



New South Wales

Occupational Health and Safety Amendment (Liability of Volunteers) Bill 2008

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Occupational Health and Safety Act 2000* (*the Act*) to provide that directors or persons concerned in the management of a corporation who are volunteers are not personally liable for prosecution for a contravention of the Act by the corporation.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 is a formal provision that gives effect to the amendment to the *Occupational Health and Safety Act 2000* set out in Schedule 1.

Clause 4 provides for the repeal of the proposed Act after the amendment made by the proposed Act has commenced. Once the amendment has commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

Schedule 1 Amendment

Schedule 1 amends section 26 of the Act to provide that a director or person concerned in the management of a corporation who is a volunteer is not liable to be prosecuted under that section for anything done or omitted to be done by the person as a volunteer. A *volunteer* is a person doing work that is not for private financial gain and that is done for a charitable, benevolent, philanthropic, sporting, educational or cultural purpose and that is done on a voluntary basis. The reimbursement of the person's reasonable expenses in doing the work does not mean the work ceases to be regarded as work done on a voluntary basis.



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New South Wales

Occupational Health and Safety Amendment (Liability of Volunteers) Bill 2008

No. , 2008

A Bill for

An Act to amend the *Occupational Health and Safety Act 2000* to remove liability to prosecution from officers of community based corporations, trusts and organisations who are volunteers; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Occupational Health and Safety Amendment (Liability of Volunteers) Act 2008</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6
3 Amendment of Occupational Health and Safety Act 2000 No 40	7
The <i>Occupational Health and Safety Act 2000</i> is amended as set out in Schedule 1.	8 9
4 Repeal of Act	10
(1) This Act is repealed on the day following the day on which this Act commences.	11 12
(2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act.	13 14

Schedule 1 Amendment

1

(Section 3)

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Section 26 Offences by corporations—liability of directors and managers

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Insert after section 26 (4):

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- (5) A director or person concerned in the management of a corporation who is a volunteer is not liable to be prosecuted under this section for anything done or omitted to be done by the person as a volunteer. In this subsection, *volunteer* has the same meaning as in section 60 of the *Civil Liability Act 2002*.

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