

## Legislation List for Volunteer Community Groups (no paid staff) as of 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	Source	Application to and Implications for the community association
1. A New Tax System (Australian Business Number) Act 1999	Commonwealth	<p>All incorporated groups must have an Australian Business Number.</p> <p>As a not-for-profit, they will need to register for GST once they have GST turnover of more than \$150 000. GST turnover is the total business income (not your profit), minus any:</p> <ul style="list-style-type: none"> <li>• GST included in sales to your customers</li> <li>• sales that aren't for payment and aren't taxable</li> <li>• sales not connected with an enterprise you run</li> <li>• input-taxed sales you make</li> <li>• sales not connected with Australia.</li> </ul>
2. A New Tax System (Goods and Services Tax) Act 1999		
3. Age Discrimination Act 2004	Commonwealth	Makes discrimination on the basis of age unlawful.
4. Anti-Discrimination Act 1991	Queensland	Makes discrimination on the basis of 13 protected attributes unlawful.
5. Associations Incorporation Act 1981 and Regulations 1999	Queensland	Set out the requirements for incorporated associations with respect to formation, ongoing management, and winding up.
6. 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"> <li>• General evacuation instruction and practice</li> <li>• First response training</li> <li>• Emergency management / evacuation plans and diagrams</li> <li>• Required fire safety personnel and their training</li> <li>• Required fire safety equipment and its maintenance</li> <li>• Record keeping</li> </ul>
7. Civil Liabilities Act 2003	Queensland	<p>Section 39 of the Act has been designed to provide a level of protection for volunteers, particularly volunteer Management Committee members. It states in paragraph (1)</p> <p><i>A volunteer does not incur any personal civil liability in relation to any act or omission done or made by</i></p>

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		<p><i>the volunteer in good faith when doing community work— (a) organised by a community organisation; or (b) as an office holder of a community organisation.</i></p> <p>The protection provided by the Act is nullified if</p> <ul style="list-style-type: none"> <li>• it is established (on the balance of probabilities) that at the time of the act or omission the volunteer was engaged in conduct that constitutes an offence, and / or</li> <li>• the volunteer— (a) was intoxicated when doing the work; and (b) failed to exercise due care and skill when doing the work.</li> </ul>
8. Copyright Act 1966	Queensland	Unless intellectual property is signed over to the Association, any works developed by volunteers remains the property of the volunteer.
9. Criminal Code 1899	Queensland	Outlines crimes and penalties
10. Criminal Code 1995	Commonwealth	Outlines crimes and penalties
11. Disability Discrimination Act 1992	Commonwealth	Makes discrimination on the basis of a disability unlawful.
12. 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>
13. Privacy Amendment (Private Sector) Act 2000	Commonwealth	Extended coverage of the Privacy Act to some private sector organisations.
14. Privacy Amendment (Enhancing Privacy Protection) Act 2012	Commonwealth	Significant changes to Act including introduction of Australian Privacy Principles
15. Racial Discrimination Act 1975	Commonwealth	Make discrimination on the basis of race unlawful.
16. Sex Discrimination Act 1984	Commonwealth	Makes discrimination on the basis of sex unlawful. Also includes provisions making sexual harassment unlawful.

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17. Tobacco and Other Smoking Products Act 1998	Queensland	Restricts where people can smoke, amongst other provisions.
18. Work Health and Safety Act and Regulation 2011	Queensland	<p><b>NOTE:</b> The WHS Act does not apply to not-for-profit organisations that are "volunteer associations". A 'volunteer association' is a group of volunteers, working together for one or more community purposes, that has no employees. It may be an incorporated or unincorporated association.</p> <p>If the association or any of the volunteers of the organisation employ a person to carry out work for the association, the WHS Act will apply to the organisation. For example, if the association has an employee who does their accounts on a weekly basis, the WHS Act will apply to the organisation. However, if the association engages a contractor to audit their accounts or drive a bus on a day trip, the WHS Act will not apply to the organisation.</p>
19. Working with Children (Risk Management and Screening) Act 2000	Queensland	<p>Mandates requirements for criminal history screening for people working with children, including what organisations must utilise the Blue Card system. The following matters must be included in the Association's risk management strategy if they provide services to children:</p> <ul style="list-style-type: none"> <li>(a) a statement about commitment to the safety and wellbeing of children and the protection of children from harm;</li> <li>(b) a code of conduct for interacting with children;</li> <li>(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;</li> <li>(d) policies and procedures for handling disclosures or suspicions of harm, including reporting guidelines;</li> <li>(e) a plan for managing breaches of the risk management strategy;</li> <li>(f) policies and procedures for compliance with the Act, chapter 8, including policies and procedures about— <ul style="list-style-type: none"> <li>(i) implementing and reviewing the risk management strategy; and</li> <li>(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"> <li>(A) whether or not the person considers the person must apply for a prescribed notice or exemption notice about the engaged person; and</li> <li>(B) whether or not a prescribed notice application or an exemption notice application has been made by the person about the engaged person; and</li> <li>(C) if a positive notice has been issued for the engaged person—the date of expiry of the notice;</li> </ul> </li> </ul> </li> <li>(g) risk management plans for high risk activities and special events;</li> <li>(h) strategies for communication and support, including—</li> </ul>

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		<p>(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</p> <p>(ii) training materials for persons engaged by the person to—</p> <p style="padding-left: 40px;">(A) help identify risks of harm and how to handle disclosures or suspicions of harm; and</p> <p style="padding-left: 40px;">(B) outline the person’s risk management strategy.</p> <p><b>NOTE: Risk management strategy</b> means a written strategy required to be developed and implemented under the Act, section 171 or 172.</p>
20. Working with Children (Risk Management and Screening) Regulation 2000	Queensland	<p>Mandates training to be provided to relevant personnel on</p> <p>(a) identifying risks of harm and how to handle disclosures or suspicions of harm; and</p> <p>(b) the Association’s risk management strategy for working with children.</p>