

Setting up a tutoring business

The following is general in nature only and is not to be taken as advice. All prospective business persons are encouraged to do their own research, seek independent business advice and write business plans.

Laws and business regulation

There are local, State and Federal laws and rules that must be followed when setting up a business. Broadly, the areas that must be considered relate to legislation and common law.

Legislation

Business formation and
Employment legislation
Taxation legislation
Child protection
Consumer protection legislation

Common law

The law of contract

Important contacts

Commonwealth legislation

Trade Practices Act 1974 (Cth)

Administered by the Australian Competition and Consumer Commission (ACCC)

www.accc.gov.au

Phone: 1300 302 021

Business Registration and State-based consumer protection legislation

When people register for an ABN they may use a name which is already being used by other people with an ABN. This is different to having a registered business name which must be obtained from the Office of Fair Trading in each State. The offices listed below can provide advice on the various licensing requirements in each jurisdiction.

New South Wales (NSW)

NSW Office of Fair Trading

www.oft.gov.nsw.au

Phone: 133 220

Victoria (Vic)

Consumer Affairs Victoria

www.consumer.vic.gov.au

Phone: 1300 55 81 81

Queensland (Qld)

Queensland Office of Fair Trading

<http://www.fairtrading.qld.gov.au/>

Phone: 13 13 04

South Australia (SA)

Office of Consumer and Business Affairs

www.ocba.sa.gov.au

Phone: (08) 8204 9686 Commercial and other licences

Phone: 1300 138 918 Business Names and Registrations

Tasmania (Tas)

Consumer Affairs and Fair Trading

www.consumer.tas.gov.au/

Phone: 1300 65 44 99

Western Australia (WA)

Department of Consumers and Employment Protection
www.docep.wa.gov.au

Phone: 1300 30 40 54

Northern Territory (NT)

Consumer Affairs
www.nt.gov.au/justice/consaffairs/index.shtml

Phone: 1800 019 319 or (08) 8999 1999

Australian Capital Territory (ACT)

Fair Trading
www.fairtrading.act.gov.au/index.html

Phone: (02) 6207 0400

Risk management and Insurances

An aspect of judicious business management is that of risk management. Risk management can take several forms and includes insurances and superannuation. Insurances can include each of the following:

- Worker's Compensation Insurance
- Public Liability Insurance
- Professional Indemnity Insurance
- Buildings and Contents Insurance
- Income Protection Insurance

Worker's Compensation

Public Liability

Professional Indemnity

Buildings and Contents Insurance

Income protection Insurance

Superannuation

Superannuation is money that is put aside for retirement and is administered under the *Superannuation Guarantee Administration Act 1991* (Cth). This Act provides that for full time employees 9% of the gross salary must be put aside for superannuation.

Superannuation guarantee obligations

As an employer you have an obligation to pay super contributions on behalf of all your eligible employees. These contributions are in addition to your employees' salaries and wages.

This compulsory contribution is called the superannuation guarantee and it requires you to:

- pay super for your eligible employees
- contribute to the correct super funds, and
- pay contributions by the cut off date each quarter.

The minimum super amount you have to pay is 9% of each eligible employee's earnings base. Your employee's earnings base is generally their ordinary times earnings, from 1 July 2008 ordinary time earnings should always be used.

Generally, you have to pay super for your employees if they:

- are aged between 18 and 70
- are paid \$450 (before tax) or more in a calendar month, and
- work full-time, part-time or on a casual basis.

You may also have to pay super for any employees who are visiting Australia on an eligible temporary resident visa.

Source:

<http://ato.gov.au/businesses/content.asp?doc=/content/24302.htm&pc=001/003/090/01/001&mnu=41848&mfp=001&st=&cy=1>

Child Protection Contacts and Screening

New South Wales (NSW)

NSW Commission for Children and Young People

www.kids.nsw.gov.au

Phone (02) 9286 7276

Street and mail address

NSW Commission for Children and Young People

Level 2, 407 Elizabeth Street

Surry Hills NSW 2010

Victoria (Vic)

Child protection is covered by the Department of Justice

www.justice.vic.gov.au/workingwithchildren

Working with Children Check Information Line

Tel: 1300 652 879

Queensland (Qld)

Person working with children are required to get a Working with Children check, following which a Blue Card will be issued. The checks are conducted by:

The Commission for Children and Young People and Child Guardian

Phone (07) 3247 5145 or 1800 113 611

<http://www.childcomm.qld.gov.au/employment/index.html>

South Australia (SA)

Western Australia (WA)

General Enquiries:

The Working with Children Screening Unit can be contacted during the hours of 8:30am - 4:30pm Monday to Friday.

Telephone: (08) 6217 8100

Freecall: 1800 883 979

Fax: (08) 9485 1944

email: checkquery@dcp.wa.gov.au

Postal Address:

PO Box 1262

West Perth

WA 6872

<http://www.checkwwc.wa.gov.au/checkwwc>

Northern Territory (NT)

Tasmania (Tas)

Australian Capital Territory (ACT)

For further information with regards to working with children requirements.

<http://www.careforkids.com.au/articlesv2/article.asp?ID=82>