

# Doing business in Australia 2021 A practical guide





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Doing business in Australia 2021 Mazars

### Mazars in Australia About us

Mazars is an internationally integrated partnership, specialising in audit, accountancy, advisory, tax and legal services\*. Operating in over 90 countries and territories around the world, we draw on the expertise of more than 42,000 professionals - 26,000+ in Mazars' integrated partnership and 16,000+ via the Mazars North America Alliance - to assist clients of all sizes at every stage in their development.

#### \*Where permitted under applicable country laws

Mazars in Australia is a trusted and independent firm with a long standing history providing audit and advisory services to local and international firms.

Specialising in accounting, business advisory, outsourcing, audit, taxation, superannuation, financial advisor services, and HR and IR advisory, we offer a comprehensive range of services and tailored value-driven solutions in any area of

#### Australian expertise with worldwide reach.

Mazars is a global team with local, on-the-ground experience in doing business in Australia. Our worldwide integrated partnership brings together the experience of over 40,400 skilled professionals in 91 countries. In Australia, we draw on the expertise of 42 partners and 326 professionals based in Brisbane, Melbourne and Sydney.

Through our associated firms, we also provide seamless support in major cities across Australia and New Zealand.

#### **Creating shared values**

Our team is driven to create quality outcomes and shared value for all our clients in their day-to-day operations. It's this commitment to finding practical solutions, along with our breadth of resources and experience, which enables us to assist companies of all types in Australia, from North America to Europe, the Asia-Pacific and the Middle East.

For more information about how our services can support your business, contact www.mazars.com.au



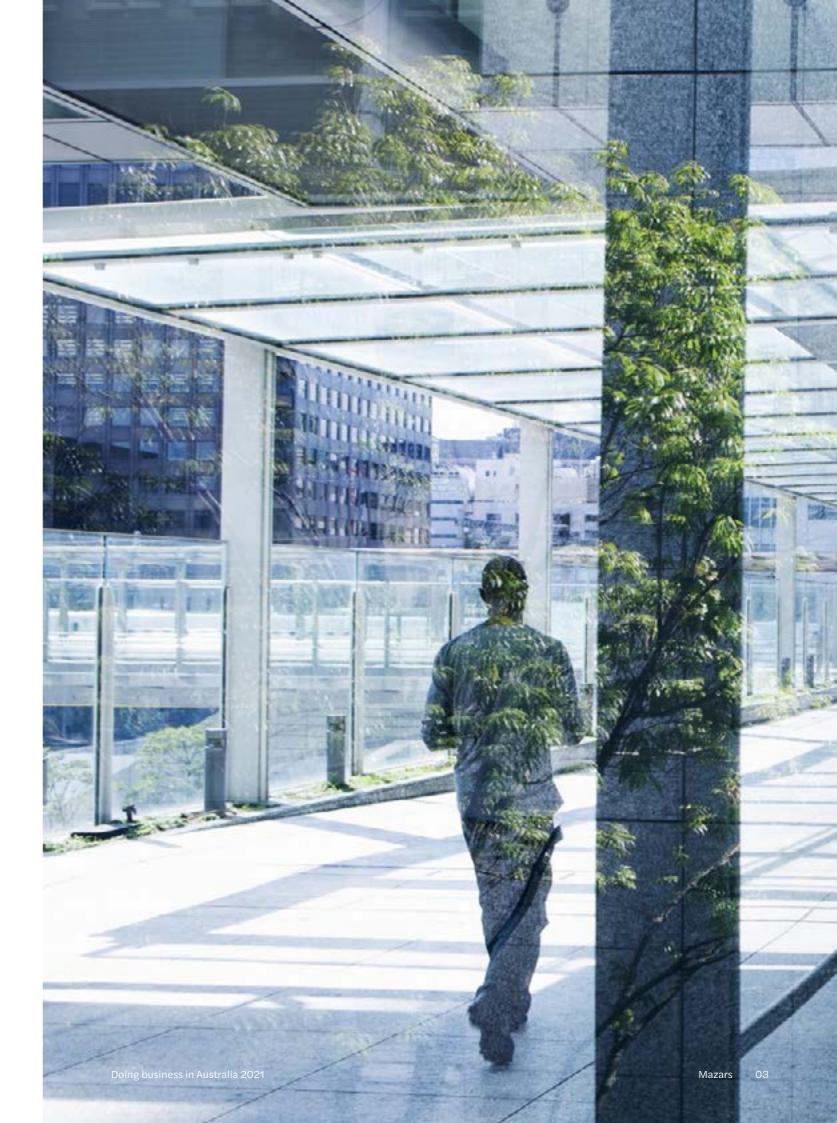
326 Professionals

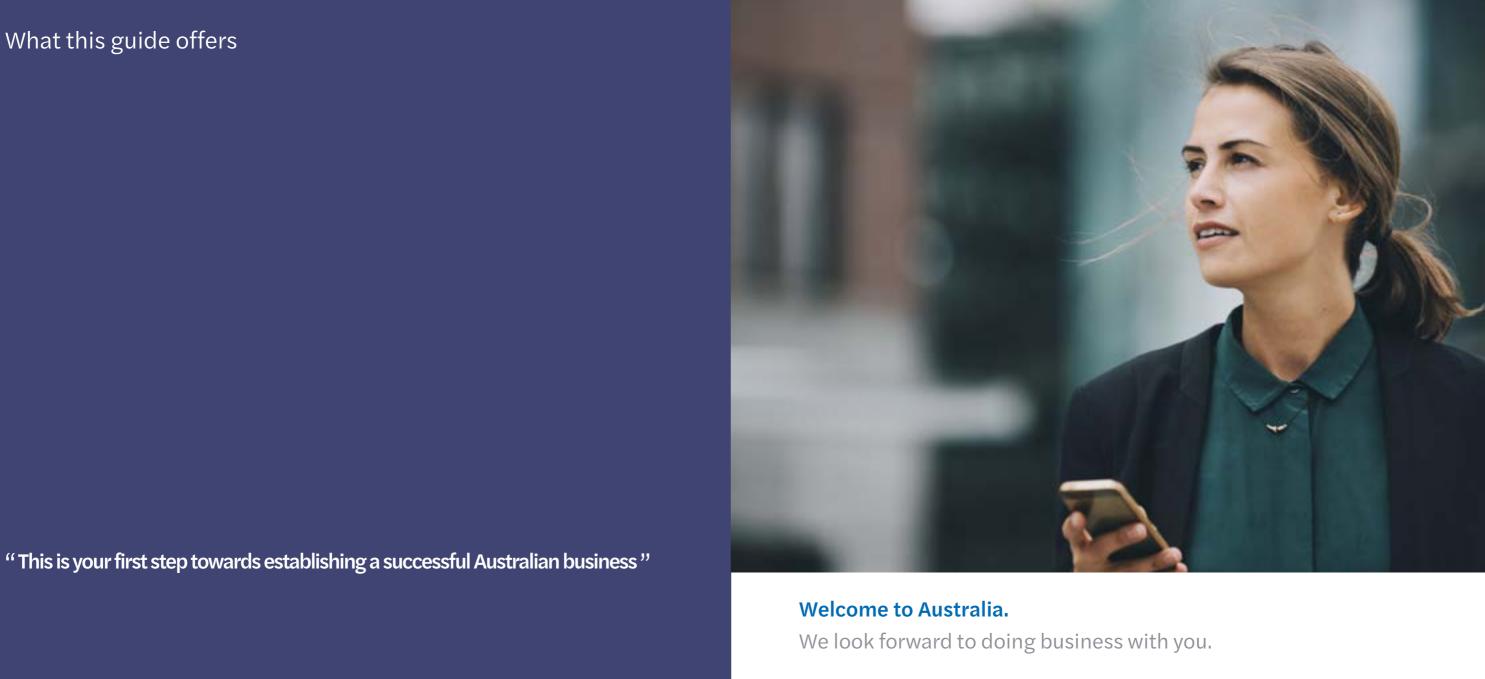


4 Offices



42 Partners





#### Making the most of this information

Conducting business across borders involves challenges and complex decisions. This guide is an overview for those aiming to establish an effective, successful business in Australia.

We've highlighted key legal and regulatory areas to create a practical, action-focused guide. We'll help you ask the right questions in areas such as foreign investment policy, tax requirements, insurance regulations, employment laws and government initiatives.

#### **How Mazars can support you**

Our aim is to help you navigate the challenges and opportunities you'll encounter as you establish an Australian business. The experience, knowledge and integrity of the Mazars team means we can work alongside you as a strategic local partner you can

Our expertise working within Australia's business systems will reduce uncertainty and risk, while helping you to recognise and make the most of the many benefits Australia offers.

Doing business in Australia 2021

### Australia at a glance

### Key facts and strengths of the market

#### A stable transparent marketplace

Australia boasts legal, political, financial and social systems that support new business. Its ongoing economic stability and market transparency make it an ideal environment for those exploring new markets in the Asia-Pacific region.

Australia is the world's 14th largest economy, it is AAA credit rated by the three global rating agencies. Prior to 2020, the economy experienced just two years of negative growth during the previous six decades according to the Australian Trade and Investment Commission<sup>1</sup>.

The Australian Government strongly encourages international business and investment. Its Foreign Investment Policy² recognises that international capital has helped develop Australia's economic past and will continue to support our future growth and prosperity.

This robust, welcoming environment gives businesses the space to innovate and take advantage of new opportunities with the support of strong governance and clear business regulations.

#### A bridge to eastern and western markets

Alongside a strong domestic industry in agriculture, mining and tourism, Australia offers direct links to fast-growing markets in Asia and established trade, tax and immigration agreements with Europe and the LIS

At the end of 2019<sup>3</sup>, the US contributed to 25.6% of all foreign investment in Australia, followed by 17.5% from the UK and 10.4% from Belgium. Throughout the Asia-Pacific region, Japan remains a key investor into Australia whilst there has been strong growth with Hong Kong (SAR of China) and China based on a five year trend.

#### **Australia by numbers**

7.7 million square kms

**4,000** kms east to west

+25m, seasonally adjusted workforce of 12.9 million

**Population** 

3 time zones overlapping much of Asia Global position

7 major international aiports
Transport

14

World Bank Ease of Doing Business

#### **Reserve Bank of Australia overview**

The following February 2021 snapshot shows Australia's key areas of economic growth.



Source: Reserve Bank of Australia, 2021

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## Setting up a business in Australia **Your guide to the essentials**

## Setting up a business in Australia **Choosing the right business structure**

Establishing your business in Australia requires careful planning and local expertise. This section provides an overview of the essential issues.

#### **Choosing the right business structure**

Choosing the best structure for your business is crucial. In making this decision, you will need to consider your overall strategy along with issues such as:

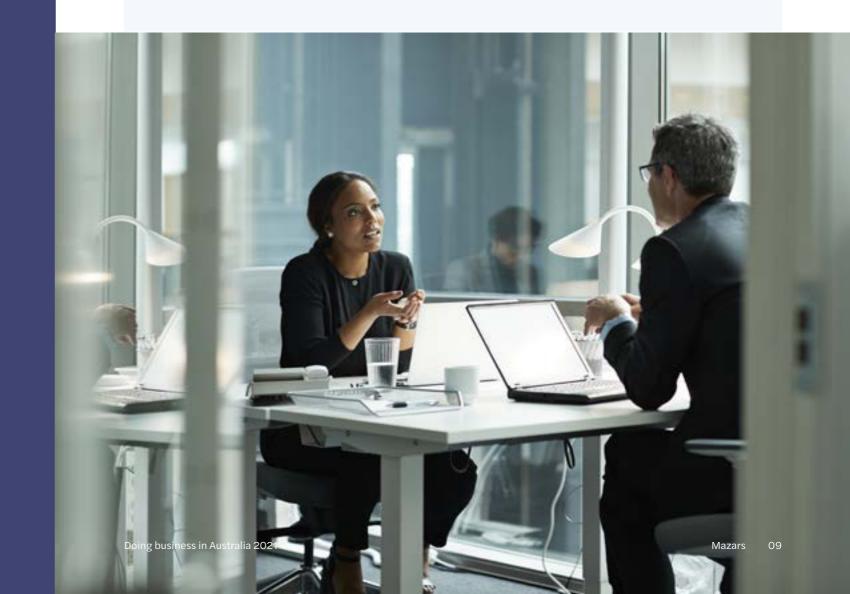
- Asset protection
- Debt funding
- Profit repatriation
- Tax and reporting requirements

#### Foreign business structuring options

Australian businesses have a range of structuring options: sole trader, joint venture, partnership, trust or company (public or private).

The two most common structures for foreign businesses are:

- Private company
- Branch office



## Setting up a business in Australia **Private Company**

A private company has the simplest business structure. It is a separate legal entity that can be owned by local and/or foreign shareholders and provides limited liability to these shareholders. A private company owned by a foreign company is also known as an 'Australian subsidiary'.

#### a. Registering your private company

A private company requires at least one Australian resident director and a public officer that ordinarily resides in Australia. The company is incorporated through registration with the Australian Securities and Investments Commission (ASIC), which can usually be completed within one working day.

#### b. Company size and regulations

Private companies are categorised with ASIC as large or small. A company is large if it meets two of these criteria:

- Consolidated revenue of \$50m or more
- Consolidated end of the year gross assets of \$25m or more
- Company and its controlled entities have 100 employees or more at year end.

## Setting up a business in Australia **Branch office**

Unlike a private company, a foreign company operating a branch in Australia is not a separate legal entity, so it does not protect the foreign company from Australian risks. Branches must still comply with Australian tax law.

If your business has a limited time span or scope in Australia, a branch may be the best option for you.

#### a. Registering your branch

Like private companies, branches must also register with ASIC, however the process can take several months. ASIC will need detailed information about the company, your officeholders and operations.

#### b. Potential tax benefits

Where you operate a branch in Australia and are a resident of a country which Australia has a double tax agreement with, you will only be taxed in Australia on Australian sourced business profits derived through that branch. However, profits may be excluded where the only activities conducted in Australia are marketing activities.

A private company may not be right for you if:

- Your company is likely to involve more than 50 shareholders
- It will operate as a charity or non-profit
- You intend to offer shares to the public in the future



### Setting up a business in Australia

### Foreign investment regulations

While Australia is open to foreign investment, the Foreign Acquisition and Takeovers Act 1975<sup>6</sup> regulates foreign transactions to decide whether they are in the national interest before they are approved.

The Foreign Investment Review Board (FIRB) makes this decision and guides the federal government. In some cases, the Australian treasurer may also assess transactions.

### **Transactions that require FIRB approval**

- Residential property purchases
- Vacant, non-residential land purchases
- Acquisition of equity investments in Australian corporations
- · Acquisition of shares in foreign entities which own Australian assets
- · Acquisition of a significant interest in developed non-residential commercial real estate

For more information on foreign investment regulations, visit the FIRB<sup>5</sup> website.

#### **Australia's taxation laws**

Like any country's tax laws, Australian tax laws for foreign companies are detailed and complex. We've outlined the most relevant areas to guide you through your initial decision to set up an Australian business.

#### **Key tax questions for companies**

#### a. How much tax will I pay?

Australian tax-resident companies pay tax on their worldwide income. A foreign resident, on the other hand, will usually only be taxed on income sourced from Australia subject to limitations under an applicable double tax treaty.

#### b. What tax rates apply to companies?

The tax rates that apply to companies in 2020/21 are:

- 26% for companies that are base rate entities, generally being companies that have an aggregated annual turnover of less than A\$50 million and derive 80% or less of their assessable income in the form of passive income
- 30% for all other companies

## c. What are the proposed tax rate changes for companies?

The lower rate will reduce to 25% from 2021/22<sup>7</sup>. There is currently no plan to reduce the 30% rate for other companies.

#### d. When will I need to file my taxes?

Companies normally file an annual tax return for the Australian financial year: 1 July to 30 June. Final tax payable generally needs to be paid 6 months after the end of the financial year, depending on income and tax payable.

A company can file its annual tax return for a substituted accounting period with prior approval. This approval is usually granted to align with the tax period of the parent company.

When you file your tax return you will use your tax file number (TFN), which is usually obtained when establishing your business. You will also need to use your Australian Business Number (ABN) to avoid a withholding of 47% on payments from other businesses (See below for more information on withholdings).

### Setting up a business in Australia

#### Australia's taxation laws

#### e. Are my assets taxable?

Resident companies are subject to Australia's Capital Gains Tax<sup>8</sup> (CGT) on worldwide capital gains—generally the difference between the cost of their assets and the amount they receive when disposing of these assets.

Foreign residents are only subject to CGT on certain kinds of property known as 'taxable Australian property<sup>9</sup>. This includes direct and indirect interests in Australian real property and assets used to carry out business through a branch.

You may be eligible for an exemption from, or a reduction of CGT, if the asset is an active business asset and you are a CGT small business entity with annual aggregated turnover of less than A\$2 million or satisfy a maximum net asset value test of less than A\$6 million.

#### f. How do I withhold tax from my employees?

If your company has employees, you must register for and deduct pay as you go (PAYG) withholding<sup>10</sup> from their wages to remit to the Australian Taxation Office (ATO). These are usually monthly payments but small businesses may only need to remit quarterly, while larger entities may need to remit more frequently.

#### g. Are there any other withholding taxes?

Companies that pay interest, dividends or royalties to a foreign resident must deduct withholding tax from these payments. The general rates are:

- Interest: 10%
- Royalties: 30%
- Unfranked dividends (paid from income not subject to Australian company tax): 30%.

These rates can be reduced if a Double Tax Agreement applies.

You cannot claim a tax deduction for royalties or interest paid to a foreign entity until you deduct and pay the required withholding tax.

Payments made to foreign residents for construction and related activities are subject to a 5% withholding (unless a variation certificate is obtained).

A 12.5% non-final withholding tax will apply on the sale of certain assets (such as Australian real property) valued over A\$750,000 by foreign residents. This rate can be varied down in certain circumstances. This withholding will also apply where the seller is a tax resident of Australia but does not obtain the required clearance certificate.

#### h. How do I manage my tax losses?

Revenue losses and capital losses can be carried forward indefinitely. However, your company can only claim a deduction for a prior year tax loss if it satisfies either:

- the continuity of ownership test; or
- the business continuity test.

There is an option for companies to carry back losses made 2019/20 - 2021/22 (inclusive).

#### **Key takeaways**

- Directors may be liable for unpaid PAYG withholding in certain circumstances.
- Companies must deduct PAYG withholding at 47% if a contractor does not provide an Australian Business Number (ABN) (unless they can prove they have no Australian tax liability).

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#### a. Thin capitalisation rules

Australia has specific rules about thinly capitalised companies (those with assets funded by high debt levels with little equity). These rules may limit your company's interest deductions, depending on the amount of debt being used to finance your Australian operations.

These rules will only apply where debt deductions for the year exceed 2 million.

For more information about these rules, see the ATO website<sup>11</sup>.

#### b. Transfer pricing rules

Australia's transfer pricing rules for cross-border transactions state that:

- Transactions between non-arm's length parties must reflect market value terms as if they were entered into between arm's length parties.
- Taxpayers must document these arm's length prices to avoid penalties. Simplified documentation is available for some transactions.

For more information about these rules, see the ATO website<sup>12</sup>,

#### c. International dealings

Companies must report their international related party dealings in an International Dealings Schedule<sup>13</sup> with their annual tax return if total dealings exceed A\$2 million. In addition significant global entities (being multinational companies with worldwide group turnover of A\$1 billion or more) must:

- provide Country-by-Country (CBC) reporting within 12 months of the end of their financial year; and
- lodge General Purpose Financial Statements with the ATO by the due date for lodgment of the annual tax return unless they already lodged such statements with ASIC.

#### d. Diverted Profits Tax

Significant global entities operating in Australia may also be subject to the Diverted Profits Tax.

This tax applies to entities who obtain a tax benefit in Australia by transferring profits to offshore associates using arrangements with the principal purpose of avoiding Australian tax. The Diverted Profits Tax will impose a tax at the rate of 40% plus interest to the tax benefits under the scheme.

## Setting up a business in Australia **Australia's taxation laws**

#### e. Research and Development Tax Incentive

Australian resident companies conducting research and development (R&D) in Australia can apply for a tax offset<sup>14</sup>.

This tax offset is refundable for companies with aggregated turnover of less than A\$20 million. For larger companies, the offset is non-refundable but can be carried forward for offset in future income years.

#### f. Goods and Services Tax

Australia has a Goods and Services Tax (GST)<sup>15</sup>. The supply of goods or services connected with Australia, including importations, is subject to 10% GST.

#### GST does not apply to:

- GST-free supplies, i.e. medical supplies, exports, and basic food
- Input-taxed supplies, including residential premises and financial supplies

#### g. When to register for and claim GST?

You must register for GST if you provide or expect to provide goods and services connected with Australia (taxable or GST free) that have a total value of A\$75,000 or more in any 12 month period. You must charge 10% GST on all taxable supplies and remit this to the ATO.

If registered, you will usually be entitled to claim a refund of the GST (known as an input tax credit) included in the cost of items or services you purchase in carrying on your business. The input tax credit is claimed when you lodge your monthly or quarterly Business Activity Statement (BAS)<sup>16</sup>.

If you are regularly importing goods into Australia, you may choose to register for the Deferred GST Scheme.

Deferred GST Scheme<sup>17</sup> enables you to delay the GST that would otherwise be payable at the time of importation until the lodgment of your monthly BAS, when an input tax credit should be available to fully offset the cost.

To be eligible for the deferred GST scheme you must be registered to lodge your BAS and remit your GST monthly



## Setting up a business in Australia Key tax questions for individuals

## Your individual tax in Australia will be based on whether you are a resident, temporary resident or foreign resident for tax purposes.

#### a. How much tax will I pay?

If you are an Australian resident, you will pay tax on your worldwide income.

If you are a temporary resident (usually someone on a temporary visa not married to an Australian resident), you generally only need to pay tax on Australian-sourced income and foreign-sourced employment income or service.

Residents and temporary residents pay tax at the following rates for 2020/21:

Taxable income	Tax on this income*
\$0 - \$18,200	Nil
\$18,201 - \$45,000	19c for each \$1 over \$18,200
\$45,001 - \$120,000	\$5,092 plus 32.5c for each \$1 over \$45,000
\$120,001 - \$180,000	\$29, 467 plus 37c for each \$1 over \$120,000
\$180,001 - and over	\$51,667 plus 45c for each \$1 over \$180,000

\*The above rates do not include the Medicare Levy of 2%<sup>18</sup>. The amount you are required to pay for the Medicare Levy is used to help fund the costs of Australia's public health system known as Medicare and is collected by the ATO in addition to the tax paid on your taxable income.

Note: High income earning residents that do not have the required level of private hospital health insurance may also be subject to the Medicare Levy Surcharge (MLS) of up to 1.5%.

Temporary residents that are not entitled to receive Medicare benefits can apply for an exemption from the Medicare Levy and MLS.

Foreign residents pay tax on their Australian sourced income, subject to any relief under a double tax agreement at the following rates for 2020/21:

Taxable income	Tax on this income
\$0 - \$90,000	32.5c for each \$1
\$90,001 - \$180,000	\$29,250 plus 37c for each \$1 over \$90,000
\$180,001 and over	\$62,550 plus 45c for each \$1 over \$180,000

Foreign residents qualify for a Medicare Levy exemption which means that they are not required to pay the 2% Medicare Levy mentioned above.

## Setting up a business in Australia Key tax questions for individuals

#### b. When will I need to file my taxes?

Individuals file an annual tax return for the Australian financial year: 1 July to 30 June and the due date for this is 31 October. This due date can be extended if you file through a registered tax agent.

To file a tax return, you will need to use your tax file number (TFN). You will also need this number to avoid PAYG withholding being deducted at the highest rate on salary and investment income, (see below for more information).

#### c. How do I manage PAYG withholding?

Australian employers must deduct PAYG withholding from salary and wages based on an annual income tax estimate. You can apply to the ATO to vary the rate of withholding where you expect to have a lower tax liability. If you do not provide your employer with a TFN, your PAYG withholding will be deducted at 47%.

You should also provide your TFN to any entity paying investment income to prevent a similarly high withholding. You can claim your PAYG withholding as a tax credit in your annual tax return.

#### d. Are my assets taxable?

Like companies, individuals are subject to Australia's Capital Gains Tax (CGT)<sup>19</sup>.

For residents who make a capital gain on an asset that has been held for at least 12 months, the capital gain may be reduced by up 50% after first applying any capital losses. Foreign and temporary residents only need to pay capital gains tax on taxable Australian property and are not generally entitled to the 50% discount.

There are limited CGT exemptions available, including sale of a main residence or eligible shares in an Early Stage Innovation Company.

#### e. How do I manage my tax losses?

Revenue losses and capital losses can be carried forward indefinitely, but there is no option to carry back losses.

Capital losses can only be applied for offset against your current year and future year capital gains. Revenue losses may be used to offset both future assessable income or capital gains.

#### f. How do I manage my employee shares?

If you receive shares or options at a discount through employment or consulting, the discount will generally be taxed to you as ordinary income even if they are issued to an associate.

The timing will depend on the terms of the share scheme and your employment circumstances.

Note: you may be eligible for tax concessions where the employee share schemes involve shares or options received in start-up companies.

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### Setting up a business in Australia

#### Other relevant Australian taxes

## There are a number of other taxes that apply when doing business in Australia which include:

#### **Payroll tax**

This is a state based tax payable if your payroll exceeds a specific threshold. Rates vary between nil and 5.50% dependent on the state where wages are paid<sup>20</sup>.

#### **Stamp duty**

For certain transactions such as the transfer of real property (including mining tenements), goodwill, shares or units in a landholding entity.

#### Fringe benefits tax (FBT)

A tax on benefits provided to employees including and not limited to; cars, car parking, medical insurance, meal entertainment and loans.

#### **Superannuation Guarantee Charge (SGC)**

A penalty tax on employers who do not provide the minimum required superannuation support of 9.5% (to increase to 10% from 1 July 2021). (Note: the payment of superannuation contributions is tax deductible for employers, while the payment of SGC is not. Directors can be personally liable for SGC in certain circumstances).



## Setting up a business in Australia Managing employees in Australia

# To establish a successful Australian business, an understanding of local employment and Human Resources (HR) regulations is crucial. In Australia, this legislation exists at federal and state levels.

#### **Understanding the Fair Work Act**

The Fair Work Act (FWA) 2009 is federal legislation that sets out 10 National Employment Standards<sup>21</sup> for all Australian employees covered by that legislation. These are:

- Maximum weekly hours: 38 hours per week plus reasonable additional hours.
- Flexible working arrangements: Certain employees are entitled to request flexible working arrangements.
- Parental leave and related entitlements: Up to 12 months unpaid leave per employee plus the right to request an additional 12 months unpaid leave.
- Annual leave: Four weeks paid leave per year plus an additional week for certain shift workers.

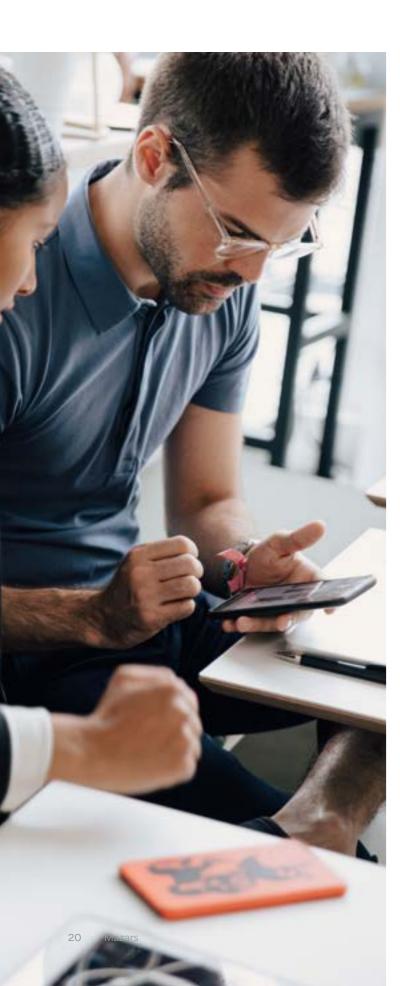
- Personal carer's leave and compassionate leave: 10 days paid personal carer's leave, two days unpaid carer's leave and two days compassionate leave (unpaid for casuals).
- Community service leave: Unpaid leave for voluntary emergency activities and leave for jury service (paid for up to 10 days).
- Long service leave: Available to employees after working with an employer for a certain length of time
- **Public holidays:** A paid day off on public holidays except where reasonably requested to work.
- Notice of termination and redundancy pay: Up to five weeks notice of termination and up to 16 weeks severance pay on redundancy, both based on length of service.
- **Fair Work Information Statement:** Must be provided by employers to all new employees.

Alongside these employment standards, employers should be aware that:

- Employees have a right to join a union;
- Superannuation (9.5% on pre-tax salary) is a statutory obligation; and
- Workers compensation insurance is mandatory.

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## Setting up a business in Australia Managing employees in Australia



#### **Key Fair Work Act questions**

To apply the Fair Work Act to your business, start by asking these questions:

- Which Awards or Agreements apply to my employees?
- How much do I need to pay my employees?
- What data and information do I need to record?

#### **Human resources matters**

Meeting the requirements of Australia's HR legislation requires time and skill, but this is also the first step in demonstrating your care for employees. The reward for this effort comes in improved morale, greater employee engagement and greater productivity.

#### Australia's anti-discrimination laws

Interpreting how Australia's state/territory legislation works with its federal legislation can be complex.

In the case of Australia's discrimination laws, federal and state/territory legislation generally overlap and employers must comply with both. However, these laws can apply in different ways.

There are gaps in the protection offered in different states, territories and at the federal level, and an exemption under one law does not mean you will be exempt under the other.

## Setting up a business in Australia **Government incentives**

Australia attracts the biggest names in the global corporate sphere. However, the country also has an impressive small to medium enterprise (SME) sector, which is seen as one of the key drivers of Australian business.

Recognising this, the Australian government supports SMEs through incentives in areas such as:

- Innovation: The R&D Tax Incentive<sup>22</sup> can yield a cash rebate of up to 43.5% on R&D expenses.
- Expansion into new markets: The Export
   Market Development Grant<sup>23</sup> can yield a rebate
   of up to 50% on foreign marketing expenses.
- Business evaluation: The Entrepreneurs'
   Programme<sup>24</sup> provides expert advice along
   with grants and funding to take advantage of
   opportunities.
- International collaboration: The Business Talent Visa<sup>25</sup> and Business Innovation and Investment Visa<sup>26</sup> provide permanent and provisional visas for foreign nationals establishing businesses in Australia.

#### Is my business supported?

While the Australian government shows particular appreciation for the technology sector, this is not the only business sector with government support. There are also government incentives for businesses in:

- agriculture
- building, construction and engineering
- education
- energy and renewables
- food and beverage
- health and medical industries
- manufacturing
- media and entertainment
- mining
- tourism



## Setting up a business in Australia Immigration and visa overview

All foreign nationals require a visa to enter and work in Australia. Visas are processed by the Australian Government's Department of Home Affairs. Navigating visa options can be complex and requirements and processing times differ depending on circumstances.

We've outlined the most common business visas below. For advice on starting your own visa application, visit the Department of Home Affairs website<sup>27</sup> Or contact a Registered Migration Agent.

#### Temporary skills shortage (TSS) visas

The Temporary Skills Shortage (TSS) Visas<sup>28</sup> designed to allow employers to recruit skilled staff from overseas, when no suitable local applicant can be found. The main elements of the Temporary Skill Shortage (TSS) visa system may be summarised as follows:

- Overseas nationals seeking to work in Australia require sponsorship by their Australian (or overseas) employer and are nominated to work in a particular occupation for the duration of their visa;
- The employer must first demonstrate that they have tested the local labour marketing through recent advertising and recruitment efforts;
- Occupations are selected from one of two lists –
  the Short Term Skilled Occupations List (STSOL)
  and the Medium to Long Term Strategic Skills
  List (MLTSSL), both of which are updated on a
  six monthly basis;
- Overseas nationals whose occupations are on the STSOL can be granted visas for up to 2 years (and up to 4 years if an international Trade Obligation applies) while those whose occupations are on the MLTSSL, can be granted visas for up to 4 years and may have an option to apply for permanent residence if nominated by their employer;
- Certain minimum salary requirements must be met;
- Family members can be included and have full work rights and study rights in Australia;
- Overall, documentary requirements for a visa application have increased and may include English language tests, skills assessments, health and character checks.

## Setting up a business in Australia Immigration and visa overview

#### **Skilling Australians fund (SAF) levy**

As part of the nomination process, sponsoring businesses will be required to contribute to the 'Skilling Australians Fund', based on the number of years of visa that an employee requires. This obligation is for both temporary skills shortage and permanent employer sponsored visa. The SAF levy replaced the previous annual 'training benchmark' requirement. Contributions vary depending on the annual revenue of the sponsor; if over \$10 million, \$1800 per sponsored employee per year and a one-off contribution of \$5000 per permanent residence application, while if less than \$10 million, \$1200 per sponsored employee per year and a one-off contribution of \$3000 per permanent residence application.

The SAF levy must be paid by the employer and cannot be passed on to visa applicants.

## Temporary work (short stay specialist) visa

Overseas nationals who are seeking to enter Australia to undertake work that is short term, may be eligible to apply for a Temporary Work (Short Stay Activity) Subclass 400 visa<sup>29</sup>. This visa is suitable only for highly skilled, non-ongoing work. Currently the key elements are as follows:

- An Australian organisation must provide a written invitation specifying the purpose of the visit.
- A visa may be granted valid from 6 weeks to 3 months (up to 6 months in limited circumstances);
- There is no minimum salary requirement however the employer must adhere to Australian minimum standards. In many cases, visa holders would be paid in their own country and currency.

#### Looking for advice?

If seeking advice on immigration and visa options for Australia, it is important to ensure that you are dealing with a Registered Migration Agent, who is qualified and licensed to give migration advice. Lawyers must also be Registered Migration Agents, in order to provide migration advice.

Information is available at the Department of Home Affairs: <a href="https://www.homeaffairs.gov.au">www.homeaffairs.gov.au</a>. Alternatively, speak to a Mazars advisor who can refer you to a Registered Migration Agent.



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### Your next steps

#### How Mazars can support you

The life cycle of any business involves challenges and opportunities.

When you decide to invest in Australia, Mazars is ready to support you at every stage.

We know how to set up a strong foundation, how to analyse performance over time to increase revenue and profit, and how to negotiate future purchases, sales and restructures.

#### **Our support**

Our clients range from family and owner-managed businesses to international corporations and listed entities.



### **Key services**

#### **Outsourcing and virtual CFO**

Outsourcing the finance function enables corporations to reduce the risk out of operating in Australia by enabling the business to concentrate on its core activities, with the knowledge their finance function is fully compliant and generating timely and meaningful information that can be relied upon.

#### **Business advisory**

Whether this be determining the best structure for tax and legal purposes, to developing strategies to maximise profits and enterprise value all the way through to exit strategies. A bespoke service will be developed by gaining an in-depth understanding of the needs and requirements of the business.

#### Tax advisory

Assistance with local and international taxation issues, including individual, corporate and trust compliance, restructuring, tax consolidations, transfer pricing, global mobility, employee share schemes and indirect tax.

#### **Audit and assurance**

Audit and assurance services for clients across a wide range of industries, from the mining sector to finance, fashion, construction and medical services.

#### Financial advisory

Assistance with business valuations, due diligence, capital raising, initial public offers, as well as asset sales and acquisitions. We can also assist in corporate and personal finance applications.

#### **Superannuation**

Mazars provide specialist insights into the tax advantages of superannuation and act as a mentor to SMSF trustees, guiding them safely through the often confusing superannuation legislative framework. Our services include SMSF establishment, annual SMSF administration and SMSF audit and compliance requirements.

#### Mazars global infrastructure finance

For project developers, investors and financiers in the infrastructure industry, Mazars Global Infrastructure Finance is the globally integrated world class team delivering a complete industry service suite ranging from financial model development to advisory and valuations, including model audit, tax, accounting and a specialised training academy.

#### **HR** and **IR** advisory

Delivers strategic and operational human resources and industrial relations services on all aspects of employment. Our team provide clients with assistance from the recruitment process through the entire life cycle of employment. As industrial relations experts we can represent clients in employment tribunals, if necessary. Our services include drafting of employment contracts, negotiating agreements, advocacy, performance management, leadership coaching, tailored training packages as well as any other employment related client needs.

No matter which industry you're in or what size your business is, our team is ready with global experience and local expertise.

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#### References

- 1. https://www.austrade.gov.au/International/Invest/Why-Australia/resilient-economy
- 2. https://www.dfat.gov.au/trade/investment/Pages/australias-foreign-investment-policy#:~:text=Austra-lia%20welcomes%20foreign%20investment.,and%20innovation%20into%20the%20future.
- 3. https://dfat.gov.au/trade/resources/investment-statistics/Pages/statistics-on-who-invests-in-australia. aspx
- 4. https://rba.gov.au/snapshots/economy-indicators-snapshot/
- 5. https://firb.gov.au/
- 6. https://www.legislation.gov.au/Details/C2016C00308
- 7. https://www.ato.gov.au/Rates/Changes-to-company-tax-rates/
- 8. https://www.ato.gov.au/General/Capital-gains-tax/
- 9. https://www.ato.gov.au/General/Capital-gains-tax/International-issues/Taxable-Australian-property/
- 10. https://www.ato.gov.au/Business/PAYG-withholding/
- 11. https://www.ato.gov.au/Business/Thin-capitalisation/
- 12. https://www.ato.gov.au/business/international-tax-for-business/transfer-pricing/
- 13. https://www.ato.gov.au/Forms/International-dealings-schedule-instructions-2019/
- 14. https://www.ato.gov.au/Business/Research-and-development-tax-incentive/
- 15. https://www.ato.gov.au/Business/GST/
- 16. https://www.ato.gov.au/Business/GST/Lodging-your-BAS-or-annual-GST-return/
- 17. https://www.ato.gov.au/business/gst/in-detail/rules-for-specific-transactions/international-transactions/deferred-gst/
- 18. https://www.ato.gov.au/Individuals/Medicare-levy/
- 19. https://www.ato.gov.au/General/Capital-gains-tax/
- 20. www.payrolltax.gov.au/harmonisation/payroll-tax-rates-and-thresholds
- 21. https://www.fairwork.gov.au/employee-entitlements/national-employment-standards
- 22. https://www.ato.gov.au/Business/Research-and-development-tax-incentive/
- 23. https://www.austrade.gov.au/Australian/Export/Export-grants
- 24. https://www.business.gov.au/Grants-and-Programs/Entrepreneurs-Programme
- 25. https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/business-talent-permanent-132
- 26. https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/business-innovation-and-invest-ment-188
- 27. https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-finder
- 28. https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/temporary-skill-shortage-482
- 29. https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/temporary-work-400



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