

## **MEDIA RELEASE**

### **Setting the record straight on volunteers**

**18 January 2012**

Safe Work Australia Chair, Mr Tom Phillips AM, has expressed concern over recent media reports regarding volunteers and the new Work Health and Safety (WHS) laws.

Mr Phillips is concerned inaccurate and alarmist claims made about the new WHS laws could seriously discourage volunteers and potential volunteers from undertaking volunteer work.

The new WHS laws will not apply to every volunteering activity or organisation. They apply if a volunteer organisation employs staff as well as volunteers to carry out work for the organisation.

“This isn’t new – this was the case even in the old state schemes and it makes sense. In three states and territories Queensland, the Northern Territory and the ACT, occupational health and safety legislation (OHS) already specifically applied to volunteers – this hasn’t changed. In all the other jurisdictions, the protections afforded by OHS legislation also applied to volunteers at workplaces,” said Mr Phillips.

“The new WHS laws do not, for example apply to the local junior football club run entirely by volunteers or to any community group which does not have any employees,” said Mr Phillips.

For those volunteer organisations and volunteers which are covered, there is an overall duty on volunteers to take care in the workplace. However, the duty to ensure a safe workplace remains the primary duty of the employer or ‘person conducting a business or undertaking’ – not the volunteer. Importantly, there is unlikely to be a prosecution of a volunteer except in the most serious and exceptional of circumstances.

Volunteering Australia supports the national harmonisation of OHS laws. Volunteering Australia CEO, Cary Pedicini said “The harmonisation will mean a higher level of protection for volunteers applied consistently no matter where they volunteer. That is a good thing for volunteers. We will continue to work with Safe Work Australia to address any concerns that arise as we have done for the last twelve months.”

The new WHS laws ensure that volunteers receive the highest level of protection wherever they perform their work across Australia consistent with the protections provided to all workers.

Further information on volunteers and the new WHS laws, including FAQs and fact sheets, is available from [www.safeworkaustralia.gov.au](http://www.safeworkaustralia.gov.au)

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