

Western Australia

LEGISLATIVE ASSEMBLY

(Introduced by Mr Grylls MLA)

Volunteer Protection Bill 2002

A Bill for

An Act to protect volunteers from civil liability for damages.

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Volunteer Protection Act 2002*.

2. Purpose

5 The main purposes of this Act are —

- (a) to protect volunteers performing community work by limiting personal liability for acts or omissions causing injury, loss or damage; and
- (b) to encourage community service.

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3. Commencement

This Act comes into operation on the day on which it receives Royal Assent.

4. Definitions

5 **“Community work”** means —

- (a) work for one or more of the following purposes —
 - (i) for a religious, educational, charitable or benevolent purpose;
 - 10 (ii) for promoting or encouraging literature, science or the arts;
 - (iii) for promoting sport, recreation, hobbies or amusement;
 - (iv) for the provision of care, treatment, attendance or aids for persons needing such care, treatment, attendance or aids as a consequence of a physical or mental disability or condition;
 - 15 (v) for the conservation of or the protection of the natural environment or resources;
 - 20 (vi) for promoting or preserving historical or cultural heritage;
 - (vii) for promoting or protecting any community interest or activity; or

(b) work classified by regulation as community work; but does not include work excluded by regulation from the ambit of this definition.

30 **“Volunteer”** means a person who carries out community work and receives no remuneration apart from reimbursement of expenses but does not include a person who carries out community work pursuant to an order of a court or as a condition of a bond or undertaking to a court.

5. **The Immunity**

5 No action shall be brought for damages for injury, loss or
damage against a volunteer for any negligent act or omission,
trespass, nuisance or breach of duty arising under statute which
occurs after the commencement of this Act and arises out of or
in the course of community work being performed by that
volunteer.

6. **Exceptions**

10 The immunity referred to in section 5 hereof does not extend to
any proceedings —

- 15 (a) brought pursuant to the *Motor Vehicle (Third Party
Insurance) Act 1943* (as amended) or where an
indemnity under the *Motor Vehicle (Third Party
Insurance) Act 1943* (as amended) arises or the
15 *Workers' Compensation and Rehabilitation Act 1981* (as
amended);
- (b) where the claim arises from criminal conduct;
- (c) where there is a conscious or flagrant indifference to the
rights and safety of a person suffering the injury, loss or
20 damage;
- (d) where the injury, loss or damage arises from the use of
an aircraft;

but does not affect vicarious liability for the acts or omissions of
a volunteer.

25 7. **Regulations**

The Governor in Council may make regulations for the purposes
of this Act.

