

Emergency Management Planning Reform

Legal Protection for Emergency Volunteer Workers

This Fact Sheet sets out those Victorian Acts which contain provision for volunteers about

- compensation in the case of injury or death,
- protection for volunteer emergency workers from legal liability or
- other protection.

It includes those Acts which protect a wider group of volunteers than emergency volunteer workers, but not those Acts which are unlikely to apply to volunteer emergency workers (for example the provisions in the *Education and Training Reform Act 2006*).

It is provided for guidance only and should not be relied on as legal advice.

Act and reference	Group referred to	Nature of provision
Compensation provisions		
<i>Emergency Management Act 1986, Part 6</i>	'Volunteer emergency worker': 'a volunteer worker who engages in emergency activity at the request (whether directly or indirectly) or with the express or implied consent of the chief executive (however designated), or of a person acting with the authority of the chief executive, of an agency to which the state emergency response plan or the state recovery plan applies.'	<p>Sets up a compensation scheme covering both personal injury (including death) and property damage (own property or property under that person's control at the time) to apply in the circumstances specified. Offers benefits equivalent to normal WorkCover benefits.</p> <p>Does not apply to a person entitled to compensation under other Acts as employees, or volunteers attached to the VICSES or CFA.</p>

Act and reference	Group referred to	Nature of provision
Country Fire Authority Act 1958, section 110 (Regulations) and sections 62-65.	permanent officer or member, casual fire-fighter or voluntary auxiliary worker.	The Authority has a compensation scheme to cover personal injury and property damage.
Victoria State Emergency Service Act 2005 Part 3	Registered and probationary members of the Service	A compensation scheme for both personal injury and property damage is established.
Police Assistance Compensation Act 1968 Section 2	Persons assisting or attempting to assist a member of the police force either as a result of a request or where a request can reasonably be assumed in relation to the activities specified.	A compensation scheme is set up.
Immunity provisions		
Emergency Management Act, 1986, Section 37	Volunteer emergency worker	No personal liability for loss or injury from emergency work, unless the loss or injury is caused by 'negligence or wilful default' in the specified circumstances.
Country Fire Authority Act 1958, Section 92	Chief Officer, other officers exercising those powers, any officer or member of a brigade, a volunteer auxiliary worker or a person who is a forest officer, or employed by Parks Victoria or DEPI in the circumstances specified.	No personal liability for any thing done or not done 'in good faith' in the specified circumstances. Instead the liability attaches to the CFA.
Victoria State Emergency Service Act 2005, Section 42	Registered member or probationary member	No personal liability for loss or injury from emergency work in the specified circumstances, unless the loss or injury is caused by 'negligence or wilful default'.

Act and reference	Group referred to	Nature of provision
Wrongs Act 1958, Part IX	Volunteers, that is, individuals who provide a service in relation to community work on a voluntary basis. Excludes volunteer emergency workers under the <i>Emergency Management Act</i> , the <i>Country Fire Authority Act</i> or the <i>Victoria State Emergency Service Act</i> .	'A volunteer is not liable in any civil proceeding for anything done, or not done, in good faith by him or her in providing a service in relation to community work organised by a community organisation.'
Wrongs Act 1958, Part VIA	'Good Samaritan' – 'an individual who provides assistance, advice or care to another person in relation to an emergency or accident' in the circumstances specified	Protection from civil liability for anything done or not done in good faith in the circumstances specified.
Occupational Health and Safety Act 2004, Sections 144 & 145	An officer (as defined) of a body corporate, a partnership or an unincorporated body or association who is a volunteer. (Applies to senior management, that is, to people with significant decision-making power. Volunteers are people acting on a voluntary basis, even if they receive out-of-pocket expenses.	From prosecution for a breach of the <i>Occupational Health and Safety Act</i> for anything done or not done by him or her as a volunteer.