

Starting your business checklist.

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› *Before you start a business*

› *When you start a business*

› *When you buy a business*

› *Running your business*



An Australian Government Initiative

business.gov.au

So you're starting a business. Congratulations!

Finding the right information quickly and easily when starting your business can help it become a success.

This checklist covers many of the basic issues you need to know when starting a business. Since businesses are so diverse, this checklist can't cover all issues and situations, so you'll need to contact the relevant government agencies that can assist you. Although this checklist focuses on Australian Government information, the contact details of relevant state, territory and local agencies have also been included.

The four main sections of this checklist are:

- › *Before you start a business*
- › *When you start a business*
- › *When you buy a business*
- › *Running your business*

This checklist will be updated regularly. To ensure you have the latest version, visit www.business.gov.au/checklist.

Good luck with your new venture and we hope you find this checklist useful.

How to use this checklist

Print it off

To print a copy of this checklist, select the Printer icon on the toolbar, or select File then Print on the main menu.

Tick the boxes

Monitor your progress within each topic by ticking off each question as you complete it. Like a to-do list, this will show you what is done and what is left to do.

My notes

Add relevant information about your progress in the notes pages located at the end of this checklist. For example, you can write down your business reference numbers and the contact details of people or agencies you deal with.

Translation

If you need an interpreter, please phone the **Translating and Interpreting Service National** on **13 14 50** and ask them to phone the **Small Business Support Line** on **1800 777 275**.

Please note that every effort has been made to ensure that information provided in this checklist is accurate. You should note, however, that the checklist is intended as a guide only, providing an overview of general information available for new business starters. The checklist is not intended to be an exhaustive source of information and should not be seen to constitute legal advice. You should, where necessary, seek your own legal advice for any legal issues raised in relation to establishing your business.

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› ***Before you start
a business***

- Do you know where to **find advice & support**?
- Do you know **when a hobby becomes a business**?
- Have you started **planning for your business**?
 - Do you know **how to obtain finance**?
- Do you know which **business structure** suits your business?
 - Are you an **independent contractor**?

Advice & support

□ Do you know where to find advice and support?

When starting a business, there is a range of advice and support available from government and other organisations. This includes information and advice on managing cash flow, stocktaking, and obtaining funding and training.

› Contact **business.gov.au** through our *Contact us* page at www.business.gov.au/contactus

› **Advisor Finder**

Get in touch with your nearest government funded small business advisor using our *Advisor Finder* search tool. Just enter the type of advice you're looking for, your industry and location, and *Advisor Finder* will produce a tailored map with details of your nearest advisors.

Website www.business.gov.au/advice

› **Small Business Support Line**

The support line provides an initial point of contact to get access to information and referral services that assist small businesses. The support line is also responsible for the **Small Business Credit Complaints Clearing House**, which provides an avenue for small businesses to direct their issues about access to and the cost of bank finance.

Phone **1800 777 275**

Website www.ausindustry.gov.au/smallbusiness

› **Live Chat**

Chat online to a **Small Business Support Line** agent if you have a question about your business, business information, using business.gov.au, referral services and other queries.

Website www.business.gov.au/live-chat

› **Independent Contractors Hotline**

A single point of contact for getting access to clear, concise information regarding the rights and responsibilities of independent contractors.

Phone **1300 667 850**

› **Small Business Advisory Services**

Provides low-cost information and advice to small businesses. The advisory services are located in suburban, rural and regional Australia. A list of the contact details of each advisory service is available on the **AusIndustry** website.

Phone **13 28 46–AusIndustry Hotline**

Website www.ausindustry.gov.au/smallbusiness

› **Enterprise Connect**

Provides comprehensive support to eligible Australian small and medium-sized enterprises (SMEs), to help them become more innovative, efficient and competitive.

Phone **13 17 91**

Website www.enterpriseconnect.gov.au

› **Business Enterprise Centres (BECs)**

BECs or Small Business Centres provide free or low cost advice and assistance to small businesses throughout Australia.

Phone **02 9822 2279**

Website www.becaustrialia.org.au

› **Indigenous Coordination Centres (ICCs)**

Located in remote, regional and metropolitan areas, ICCs look after local coordination and planning of Australian Government programs and services assisting Indigenous people.

Phone **1800 079 098** for your nearest ICC (except Adelaide **1300 653 227**, Kalgoorlie **1800 193 357**, Kununurra **1800 193 348** or Nhulunbuy **1800 089 148**).

Website www.indigenous.gov.au

› **Digital Business**

The Digital Business website has simple and practical tips on what your business can do online and how you can do it.

Website www.digitalbusiness.gov.au

› **Regional Entry Point**

The **Department of Infrastructure and Regional Development** *Regional Entry Point* website can help you find information about a range of Australian Government programs and services for businesses in rural, regional and remote Australia.

Website www.myregion.gov.au

› **Access to Justice**

The **Attorney-General's Department's** *Access to Justice* website can help find someone in your area who can provide information on a legal issue, as well as helping you understand your options and decide what to do.

Website www.accesstojustice.gov.au

› Refer to the *Business agencies list* in our **Checklist companion**.

› Contact your industry or business association. Find contact details at www.business.gov.au/directory.

› Contact a business advisor, accountant or solicitor for advice.

□ **Do you know what events are happening near you?**

Small business workshops and seminars are run regularly in most areas of Australia and deal with issues such as planning, financial management, innovation, employing staff and exporting.

You may also find it useful to attend networking events to help expand your business. By developing networks you can keep up to date on industry and local information, promote your business through new contacts and learn key skills from other businesses.

› Find networking, training events and seminars at www.business.gov.au/events.

› Local government councils often hold small business events and seminars. Find contact details at www.business.gov.au/directory.

Find more information about this topic at

› www.business.gov.au/adviceandsupport

When a hobby becomes a business

Do you know whether your activity is a business or a hobby?

Whether you're in business or have a hobby, it's important to establish your status early as it will affect your tax and deductions.

When running a business, you pay tax on the money you earn, can claim for deductions on your expenses and generally need an Australian Business Number (ABN). These do not apply if your activity is a hobby.

- › Read the **Australian Taxation Office (ATO)**'s *Am I in business?* guide available at www.ato.gov.au to help you decide whether you're running a business or a hobby.
- › For more information, get a copy of the *Tax basics for small business* booklet at www.ato.gov.au or phone the **ATO Business tax enquiries line on 13 28 66**.
- › A series of free seminars and workshops on a variety of taxation topics are available in most states and territories. Register online at www.ato.gov.au/seminars.
- › Use the free tool *Is your business tax ready?* to check whether you're ready to meet your tax obligations and to get helpful taxation information. Download a copy at www.ato.gov.au/taxready.
- › The **ATO** offers free and confidential on-site visits to discuss your business tax questions. Register for a business assistance visit at www.ato.gov.au/assistancevisit.
- › For information on ABNs, see our *Registrations & licences* topic on page 11.

Find more information about this topic at

› www.business.gov.au/guides

Planning for your business

Careful planning is essential to the success of your business. You should regularly review and revise your plans as an ongoing business activity.

- › Download our *Business plan template* and *Business plan guide* at www.business.gov.au/plans.
- › There are a number of agencies you can contact for assistance. For contact details, see our *Advice & support topic* on page 1.
- › Contact a business advisor for advice. Find your nearest advisor using our *Advisor Finder* tool at www.business.gov.au/advice.
- › Consult your accountant or solicitor.

Do you know how to develop:

a business plan?

A business plan provides direction, keeps you on track and is usually a requirement when you seek finance. Depending on your business type, your plan could include an executive summary, introduction, marketing analysis, Intellectual Property (IP) strategy, operations plan, management plan and financial plan (e.g. costs and cash flow projections).

- › Download our *Business plan template* and *Business plan guide* at www.business.gov.au/plans.
- › Download our free business planning tablet app, *MyBizPlan* at www.business.gov.au/businessapps.
- › Watch our suite of business planning videos at www.business.gov.au/business-videos.

a marketing plan?

A marketing plan can help you combine your total marketing effort. It gives you a systematic approach to developing products and services that satisfy your customers' needs.

- › Download our *Marketing plan template & guide* at www.business.gov.au/plans.
- › Download our free marketing plan tablet app, *MarketMyBiz* at www.business.gov.au/businessapps.

an export plan?

An effective export plan will help evaluate your strengths and weaknesses upon entering the export market.

- › For more information on exporting, see our *Exporting topic* on page 39.

a succession plan?

A succession plan can help you plan for the day when you leave your business. Planning for this time can provide a smooth transition and lowers the risk of disruption to your operations.

- › Download our *Succession plan template & guide* at www.business.gov.au/plans.

an emergency management & recovery plan?

Emergency management is about successfully adapting your business to changes in its environment. Resilient businesses prepare for possible risks, take appropriate action during emergencies, and recover.

- › Download our *Emergency management & recovery plan template & guide* at www.business.gov.au/plans.

Find more information about this topic at

› www.business.gov.au/plans

How to obtain finance

Good financial management is critical to the ongoing success of your business. When starting out, you'll need to know how much funding you need, where you can get it and how to manage your financial arrangements. Your business plan is also an important part of seeking business funding.

Have you worked out your best source of finance?

There are several sources to consider when looking for finance for your business, such as:

- loans from a bank or other financial institution
 - using your personal savings
 - borrowing money from friends and relatives
 - chattel mortgages
 - finance leases
 - venture capital
 - government funding.
- › Use the Business Loan Finder at www.business.vic.gov.au/loanfinder to help you find the best loan to suit your situation.
- › Contact a business advisor for advice. Find your nearest advisor using our *Advisor Finder* tool at www.business.gov.au/advice.
- › Consult your accountant or solicitor.

Find more information about this topic at

› www.business.gov.au/businessfinances

Business structures

□ Do you know which business structure suits your business?

Before starting a business, you should consider the advantages and disadvantages of each type of business structure and decide which best suits your needs. Your business structure can affect the safety of your personal assets and taxation obligations. A change in ownership of an ongoing business may require a new registration to be made depending on the type of structure the business operates.

Read about the most common forms of business structure below:

- **Sole trader**

A sole trader is a type of structure where the business has no separate legal existence from its owner. As a sole trader, you'll be responsible for the liabilities of your business. You need to report your business income on your personal income tax return, along with any other income.

- **Partnership**

A partnership is a type of structure where two or more people start a business and can legally share profits, risks and losses according to terms set out in a partnership agreement. You must lodge a separate partnership income tax return.

- **Trust**

A trust is a relationship where a business is transferred to a third party who has legal control and has a duty to run that business to benefit someone else. You must lodge a separate trust income tax return.

- **Company**

A company is a legal entity separate from its members (shareholders). A director of a company has additional legal and reporting obligations. You must lodge a separate company income tax return.

- › **Australian Securities & Investments Commission (ASIC)**

Visit www.asic.gov.au for more information about registering a business name or a company.

- › For more information, obtain a copy of the *Choosing the right business structure* booklet from the **Australian Taxation Office (ATO)** website at www.ato.gov.au or phone their **Business tax enquiries line** on **13 28 66**.
- › Contact a business advisor for advice. Find your nearest advisor using our *Advisor Finder* tool at www.business.gov.au/advice.
- › Consult your accountant or solicitor.

Find more information about this topic at

› www.business.gov.au/registrationandlicences

Independent contractors

Before starting as an independent contractor, consider the following issues:

Are you an independent contractor?

It's important to establish whether you're considered a contractor or an employee under common law before you enter into a contract with a hirer, as your status will determine which laws apply to your contract. For example, contractors need to be treated differently to employees for tax and superannuation purposes. It's possible to be an employee for some work and a contractor for other work. Having an Australian Business Number (ABN) does not automatically make you a contractor.

- › Visit www.business.gov.au/contractors and use our online *Contractor decision* tool to help you assess whether you're a genuine independent contractor at common law.
- › Read or listen to our publication *Independent contractors: the essential handbook*. Download a copy or audio recording from www.business.gov.au/contractors.
- › Phone the **Independent Contractors Hotline** on **1300 667 850**.

Are you aware of your taxation obligations?

As a contractor, you'll have different taxation obligations to those of an employee.

- › For more information, visit the **Australian Taxation Office (ATO)** website at www.ato.gov.au/business or phone the **ATO Business tax enquiries line** on **13 28 66**.
- › Use the *Employee/contractor decision tool* at www.ato.gov.au/employeecontractor, which can help you understand whether you're a contractor or employee for tax purposes.
- › Visit www.ato.gov.au/psi to find out how Personal Services Income (PSI) rules affect your taxation obligations.
- › For more information, obtain a copy of the *Tax basics for small business* booklet from www.ato.gov.au or phone the **ATO Business tax enquiries line** on **13 28 66**.
- › See our *Employing people* topic on page 25.

Are you aware of your superannuation entitlements & obligations?

Some contractors are entitled to receive superannuation. If this does not apply to you, you may choose to arrange your own super contributions.

- › For more information, see our *Employing people* topic on page 25.

Do you know what to consider when charging for your services?

Unlike employees, contractors are not entitled to a minimum rate of pay or conditions such as annual leave, sick leave and redundancy entitlements. Your fees are a matter for negotiation between yourself and those you're contracting with. However, it's important that your fee covers the true cost of providing the service, including the costs associated with running a business. It also helps to know what your competitors charge.

- › For more information, contact your nearest **Business Enterprise Centre (BEC)**. For contact details, see our *Advice & support* topic on page 2.

Do you know your Work Health & Safety (WHS) obligations?

As a contractor, you're entitled to a safe and healthy workplace and are required to comply with the duties set out in Australian, state and territory WHS legislation.

- › For more information, see our *Work Health & Safety* topic on page 38.

Do you know your Paid Parental Leave entitlements?

As a contractor, you may be entitled to receive Paid Parental Leave.

- › For more information about eligibility for the self-employed, visit www.centrelink.gov.au or call the **Family Assistance Office** on **13 61 50**.

Do you have workers compensation insurance?

As a contractor, you may not be entitled to compensation unless you've arranged your own accident protection insurance.

- › For more information, see our *Work Health & Safety topic* on page 38.
- › Contact a business advisor for advice. Find your nearest advisor using our *Advisor Finder* tool at www.business.gov.au/advice.
- › Consult your accountant or solicitor.

Are you aware of Intellectual Property (IP) related issues?

Although you may have created or contributed material to products and ideas as a contractor, you may not be entitled to IP ownership of these items. This will depend on the contract you sign.

- › For more information, see our *Intellectual property topic* on page 14.

Do you know what to include in a contract?

Avoid disputes and misunderstandings with your hirers by making written contracts. Getting your contract right in the first place means you'll have fewer problems down the track.

- › Read our publication, *Independent Contractors: contracts made simple*. Download your copy from www.business.gov.au/contractors.
- › Read our online information for independent contractors including dispute resolution pages at www.business.gov.au/contractors.

Try to prevent problems, and deal effectively with things when they do go wrong

Try to prevent disputes, as they have the potential to take up the resources of your business and your time – thus taking you away from growing your business.

- › Read our publication, *Independent Contractors: preventing and managing disputes*. Download your copy from www.business.gov.au/contractors.
- › Read our online information for independent contractors including dispute resolution pages at www.business.gov.au/contractors.

Find more information about this topic at

› www.business.gov.au/contractors

› *When you start a business*

- Have you registered your ABN, GST or other **registrations & licences**?
 - Have you **registered your business name**?
- Do you have adequate protection for your **intellectual property**?
 - Have you considered running a **home-based business**?
 - Do you understand **your taxation obligations**?
 - Do you understand your **legal requirements**?
 - Do you know about **standards & codes of practice**?
- Have you set up **record keeping & accounting systems**?
 - Have you considered your **corporate governance**?
 - Have you arranged **insurance**?
 - Do you know how to **employ people**?
- Have you considered applying for **grants or financial assistance**?
 - Have you considered **doing business online**?

Registrations & licences

When you're ready to start your business, you need to complete a number of registrations. These registrations will depend on your chosen business structure. For more information, see our *Business structures topic* on page 7.

Have you considered if you need to register a business name or company?

A business name and a company are two different structures. A business name is not an entity in its own right; the holder of the business name (which can be an individual, a partnership, a company, an incorporated association or a trust) is legally responsible for the business. In contrast, a company is a legal entity in its own right and has some specific responsibilities and obligations. Be sure you research the advantages and disadvantages of each before making a decision.

Before you can apply for a business name, you are required to have an ABN or an ABN application number.

Have you considered if you need to apply for an Australian Business Number (ABN)?

If you're carrying on an enterprise or you intend to register for Goods and Services Tax (GST), you may need to apply for an ABN.

- › To determine whether you are entitled to an ABN, use the free ABN entitlement tool at www.ato.gov.au.
- › To register online, visit www.abr.gov.au.
- › For more information, obtain the *Tax basics for small business* booklet from www.ato.gov.au or phone the **ATO Business tax enquiries line** on 13 28 66.

Have you considered registering for:

a Tax File Number (TFN)?

Sole traders can use their existing personal TFN when in business, but partnerships, trusts and companies will need their own.

- › As well as applying for an Australian Business Number (ABN), sole traders can apply separately for a TFN by phoning the **Australian Taxation Office (ATO)** on 1300 720 092 for a paper application.
- › Partnerships, trusts and companies can apply for a TFN on the *ABN application form* at www.abr.gov.au. For more information, visit the www.ato.gov.au website.

Goods & Services Tax (GST)?

If you have or expect to have GST turnover of \$75 000 or more you must register for GST. If you provide taxi travel or are a car hire operator, you must register for GST regardless of GST turnover. If you're eligible to claim input tax credits, you must also register for an ABN.

- › You can register for GST on the *ABN application form* located at www.abr.gov.au.
- › For more information, obtain the *Tax basics for small business* booklet from www.ato.gov.au or phone the **ATO Business tax enquiries line** on 13 28 66.
- › Read the *GST for small business* publication available at www.ato.gov.au.

Pay As You Go (PAYG) withholding?

If you have employees or pay employees of another business, you must withhold an amount from payments you make to them. If you operate your business as a company, you must also withhold amounts from payments you make to your company directors for their services. You may also have to withhold amounts from payments you make to other workers such as contractors.

- › You can register for PAYG withholding on the *ABN application form* located at www.abr.gov.au.
- › For more information, obtain the *PAYG withholding* booklet from www.ato.gov.au/paygw or phone the **ATO Business tax enquiries line** on 13 28 66.

Fuel tax credits?

Eligible businesses can claim fuel tax credits for the fuel tax (excise or Customs duty) included in the price of fuel used in business activities, machinery, plant, equipment and heavy vehicles.

You must be registered for both GST and fuel tax credits before you can make a claim. Fuel tax credits are claimed on your Business Activity Statement (BAS).

- › The *Fuel tax credit eligibility tool* can help you work out your eligibility for fuel tax credits and the rate at which you can claim. For more information, or to use the tool, visit www.ato.gov.au/fuelschemes or phone the **ATO Business tax enquiries line** on 13 28 66.

Do you have a business name?

› For more information, see our *Registering your business name* topic on page 13.

Do you know what licences or permits you require?

Australian, state, territory and local governments are responsible for different business licences, permits, registrations and certificates. To find those that apply to you, use the Australian Business Licence & Information Service (ABLIS) at www.business.gov.au/licences.

Have you considered applying for an Australian Business Account (ABA)?

The ABA helps you manage your business interactions with all levels of government.

› For more information, visit www.business.gov.au/aba.

Have you considered registering for Standard Business Reporting (SBR)?

SBR is a new capability built into business and accounting software to streamline government compliance and financial reporting tasks.

SBR can be used by Australian businesses, accountants, bookkeepers, tax agents and payroll professionals to make it easier to prepare and lodge reports with a range of government agencies, including the **ATO**. You will need SBR-enabled software, and to register for a secure AUSkey credential.

› For more information, visit www.sbr.gov.au or phone the **SBR Service Desk** on **1300 488 231**.

› To register for a secure AUSkey credential, visit www.ato.gov.au/auskey.

Find more information about this topic at

› www.business.gov.au/licences

Registering your business name

If you wish to carry on a business under a business name, you must register your business name with ASIC, unless one of the exemptions in the Business Names Registration Act applies.

You do not need to register a business name if the entity is:

- (a) an individual and the business name is the individual's name (eg. John Smith);
- (b) a registered company and the business name is the company's name (eg. ABC Pty Ltd); or
- (c) a partnership and the business name consists of all of the partners' names (eg. John Smith & Tom Wat).

Have you checked if your proposed business name exists?

If your proposed name already exists or is similar to a currently registered name, your application may be rejected. The same rules apply if your proposed name exists as a company name. Before you apply for a business name, you should:

- › 'Check name availability'/'Check business name availability' searches at www.connectonline.asic.gov.au to see if your chosen company/business name is available.
- › You can also search *ABN Lookup* at www.business.gov.au/abn to see if your proposed business name is registered against another Australian Business Number (ABN).

Have you checked if your proposed business name could conflict with someone else's registered trade mark?

You should check whether anyone else is using a trade mark, brand or logo that is identical or similar to your proposed business name. There can be issues if the goods or services are similar to those for which you intend to use the business name.

- › **IP Australia**
Phone **1300 651 010**
Website www.ipaustralia.gov.au
- › Seek advice from an Intellectual Property (IP) professional for further assistance.

Have you registered your business name with ASIC?

Business name registration is handled by **ASIC**. When registering your business name, you'll need to register with the ASIC Connect online portal. From there you can submit your application or save it for later completion.

- › Register with *ASIC Connect* by visiting www.asicconnect.asic.gov.au.

Have you considered registering your business name as a trade mark?

A registered trade mark gives you the right to use your trade mark as a means to distinguish your goods and services from those of another trader. A registered trade mark can help you legally stop imitators from using your brand in the future.

- › For more information, see our *Intellectual property* topic on page 14.

Have you considered registering a domain name?

Your domain name is your address on the internet and gives you an online identity or brand. If you wish to use a **.com.au** or **.net.au** domain name, you must be a commercial entity and have either an Australian Company Number (ACN) or Australian Business Number (ABN).

- › **.au Domain Administration Ltd.(.auDA)**
Phone **1300 732 929**
Website www.auda.org.au/domains/au-domains

Find more information about this topic at
www.business.gov.au/registrationandlicences

Intellectual property

Intellectual Property (IP) covers a range of laws that give individuals and businesses exclusive rights over their creative and inventive projects.

› IP Australia

The Australian Government agency responsible for administering patents, trade marks, designs and plant breeder's rights.

Phone **1300 651 010**

Website www.ipaustralia.gov.au

› Seek advice from an IP professional when considering IP protection and strategies.

When you start a business, create or invent a new product, you should consider the IP protection options that are appropriate to your business needs.

Have you considered patent protection?

You should consider applying for a patent if you've created a device, substance, method or process that is new, inventive and useful.

Have you considered registering a trade mark?

A trade mark distinguishes your goods and services from similar offerings in the marketplace. Unlike a business name, a trade mark provides national proprietary rights that may be enforced, sold or licensed. It's a good idea to consider registering your business name as a trade mark to gain 'ownership' rights to the name.

Do you understand copyright protection?

Copyright automatically protects ideas and information expressed through writing, music, visual images, moving images and computer programs. You can also find resources on the *Copyright Act 1968* on the **Attorney-General's Department** website.

› Attorney-General's Department

Phone **(02) 6141 6666**

Website www.ag.gov.au

Have you considered protecting your trade secrets?

Common law already protects your trade secrets. If you require further security, every person who has knowledge of your secrets can sign a confidentiality agreement.

Do you need to register your product designs?

If you own a new and distinctive design, you can register it to prevent others from using it without your permission.

Do you require international IP protection?

As well as registering in Australia, you can register for a trade mark, patent or design in overseas countries. This is particularly important if you export goods or sell goods and services over the internet.

Do you know what else you can protect?

There is a wide range of products you can protect, including new varieties of plants and circuit layouts.

Find more information about this topic at

› www.business.gov.au/intellectualproperty

Home-based business

As a home-based business, you'll also need to consider a number of other issues:

Have you registered for your relevant licences & permits?

Home-based businesses often have to comply with particular state, territory and local government regulations to operate a business from home.

- › Find the contact details for your local council or planning authority at www.business.gov.au/directory.
- › See our *Registrations & licences* topic on page 11.

Do you know how running a home-based business affects your tax?

Running a home-based business can affect what expenses you can claim and whether you have to pay Capital Gains Tax (CGT) when you sell your home.

- › Obtain the *Home-based business* booklet from the **Australian Taxation Office (ATO)** website at www.ato.gov.au or phone their **Business tax enquiries line** on 13 28 66.
- › Refer to the *Home office expenses calculator* at www.ato.gov.au.
- › Use the free tool *Is your business tax ready?* to check whether you're ready to meet your tax obligations and to get helpful taxation information. Download a copy at www.ato.gov.au/taxready.
- › The **ATO** offers free and confidential on-site visits to discuss your business tax questions. Register for a business assistance visit online at www.ato.gov.au/assistancevisit.
- › A series of free seminars and workshops on a variety of taxation topics are available in most states and territories. Register online at www.ato.gov.au/seminars.

Do you know if your business has the correct level of insurance cover?

Your current level of home and contents insurance may not cover your home-based business operations. Many insurance policies don't cover tools of trade, office furniture or computer equipment used for your business.

- › For more information, see our *Insurance* topic on page 24.

Do you use good Information Technology (IT) practices?

Good IT practices involve protecting the security and integrity of your computer systems and managing the risk of information loss by regularly backing up your data and storing a copy in an external location. As a home-based business, you should make special arrangements for a separate storage location to your home.

If you handle personal information (information which can reveal an individual's identity) electronically or otherwise, you may need to comply with the Privacy Act 1988 (Cwlth).

- › For more information on your privacy obligations, see our *Your legal requirements* topic on page 19.
- › For more information on good IT practices, see our *Online business* topic on page 30.

Find more information about this topic at

› www.business.gov.au/homebasedbusiness

Your taxation obligations

Understanding taxes and meeting your taxation obligations can save you time and money. By paying the right amount of tax, you can also avoid late payment penalties.

- › The **Australian Taxation Office (ATO)** provides a free tool to check whether you're ready to meet your tax obligations and to give you helpful information. Download a copy of *Is your business tax ready?* from www.ato.gov.au/taxready.
- › The **ATO** offers free and confidential on-site visits to discuss your business tax questions. Register for a business assistance visit online at www.ato.gov.au/assistancevisit.
- › A series of free seminars and workshops on a variety of taxation topics are available in most states and territories. Register online at www.ato.gov.au/seminars.

Do you know which tax register to apply for?

For more information, see our *Registrations & licences* topic on page 11.

Do you understand your record keeping & information management requirements?

Under tax law, you must keep records of income tax, Goods and Services Tax (GST), payments to employees and other business payments for five years. There are also record keeping requirements for many other measures including workers compensation. Under the *Fair Work Act 2009*, you need to keep employee information such as time and wages records for seven years.

› **Australian Taxation Office (ATO)**

For more information on record keeping requirements, obtain a copy of the *Record keeping for small business* booklet.

Phone **13 28 66**

Website www.ato.gov.au/recordkeeping

- › Visit the **Fair Work Ombudsman** website at www.fairwork.gov.au for information on your record keeping obligations as an employer.

Do you know which Australian Government taxes you need to pay?

Do you need to pay income tax?

Income tax is levied on the taxable income of a person or a business. You must lodge a tax return for any year in which you carry on a business. Depending on the structure of your business you may need to lodge a separate return for the business and for yourself as an individual taxpayer.

Do you need to pay Goods & Services Tax (GST)?

GST is a broad-based tax of 10% on the sale of most goods and services and other things in Australia. By registering for GST, you'll also be entitled to claim input tax credits.

Do you need to pay Capital Gains Tax (CGT)?

CGT is the tax on any gain you make when you sell an asset such as shares, units in a unit trust, property and business assets, excluding most homes and motor vehicles.

Do you need to pay excise?

Excise duty is a tax levied on certain types of goods produced or manufactured in Australia. Excisable goods include alcohol, tobacco and petroleum.

Do you need to pay Fringe Benefits Tax (FBT)?

FBT is paid on certain benefits employers provide to their employees or their employees' associates in place of salary and wages.

For more information, download the *Fringe benefits tax for small business* booklet from www.ato.gov.au/fbt or phone the **ATO Business tax enquiries line** on **13 28 66**.

Do you need to pay superannuation contributions for your employees?

Superannuation is payable at a minimum of nine per cent of each eligible employee's earnings base. Your employee's earnings base is generally their ordinary time earnings.

Find out if these taxes apply to your business by downloading the *Tax basics for small business* booklet from www.ato.gov.au or phone the **ATO Business tax enquiries line** on **13 28 66**.

Do you know which state, territory or local taxes you need to pay?

State, territory and local governments also have a number of taxes that may apply to your business.

Do you need to pay land tax?

Land tax is an annual state tax paid by the owner of commercial land, unless you're in the Northern Territory where land tax does not apply.

› For more information or payment, contact your state or territory revenue office. For contact details, refer to the *Revenue offices list* in our **Checklist companion**.

Do you need to pay stamp duty?

Stamp duty is a tax on a range of paper and electronic transactions. Also known as transfer duty or general duty, these taxes vary across states and territories.

› For more information or payment, contact your state or territory revenue office. For contact details refer to the *Revenue offices list* in our **Checklist companion**.

Do you need to pay rates?

Rates are property taxes charged by local government on properties in their municipal area. Home-based businesses may need to inform their local government about the use of their property as a business premises.

› For more information or payment, contact your local council. Find contact details at www.business.gov.au/directory.

Do you know which business tax deductions you can claim?

You may be able to claim certain deductions for your business expenses when you lodge your income tax return.

› For more information, obtain a copy of the *Tax basics for small business* booklet from www.ato.gov.au or phone the **ATO Business tax enquiries line** on **13 28 66**.

Do you know if you're eligible for the small business tax break & other concessions?

You may be eligible for the small business and general business tax break and other small business concessions for CGT, GST, FBT and Pay As You Go (PAYG) instalments.

› For more information, visit www.ato.gov.au/sbconcessions or phone the **ATO Business tax enquiries line** on **13 28 66**.

Find more information about this topic at

› www.business.gov.au/taxation

Do you know how to report & pay your business tax?

For more information on tax reporting and lodgement, obtain a copy of the *Tax basics for small business* booklet from www.ato.gov.au or phone the **ATO Business tax enquiries line** on **13 28 66**.

Do you know how to lodge an income tax return for your business?

You must lodge an income tax return each year you're in business – even if you do not make a profit or have no tax to pay.

Do you know how to report your tax obligations?

To report and pay your taxes throughout the year including GST, PAYG and FBT, you'll need to lodge a Business Activity Statement (BAS).

› You can register to lodge online through the *Business Portal* at www.ato.gov.au/onlineservices or by using a paper form available by phoning the **ATO's Publications ordering service** on **1300 720 092**.

Do you know how you can pay your business tax?

Once you've lodged your income tax return or activity statement, you can pay your tax by BPAY, direct credit, direct debit, mail or in person at the post office.

› For more information, visit the **ATO** website at www.ato.gov.au.

Your legal requirements

Do you know which laws apply to your business?

There are a number of legal requirements businesses must comply with, which include Australian, state, territory and local government laws, licences, registrations and leases.

- › Search the *Legal Issues Guide for Small Business*. For information on general legal issues relevant to small business, visit <http://sblegal.innovation.gov.au>.
- › Search the **Attorney-General's Department Access to Justice** website at www.accesstojustice.gov.au to locate someone in your area who can provide you with information, help you understand your options, and decide what to do.
- › Contact your nearest **Business Enterprise Centre (BEC)**. For contact details, see our *Advice & support topic* on page 2.
- › Australian, state, territory and local governments are responsible for different business licences, permits, registrations and certificates. To find those that apply to you, use the Australian Business Licence & Information Service (ABLIS) at www.business.gov.au/licences.
- › Contact your state or territory business agency. For contact details, refer to the *Business agencies list* in our **Checklist companion**.
- › Find the contact details for your local council or planning authority at www.business.gov.au/directory.
- › Contact a business advisor for advice. Find your nearest advisor using our *Advisor Finder* tool at www.business.gov.au/advice.
- › Consult your accountant or solicitor.
- › Consult your industry association or employer group. Find contact details at www.business.gov.au/directory.

Do you understand the Competition & Consumer Act 2010 (CCA) & the Australian Consumer Law (ACL)?

The objective of the *Competition and Consumer Act 2010* (formerly known as the *Trade Practices Act 1974*) is to enhance the welfare of Australians through the promotion of competition and fair trading, and provision for consumer protection.

The Australian Consumer Law (ACL), which is contained in a schedule to the CCA, prohibits business conduct that is misleading or deceptive, provides product safety standards, makes manufacturers and importers liable for defective goods and prohibits unconscionable conduct by businesses in their dealings with consumers. The ACL applies nationally to businesses in all states and territories.

The CCA also prohibits anti-competitive conduct (restrictive trade practices) such as contracts, arrangements and understandings or mergers and acquisitions that substantially lessen competition, market sharing, price fixing, misuse of market power or resale price maintenance. State and territory competition codes have mirroring provisions.

› **Australian Competition and Consumer Commission (ACCC)**

The agency responsible for the enforcement of, and bringing about compliance with, the Competition and Consumer Act.

Phone **1300 302 021**—Small Business Helpline

Website www.accc.gov.au

- › For information on state and territory consumer laws, contact your state or territory consumer affairs agency. For contact details, refer to the *Consumer affairs agencies list* in our **Checklist companion**.

Do you understand retail leasing laws?

If you intend to obtain or have a leasing agreement, you need to know what questions to ask before signing and where to look for more information.

- › Download the *Look before you lease: avoiding the pitfalls in retail leasing* booklet from the **Department of Industry** website at www.industry.gov.au/smallbusiness.
- › Contact your state or territory consumer affairs agency. For contact details, refer to the *Consumer affairs agencies list* in our **Checklist companion**.
- › Contact a business advisor for advice. Find your nearest advisor using our *Advisor Finder* tool at www.business.gov.au/advice.
- › Consult your accountant or solicitor.

□ Do you understand privacy laws?

If your business is covered by the *Privacy Act 1988* (Cth) (the Privacy Act) you must ensure you comply with the 13 Australian Privacy Principles (APPs) when you collect, use, secure and disclose personal information.

Generally small businesses with an annual turnover of \$3 million or less are not covered by the Privacy Act unless, for example, you're a private health service provider, trade in personal information, or contract with an Australian Government agency. However, small businesses may decide to opt in to coverage for commercial reasons.

The benefits of opting-in could include increased consumer confidence and trust in your operations.

› Office of the Australian Information Commissioner (OAIC)

The **OAIC** is responsible for administering the Privacy Act, which includes complaint handling, policy advice, and education.

Phone **1300 363 992**

Website **www.oaic.gov.au**

- › A checklist to help you figure out whether your small business is covered by the Privacy Act is available at **www.oaic.gov.au/business**.

Find more information about this topic at

› **www.business.gov.au/fairtrading**

Standards & codes of practice

Best practice is one way you can help your new business to stand out from the crowd. You can achieve best practice by following mandatory and voluntary standards and codes of practice.

□ Are you aware of mandatory Australian Standards?

Different standards apply to different industry sectors. Your business may be required to follow mandatory product safety laws, including construction, performance, testing, labelling and information requirements. These standards can be found in the *Competition and Consumer Act 2010* (formerly known as the *Trade Practices Act 1974*), which is enforced by the **Australian Competition and Consumer Commission (ACCC)**. Some products are banned from being sold in Australia. If any of your products are subject to a ban, you must not sell them.

› Australian Competition and Consumer Commission (ACCC)

Phone **1300 302 021**—Small Business Helpline

Website **www.accc.gov.au**

www.productsafety.gov.au

› Food Standards Australia New Zealand (FSANZ)

If you operate in the food industry, you may be required to comply with the standards in the *Australia New Zealand Food Standards Code*, administered by FSANZ.

Phone **(02) 6271 2222**

Website **www.foodstandards.gov.au**

- › Contact your state or territory Consumer Affairs Office for more information on mandatory Australian standards. For contact details, refer to the *Consumer Affairs agencies list* in our **Checklist companion**.

› Standards Australia

Australia's standards body that develops and maintains around 7000 Australian Standards.

Phone **1800 035 822**

Website **www.standards.org.au**

Are you aware of voluntary Australian standards?

One of the most well known voluntary standards is *ISO 9000*, an international standard for quality management including quality of products and services. For more information on voluntary standards including *ISO 9000*, contact **Standards Australia**.

› **Standards Australia**

Australia's standards body that develops and maintains around 7000 Australian Standards.

Phone **1800 035 822**

Website **www.standards.org.au**

Are you aware of mandatory industry codes of practice?

Codes of practice can be mandatory or voluntary and provide a minimum standard of protection to consumers in particular industries. Businesses should already adhere to mandatory codes of practice under the state and territory fair trading laws. Mandatory codes of conduct also exist at the Commonwealth level and are enforced by the **ACCC**.

› For more information on mandatory codes of practice, contact your state or territory **Consumer Affairs Office**. For contact details, refer to the *Consumer affairs agencies list* in our **Checklist companion**.

› For more information on Commonwealth mandatory codes of conduct, please see **www.accc.gov.au/industrycodes**.

Are you aware of voluntary industry codes of practice?

Adhering to voluntary codes of practice can not only ensure you provide a higher standard of protection to your customers, but can also ensure your business is competitive against others in your industry.

› Check with your industry association to see which codes of practice you can sign up to. Find their contact details at **www.business.gov.au/directory**.

Are you aware of work health and safety codes of practice?

Following voluntary codes of practice for work health and safety is a useful way of demonstrating compliance with Work Health and Safety laws.

› Contact your work health and safety regulator to find out if there are work health and safety codes of practices relevant to your business. For contact details refer to the *WHS and workers compensation agencies list* in our **Checklist Companion**.

Find more information about this topic at

› **www.business.gov.au/fairtrading**

Record keeping & accounting systems

Do you keep records of all your business transactions?

Under tax law you must keep records of income tax, Goods and Services Tax (GST), payments to employees and other business payments for five years. There are also record keeping requirements for many other measures including workers compensation. Under the *Fair Work Act 2009*, you need to keep employee information such as time and wages records for seven years.

- › For more information on the Fair Work Act, see our *Your ongoing employer obligations topic* on page 37.
- › Download a copy of the *Record keeping for small business* booklet from the **Australian Taxation Office (ATO)** website at www.ato.gov.au/recordkeeping or phone their **Business tax enquiries line** on **13 28 66**.
- › A series of free seminars and workshops on a variety of taxation topics are available in most states and territories. Register online at www.ato.gov.au/seminars.
- › SBR is a new capability built into business and accounting software to streamline government compliance and financial reporting tasks.
- › SBR can be used by Australian businesses, accountants, bookkeepers, tax agents and payroll professionals to make it easier to prepare and lodge reports with a range of government agencies, including the **ATO**. To access government online services you will need SBR-enabled software and an AUSKey – your online security credential.
- › For more information, visit www.sbr.gov.au or phone the SBR Service Desk on **1300 488 231**.
- › To register for an AUSKey, visit www.auskey.abr.gov.au.

Do you know you can keep your records electronically?

Keeping records electronically can save you time and improve accuracy. There are many commercially available software packages and some can help you lodge your activity statements online.

- › Download the *Record keeping evaluation tool* from the **ATO** website at www.ato.gov.au/recordkeeping to see which records you need to keep.
- › Search the *Product Register*, a list of registered commercial programs at www.sbr.gov.au.

Do you know what you must show on a tax invoice for GST purposes?

If you've registered for GST, the tax invoices you issue or receive must include certain information. The information required differs depending on the price of the sale. For more advice contact the **ATO** at www.ato.gov.au or phone their **Business tax enquiries line** on **13 28 66**.

Do you know how to manage the cash flow of your business?

Managing your cash flow can help you pay your bills on time, including tax. Ways you can manage your cash flow include preparing a cash flow budget, maintaining good control of money owed to you, having adequate working capital and using a good bookkeeping system.

- › Read more in our business finance topic at www.business.gov.au/businessfinances.

Have you considered whether you need help from a tax professional?

A Business Activity Statement (BAS) agent can free up more of your time so you can focus on running your business. BAS agents can provide BAS services, including preparing and lodging activity statements.

- › For more information regarding BAS agents, visit the **Tax Practitioners Board** website at www.tpb.gov.au or by phoning **1300 362 829**.
- › Search the *Online tax and BAS agent register* at www.tpb.gov.au.

Find more information about this topic at

› www.business.gov.au/fairtrading

Have you considered your corporate governance?

Corporate governance is about good decisions being made by the right person and is not just the domain of companies – small businesses need corporate governance too. A good structure will allow you to ensure that the start-up of your business occurs smoothly, with minimal confusion about responsibilities.

Here are a few things to consider when setting up your governance structure:

Have you considered how to:

create & delegate authority?

By setting up and communicating clear lines of authority, you can guide your employees in recognising the decisions that they can and cannot make.

develop clear policies & procedures?

Creating formal policies and procedures can allow you and your staff to make better decisions, while also adding legitimacy to a decision. Having an agreed process will allow you to regulate behaviour and reduce risk within your business.

manage employees & create accountability?

With good governance structures in your business, you can enable your employees to make better decisions and eventually take upon more responsibility. This can allow you as the business owner to focus upon making your business a future success.

› For advice on setting up your corporate governance, consult a business advisor. Use our *Advisor Finder* tool to find a business advisor near you, at www.business.gov.au/advice.

Find more information about this topic at

› www.business.gov.au/guides

Insurance

Insurance is an essential part of running any business. If you're operating a small business, you may want more than just property insurance. Taking out the right insurance will help protect your business, minimise its exposure to risk and ensure you're able to compensate others if you're at fault.

Do you know your workers compensation insurance obligations?

› For more information, see our *Work Health & Safety* topic on page 38.

Have you considered insurance for:

your home-based business?

If you're operating your business from home, your existing home and contents insurance may not cover your business activities or your clients when they visit your business.

public liability?

Public liability insurance protects you and your business against the financial risk of being found liable to a third party for death or injury, loss or damage of property or 'pure economic' loss.

your assets & revenue?

You can obtain insurance to protect your various assets and your revenue-generating capacity.

yourself in the event of an accident or illness?

If you're self-employed personal accident and illness insurance (including life insurance and income protection) is an option to cover yourself in these events.

professional indemnity?

Professional indemnity insurance protects you from legal action taken for losses as a result of your advice.

product liability?

If you sell, supply or deliver goods, even in the form of repair or service, you may need cover against claims of goods causing injury or damage.

› **Australian Competition and Consumer Commission (ACCC)**

For general advice on product liability, including consumer guarantees for goods and services and product safety requirements under the *Competition and Consumer Act 2010*, visit their website.

Phone **1300 302 021**—Small Business Helpline

Website **www.accc.gov.au**

› For more information or to discuss your insurance options, talk to your business advisor and a range of insurance companies and brokers.

Have you considered developing an emergency management & recovery plan?

› For more information, see our *Planning for your business* topic on page 5.

› Download our *MyBizShield* emergency management plan tablet app at **www.business.gov.au/businessapps**.

Find more information about this topic at

› **www.business.gov.au/insurance**

Employing people

As an employer, you have certain obligations to your employees.

The national workplace relations system, established by the *Fair Work Act 2009*, includes all private sector employment, other than employment by non-constitutional corporations in Western Australia. Employers and employees on the national system have the same workplace rights and obligations, regardless of the state they work in.

Information about pay and conditions under the national workplace relations system is available from the **Fair Work Ombudsman** website.

› **Fair Work Ombudsman**

Phone **13 13 94**

Website **www.fairwork.gov.au**

If you're covered by the Western Australian workplace relations system, see the **Labour Relations** website.

› **Labour Relations, Department of Commerce**

Phone **1300 655 266–Wageline**

Website **www.commerce.wa.gov.au/labourrelations**

Do you know what's required when recruiting?

You'll need to consider the type of employee and skills you need, which will affect employment conditions, level of pay and other costs.

› **JobSearch**

Can match you with jobseekers to meet your recruitment needs.

Phone **13 17 15 – Employer hotline**

Website **www.jobsearch.gov.au**

› **Job Services Australia**

Can offer you free recruitment services.

Phone **1800 805 260**

Website **www.employment.gov.au/job-services-australia-jsa**

› For information on employment conditions and agreements, see our *Your ongoing employer obligations* topic on page 37.

Do you know what's required when hiring:

contractors?

You may need to treat your contractors differently to your employees for tax and superannuation purposes. Some contractors may be treated like employees under the law. Just having an Australian Business Number (ABN) does not mean a worker is an independent contractor.

› **Independent Contractors Hotline**

Contact the Hotline for information on what is required when hiring contractors.

Phone **1300 667 850**

Website **www.business.gov.au/contractors**

› Use the *Employee/contractor decision tool* on the **Australian Taxation Office (ATO)** website to help understand whether your workers are contractors or employees for tax purposes. You can find the tool at **www.ato.gov.au/employeecontractor**.

apprentices & trainees?

Australian Apprenticeships encompass all apprenticeships and traineeships. They combine training and paid employment and can be full-time, part-time or school based. Apprentices and trainees are employees, and employers must withhold the correct amount of Pay As You Go (PAYG) withholding and make superannuation contributions for them.

No matter what industry you're in, investing in training through an *Australian Apprenticeship* can benefit your business and contribute to your bottom line.

› **Australian Apprenticeships**

Phone **13 38 73**

Website www.australianapprenticeships.gov.au

people from overseas?

If unable to secure skills and resources within Australia, you may consider employing workers from overseas.

› **Department of Immigration and Border Protection**

Phone **13 18 81**

Website www.immi.gov.au/employers

› Refer to the *Business agencies list* in our **Checklist companion**.

Do you know your obligations for equal employment opportunity & anti-discrimination?

Your obligations as an employer require you to create a workplace free from discrimination and harassment.

› **Australian Human Rights Commission**

Phone **1300 369 711**

Website www.humanrights.gov.au

› **Fair Work Ombudsman**

Advises on and enforces employment-related discrimination laws under the Fair Work Act 2009.

Phone **13 13 94**

Website www.fairwork.gov.au

› Your state or territory business agency. For contact details, refer to the *Business agencies list* in our **Checklist companion**.

Do you know your tax & superannuation obligations?

If your business has employees or contractors then you'll need to know how to meet certain tax obligations.

Do you need to register for Pay As You Go (PAYG) withholding?

You have a legal requirement to withhold tax from payments you make to employees and some businesses. You need to make sure you register for PAYG withholding. Your obligations include making regular payments to the **ATO**, ensuring you withhold correct amounts from salary and wages and reporting them on your activity statement.

› To register for PAYG withholding online, visit www.abr.gov.au.

› Use the online *Tax withheld calculator* at www.ato.gov.au/paygw.

› The **ATO** offers free employer seminars in most states and territories. Register online at www.ato.gov.au/seminars.

Do you understand your superannuation obligations?

You need to pay superannuation guarantee contributions for most employees and certain contractors. You also need to know your obligations if your employees fall under choice of superannuation fund legislation.

› For further information, visit www.ato.gov.au/super or phone the **ATO's Superannuation info line** on **13 10 20**.

Find more information about this topic at

› www.business.gov.au/employingpeople

Have you considered registering with the Small Business Superannuation Clearing House (the Clearing House)?

If you have 19 or fewer employees, registering with the Clearing House will allow you to pay your employee superannuation contributions to a single location instead of multiple superannuation funds. The Clearing House will then distribute your superannuation contributions to the relevant superannuation funds on your behalf, for free.

- › To find out more or to register, visit www.humanservices.gov.au/smallbusinesssuper or phone the Clearing House on **1300 660 048**.

Do you need to register for payroll tax?

Payroll tax is a state and territory tax on the wages paid by employers.

- › To register for payroll tax, contact your state or territory revenue office. For contact details, refer to the *Revenue offices list* in our **Checklist companion**.

Do you need to register for Fringe Benefits Tax (FBT)?

You may need to register and pay FBT if you give your employees non-salary benefits, such as the use of a company car or mobile phone.

- › For more information visit www.ato.gov.au/fbt or phone the **ATO Business tax enquiries line** on **13 28 66**.

Do you collect your employees' Tax File Numbers (TFNs)?

Your obligations as an employer may involve collecting TFNs from your employees for taxation and superannuation purposes. It's important to handle TFNs only for authorised purposes. The handling of TFNs is regulated by the *Tax File Number Guidelines (TFN Guidelines)*.

Not complying with the TFN Guidelines amounts to an interference with the privacy of an individual under the *Privacy Act 1988*. If individuals believe their TFN has been mishandled, they may complain to the **Office of the Australian Information Commissioner (OAIC)**. There are also penalties for the misuse of TFNs under taxation law.

- › For more information on handling employee taxation and superannuation information, visit www.ato.gov.au or phone the **ATO Business tax enquiries line** on **13 28 66**.
- › For more information on the handling of TFNs, visit the **OAIC** website at www.oaic.gov.au.

Do you understand your legal obligations under Work Health & Safety (WHS) & workers compensation law?

As a business owner, you're obliged by the law in your state or territory to exercise a duty of care to protect your workers against potential WHS risks. You must also take out workers compensation insurance for your staff.

In the event of an injury occurring or disease being present in your workplace, you may be required to contact the relevant state or territory agency. Contact the agency or check its website to determine which injuries and diseases must be reported. You also may have other obligations such as assisting an injured worker to return to work. Your WHS regulator may provide workshops and advisory material to help you understand your obligations and keep your workplace safe.

Your WHS regulator can advise on WHS registration and license requirements for certain high risk work activities, operation of certain items of plant or using particular chemicals in your workplace.

- › Contact your state or territory WHS and workers compensation agency. For contact details, refer to the *WHS & workers compensation agencies list* in our **Checklist companion**.

Do you know where to find skills development, industry statistics & training information?

Your business environment is constantly changing, so you need to ensure that the knowledge and skills of your staff keep pace with those changes.

- › **Department of Employment**

Website www.employment.gov.au/Employment
www.lmip.gov.au
www.training.gov.au

- › **Department of Industry**
Website www.industry.gov.au/skills
- › **National Training Information**
training.gov.au is the database of vocational education and training in Australia. The website includes information on training packages, qualifications, units of competency and **Registered Training Organisations (RTOs)**.
Website www.training.gov.au
- › **Industry Skills Councils (ISCs)**
Provide information on training packages and assistance with fulfilling your training needs.
Website www.isc.org.au
- › Contact your local TAFE college, private or online training provider.
- › Find seminars and workshops at www.business.gov.au/events.
- › Contact your local **Australian Apprenticeships Centre**. Visit www.australianapprenticeships.gov.au or phone the **Australian Apprenticeships Referral Line** on **13 38 73**.

Do you know your obligations for handling complaints & disputes?

Problems between employers and employees may relate to issues such as wages, awards and agreements, harassment or discrimination.

- › **Fair Work Ombudsman**
Can help you comply with your workplace rights and obligations under the *Fair Work Act 2009*.
Phone **13 13 94**
Website www.fairwork.gov.au
- › **Fair Work Commission**
Accepts lodgements of enterprise agreements and assesses whether they pass the better off overall test.
Phone **1300 799 675**
Website www.fwa.gov.au
- › **Australian Human Rights Commission**
Complaints Infoline: **1300 656 419**
Website www.humanrights.gov.au

If you're covered by the Western Australian workplace relations system, see the **Labour Relations** website.

- › **Labour Relations, Department of Commerce**
Phone **1300 655 266–Wageline**
Website www.commerce.wa.gov.au/labourrelations

Do you know what's required at the end of employment?

Employment ends when an employee resigns, is made redundant or is dismissed. For information on your obligations to your employees, eligible termination payments and the taxation implications of ending employment, see the below resources:

- › Visit www.ato.gov.au/employers or phone the **ATO Business tax enquiries line** on **13 28 66**.
- › Most private sector employers (whether incorporated or not) and their employees in all states and territories other than Western Australia are covered by Australia's national workplace relations system established by the *Fair Work Act 2009*.
- › In Western Australia, the Fair Work Act applies to trading, financial and foreign corporations, but not unincorporated businesses which are covered by the Western Australian workplace relations system. For more information, visit the **Fair Work Ombudsman** website at www.fairwork.gov.au or phone the **Fair Work Infoline** on **13 13 94**.
- › If you're covered by the Western Australian workplace relations system, see www.commerce.wa.gov.au/labourrelations or phone **Wageline** on **1300 655 266**.

Grants & financial assistance

□ Do you know what grants & assistance are available to your business?

Grants and other funding programs are available from Australian, state and territory governments and in some cases from local councils. Generally, there are no grants available for starting a business. However, there are grants and other assistance available for a range of business activities such as expanding your business, research and development, innovation and exporting.

› Grants & Assistance Finder

Our tool can help you find government grants and assistance including specific grants for employers, industry, environmental projects and indigenous businesses.

Website www.business.gov.au/grants

› GrantsLINK

Provides assistance on Australian, state and local government grants and funding programs available for individuals, businesses and communities to develop solutions to local and national problems, fund ideas and initiatives and provide assistance in times of hardship.

Website www.grantslink.gov.au

› AusIndustry

You can find a list of government grants that support industry, research and innovation.

Phone **13 28 46–AusIndustry Hotline**

Website www.ausindustry.gov.au

› Small Business Support Line

Provides an initial point of contact to access information and referral services that assist small businesses. Information about government initiatives, grants and assistance is also available by contacting the Support Line.

Phone **1800 777 275**

Website www.ausindustry.gov.au/smallbusiness

› Indigenous Business Australia (IBA)

Provides support and services, including business planning workshops, to assist you to start, buy or expand your own business.

Phone **1800 107 107**

Website www.iba.gov.au

› Contact your local council for information on their grants. Find contact details at www.business.gov.au/directory.

› For further assistance, see our *Advice & support topic* on page 2.

Find more information about this topic at

› www.business.gov.au/grants

Online business

One way you can reach a much wider market is by taking your business online.

Have you thought about starting a business online?

An online business, or simply selling your products or services online, can help you reach a much wider customer base. An online shopfront can also help you tie your online presence with your sales system. Contact the agencies below for further assistance with setting up an online business or providing an online shopfront:

› Department of Communications

Visit the digitalbusiness.gov.au website for information on starting a website and selling online.
Website www.digitalbusiness.gov.au

› The Treasury

Obtain a copy of the *Australian Guidelines for Electronic Commerce* publication.
Website www.treasury.gov.au

Do you know where to get Information Technology (IT) training?

For training information, see our *Employing people* topic on page 25 or visit www.business.gov.au/employingpeople.

Have you set up a secure website?

To set up a website you can employ the services of your Internet Service Provider (ISP), a specialist web designer or develop the site yourself by choosing to invest in web skills.

Once you've established your website it's important to ensure that it's properly protected to prevent sensitive data being stolen, corrupted or destroyed. In particular, any pages within your website where you accept customer information and online payment details must be secure.

› Stay Smart Online

The Stay Smart Online website and social media channels provide information on the simple steps that individuals and small businesses can take to protect their personal and financial information online.
Website www.staysmartonline.gov.au/business.

› SCAMwatch

Provides information on a wide range of scams, including examples of scams and tips on protecting your business online.
Phone **1300 302 021**—Small Business Helpline
Website www.scamwatch.gov.au

Have you considered the laws & regulations that apply to online shopfronts?

Even if your business solely operates through a website, you still need to follow the same laws and regulations as if you were operating from a shopfront.

There are also additional regulations like spam laws that may apply to your online business.

Do you understand your spam obligations?

Spam is electronic junk mail. Under the *Spam Act 2003* it's illegal for you to send unsolicited commercial electronic messages.

› Australian Communications and Media Authority (ACMA)

Phone **1300 855 180**
Website www.spam.acma.gov.au

□ Do you understand your privacy obligations?

If you're covered by the *Privacy Act 1988*, you also need to protect your customers' personal information you collect and use online as well as offline.

Even if you're not covered by the Privacy Act your business should still aim for good privacy practice. This includes limiting collection of personal information to what's necessary for your functions or activities, storing it securely, being clear to your customers about when their personal information is being collected, the purposes it may be used for, whether it may be disclosed to others, and how to opt out of having it collected or used in particular ways.

› Office of the Australian Information Commissioner

Phone **1300 363 992**

Website **www.oaic.gov.au**

□ Do you understand consumer protection & competition laws?

The *Competition and Consumer Act 2010* (formerly known as the *Trade Practices Act 1974*) applies whether you're operating your business from a physical shopfront or in an online environment. For example, it is illegal to make misleading claims on your shop window, in a newspaper advertisement, on your website or in your social media channels.

› Australian Competition and Consumer Commission (ACCC)

Responsible for enforcing compliance with the *Competition and Consumer Act 2010*.

Phone **1300 302 021—Small Business Helpline**

Website **www.accc.gov.au**

› For information on state and territory consumer laws, contact your state or territory consumer affairs agency. For contact details, refer to the *Consumer affairs agencies list* in our **Checklist companion**.

□ Do you know how to protect your online business?

Unless properly protected, sensitive data can be stolen, corrupted or destroyed.

› Australian Competition and Consumer Commission (ACCC)

Administers the *SCAMwatch* website, which provides information on how to recognise and protect your business against online scams.

Phone **1300 302 021—Small Business Helpline**

Website **www.scamwatch.gov.au**
www.accc.gov.au

Find more information about this topic at

› **www.business.gov.au/onlinebusiness**



› *When you buy
a business*

Have you considered **buying an established business**?

Have you considered **buying a franchise**?

Buying an established business

Before signing a purchase agreement, you should consider the following issues. For a more complete picture, you should read this topic together with the others in this checklist.

Do you know the business's current value & future prospects?

Assets usually determine the value of a business. A good business history can also increase the likelihood of a successful operation.

- › Contact a business advisor for advice. Find your nearest advisor using our Advisor Finder tool at www.business.gov.au/advice.
- › Consult your accountant or solicitor.

Have you analysed the financial records?

To determine if the business is financially viable you'll need to analyse the financial records, focusing on areas such as sales, costs, profits, assets and liabilities. You should pay particular attention to liabilities, such as warranty obligations and product liabilities.

- › Contact a business advisor for advice. Find your nearest advisor using our *Advisor Finder* tool at www.business.gov.au/advice.
- › Consult your accountant or solicitor.

Are you aware of the associated Intellectual Property (IP) issues?

When you buy a business you may also be buying the IP assets such as trade marks, patents or trade secrets.

- › For more information, see our *Intellectual property topic* on page 14.

Do you know which taxes apply?

When you buy a business, you may need to pay stamp duty and other taxes. You also need to consider ongoing tax requirements such as Goods and Services Tax (GST).

If the business is sold to you as a 'going concern' it may be GST-free. This means that you cannot claim GST credits on the purchase of the business.

- › For more information, see our *Your taxation obligations topic* on page 16.
- › Contact a business advisor for advice. Find your nearest advisor using our *Advisor Finder* tool at www.business.gov.au/advice.
- › Consult your accountant or solicitor.

Are you aware of your legal obligations?

The structure of the business will determine some of your legal obligations. Other important legal requirements to consider include leasing and fair trading.

- › See our *Business structures topic* on page 7.
- › See our *Your legal requirements topic* on page 19.
- › Contact a business advisor for advice. Find your nearest advisor using our *Advisor Finder* tool at www.business.gov.au/advice.
- › Consult your accountant or solicitor.

Do you know your obligations to existing employees?

If you buy an established business, you'll need to ensure that you understand your obligations to your employees.

- › For more information, see our *Your ongoing employer obligations topic* on page 37.

Find more information about this topic at
› www.business.gov.au/guides

Buying a franchise

Buying a franchise gives you the right to run a business and sell a prescribed product or service for a specified period. Before investing in a franchise, you should consider the information below.

Franchising in Australia is regulated by the *Franchising Code of Conduct* (Franchising Code), a mandatory industry code prescribed under the *Competition and Consumer Act 2010* (formerly known as the *Trade Practices Act 1974*). The Franchising Code contains requirements regarding the information franchisors provide to prospective franchisees, dispute resolution processes and termination of the franchise agreement.

› Australian Competition and Consumer Commission (ACCC)

Promotes compliance with the Franchising Code by helping people understand their rights and obligations, investigating complaints and, where necessary, by taking enforcement action.

Phone **1300 302 021**—Small Business Helpline

Website **www.accc.gov.au**

- › Contact a business advisor for advice. Find your nearest advisor using our *Advisor Finder* tool at **www.business.gov.au/advice**.
- › Consult an accountant and a lawyer with franchising experience.

Do you understand the Franchising Code of Conduct?

The *Franchising Code of Conduct* regulates the conduct of participants in franchising and ensures that prospective franchisees are sufficiently informed about a franchise before entering into it. The Franchising Code also provides a cost-effective dispute resolution scheme for franchisees and franchisors to resolve any disputes.

For more information or to download a copy of the *Franchising Code of Conduct* visit **www.accc.gov.au/franchising** or phone the **ACCC's Small Business Helpline** on **1300 302 021**.

- › Contact your state or territory consumer affairs agency. For contact details, refer to the *Consumer affairs agencies list* in our **Checklist companion**.

Are you looking to enter into a franchise agreement?

Before entering into a franchise agreement, you should obtain as much information about the *Franchising Code of Conduct* as possible to ensure you're fully informed of your rights and obligations.

- › The following free ACCC resources provide important information on the Franchising Code and on other issues you need to be aware of:
 - *Franchisee Manual*
 - *Franchisee start-up checklist*
 - *Your essential guide to the Franchising Code of Conduct (DVD)*

Download or order your copies by visiting **www.accc.gov.au/franchising** or by phoning the **ACCC's Small Business Helpline** on **1300 302 021**.

- › The **ACCC** also sponsors a free pre-entry franchise education program that may help you to assess franchise business opportunities to ensure you make the right choice. To participate in the franchising pre-entry course visit **www.franchise.edu.au/pre-entry-franchise-education**.

Are you aware of the Intellectual Property (IP) issues?

As a franchisee, you need to know which IP you'll have a right to use under the franchise agreement. For more information, see our *Intellectual property topic* on page 14.

□ **Do you know where to go in the event of a franchising dispute?**

The *Franchising Code of Conduct* sets out a clear process for the resolution of disputes in the franchising relationship. If a dispute occurs and it cannot be resolved between the franchisor and the franchisee, the **Office of the Franchising Mediation Adviser (OFMA)** can help you resolve it more quickly and cheaply than going to court.

› **Office of the Franchising Mediation Adviser (OFMA)**

Visit their website for more information on resolving franchising disputes.

Phone **1800 150 667**

Website **www.franchisingmediationadviser.com.au**

Find more information about this topic at

› **www.business.gov.au/franchising**



› *Running your business*

- Do you know **your ongoing employer obligations**?
- Do you understand your **Work Health & Safety** obligations?
 - Have you thought about **exporting** goods or services?
 - Have you thought about **importing** goods or services?
- Can your business benefit from applying for **tenders or contracts**?
 - Are you prepared for an **emergency**?

Your ongoing employer obligations

Do you understand & maintain your employees' entitlements?

As an employer, you have certain obligations to your employees. This includes providing minimum standards of pay, conditions and entitlements. Private sector employers (whether incorporated or not) and their employees in all states and territories other than Western Australia, are now covered by the national workplace relations system established by the Fair Work Act 2009.

In Western Australia, the Fair Work Act applies to employers such as constitutional corporations (trading, financial and foreign corporations) but not to unincorporated businesses, which are covered by the Western Australian workplace relations system.

The national workplace relations system includes minimum National Employment Standards (NES), modern awards, minimum wage orders and unfair dismissal protections.

Information about pay and conditions under the national workplace relations system is available from the **Fair Work Ombudsman** website.

› **Fair Work Ombudsman**

Can help you comply with your workplace rights and obligations under the *Fair Work Act 2009*.

Phone **13 13 94**

Website www.fairwork.gov.au

› **Labour Relations, Department of Commerce**

If you're covered by the Western Australian workplace relations system (for example, if your business is not incorporated), see the Labour Relations website.

Phone **1300 655 266–Wageline**

Website www.commerce.wa.gov.au/labourrelations

Do you know your Work Health & Safety (WHS) obligations?

› For more information, see our *Work Health & Safety* topic on page 38.

Do you know your workers compensation insurance obligations?

› For more information, see our *Work Health & Safety* topic on page 38.

Do you know your public liability insurance obligations?

› For more information, see our *Insurance* topic on page 24.

Find more information about this topic at

› www.business.gov.au/employingpeople

Work Health & Safety (WHS)

Knowing and understanding the WHS laws in your state or territory will help you avoid the unnecessary costs and damage to your business caused by work related injury and illness.

Do you understand your legal obligations under WHS legislation?

As a business owner, you have a number of obligations to meet. These obligations are covered under the WHS regulations and state and territory WHS legislation.

In some states and territories, there is a free and confidential service for small businesses that provides access to a consultant or adviser to help you address WHS issues.

- › Contact your state or territory WHS and workers compensation agency. For contact details, refer to the *WHS & workers compensation agencies list* in our **Checklist companion**.

For other WHS advice and assistance contact:

› **Safe Work Australia**

An Australian Government statutory agency with the primary responsibility to improve work health and safety and workers' compensation arrangements across Australia.

Phone **1300 551 832**

Website **www.safeworkaustralia.gov.au**

Do you know what's required of you in the event of an accident or injury?

As a business owner, you must notify your state or territory agency of certain events. You may also be required to provide rehabilitation, suitable duties and compensation.

- › Contact your state or territory OH&S and workers compensation agency. For contact details, refer to the *OH&S & workers compensation agencies list* in our **Checklist companion**.

Do you know if you require a WHS license or registration for work activities or items of plant or chemicals that may be used in your business?

As a business owner you should seek the advice of your state or territory WHS regulator on the WHS licensing and registration requirements for certain high risk work activities, items of plant or chemicals.

- › Contact your state or territory WHS regulator. For contact details, refer to the *WHS & workers compensation agencies list* in our **Checklist companion**.

Do you have workers compensation insurance for your employees?

You must provide workers compensation insurance for your employees in the event of any accident or sickness.

- › For information on state and territory workers compensation legislation contact your state or territory WHS and workers compensation agency. For contact details, refer to the *WHS & workers compensation agencies list* in our **Checklist companion**.

Find more information about this topic at

› **www.business.gov.au/occupationalhealthandsafety**

Exporting

Expanding your market overseas can mean bigger profits and bigger risks. Successful exporting doesn't happen by accident—it needs careful planning and commitment.

Are you ready to export?

Austrade is the Australian Government's trade, investment and education promotion agency. Through a network of offices in over 50 countries, Austrade assists Australian companies to grow their international business, attracts productive foreign direct investment into Australia and promotes Australia's education sector internationally.

› **Australian Trade Commission (Austrade)**

Phone **13 28 78**

Website www.austrade.gov.au/how-to-export

› **Export Finance and Insurance Corporation (EFIC)**

EFIC is Australia's export credit agency and assists Australian-based businesses to win and finance export, offshore investment and onshore export-related opportunities when their bank is unable to provide all the support they need.

Phone **1800 093 724**

Website www.efic.gov.au

› **Department of Agriculture (DA)**

DA regulates and facilitates the export of food, live animals, animal products, fish, aquatic products, plants and grains.

Phone **1800 020 504**

Website www.daff.gov.au

› See our *Planning for your business topic* on page 5.

Have you researched overseas markets?

There is a range of information available online to help you conduct initial research into overseas markets. **Austrade** has country profiles and doing business information for many countries.

› **Australian Trade Commission (Austrade)**

Phone **13 28 78**

Website www.austrade.gov.au/country

Do you understand your exporting requirements?

The **Australian Customs and Border Protection Service** will need to clear your goods for export. You also need to know what restrictions and export regulations apply. Some exports may also require approval or permits from other government agencies or authorities, depending on the restricted nature of the export.

› **Australian Customs and Border Protection Service**

Phone **1300 363 263**

Website www.customs.gov.au

Have you considered exporting online?

Exporting online can be a cost-effective way of entering the overseas market. Online tools commonly used to market internationally include websites, e-mail, e-marketplaces, and collaboration tools. For information on these and a range of other exporting issues contact **Austrade**.

› **Australian Trade Commission (Austrade)**

Phone **13 28 78**

Website www.austrade.gov.au/exportingonline

Have you considered international Intellectual Property (IP) protection?

As well as registering in Australia, you can apply to register a trade mark, patent, design or plant breeder's right overseas. This is particularly important when you export goods or conduct business over the internet. You should also ensure that your export goods won't infringe the IP of others in the overseas market.

> IP Australia

Phone **1300 651 010**

Website www.ipaustralia.gov.au

Do you know how Australia's Free Trade Agreements (FTAs) can affect your export business?

Australia has a number of FTAs with other countries that give Australian exporters better access to those markets. To find out more about Australia's FTAs and the opportunities overseas contact:

> Department of Foreign Affairs and Trade (DFAT)

Phone **(02) 6261 1111**

Website www.dfat.gov.au/fta

Do you need further information on exporting or financial assistance?

Financial assistance and advice is available from a number of government agencies. To find out if you're eligible for financial assistance or for more information, contact the agencies below:

> Australian Trade Commission (Austrade)

Phone **13 28 78**

Website www.austrade.gov.au

> Australian Customs and Border Protection Service

Phone **1300 363 263**

Website www.customs.gov.au

> Export Finance and Insurance Corporation (EFIC)

Provides exporters with finance and insurance services.

Phone **1800 093 724**

Website www.efic.gov.au

> For more information on grants and assistance, see our *Grants & financial assistance topic* on page 29.

Find more information about this topic at

> www.business.gov.au/exporting

Importing

Do you understand your importing requirements?

The **Australian Customs and Border Protection Service** will need to clear your goods on import. You also need to know what permits, duties and import regulations apply.

› **Australian Customs and Border Protection Service**

Phone **1300 363 263**

Website **www.customs.gov.au**

Have you checked if your goods are prohibited or restricted?

Before you import goods, find out if you're allowed to import them or if they carry special restrictions.

› **Australian Customs and Border Protection Service**

Phone **1300 363 263**

Website **www.customs.gov.au**

Have you checked if your goods are subject to dumping &/or countervailing duty?

To find out what goods are subject to anti-dumping measures contact:

› **Anti-Dumping Commission**

Phone **1300 884 159–Dumping Hotline**

Website **www.adcommission.gov.au**

Have you checked if your goods contain an industrial chemical?

Your business requires additional registration if your goods contain industrial chemicals like cosmetics, solvents, adhesives, plastics, inks, printing and photocopying chemicals, paints, household cleaning products and toiletries.

› **National Industrial Chemicals Notification and Assessment Scheme**

Phone **1800 638 528**

Website **www.nicnas.gov.au**

Do you know what biosecurity requirements apply to your goods?

If your goods also fall under biosecurity/quarantine regulations, the **Department of Agriculture** will need to inspect and possibly treat them.

› **Department of Agriculture**

Phone **1800 020 504**

Website **www.daff.gov.au**

Have you considered applying for import assistance?

Find out if you're eligible for import assistance through the below agencies.

› **Australian Customs and Border Protection Service**

Phone **1300 363 263**

Website **www.customs.gov.au**

› **AusIndustry**

Phone **13 28 46–AusIndustry Hotline**

Website **www.ausindustry.gov.au**

Do you expect that your goods could be used in a workplace?

To find out if you have duties as an importer or supplier under work health and safety legislation contact your state or territory WHS regulator.

› For contact details, refer to the *WHS and workers compensation agencies* in our **Checklist companion**.

Do you know if safety or information standards apply to your imports?

Before you import goods, find out whether they're subject to mandatory safety or bans.

› **Australian Competition and Consumer Commission (ACCC)**

Phone **1300 302 021**—Small Business Helpline

Website **www.accc.gov.au**

› Visit the **ACCC's Product Safety Australia** website at **www.productsafety.gov.au** to find more information on mandatory standards and bans.

Find more information about this topic at

› **www.business.gov.au/importing**

Tenders & contracts

Do you have a good understanding of contracts?

Contractual requirements can affect how you operate and grow your business. Having a good understanding of contracts can help improve the viability and security of your business.

- › Download a copy of *Working with Contracts Guide* – a plain English guide to using contracts as a commercial tool. The guide includes useful examples and information on typical legal jargon, types of contracts and pointers for constructing your own contract.

Website www.treasury.gov.au/PublicationsandMedia/Publications

Have you considered selling your goods or services to government?

› AusTender

Search the Australian Government's procurement website to find current business opportunities and contracts awarded. Register your area of business interest to be notified about opportunities that match your profile. Find information on how to become a registered supplier on a *Multi-Use List (MUL)*.

Phone **1300 651 698**

Website www.tenders.gov.au

- › Obtain a copy of the *Selling to the Australian Government: A guide for business* booklet from the **Department of Finance** website, or use the step-by-step *Selling to the Australian Government* online tool.

Phone **1300 651 698**

Website www.finance.gov.au

› Industry Capability Network (ICN)

ICN can introduce Australian and New Zealand companies to the supply chains of projects, government procurement and commercial developments in the private sector.

Phone **1300 961 139**

Website www.icn.org.au

- › Visit your state or territory government online tenders website. For website details, refer to the *Tender agencies list* in our **Checklist companion**.

- › Find your local council contact details at www.business.gov.au/directory.

Do you know how Australia's Free Trade Agreements (FTAs) can affect your business?

Australia has a number of FTAs with other countries that give Australian exporters better access to those markets. To find out more about Australia's FTAs and the opportunities overseas contact:

› Department of Foreign Affairs and Trade (DFAT)

Phone **(02) 6261 1111**

Website www.dfat.gov.au/fta

Find more information about this topic at

› www.business.gov.au/tendersandcontracts

Emergency management & recovery

□ Are you prepared for an emergency?

Natural disasters such as flood, fire and earthquakes can strike without warning. Even if you are not directly affected by a disaster, your suppliers or buyers may be affected, or road closures elsewhere may reduce traffic to your area and reduce sales.

Emergency management planning is more than just planning for natural disasters – it can help your business survive through any emergency. Planning for the impact of an emergency rather than the emergency itself will give your business a greater chance of survival. Emergency management plans are a requirement of work health and safety legislation in most states and territories.

- › Download our *Emergency management & recovery guide* at www.business.gov.au/plans.
- › Use our checklists to guide you through each step of the planning process at www.business.gov.au/emergency.
- › Download our *MyBizShield* emergency management plan tablet app at www.business.gov.au/businessapps.

Find more information about this topic at

› www.business.gov.au/emergency

Glossary

Anti-dumping	Laws preventing the dumping of goods exported to Australia at a price that is below the “normal value” of the goods.
Australian Business Number (ABN)	A single identifying number used when dealing with other businesses and the Australian Taxation Office (ATO) .
Australian Company Number (ACN)	The number allocated by the Australian Securities & Investments Commission (ASIC) when you register a company under Corporations Law.
Australian Privacy Principles (APPs)	The 13 APPs in the Privacy Act regulate the handling of personal information by Australian and Norfolk Island Government agencies and some private sector organisations. They replace both the Information Privacy Principles (IPPs) that applied to Australian Government agencies and the National Privacy Principles (NPPs) that applied to some private sector organisations.
Best practice	Improving business operations and service by following standards, codes of practice and benchmarking.
Biosecurity	A term describing controls, regulations and isolation imposed on goods, animals or plants exported to or imported from foreign countries to prevent the spread of pests and diseases offshore, at the border and onshore.
Business name	A name used, or to be used, in relation to one or more businesses.
Business Activity Statement (BAS)	A form used to report business tax entitlements and obligations including GST and PAYG.
Capital Gains Tax (CGT)	The tax on any gain you make when you sell an asset such as shares, units in a unit trust and property, excluding most homes and motor vehicles.
Cash flow	The measure of actual cash flowing in and out of a business.
Codes of practice	Set out specific standards of conduct in an industry. Can be mandatory or voluntary.
Company	A body corporate registered in Australia under the <i>Corporations Act 2001</i> .
Compliance	Procedures that are undertaken at regular intervals or on an ongoing basis to ensure that the regulations and/or laws laid down by an authoritative body are kept.
Contractor	See Independent Contractor.
Copyright	A law that protects original works of art, literature, music, films, sound recording, broadcasts and computer programs from copying and certain other uses.
Design	The features of shape, configuration, pattern or ornamentation which gives a product unique appearance, and must be new and distinctive. Design registration is intended to protect designs which have an industrial or commercial use. A registered design gives the owner exclusive rights to commercially use it, license or sell it.
Domain name	A unique string of letters, numbers and symbols that identifies where a particular website is located on the internet.
e-business	Business conducted over the internet, including buying and selling, servicing customers and collaborating with business partners.
e-marketplace	An electronic marketplace (e-marketplace) allows buyers and sellers to carry out transactions via the internet.

Excise duty	An indirect tax levied on certain types of goods produced or manufactured in Australia including petrol, alcohol, tobacco and coal.
Franchise	A business model where a franchisee purchases the right to trade in goods or services, within the terms of a franchise agreement.
Franchise agreement	A legal contract setting out the operational terms and conditions of a franchise business. This usually covers franchisor and franchisee responsibilities, lease agreements, intellectual property, marketing and payments for a specified period.
Franchisee	A person or business that legally purchases the right to operate a franchise outlet for a specified period.
Franchisor	A person or business that owns a franchise and agrees to sell the rights, within the terms of a franchise agreement.
Free Trade Agreement (FTA)	A contractual arrangement between two or more countries to improve the flow of goods and services between borders, and eliminate or significantly reduce tariffs and trade barriers. It can cover market access commitments for goods and services and other trade-related issues (such as investment, intellectual property and competition policy).
Fringe Benefits Tax (FBT)	A tax paid by employers on behalf of their employees, on non-salary benefits including company cars and mobile phones.
Fuel tax credits	Provide credit for the fuel tax (excise or Customs duty) included in the price of fuel used for business activities, machinery, plant, equipment and heavy vehicles.
Goods and Services Tax (GST)	A broad-based tax of 10% on the sale of most goods and services in Australia.
Independent contractor	A person who is self-employed and hired to provide a service for a business, but is not an employee of that business.
Input tax credit	A credit for any GST included in the price paid for goods and services used in a business. The IPPs are also relevant to businesses contracted to work for Australian and ACT government agencies.
Intellectual Property (IP)	IP represents the property of your mind or intellect. It can be an invention, trade mark, original design or the practical application of a good idea. In business terms, this means your proprietary knowledge—a key component of success in business today.
Internet Service Provider (ISP)	An organisation that allows users to dial into its computers to connect to the internet, for a fee.
Legal name	The name of the entity that appears on all official documents or legal papers. It may be different from the trading name.
Liability	A financial obligation or amount owed.
Licence	A legal document that grants a business or person with official permission to conduct a certain activity.
Multi-Use List (MUL)	A list of registered suppliers of goods and/or services, who have satisfied the conditions for participation on the list. Australian Government agencies are required to publish their Multi-Use Lists on AusTender.

Partnership	A partnership is a type of structure where two or more people start a business and can legally share profits, risks and losses according to terms set out in a partnership agreement.
Patent	An exclusive right granted to an owner to sell their particular device, substance, method or process that is new, inventive and useful.
Pay As You Go (PAYG) withholding	A legal requirement to withhold a percentage of payments made to employees and other businesses, which is then paid to the ATO .
Payroll tax	A state and territory government tax on industry, calculated on the amount of wages paid.
Permit	A legal document granting usually temporary permission to carry out a planned action.
Personal information	Information that identifies an individual or could identify an individual. Examples of personal information can include an individual's name or address. Personal information can also include medical records, bank account details, photos, videos, and even information about what an individual likes, their opinions and where they work – basically, any information where they are reasonably identifiable.
Personal Services Income (PSI)	Income that is mainly a reward for an individual's personal effort or skills.
Plant varieties	A new plant variety can be protected under Plant Breeder's Rights which provide exclusive rights to commercialise the variety, including import and export.
Product liability insurance	Insurance that covers a business for damage or injury caused to another business or person, through the failure of a product sold by that business.
Professional indemnity	Insurance that protects a business if their client suffers a loss as a direct result of their advice.
Rates	Property taxes charged by local government on properties in their municipal area.
Retail lease	A legally binding contract between a business and a landlord that sets out the terms by which a business can occupy a landlord's shop or premises.
Risk management	A systematic process of making a realistic evaluation of the true level of risks to your business.
Sole trader	A sole trader is a type of structure where the business has no separate legal existence from its owner.
Spam	An unwelcome electronic mail message usually sent to a large number of recipients.
Stamp duty	A state and territory government tax paid by a buyer on the purchase price of the property or asset.
Stocktaking	A regular process involving a physical count of merchandise and supplies actually held by a business, to verify stock records and accounts.
Tax File Number (TFN)	A unique number issued by the ATO to individuals and organisations to identify tax records.

Tax invoice	An invoice for the supply of goods or services which must specify that it's a taxed invoice and must include an Australian Business Number. If the invoice is not in the specified format the recipient cannot claim GST input tax credits.
Tender	A process a government agency or company follows to seek quotes for required goods or services.
Trade mark	A trade mark can be a letter, number, word, phrase, sound, smell, shape, logo, picture, aspect of packaging or any combination of these, which is used to distinguish goods and services of one trader from those of another. A registration of a trade mark gives the owner the legal right to use, licence or sell it within Australia.
Trading name	The name that an entity trades under, or is known as, by its suppliers or customers. It may be different from the entity's legal name. Note, a trading name is not considered a business name. See <i>business name</i> .
Trust	A trust is a relationship where a business is transferred to a third party who has legal control and has a duty to run that business to benefit someone else.
Turnover	The amount of money that passes through a business entity throughout a financial year.
Unconscionable conduct	When a business takes advantage of another in a transaction in a way that offends the conscience. Unconscionable conduct is much more serious conduct than mere unfairness, or acts in a way that is clearly unfair or unreasonable.
Venture capital	Capital invested in a start-up business that is thought to have excellent growth prospects but does not have access to capital markets because it's a private company.
Workers compensation	A payment made to an employee affected by a work related injury or illness, to compensate for the loss of earning capacity, medical and rehabilitation expenses.

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