

Workplace Health and Safety Queensland

Information in this fact sheet relates to the *Work Health and Safety Act 2011* which applies from 1 January 2012.

School parents and citizens associations

Parents and citizens associations (P&Cs) are involved in a variety of school activities from writing policy to financial planning, running tuckshops, fundraising activities, school functions and out-of-school-hours care.

State school P&Cs

P&Cs at state schools are established under the *Education (General Provisions) Act 2006*. They are not incorporated, but are statutory bodies under the *Statutory Bodies Financial Arrangements Act 1982*.

State school P&Cs may establish sub-committees to assist in the performance of their duties, for example the tuckshop, uniform shop or swimming club sub-committees. Sub-committees are not autonomous bodies—they are a subset of the P&C.

Under the *Education (General Provisions) Act 2006*:

- there is protection from civil liability for members of state school P&Cs
- a P&C may employ any person it considers necessary to achieve the objectives of an association
- a P&C must purchase and maintain the insurance cover required by its chief executive
- legal action may be conducted against a P&C in its name.

Although P&Cs may employ or engage any person, it is typically parents of children attending the school who volunteer to work for them. Volunteers are generally required to sign 'volunteer registers' when carrying out work and are covered by the P&C's insurance.

A state school P&C that employs one or more people will be regarded as a person conducting a business or undertaking (PCBU) under the *Work Health and Safety Act 2011* (the Act) and will have a duty of care to its workers and other people. This includes a duty of care to volunteer workers carrying out work for the P&C (for example parents who volunteer to work in the tuckshop).

A state school P&C that does not employ anyone will be regarded as a volunteer association under the Act and is not a PCBU.

For more information regarding volunteers refer to the *Volunteers* fact sheet.

When a state school P&C is considered a PCBU

Volunteer office holders are not liable to be prosecuted for a failure to comply with the duty of an officer under the Act.

It should be noted that some aspects of work health and safety at a school tuckshop or uniform shop may be under the control of another PCBU (for example the Department of Education), as the PCBU with management or control of the workplace, or fixtures, fittings or plant at the workplace. This is a matter to be determined in each particular case.

Non-state school parents and friends associations

The application of the Act to non-state school parents and friends associations depends on:

- the organisational structure of the association
- the level of integration the association has with the general school management

- any other governing bodies for the school, that are relevant, such as a board.

It is recommended that non-state school parents and friends associations seek their own legal advice about any responsibilities they may have under the Act.

For more information

Further information on workplace health and safety and the new laws is available at www.worksafe.qld.gov.au or by calling the WHS Infoline on 1300 369 915.

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Work Health and Safety laws – School parents and citizens associations

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