

The illustration features a vibrant, abstract background with geometric shapes in shades of blue, green, and pink. At the top, two hands of different skin tones are shown shaking. To the left, a hand holds a yellow mobile payment device with a dollar sign on its screen. At the bottom left, a hand holds a yellow smartphone displaying an envelope icon. At the bottom right, a yellow computer monitor sits on a stand, with a yellow keyboard in front of it. The monitor screen shows a simple interface with lines of text. The entire scene is decorated with white squiggly lines, green stars, and green exclamation marks, creating a sense of dynamic activity and digital connectivity.

# Indigenous BUSINESS Handbook

The Guide To Get Started

# ACKNOWLEDGEMENT OF COUNTRY

**We acknowledge the Traditional Owners of Australia and recognise the continuing connection these communities have to their lands & waters. We pay respect to Aboriginal and Torres Strait Islander peoples, their culture and their Elders past and present. We also recognise the meaningful magnitude of their relationship to these lands and the ongoing and significant way that they continue to contribute, every single day, to making Australia unique and special in the world.**

## ARTIST JASMINE MIKIKI CRACIUN

**Jasmine Miikika Craciun is a multi-media artist and graphic designer residing on Gadigal land. While working predominantly in digital illustration and mural, her artistic practice also includes animation, sculpture, textile and installation. Her art-making process is informed by her diverse familial background (Barkindji, Malyangapa, Romanian, Austrian) with the goal of celebrating the strength of those who came before her.**

**“This work was created to show some of the diverse range of skills and tasks Indigenous Business owners undertake in their roles. I wanted this work to feel fun and exciting, and for new Indigenous Business owners to feel inspired when starting on this journey with the help of the Indigenous Business Handbook.”**



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# CONTRIBUTORS

The **Indigenous Business Handbook** has been written, designed and researched by several thoughtful, talented and dedicated groups of Indigenous and non-Indigenous students at the **School of Law and Justice at the University of Newcastle (Australia)**.

The Handbook was envisioned by **Associate Professor Kevin Sobel-Read** who also supervises the Project. Two remarkable students – **Taylah Gray** and **Hannah Stenstrom** – provided essential and foundational work as research assistants. The students listed below contributed to the Handbook within the course of their studies of **LAWS6091**:

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The first iteration and launch of the **Indigenous Business Handbook** in July 2023 was facilitated by **Kyiesha Faulkner, Sophie Amanatides and Victoria Gill**.

Our thanks go to **Osborn Law (Newcastle)** and to **Mr Marcus McCarthy** for their comments and suggestions on the content contained within the Handbook.



# STAKEHOLDER REVIEW

A part of the compilation of the Handbook involved stakeholder review by:

Darren Faulkner known to family, friends and the wider community as Charlie is a Gomeri man. Charlie is a qualified counsellor obtaining his degree in 2008 from the University of New England. Among his formal education also lies a diploma in Aboriginal Family and community counselling and a certificate in research. He worked within the health sector for 20 years where he focused on supporting the Aboriginal youth (and Their families) within his local community in Newcastle with their mental health struggles. More recently he has shifted his focus to research for his communities embarking on a journey to help improve outcomes for Aboriginal people through research and lecturing at the University of Newcastle. Charlie is passionate about his culture and has a strong connection to his community not only in Newcastle but around NSW. Charlie's lived experience and deep cultural knowledge is his most important tool in the work he does for his community.



Tyrone Peachey is a proud Wiradjuri man who is best known for his contributions in the NRL over the past decade. Along with his partner Kellie and beautiful children, they have been growing a concept for a new business; Nanima Care. With experience from their successful swaddle business 'Peached', Tyrone and Kellie are excited to move in a new direction to help community. Nanima Care will provide transport services to the Indigenous community of the Greater Western Sydney Region, with a focus on supporting and connecting youth and elders. The aim is to provide travel assistance; for people to get to school, health appointments, grocery shopping, community events, and so much more. Tyrone and Kellie hope that by running this service, mental health of the Indigenous community will improve. Tyrone and Kellie recognise the importance of culture and the positive impact that a strong connection to culture can have on overall outcomes for health within Aboriginal communities. Nanima Care will encourage a holistic approach to promoting the positive health of community, by ensuring that travel does not become a barrier to connection.

You can find Nanima Care on Instagram @nanimacare



Richard Faulkner better known as Roo, is a Gomeri man who has lived and worked in the Newcastle community his whole life. Roo is a qualified teacher (Bachelor of Education: Secondary (Aboriginal Studies) and has a Masters in Indigenous Language Education. He has worked in the education and employment sector delivering quality programs in employment and education for the community over the past 16 years. Most recently in his role as Director at Winanga-y Dreaming, Roo educates teachers and students throughout the Newcastle region in Aboriginal education through cultural workshops such as dance, language, Indigenous games and mentoring. Roo credits his family for a lot of his cultural knowledge and skills he has attained over the years and is very passionate about his culture, family, and community.



Kristy Faulkner is a Murawarri/Anaiwan woman who has lived in Newcastle for the past 18 years. Kristy is also an experienced teacher (Bachelor of Education: Secondary (Aboriginal Studies) and is currently completing her Masters in Education (Aboriginal Leadership at the University of Sydney). Kristy is very committed to empowering our young Aboriginal people for a greater future. Kristy has a wealth of knowledge and experience in the education and employment sector with around 20 years of service and has worked with government agencies, secondary schools, and the University of Newcastle which have equipped her with essential skills and knowledge to pass onto the wider community for a more prosperous and reconciled future. Currently Kristy is employed at the NSW Department of Education and delivers Aboriginal education professional learning in schools and enjoys educating the educators to embed Aboriginal cultural content in our schools.



Renee & Les Smith are starting their own journey as business owners for Minamba Community & Education. Renee has a double degree in Education and Social Science and has been a teacher and manager for twenty-five years, working for Awabakal for ten years, leading educational pedagogy & practice. Les was born in Newcastle, Grandson of Aunty June & Uncle Jack Thorpe, both a part of the founding members of Awabakal. They worked tirelessly in Community Services and Les has the same passions that he hopes to share with his community. Recently finishing his role as Aboriginal mentor for Newcastle Knights, he's a current and former high level athlete who shared his knowledge through coaching. Minamba has a vision of an Intergenerational inclusive space for the Newcastle Community.



With special thanks to Kayla Faulkner, DJ Faulkner and Kellie Pipe, Wok and Sarah Wright, Marketa Marr and Cody Faulkner.

# THE UNIVERSITY OF NEWCASTLE



THE UNIVERSITY OF  
**NEWCASTLE**  
AUSTRALIA

Office of Indigenous  
Strategy and Leadership

The School of Law  
and Justice

**This Handbook is a resource that has been developed by Students and Academics of the University of Newcastle within the School of Law and Justice, which is located on the traditional lands of the Awabakal and Worimi peoples. The Handbook has been funded by the University of Newcastle Office of Indigenous Strategy and Leadership and the University of Newcastle School of Law and Justice.**

**This Handbook acknowledges the common struggles, and uncertainty faced, when starting a business; alongside the complex family and social pressures that you might encounter.**

**We recognise and celebrate Culture in all its many beautiful and meaningful dimensions. This Handbook has therefore been created first and foremost with the goal of supporting Culture. It is within this context of supporting Culture that we aim to provide useful and useable legal tools.**

**All information is general in nature, the University of Newcastle Legal Centre can provide specific advice through the Advice Clinics, more information can be found at <https://www.newcastle.edu.au/school/law-and-justice/legal-centre/free-legal-clinics>**

## CONTACT

**As a living document, we encourage you to provide feedback and suggestions for further iterations of the Indigenous Business Handbook. Please contact:**

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Tamara



Destiny



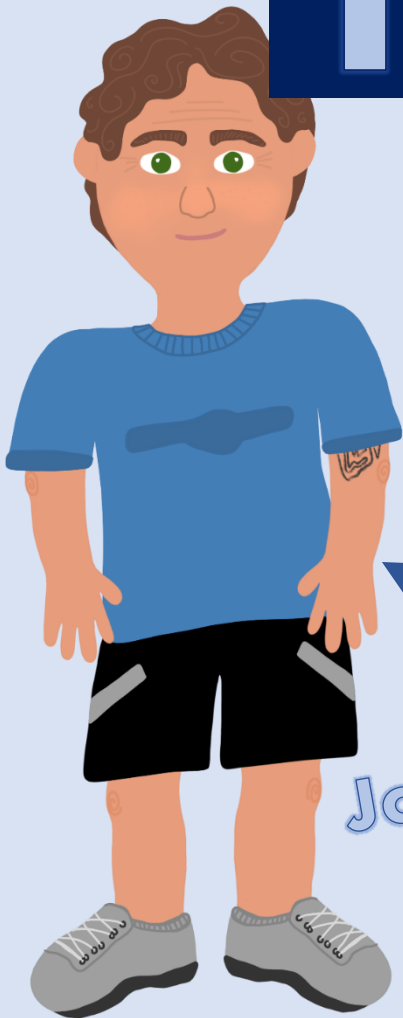
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# GETTING STARTED

# 1



**Planning** is a very important step to consider before putting time and money into your business. Organising your ideas into a business plan helps define your business, your goals, how they might relate to your community and how you will achieve them. There is a business plan template at the end of the Handbook to get you started in formalising your ideas and forming a vision for the future.

One part of your business plan should talk about your **business structure**. There are different types of business structures and the one you should choose depends on your business needs. You can find out more information on business structures here: <https://business.gov.au/planning/business-structures-and-types/business-structures/choose-your-business-structure>

After determining your business structure, you can start to **register your business** with the Australian Government.

These include registering your Australian Business Number (ABN) and your business's **Tax File Number (TFN)**. You can register using the online form on the Australian Government's Business Registration website. You can register all your employees online to get **Pay As You Go (PAYG)**, this helps the Australian Tax Office collect the correct tax from your employee's income.





## Before you start your business

So, you've identified a need and now you'd like to develop a product or service to address that need! That's a great start. Drafting a Business Plan is a great way to keep yourself on track and to ensure your business goals stay aligned with what you put in practice. Include in your business plan how you consulted with local Aboriginal and Torres Strait Islander community and how you plan to support your community. This could be through distribution of resources, employment or offering a culturally appropriate service. The purpose of this plan is to have all the information in relation to your goals, success and long-term vision in one place.



The Business Plan is the preliminary planning tool before you jump in and start making the big decisions. The Australian Government have developed a resource to help with this planning stage. The Business Planning Tool Template can be found via the following link:

<https://business.gov.au/planning/business-plans/develop-your-business-plan>

## Starting a business

You need to decide if a company suits your needs or if you should use a different business structure. A company is its own legal entity and lets you conduct business throughout Australia. You can also make use of other privileges, such as corporate tax rates or limited liability. The '**Help me decide**' tool that can help you work out the business structure that will best suit your needs and what registrations you should consider. You can access this tool via the following link: <https://register.business.gov.au/helpmedecide>

There are a few things you should consider when choosing a company name. A company's name cannot be identical to an existing name. You can check to see whether the name you'd like to call your business is already taken on the [ASIC Business Names Register](#). When coming up with a business name, you need to be wary about using words that could mislead people about a company's activities or be considered offensive or suggest illegal activity.

A company must show the liability of its members and status in its name. For example:

- if a company's members' liability is limited to the amount unpaid on their shares, the name must end with 'Proprietary Limited'

- if the members' liability is unlimited, the company name must end with 'Proprietary'.

How will a company operate?

Before registering, you will need to decide how your company will be run or controlled through a set of business rules. Your company can be governed by:

- replaceable rules
- its own constitution, or
- a combination of both.

You can register a company using the Australian Government's Business Registration Service (BRS). BRS combines several business and tax registrations in one place, making it even easier to start a business. Once your application has been processed, you'll receive an ACN and a certificate notifying you that the company has been registered. You can now display the company name wherever you conduct business, and you can list the ACN on all published documents of the company.

## Getting into business



### Selling Goods

It's important you're familiar with consumers' rights within **Australian Consumer Law** for purchases of goods and services. You should also understand your responsibilities for complying with consumer guarantees.

It's important you understand and comply with **Competition and Consumer Laws** that govern how all businesses in Australia, including online retailers and those with a shopfront, must deal with their competitors, suppliers and customers.

When displaying or advertising the prices of products or services you're selling, make sure that the prices you show are clear and accurate, and not misleading to your customers.



## Setting up workers

**Complying with Fair Work Requirements:** If you're employing staff they will have standard and minimum employment rights within **Fair Work Requirements**. These include minimum rates of pay, PAYG withholding, working conditions, leave and superannuation.

**Work health and safety laws** are important so that your workers, community, and people who encounter your business are kept safe and met with a culturally safe environment. If you'll pay more than \$7500 a year in wages, you'll need to have a workers compensation insurance policy. Go to SafeWork NSW to understand things you should do to maintain a safe and healthy workplace.

- ✓ Have a look at the Easy to do **WHS Toolkit** - Apply for the small business rebate in NSW claim up to \$500 to buy and install equipment that makes your workplace safer. This can be accessed via the NSW Government Website by searching "SafeWork Small Business Rebate" or by clicking this link: <https://www.nsw.gov.au/grants-and-funding/1000-safework-small-business-rebate>
  
- ✓ Visit **Small Business Assist:** An online tool to help businesses learn about their workers compensation obligations and find out what to do when a worker is injured at the following link:  
<https://www.sira.nsw.gov.au/smallbusinessassist/start>



### **A few things to consider:**

Before you start any building work, you may need to apply for a Construction Certificate from your local council; this may also need a Compliance Certificate to confirm the development meets standard requirements. Before installing any business signs, you may need to check and seek approval with your local council first.

For commercial waste to be collected from Council, pre-approval is required. See your local council branch or website for further direction.

A trademark, brand or design is the way you show your customers who you are. Register this with IP Australia so that you can make sure it is only used by your business. Consider

using your connections within your communities to create a culturally appropriate and individual trademark, brand or design. Use your culture as a strength throughout this process and ensure that all cultural protocols are followed. Also register an '.au' domain name for a website – you can do this with an ABN.



## Initial Finance

A huge part of starting a business is getting finance! This is a very important decision that you should consider carefully. At times, the process can be both scary and confusing. There is so much information out there and it can be hard to know what you need – this section aims to provide an overview of the decision to get finance, some things to be aware of and finally, finance options that are out there and may be suitable for you and your business needs.

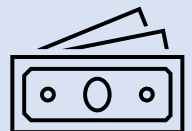
When wanting to obtain money to run your business, using reliable sources is important to ensure that you will have enough funds to create your product or service, and allow your business to grow over time. [Debt and Equity Finance](#) are the two main categories of funds. Debt finance is money provided by an external lender, such as a bank. Equity finance provides funding in exchange for part ownership of your business.

Funding Type	Sources	Considerations
Debt Financing	<p><b>Financial institutions:</b> Banks, building societies and credit unions offer a range of finance products – both short and long-term.</p> <p><b>Retailers:</b> If you need finance to buy goods like furniture, technology or equipment, many stores offer store credit through a finance company. Generally, this is a higher interest option. It suits businesses that can pay the loan off quickly within the interest-free period.</p> <p><b>Suppliers:</b> Most suppliers offer trade credit. This allows your business to delay payment for goods. Trade credit terms vary. You may only get it if your business has a good reputation with the supplier.</p> <p><b>Finance companies:</b> Most finance companies offer finance products through retailers. Finance companies must be registered, so before you get finance, check the Australian Securities &amp; Investments Commission (ASIC) professional registers.</p> <p><b>Family or friends:</b> If a friend or relative offers you a loan, it's called a debt finance arrangement. Before you decide on this option, think carefully about how this arrangement could affect your relationship.</p>	<p>When using short- or long-term debt financing, you retain full ownership, have cash on hand quickly and have no obligations after repayments.</p> <p>However, repayments are paid with interest alongside a requirement for collateral. This can limit borrowing opportunities for small business.</p>

Funding Type	Sources	Considerations
<b>Equity Financing</b>	<p><b>Self-funding:</b> self-funding is often the first step in seeking finance. It involves funding from your personal finances and business revenue. Investors and lenders will expect some self-funding before they agree to offer you finance.</p> <p><b>Family or friends:</b> Offering a partnership or share in your business to family or friends in return for equity is often an easy way to get finance. However, consider this option carefully to make sure it doesn't affect your relationship.</p> <p><b>Private investors:</b> Investors can contribute funds to your business in return for a share in your profits and equity. Investors can also work in your business to provide expertise and advice.</p> <p><b>Stock market:</b> Also known as an Initial Public Offering (IPO), floating on the stock market involves publicly offering shares to raise capital. This can be a more expensive and complex option. There is also a risk of not raising the funds you need due to poor market conditions.</p> <p><b>Government:</b> In general, the government doesn't provide finance for starting up or buying a business. However, you may be suitable for a grant to conduct research and development; expand your business; innovate or export your goods and services overseas.</p> <p><b>Crowdfunding:</b> Crowdfunding is way to raise money by asking many people each to invest in or donate to your product idea or project. You generally do this through a crowdfunding website.</p>	<p>When using equity financing, there are no debt repayments, and more cash flow is available in the business. However, a portion of the business and revenue is forfeited to investors and requires ongoing consultation and consideration of investors when making decisions.</p>

At this stage, it is also good to consider setting up a **trust**, where a person or company holds the money and property of a business. This helps to protect your assets and sets up responsibility for that protection.

### *Am I ready for finance?*



There is a lot of work that needs to go into a business idea before you are ready for finance! A major part of this is a business plan, which can help translate a business idea into reality. If you have a business plan and are ready for finance, it is important that you get the right kind of finance to suit the needs of both you and your business.

### *I have a business plan and I am ready for finance!*

Once you have decided that your business is ready for finance, there are a couple of things to be aware of:

- **Interest Rates:** With traditional loans, you will have to repay the amount you borrowed, as well as some extra that is based on the interest rate. High interest rates tied to your loans can cause problems down the track! When you are applying for a loan or obtaining finance, it is important to take note of the interest rate and think if the repayments will be manageable for you and your business.
- **Expiration Dates:** It is important to check the expiration dates for finance and loan schemes! Many finance options only run for a set amount of time, so before applying it is crucial that you make sure they are still available.

## **Support and Growth**

As your business develops, there are many organisations that can work with you to understand your goals and create ideas for the future.

At Indigenous Business Australia, the Business Support team can also refer you to other networks and resources to get you information and support. This will help you hit your goals and provide access to an external business consultant to provide your business with specialised support. Here are some other support services:

- Indigenous helpline and support: <https://www.ato.gov.au/General/Aboriginal-and-Torres-Strait-Islander-people/Indigenous-helpline-and-free-Tax-Help/>
- Starting your own business page: <https://www.ato.gov.au/business/starting-your-own-business/before-you-start-a-business/>
- Information about starting a new business: <https://www.business.gov.au/planning/new-businesses>
- Small Business Newsroom: <https://www.ato.gov.au/newsroom/smallbusiness/>
- Supply Nation Indigenous Business Support: <https://supplynation.org.au/benefits/supplier>
- Indigenous Business Australia: <https://iba.gov.au/business/starting-a-business/>

The following organisations may be able to help you with information and finance for your business:

### **FIRST AUSTRALIANS CAPITAL (FAC):**

You can find about more about FAC at <https://firstaustralianscapital.org/>



FAC is a national Indigenous led organisation that assists early stage and startup businesses. They can assist you at many different business stages, including before obtaining initial or start up finance. They are even able to help you come up with a business plan! FAC also may provide a dedicated Business Relationship Manager to help you with business decisions along the way, make plans and check in to see how things are going. This added level of support can assist your business to thrive. Importantly, FAC has a strength-based focus that is solution oriented. They can help to empower you and your business to not only get up and running, but to succeed long term. They also have various finance options available in different forms that can be tailored to meet your needs.

### **INDIGENOUS BUSINESS AUSTRALIA (IBA):**

To find out more about IBA and the finance options that may be available for your business, you can visit <https://iba.gov.au/business/starting-a-business/>

IBA is a statutory body that has a lot of information relating to many different business stages. In terms of start-up finance, they have the following options that may be suitable for you:

- ❖ **Start-Up Finance Package:** this is aimed at helping new businesses get started and may include a grant which is up to \$100,000 – with a maximum loan term of seven years with low interest rates and flexible terms available.
- ❖ **Business Loan:** This finance option may involve helping with working capital requirements, plant and equipment and other business needs to assist with business growth.
- ❖ **Performance Bonds:** IBA may be able to issue a bank guarantee on your behalf to a third party if you have been successful with a tender which requires you to provide a guarantee as part of the contract.

- ❖ **Invoice Finance:** this option may help with cash flow for major contracts. This can assist businesses in taking on new contracts or other opportunities that may be out of reach.

## **Many Rivers**

Many Rivers is a 'for-purpose organisation' that provides both information on finance and business needs, as well as finance options for business startup. Some topics their website has information on in readily accessible short video format are Scenario Planning, Intro to Cash Flow and many more.

For finance options, Many Rivers provides:

- ❖ **Microenterprise Development**

This is targeted support aimed to help people gain the skills and knowledge required to start a small business. This includes a level of practical support that may involve various elements such as market research, risk analysis and cash flow review. Direct loan funds, typically between \$500 and \$5,000 may also be provided. These loans will typically be for a period of 12 months and are undertaken following an evidence-based assessment which consider non-traditional loan factors such as the individual's character.

- ❖ **Community Economic Development**

Many Rivers can support regional and remote Indigenous communities that wish to grow economic activity on their land. This is done through a Community Economic Development manager who can assist a community for up to 5 years. The aim of this is to support the community in becoming capable on their own of managing set goals. Please visit the Many Rivers website at <https://manyrivers.org.au/about-us/> for further information.

## **Minderoo Foundation:**

The Minderoo Foundation is a philanthropic group with a broad scope. In particular, Generation One is an initiative of the Minderoo Foundation that is targeted towards closing the gap for Indigenous and Non-Indigenous Australians. Generation One has recently commissioned a report called 'Backing Black Business' for Greater Financial Inclusion for



Australia's business sector. The report can be downloaded at

<https://www.minderoo.org/generation-one/reports/backing-black-business/>

### **The Business Centre:**

The Business Centre is a community organisation that has been responding to the needs of entrepreneurs and businesses for more than 34 years. They are a not-for-profit with the sole purpose of creating sustainability in jobs and businesses. They offer free advice and guidance within their Business Health Check Program to business owners and entrepreneurs. You can click on <https://www.businesscentre.com.au/what-we-offer/programs/business-health-check> to find out more information.



### **Help – Assistance Calculators**



The **Tax Withheld Calculator** can work out the tax you need to withhold from payments you make to employees. Visit this link for more information:

<https://www.service.nsw.gov.au/transaction/use-the-tax-withheld-calculator>

The **Superannuation Guarantee Contributions Calculator** can check the super contributions that your employees are to be paid. Visit this link for more information:

<https://www.service.nsw.gov.au/transaction/use-superannuation-guarantee-contributions-calculator>

Using the **Leave calculator**, you can find out how much annual leave, sick and carer's leave you need to allow your employees. Visit this link for more information:

<https://calculate.fairwork.gov.au/Leave>

# 2

## INTRODUCTION TO THE AUSTRALIAN TAX OFFICE

### Getting Started

The Australian Taxation Office (ATO) is Australia's principal revenue collection body for the Australian Government. As a business, you are liable for various Australia, state, or territory, and local government taxes.

To be able to pay taxes to the ATO, you first need a Tax File Number (TFN) and Australian Business Number (ABN). Before we start, here are some important contacts at the ATO if you ever have any tax questions:



**Indigenous Helpline** – 13 10 30



**Reach Out Program** – [reachout@ato.gov.au](mailto:reachout@ato.gov.au)

It is important to consider your tax and super obligations before you start trading. We have created a step-by-step list for a smooth start, which covers:

1. **Applying for a Tax File Number**
2. **Applying for an Australian Business Number**
3. **Registering for Tax Payments**

# 1

## Applying for a Tax File Number

A TFN is a unique nine-digit number issued by the ATO to individuals and other entities. A TFN identifies you and your business for tax and superannuation purposes. If you already have an TFN you can use that, if not, you can apply for one!

There are several ways you can apply for a TFN:



Online at <https://identityservice.auspost.com.au/ato/landing> and then attend an interview at Australia Post



In person at a Services Australia centre



By Post after ordering and completing this form at <https://iorder.com.au/publication/main.aspx> (search Tax File Number and select Tax File Number – application or enquiry for an individual NAT 1432)



You can also phone 1300 720 092 to order a copy of the paper form.

The information you will need to supply include three Proof of Identity documents that are the **original document** and **certified** by an approved certifier.

- For those aged 16 and over, they will need to bring three documents where **one is a primary document** (Passport, Birth Certificate or Citizenship Certification)
- For those below 16 years old, they will need to bring three documents where **two are a primary document** (Passport, Birth Certificate or Citizenship Certification)

If you don't have enough documents to identify yourself, you need to complete a form at <https://iorder.com.au/publication/main.aspx> (*Tax File Number – application for Aboriginal and Torres Strait Islander people NAT 1589*)

- You can also phone **13 10 30** to order a copy of the paper form.

You'll need to ask a referee who has known you for 12 months or more to complete the proof of identity reference. This must be an authorised referee. These can be:

- A council chairperson
- A community manager
- A minister of religion
- A school principal, a doctor, an authorised government officer (such as a police officer, Services Australia agent or nurse).

## 2

### Applying for an Australian Business Number

An ABN is a unique 11-digit number used when dealing with other businesses and government departments and agencies.

You should include your ABN on all business documents and invoices. A business with earnings above \$75,000 a year must register for GST and complete a business activity statement, which requires an ABN. If you don't have an ABN, other businesses may be required to withhold an amount of money called 'No ABN withholding' from any payment made to you.

Apply for an ABN here: <https://www.abr.gov.au/business-super-funds-charities/applying-abn>

The information you will need to supply includes:

- *Tax File Number*
- *Any previously held ABNs*
- *Date your ABN is required* – the date you expect to start any business activities
- *The legal name of the business*
- *What is the business structure* – sole trader or partnership or company?
- *Business contact details* – the address, postal address, email address and phone number
- *Business activity* – the main source of income for your business e.g., agriculture, construction, investment and manufacturing
- *Business locations*
- *Authorised contacts* – if you are using a registered tax or BAS agent or a professional advisor you need to supply their authorisation numbers

#### Helpful tip:

Your email address must meet the following requirements:

- Be between 5 - 200 characters
- Contain no spaces
- Not start with 'support@', 'Sales@' or 'info@'

## 3

### Registering for tax payments

You need to register your business with the ATO for any tax that applies to the operations of the business. Generally speaking, this will include:

- 1. Goods and Services Tax (GST Tax);**
- 2. Fringe Benefits Tax (FBT); and**
- 3. Pay As You Go withholding.**

## Goods and Services Tax

Depending on the type of business you are running you may need to register for goods and services tax (GST). GST is a tax of 10% on most goods and services sold in Australia. If you're registered for GST, you must include GST in the price of goods and services you sell to your customers. You need to show the GST as a separate amount on your tax invoices.



A **Business Activity Statement** is lodged four times a year, at the end of each quarter, to pay the ATO their 10% of GST. You need to register for GST with the ATO if:

- Your business has a GST turnover of \$75,000 or more a year (\$150,000 for non-profit organisations);
- you're a taxi driver or provide limousine travel for passengers in exchange for a fare (including ride-sourcing, such as Uber, Ola or DiDi); or
- you want to claim fuel tax credits for your business.

In most cases, registering for GST means you can claim back the GST you pay on goods and services you buy for your business, as an 'input tax credit' – as long as you have a tax invoice from your supplier.

**GST-free items** - You have to account for GST in the price of most products and services that you sell. Certain items and categories are **exempt from GST**. They include some food and beverages, some educational products, some medicinal products and charitable services.

### **CASE STUDY:**

Nan June is a sole trader who sells baking and restaurant equipment. At the end of March this year, her gross business income for the month was \$2,560. Nan June needs to work out if this amount plus the previous 11 months gross business income reaches the GST turnover threshold of \$75,000.

To do this, Nan June adds her gross business income for March and the previous months together. Her current GST turnover is \$45,000. Although Nan June's current GST turnover is less than \$75,000, she must now calculate his projected GST turnover.

Nan June continues to calculate her projected gross business income each month and, if she meets the threshold in the future, she will have 21 days to register for GST from that time.



## **Fringe Benefits Tax**

A fringe benefit is a payment to an employee, but in a different form to salary or wages. Fringe benefits can be a good way to provide your employees with benefits outside their salary. Examples of fringe benefits include:

- allowing an employee to use a work car for private purposes
- giving an employee a discounted loan
- paying an employee's gym membership
- providing entertainment by way of free tickets to concerts
- reimbursing an expense incurred by an employee, such as school fees
- giving benefits under a salary sacrifice arrangement with an employee.

Employers must be registered and lodge a fringe benefits tax return if they have a liability. To register for FBT:



Online through the Online services for businesses link.  
*Note, you'll need to have access to MyGov to log in to this page:* <https://onlineservices.ato.gov.au/business/>



Through your registered tax agent or BAS agent



By phoning the ATO business line if you're an authorised business contact (13 72 26)



By Post after ordering and completing this form at <https://iorder.com.au/publication/main.aspx> (search *Application to register fringe benefits tax*)

## **Pay As You Go Tax**

If you have employees or contractors working for you, you must withhold tax from payments you make to them. It is important you register your employee's correctly for this PAYG to ensure they don't receive a tax bill at the end of the financial year. By taking all the necessary steps you can ensure your employees don't face any unexpected charges. This is known as pay as you go (PAYG) withholding. You can register your PAYG withholding business account:



Online through the Online services for businesses link.  
*Note, you'll need to have access to MyGov to log in to this page:*

<https://onlineservices.ato.gov.au/business/>



Through your registered tax agent or BAS agent



By phoning the ATO business line if you're an authorised business contact. (13 72 26)

## **Payroll Tax**

Payroll tax is calculated on the total wages an employer pays each month. But not all businesses have to pay payroll tax. Employers will need to pay payroll tax when their total cost of wages are over the tax-free threshold for the relevant state or territory, which varies depending on where in Australia you are located.

### **VERY IMPORTANT TO KNOW:**

Wages are exempt from payroll tax if they are paid to an Indigenous person employed under a Community Development Employment Project funded by the Department of Employment and Workplace Relations of the Commonwealth, or the Torres Strait Regional Authority.

## **Capital Gains Tax**

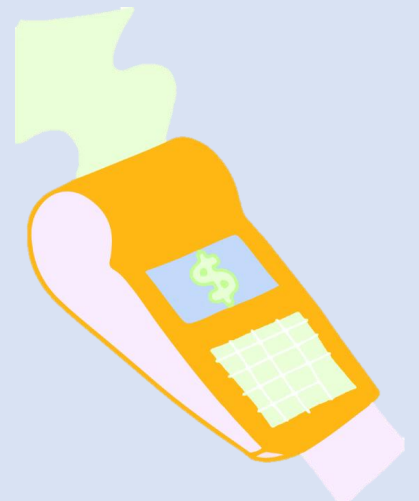
Capital gains tax is the tax you pay on profits from selling assets, such as property. You report capital gains and capital losses in your income tax return and pay tax on your capital gains. Although it is referred to as 'capital gains tax,' it is part of your income tax. It is not a separate tax. If you have a capital gain, it will increase the tax you need to pay. You may want to work out how much tax you will owe and set aside funds to cover it.

## **CULTURAL GIFTS PROGRAM**

To encourage people to donate cultural items to public art galleries, museums, libraries and archives in Australia, the Cultural Gifts Program offers tax incentives to donors. This is an important thing to note for your communities. If your communities donate cultural gifts, you can ensure you understand the relevant law by reading this section.

Examples of tax-deductible gifts which qualify under the Cultural Gifts Program include:

- Indigenous arts;
- cultural artefacts;
- natural and scientific materials;
- film and social history pieces;
- paintings;
- books;
- antiques; or
- jewellery.



Under the Cultural Gifts Program, you can donate property to:

- the Australiana Fund;
- a public library in Australia;
- a public museum in Australia;
- a public art gallery in Australia;
- an institution in Australia consisting of a public library, a public museum and a public art gallery or of any two of them; or
- the Australian Government for Artbank.

Except for the Australiana Fund and Artbank, the recipient of the gift must be a deductible gift recipient (DGR). The DGR must ensure the gift is included in a collection it is maintaining or establishing.

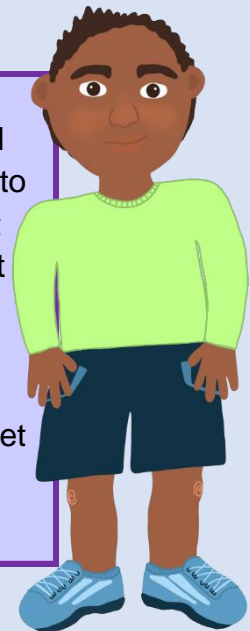
### How much can I claim?

You will need to get a valuation of the property you are donating. The general rule is that the amount you can claim as a deduction is the average of two or more written valuations made by valuers approved by the Arts Secretary.

#### CASE STUDY:

Denzel is an Indigenous artist in Newcastle. An art curator from a local not-for-profit organisation recently approached Denzel and asked him to donate a piece to the collection, which will teach school children about the upcoming Referendum of the Voice to Parliament. Denzel wouldn't be receiving payment for the art piece, only local recognition and the opportunity to promote his business.

Denzel can claim a tax deduction on this cultural gift. He will need to get a valuation of the artwork from two or more approved valuers in NSW, and the average amount can be claimed as a tax deduction.



### KEEPING BUSINESS RECORDS

Record keeping is an essential part of running your business. It makes good business sense too. Keeping good records helps you:

- Know how your business is going
- Keep track of your income and expenses
- Make the best use of your registered tax or BAS agent
- Understand high times and low times in your business to track outcomes like how teams, communities and families are benefiting from your product or service.

From a cultural perspective keeping good records can help you:

- Support your communities by keeping accurate records of their work to provide references relating to their work ethic or financial situation should they require it;



- Know what funding you have, to put back into your community; and
- Continue to ensure our communities have evidence of successful businesses.

Records you need to keep include:

- Receipts and other evidence of all sales and purchases you made for your business
- Tax invoices, wage and salary records
- All documents about GST
- Records of the purchase, sale and other costs of any business assets, such as land, buildings or office equipment
- All records relating to tax returns, activity statements, fringe benefits tax returns, and contributions to employee super.



#### **Tips for keeping good records:**

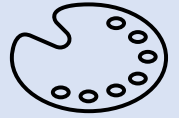
- Keep all business records including income, expenses, bank and other goods and services tax (GST) records for five years (although some records need to be kept longer)
- Records must contain enough information to calculate and support amounts claimed on activity statements and tax returns
- Business records need to include all cash, online, EFTPOS, bank statements, credit and debit card transactions
- Check that the tax invoices received for purchases that include GST are valid
- Keep records that show when business purchases were used for private purposes – this will help work out the business portion that can be claimed as a deduction
- Keep business records separate from personal records to avoid confusion
- Take pictures of paper receipts to avoid faded records
- Store a copy of all records electronically and have a backup system in place, where possible
- If changes were made to the record keeping software used during the year, check that all information transferred over correctly
- Be sure to also track the outcomes you see your business achieve. This might include how your teams, communities, families or suppliers interact or benefit from your product or service!



# 3

## INTELLECTUAL PROPERTY

**Intellectual property (IP) is commonly known as property of the mind and creativity.**



There are a number of different types of IP and It is important to be aware of these when first starting a business. IP rights protect business owners by giving them the time and opportunity to bring their creations to life and make a profit. As Indigenous people, our creations need to be protected. Understanding IP and what it is, is integral to helping us protect ourselves and our communities.

It is important to note that the creator of the IP is not necessarily the only owner of what is being protected. IP ownership may be singular or joint and can be agreed upon through contractual arrangements between partners, employees, contractors, suppliers, distributors and manufacturers.

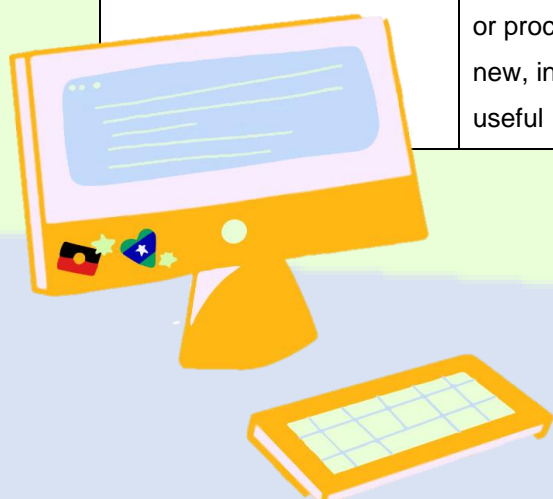
**IP rights exist in many forms and in some cases, they don't need to be registered to protect your business. However, it is prudent to protect them by way of confidentiality obligations in all instances, especially if they are unregistered.**



## AT A GLANCE – PROTECTION AVAILABLE TO YOUR BUSINESS:



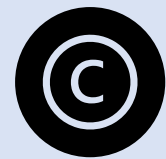
Type of IP protection	What's protected	What it means	Example
Copyright & Designs	Drawings, art, literature, music, film, broadcasts, computer programs	The owner's original expression of ideas is protected, but not the ideas themselves	Games of Thrones the TV series is protected by Copyright
Trademarks	Business specific goods and services	What distinguishes the owners' products or services visually is protected. A trademark can also be a word, phrase, letter, number, logo, picture or aspect of packaging.	Arnott's is a trademarked biscuit brand
Trade Secrets	Any confidential information, including secret formulas, processes, and methods used in production	These types of IP rights give creators certain rights and privileges depending on the type of IP protection. These can only be secured by imposing confidentiality obligations on the parties who know about it.	Coca-Cola has used trade secrets to keep its formula from becoming public for decades
Patents	Any device, substance, method or process that is new, inventive and useful	This protection gives patent owners exclusive right to their invention for 20 years	The process of Bluetooth was patented by its inventors





## WHAT IS COPYRIGHT?

Copyright protects the original expression of ideas, but not the ideas themselves. Common works protected by copyright include books, films, music, sound recordings, newspapers, magazines and artwork. Copyright also protects originally created typographical arrangements (the composition and layout) of work, databases, media broadcasts, computer programs and compositions of other people's work such as academic journals or CD's.



## HOW COPYRIGHT CAN PROTECT YOUR BUSINESS:

In Australia, the moment an idea or creative concept is documented on paper or electronically it is automatically protected by copyright. Copyright does not protect ideas, styles, data, information, methods or concepts. Instead, copyright protects the expression of the idea which has been recorded in a material form in any medium - written down or otherwise recorded.

[IP Australia](#) is the national agency for IP which provides information and support to businesses. IP Australia outlines that in addition to the requirement of material form, literary, dramatic, musical and artistic works must be **original**. However, this requirement of originality does not apply for subject matter other than works, for example, sound recordings, films or broadcasts. Copyright protection is provided under the [Copyright Act 1968](#) and gives you exclusive rights to licence others regarding copying your work, performing it in public, broadcasting it, publishing it and making an adaptation of the work.

### SHOULD YOU PUT A COPYRIGHT NOTICE ON YOUR WORK?

Although a copyright notice with the owner's name and date is not necessary in Australia, it can help prove your ownership of the copyright and prevent others from using your work without permission. Additionally, putting a copyright notice on your work may act as a deterrent to potential infringers, reminding people that you are the copyright owner and they need to contact you and gain your permission before they can use the work.

**Putting a copyright notice on your work can be as “© Nan June, 2021”.**

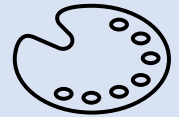


## DESIGNS: PROTECT THE LOOK OF YOUR PRODUCTS

If you draw something, such as a diagram, artwork or a map, it will be automatically protected by copyright. However, if you do an artwork that will be applied in industry or come up with a product that has a distinctive look that sets it apart from your competitor's products, you can register it as a design.

To apply to register a design visit IP Australia via this link:

<https://www.ipaustralia.gov.au/design-rights#apply-for-a-design>



Once your design is registered you will have the exclusive right to use this design. This type of protection lasts for 10 years and then you are able to apply to have it renewed.



### CASE STUDY:

Denzel creates an original artwork which he wishes to reproduce, advertise on social media and sell for a profit online. As when an original artwork is created in Australia, it is automatically protected under copyright and therefore Denzel does not have to do anything to register their art to be protected under copyright law.

However, as Denzel was scrolling his Instagram feed, he sees a copy of his artwork being sold on phone cases and tote bags, by someone he doesn't know.

There are various steps which can be taken to resolve the issue through dispute resolution or going to court. Denzel starts sending a message to the person on Instagram asking them to stop the sale of his reproduced artwork. He shortly follows by going to an IP lawyer to talk through the options available. Terri Janke explains here

<https://www.terrijanke.com.au/post/2016/11/18/copyright-in-your-business-law-way>

A design right protects the overall visual appearance of new and distinctive products. The appearance can be the shape, colour, pattern or configuration.

A design right aims to protect the visual appearance of a whole product that has a physical form, is manufactured or handmade, and is produced on a commercial

scale. If you decide to register a design as intellectual property, the design needs to be both new and distinctive. There are two steps for securing design right protection:

### 1. Registration:

Once you have applied for a design right, you only have 6 months to request registration. There are fees involved and you will be given a design right number. The details of the design will become published on the **Australian Design Search**, which you can find by visiting the link below:

<https://search.ipaustralia.gov.au/designs/search/quick>

IP Australia then will conduct a formalised check to see if your application meets the legislative requirements. If there are no issues, your design will become registered. Although registration gives you the exclusive right to use your design within Australia, this right is not enforceable until it is certified.



### 2. Certification:

After you have registered your design, you can request for Intellectual Property Australia to examine it. If the design passes their examination, they will certify the registration. During the examination they search for identical and similar designs. If your design is too similar, it can prevent it from being certified. Once certified this gives you the legal right to enforce your design. A design right can only be registered for a maximum of 10 years. It initially lasts for 5 years and must be renewed to last for a further 5 years. If your design is already visible to the public, even if you published it yourself, it is no longer considered 'new' and won't pass the test of applying for a design right.



#### Note:

- Fees are payable at each step of this process if you decide to pursue this path, which can be costly if your design does not pass the test.
- You cannot have design right protection and copyright protection at the same time. Once you register for a design right – you will lose copyright protection.
- However, both patents and trademarks can be used to overlap with design registration for further protection.

## CASE STUDY:

Tamara owns a new business called Eco Mugs. The mugs she sells have a new and distinctive design. Tamara keeps her unique design a secret until she decides upon an intellectual property strategy for her business.

Tamara decides a design registration is the right choice for her product. Before applying for design registration, Tamara does a search on the Australian Design Search database website as well as social media to see if there are any other designs similar. Once Tamara has researched that her design is new, she prepares drawings and images of her design to submit to IP Australia. Tamara then files a design right application and pays the \$250 fee for the online services. Tamara is given a design right number and the details of the design are published on the Australian Design Search database. Tamara requests registration in the next month to make sure it is successful. IP Australia conduct a formal check on her design. Within 8 weeks they get back to Tamara and issue her with a Certificate of Registration.

Tamara wants to make sure she has the legal right to enforce the design on her mugs. She decides to take the next step and request the examination for certification of the design. This involves a \$420 fee, and in the next 13 weeks, IP Australia found that Tamara's design is new and distinctive enough to pass the examination. They give Tamara a Certificate of Examination. Tamara is happy to have the exclusive right to her wave mug design for the next ten years.



### ✓ CHECKLIST FOR APPLYING FOR A DESIGN RIGHT:

1. Do you have a design that can be protected with a design right?

2. Do you know about the 2-step process for securing design right protection?

3. Has your design (or a design similar to yours) been shared publicly?

4. Have you prepared drawings or images of your design?

5. Are you applying for more than one design?

6. Do you know what information to include in your application?

7. Have you considered the fees and how long the right lasts?





## TRADEMARKS:

A trademark is a word, phrase, logo, colour, scent, shape or style which is capable of distinguishing your goods and services from others. Regulations around trademarks are outlined in the [Trade Marks Act 1995](#) and you need to apply to IP Australia to have your trademark registered. When looking at applications, IP Australia considers if your mark is distinctive and therefore it will be harder to obtain a trademark if what you have created is similar to other trademarks already registered by another business. Once a trademark is successfully registered you have the exclusive right to use this mark in connection with your business. Protection lasts for 10 years and then you are able to apply to have it renewed. Trademarks are registered in different classes relating to categories of goods and services your mark fits into.

There is an extra charge for each class and the more classes you get, the more protection you will have for your mark. The different classes are outlined on the [IP Australia website](#) when you apply for a trademark, if you are unsure of which class applies to your business, an IP solicitor is able to help.



## TRADE SECRETS:

A trade secret is different from a trademark. You do not register trade secrets as a trade secret is insider business knowledge and it is up to individual businesses to protect such knowledge. One way you might keep this knowledge out of competitors' hands is by ensuring employees or distributors sign [Non-Disclosure Agreements/Confidentiality Agreements](#) when they begin working with you or with anyone that might gain access to that information.

A Confidentiality Agreement is an agreement entered into between two parties in which they agree to keep certain information private. While [IP Australia provides agreement generators which can be a helpful place to start](#), as each agreement is dependent upon different circumstances, it is recommended that a solicitor look over the agreement before it is signed. Confidentiality can also be secured in specific clauses in employment contracts. If secret processes are documented, it is recommended they are kept isolated and secure and marked with the © symbol.

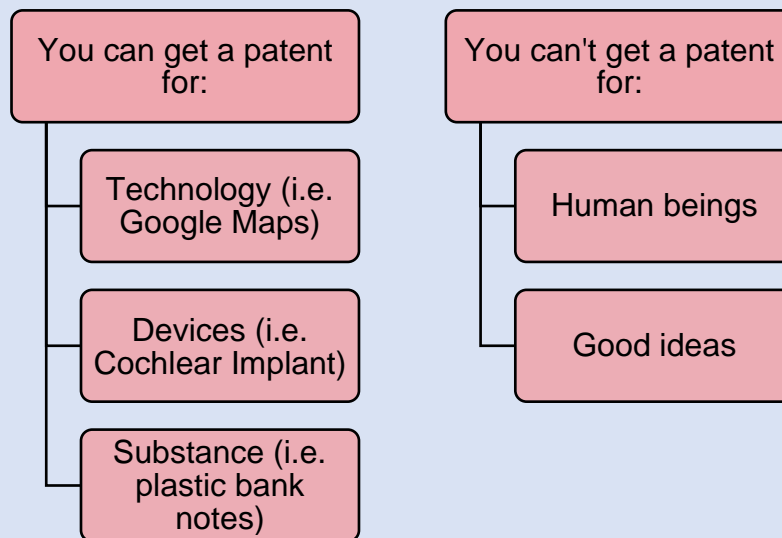




## PATENTS:

A patent can be granted to anyone who invents something that is new and inventive. The patent system is a way of rewarding people who come up with useful inventions by ensuring that they get a good chance to protect their idea and make money from it! There are different types of patents, and different types of patents suit different kinds of inventions.

When considering applying for a patent, read through the link below to understand the step-by-step application process: <https://www.ipaustralia.gov.au/patents/how-to-apply-for-a-standard-patent>



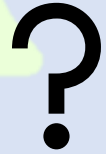
### CASE STUDY:

Destiny is a First Nations hairdresser in Newcastle. She has invented and developed a new type of shampoo and now wants to know how to protect her invention from being copied. Destiny should keep the list of what is contained within the new shampoo and how it is made a secret because if it becomes public before it is patented, Destiny may lose rights to the exclusive production of the product.

The best thing for Destiny to do is to seek legal advice from an IP solicitor who can assist her to develop an IP Management Plan and apply for a patent for her product. Destiny can also apply for international patent rights, to receive protection outside of Australia.



## HOW CAN CONTRACTS PROTECT INDIGENOUS CULTURAL AND INTELLECTUAL PROPERTY?



Contracts allow you to enforce your intellectual property rights through a private agreement with another party. There are a number of clauses you can include into your contracts to better protect any intellectual property and traditional knowledge you have.

### **Licence Agreement:**

A licence allows someone else to use your intellectual property for a fee. An intellectual property licence agreement sets out the terms of when others can use your intellectual property. An intellectual property licensing agreement occurs between the IP rights owner (“licensor”) and the person authorised to use the rights (“licensee”) in exchange for monetary value as a fee or royalty. The Agreement sets out rules of the licence and prevents others from misuse or misappropriation of your intellectual property. When drafting a copyright licence agreement, it is important to consider the period of time you wish for it to run, whether it is exclusive and if it can be revoked.

### **Exclusive licence:**

When determining what licence to have over your Intellectual Property, you will need to consider the amount of control you would like to have over your intellectual property. An exclusive licence only gives the licensee the right to use and commercialise your IP in a particular location (such as state, region or across all of Australia). This may also mean you yourself, would not be able to use your IP unless the agreement specifically provided for this. However, it is important to be mindful that a licensee may be able to grant a sub-license to another company, unless the contract specifically prohibits this. Sometimes, the licensee must gain your consent to do this and typically that consent ‘cannot be unreasonably withheld’. You can include a clause as to whether the licensee can sub-licence your intellectual property if you would like to have further control over this.



### **📄 Non-Exclusive licence:**

A non-exclusive licence means you can licence your intellectual property to multiple parties. This means you can still use your intellectual property. However, you won't receive the one large sum payout that you may receive from an exclusive licence.

### **📄 Licences - Further Considerations:**

There are a few other factors to consider when drafting an intellectual property licensing agreement. These are:



#### ***Is the licence going to be perpetual or limited to a particular time?***

You will need to decide how long you want the licensee to have access to your intellectual property. You can choose for it to be perpetual or for it to be a strict amount of time. If it is for a specific amount of time, there will need to be a term in the agreement outlining what the duration is. At the end of the specified time period the agreement will be automatically terminated.

#### ***Is the licence revocable or irrevocable?***

If a licence is revocable, you may terminate it. This means you may withdraw your permission for the licensee to use your intellectual property during the term of the licence agreement. If the licence is irrevocable, you will not be able to terminate the licence unless the licensee fails to follow the other terms of the contract.

#### ***Is the licence assignable?***

A licence will need to include whether it is assignable or not. If the licence is assignable this means the licensee can transfer all of the intellectual property rights to another party. If you do not want another party to be assigned those rights, you can specify in the licence agreement that the licence is non-transferrable.

#### ***Is the licence limited geographically?***

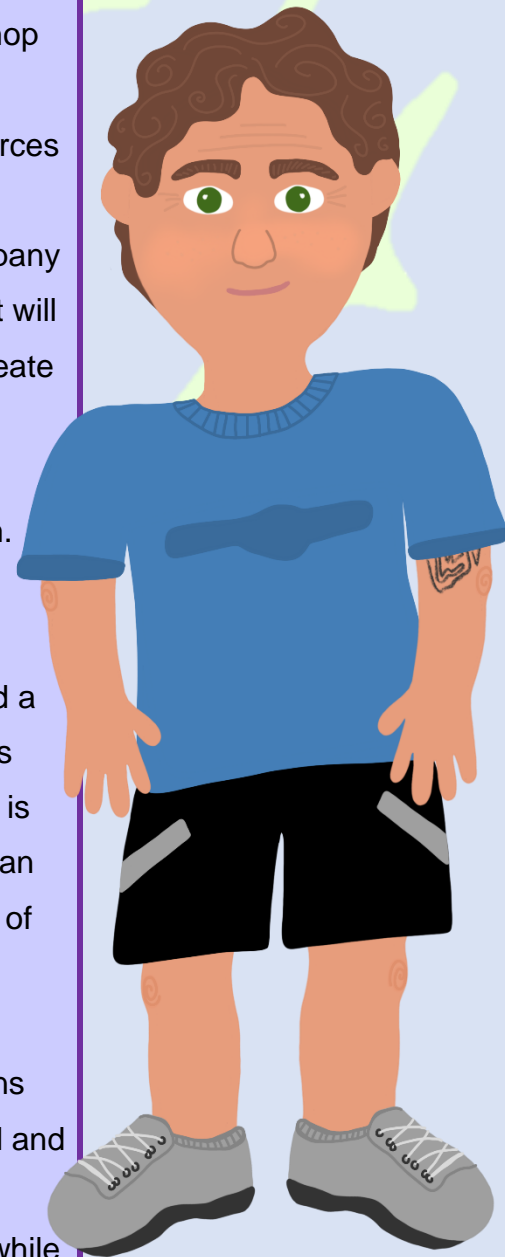
A licence agreement will specify where you want to licence your intellectual property. The agreement could state that the other party may only use your intellectual property in NSW or Newcastle or Australia. Placing a limit on geographical area is necessary if you only own intellectual property in that particular geographical area; particularly if it is a non-exclusive licence or you also wish to continue to use that IP.

**CASE STUDY:**

Johno is an Aboriginal man who runs an educational training company based in Sydney. The service that he offers is a seminar and workshop to businesses wanting further training on appropriate workplace practices for Indigenous employees. His training methods and resources become popular, and soon many businesses across Australia begin contacting him to deliver sessions. Another Indigenous training company in Brisbane wants to offer cultural customs workshops and decides it will be easier and quicker to pay Johno to use his content rather than create their own.

Johno contacts a lawyer to draw up a licensing agreement with them. This agreement specifies that Johno will keep the copyright in his materials but gives the Brisbane company an exclusive licence to present his seminars in Queensland. Johno gets paid a base fee and a percentage of profits every time they deliver a seminar. Johno makes sure there are a number of conditions set out in the agreement. One is that the area is limited to Queensland, that only Indigenous people can deliver the workshop and the Brisbane company cannot change any of the content in the workshops.

Johno also decides to make the licence revocable, to keep his options open, and to be in control of how his content is used, when it is used and how it is used. This licensing agreement allows Johno to expand his business but keep control of how his work is presented and taught, while also giving him an extra source of income.





### **Independent Contractor Clause:**

If you are engaging with contractors to carry out some of your work, even if these outside contractors are family or members of community, it is important to consider making sure your intellectual property rights remain yours. So making both parties aware of this prior to engaging in this work will prevent issues - communication is key! In a contract you can therefore specify that any work an independent contractor or sub-contractor carries out waives all of the contractor's rights to the intellectual property. This means assigning the intellectual property rights from the independent contractor to you. You can require the Independent Contractor to sign an Intellectual Property Assignment Deed or include such a clause in your contractor agreement, which would transfer all rights to the intellectual property from the contractor to you. It is best to consult with a lawyer on how to draft this into your contract.



### **Ownership Clause:**

It is important to clarify that all intellectual property generated in your business is owned by you, the employer. You can do this by including a clause in your employment agreement with an employee that explicitly states you will own all intellectual property created in the business. To avoid issues later down the track, it could be worth explaining this to your employees. While all intellectual property legally remains yours it is important to consider your personal stance on this and decide what works best for your business. You could also include a 'waiver of moral rights' clause. This would mean the creator (your employee) waives all 'moral rights' of the intellectual property created during their term of employment. Therefore, the intellectual property rights remain yours.



### **Restraint of Trade/Non-Compete Clause:**

It might be important to consider including a restraint of trade or non-compete clause to prevent your employee from using the knowledge gained in your employment and taking it to a competitor. This is something which you might like to explain to your employees when they begin working with you. Although it will be in their contract it could be worth having an open conversation to avoid conflict later. However, a restraint of trade clause needs to be 'reasonable' and must be protecting a 'legitimate business interest', otherwise the court will not enforce it.

This means that your restraint of trade clause must consider the time period of the restraint, as well as the geographical area and must be reasonable to your employee's position. The level of a reasonable restraint varies with the level of seniority of the employee - it is best to have your contracts specifically reviewed by a qualified lawyer to achieve reasonable and enforceable restraints.



#### **Alternative Dispute Resolution Clause:**

It is important to include an alternative dispute resolution clause in your contract with an employee regarding a breach of intellectual property. In business, issues will arise. Especially when your employees will be part of your community it is important to maintain positive relationships. Including this clause will give you the chance to resolve issues prior to litigation. This means before court action is threatened you will have the opportunity to try to resolve the dispute with alternative dispute resolution methods. This can save costly amounts that can arise from litigation and preserve the commercial relationship between you and the other party. The time period and types of dispute resolution such as negotiation, arbitration, mediation, expert determination must be specified in the clause. Your contract could include a statement such as 'the Parties agree any mediation or expert determination decision will be binding on all parties'.



#### **Traditional Knowledge Register:**

The World Intellectual Property Organisation recommends documenting Traditional Knowledge and keeping a register of all intellectual property held. The form of documentation can include written files, images, audio or video. Once there is documentation of [Traditional Knowledge](#), the risk of someone stealing the rights for a patent or design is reduced. Therefore, IP Australia recommends photographing, or writing down every piece of art/traditional knowledge that you want to remain yours with your business. It is important to include a clause in an employment agreement that your organisation will keep an IP register where all background and third-party intellectual property will be recorded.



## PROTECTING YOUR IP RIGHTS, AND THE IP RIGHTS OF OTHERS

As well as protecting your own IP rights, it is also important to remember to not breach someone else's rights. Your community is important to consider. Having an authentic connection with them will ensure that your relationships are impacted by business decisions. You will need permission to use and reproduce the IP that belongs to other people, and it is important to look into the source of the content you wish to use and contact the owner to gain permission before you use the content.

### **CASE STUDY:**

Denzel, the First Nations artist, often searches on the internet to gain inspiration for his work and sometimes uses parts of images he has found on Google Images as backgrounds for his digital art prints.

Denzel has created a digital art print using parts of an image he found on Google that was done by another artist, Pop Barry. Denzel wants to reproduce and sell the digital art print that he has made, but he is unsure of the copyright implications of using parts of another artist's work. Before Denzel begins to advertise and sell the digital art print, he should find and contact the owner of the image that he has used in his art, Pop Barry. Denzel should ask Pop Barry for his permission for Denzel to use the image within his artwork, which will be reproduced and sold for a profit.

If Denzel does not receive permission from Pop Barry, and he goes ahead and reproduces then sells the art anyway, Denzel will be in breach of copyright and this may have legal implications.

The best thing for Denzel to do is to go and see an IP solicitor who can assist him with writing a letter to Pop Barry asking for permission to use the image. If permission is granted, an IP solicitor can also assist with drafting a contract between Denzel and Pop Barry outlining that permission has given by the owner to Denzel for him to use the image within respects.



## Cultural and Intellectual Property

Indigenous Cultural and Intellectual Property refers to the rights that Indigenous people have, and want to have, to protect their traditional arts and culture.

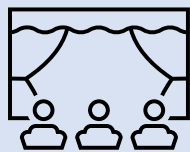
Dr Terri Janke, a Wuthanthi/Meriam woman and solicitor at Terri Janke and Company, is well known as an international authority on Indigenous Culture and Intellectual Property and has produced [various resources surrounding the topic](#).

Dr Janke outlines that many First Nations people in business want to make commercial use of their cultural heritage. Indigenous language words, traditional knowledge or information about cultural sites and traditional cultural expressions such as songs, dances and art are some examples of Indigenous Cultural and Intellectual Property that may be used in business.

Dr Janke says Indigenous business owners often want to identify their products and services as being Indigenous and also may have knowledge and skills handed down to them which they wish to promote in return for economic benefits. Indigenous culture and IP belongs to the group of Aboriginal and Torres Strait Islander people who have culturally inherited the collective right to protect their traditional cultural expression and traditional knowledge as IP.

**Indigenous Cultural and Intellectual Property can cover many different forms of traditional culture and expression.** Some of these are:

- writing
- music
- performances
- artistic work
- languages
- tangible cultural property
- intangible cultural property
- documentation of Indigenous peoples' heritage in various forms of media





### **Australian law may protect:**

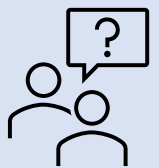
- Musical, dramatic, literary and artistic works created by individuals who are living or recently passed away (within 70 years) which are protected by the [Copyright Act 1968](#);
- Designs that come under the [Designs Act 2003](#);
- Medicines, treatments and other products which are 'novel' and 'inventive' can be protected under the [Patents Act 1990](#).

### **Australian law does not protect:**

- The underlying idea or information that is put into a work, such as the story told in a painting;
- A style or method of art, such as cross hatching or dot painting techniques;
- Traditional languages;
- Performances such as dance and music which have not been recorded or written down; or
- Products or processes based on traditional knowledge such as traditional medicines or methods.

### ***You believe your IP rights have been infringed. What now?***

If you think your IP rights have been infringed the first step is to confirm whether what has been done equals an infringement. This is done through examining various sections of legislation depending on the IP right in question and therefore it is recommended by IP Australia that business owners go and see an IP solicitor to assist with this process.



**Proving infringement is an important issue that should be considered before taking legal action as understanding what is required in formal court proceedings can help you decide if it is the right option for you.** According to IP Australia, to establish legal action against an alleged infringer you must clearly prove that your IP rights exist in law.

### **You must be able to show that:**

- the precise property in respect of your right is still in force,

- you own the rights or are entitled to act on behalf of the owner (for example, you may be the exclusive licensee of the rights),
- the infringer's product is a copy of the whole or a substantial part of your product, and
- the infringer made their product without a licence or your authority.

## **WHAT TO DO BEFORE LEGAL ACTION**

In relation to trademark infringement, you must establish that:

- the infringing trademark is being used on identical or similar goods and/or services for which your trademark is registered, and
- the infringer's sign or trademark is sufficiently similar to your trade mark and may cause confusion about the product's origin.

### **Sending a letter of demand:**

Sending a letter of demand is often the first step for those who believe their intellectual property rights have been infringed and want to enforce their rights.

Sometimes a letter of demand may also be needed to fulfil contractual obligations or show a court you have taken reasonable steps to avoid litigation before it has been commenced.

### **An effective letter of demand will:**

- identify your ownership of the intellectual property and entitlement to make the demands,
- set out all of the infringing conduct, with written examples if available,
- specify the legislation that has been infringed,
- allow a specified period of time for the infringer to stop infringing, return all infringing property to you and provide information that will enable you to calculate a claim for compensation, and
- state that if the demands are not met you will initiate legal proceedings without further notice.

Often the person will stop infringing once they receive a letter of demand, avoiding the need for further legal proceedings. However, it will not always be successful and further legal action may be needed.

## ALTERNATIVE DISPUTE RESOLUTION

Alternative dispute resolution methods are the next step you can take if the letter of demand is unsuccessful. Alternative dispute resolution involves processes such as negotiation, mediation, arbitration and expert determination. It is an alternate, cost-effective way of resolving disputes by avoiding courts. Alternative Dispute Resolution can be effective due to its flexibility to enforce intellectual property rights across a number of jurisdictions, and the parties' control to pick the dispute subject matter expert. The types of Alternative Dispute Resolution are as follows:

### **Negotiation:**

Negotiation is a discussion between two parties. It's often the first step in the alternate dispute resolution process and is the least formal and the most cost-effective step.



### **Mediation:**

Mediation is a structured conversation where a neutral third party, called a Mediator, will help the parties reach an agreement. It is a less complex method of resolving disputes. Mediation may be a more attractive option for parties who:

- place importance on the preservation or enhancement of their relationship,
- want to maintain control over the dispute settlement process,
- value confidentiality, or
- want to reach a quick settlement without damage to their reputations.



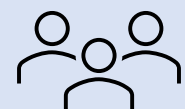
### **Arbitration:**

Arbitration is a dispute process where the parties submit a dispute to an arbitrator who will make a binding decision. Arbitration is private and confidential, and the parties can select the Arbitrator who has the relevant expertise.



### **Expert Determination:**

Expert determination is an alternative dispute resolution process whereby the parties submit a specific matter to be determined by one, or multiple experts.





### **CASE STUDY:**

Tamara gives SingSongAds Ltd an exclusive licence to use her song as part of their advertisements. She is dismayed when she realises they are not meeting the required sales to fulfil the post-market entry performance targets that are specified in the contract. She decides she wants to terminate the contract but is worried she will have to go through costly court proceedings.

Tamara remembers she included an alternative dispute resolution clause in the contract and decides she wants to proceed to mediation. Both parties are first able to meet separately with the mediator to express their own view of the situation. During the joint mediation both parties openly express their views while the mediator assists.

Tamara learns that SingSongAds Ltd were failing to meet target sales because they are having trouble gaining the right amount of supply for the equipment necessary to build the product. SingSongAds Ltd are able to understand that Tamara is worried she is potentially missing out on lots of money due to keeping a sole licence with SingSongAds Ltd. An outcome of the mediation process was that both parties could air their feelings and discuss issues in the relationship. They were able to compromise and agreed to allow SingSongAdsLtd three more months' time to meet the sales targets, otherwise Tamara would be allowed to revoke the copyright licence.

### **Court Proceedings:**

It is important to know what rights you have, what remedies are open to you, and the cost and likelihood of success of your claim before you go to court. Therefore, IP Australia recommends that before you take any legal action you should get legal advice specific to the situation facing your business.

The Institute of Patent and Trademark Attorneys Australia offers free consultations with a solicitor. You can find more information by visiting this link:

<https://ipta.org.au/community/get-free-consultation/>

## IP TOP TIPS FOR BUSINESSES:

1. Take advantage of the free resources available: The Institute of Patent and Trademark Attorneys Australia offers free 30-minute consultations with a solicitor and IP Australia has an online IP Confidentiality / Non-Disclosure Agreement contract generator

2. Put everything in writing: it is important that every meeting and conversation regarding potential IP of your business is recorded and filed in a safe place

3. Decide who gets IP ownership straight away: if you have a business partner, work out if one of you will own the IP for the business or if you will be joint owners



# 4

## INSURANCE

There are many types of insurance that exist and are used for different purposes and that are necessary when you are beginning your business journey and including:

### **Workers' Compensation Insurance**

As an employer, you must have workers' compensation insurance to cover you and your workers against financial hardship due to an accident or illness. When starting a business, you want to be able to support your employees during hard times.

Workers' compensation is a form of insurance payment to employees if they are injured at work or become sick due to their work. Workers' compensation includes payments to employees to cover their wages while they're not fit for work, and medical expenses and rehabilitation.

### **Public Liability Insurance**

Every business should consider [Public Liability Insurance](#) – even home-based businesses. It covers you and your employees for potential liabilities to third parties if your products or services cause bodily injury or property damage.

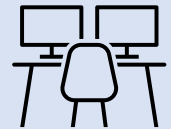


### **Professional Indemnity Insurance**

If your business or profession involves providing a service or advice, then Professional Indemnity (PI) Insurance is a must have. It protects professionals against liability for damages and the legal costs associated with defending yourself against claims arising from an act, omission, or breach of duty in the course of your work.

## Business Insurance

**Business Insurance** often comes as a package encompassing a range of different coverage options for you to choose from, with the most common being **Building**, **Contents**, **Theft**, **Glass**, and General Property. It is designed to protect you for material damage losses from unexpected events and can also provide cover for loss or damage to portable and valuable possessions, including laptops and mobile phones. You also have the option of bundling your Public Liability policy.



## Business Interruption

You can include **Business Interruption** as part of your Business Insurance, it provides cover for the loss of income, as well as increased expenses of running your business as a result from interruption caused by material damage events.

## Management Liability Insurance

Management Liability Insurance protects the company and the people who manage the company, such as the Company Director and Senior Managers, against the risks and exposures of running the business – your liability for mismanagement.

## Tax Audit Insurance

With an increase in the number of small businesses being subjected to random tax audits by The Australian Taxation Office (ATO), it may be time to consider Tax Audit Insurance for your business.

### CASE STUDY:

After giving SingSongAds Ltd an exclusive licence to use her song as part of their advertisements, and further going through Mediation, Tamara decides it is a good idea to obtain insurance to protect her songs and her business more broadly. She decides to take out Business Interruption Insurance to provide her with ease of mind if the business goes through periods of interruption. This type of Business Insurance will help with covering income and managing business expenses. She can now completely focus on developing new songs!

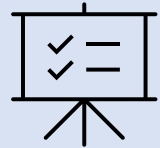


# 5

## RESOURCES

### Starting a Business Summary Checklist

Following on from all the information outlined throughout this Handbook, please see the following checklist pulling it all together into one 'summary' that you can use as a rough checklist.



#### LEGAL DOCUMENTS

You'll need to make sure you've satisfied all the legal requirements suitable for the formation of your business. As a starter, [AuthentiGate](#) offers a free pack of legal documents for small businesses, including employment contracts, confidentiality deeds, concept protection agreement, non-disclosure agreements and much more. Be sure to obtain advice from a solicitor if you are unsure of what agreements or contracts are best suitable for your business.

#### AUSTRALIAN BUSINESS NUMBER (ABN)

1. An ABN is a unique 11-digit number used when dealing with other businesses and government departments and agencies.
2. You should include your ABN on all business documents and invoices. A business with revenue above \$75,000 a year must register for GST and complete a business activity statement (BAS), which requires an ABN. An ABN allows business owners to claim GST credits and register a domain name, among other things.
3. Apply for an ABN here:

<https://www.abr.gov.au/business-super-funds-charities/applying-abn>



## NAME

1. Once you have applied and received an ABN, you can then register a business, or trading name here: <https://register.business.gov.au/registration/type>
2. You must choose a name which hasn't already been registered in Australia. Check for registered business names here: [https://connectonline.asic.gov.au/RegistrySearch/faces/landing/bn/SearchBnRegisters.jspx?\\_adf.ctrl-state=15qzsyh91q\\_4](https://connectonline.asic.gov.au/RegistrySearch/faces/landing/bn/SearchBnRegisters.jspx?_adf.ctrl-state=15qzsyh91q_4)

## TAX FILE NUMBER

When you have applied for your ABN, you will also receive a business Tax File Number (TFN). Having a TFN will assist you to lodge tax returns, start and change jobs, and limit the tax paid on interest from other savings accounts and investments. You can apply for a TFN through Australia Post or online using your MyGovID.

You will need:

1. An Australian passport that has not been expired for more than three years
2. To be over the age of 15 years old
3. Have one other form of identification, such as a drivers licence

Follow this link to find out more information about all your application options:

<https://www.ato.gov.au/Individuals/Tax-file-number/Apply-for-a-TFN/Australian-residents--TFN-application/>

## TAX

The Australian Taxation Office (ATO) is Australia's principal revenue collection body for the Australian Government. As a business, you are liable for various Australia, state, or territory, and local government taxes. To be able to pay taxes to the ATO, you first need a Tax File Number (TFN) and Australian Business Number (ABN).

Before we start, here are some important contacts at the ATO if you ever have any tax questions:

- a. Indigenous Helpline: 13 10 30
- b. Reach Out Program: [reachout@ato.gov.au](mailto:reachout@ato.gov.au)

## INSURANCE

There are many different types of insurance that your business might need, or you might like for peace of mind. There are 3 main types of liability insurance to consider - public liability, professional indemnity and product liability. Additionally, you may like to consider income protection and insurance for your tools/ products.

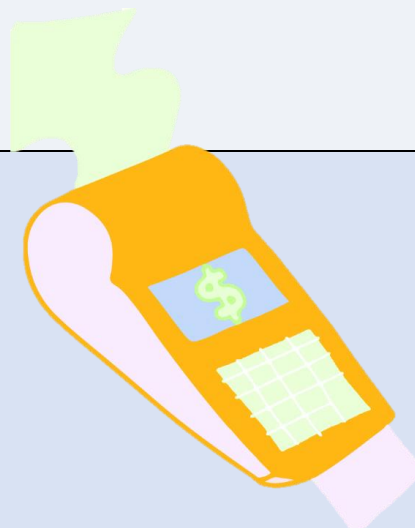
Find more information by visiting the link aside: <https://business.gov.au/risk-management/insurance/business-insurance>

# The Business Plan Template

This tool was adopted from the Australian Government Business website accessible [here](#).  
The copyright notice can be accessed [here](#) and the license notice can be accessed [here](#).

## Plan summary

<b>What our business does</b> The products or services we sell.	
<b>Our target market</b> Who do we want to buy our product or use our service.	
<b>Our unique selling point</b> How are we different?	
<b>Our business goals</b> What is our ultimate goal?	
<b>Our history</b> Industry experience, major achievements.	



## **Our why**

*[Consider why you started this business. Why are you personally invested in this business idea?]*

The inspiration behind the business.

*[Example: To be the go-to supplier of high quality, sustainable coffee in Australia.]*

## **Our vision**

*[Consider what you want your business to accomplish in the long term. What are your ultimate goals? Be passionate, powerful and inspiring.]*

Our hopes, dreams and where we aim to go.

*[Example: To be the go-to supplier of high quality, sustainable coffee in Australia and reduce environmental impacts through promoting sustainable shopping practices.]*

## **Our mission**

*[Consider the purpose of your business and define what it does for your customers. What do you do, how do you do it and why do you do it?]*

Who we are and why we exist.

*[Example: We supply high quality, sustainably produced coffee for all coffee lovers to enjoy while minimising their environmental impact.]*

## Operations

### Products and services

What we're selling.

Product/service	Description	Unit price (incl. GST)
		\$
		\$
		\$
		\$
		\$

### Production

How we produce our products or services and where we get our main supplies from.

*[Example: Intrinsic Coffee sources premium beans from Bean There Growers. Our packaging is printed by an external provider. We process and package beans on site with strict quality controls in place.]*

### Business Structure

What business structure is right for you?

- Sole trader?
- Partnership?
- Company?
- Trust?

# GLOSSARY

*hover over these terms for more information*

**Alternative Dispute Resolution** - Alternative Dispute Resolution is a way of resolving a dispute without involving the formal court system. It offers a different way to resolve issues.

**Arbitration** - A process where the parties present arguments and evidence to an independent third party, the arbitrator, who makes a determination.

**Australian Business Number (ABN)** - Is a unique 11-digit number which is used to identify your business to the community and the government. It can be used when invoicing and ordering, to avoid PAYG tax, claim GST credit, claim energy grant credits and get an Australian domain name.

**Australian Consumer Law (ACL)** - Australian Consumer Law covers a variety of issues relating to businesses and consumers. It includes the regulation of standard consumer and small business contracts; guarantees consumer rights when buying goods and services; outlines rules for lay-by agreements; discusses laws relating to door-to-door sales and telephone sales and, covers product safety laws / enforcement systems. The ACL includes penalties, enforcement powers and consumer redress options; and applies nationally to all Australian businesses for transactions from 1 January 2011.

**Business Activity Statement (BAS)** - Any businesses registered for GST are required to lodge a BAS, this helps you to report and pay your GST, PAYG withholding and PAYG instalments as well as other relevant taxes. A BAS will be automatically sent to you by the ATO when you register for an ABN and GST.

**Business Loan** - A business loan is borrowing money, generally from a bank, particularly for the purpose of your business.

**Business Plan** - A Business plan is a written document or verbal correspondence which sets out the business' plans moving forward including future objectives and the way in which they will be reached.

**Clause** - A clause is a stipulation, usually within some form of contract, that requires you to do or not do something.

**Compliance Certificate** - A compliance certificate is necessary to confirm that the completed building work complies with the relevant laws such as council, development and regulatory requirements. This compliance certificate can be obtained through the council local to the area of the build and can be used to classify or partly classify your build under the Building Code of Australia.

**Constitution** - A company can also have a written constitution instead of using replaceable rules. Companies must keep a copy of their constitution with their company's records.

**Construction Certificate** - Prior to the commencement of construction work a construction certificate is necessary. A construction certificate confirms that the plans and development are consistent with the original development consent and ensures compliance with any relevant laws such as council and building code requirements.

**Copyright** - Copyright is an IP right that provides the owner of the product the right to exclusively manage how it is distributed, adapted, displayed and copied. It protects original works.

**Expert determination** - Expert determination is a process where an independent third party decides an outcome for an issue between parties.

**Fair Work Requirements** - Fair work requirements relate to standards set out by the Fair Work Act 2009. This legislation governs employment relationships in almost all of Australia's private workplaces. It establishes the foundations of minimum standards and regulations relating to employment that falls within the national workplace system.

**Fringe Benefits Tax (FBT)** - A fringe benefit is a payment to an employee that is in a different form to salary or wages for example car parking.

**Goods and Services Tax (GST Tax)** - Goods and services tax is a tax charged at 10% on most items, goods and services provided (consumed or sold) in Australia.

**Independent contractor** - Independent contractors provide services to another person or business. They aren't employed by that person or business.

**Intellectual Property Assignment Deed** - An IP assignment deed or IP transfer agreement is a contract whereby the ownership of IP is transferred to another person. This transfer is permanent and the individual transferring the rights will have no claim to the IP.

**Invoice Finance** - Invoice finance gives businesses access to funds that have been invoiced to customers but have not yet been paid. For example, if you invoice someone for \$1000. The bank will provide you with the \$1000 prior to the payment from the customer.

**IP** - Intellectual property relates to creations of the mind. It includes branding, art, inventions, designs and more. IP has its own set of rights which relates to the way in which your creations are protected and compensated.

**IP Australia** - Intellectual property Australia is a government agency of the Department of Industry, Innovation, and Science. They administer Intellectual property rights and legislation.

**Licence Agreement** - Licence agreements are formal agreements which provides another person permission to use or undertake an act, in a commercial scope.

**Licensee** - A licensee is any business, organisation, or individual that has been granted legal permission by another entity to engage in an activity. The permission, or license, can be given on an express or implied basis.

**Licensor** - A person or organisation who gives another person or organisation official permission to make, do, or own something is a licensor.

**Mediation** - A process whereby an impartial third party works with the parties to reach an agreement that pleases all parties to avoid litigation.

**Misappropriation** - The act of using funds improperly, in an unauthorised or unlawful way; or for purposes that they were not intended to be used for.

**Negotiation** - A process where the parties work towards reaching an outcome that satisfies all their needs, goals and desires. It involves discussing options to see what both parties would be happy to agree to. It is used as an alternative to litigation.

**Non-Compete Clause** - A non-compete clause aims to prevent a party from using confidential information, intellectual property (IP) and their general know-how to compete with the business they no longer have a contractual arrangement with.

**Non-Disclosure Agreements and Confidentiality Agreements** - A legal contract used to protect sensitive information that needs to be shared with others. These can be effective and can last indefinitely to protect particular information that must be shared with certain people.

**Partnership** - In this context relates to a business structure which involves two or more people who distribute income and losses between themselves. This is done to advance their own mutual interests.

**Patents** - Patents are exclusive rights granted for an invention. This information must be disclosed in a patent application in order to receive a patent.

**Pay As You Go (PAYG) Instalments** - Pay as you go instalments allow your business to make payments at the end of each quarter of the year. These payments go towards your expected income tax obligations from your income for the current financial year. The ATO will advise you if you are required to make these payments. This generally applies to individuals, organisations or trusts who earn a certain amount. This type of tax has particular rules and exceptions depending on your business and company structure which should be considered.

**Pay As You Go (PAYG) withholding** - Pay as you go withholding is a system where you withhold income tax from an employee or contractor's salary or wage. The employer or payer of the income pays the tax directly to the ATO on behalf of the employee or contractor. The amount to be paid is based on your expected income level for the year and will be considered when assessing your tax at the end of financial year.

**Performance Bonds** - A performance bond is issued to the customer which helps to guarantee the successful and satisfactory completion of your project. This gives your

buyer an assurance that if you do not meet your obligations under a contract, the buyer can call upon the bond to reduce its losses.

**Replaceable Rules** - Replaceable rules are in the Corporations Act and are a basic set of rules for managing your company. If a company doesn't want to have a constitution, they can use the replaceable rules instead.

**Sole Trader** - A person who is the exclusive owner of a business. Being a sole trader means you can keep all profits you make after your tax has been paid. It also means you are liable for all losses.

**Special Rules (for sole director/member proprietary companies)** - If a proprietary company has just one officeholder, they don't need to follow replaceable rules or have a constitution. If another director/member is appointed, then replaceable rules automatically apply to the company. This can be changed to a constitution at a later date.

**Sub-Contractor** - A subcontractor is an individual or a business that signs a contract to perform part or all of the obligations of another's contract. The role of a subcontractor is to execute the job they are hired by the contractor for.

**Sub-License** - When a licensee allows you to use something which they have a right to use. In granting you (a third party) the right to use something or vice versa they are sub-licensing.

**Tax File Number (TFN)** - Is a number which is personal to you and identifies you in the tax and superannuation industries.

**Trade Secrets** - Trade Secrets are IP rights relating to confidential rights which may be sold or licenced. To qualify as a trade secret the information must be commercially valuable due to its secrecy, known to only a limited group of people and the owner must be taking reasonable steps to ensure it remains a secret.

**Trademarks** - Trademarks are a type of IP which is used to protect a brand. It protects your company's brand, products, or services. It can be useful in helping customers distinguish your products and services on the market.





# LINKS

*A reminder that the links, suggested websites and documents referred to in this Handbook aren't under our control and so we can't be responsible for them. You should review all external material carefully to determine whether it's suitable for your purposes. We are also adding the legal version of this disclaimer (just below, with underlining) and encourage you to include a similar version of this disclaimer wherever appropriate, such as on your website or in documents that you distribute!*

The University of Newcastle School of Law and Justice are not responsible or liable for any damage or loss caused by your use of the linked sites or materials in this Handbook.

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ASIC Business Names Register -

[https://connectonline.asic.gov.au/RegistrySearch/faces/landing/bn/SearchBnRegisters.jspx?\\_afdf.ctrl-state=18orctx7h1\\_4](https://connectonline.asic.gov.au/RegistrySearch/faces/landing/bn/SearchBnRegisters.jspx?_afdf.ctrl-state=18orctx7h1_4)

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Debt and Equity Finance - <https://business.gov.au/finance/funding/choose-your-funding#:~:text=Debt%20and%20equity%20are%20the,as%20selling%20shares%20to%20investors>

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IP Australia - <https://www.ipaustralia.gov.au/>

Copyright Act 1968 - <https://www.legislation.gov.au/Series/C1968A00063>

## Page 32

Trade Marks Act 1995 - <https://www.legislation.gov.au/Details/C2017C00046>

IP Australia, Classes of Trademarks - <https://www.ipaustralia.gov.au/trade-marks/what-are-trade-marks/what-are-classes-of-goods-and-services>

IP Australia, Non-disclosure Agreements - <https://www.ipaustralia.gov.au/tools-and-research/business-resources/non-disclosure-agreements>

IP Australia, Non-disclosure contract generator - <https://www.ipaustralia.gov.au/tools-and-research/business-resources/non-disclosure-agreements/Non-disclosure-contract-generator>

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Traditional Knowledge - <https://www.wipo.int/tk/en/resources/tkdocumentation.html>

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Law Way by Terri Janke - [https://4b0a135d-0afc-4211-ad92-391c5def66bb.filesusr.com/ugd/7bf9b4\\_58fd0e828c964f57b16f1ae86530c83f.pdf](https://4b0a135d-0afc-4211-ad92-391c5def66bb.filesusr.com/ugd/7bf9b4_58fd0e828c964f57b16f1ae86530c83f.pdf)

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Copyright Act 1968 - <https://www.legislation.gov.au/Series/C1968A00063>

Design Act 2003 - <https://www.legislation.gov.au/Details/C2019C00086>

Patents Act 1990 - <https://www.legislation.gov.au/Details/C2021C00062>

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Public Liability Insurance - <https://www.bizcover.com.au/public-liability-insurance/>

## Page 47

Business Insurance - <https://www.bizcover.com.au/business-insurance/>

Building Content Insurance - <https://www.bizcover.com.au/building/>

Theft Insurance – <https://www.bizcover.com.au/theft/>  
Glass Insurance - <https://www.bizcover.com.au/glass/>  
Business Interruption Insurance - <https://www.bizcover.com.au/business-interruption/>

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AuthentiGate Free Business Legal Document Pack by AuthentiGate -  
<https://www.authentigate.io/>

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The Business Plan Template - <https://business.gov.au/planning/business-plans/develop-your-business-plan>  
Copyright Notice - <https://business.gov.au/legal-notices/copyright>  
Licence Notice - <https://creativecommons.org/licenses/by/3.0/au/legalcode>

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# Indigenous BUSINESS Handbook

## The Guide To Get Started



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