

# Professional indemnity and public liability insurance

for nurses, midwives and personal care workers

[anmfvic.asn.au/pii](https://anmfvic.asn.au/pii)



**Australian  
Nursing &  
Midwifery  
Federation**  
VICTORIAN BRANCH

**ANMF members  
have access to a  
comprehensive range  
of professional and  
personal services  
and benefits.**

**By joining the ANMF,  
you add your strength  
and your voice to  
more than 83,000 other  
nurses, midwives and  
carers who are working  
together to improve  
their professional status  
and working conditions,  
and to safeguard quality  
patient care.**

## Professional indemnity insurance

### **Appropriate professional indemnity insurance is essential for all practising nurses and midwives.**

From 1 July 2010 the *Health Practitioner Regulation National Law* imposed a specific obligation on nurses and midwives not to practise unless appropriate professional indemnity insurance arrangements are in force in relation to their practice (Section 129). A failure to comply with this obligation exposes you, in the event of alleged negligence, to the potential for payment of damages and legal costs, and may expose you to a charge of unprofessional conduct.

The Nursing and Midwifery Board of Australia professional indemnity insurance arrangements standard, to which the National Law refers, defines professional indemnity insurance arrangements as ‘arrangements that secure for the practitioner insurance from civil liability’ from a claim arising from the negligence of the practitioner.

ANMF members’ professional indemnity insurance provides professional indemnity cover\*. Importantly for employees, the cover operates in the event your employer does not indemnify you from a negligence claim.

## Protection at work

### **Any nurse or midwife could:**

- be wrongfully accused of unprofessional conduct in either administration or clinical roles
- give the wrong drug to a patient
- fail to accurately carry out all instructions for care in a busy ward
- be involved in a court case, even if only indirectly, or as a witness to an incident
- make a mistake because of workload stress, insufficient information or other reasons.

## **ANMF professional indemnity and public liability insurance protects ANMF members\*:**

- if you are reported to AHPRA
- if you are required to appear before the coroner
- if you are sued for negligence or malpractice
- if you are sued for damages arising from a public liability claim.

Note: ANMF strongly recommends that agency nurses thoroughly check the wording of their contract to ensure the agency is not seeking that the nurse indemnify the agency should the agency be sued in relation to patient care.

## **Who is covered**

### **ANMF professional indemnity and public liability insurance covers:**

- financial members of the ANMF (Vic Branch) while undertaking their duties as employees
- nurses who work independently providing nursing services so long as they are suitably qualified, practising within their scope and not practising as a registered company
- nurses engaged and qualified to provide alternative or natural therapy, for example acupuncture, aromatherapy, naturopathy, massage and reflexology (but excluding chiropractic or osteopathy) where provided as part of nursing/midwifery services
- insurance cover for an unlimited period after their permanent retirement from nursing.

### **What type of cover is included?**

- cover for professional indemnity (malpractice)  
– up to \$10,000,000
- cover for public liability (negligence for injury to a third party, persons, or property) – up to \$10,000,000
- 24 hour insurance cover for Good Samaritan acts
- cover for costs of attending inquiries/ legal defence costs
- run-off cover.

\* Cover does not extend to privately practising midwives in independent practice, associate members or student members who are not working and academic members. Further, exclusions apply with respect to botox and cosmetic injectables; laser therapy; osteopathy, chiropractic and manipulative therapy; services rendered under the influence of intoxicants or drugs; and dishonest, fraudulent, criminal and/or malicious conduct.

## ANMF members-only policy

ANMF industrial, professional and legal advice and representation\*\* is only provided to members of the ANMF who are fully financial at the time of the incident for which they are seeking assistance and when performing professional nursing and midwifery services.

This policy means you are not eligible to receive assistance (including industrial and professional advice and representation) for any incident that occurred when you were not a financial ANMF member.

This policy enables the ANMF to concentrate all its resources on ANMF members who remain financial.

### **Switch to direct debit for 100 per cent protection**

The best way to make sure you don't become unfinancial and remain covered by ANMF professional indemnity insurance is to pay your ANMF fees by direct debit.

To join the ANMF or to switch to direct debit call ANMF membership on 03 9275 9333 or go to [anmfvic.asn.au/membership](http://anmfvic.asn.au/membership)

### **General conditions**

The Australian Nursing and Midwifery Federation (Victorian Branch) is the holder of the policy, for the benefit of its members. Claimants must cooperate with the ANMF and its legal advisers at all times in defence or pursuit of a claim.

Claimants should notify the ANMF (Vic Branch) as soon as they become aware of a potential claim, particularly for civil or coroner's matters. The choice of legal representation rests solely with the ANMF (Vic Branch) and its insurers.

This document is to be read in conjunction with the ANMF (Vic Branch) Legal Services Policy.

\*\* ANMF legal services are subject to conditions which are available on request from the Branch office.



## What has the ANMF (Vic Branch) done for members?

- Successfully campaigned to legislate minimum nurse/ midwife patient ratios. Secured Andrews Government commitment to end the '50 per cent' rule, improve and introduce new ratios and legislate mental health nursing levels.
- Achieved net pay parity in 2019 for Victorian public sector general acute, aged care and mental health and private acute members with their New South Wales colleagues.
- Secured an Andrews Government commitment to 'ANMF's 10 point plan to end violence' leading to contractual obligations on public hospital boards to report all violent incidents in their annual reports tabled in parliament.
- Secured clauses in the public sector general and mental health agreements making employers responsible and accountable for workplace safety by developing and implementing consistent action plans to end violence. ANMF will use this work as a blueprint for private and not-for-profit employers to adopt.
- Responsible for setting up the independent Nursing and Midwifery Health Program Victoria (NMHPV) in 2006 and secured ongoing Andrews Government funding in 2017. NMHPV provides free face-to-face counselling, referral and support by nurses for nurses and midwives and nursing and midwifery students.
- Secured paid family violence leave to enable members experiencing family violence to maintain employment while taking time off for medical and court appointments.
- Retained registered nursing positions in private-for-profit and not-for-profit aged care agreements. Campaigning for safer staffing levels and better wages and conditions.
- Negotiated a partnership with the Andrews Government to reduce health services' impact on the environment.
- Campaigned successfully to keep nurses', midwives' and carers' access to the federal government's additional paid parental leave.

## Benefits of membership

- Professional indemnity and public liability insurance up to \$10 million ◇★
- Good samaritan insurance ★
- Advice about pay rates and entitlements and representation for workplace issues ★
- Professional advice about scope of practice, career progression and representation for professional issues ★
- Legal services through Gordon Legal #★
- InfoLine: telephone and online contact for industrial and professional advice ◇
- Up-to-date information through ANMF national and Victorian journals
- Workplace health and safety advice to ensure your workplace is as safe as possible ◇
- Advice and representation if you need to access WorkCover ◇
- Affordable conferences and seminars
- Annual \$400 credit (20 hours) for online ANMF (Vic Branch) CPD Portal modules and case studies. Parental leave members receive \$120 credit. Students and associate members receive \$80 # Renewed every July.
- Professional development portfolio
- Affordable ANMF Education Centre courses
- Professional library with free access for members
- Special Interest Groups for professional development
- Benefits and reduced rate for members on primary carers leave.
- Eligibility to join the exclusive not-for-profit health fund, Nurses & Midwives Health
- ANMF Diary App to organise your roster
- Access to ACTU Member Connect
- Reduced ANMF rate for many personal legal services and free standard will through Gordon Legal #★
- Discounted work equipment e.g. nursing quick reference cards, drip rate cards and nursing pouches

◇ unavailable for midwives in independent practice

★ unavailable for non-working members

# conditions apply

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