

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Budget Estimates 2016 - 2017

Outcome 2 - Workplace Relations and Economic Strategy

Department of Employment Question No. EMSQ16-000773

Senator Cameron asked on 06 May 2016 on proof Hansard page 24

Question

State workers compensation arrangements for volunteers

Senator CAMERON: What states do not cover volunteers?

Mr O'Sullivan: I am afraid I would have to take that on notice, because that would require a search of relevant state and territory workers' compensation law.

Senator CAMERON: The secretary might know, because she just said some do.

Ms Leon: I do not have that in any detail. I am aware that some do but I do not have state and territory legislation.

Answer

Whether or not state and territory workers' compensation laws would apply to a volunteer or a participant in work experience programs, such as Work for the Dole, would depend on the particular circumstances and the application of the relevant state or territory laws. But by way of general advice, we provide the following comments.

Western Australia does not cover volunteers under its workers' compensation legislation.

The other states and territories cover limited classes of volunteers under workers' compensation legislation. These classes differ depending on the jurisdiction.

Participants in work experience programs, such as Work for the Dole, would generally not have a right to compensation under relevant state and territory workers' compensation laws but there are some potential exceptions.

Participants in the Australian Capital Territory may fall within one of the definitions of 'trainee' or 'volunteer' in section 17A of the *Workers Compensation Act 1951* (ACT), meaning they could have an entitlement under that Act.

In South Australia, volunteers engaged in most types of building work, cleaning work and certain types of driving work are deemed to be workers and are therefore covered by the relevant workers' compensation legislation. Persons engaged in voluntary firefighting, South Australian SES work and marine rescue work are also covered by the South Australian workers' compensation scheme.