

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.