



Government of **Western Australia**  
Department of **Commerce**

# To the business owner

making the right decisions



The Department of Commerce can help you make the right decisions for a successful business.



## **Congratulations on registering your new business name, or renewing it for another three years.**

The Department of Commerce is here to help you make the right decisions for a successful business including:

- developing good customer relationships;
- making your workplace safe;
- providing fair employment conditions; and
- operating in emerging business sectors.

This brochure gives you a quick look at these issues. Once you're familiar with the basics, you can obtain more detailed information from the Department's website, publications and call centres.

### **Contact us**

Consumer Protection Advice Line 1300 30 40 54

Labour Relations Wageline 1300 655 266

WorkSafe 1300 307 877

Science Innovation and Business 1300 136 237

[www.commerce.wa.gov.au](http://www.commerce.wa.gov.au)



## **About your business name**

**Business names are kept on a public register and made publicly available on payment of a search fee. In this way, people can find information on who owns a business name in Western Australia.**

### **Trademark**

Your business name may infringe a registered trademark now or in the future. As a result, there may be legal ramifications. Please contact IP Australia on 1300 651 010 for more information and assistance with a trademark search. Further information is available on their website at: [www.ipaustralia.gov.au](http://www.ipaustralia.gov.au)

### **Displaying your name**

Your new business name certificate must be displayed in a conspicuous place at your principal place of business. Your business name not only has to be displayed outside your premises, but it must also appear on all letters, statements of account, invoices, publications and receipts.

### **Renewing**

Remember that every three years, you must renew your business name for a further three years or it will be taken off the register and could potentially be issued to another applicant. We will notify you in writing when your name needs renewing, but it's your responsibility to make sure the renewal occurs.

### **Changes?**

If there are any changes to particulars relating to your registered business name, such as change of address or owners, you need to let the Department of Commerce know. Fill in the Form 4 *Statement of Change in Registered Particulars* within a month of the date when changes occur and lodge it with us. If you leave it longer than a month, fees will be incurred.

### **Opening a bank account**

If you're opening a bank account in the name of the business, most financial institutions ask for confirmation or proof of ownership under that name. You can do this by obtaining from us a current business name extract for a small fee. You can purchase an extract via our website at: [www.commerce.wa.gov.au/businessnames](http://www.commerce.wa.gov.au/businessnames)

### **Need more information?**

If there's any information you need, ring the Business Names section of the Department on 1300 30 40 14 (cost of a local call from anywhere in the state). You can buy a copy of the *Business Names Act 1962* from the State Law Publisher at 10 William Street, Perth (08) 9321 7688.

## Pay rates and employee entitlements

**Whether you are employing workers full time or part time, permanent or casual, you will need to find out the legal entitlements for your workers, such as rates of pay, ordinary hours of work, leave and allowances.**

Minimum rates of pay and legal entitlements may be different for the State and Federal jurisdictions. Therefore, you need to be aware of which system you are operating in for your business.

### What arrangements apply to my business?

If you are a small business employing staff, the best starting point is to find out what employment arrangements apply to your business.

Constitutional corporations (Pty Ltd businesses) are covered by the Federal labour relations system. These businesses should call the Workplace Infoline on 1300 363 264. Sole traders and partnerships are covered by the State industrial relations system. These businesses should call Wageline on 1300 655 266.

If you are unsure what employment arrangements apply to your business call Wageline on the number above.

## Safety and health

**Many workplaces have hazards that place people at risk of injury or harm to health. Managing safety and health is as much a part of running your business as finance, tax, employing staff and production.**

Under the Western Australian *Occupational Safety and Health Act 1984* all employers have a legal responsibility to make sure your workplace is safe and healthy and workers are not exposed to hazards.

An employer must, as far as practicable:

- provide a workplace and safe systems of work so that workers are not exposed to hazards;
- provide workers with information, instruction, training and supervision to enable them to work in a safe manner;
- consult and cooperate with safety and health representatives, if any, and other workers at the workplace in matters related to safety and health at work;
- provide adequate protective clothing and equipment where hazards cannot be eliminated;
- ensure machinery and equipment is used, maintained and disposed of in a safe way; and
- ensure hazardous substances are properly used, stored and disposed of in a safe way.

### Talk to your staff

Consulting and cooperating with your workers is an important part of identifying, assessing and controlling hazards in workplaces. Their experience with a job means they usually know what can go wrong and why.

*The First Step* is available in hard copy or online. It is an easy to follow guide on managing workplace safety and health. WorkSafe also offers a free, independent consultation at your workplace to assist small businesses to manage workplace safety and health.

For more information, call WorkSafe on 1300 307 877 or visit [www.worksafe.wa.gov.au](http://www.worksafe.wa.gov.au)

## Customers

**Good customer relationships are essential. Successful businesses take time developing a strong customer focus culture. It is also important to know that you have legal responsibilities to your customers under State and Federal consumer laws.**

Western Australia's *Fair Trading Act 1987* requires fair and honest business practices, protecting both consumers and traders alike. Essentially, fair trading laws make sure that goods and services deliver what they promise for consumers and ban misleading and deceptive practices.

### Providing excellent customer service

There are some simple steps you can take to provide better service, which will keep your current customers loyal as well as attract new customers.

- Make sure your advertising and information tells the truth about your service and products. Customers should not have to 'read between the lines' or the small print to make a decision.
- Provide your services with the right care and skills.
- Whether it's over the counter or on the phone, have a system that takes customer orders, deliveries and payments accurately, quickly and to the satisfaction of the customer.
- Display your refund policy so customers understand the conditions applying to refunds. You can obtain a free refund policy sign by calling our Advice Line on 1300 30 40 54 or by sending an email to [publications@commerce.wa.gov.au](mailto:publications@commerce.wa.gov.au)
- Listen seriously to complaints or comments and plan to solve any customer concerns quickly and efficiently with follow-up action such as calling back with an update or a solution.

For more information on consumer laws contact the Consumer Protection Advice Line on 1300 30 40 54 or visit [www.commerce.wa.gov.au](http://www.commerce.wa.gov.au)

## Emerging industries

The Department's Science, Innovation and Business Division supports emerging industry sectors: science and innovation; broadband networks; and marine and defence through State policy and strategy development, and delivery of supporting programs.

For more information phone 133 136 237.

## Department of Commerce

Telephone: 1300 136 237

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Perth Western Australia 6000

Locked Bag 14 Cloisters Square  
Western Australia 6850

Administration: (08) 9282 0777

Facsimile: (08) 9282 0850

National Relay Service: 13 36 77

Website: [www.commerce.wa.gov.au](http://www.commerce.wa.gov.au)

Email: [online@commerce.wa.gov.au](mailto:online@commerce.wa.gov.au)

### Building a successful business

There are many other government departments and organisations which can provide you with valuable information so your business is successful and complies with all legal requirements.

#### Small Business Development Corporation (SBDC)

SBDC is a government organisation set up to provide programs and services for the development of small businesses.

The SBDC operates Small Business Centres state-wide, offering free assistance and support to new and existing businesses through workshops and referrals to expert advisors.

##### For more information

Small Business Development Corporation  
13 12 49 or [www.sbdc.com.au](http://www.sbdc.com.au)

#### Department of State Development

If you are thinking of expanding your business to reach overseas markets, the Department of State Development can provide you with advice and information to help you identify and pursue opportunities.

##### For more information

Department of State Development  
(08) 9222 0555 or [www.dsd.com.au](http://www.dsd.com.au)

#### Superannuation

The Superannuation Guarantee legislation requires you to make superannuation contributions on behalf of your workers.

##### For more information

The Australian Tax Office has produced an employer's guide to the Superannuation Guarantee. For a copy call 13 10 20 or visit the website at [www.ato.gov.au](http://www.ato.gov.au)

#### Taxation

You will need to deduct tax from your worker's wages and meet payroll tax obligations.

##### For more information

Australian Tax Office 13 28 66 or [www.ato.gov.au](http://www.ato.gov.au)  
Office of State Revenue enquiry line  
(08) 9262 1300 or [www.osr.wa.gov.au](http://www.osr.wa.gov.au)

#### Workers' Compensation

All workers should be covered against accident or injury in the workplace, whether they are paid a wage, salary, commission, piece rates or payment in kind.

This includes apprentices and full time, part time, casual or seasonal workers.

##### For more information

Workcover WA 1300 794 744 or  
[www.workcover.wa.gov.au](http://www.workcover.wa.gov.au)

#### Discrimination

WA discrimination laws ban the hiring and firing of workers for reasons based on their sex, age, race, marital status, family responsibility or status, religion, politics and disability.

Sexual or racial harassment and victimisation are also illegal.

##### For more information

The Equal Opportunity Commission provides information packs on discrimination and can be contacted on (08) 9216 3900, or online at [www.eoc.wa.gov.au](http://www.eoc.wa.gov.au)