



Compliance Essentials e-bulletin December 2011

What's happened in 2011

There has been a lot of activity throughout the year with major impacts on the compliance obligations that form part of the way that we run our respective organisations.

Competitions and Consumer Act 2010 replacing the *Trade Practices Act*, this legislation was effective from 1 January this year and includes *Australian Consumer Law* as a schedule to the Act. During the year the ACCC have been active in identifying compliance breaches particularly in relation to consumer law; information remains available on relevant websites as to the obligations and responsibilities that now apply nationally.

Paid Parental Leave another Australia wide legislative requirement with employers becoming the paymaster for the scheme as of July. Information is available from the Centrelink website.

Equal Opportunity Act 2010 (Victoria) effective from August 2011, this legislation not only widens the net for the organisations that are bound by the Act but also imposes a duty on employers to demonstrate a positive attitude to operating an equality based, non-discriminatory, workplace.

Bullying June 2011 saw workplace bullying determined as a criminal offence in Victoria, carrying a prison sentence for those found guilty of the offence up to a maximum of ten years.

Centro Case the judgement in this prominent case particularly noted the duty of care that is required of company directors in relation to their organisation's financial matters as well as a requirement to maintain knowledge of company operations.

What's Ahead for 2012

WHS Harmonisation for some states there will be a uniformity of OH&S legislation and requirements from 1 January 2012; Victoria, WA, South Australia and Tasmania have not yet passed legislation and the commencement date for these states is unconfirmed. Business need to be aware that if they have operations inter-state that the local state legislation will apply in all instances and that irrespective of the implementation of the Model Act in their state, organisations trading with Commonwealth agencies will be bound by the Model Act regardless.

Not-For-Profit Organisations the *Australian Charities and Not-for-Profit Commission* (ACNC) is now on route for a start date of July 2012. An implementation Taskforce has been appointed and a Community Consultations schedule has been planned visiting capital cities from the end of January to mid February. For more information on these discussions and how NFP's can have their say click on the link below

<http://acnctaskforce.treasury.gov.au/content/Content.aspx?doc=communityengagement/communityconsultations.htm>

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