



Australian Government

Norfolk Island reform update



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Message from Administrator

With three months until further reforms commence on Norfolk Island, businesses and the community are increasingly seeing action in key reform areas, including taxation, social services, immigration, employment and most recently the delivery of health and aged care.

A public visit schedule is now promoted in all newsletters and in the Information Centre and I encourage businesses and the community to engage with Australian Government officials as often as possible to better understand the changes ahead and the preparations needed.

As we move towards the election of the Regional Council, the community is reminded of its rights and obligations in selecting the five councillors who will represent and manage local matters for Norfolk Island. To participate in the election, eligible Norfolk Island residents will need to enrol to vote. Enrolment forms for the local election are being developed and expected to be ready shortly. Further information about the local council election framework is included in this newsletter.

Following the tabling of the Territories Legislation Amendment Bill 2016 in February, which was subsequently passed in Parliament on 18 March, I have been asked which Commonwealth laws will apply. From 1 July 2016, most Commonwealth laws will apply to Norfolk Island. Details of the laws which will not apply to Norfolk Island are listed in this newsletter.

Employees and employers are already showing interest in the upcoming mid-April visit by the Department of Employment and the Fair Work Ombudsman to discuss the national workplace relations framework and the phased implementation of the Fair Work Act 2009. It is important you understand what you need to do to prepare for 1 July 2016. I encourage you to book a time to meet with visiting officials at the Information Centre in Burnt Pine or attend an information session.

The Hon Gary Hardgrave



Regional Council election – what you need to know

On 10 March 2016, the Norfolk Island Preparatory Election Ordinance 2016 was made by His Excellency General the Honourable Sir Peter Cosgrove AK MC (Retd), Governor-General of the Commonwealth of Australia. The Ordinance came into effect on 11 March 2016.

This applies the New South Wales local government electoral laws with modifications to cater to Norfolk Island's circumstances.

So what does this mean?

Applying the New South Wales local government electoral laws (with modifications catering for Norfolk Island's particular circumstances) provides a framework which is established, has been tried and tested and is effective for the conduct of local elections.

What do I need to know about enrolling and voting in the Regional Council election?

On 28 May 2016, eligible residents will elect five Councillors to the Regional Council. The Councillors will then elect the Mayor from among their number at the first council meeting in July 2016.

This is your chance to elect your local representatives for important local matters in the future.

To participate in this Regional Council election, you will need to enrol to vote. A new electoral roll will be established.

To be eligible to vote, you will have to be an Australian citizen, or an eligible British subject who was on the Commonwealth Electoral Roll prior to 26 January 1984. You must also be a resident on Norfolk Island, or own or occupy land on the Island.

Enrolment forms for the local election are being finalised and I expect the enrolment process to commence by late March 2016.

More information about how and where to enrol will be available shortly, including, but not limited to the local newspaper, in this newsletter and on Radio Norfolk.



If I want to nominate to be a candidate, what do I need to know?

To nominate to be a candidate, you will need to be on the new Regional Council electoral roll.

Information to assist potential candidates to understand the election process will be available shortly.

Executive Director of Norfolk Island is seeking independent assistance to manage the election process and conduct a community education campaign ensuring eligible Norfolk Island residents and potential candidates understand their obligations and the enrolment and voting process.

The community will be advised of who will be managing the election process as soon as the Administration of Norfolk Island has completed the formal procurement process.

Training will be provided in the coming weeks to assist those residents who are interested in standing for the local election.

What are the key dates for the 2016 Norfolk Island Regional Council election?

Event	Key date(s)
Enrolment opens	Late March
Formal advertising of enrolment period	Monday 4 April
Regional Council electoral roll closes	Monday 18 April
Nomination of candidates commences	By Wednesday 20 April
Nomination of candidates closes	Wednesday 27 April
Early voting	Monday 16 to Friday 27 May
Election date	Saturday 28 May
Final date for receipt of postal votes	6pm, Monday 30 May
Successful candidates commence work as councillors	Friday 1 July



Australian Business Numbers – what are they, who needs one and how do you apply for one?

There have been questions from Norfolk Island businesses about what the registration requirements will be for 1 July 2016. Businesses may have registration requirements with the Australian Taxation Office (Tax Office) and the Australian Securities and Investments Commission (ASIC).

Australian Business Numbers (ABNs)

There is no requirement for a Norfolk Island business to have an ABN, however it makes it easier to deal with the Tax Office and other departments and agencies if you have one as it is used for multiple purposes. This includes using the Small business superannuation clearing house and applying for an 'AUSkey' (a digital certificate which allows you to log in to a variety of government online services).

The easiest way to apply for an ABN is online via the Australian business register abr.gov.au. The online process will take you through the application step-by-step and it provides help to answer the questions.

You can also apply for an ABN via paper form, which is available from the Australian Government Information Centre.

Information and tips to help you with your ABN application is available at the Australian Government Information Centre.



Tax File Number (TFN)

An ABN does not replace your tax file number (TFN). If your business is a company, trust or partnership it will need its own TFN. If you are a sole trader you will use your personal TFN. Your business will use its TFN to lodge an income tax return and pay tax where applicable.

If you are a sole trader you will need your personal TFN before you apply for an ABN.

You can apply for a TFN by visiting the Office of the Administrator and completing a Tax file number - application or enquiry for individuals form (NAT 1432). You should bring:

- one original primary proof of identity document - such as a birth certificate, passport or Australian citizenship certificate, and
- two secondary documents - such as drivers licence, marriage certificate, or bank statement.

It will take approximately four to six weeks for you to receive your TFN in the mail.

Other registrations

If your business has employees you may have other registration requirements including :

- Pay as you go withholding
- Fringe Benefits Tax
- Small Business Superannuation clearing house.

If you do your ABN application online, you can apply for the following business registrations at the same time. This will save time as parts of the applications will be pre-filled for you.

- AUSkey - Register for an AUSkey if you want to deal with us online. It's a secure way to identify yourself online as a representative of your business.
- Pay as you go (PAYG) withholding - A system for withholding amounts from payments you make to your employees so they can meet their end-of-year tax liabilities.
- Tax file number (TFN) for your business - Companies, trusts and partnerships can apply for a TFN for their entity (this is separate from someone's own personal TFN). Sole traders don't need a separate TFN for their business, they can use their own personal TFN.



Don't elect to register for goods and services tax (GST), luxury car tax, wine equalisation tax or fuel tax credits as these don't apply to Norfolk Island

Information about applying for an ABN and links to the online application can be found at www.abr.gov.au

Business registrations – what business owners need to know?



Australian Securities and Investments Commission (ASIC)

ASIC is responsible for the national Business Names register and Companies register. I have been provided with the following information from ASIC for businesses.

Business Name registration

A business name is simply a name under which you conduct a business. Unless you trade under your own name or fall within an exemption, you must register your business name.

Under the Norfolk Island reform:

- **Existing businesses** registered on the NI business register prior to 1 July 2016 will automatically be transferred to the ASIC national Business Names register.
- **New businesses** will have to register their business name with ASIC from 1 July 2016. To do this you must have an ABN or be in the process of applying for one with the ATO (in which case the ATO will provide an ABN reference number). More information for those intending to register a new business name from 1 July 2016 will be available shortly.



Company registration

Companies registered under Norfolk Island law do not need to have an Australian Companies Number (ACN) or apply to be registered as an Australian company under Australian Corporations law. The law for Norfolk Island companies has not changed. Companies currently registered under Norfolk Island law will remain and new Norfolk Island companies will continue to be registered with the Norfolk Island companies Registrar.

The same will also apply to associations registered under Norfolk Island law.

For more information check the ASIC website (www.asic.gov.au/nireform), or email askus@asic.gov.au

Visit to support businesses with the introduction of the national workplace relations framework



Officers of the Commonwealth Department of Employment and the Fair Work Ombudsman will be visiting Norfolk Island between 11 and 15 April 2016 to discuss with residents the national workplace relations framework and the implementation of the Fair Work Act 2009.

This follows the introduction of the Territories Legislation Amendment Bill 2016 on 24 February 2016 and subsequent passing of the Bill in Parliament on 18 March 2016. The Bill extends Commonwealth laws to Norfolk Island and provides for the phased introduction of the Fair Work Act 2009 and associated workplace relations legislation.

Norfolk Island will transition to the national workplace relations system and the Fair Work Act 2009. The transition will happen in three phases, from 1 July 2016 to 1 July 2018.



From **1 July 2016**, the provisions of the Act will apply to Norfolk Island employers and employees. Under the Act, among other things, all Norfolk Island employees will be entitled to:

- the National Employment Standards which are 10 minimum employment entitlements. They include things like sick leave, annual leave and public holiday entitlements for employees.
- new minimum pay rates. For the first year of transition Norfolk Island employees will be entitled to 85% of the national minimum wage (currently \$14.70 which is 85% of the full national minimum wage).
- extra pay for casual employees, who will also get an extra 25% on top of that pay rate, to make up for not getting other entitlements.
- prescribed record-keeping and pay slip obligations.

From **1 July 2017**, all Norfolk Island employees will be entitled to the full national minimum wage (currently \$17.29).

From **1 July 2018**, Norfolk Island employees will also be covered by modern awards which set out wages and conditions for industries or occupations.

It will benefit employers and employees to become familiar with the provisions of the Fair Work Act 2009 as soon as possible. This will help in assessing what these changes mean for you or your business.

The Department of Employment and the Fair Work Ombudsman are visiting to help residents prepare for the transition to the full national framework and will be happy to provide advice and answer questions.

The role of the Fair Work Ombudsman

The role of the Fair Work Ombudsman is to promote harmonious, productive and cooperative workplace relations, and to monitor, inquire into, investigate, and enforce compliance with Australian workplace laws.

A core part of the Fair Work Ombudsman's role is providing practical workplace relations advice and assistance that is easy to access, understand and apply. This is why the Fair Work Ombudsman provides the **Fair Work Infoline and Small Business Helpline**, as well as information, tools and resources through its website www.fairwork.gov.au and social media.



The Fair Work Ombudsman also receives requests for assistance from workers who have a dispute about their wages, or other issues with their employer. Depending on the circumstances and the issues at the workplace, the agency provides a tailored response appropriate to the matter. This usually involves helping the parties to resolve the issue quickly and informally and retain positive workplace relationships.

This could include providing tools and advice to help the parties resolve the matter, or offering a mediation service where both sides come up with solutions together that will work for them.

In circumstances which involve serious non-compliance the Fair Work Ombudsman may conduct an investigation to determine if there have been breaches of workplace laws. The agency uses formal enforcement outcomes, including litigation, when it finds serious non-compliance. Cases that are considered suitable for an enforcement outcome typically involve refusal to rectify an alleged breach, deliberate or repeated breaches, or exploitation of vulnerable workers.

The Fair Work Ombudsman's services are free to all workers and employers in Australia, and include:

- a single point of contact for reliable and timely information about Australia's workplace relations system
- educating people about fair work practices, rights and obligations
- assessing complaints or suspected breaches of workplace laws, awards and registered agreements
- litigating in some circumstances to enforce workplace laws and deter people from doing wrong in the community
- building strong and effective relationships with industry, unions and other stakeholders.

The Fair Work Ombudsman is here to help you transition to the Fair Work System.

For tailored information about the transition, visit www.fairwork.gov.au/about-us/legislation/norfolk-island

For help with pay rates or more information on how the Fair Work System will affect you, call the Fair Work Infoline on 13 13 94 or send us an enquiry online at www.fairwork.gov.au/login



Gifting

While the Australian Government understands giving away assets to family —like cars, property or money—is a long-standing tradition on Norfolk Island, choosing to do so could affect your eligibility for social security payments, such as the Age Pension.

This is because social security payments are about providing a safety net for people who don't have the means to fully support themselves.

The gifting rules aim to ensure people who have significant means (income or assets) use these to support themselves, rather than giving them away, then relying on the taxpayer funded social security system for support.

Understanding the pension gifting rules can help you make informed decisions about managing your assets into retirement

You can give away assets worth up to \$10,000 in a single year or \$30,000 over a five-year period, before your eligibility for an Age Pension is affected.

But if you give away any amount above either of these amounts it will continue to count as your asset for five years, from the date of the gift and assumed to earn income under the income test deeming rules.

The value of any assessable gifted amount is added to an individual's or couple's other assessable income and assets to work out the amount of pension payable.

The gifting rule applies to all social security payment recipients, but for Norfolk Island residents, they do not apply to gifts made before 19 March 2015. This is because before the Australian Government announced the changes, Norfolk Island residents could not have reasonably known they may qualify for a social security pension or allowance.

Review mechanisms are in place if you are not satisfied the gifting rules have been correctly applied to you.

Gifting rules also do not apply where a person has gifted income and/or assets, and these are returned. In this case, the income/asset will again be assessed under the means test.



Further information on the gifting rules is available at www.humanservices.gov.au/customer/enablers/assets/gifting and through the Australian Government Information Centre at Burnt Pine, which offers free access to facilities, to call mainland customer service staff with questions and access agencies' websites for more information.



Did you know?

Private Health Insurance

Norfolk Island residents can now approach private health providers to seek information about health insurance products, with coverage to commence from 1 July 2016.

Australian residents on Norfolk Island will receive a 12 month grace period from 1 July 2016 to take up private health insurance to avoid any impact of the Lifetime Health Cover policy.

Lifetime Health Cover will apply after this period or from 1 July 2017. This is a financial loading on your private health insurance designed to encourage people to take up health insurance earlier in life to keep their premiums lower.

Under Community Service Obligations an Australian resident can approach any Private Health fund open to public membership. For those funds providing private health insurance to Australian residents on Norfolk Island, these services will be offered to residents at the same rates that are offered to other Australians.

For more information on this you can visit www.privatehealth.gov.au or phone the Department of Health on +61 1800 020 103.



The Australian National Anthem

The Australian National Anthem, Advance Australia Fair, is played to mark significant national occasions such as ANZAC Day and Australia Day. While other songs and anthems may also be played, Advance Australia Fair is the standard feature of all important civic events.

This song, originally written as a five verse hymn by Peter Dodds McCormack in 1878, was reportedly sung by Australian troops during World War One.

An updated version of the original song was adopted on 19 April 1984 by a proclamation by the Governor-General, Sir Ninian Stephen, as the Australian National Anthem.

Many of us grew up with God Save the Queen. This is now known as the Royal Anthem. It continues to be played alongside the Australian National Anthem at public engagements in Australia attended by the Queen or members of the Royal Family.

In some places around Australia, on ANZAC Day, in addition to the Australian Anthem, it is accepted practice for the Royal Anthem and New Zealand Anthem to be featured as well.

On Norfolk Island the traditional Pitcairn Hymn is likely to be played as well as the Australian National Anthem.

A number of people have asked me for the words to our Australian National Anthem. There are two verses:

Advance Australia Fair

*Australians all let us rejoice,
For we are young and free;
We've golden soil and wealth for toil;
Our home is girt by sea;
Our land abounds in nature's gifts
Of beauty rich and rare;
In history's page, let every stage
Advance Australia Fair.
In joyful strains then let us sing,
Advance Australia Fair.*

*Beneath our radiant Southern Cross
We'll toil with hearts and hands;
To make this Commonwealth of ours
Renowned of all the lands;
For those who've come across the seas
We've boundless plains to share;
With courage let us all combine
To Advance Australia Fair.
In joyful strains then let us sing,
Advance Australia Fair.*



What will be in the April newsletter?

The next edition of the Norfolk Island Reform Update will include information about:

- the Regional Council election;
- status update about health and aged care;
- social services on Norfolk Island;
- and much much more!



Australian Government agency visits to Norfolk Island

Who?	When?	How they can help you?
April 2016		
Department of Employment Fair Work Ombudsman	11 to 15 April	Discuss the national workplace relations framework and the phased implementation of the <i>Fair Work Act</i> .
Deputy Commissioner, Department Veterans Affairs	22 to 25 April	ANZAC Dawn Service.
May to July 2016		
Australian Taxation Office	9 to 14 May	Ensure employers are ready for 1 July 2016.
Department of Human Services	May to July	Staff will be available to help you lodge an early payment claim or child support assessment.

Please note this schedule contains the visits known to date as at 21 March 2016, and is subject to change. Visits might be added as agencies confirm arrangements and dates below might change. This schedule will be updated regularly.