

**Senate Finance and Public Administration Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates 13-16 Feb 2012

Prime Minister and Cabinet Portfolio

**Department/Agency:** Department of the Prime Minister and Cabinet

**Outcome/Program:** 1.1.1 Domestic Policy

**Topic:** New WHS laws and voluntary organisations

**Senator:** Senator Fifield

**Question reference number:** 28

**Type of Question:** FPA, P79-80, 13 February

**Date set by the committee for the return of answer:** 30 March 2012

**Number of pages:** 2

**Question:**

Senator FIFIELD: Okay. Are you keeping a register in this new role that you have of concerns that have been expressed by voluntary organisations about the new OH&S regime or, in some states, the impending OH&S regime?

Mr Ronalds: Certainly. As you would expect, the Office for the Not-for-Profit Sector deals broadly with the sector, and we note and work through a range of issues that they bring up, including this one.

Senator FIFIELD: Are you able to take on notice the range of concerns that were expressed? I do not know how you might record and tabulate the nature and scope of concerns

[...]

Senator FIFIELD: But I guess there would be a range of concerns expressed since the meeting that Minister Shorten had through the mechanisms which are now being established, and if there is a convenient way to tabulate what those concerns are and provide that to the committee then that would be helpful.

Mr Ronalds: The working group obviously has not met yet; it has only just been formed.

Senator FIFIELD: Sure.

Mr Ronalds: So we do not have any further information.

Senator FIFIELD: But I am sure there are probably things which you have received unprompted from voluntary organisations so far.

Mr Ronalds: We can take your question on notice.

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**Answer:**

In 2011, the Office for the Not-for-Profit Sector (ONFPS) received a number of enquiries about the new model *Work Health and Safety Act 2011* (the WHS Act), including:

- how the WHS Act would impact volunteers;
- the impact of potential civil and criminal liabilities imposed by the WHS Act on organisations that rely on volunteers;
- whether incorporated not-for-profit organisations with no paid employees would have to comply with the requirements of the WHS Act;
- whether individuals on Boards and Committees of Management would be prosecuted in the event of a failure to comply with the requirements of the WHS Act; and
- when an organisation has volunteers who visit private properties, is the organisation required to check whether the properties meet health and safety requirements and if the volunteers were to have an accident on the property would the organisation be held responsible?

The ONFPS has received no enquiries relating to the WHS Act from not-for-profit organisations in 2012.