

BILL NO. 98

(as passed, with amendments)



*2nd Session, 58th General Assembly
Nova Scotia
51 Elizabeth II, 2002*

Government Bill

Volunteer Protection Act

CHAPTER 14 OF THE ACTS OF 2002

The Honourable Michael G. Baker, Q.C.
Minister of Justice

[First Reading](#): November 19, 2001 (LINK TO BILL AS INTRODUCED)

Second Reading: April 2, 2002

[Third Reading](#): May 10, 2002 (WITH COMMITTEE AMENDMENTS)

Royal Assent: May 30, 2002



An Act to Limit the Liability of Volunteers Serving Non-profit Organizations

Be it enacted by the Governor and Assembly as follows:

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

2 In this Act,

- (a) "damage" includes both physical and non-physical losses and both economic and non-economic losses;
- (b) "economic loss" means any pecuniary loss resulting from damage, including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs and loss of business or employment opportunities;
- (c) "hospital" means a body designated as a hospital pursuant to the *Hospitals Act*;
- (d) "municipality" means a municipality as defined in Part XX of the *Municipal Government Act*;
- (e) "non-economic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium, other than loss of domestic service, injury to reputation and all other non-pecuniary losses of any kind or nature;
- (f) "non-profit organization" means any non-profit body corporate or society incorporated under the *Societies Act* organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, health, sport, recreation, tourism, heritage or culture purposes, and includes a municipality, a school board, a regional library board or a hospital and, for greater certainty, includes each body designated as a non-profit organization by the Governor in Council in the regulations;
- (g) "school board" means a school board as defined in the *Education Act*;
- (h) "volunteer" means an individual performing services for a non-profit organization who does not receive in respect of those services

(i) compensation, other than reasonable reimbursement or allowance for expenses actually incurred, or

(ii) money or any other thing of value in lieu of compensation in excess of five hundred dollars per year,

and may include a director, officer, trustee or employee of the organization.

3 (1) Notwithstanding any enactment, no volunteer of a non-profit organization is liable for damage caused by an act or omission of the volunteer on behalf of the organization if

(a) the volunteer was acting within the scope of the volunteer's responsibilities in the non-profit organization at the time of the act or omission; and

(b) the volunteer was properly licensed, certified or authorized, if required by law, by the appropriate authorities for the activities or practice undertaken by the volunteer at the time the damage occurred,

but the limitations on the liability of a volunteer under this Act do not apply if

(c) the damage was caused by willful, reckless or criminal misconduct or gross negligence by the volunteer;

(d) the damage was caused by the volunteer while operating a motor vehicle, vessel, aircraft or other vehicle for which the owner is required by law to maintain insurance;

(e) the act or omission which caused the damage constitutes an offence; or

(f) the volunteer was unlawfully using or impaired by alcohol or drugs at the time of the act or omission which caused the damage.

(2) Nothing in this Section affects the liability of any non-profit organization with respect to damage caused to any person, including damage caused by an act or omission of a volunteer of the organization, for which the volunteer is not liable pursuant to subsection (1).

(3) For greater certainty, where damages are awarded against or any amount is paid by a non-profit organization in respect of damage caused by a volunteer of the organization for which the volunteer is not liable pursuant to subsection (1), the organization has no right of recovery against the volunteer.

4 This Act applies to any claim for damage caused by an act or omission of a volunteer where that claim is filed on or after the coming into force of this Act.

5 (1) The Governor in Council may make regulations

(a) designating any agency, association, board, commission, corporation, office, society or other body as a non-profit organization;

(b) defining any word or expression used but not defined in this Act;

(c) deemed necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

6 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

