



## Your entitlements if injured as a volunteer

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Unfortunately, while volunteers selflessly give up their time to dedicate to community groups, organisations and other time worthy causes, they can suffer injuries through the course of their volunteering in the form of both physical and mental harm. This then poses the question, *"What compensation is available if I'm injured while volunteering?"*.

Volunteering is an important backbone of our community. Recent statistics conducted in 2020 show that 2.3 million Victorians aged over 15 years old participate in some form of volunteering, whether it be formally with an organisation or informally through their community. With such a high rate of participation, accidents and injuries are bound to occur from time to time.

### WorkCover's definition of a volunteer

In Victoria, the *Workplace Injury Rehabilitation and Compensation Act 2013* (the Act) defines a volunteer as *"a person who is acting on a voluntary basis (irrespective of whether the person received out-of-pocket expenses)"*.

Under Victorian law, volunteers are owed a duty by the organisations that engage them to ensure adequate health and safety practices are implemented so as to reduce their risk of injuring themselves during the course of their volunteer work.

However, most volunteers in Victoria are **not** covered by WorkCover legislation in the event of injury. This is in contrast to most other Australian states, which have implemented a model Work Health and Safety Act that provides no difference between the legal duties and obligations owed to volunteers and paid workers.

### Exceptions to the rule – which volunteers are eligible to submit a WorkCover claim?

There are some exceptions to the rule in Victoria, where certain volunteers are entitled to WorkCover compensation if they are deemed a “worker” under an Act. For example, volunteers who assist government agencies such as the Country Fire Authority (CFA) and State Emergency Services (SES) are covered by WorkCover. This means that in the event of injury or illness, they will be entitled to [WorkCover benefits and compensation](#).

A list of volunteers who may be eligible for WorkCover compensation include:

- voluntary registered and probationary members of the Victoria SES under the *Victoria State Emergency Services Act 2005*;
- Jurors under the *Juries Act 2000*;
- volunteer school workers or volunteer student workers under the *Education and Training Reform Act 2006*;
- emergency workers under the *Emergency Management Act 1986*;
- Volunteers assisting police officers under the *Police Assistance Compensation Act 1968*;
- casual firefighters, including volunteer officers and members and volunteer auxiliary workers, under the *Country Fire Authority Act 1958*. The *Firefighters' Presumptive Rights and Fire Services Amendment Legislation (Reform) Act 2019* further provides volunteer firefighters presumptive compensation for specified cancers that are contracted as a firefighter;
- volunteers in prison and offenders working or participating in a program under a Corrections Order are deemed workers employed by the Crown.

## Eligible volunteers can also claim compensation for psychological injury and diseases

Eligible volunteers can [lodge a WorkCover claim](#) if they are physically injured while volunteering or they suffer psychological injury or illness/disease related to their volunteer work.

Due to the traumatic scenes that emergency and SES volunteers face during their volunteering work, they are particularly susceptible to developing [psychological injuries](#).

Further, CFA volunteers are at heightened risk of developing diseases due to their increased exposure to toxic fumes and smoke. At Guardian Injury Law, we are experts at representing people who are injured in the course of their volunteer work. If you are injured or become ill while volunteering, Guardian Injury Law lawyers can provide you with advice and discuss your options.

[Free advice to find out where you stand: 1300 700 761](#)

## What WorkCover benefits are available for eligible volunteers?

There are a number of benefits and compensation payable for volunteers injured “on the job”. These include:

- [WorkCover weekly payments](#);
- [Medical expenses](#);

- Domestic help;
- [Lump sum compensation for permanent injury](#); and
- [WorkCover common law damages](#) where the negligence of another person/entity caused the injuries.

## What if I am not considered an “eligible volunteer” for compensation?

If you do not fall within the above exceptions to the Victorian WorkCover volunteer rule, you may still be able to seek another form of compensation, like a public liability claim or TPD claim.

### Public liability claim

Public liability insurance is a type of insurance that covers individuals and organisations for claims of negligence that result in injury or property damage to third parties.

While public liability insurance is not mandatory, most organisations will have it, which avoids them having to pay negligence claims out of their own pockets. Many individual homeowners also have home insurance that includes public liability cover.

Individuals and organisations who engage volunteers have a duty to maintain a safe work environment and implement standards to ensure volunteers are not injured during the course of their work.

To bring a [successful public liability claim](#), you will need to prove that your injury was caused by the negligence of the volunteer organisation or individual. You will be required to show that the organisation or individual failed to take reasonable care to prevent your injury.

These claims are governed by the *Wrongs Act 1958*. You will be able to claim for compensation for pain and suffering, lost wages, out of pocket medical and like expenses, and gratuitous care expenses.

Make sure you seek legal advice [before settling any public liability claim](#) to ensure that you understand all your rights and entitlements. At Guardian Injury Law, we will maximise your chances of a successful claim.

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### Total Permanent Disability (TPD) claim

TPD benefits are available to people who are unable to work due to injury or illness. Each potential benefit is different and is based upon the individual policy or trust deed you entered into when taking out the insurance, as well as your age and the date of your injury. Most Australian workers will have default TPD insurance within their super fund.

To be successful with a TPD claim, you will need to meet the definition of total and permanent disablement contained in the insurance policy or super fund's trust deed.

These definitions sometimes vary between funds and should be looked at carefully. In some instances, the definition will require you to be totally and permanently disabled for your “own occupation”. Other definitions require that you are totally and permanently disabled for “any occupation”.

At Guardian Injury Law, we are able to assist you with your TPD claim, including obtaining all of the relevant and required information as well as preparing detailed submissions on your behalf. We will ensure you meet the fund’s definition as well as address any potential issues in your claim to give your claim every chance of success.

You can read more detailed information about TPD claims in our earlier blog, [“TPD claims – your complete guide”](#).

## Get help from a personal injury lawyer

Whether you are a volunteer who assists government agencies and are covered under WorkCover legislation or you seek to make a claim under public liability or a TPD claim, compensation options are available. Determining the different compensation claims available to volunteers can be a complex process and legal advice is highly recommended.

At Guardian Injury Law, we are experienced at representing injured people and can assist in ensuring that your compensation is maximised with any claim you may seek. We work on a no-win, no-fee or expenses basis with your first consult free of charge. It costs nothing to find out where you stand.

## Contacting Guardian Injury Law

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