



24th March 2023

Privacy Act Review
Attorney-General's Department
Australian Government

Email – privacyactreview@ag.gov.au

Dear Madam/Sir,

Privacy Act Review

Outdoors Queensland is the peak body for the outdoor recreation sector in Queensland. We represent outdoor recreation organisations and individuals in Queensland, consisting of a range of outdoor industry stakeholders, including local governments, schools with outdoor education programs, small businesses and commercial operators, activity-focused peak bodies, clubs and community organisations.

The mission of Outdoors Queensland is that all people have opportunities to make connections with Queensland's outdoors. Our vision is that everyone can enjoy the health and well-being benefits of Queensland's outdoors.

Outdoors Queensland is pleased to make a submission to the Privacy Act Review process, particularly in response to the Privacy Act Review Report. We understand that the purpose of this review is to consider whether the Privacy Act 1988 and its enforcement mechanisms are adequate.

Outdoors Queensland supports many of the proposed changes outlined in the Privacy Act Review Report. However, we have concerns regarding unintended consequences associated with the removal of the Small Business Exemption set out in Proposal 6.1 and 6.2.

The vast majority of outdoor organisations in Queensland (and across Australia) are small businesses.

On page 52, the Privacy Act Review Report states that "The Issues Paper sought feedback on whether the current scope of the Act strikes the right balance between protecting the privacy rights of individuals and imposing unnecessary regulation on small business."

We submit that removal of the small business exemption will impose unnecessary regulation, and for that reason this exemption should not be removed from the Privacy Act.

Proposal 6.1 in the Privacy Act Review Report proposes to remove the small business exemption, but only after "an impact analysis is undertaken to better understand the impact removal of the small business exemption will have on small business" – it is submitted that this impact assessment should be made before the decision to remove the exemption, rather than making the decision and then doing the assessment.



We have significant concerns that the removal of the small business exemption would detrimentally affect many outdoor organisations.

This additional legal obligation could lead to a loss of volunteer committee members for community clubs, at a time when volunteering is already facing significant pressures as outlined in the National Strategy for Volunteering released by Volunteering Australia in February 2023. Without volunteer committee members, community clubs would be unable to operate.

It could also lead to the possible closure or reduction in services of for-profit small businesses which are already facing significant regulatory burdens.

The potential loss of clubs and other small businesses could result in fewer people engaging in outdoor activity, and would extend into the sport and fitness sectors. This would mean that the Australian population loses physical and mental health benefits to adults and children alike. That would be an awful outcome at a time when efforts are being made to improve the physical and mental health of Australians.

If the small business exemption is removed despite these misgivings, we submit that a more nuanced position could be adopted, and an exemption should be provided for non-profit and charity organisations with turnover under \$3 million.

In the discussion of small business exemption, there does not appear to be any distinction drawn between for-profit and non-profit small businesses. We are concerned that additional Privacy Act obligations for non-profit organisations could be the proverbial straw that breaks the camel's back.

It is suggested that if this proposed exemption were restricted to regulated charities only, that would result in significant consequences for the non-profit organisations who are not formal charity organisations, and would create confusion around the application for organisations and individuals. By applying the exemption to all non-profit organisations under the \$3 million turnover threshold, the legislation would provide certainty to these organisations regarding their obligations and certainty to individuals.

Small non-profit organisations would be able to opt in to adopt the APP, but it would not be a legal requirement.

Outdoors Queensland understands that this submission may be published as part of the consultation process. Outdoors Queensland looks forward to ongoing involvement in this process, and trusts that the outcomes will be positive. We welcome discussion on any points raised in this submission.

Yours sincerely



Dom Courtney
Executive Officer

