

Law Compliance Report – August 2025

Welcome to the August 2025 edition of the Law Compliance Report.

In this issue we:

- set out some of the [current Bills](#) we are tracking throughout Australia;
- discuss recent legislative changes occurring in each of the States and Territories:
 - [Commonwealth](#)
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Some of the legislative changes being tracked

Western Australia
 Associations and Co-operatives Legislation Amendment Bill 2025 (WA)
 Charitable Collections Amendment Bill 2025 (WA)
 Construction Industry Portable Paid Long Service Leave Amendment Bill 2025 (WA)
 Education and Care Services National Law Application Bill 2024 (WA)
 Evidence Bill 2025 (WA)
 Liquor Control Amendment Bill 2025 (WA)
 Mining Amendment (Transfer of Royalty Administration) Bill 2025 (WA)
 Mining Amendment Bill 2025 (WA)
 Statutes (Repeals and Minor Amendments) Bill 2025 (WA)

Northern Territory
 (no bills)

Queensland
 Coroners (Mining and Resources Coroner) Amendment Bill 2025 (Qld)
 Education (General Provisions) Amendment Bill 2025 (Qld)
 Health Legislation Amendment Bill (No. 2) 2025 (Qld)
 Queensland Building and Construction Commission and Other Legislation Amendment Bill 2025 (Qld)

New South Wales
 Anti-Discrimination and Crimes Legislation Amendment (Disability) Bill 2024 (NSW)
 Children's Guardian Amendment Bill 2025 (NSW)
 Community Housing Providers (Adoption of National Law) Amendment Bill 2025 (NSW)
 Game and Feral Animal Legislation Amendment (Conservation Hunting) Bill 2025 (NSW)
 Police Legislation Amendment (Miscellaneous) Bill 2025 (NSW)
 Protection of the Environment Operations Amendment (e-Waste) Bill 2025 (NSW)
 Residential Tenancies Amendment (Animals in Residential Premises) Bill 2024 (NSW)
 Road Transport Legislation Amendment (Post-Crash Drug and Alcohol Testing) Bill 2025 (NSW)
 Statute Law (Miscellaneous Provisions) Bill 2025 (NSW)
 Surveillance Devices Amendment (Public Interest Exemptions) Bill 2023 (NSW)
 Workers Compensation Legislation Amendment Bill 2025 (NSW)

South Australia
 Ageing and Adult Safeguard (Review Recommendations) Amendment Bill 2025 (SA)
 Biodiversity Bill 2025 (SA)
 Cannabis Legalisation Bill 2022 (SA)
 Construction Industry Commissioner Bill 2022 (SA)
 Controlled Substances (Nicotine) Amendment Bill 2022 (SA)
 Criminal Law Consolidation (Sexual Predation Offences) Amendment Bill 2024 (SA)
 Education and Children's Services (Parental Primacy) Amendment Bill 2024 (SA)
 Emergency Management (Miscellaneous) Amendment Bill 2024 (SA)
 Environment Protection (Cigarette Butt Waste) Amendment Bill 2023 (SA)
 Fair Trading (Lifespan of Electrical Products) Amendment Bill 2022 (SA)
 Fines Enforcement and Debt Recovery (Miscellaneous) Amendment Bill 2025 (SA)
 Freedom of Information (Ministerial Diaries) Amendment Bill 2022 (SA)
 Freedom of Information (Miscellaneous) Amendment Bill 2023 (SA)
 Government Advertising Bill 2024 (SA)
 Health Care (Ambulance Response Targets) Amendment Bill 2023 (SA)
 Heritage Places (Great Australian Bight) Amendment Bill 2025 (SA)
 Independent Commission Against Corruption (ICAC Recommendations) Amendment Bill 2024 (Connie Bonaros MLC) (SA)
 Independent Commission Against Corruption (ICAC Recommendations) Amendment Bill 2024 (Robert Simms MLC) (SA)
 Independent Commission Against Corruption (ICAC Recommendations) Amendment Bill 2024 (Sarah Game MLC) (SA)
 Mental Health (Community Visitor Scheme) Amendment Bill 2025 (SA)
 Native Vegetation (Miscellaneous) Amendment Bill 2024 (SA)
 Period Products and Facilities (Access) Bill 2025 (SA)
 Pet Food (Marketing and Labelling) Bill 2024 (SA)
 Planning, Development and Infrastructure (Fast Food Restaurant near Schools) Amendment Bill 2025 (SA)
 Public Finance and Audit (Auditor-General Access to Cabinet Submissions) Amendment Bill 2022 (SA)
 Residential Tenancies (Minimum Standards) Amendment Bill 2024 (SA)
 Second-hand Vehicle Dealers (Roadworthiness Certificates) Amendment Bill 2024 (SA)
 Statutes Amendment (Animal Welfare Reforms) Bill 2022 (SA)
 Statutes Amendment (Community and Strata Titles) Bill 2024 (SA)
 Statutes Amendment (Heritage) Bill 2025 (SA)
 Summary Offences (Unlawful Selling of Knives) Amendment Bill 2024 (SA)
 Surveillance Devices (Prescribed Residential Premises) Amendment Bill 2024 (SA)

ACT
 Civil Law (Wrongs) (Organisational Child Abuse Liability) Amendment Bill 2025 (ACT)
 Human Rights (Housing) Amendment Bill 2025 (ACT)
 Justice and Community Safety Legislation Amendment Bill 2025 (No. 2) (ACT)
 Residential Tenancies (Posting Termination) Amendment Bill 2025 (ACT)
 Veterinary Practice Amendment Act 2025 (ACT)
 Statute Law Amendment Bill 2025 (ACT)

Tasmania
 Charities and Associations Law (Miscellaneous) Amendment Bill 2024 (Tas)
 Commissions of Inquiry Amendment (Private Sessions Information) Bill 2025 (Tas)
 Electoral Disclosure and Funding Amendment Bill 2024 (Tas)
 Justice and Related Legislation (Miscellaneous Amendments) Bill (No. 2) 2024 (Tas)
 Residential Tenancy (No Cause Evictions) Amendment Bill 2025 (Tas)
 Residential Tenancy Amendment Bill 2024 (Tas)
 Work Health and Safety Amendment (Industrial Manslaughter) Bill 2024 (Tas)

Victoria
 Children, Youth and Families Amendment (Home Stretch) Bill 2023 (Vic)
 Children, Youth and Families Amendment (Raise the Age) Bill 2022 (Vic)
 Disability and Social Services Regulation Amendment Bill 2024 (Vic)
 Drugs, Poisons and Controlled Substances Amendment (Pill Testing Pilot for Drug Harm Reduction) Bill 2023 (Vic)
 Financial Management Legislation Amendment Bill 2025 (Vic)
 Hemp Industry Bill 2024 (Vic)
 Local Jobs First Amendment Bill 2025 (Vic)
 Planning and Environment Amendment (Soil Protection) (Solar Power Generation Facilities) Bill 2023 (Vic)
 Public Health and Wellbeing Amendment (Health Services Performance Transparency and Accountability) Bill 2023 (Vic)
 Residential Tenancies Amendment (Rent Freeze and Caps) Bill 2023 (Vic)
 Retirement Villages Amendment Bill 2024 (Vic)
 State Taxation Further Amendment Bill 2024 (Vic)
 Statute Law Revision Bill 2025 (Vic)
 Superannuation Legislation Amendment Bill 2025 (Vic)
 Transport Legislation Amendment (Vehicle Sharing Scheme Safety and Standards) Bill 2025 (Vic)
 Voluntary Assisted Dying Amendment (Equity and Access) Bill 2024 (Vic)
 Wage Theft Amendment Bill 2025 (Vic)
 Workplace Injury Rehabilitation and Compensation Amendment Bill 2025 (Vic)

Commonwealth
 Aged Care Legislation Amendment Bill 2024 (Cth)
 Anti-Money Laundering and Counter-Terrorism Financing Amendment (Making Gambling Businesses Accountable) Bill 2024 (Cth)
 Broadcasting Services Amendment (Healthy Kids Advertising) Bill 2023 (Cth)
 Building and Construction Industry (Restoring Integrity and Reducing Building Costs) Bill 2024 (No. 2) (Cth)
 Commonwealth Electoral Amendment (Cleaning up Political Donations) Bill 2023 (Cth)
 Commonwealth Electoral Amendment (Voter Protections in Political Advertising) Bill 2023 (Cth)
 Corporations Amendment (Streamlining Advice Process) Bill 2024 (Cth)
 Customs Amendment (Banning Goods Produced By Forced Labour) Bill 2022 (Cth)
 Defence Trade Controls Amendment (Genocide, War Crimes and Crimes Against Humanity) Bill 2024 (Cth)
 Education Services for Overseas Students Amendment (Quality and Integrity) Bill 2024 (Cth)
 Electoral Legislation Amendment (Fair and Transparent Elections) Bill 2024 (Cth)
 Electoral Legislation Amendment (Fair and Transparent Elections) Bill 2024 (No. 2) 2024 (Cth)
 Environment Protection and Biodiversity Conservation Amendment (Climate Trigger) Bill 2022 (No. 2) (Cth)
 Fair Work Amendment (Paid Reproductive Health Leave and Flexible Work Arrangements) Bill 2025 (Cth)
 Fair Work Amendment (Right to Disconnect) Bill (No. 2) 2023 (Cth)
 Genocide Risk Reporting Bill 2024 (Cth)
 Great Australian Bight (World Heritage Protection) Bill 2025 (Cth)
 Health Legislation Amendment (Improved Medicare Integrity and Other Measures) Bill 2024 (Cth)
 Higher Education Support Amendment (End Dirty University Partnerships) Bill 2025 (Cth)
 Higher Education Support Amendment (Fair Study and Opportunity) Bill 2024 (Cth)
 Housing Legislation Amendment (Fair Share for Regional Housing) Bill 2024 (Cth)
 Human Rights (Children Born Alive Protection) Bill 2022 (Cth)
 Keeping Cash Transactions in Australia Bill 2024 (Cth)
 Legalising Cannabis Bill 2023 (Cth)
 Lobbying (Improving Government Honesty and Trust) Bill 2025 (Cth)
 National Organic Standard Bill 2024 (Cth)
 Nature Positive (Environment Information Australia) Bill 2024 (Cth)
 Nature Positive (Environment Law Amendments and Transitional Provisions) Bill 2024 (Cth)
 Nature Positive (Environment Protection Australia) Bill 2024 (Cth)
 Reducing Supermarket Dominance Bill 2024 (Cth)
 Requiring Energy Infrastructure Providers to Obtain Rehabilitation Bonds Bill 2024 (Cth)
 Tertiary Education Legislation Amendment (There For Education, Not Profit) Bill 2025 (Cth)
 Treasury Laws Amendment (Divesting from Illegal Israeli Settlements) Bill 2024 (Cth)
 Truth and Justice Commission Bill 2024 (Cth)
 We All Come Together For Country Bill 2025 (Cth)
 Wellbeing of Future Generations Bill 2025 (Cth)
 Whistleblower Protection Authority Bill 2025 (Cth)

If you would like details of these new Bills please contact our team on **1300 862 667** or visit our website www.lawcompliance.com.au

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Commonwealth Update

Workplace Gender Equality Amendment (Setting Gender Equality Targets) Act 2025 (Cth)**Workplace Gender Equality (Gender Equality Targets) Instrument 2025 (Cth)**

On 4 April 2025, the *Workplace Gender Equality Amendment (Setting Gender Equality Targets) Act 2025 (Cth)* (the *Amending Act*) amended the *Workplace Gender Equality Act 2012 (Cth)* (the *Act*).

To coincide with the commencement of the *Amending Act*, the new *Workplace Gender Equality (Gender Equality Targets) Instrument 2025 (Cth)* (the *Instrument*) also commenced operation on 4 April 2025.

What's changed?

The *Amending Act* has introduced a new requirement for Australian employers with 500 or more employees to select, meet and make progress on, certain gender equality targets with a view to improving gender equality in the workplace.

Further Information**New requirement to set gender equality targets**

The *Amending Act* has amended the *Act* to introduce a new requirement for **designated relevant employers** (being organisations in Australia with 500 or more employees) to select, meet and make progress on specific gender equality targets. This new requirement was introduced by the Federal Government to ensure that large employers are publicly accountable to take action on achieving gender equality.

More specifically, organisations who are *designated relevant employers* are required to select 3 gender equality targets from a range of numeric and action-based gender equality targets (which are all contained in the *Instrument*). At least one of the 3 targets selected by a designated relevant employer must be a numeric target.

In short, a *numeric gender equality target* requires an employer to reduce or increase a percentage point. By way of example, clause 21 of the *Instrument* provides for a gender equality *numeric target* that relates to the proportion of managers who are part-time. If a designated relevant employer

selects this target in relation to a target cycle, the employer must nominate the increase (as a percentage) in the proportion of managers who are working part-time at the end of the target cycle, as compared to the proportion in the baseline, that is required for the employer to have met the target.

Conversely, *action based gender equality targets* require implementation or improvement of a policy. For example, clause 16 of the *Instrument* provides for a gender equality *action target* that relates to introducing employer-funded parental leave. If a designated relevant employer selects this particular target in relation to a target cycle, the employer must specify either of the following entitlements:

- an entitlement to employer-funded parental leave for employees who are primary carers;
- an entitlement to employer-funded parental leave for employees that does not distinguish (including in eligibility or the nature of the entitlement) between primary carers and secondary carers.

The designated relevant employer will have met this target if, at the end of the target cycle, the employer provides the specified entitlement.

Designated relevant employers in the private sector will select their gender equality targets in their annual reporting to the Workplace Gender Equality Agency for the 2025-2026 reporting period in April – May 2026. This means that designated relevant employers in the private sector will select their gender equality targets for reporting in the period

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starting 1 April 2026. Commonwealth public sector employers will follow later, from 1 September 2026.

We also note that designated relevant employers will have a 3-year period in which to achieve or make progress towards their selected gender equality targets.

At the end of the 3-year period, a designated relevant employer must have met the selected gender equality target or have demonstrated improvement against the selected target in the public report, unless the employer has a reasonable excuse for not doing so. It is important to note that if a designated relevant employer is found to be non-compliant (without a reasonable excuse), that employer may be publicly named by the Workplace Gender Equality Agency as non-compliant and as a result may also not be able to tender for certain Commonwealth contracts.

What you should do

If your organisation is a designated relevant employer (i.e. an organisation in Australia with 500 or more employees), your organisation should

circulate this information to relevant executive and HR staff to ensure they are made aware of the new requirement to set 3 gender equality targets. Organisations may also wish to undertake an evaluation of any gender equality policies already in place across the organisation, which may assist in future gender equality target setting.

While designated relevant employers in the private sector are only required to start choosing their targets during the April-May period of 2026, we encourage such organisations to now start considering the gender equality targets most suitable for your organisation. We understand that the Workplace Gender Equality Agency, over the coming year will work with designated relevant employers to provide support on how employers can choose and achieve the gender equality targets they set, and to that end the Agency will provide comprehensive resources (including masterclasses) for employers to access.

Finally, we encourage designated relevant employers to check the Workplace Gender Equality Agency's website at www.wgea.gov.au for updates around these new resources.



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Australian Capital Territory Update

Disability Inclusion Act 2024 (ACT)

On 17 March 2025, the *Disability Inclusion Act 2024 (ACT)* (the **Act**) commenced. The Act creates a legislative framework aimed at promoting disability inclusion in the Australian Capital Territory (ACT).

What's new?

The key obligations created by the Act include:

- the requirement for public sector entities to develop disability inclusion plans;
- consultation processes for developing and reviewing disability inclusion plans;
- annual reporting requirements of disability inclusion plans.

Further Information**Disability Inclusion Plans**

Section 6 of the Act introduces the concept of **disability inclusion** which is a process aimed at achieving equity between people with disabilities and others in the community by:

- ensuring equal rights, opportunities, responsibilities, and outcomes;
- redressing disadvantage or discrimination;
- addressing stigma, prejudice, violence, abuse, neglect, or exploitation;
- accommodating differences through structural changes;
- removing accessibility barriers, including those compounded by intersectionality.

Under section 15 of the Act, the responsible person for a public sector entity must create a disability inclusion plan to implement disability inclusion and address ableism within the entity (**disability inclusion plan**). This plan must align with disability inclusion principles and strategies, detailing how the entity will implement these strategies. It must include actions to promote inclusion, remove barriers to accessibility, and address ableism, along with any other prescribed matters. These plans

must be publicly available on an ACT Government website and reviewed whenever new strategies are introduced or at least every five years.

When developing or reviewing these plans, the public sector entity must consult with specific groups as set out in section 16. The responsible person must take all practicable steps to ensure the individuals consulted represent the diversity of the ACT community, including disabilities, gender identities, cultural backgrounds and socioeconomic backgrounds. The consultation process must be carried out in a way that support collaboration, seeks to ensure all participants understand the consultation process and provides sufficient information to allow the participant to take part of the consultation process effectively to have their views and wishes understood.

Disability means any impairment or functional limitation that, when combined with an accessibility barrier, prevents a person from fully and equally participating in society. It includes impairments or limitations that are permanent, temporary, or episodic, and can be either visible or invisible.

Responsible person, for a public sector entity, means the director-general for an administrative unit or the head of the public sector body.

Annual Reporting Requirements

Section 18 of the Act outlines the annual reporting requirements. Administrative units must include a statement in their director-general's annual report detailing measures taken to support the development and implementation of disability inclusion strategies and plans. Public sector bodies must also include this statement in their annual reports. Additionally, the reports must contain any other information prescribed by regulation.

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General principles for disability inclusion

Schedule 1 of the Act specifies the **disability inclusion principles**:

- the principles set out in the Convention on the Rights of Persons with Disability;
- in relation to people in a care relationship—the care relationship principles;
- the principles for disability inclusion in the ACT community set out below:
 - People with disability are free to participate and engage in all aspects of life in the ACT.
 - The abilities, strengths, goals and needs of people with disability develop and change.
 - Barriers to accessibility may be compounded by intersectionality.
 - Universal design is the best practice method of designing environments without barriers to accessibility.
 - Decision-making about the participation and engagement of people with disability must be informed by the experience of the people about whom decisions are being made.
 - People with disability have rights under the *Human Rights Act 2004* (ACT), the *Disability Services Act 1991* (ACT) and the *Discrimination Act 1991* (ACT), including rights specific to being a person with disability, that must be respected and protected.
- Relationships between people with disability and their families, carers and other significant people are a crucial part of the lives of people with disability and should be preserved.
- People with disability are free to associate with families, carers and other people in a way that they want.
- People with disability should receive appropriate support to access information in a way that is appropriate for their disability to understand decisions to be made and to participate in decision-making that affects them.
- Addressing any disadvantage or vulnerability a person with disability experiences in relation to other attributes, including protected attributes, may enhance their inclusion and participation in the community.
- Advocacy on behalf of people with disability, including self-advocacy and systemic advocacy, should be recognised as essential to advance disability inclusion.

What you should do

To comply with the Act, organisations should develop and implement disability inclusion plans that align with disability inclusion principles, promote accessibility, and address ableism.



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New South Wales Update

Protection of the Environment Legislation Amendment (FOGO Recycling) Act 2025 (NSW)

On 2 March 2025, the *Protection of the Environment Legislation Amendment (FOGO Recycling) Act 2025 (NSW)* (the Amendment Act) commenced, amending the *Protection of the Environment Operations Act 1997 (NSW)* (the Act).

What's new?

The key change made by the Amendment Act is the insertion of a new Chapter 5A into the Act to provide for the source-separated collection of food organics waste from businesses.

Further Information

Obligations on occupiers of 'relevant premises'

Who this applies to:

Relevant premises means the following:

- supermarkets; and
- premises in which food or drink is prepared or provided, including centre-based child care facilities, educational establishments, hospitals, hotel or motel accommodation, seniors housing (that the local council does not provide a regular collection service for residual waste), residential accommodation (that receives a regular collection service for the transportation of residual waste by a person other than a council), and premises with seating within a common food court or hall for the immediate consumption of purchased food or drink.

An occupier of relevant premises means:

- the person who controls or manages the relevant premises, or
- if the relevant premises are premises with seating within a common food court or hall for the immediate consumption of purchased food or drink, the person who controls or manages the building or other place in which the common food court or hall is located.

Obligations:

Pursuant to section 170F of the Act, an occupier of relevant premises, with a weekly residual waste bin capacity of more than 1 x 660L bin, or 3 x 240L bins, or 720L for any other combination of bins, will be required to:

- provide a sufficient number of bins for food organics waste collection in each area the waste is generated on the relevant premises (e.g. kitchens, food courts, food service counters);
- ensure collection for transportation of food organics waste from the relevant premises at least once a week; and
- ensure food organics waste collected from the relevant premises is not mixed with non-organic waste during transportation.

A contravention of the first two requirements respectively above will carry a maximum penalty for an individual of \$250,000 and, for each day the offence continues, \$25,000, or otherwise \$500,000, and for each day the offence continues, \$50,000. The third requirement will carry a maximum penalty for an individual of \$250,000, or otherwise \$500,000.

Compliance timeframes:

An occupier of relevant premises, other than residential accommodation, is not required to comply with the obligations above before:

- 1 July 2026, if the weekly residual waste bin capacity for the relevant premises is equal to or more than 6 x 660L bins, or 16 x 240L bins, or 3,960L for any other combination of bins, or
- 1 July 2028, if the weekly residual waste bin capacity for the relevant premises is equal to or

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more than 3 x 660L bins, or 8 x 240L bins, or 1,980L for any other combination of bins, or

- 1 July 2030, if the weekly residual waste bin capacity for the relevant premises is equal to or more than 1 x 660L bin, or 3 x 240L bins, or 720L for any other combination of bins.

Further, an occupier of relevant premises that is residential accommodation is not required to comply with the obligations above before:

1 July 2030 if the weekly residual waste bin capacity for the relevant premises is equal to or more than 1 x 660L bin, or 3 x 240L bins, or 720L for any other combination of bins.

Other definitions:

Food organics waste means food waste within the meaning of Schedule 1, clause 50(1) of the Act, being waste from the manufacture, preparation, sale or consumption of food but does not include grease trap waste.

Non-organic waste means waste that is not food organics waste, or garden organics waste.

Residual waste means waste other than hazardous waste or waste that is to be reused or recycled; and

Residual waste bin capacity, for relevant premises, means the total volume of all bins designated for the collection of residual waste in or on the relevant premises, or available for use by the relevant premises.

What you should do

Organisations should consider this new legislation as an occupier of a relevant premises to determine applicability. Consequently, such organisations should update policies and procedures and train relevant staff to roll out practices in accordance with the prescribed timeframes to ensure compliance and avoid penalties.

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Queensland Update

Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Act 2024 (Qld)

On 1 May 2025, relevant provisions of the *Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Act 2024 (Qld)* (the **Amendment Act**) commenced, amending the *Residential Tenancies and Rooming Accommodation Act 2008 (Qld)* (the **Act**) and the *Residential Tenancies and Rooming Accommodation Regulation 2009 (Qld)* (the **Regulations**).

What's new?

The key changes made by the Amendment Act include new provisions relating to:

- collecting personal information about applicants, tenants or residents;
- applications for residential tenancies or rooming accommodations; and
- approvals for attaching fixtures or making structural changes.

Further Information

Collecting personal information

The Amendment Act inserts new sections 457C, 457D and 457E into the Act, regarding the protection of personal information, and amends the definition of 'personal information' in section 457.

New section 457D will apply to a person collecting personal information about an applicant, tenant or resident in relation to a residential tenancy or rooming accommodation agreement. Such persons will only be able to collect personal information in relation to:

- an applicant—to assess suitability as a tenant or resident for the premises; or
- a tenant or resident—if the information relates to the management of the agreement.

New section 457E will apply to a lessor, lessor's agent, provider or provider's agent (a **relevant person**), who will be required to ensure that personal information about:

- an applicant—is stored securely, only accessed by the relevant person to assess suitability of a tenant or resident for the premises and is destroyed securely if the applicant does not become a tenant or resident either within 3 months after an agreement commences, or a longer period agreed to by the applicant; or
- a tenant or resident—is stored securely, only accessed for the purposes of managing the premises and destroyed securely within 7 years after the end of the agreement to which the information relates.

Personal information, defined in section 457 of the Act, has been amended to specify that it is irrelevant whether the information or opinion is recorded in a material form or not, and will include photographs or images of individuals' personal possessions or standard of living.

A contravention of new sections 457D or 457E above carries a maximum penalty of 20 penalty units, which currently equates to \$3,226 in Queensland.

Applications for residential tenancies and rooming accommodations

The Amendment Act inserts new provisions into the Act and Regulations for when prospective tenants or residents apply for residential tenancies or rooming accommodations (**applicants**).

Where applicants are required to apply for a residential tenancy or rooming accommodation, the lessor/lessor's agent or providers/provider's agent must ensure the **required application form** is used. Applicants must also be given 2 ways to submit the

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application, one of which must not be restricted (such as requiring applicants to pay money in relation to submitting the application).

A **required application form** is an approved form that requires only the information specified in the Act and Regulations (such as the applicant's name and contact details, current employment status, income, etc.):

- for residential tenancies—see section 57B of the Act and regulations 3B and 3C of the Regulations; and
- for rooming accommodations—see s 76C of the Act and regulations 3D and 3E of the Regulations.

Lessors/lessor's agents or providers/providers agents must not request information from applicants about legal action taken (e.g. dispute resolution), a notice to remedy breach, history relating to rental bonds (including claims), and credit or bank account statements:

- for residential tenancies—see section 57C of the Act; and
- for rooming accommodations—see s 76D of the Act.

Where applicants have allowed the lessor/lessor's agent or provider/provider's agent to access or sight original identity documents to verify identity, the lessors/lessor's agent or providers/provider's agent must not keep copies of the original identity documents without the applicant's consent:

- for residential tenancies—see section 57D of the Act; and
- for rooming accommodations—see s 76E of the Act.

The new provisions above **do not apply** to residential tenancy or rooming accommodation applications made but not decided before 1 May 2025.

A contravention of any of the above carries a maximum penalty of 20 penalty units, which currently equates to \$3,226 in Queensland.

Approvals for attaching fixtures or making structural changes

The Amendment Act inserts new provisions into the Act regarding approvals for attaching fixtures or making structural changes (e.g. any renovation, alteration or addition) to rooming accommodation premises (**premises**) or rental premises (**changes**).

If a resident or tenant requests to make changes and the premises or rental premises are part of a body-corporate scheme where a body corporate law or body corporate by-law requires approval of the body corporate for changes, the provider/lessor must decide on the request within 28 days of receiving it, inform the resident/tenant of the decision, and if approved, advise the resident/tenant it is subject to agreement by the body corporate, and give the request to the body corporate within 28 days of receiving the request. The provider/lessor must then advise the resident/tenant of the body corporate's decision as soon as reasonably practicable:

- for residential tenancies—see section 207 of the Act; and
- for rooming accommodations—see section 254 of the Act.

If the premises or rental property is not part of a body-corporate scheme as above, the resident/tenant can still make a request to the provider/lessor to make changes, and the provider/lessor must decide the request within 28 days of receiving it (or longer if agreed between the parties), and not act unreasonably in refusing such a request:

- for residential tenancies—see section 208 of the Act; and
- for rooming accommodations—see section 255 of the Act.

What you should do

Organisations should become familiar with the new provisions, update any policies and procedures, and train relevant staff.

For more information please contact our team on **1300 862 667**
or visit our website www.lawcompliance.com.au

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South Australia Update

Office for Early Childhood Development Act 2024 (SA)

On 6 March 2025, the *Office for Early Childhood Development Act 2024 (SA)* (the **Act**) commenced.

What's new?

The key changes made by the Act are:

- sharing of information between certain entities;
- confidentiality requirements; and
- the offence of victimisation.

Further Information

The Act establishes the Office for Early Childhood Development (the Office) which functions as a steward of South Australia's early childhood development system with a particular focus on reducing the number of children in the State who are developmentally vulnerable when starting school.

Sharing of Information between certain entities

The provisions that have been introduced allows certain entities to share information between each other for the purposes of fulfilling the requirements of the Act. This is dealt with under Section 12 of the Act, with the entities comprising of:

- the Office;
- the Department (which has the same meaning as in the *Education and Children Services Act 2019 (SA)*);
- the Commission for Children and Young People;
- the Commission for Aboriginal Children and Young People;
- the Guardian for Children and Young People;
- a State authority (as defined at section 3 of the Act);
- government and non-government schools;
- an education and care service within the meaning of the *Education and Care Services National Law*;
- the Association of Independent Schools of South Australia;

- Catholic Education South Australia;
- the South Australian Aboriginal Community Controlled Organisation Network Inc; and
- any other entity, or entity of a class, prescribed by the Regulations (as of this publication, there are no current Regulations).

Prescribed information and documents are defined under subsection 12(9) of the Act to mean either information or documents that relate to the development, health, education, safety, welfare or wellbeing of a particular child or children of a particular class or any other information or document of a kind prescribed by the Regulations.

Under section 12 of the Act, a recipient of prescribed information or documents must not (unless the information or documents are provided to another entity to which section 12 applies) disclose or communicate the information or documents to another entity unless an exception applies. Exceptions under section 12 include where:

- disclosure is required to assist the recipient in the proper performance or duties relating to education, early childhood development, health, safety, welfare or wellbeing of a child; or
- it is required to assist the recipient in the management of any risk to a child or class of children that might arise in the entity's capacity as an employer or provider of services; or
- it is a reasonable requirement to lessen or prevent a serious threat to life, health or safety of a child or another person; or
- is required or authorised by an order of a court or tribunal; or
- authorised under the Act or another Act or law; or
- consent is given by a person responsible for the particular child in the case where the information

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or documents relate to that child or consent is given by a person to whom the information or documents relate to; or

- in circumstances where it is prescribed by the Regulations.

Prescribed information or documents provided for a particular purpose must not be used for any other purpose by the recipient of the information or document or any other person who gains access to the information or document. Contravention of section 12 can result in a fine of \$10,000.

Confidentiality

Section 15 imposes a maximum penalty of a fine of \$10,000 against a person engaged or formerly engaged in the administration of the Act that divulges or communicates personal information obtained in the course of official duties. There are various exceptions to the confidentiality requirement under section 15, for example when it is required or authorised by the Act or any other Act and where consent has been given by the person to whom the information relates to.

Victimisation

Section 16 of the Act deals with victimisation. Under this section, victimisation is where a person causes detriment to another on the ground, or substantially on the ground, that the other person or a third person has provided or intends to provide information under the Act. However, causing detriment on the ground that a person has made a false allegation or has not acted in good faith, does not constitute an act of victimisation.

Under section 16 a person who personally commits an act of victimisation under the Act is guilty of an offence that carries a maximum penalty of a fine of \$10,000.

What you should do

Organisations should ensure that prescribed information and documents are not shared unless except under circumstances where an exemption applies. Further, organisations should have policies and procedures in place that reflect this requirement.

Staff should be made aware of the confidentiality obligations under the Act and understand the requirements relating to prescribed information and documents.



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Tasmania Update

Container Refund Scheme Act 2022 (Tas)

On 1 May 2025, the remaining provisions of the *Container Refund Scheme Act 2022 (Tas)* (the Act) commenced. The commenced provisions of the Act introduce new offences relating to approved containers and compliance for scheme participants.

What's new?

The key obligations created by the commenced provisions of the Act relate to:

- the approval of eligible containers;
- marks displayed on approved containers; and
- compliance and enforcement for scheme participants.

Further Information**Approval of eligible containers**

Section 11 of the Act provides that a person must not supply an eligible container to another person if he or she is aware, or reasonably ought to be aware, that:

- the container is not approved under section 12 of the Act; or
- the container does not display the prescribed marks.

The penalty for contravening this section for an individual is a fine not exceeding 100 penalty units (currently \$20,200), and in the case of a body corporate, a fine not exceeding 300 penalty units (currently \$60,600).

If the person is a first responsible supplier for an eligible container, in addition to the above requirements they must also have entered into a supply agreement with the scheme coordinator in respect of the container. The penalty for contravening this section as a first responsible supplier is a fine not exceeding 500 penalty units (currently \$101,000) for an individual, or a fine not exceeding 1,000 penalty units (currently \$202,000) for a body corporate.

Marks displayed on approved containers

Section 13 of the Act provides that a person must not place prescribed marks on a container that is not

an approved container. Further to this, a person must not place marks on a container for the purpose of implying, or leading others to the belief, that the container:

- is an approved container; or
- displays the prescribed marks for such a container.

The penalty for contravening this section is a fine not exceeding 400 penalty units (currently \$80,800) for an individual, or a fine not exceeding 800 penalty units (currently \$161,600) for a body corporate.

Compliance and enforcement

Section 25 of the Act provides that it is an offence for a first responsible supplier to fail to comply with the requirements of the Act and the supply agreement in force in respect of the approved container. The penalty for contravening this section is a fine not exceeding 50 penalty units (currently \$10,100) for an individual, or a fine not exceeding 150 penalty units (currently \$30,300) for a body corporate.

What you should do

Organisations should review and update their processes and systems to implement effective controls to address the new obligations and offences in the Act. All relevant staff should be made aware of the changes and provided with appropriate training.



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Victoria Update

Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Act 2025 (Vic)

On 9 April 2025, the *Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Act 2025 (Vic)* (the Amending Act) commenced and amended the *Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015 (Vic)* (the Act)

What's changed?

The key changes made by the Amending Act relate to the staffing ratio requirements of:

- intensive care units (ICUs);
- emergency departments;
- coronary care units;
- high dependency units; and
- antenatal and postnatal wards.

Further Information

Intensive Care Units

The Amending Act has inserted several new requirements relating to ICUs, including the amendment of section 12 of the Act to ensure that the rounding method is applied to ICUs in level 1 and level 2 hospitals.

Sections 20A and 20B have also been introduced to impose specific staffing requirements for ICUs in level 1 and level 2 hospitals. These provisions mandate that an ICU must be staffed by one nurse for every occupied bed in the ICU, as well as one nurse in charge. These provisions also set out the number of ICU liaison nurses and team leaders required for morning, afternoon and evening shifts in level 1 and level 2 hospitals.

The definition of **intensive care unit** has been inserted into the Act, which provides that an intensive care unit is “a unit (other than a neonatal intensive care unit), or part of such a unit, dedicated to the identification, monitoring and treatment of patients who are critically ill through the initial and sustained support of vital organ functions”.

Emergency Departments

The Amending Act has amended section 20 of the Act to provide that an emergency department in a hospital specified in Part 1 of Schedule 3 of the Act must be staffed with one nurse for each resuscitation bed during the morning shift.

Coronary Care Units

Section 21 of the Act has been amended to introduce a new requirement for hospital operators to staff a coronary care unit with a nurse in charge on the night shift.

High Dependency Units

The Amending Act inserts a new requirement under section 22 of the Act requiring operators of a level 1 hospital to staff a standalone high dependency unit with one nurse in charge on night shift. This requirement does not apply if the unit is co-located with an intensive care unit.

Antenatal Wards

The Amending Act has inserted new section 30A into the Act, requiring operators of a prescribed hospital to staff an antenatal ward with one midwife for every 4 patients on the night shift.

Postnatal Wards

The Amending Act introduces new section 31B into the Act which requires operators of a prescribed hospital to staff a postnatal ward with one midwife or nurse for every 4 patients on the night shift and one midwife in charge or nurse in charge.

Transition provisions

These amendments are implemented through a phased approach, whereby the relevant organisation must meet the following;

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- on and from 9 April 2025, 25% of the additional staffing requirement set out in the relevant provision in each 28 day period;
- on and from 1 December 2025, 75% of the additional staffing requirement set out in the relevant provision in each 28 day period;
- on and from 1 July 2026, 100% of the additional staffing requirement set out in the relevant provision.

In the case of the night shift on antenatal (section 30A) and postnatal wards (section 31B), the operator of a prescribed hospital must meet the following:

- on and from 9 April 2025, in each 28 day period, a 1:6 nurse to patient ratio and 25% of the

additional staffing requirement set out in the relevant provision;

- on and from 1 December 2025, in each 28 day period, a 1:6 nurse to patient ratio and 75% of the additional staffing requirement set out in the relevant provision;

on and from 1 July 2026, 100% of the additional staffing requirement set out in the relevant provision.

What you should do

Organisations should remain informed about changes to staffing ratio requirements and update their staffing policies and procedures accordingly to ensure full compliance.

*For more information please contact our team on **1300 862 667**
or visit our website www.lawcompliance.com.au*



Cybersecurity and IT Management

Law Compliance is aware that everyone is constantly aiming to have the highest possible cybersecurity in place from spam and hackers, as we are too. Sometimes, unfortunately firewalls and spam filters are also preventing us from sending emails to our subscribers.

To ensure you receive all future communications promptly and avoid difficulties with our Law Compliance updates / alerts emails reaching you and/or your team (because of these varied spam filtering services falsely classifying emails as spam or going into junk folders), we ask that you please let your IT team know to whitelist the following Law Compliance addresses:

- info@mailgun.lawcompliance.com.au;
- lawcompliance.com.au;
- our account system accountright@apps.myob.com

Should you or your IT team have further questions regarding this, please feel free to contact us / your CRM.

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Western Australia Update

Firearms Act 2024 (WA)

On 27 June 2024, the *Firearms Act 2024 (WA)* (the **Act**) was assented to in WA as a repeal and replace of the former *Firearms Act 1973 (WA)*. The Act (other than Parts 1, 16, 17 (Division 3, Subdivision 11)), commenced 31 March 2025.

The *Firearms Regulations 2024 (WA)* commenced alongside the Act on 31 March 2025, also repealing and replacing the former *Firearms Regulations 1974 (WA)*.

What's new?

Most relevantly in the Act, there are important provisions relating to possession and storage or safekeeping of firearms which carry penalties of imprisonment and substantial fines.

Further Information

In the Act, a **firearm** is a device made, modified, or capable of being modified to fire or propel a projectile. It is irrelevant whether it is operable, assembled, or complete or not. A **major firearm part** includes things such as a barrel, a receiver or slide, or a magazine, etc.

Offences relating to possession

In the Act, **possession** includes having actual possession; custody or control (directly or remotely); access (alone or in common with others) or occupation or control of the area/vehicle where the firearm is found.

Under Parts 5 and 6 of the Act, it is a crime to:

- possess a firearm or major firearm part unless authorised to do so by a licence or permit;
 - NB: the topic excludes obligations relating to licence or permit holders from Parts 2 and 3 of the Act.
 - this offence does not carry a penalty.
- possess a firearm or major firearm part;
 - this offence carries a maximum penalty of imprisonment for 5 years and a fine of \$60,000.
- possess a handgun or prohibited firearm or major firearm part of a handgun or prohibited firearm;
 - this offence carries a maximum penalty of imprisonment for 7 years.
- possess 3 or more firearms or major firearm part for different firearms;
 - this offence carries a maximum penalty of imprisonment for 10 years.
- possess 3 or more firearms (1 or more of which is a handgun or prohibited firearm) or major firearm parts for different firearms (1 or more of which is a handgun or prohibited firearm);
 - this offence carries a maximum penalty of imprisonment for 14 years.
- be in immediate possession both a firearm or major firearm part and a prohibited drug or prohibited plant (to which the *Misuse of Drugs Act 1981 (WA)* applies), when not authorised under that Act to be in possession of the drug or plant;
 - this offence carries a maximum penalty of imprisonment for 14 years.
- be in immediate possession of both a firearm or major firearm part and \$10,000;
 - this offence carries a maximum penalty of imprisonment for 14 years.
- give possession of a firearm; handgun or prohibited firearm; loaded firearm; loaded handgun or loaded prohibited firearm; or major firearm part of ammunition, to another person if the person knows, or ought reasonably to know, that the other person is an 'unsuitable person';
 - NB: **Unsuitable person** is defined in the Act as someone who is affected by alcohol and/or

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drugs or not capable for any reason of the safe use of a firearm.

- penalties for this offence vary depending on the firearm that is given possession of, from 5-14 years imprisonment and a fine up to \$60,000.
- be in immediate possession of a firearm while affected by alcohol and/or drugs;
 - this offence carries a maximum penalty of 5 years imprisonment and a fine of \$60,000.

Security and storage

Under Part 7 of the Act, it is a crime to:

- be in possession of a firearm, major firearm part, ammunition or prohibited accessory and fail to take all reasonable precautions to ensure its safekeeping and comply with any requirements under the regulations;
 - NB: storage in a place approved by the Commissioner is sufficient to comply with this. 'Safekeeping' includes safeguarding from loss, theft, and unauthorised possession and use.
 - this offence carries a fine of \$5,000 for a first offence, and imprisonment for 12 months and a fine of \$12,000 for a second or subsequent offence.
- be in possession of a firearm, major firearm part, ammunition or prohibited accessory and fail to store it in a place approved by the Commissioner at all times except when in use, in transit, or in immediate possession while undergoing maintenance;
 - NB: In transit means whenever it is not at a storage place approved by the Commissioner.

- this offence carries a fine of \$5,000 for a first offence, and imprisonment for 12 months and a fine of \$12,000 for a second or subsequent offence.

- be in possession of a firearm, major firearm part, ammunition or prohibited accessory that is in transit and not in use, and fail to meet prescribed security arrangements, e.g. it must not be loaded; it must be secured against unauthorised use by rendering it inoperable, etc.

- this offence carries a fine of \$5,000 for a first offence, and imprisonment for 12 months and a fine of \$12,000 for a second or subsequent offence.

Information

Under Part 12 of the Act, if one person is concerned about a second person's access to a firearm (e.g. due to their physical, mental or emotional state, or they have sustained an injury involving a firearm), the first person can provide this information to the Commissioner.

It is an offence to disclose information about the first person that could identify or tend to identify them as a person who provided information to the Commissioner. This offence carries a maximum penalty of 2 years imprisonment and a fine of \$24,000.

What you should do

Organisations should identify gaps in compliance or in knowledge of legal requirements. Then, organisations should revise their policies and procedures relating to firearms, circulate to staff, and carry out trainings or seminars to ensure compliance and avoid the significant penalties.

Staff News

Congratulations to our talented staff on their recent well-earned promotions:

- **Adriano Stenta** – Specialist Compliance Solicitor
- **James Low** – Specialist Compliance Solicitor

We are also delighted to welcome Law Clerks Ashley Beyer, Isabella Blackney and Stephanie Papaxanthou to the team.

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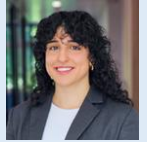
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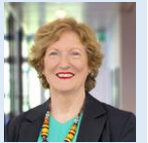
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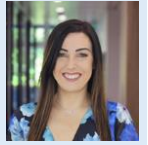
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