);
- Caps on income protection;
- No allowance for home modifications;
- Procedural gaps (such as when a doctor fills out the incorrect Worksafe form); and
- A requirement for the volunteer to pay the deductible.

Another potential gap is for injuries sustained while travelling to / from a volunteering role or while volunteering at home.

Gap 5: Even when volunteers are nominally covered by their organisations' volunteer personal accident insurance policy, there may be significant restrictions on financial reimbursement. This could lead to deferred, limited, or avoided healthcare.

Note that Services Australia states that “there is no minimum amount of personal accident/voluntary workers insurance to be held” {emphasis added} to be a registered

⁹ https://content.nfplaw.org.au/wp-content/uploads/2022/03/COVID-19_Volunteer_Protection_Joint_Policy_Statement_final_19Aug2020.pdf?_ga=2.56590251.107082968.1672366227-41797728.1672366227

¹⁰ For example, Volunteering WA is aware that some policies provide cover for HIV acquired while volunteering.

voluntary organisation for the purposes of volunteering to meet requirements under specified schemes (e.g., JobSeeker).

This differs from Public Liability insurance requirements, where Centrelink has deemed a minimum level of cover to protect the public from harm caused by volunteers, staff or contractors.

No mandatory disclosure

The National Standards for Volunteer Involvement (6.3) note that:

6.3 Processes are in place to protect the health, safety and wellbeing of volunteers in their capacity as volunteers, including relevant insurances.

However, organisations are not legally required to disclose the existence or extent of any volunteer personal accident insurance policies.

In many cases, it is likely that volunteers are trusting and possibly assume that Workers' Compensation or the organisation's private insurance policies cover them for injury or illness during volunteering. Many not-for-profit Boards lack expertise in insurances, which is an essential consideration in managing risk and longer-term sustainability.

Gap 6: Most volunteers are not aware of limitations or the lack of coverage for personal accident or illness acquired during their service, and most Boards lack skilled expertise in this area.

Nowhere to go

Paid workers suffering an injury or illness at work, are typically supported by their organisations as they navigate the maze that can be health care and costs.

They may also be supported by organisational referrals to specialist workplace health care providers¹¹, workplace representation (such as unions) or grievance processes.

Volunteers can be directed to insurers, or reinsurers, with no-one, particularly skilled resources, to assist them. After an injury, volunteers may be "stood down" from their roles, leaving them without a volunteer manager, a voluntary organisation, a grievance process, or unfair dismissal settings to support them.

Gap 7: Volunteers often have no-one to assist them when they are dealing with an injury acquired during their volunteering role.

¹¹ This is one example of a specialist medical service providing support to organisations and paid workers [Leading Healthcare Solutions in WA and now in QLD | RediMed](#)

Case study – Victorian Government insurance for Community Service Organisations

The Victorian Government, through the Victorian Managed Insurance Authority (VMIA), provides a suite of insurance policies, free of charge, to a wide range of Community Service Organisations (CSOs).

Insurance coverage for eligible organisations includes:

- Public and Products Liability
- Professional Indemnity
- Directors and Officers Liability
- Entity Fidelity (fraud)
- **Volunteer Personal Accident**
- Medical Indemnity
- Volunteer Care Givers Property.

A copy of the Volunteer Personal Accident policy is available [here](#).

We understand that as a result, in Victoria there:

- Are significant savings to eligible CSOs from not having to take out separate policies;
- Is a more consistent level of coverage for volunteers; and
- Is process support for volunteers making a claim under a related policy is provided by VMIA.

Please contact meredith@volunteeringwa.org.au for further information or discussion.

Prepared by

Volunteering WA in consultation with the Volunteering Community Reference Group

This report has primarily been compiled from external sources. While every effort has been made to supply accurate and up to date information, Volunteering WA does not accept any liability for the accuracy, reliability or completeness of information in this document.

April 2024