

# Members and volunteers

Legal information for community organisations

**It is important that organisations are aware that its members may also be considered 'volunteers' in particular circumstances.**

A 'member' of a not-for-profit organisation has certain rights and obligations outlined under the organisation's rules or constitution (for example, the right to vote at an AGM, attend meetings and access information), as well as those set out under legislation.

As soon as an organisation asks a member to do something outside of his or her role as a member, the person may be considered a volunteer (as well as a member), which has certain legal implications:

- firstly, certain laws apply to volunteers (that may not apply to members), and
- insurance may apply to volunteers and members in a different way.

## SCENARIO 1



Mr Ball is a member of his local cricket club. He regularly exercises his right to vote and attend meetings and enjoys the club's facilities on a weekly basis. The cricket club also engages a number of staff to assist with the upkeep of the grounds. The club has insurance covering employees, and people playing sport at the club. A call goes out to members to assist in a working bee on the weekend and Mr Ball is eager to assist. He is asked to clean out the gutters. Unfortunately, he slips while climbing up the ladder and injures his back.

The cricket club's public liability insurance policy does not cover injuries to volunteers. As he is not an employee, Mr Ball does not have access to workers compensation insurance. The cricket club does not have insurance that covers volunteers, and therefore Mr Ball has no access to insurance to cover the costs associated with his injuries sustained while volunteering.

If your organisation is an unincorporated association, you should consider your negligence liability, which can result in volunteer board members being personally liable. No specific duty of care arises merely because people share common membership of an unincorporated association. However, committee members may be personally liable for injuries to a member or a volunteer.

## TIP



Check your insurance policies to see whether they cover injuries to volunteers as well as members, and that they also cover injuries or harm that volunteers might cause to others. If your policy does not explicitly cover volunteers and members, ask for this to be included in your policy (in writing).

# Resources

---

## Related Not-for-profit Law Resources

✔ Volunteers [www.nfplaw.org.au/volunteers](http://www.nfplaw.org.au/volunteers)

The Volunteers page on the Information Hub features further information on specific issues covered in this fact sheet and the laws as they relate to volunteers, including resources on:

- Safety, risk management and volunteers (due to be published in November 2016)
- Volunteers and unlawful workplace behaviour (due to be published in November 2016)

✔ Members [www.nfplaw.org.au/members](http://www.nfplaw.org.au/members)

For more information about members and their rights and obligations, see the following Not-for-profit Law fact sheets:

- Members' rights
- Member rights and obligations for companies limited by guarantee

✔ Risk Management and Insurance [www.nfplaw.org.au/riskinsurance](http://www.nfplaw.org.au/riskinsurance)

For more information about insurance considerations, go to Not-for-profit Law's guide on Risk Management and Insurance.

A NFP Law Information Hub resource. Access more resources at [www.nfplaw.org.au](http://www.nfplaw.org.au).

Justice Connect Not-for-profit Law acknowledges the generous support of our funders and supporters. Find out more at [www.justiceconnect.org.au/our-programs/not-for-profit-law/about/partners-and-supporters](http://www.justiceconnect.org.au/our-programs/not-for-profit-law/about/partners-and-supporters).

© 2016 Justice Connect. You may download, display, print and reproduce this material for your personal use, or non-commercial use within your NFP organisation, so long as you attribute Justice Connect as author and retain this and other copyright notices. You may not modify this resource. Apart from any use permitted under the *Copyright Act 1968* (Cth), all other rights are reserved.

To request permission from Justice Connect to use this material, contact Justice Connect at PO Box 436 Darlinghurst NSW 1300, or email [nfplaw@justiceconnect.org.au](mailto:nfplaw@justiceconnect.org.au).