



# INSURING A GROUP

# Introducing Landcare

Every weekend, everyday, volunteers are finding local solutions to local problems – pulling weeds, planting trees, improving the health of our soil, bushland, waterways and coastlines. The Landcare movement is about people with passion working together to make a difference.

Usually Landcare groups form when passionate locals share concerns about an environmental problem, then get together and do something about it. On-ground change is driven from the ground up and volunteers may be from the coast or the country, students or retirees, farmers or families. Groups can form to work on both private and public land, on the coast, in a catchment, in schools, on farms and in national parks.

Landcare is a grass roots movement, made up of many independent landowners and community volunteer groups including Landcare, Coastcare, Bushcare, Wildcare and 'Friends of' groups. While community care groups don't officially report to anyone, support may be provided by government, business and philanthropic trusts. A degree of 'officialness' e.g. incorporation and insurance is recommended to maximise these opportunities and to protect those involved in the group.

This resource outlines how to insure a group and includes:

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Landcare Tasmania Inc.

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Front cover image: Hobart City Council

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# Good Risk Management

Safety is paramount. Landcare groups are responsible for protecting members and participants, and for recognising and managing risks. It is essential that groups operate in a safe manner at all times as outlined in *Running Safe Activities*. Risk management guidelines may also be provided by the land manager where you are working eg the Parks and Wildlife Service or the local council.

Incorporation and insurance are not a substitute for risk management. The aim of incorporation and insurance is to further minimise the risk to Landcare groups and their individual members of liability and legal action.

An unincorporated group or organisation has no separate legal identity from that of its members. Without incorporation, individuals and their assets are exposed to legal risk. Additionally, there can be difficulties opening bank accounts, acquiring insurance, and identifying who owns what property (eg tools and equipment) without incorporation. Many organisations will only fund incorporated organisations. Landcare Tasmania recommends all groups either incorporate or sit beneath an incorporated body. For more information see *Incorporating a group*.

Landcare Tasmania recommends that all Landcare groups have public liability and volunteer workers insurance cover. Some groups operate beneath an umbrella organisation (eg Wildcare Inc.) or have insurance provided by the local council when working on council owned land. Other groups acquire their insurance independently.

Getting basic insurance is a simple and affordable process which provides the peace of mind that you and your group have protection when you need it. Insurance comes at a price so it is important that you are adequately insured, but not over insured with policies that are not relevant to your organisation.

## Why Insure?

A Landcare group, like any individual, family or organisation, is advised to carry insurance. Accidents do happen.

Without insurance, groups and individuals (and their assets) can be liable. Insurance provides a level of protection to your group, individuals in your group, other volunteers and third parties in the event of accidents or negligence.

Incorporation alone is not enough to protect groups and disclaimer forms are 'not worth the paper they are written on'.

Volunteers in your group need to be confident that they are insured against the risks of liability and personal injury when carrying out their activities.

## Standard 'Landcare' Insurance

An insurance policy has been specifically developed for Landcare, Coastcare, Bushcare, 'Friends of' and other community care groups. The policy provides Public Liability and Volunteer Workers Insurance.

Public Liability Insurance provides a level of protection for the group if it is successfully sued for negligence. Public Liability Insurance covers a group's legal liability to the general public for bodily injury and property damage caused by a negligent act by the members of your group. This insurance is important for field days, working bees and other events.

Volunteer Workers Insurance is also referred to as 'Personal Accident Insurance'. It gives volunteer workers (i.e. members of your Landcare group or other volunteers) some protection in the event of an accident in the course of volunteer work with or for the group. If you do not have Volunteer Workers Insurance, and an accident occurs during group activities, then your group will have no insurance (and thus no compensation) for accidental bodily injury, death or disablement for volunteers.

The Landcare Insurance policy provides Public Liability Insurance to \$20 million and Volunteer Workers Insurance to \$100,000. It is recommended that groups have at least \$10 million worth of cover, however some funding contracts, events etc may ask for \$20 million cover. Check your group's business and decide the level of coverage you require.

# Getting Insured

It is not illegal for Landcare groups to operate without Public Liability and Volunteer Workers Insurance – but it is highly discouraged!

Support is available to assist groups in managing the costs and administration associated with insuring. Landcare Tasmania administers a bulk insurance program. This initiative reduces the cost of policies through improved buying power. Administration for groups is also reduced as Landcare Tasmania negotiates the policy rate with the insurance broker based on the number of groups requiring coverage.

In 2012, 92 Landcare Tasmania member groups registered for the standard Landcare Insurance for Public Liability (\$10 million) and Volunteer Workers Insurance. With the improved buying power, \$4,600 was saved. That's \$4,600 more for groups to use on tools, running activities and other administration!

Landcare Tasmania member groups must register for the bulk insurance program with our office by 1 March each year. Policies begin on 1 April and finish on 31 March each year. Landcare Tasmania purchases this insurance through Austcover.

Specific policy enquiries can be made direct to Austcover:

Kate Batchelor

Account Manager

p: (07) 3237 8629

f: 1 300 654 186

e: [katebatchelor@austcover.com.au](mailto:katebatchelor@austcover.com.au)

[www.austcover.com.au](http://www.austcover.com.au)

Register for bulk insurance by 1 March with:

Landcare Tasmania Inc.

PO Box 4791 Bathurst St. Hobart

TAS, 7000 p: 03 6234 7117

f: 03 6234 7127

e: [finance@landcaretas.org.au](mailto:finance@landcaretas.org.au)

Groups may choose not to use the Landcare Tasmania's bulk insurance program. You may wish to investigate other options or seek professional advice. It's your choice!

Your group may need additional insurance. Groups acting as employers will require insurance under the *Workers Compensation Act*.

## Working on Private Land

It is highly recommended that landowners hosting Landcare activities on their property carry their own Public Liability Insurance to provide some protection when loss or damage to persons or property is sustained as a result of the property owners' alleged negligence. The cost of this insurance lies with the landowner.

It is not enough for the Landcare group to hold Public Liability Insurance in the event of the landowner being found negligent – the landowner should also be covered. Property owners should check if their insurance covers them against any potential liabilities arising from group activities on their property. If landowners do not have adequate Public Liability Insurance to cover group activities it is recommended that they contact their preferred insurance agent for policy advice.

Landcare groups should advise landholders of the type of activity and number of volunteers involved in carrying out projects on private land.

## Coverage for Unusual Activities

Make sure that your insurer is notified of any activities that you wish to undertake outside of normal operations as your policy may not cover you. In some cases additional coverage may be required eg if you are selling alcohol at an event. While this may not be great news for your group, it is better than attempting to make a claim then finding out that you weren't covered!

# Other Insurance

## *Workers' Compensation Insurance*

Landcare Groups and individuals have legal obligations regarding employment and the need to provide Workers Compensation Insurance. Any Landcare group that employs any staff or casual workers on a full, part-time, daily or hourly basis is by law required to take out Workers Compensation Insurance and can be fined up to \$50,000 if they do not take out this insurance. No matter how *casual* the employment situation may be (even if the 'worker' is only the neighbour for an hour) your group would be considered an employer and thus required by the Act to take out Workers Compensation Insurance. 'Workers' also include anyone paid by wages or salary, piece rates and payment in kind.

As well as being fined your group (or individuals in your group if you are not incorporated) may also be liable for the full cost of compensation, including common law costs if one of your paid workers is injured.

Groups engaging contractors, subcontractors, consultants etc should ensure that these individuals or companies carry their own Workers Compensation Insurance, as in some cases, contractors and sub-contractors may have to be covered by your group.

If the contractors you engage carry their own Workers Compensation Insurance, your group will not need to carry Workers Compensation Insurance. Before any work commences your group should ensure that contractors carry appropriate insurance.

Visit Workplace Standards Tasmania for more details about Workers Compensation Insurance.

Groups who are not employing workers, do not require Workers Compensation Insurance.

## *Property Insurance*

Property insurance may be relevant to your group if you need to consider coverage for fire, theft, malicious damage, flood perils or accidental damage to such things as tools, equipment, computers, cameras etc. Costs can vary greatly for this type of insurance and will depend upon your assets and needs. Shop around to find the best rate.

## *Directors and Officers Liability Insurance*

While incorporation provides some protection to committee members it does not prevent individuals from being sued for acts of negligence. A committee member may give incorrect advice, request someone to perform a dangerous task or could dismiss staff without proper authority or process. Where such cases can be proven the personal assets of negligent committee members can be seized to meet any damages.

## *Professional Indemnity Insurance*

Professional Indemnity Insurance covers individuals against claims for breach of 'Professional Duty' arising out of any negligent act, error or omission committed or alleged to have been committed in conducting activities. This is more relevant for individual professionals employed through community organisations or in *conjunction* with local councils or the state government.

Professional Indemnity Insurance should be considered for all employees including local Landcare, Bushcare, Catchment Coordinators etc. It is highly advised that each individual officer in conjunction with their employing organisation consider carefully their insurance needs and current cover.

## *Association Liability Insurance*

A specific policy for associations, not-for-profit organisations and their committee members and officers has been developed. The Association Liability Insurance is intended to provide protection for the assets of the individual directors and officers, and to the organisation for defined exposures. The policy covers you for claims arising from wrongful activities and advice from your staff. The Association Liability policy takes the place of the "Directors and Officers Policy" and the "Professional Indemnity Policy" mentioned above.

*(Note - This policy does not provide Public Liability and Volunteer Workers Insurance or Workers Compensation Insurance.)*

# Investigating Insurance and Policies

There are plenty of questions to ask when considering insurance options. Here's just a few:

- 1 Umbrella coverage – are you working on council land or land managed by the Parks and Wildlife Service? Can you nest beneath another organisation that holds insurance cover? Can your group get coverage from an existing policy?
- 2 Cover limitations – how much does the policy cover you for? Is this enough for your needs?
- 3 Excess on claims – is there an excess on a claim? If so what is it? Is the excess on each and every claim?
- 4 What is the geographic scope of the cover - does the policy cover you and your members when you are in other locations eg on field days in other areas? Does the policy cover you when you are interstate or overseas?
- 5 Authorised activities – does your policy only cover members during authorised activities? Will members be covered for casual activities?
- 6 Exclusions – are there any exclusions?
- 7 Packaging policies – do you require various policies? Can they be packaged together to save money and administration?

Our Community has developed the *Ten Tips to Securing a Better Insurance Deal*. They recommend Ansvr for community insurance needs. You may have an existing relationship with an insurance company. Ask around, get quotes and see which company can best service your needs.

Consider Landcare Tasmania's bulk insurance program for Public Liability and Volunteer Workers Insurance. The more groups that sign up, the better the buying power and the cheaper the policies!

## In the Event of an Accident

- Ensure the safety of yourself and others;
- Treat the injured or distressed person following first aid protocols;
- Provide assistance and support and seek medical advice and treatment where required.  
If in doubt get professional help and always get medical attention for eye injuries, however minor;
- Where there is a need to phone a parent or carer do so as soon as practical and do so in a sensitive manner;
- Take notes and record details of the incident immediately (preferably on an incident reporting form);
- Notify your insurer of all potential and actual claims as soon as possible;
- Notify the group office bearers as soon as possible (if working under an umbrella organisation or under the direction of the land manager, notify their representative);
- Review the notes and details in your incident report so you can make changes to your activity to reduce the risk of the accident happening again.

For more information relating to insurance issues for community groups visit the Our Community Insurance Centre.

### WEBLINKS

[www.landcaretas.org.au](http://www.landcaretas.org.au) for *Incorporating a Group* and *Running Safe Activities* resources.

[www.worksafetas.gov.au](http://www.worksafetas.gov.au) for information on legislation, policies and procedures and Workers Compensation Insurance.

[www.safeworkaustralia.gov.au](http://www.safeworkaustralia.gov.au) for information on legislation and the volunteer resource kit.

[www.ourcommunity.com.au](http://www.ourcommunity.com.au) for the Our Community Insurance Centre and Ten Tips to Securing a Better Insurance Deal.

# Landcare Tasmania Inc.

Support for the cost of insurance is available for Landcare groups through Landcare Tasmania.

Landcare Tasmania is the peak body that represents, strengthens, supports and grows Tasmania's community Landcare movement to improve the health of our natural and working landscapes.

Landcare Tasmania's objectives are to:

- Promote community Landcare;
- Connect people and organisations with an interest in Landcare;
- Support landcarers with administration, information and funding; and to
- Represent community Landcare as an advocacy body.

Landcare Tasmania supports member groups with information, insurance, planning, funding, and connecting them with volunteers, information and opportunities.

Join today. Annual membership is \$30.00 (inc GST). Member renewal is due on 1 July each year.

There are many benefits of membership including the Landcare Assistance Program (LAP). This funding provides support to Landcare Tasmania member groups for insurance and administration (including the cost of incorporation). If your group will be paying for its own insurance you can apply for \$400. If you won't be paying for your own insurance you can apply for \$250. Previous LAP funding must be acquitted and groups must be a current member of Landcare Tasmania.

The LAP is supported by the Tasmanian State Government.

## Other Support Available

Support may be available for Landcare groups through NRM professionals working at various levels of government, in NRM regional bodies, local experts and through other groups doing similar work across the state.

There are many events, training opportunities, field days and funding programs. Check the Landcare Tasmania monthly e-bulletin for updates. Apply for the LAP funding and look out for other grant programs from the Australian Government, NRM regions and philanthropic trusts to suit group projects.

For a *who's who* with introductions to organisations, contact information and funding links, see *Finding Support for Community Landcare*.

Other Landcare Tasmania resources at [www.landcaretas.org.au](http://www.landcaretas.org.au) include:

- *Forming a Group*
- *Insuring a Group*
- *Finding Support*
- *Running Safe Activities*
- *Action Planning*



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