

ENVIRONMENT LEGAL HEALTH CHECKLIST

This legal health checklist will help you identify areas in your environmental business that may need further protection or assistance to ensure that you are legally compliant.

BUSINESS STRUCTURE



- Business structure (e.g. company, partnership or sole trader) is appropriate for growth, liability and tax
- Business has a dual company (holding company and operating company) to reduce risk and offer a flexible structure for growth
- Shareholders agreement (if operating as a company and more than one shareholder)
- All required business licences are current and compliant, especially for residential building work subject to state or territory rules

EMPLOYEES AND CONTRACTORS



- Workers are correctly classified as employees or contractors (and the business has considered any sham contracting risks)
- Employees and contractors have current contracts in place
- Employee wages are compliant with the national minimum wage and/or modern award rates as applicable
- Business is complying with its record keeping obligations under the *Fair Work Act 2009* (Cth) and *Fair Work Regulations 2009* (Cth)
- Business has core policies on Anti-Bullying, Discrimination and Harassment, WHS and Information Technology

INTELLECTUAL PROPERTY



- Business holds a trade mark to protect the business' name and logo
- New innovations unique to your business have been identified and you have considered whether a patent is appropriate to protect your intellectual property
- Any brands or product line names used by the business have been cleared for use (to avoid infringement of third party marks) and registered as trade marks
- Business has considered whether it requires overseas IP protection for goods being exported or manufactured overseas
- Regularly check whether any other business is encroaching on your trade marks and if so, action has been taken to protect your trade mark
- Regularly check that the IP portfolio (any trade marks, designs, patents) remains up to date to identify any gaps or changes in ownership, etc

COMMERCIAL CONTRACTS



- Distribution agreements are in place with individuals or businesses who distribute your goods and/or services
- Service agreements are in place with individuals or businesses who supply goods or services to your business
- Client agreements are in place with clients you supply goods or services to. If you have clients in NSW, your agreements do not disadvantage NSW consumers
- Agreements and licences are in place for software being used by your business

DATA AND PRIVACY

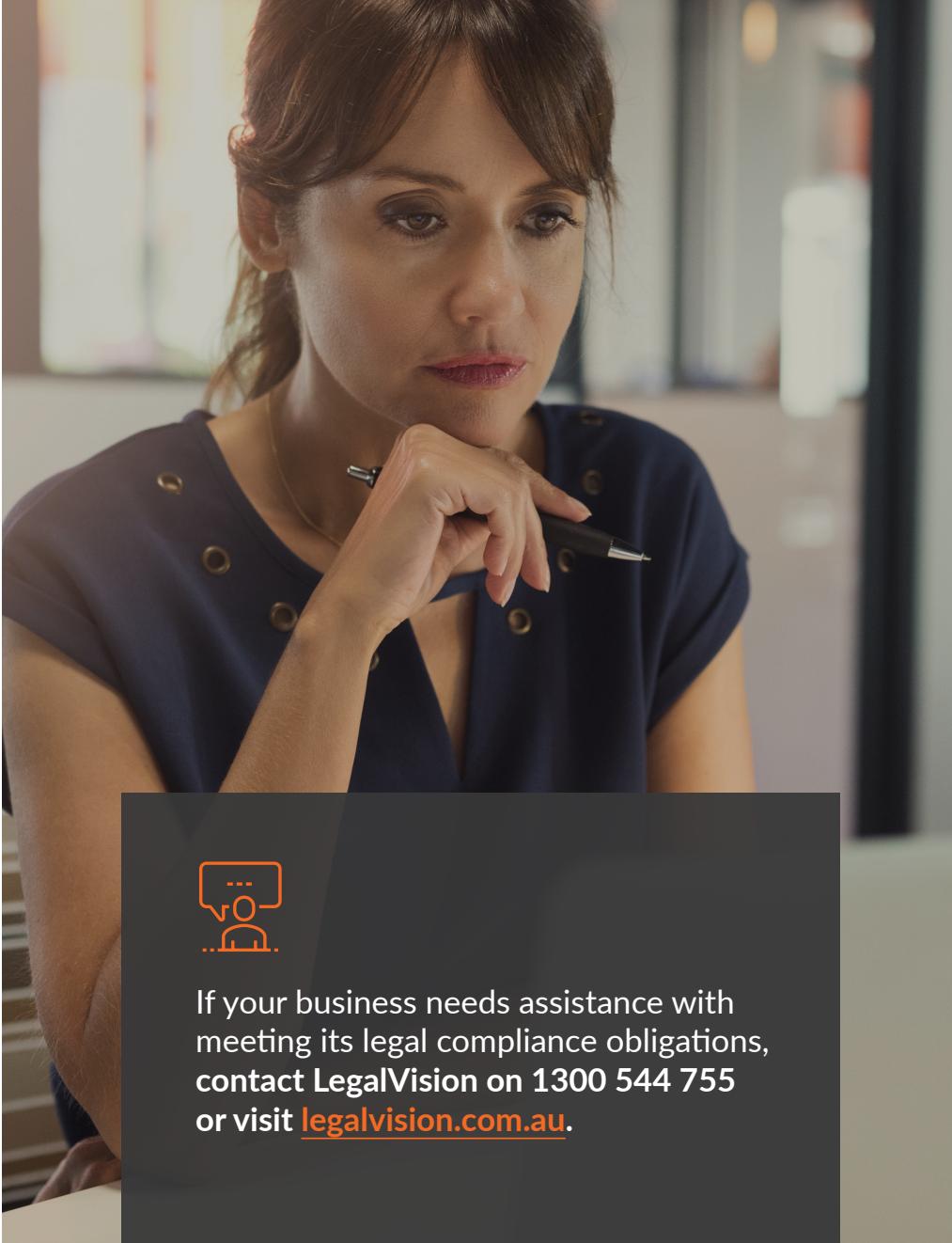
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- Business is compliant with privacy legislation related to the collection, use, holding and disclosure of personal information (and has considered its obligations in Australia and overseas, such as in Europe)
- Business understands its obligations related to using personal information for marketing purposes
- Privacy Policy is current and reflects Australian privacy law
- Business has a collection notice in place and uses it to notify individuals when it is collecting their personal information
- Business has processes in place to ensure data that sits on third-party systems or is disclosed to third parties, including overseas, is protected
- Physical assets that hold personal information (such as servers) are in a secure location with appropriate security safeguards in place
- Business has appropriate systems in place in relation to the retention, storage and disposal of personal information and company documents

DEALING WITH CUSTOMERS AND CLIENTS



- If your business hires out equipment or products (such as solar panels or EV chargers) to consumers, consider whether this falls under the National Credit Code and whether you need an Australian Credit Licence
- If your business provides services to residential customers or projects, check what licences or permits you need. For example, installing EV chargers or solar panels usually requires a specific installer licence
- Check whether any Industry Codes of Conduct apply to your business, or whether joining a voluntary code could benefit you, such as the Clean Energy Council's Solar Retailer Code of Conduct
- If your business sells electricity, such as through solar panels or EV chargers, check whether state or territory energy laws apply or whether you need an exemption from holding a permit



If your business needs assistance with meeting its legal compliance obligations, contact LegalVision on 1300 544 755 or visit legalvision.com.au.