

Legislation List – Community Organisations (Employers / Generic) as at January 2022

The following list is not intended to be exhaustive, nor does it constitute legal advice. All groups should seek specific legal advice from a qualified individual when applying legislation to a particular issue that arises.

Act/Regulation/Standard	Source	Application to and Implications for the organisation
1. A New Tax System (Australian Business Number) Act 1999		
2. A New Tax System (Good and Services) Act 1999	Commonwealth	The organisation must comply with all GST requirements.
3. Age Discrimination Act 2004	Commonwealth	Act provides framework for making discrimination on the basis of age unlawful. Applies to employment; assisting clients to know their rights; advocacy
4. Anti-Discrimination Act 1991	Queensland	Makes discrimination on the basis of 13 protected attributes unlawful. Covers employment; assisting clients to know their rights; advocacy
5. Associations Incorporation Act 1981 and Associations Incorporation Regulations 1999	Queensland	Sets out the requirements for incorporation and obligations of incorporated community groups in Qld.
6. Australian Tax Office (ATO) Legislative Instruments		
7. Building Fire Safety Regulation 2008	Queensland	<p>Outlines requirements for occupiers of buildings in Queensland to ensure safety in the event of a fire or other emergency requiring evacuation. Sets out requirements for</p> <ul style="list-style-type: none"> • General evacuation instruction and practice • First response training • Emergency management / evacuation plans and diagrams • Required fire safety personnel and their training • Required fire safety equipment and its maintenance • Record keeping
8. Civil Liabilities Act 2003	Queensland	<p>Contains statutory protection for persons performing voluntary work for community organisations from incurring personal civil liability. It also contains fundamental changes to the common law of negligence.</p> <p>To gain protection the volunteer must meet the following criteria:</p> <ul style="list-style-type: none"> • be a "volunteer" as defined

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		<ul style="list-style-type: none"> • be carrying out "community work" either "organised" by the "community organisation", or as an office holder of a "community organisation" • come within an area of liability protected by the Act (refer 1.4, 1.10); and • not fall within one of the recognised exceptions (see below). <p>Refer: ss 4, 5, 38, 39, 40, 41, 42, 43, 44.</p> <p>A volunteer is unable to claim the benefit of protection in a number of circumstances. These are where:</p> <ul style="list-style-type: none"> • the volunteer did not act in good faith; • the volunteer was, at the time the act or omission occurred, engaged in conduct that constitutes an offence; • the volunteer was intoxicated while doing the work and failed to exercise due skill and care; • the volunteer was acting outside the scope of activities authorised by the community organisation concerned; • the volunteer was acting contrary to instructions given by the community organisation; • the liability incurred by the volunteer is a liability required to be insured against by State law; and <p>the liability incurred by the volunteer is covered by a compulsory third party insurance policy under the Motor Accident Insurance Act 1994 (Qld) or recoverable by the Nominal Defendant under that Act.</p>
9. Collections Act 1966	Queensland	Regulates the manner in which associations may conduct appeals for public support, mainly the collection of moneys from the public in Queensland.
10. Corporations Act 2001	Commonwealth	Sets out the laws dealing with business entities in Australia at federal and interstate level. It focuses primarily on companies, although it also covers some laws relating to other entities such as partnerships and managed investment schemes. The Act under which NFP companies (e.g. NFP companies limited by guarantee) gain their legal status.

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11. Criminal Code 1899	Queensland	Outlines crimes and penalties
12. Criminal Code 1995	Commonwealth	Outlines crimes and penalties
13. Disability Discrimination Act 1992	Commonwealth	This Act provides framework for making discrimination on the basis of a disability unlawful. Applies to employment; assisting clients to know their rights; advocacy
14. Electrical Safety Act and Regulation 2002 and Electrical Safety Code of Practice	Queensland	Provision of a safe workplace e.g. test and tag requirements.
15. Fair Work Act / Regulations 2009 and National Employment Standards	Commonwealth	Govern the employee / employer relationship in Australia. They provide a safety net of minimum entitlements, enables flexible working arrangements and fairness at work and prevents discrimination against employees.
16. Food Act 2006	Queensland	Non-profit organisations, whether licensed or not, have an obligation to provide food which is safe and suitable for human consumption, and are still required to comply with all provisions of the Act and the Australia New Zealand Food Standards Code. Non-profit organisations will require a licence (subject to certain exemptions) if they: <ul style="list-style-type: none"> • involve the manufacture of food; or • sell meals which are prepared by the organisation on at least 12 days each financial year.
17. Fringe Benefits Tax Assessment Act 1986	Commonwealth	Legislation governing administration of fringe benefit exempt activities.
18. Human Rights Commission Act 1986	Commonwealth	Assisting clients to know their rights; advocacy
19. Human Rights Act 2019	Queensland	Whilst the scope of the legislation is 'public entities' in Queensland, the Act deems any service providing NDIS services to be a 'public entity'. Many contracts with the Qld. government (e.g. funding agreements) may also include the requirement to operate under the Act's requirements. Outlines 23 protected human rights that all Queenslanders hold. The human rights protected under the Act are not absolute. This means that the rights must be balanced against the rights of others and public policy issues of significance. All staff have a responsibility to respect, protect and promote the human rights of individuals. They must act in a way that is compatible with human rights obligations when delivering services and interacting with the community.

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20. Income Tax Assessment Acts 1936 and 1997	Commonwealth	<p>The 1936 Act sets out the requirements around payment of income tax by individuals and companies.</p> <p>The 1997 Act Sets out rules about endorsement of entities and government entities as deductible gift recipients.</p>
21. Information Privacy Act 2009	Queensland	<p>This Act provides a right for individuals to have their information collected and handled in accordance with the privacy principles. These principles only apply to Qld. government agencies, however, adherence may also be a conditions of some service agreements / contracts with the Queensland Government.</p>
22. Privacy Act 1988	Commonwealth	<p>The Act aims to promote and protect the privacy of individuals and to regulate how Australian Government agencies and organisations with an annual turnover of more than \$3 million, and some other organisations, handle personal information.</p> <p>The Privacy Act includes 13 Australian Privacy Principles (APPs), which apply to some private sector organisations, as well as most Australian Government agencies. These are collectively referred to as 'APP entities'. The Privacy Act also regulates the privacy component of the consumer credit reporting system, tax file numbers, and health and medical research.</p> <p>Since 2018 organisations must report to the Office of the Australian Information Commission as well as any affected individuals if personal information is accessed or disclosed without authorisation or is lost and is likely to result in serious harm.</p>
23. Privacy Amendment (Private Sector) Act 2000	Commonwealth	<p>Extended coverage of the Privacy Act to some private sector organisations.</p>
24. Privacy Amendment (Enhancing Privacy Protection) Act 2012	Commonwealth	<p>Significant changes to Act including introduction of Australian Privacy Principles</p>
25. Racial Discrimination Act 1975	Commonwealth	<p>Provides framework for making discrimination on the basis of race unlawful. Applies to employment; assisting clients to know their rights; advocacy</p>
26. Right to Information Act and Regulation 2009	Queensland	<p>This legislation gives people the right to access and amend information held by public sector agencies in Queensland, unless there is a good reason for it not to be provided. Assisting clients to know their rights; advocacy</p>
27. Sex Discrimination Act 1984	Commonwealth	<p>Provides framework for making discrimination on the basis of sex unlawful. Also includes provisions making sexual harassment unlawful. Applies to employment; assisting clients to know their rights; advocacy</p>
28. Statutory Declarations Act 1959	Commonwealth	<p>Provides framework for the making and witnessing of stat decs</p>
29. Superannuation Guarantee (Administration) Act 1992	Commonwealth	<p>Sets out requirements of the organisation as an employer to pay and manage superannuation for all eligible employees.</p>
30. Tobacco and Other Smoking Products Act 1998	Queensland	<p>Restricts where people can smoke, amongst other provisions.</p>

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31. Workers Compensation and Rehabilitation Regulation 2003	Queensland	<p>Establishes a workers' compensation scheme for Queensland, providing benefits relating to workplace injuries or fatalities, and insurance for employers. The main provisions of the scheme provide the following for injuries sustained by workers in their employment, and in some instances for people other than workers:</p> <ul style="list-style-type: none"> • Compensation • Regulation of access to damages • Employers' liability for compensation • Employers' obligation to be covered against liability for compensation and damages either under a WorkCover insurance policy or under a licence as a self-insurer • Management of compensation claims by insurers • Injury management, emphasising rehabilitation of workers particularly for return to work • Procedures for assessment of injuries by appropriately qualified persons or by independent medical assessment tribunals • Rights of review of, and appeal against, decisions made under this act. • The Act also establishes WorkCover Queensland to provide workers' compensation insurance and the Workers' Compensation Regulator to regulate the workers' compensation scheme.
32. Work Health and Safety Act and Regulation 2011	Queensland	<p>The main object of this Act is to provide for a nationally consistent framework to secure the health and safety of workers and workplaces by:</p> <ol style="list-style-type: none"> (a) protecting workers and other persons against harm to their health, safety and welfare through the elimination or minimisation of risks arising from work or from specified types of substances or plant, and (b) providing for fair and effective workplace representation, consultation, co-operation and issue resolution in relation to work health and safety, and (c) encouraging unions and employer organisations to take a constructive role in promoting improvements in work health and safety practices, and assisting persons conducting businesses or undertakings and workers to achieve a healthier and safer working environment, and (d) promoting the provision of advice, information, education and training in relation to work health and safety, and (e) securing compliance with this Act through effective and appropriate compliance and enforcement measures, and (f) ensuring appropriate scrutiny and review of actions taken by persons exercising powers and performing functions under this Act, and

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		<ul style="list-style-type: none"> (g) providing a framework for continuous improvement and progressively higher standards of work health and safety, and (h) maintaining and strengthening the national harmonisation of laws relating to work health and safety and to facilitate a consistent national approach to work health and safety in this jurisdiction.
33. Working with Children (Risk Management and Screening) Act 2000	Queensland	<p>Mandates requirements for criminal history screening for people working with children for regulated employment / regulated businesses.. The following matters must be included in the organisation’s risk management strategy if they are a regulated business or provide regulated employment:</p> <ul style="list-style-type: none"> (a) a statement about commitment to the safety and wellbeing of children and the protection of children from harm; (b) a code of conduct for interacting with children; (c) procedures for recruiting, selecting, training and managing persons engaged or proposed to be engaged by the person, as the procedures relate to the safety and wellbeing of children and the protection of children from harm; (d) policies and procedures for handling disclosures or suspicions of harm, including reporting guidelines; (e) a plan for managing breaches of the risk management strategy; (f) policies and procedures for compliance with the Act, chapter 8, including policies and procedures about— <ul style="list-style-type: none"> (i) implementing and reviewing the risk management strategy; and (ii) keeping a written record of matters under the Act, chapter 8 about each person engaged by the person, for example— <ul style="list-style-type: none"> (A) whether or not the person considers the person must apply for a prescribed notice or exemption notice about the engaged person; and (B) whether or not a prescribed notice application or an exemption notice application has been made by the person about the engaged person; and (C) if a positive notice has been issued for the engaged person—the date of expiry of the notice; (g) risk management plans for high risk activities and special events; (h) strategies for communication and support, including— <ul style="list-style-type: none"> (i) written information for parents and persons engaged by the person that includes details of the risk management strategy or where the strategy can be accessed; and (ii) training materials for persons engaged by the person to—

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		<p>(A) help identify risks of harm and how to handle disclosures or suspicions of harm; and</p> <p>(B) outline the person's risk management strategy.</p> <p>NOTE: Risk management strategy means a written strategy required to be developed and implemented under the Act, section 171 or 172.</p>
34. Working with Children (Risk Management and Screening) Regulation 2000	Queensland	<p>Mandates training to be provided to relevant staff on</p> <p>(a) identifying risks of harm and how to handle disclosures or suspicions of harm; and</p> <p>(b) the organisation's risk management strategy for working with children.</p>