



## INFORMATION SHEET

# Volunteer organisations

### Do volunteer organisations have duties under the WHS Act?

If a volunteer organisation (or a volunteer on its behalf) engages at least one paid employee, this makes the organisation [a person conducting a business or undertaking](#) (PCBU) under the *Work Health and Safety Act 2020* (WHS Act). This means the volunteer organisation, its worker(s) and volunteers have duties under the WHS Act.

If no paid workers are engaged for work-related tasks by the volunteer organisation or any of its volunteers, the volunteer organisation is not a PCBU. This means the WHS Act does not apply. However, as volunteers are owed a general duty of care by the people and the organisations they support it is good practice to comply with general WHS duties anyway.

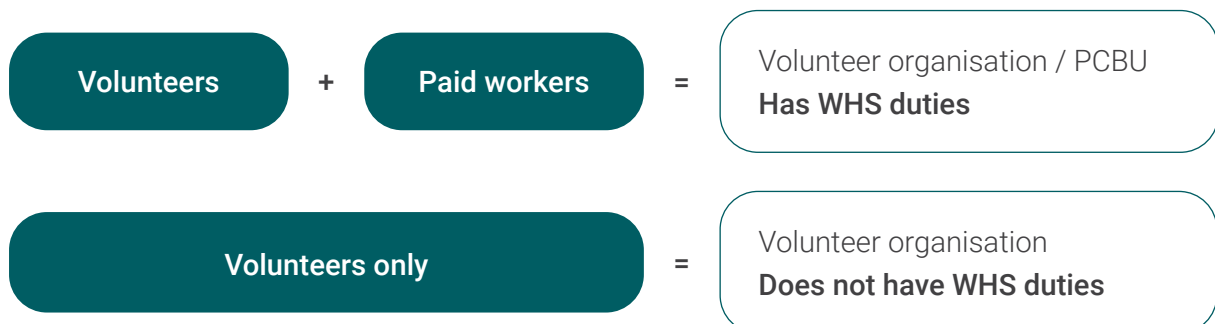
If a state division or local group of the organisation is separate to the national body and engages paid workers to perform work for the organisation, it will be considered a PCBU and have WHS duties.

Volunteer organisations that had a duty under the Occupational Safety and Health Act 1984 will find their duty under the WHS Act is not significantly different, with the WHS Act providing clarity over health and safety duties and accountability.

### Who is considered to be a volunteer?

A volunteer is a person who works for an organisation without payment or financial reward, but who may receive out of pocket expenses, such as travel or meal reimbursements.

If the volunteer organisation is a PCBU, volunteers are treated as 'workers' under the WHS Act, and PCBUs must provide the same protections to its volunteers as it does to its paid workers.



## What activities are covered by WHS?

Only work activities are covered by the WHS Act. Activities that are purely domestic, social, recreational or private in nature are not included. Whether an activity is considered work may depend on specific circumstances. See the [Work health and safety for volunteer organisations guide](#) for more information.

## What are the organisation's WHS duties?

Volunteer organisations that are a PCBU must ensure, so far as is reasonably practicable, the physical and mental health and safety of all of its workers and volunteers, as well as to others such as visitors and the public. See [How to determine what is reasonably practicable to meet a health and safety duty](#) for more information.

## How should organisations manage safety for its workers/volunteers?

The process of eliminating or minimising health and safety risks is called risk management and involves four steps:

1. Identify hazards – find out what could cause harm.
2. Assess the risks – understand the nature of the harm that could be caused by the hazard, how serious the harm could be and the likelihood of it happening.
3. Control the risks – implement the most effective control measure that is reasonably practicable in the circumstances.
4. Review control measures – to ensure they are working as planned

The PCBU must have a process in place to ensure a risk assessment is completed to eliminate or minimise the risks to health or safety so far as is reasonably practicable.

## Who is an officer and what are their duties?

Broadly, an officer is a person who makes, or participates in making decisions that affect the whole, or a substantial part, of the organisation's activities. It is the role and influence a person has over a PCBU that determines if they are considered an officer. Members of boards and committees may be an officer – it will depend on their role and influence.

An officer of a PCBU has duties known as due diligence obligations in the WHS Act. This means officers must ensure the organisation has appropriate systems of work in place and they must actively monitor and evaluate health and safety management within the organisation. See the [Officer duties guidance and due diligence](#) for more information.

A volunteer for a PCBU can be an officer, with WHS duties, if they make or participate in making decisions that substantively affect the organisation, for example if they are a member of a board or a committee that oversees and guides the PCBU.

Officers who are not volunteers can be prosecuted for failing to comply with due diligence duties under the WHS Act. Volunteers of a PCBU who are officers have immunity from being prosecuted for not complying with WHS officer duties.

See the [Work health and safety for volunteer organisations guide](#) for more information.

## What are a volunteer's WHS duties?

Volunteers of a PCBU have duties as workers to take reasonable care for their own mental and physical health and safety, and ensure their acts or omissions do not affect the health and safety of others. This includes complying with reasonable instructions from the PCBU that relate to WHS, and cooperating with any reasonable policies or procedures in regards to health and safety matters.

There are limited offences that relate to breaching these worker duties. Volunteers do not commit an offence for breaching any other part of the WHS Act.

## Who has duties if numerous volunteers attend an incident?

Each PCBU represented at the scene has a duty to ensure, so far as is reasonably practicable, the health and safety of their workers and volunteers.

Workers and volunteers must also ensure, so far as is reasonably practicable, that their activities do not expose others to unnecessary risk.

