

Legal structure



Registration and Licenses

All business owners in Australia have to [register](#) before commencing any business activities. As well as registering a business name, there are a variety of taxes that can impact on your business that you may be required to register for. These may include:

- Australian Business Number (ABN)
- Goods and Services Tax (GST)
- Tax File Number (TFN)
- Pay as you go (PAYG) withholding.

If you operate a business, it's likely you'll need certain *licences* to make sure you're complying with your legal obligations. ABLIS helps you find the government licences, permits, approvals, registrations, codes of practice, standards and guidelines you need to know about to meet your compliance responsibilities. They guide you through a step-by-step questionnaire, then a tailored report is generated with licence requirements for your business. The report also provides helpful information on licence fees, how to apply, periods of cover and renewals: <https://ablis.business.gov.au>

Did you know you can register your Indigenous business as an Indigenous corporation? The [Corporations Aboriginal and Torres Strait Islander Act 2006](#) (CATSI Act) allows Aboriginal and Torres Strait Islander groups to form Indigenous corporations. Visit the [Registration and Licences](#) to find out the benefits of registering as an Indigenous corporation.

Insurance

Types of insurance to consider:

- ✓ Property Insurance
- ✓ Business interruption insurance
- ✓ Public and products liability insurance
- ✓ Professional indemnity insurance
- ✓ Fraud insurance
- ✓ Key person insurance
- ✓ Personal accident or illness insurance

Fair trading laws

The main federal law, the *Competition and Consumer Act 2010* (CCA), ensures that trading is fair for your business and your customers. You can check if your business is compliant using the small business [Self-Assessment Tool](#)

The Australian Competition and Consumer Commission (ACCC) administers the CCA and you can check out their site for more information about federal competition, fair trading and consumer protection laws. <https://www.accc.gov.au/business>

The fair trade law in NSW is the NSW *Fair Trading Act 1987* which is administered by NSW Fair Trading. Their page on [Acceptable Business Conduct](#) on the NSW Fair trading website outlines the laws, codes of practice and service charters that businesses must comply with in NSW.



Anti-bullying laws

People who have been bullied in the workplace can apply to the [Fair Work Commission](#) for help in resolving the issue.

Download the [Anti-bullying Guide](#) (PDF, 130KB) to find out more about bullying in the workplace.

Unfair Dismissal

Small businesses have different laws compared with larger businesses when it comes to unfair dismissal. Most small businesses (those with fewer than 15 employees) will fall under the [Small Business Fair Dismissal Code](#).

If you are planning to terminate an employee, it's important you follow the rules outlined in the Code.

Independent Contractors

Independent contractors are self-employed and provide a service to a business. Before you start a contract, you'll need to check whether someone is classified as an independent contractor. Their status will affect their rights and obligations. It's possible for someone to be an employee for some work and an independent contractor for other work. If you're a worker or someone who pays a worker, [Independent Contractors Decision Tool](#) can help you understand what your working relationship is. Read the [Working with Contracts Guide](#) which aims to assist small business managers in using contracts confidently and appropriately as a commercial tool.

Privacy

The *Privacy Act 1988* sets out the legal responsibilities of businesses in the way they deal with information they collect about customers in the course of trade. Businesses must comply with the National Privacy Principles (NPPs) set out in Schedule 3 to the *Privacy Act 1988*. More information can be found at the website of the Office of the Privacy Commissioner www.privacy.com.au

Visit <https://www.oaic.gov.au> to view the [Privacy checklist](#) to see that will help you determine whether your small business is required to comply with the Australian Privacy Principles (APPs) in the Privacy Act. <https://www.oaic.gov.au> also has a [Guide to Privacy for Small Businesses](#).

Work cover

Visit the NSW workers compensation office at www.workcover.nsw.gov.au/ to make sure your workplace meets safety and insurance standards.

Tax

There are a number of taxes that you may be required to register for. Understand the different types of taxations that may apply to your business by visiting [Understanding and Registering for Taxes](#).

Legal advice

Community Legal Centres (CLCs) are not for profit, community-based organisations that provide free legal advice, casework and information and a range of community development services to their local or special interest communities. Some CLCs also advocate for law reform or conduct test cases where laws are operating unfairly or are unclear. Community legal advice can be found at: <http://www.nacalc.org.au/>



Material Regulations

If your business deals with chemicals or plastics, you can get an overview of regulatory requirements by reading the Department of Industry, Innovation and Science's [Chemicals Business Checklist](#).

Read the [Trade Measurement](#) page if the price of your goods is based on measurement of quantity or quality.

Intellectual Property

Read our Intellectual Property factsheet to see how to register a trademark, name or logo at IP Australia. You will also need to register your business name and domain name for an online site.

Please note: while all care has been taken in the preparation of this document, it should not be seen as a substitute for independent consideration of the issues and/or legal advice on this subject. This document is current as of July 2017.

Material adapted from business.gov.au
© Commonwealth of Australia 2017.
