



**U3A NETWORK NSW INC.**

**Memorandum**

**From: President and Vice President (Governance Committee)  
Secretary of U3A Network NSW**

**To: All Member U3As**

**Subject: COVID-19  
The Liability Implications for Member U3A Committees**

**Date: 28 April 2020**

**Dear Member U3A,**

U3A Committees have responded and taken appropriate action in response to Government initiatives of Social Isolation and other widely publicised measures aimed at preventing the spread of this pandemic.

As the much published “curve” flattens and the Government indicates the possible easing of some restrictions there is a need to ensure vigilance by management committees and tutors/teachers towards the safety of their U3A members. Initial relaxation may be minimal and the ability to meet in numbers may be a long way off, but any relaxing of measures may give rise to the dangers of decreased vigilance.

For that reason, it is prudent, to make the following general observations.

## U3As Duty of Care/ Basic Rule of Negligence

The basic rule in negligence imposes a duty of care on individuals and other legal entities such as associations. Entities such as U3As have a duty of care to their members to ensure their reasonable safety. In the case of the coronavirus, it had become obvious in February that it posed a particular threat of infection and possible death for U3A's cohort of members. That threat continues and will continue for the foreseeable future. Management Committees must ensure that they follow government guidelines and that tutors/teachers strictly adhere to those guidelines.

### A demonstration of the potential liability

The enclosed link discusses not only the Australian government's exposure to an action in negligence but also flags the potential exposure to liability for individuals, companies, associations and other entities for failure to act promptly to protect employees, and customers. That reasoning also applies to associations and their management committees. There is further a statutory duty found in Section 30A of the *Associations Incorporation Act 2009* which requires committee members to carry out their duties with due care and diligence. Failure to do so attracts personal liability: see section 30B of that Act.

Coronavirus could spark legal action by the families of those who have died - ABC News  
(Australian Broadcasting Corporation)

<https://www.abc.net.au/news/2020-04-06/coronavirus-law-class-action-negligence/12113220>

President                      Laurene Mulcahy

Vice President              John Sharkey

Secretary/Public Officer   Geoffrey James