



## Who is a person conducting a business or undertaking checklist

### 1. Who is a 'person'?

Are you, or is your organisation:		
➤ a self-employed person?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
➤ a body corporate, such as a company?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
➤ conducting business in your own right, such as a sole trader?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
➤ a partnership?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
➤ a government agency or department conducting business on behalf of the Crown?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
➤ an unincorporated body, such as an association?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
➤ a body politic (the Crown)?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
<p>If you answered 'yes' to any of the above questions, you and/or your organisation are a <i>'person'</i> within the meaning of <i>'<u>person</u> conducting a business or undertaking'</i>.</p> <p><b>Note:</b> Individuals who are in a partnership attract the responsibilities of a 'person conducting a business or undertaking', both individually and collectively.</p>		

### 2. What is the structure of 'a business or undertaking'?

Do you, or does your organisation:		
➤ engage in activities with a view to making a financial profit, and adhere to a system, or have some kind of organisational structure, with a degree of continuity?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
➤ engage in activities for a non-commercial purpose, but have elements of organisation, systems and possibly continuity?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
<p>If you answered 'yes' to the first question, it is likely that you and/or your organisation are conducting a 'business'. If you answered 'yes' to the</p>		



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second question, it is likely that you and/or your organisation are conducting an *'undertaking'*.

### 3. What kind of 'work' is involved in a business or undertaking?

Do the people who carry out paid or unpaid work:		
➤ engage in physical labour, apply particular skills or exercise mental effort for the benefit of you or your organisation?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
➤ engage in activities that are ongoing?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
➤ engage in activities that are supervised by you, or under your control or influence?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
➤ engage in activities that are formal or structured?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
If you answered 'yes' to one or more of the above questions, it is likely that you and/or your organisation are a <i>'person conducting a business or undertaking'</i> .		

### 4. Who is excluded from being a 'person conducting a business or undertaking'?

(a) <b>Volunteer associations</b> —Does your organisation:		
➤ act on a voluntary basis, without payment or reward?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
➤ work as a group without employees toward a community purpose, such as philanthropic or benevolent purposes, including promotion of art, culture, science, religion, education, medicine or a charity?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
➤ work as a group without employees toward a community purpose, such as sporting or recreational purposes, including the benefiting of sporting or recreational clubs or associations?	<input type="checkbox"/> YES	<input type="checkbox"/> NO



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If you answered 'yes' to any of the above questions, it is likely that your organisation is a volunteer association, and excluded from being a 'person conducting a business or undertaking'.

**Note:** If the volunteer association employs paid workers, then the association is **not** excluded from being a 'person conducting a business or undertaking'.

**(b) Other exemptions—Are you:**

➤ acting as an elected member of a local authority—for example, as a councillor or planner?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
➤ engaged by a business or undertaking solely as a worker or officer?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
➤ in New South Wales, a strata title body corporate without any employees?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
➤ pursuing purely domestic or personal purposes in an ad hoc capacity, such as organising a garage sale?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
➤ a foster carer who cares for foster children?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
➤ carrying out domestic work in your home?	<input type="checkbox"/> YES	<input type="checkbox"/> NO

If you answered 'yes' to any of the above questions, it is likely that you are excluded from being a *'person conducting a business or undertaking'*.

**Name**

**Company**

**Email**

**Phone**