

HIRING · CHECKLIST

New Hire Compliance Checklist

Everything you have to do when you employ someone in Australia, in the order you need to do it.

Version 1.0

Last updated 11 October 2026

Checked against: Fair Work Ombudsman, ATO and the Fair Work Act 2009, 11 October 2026

This is not legal advice.

This checklist takes you as far as you can reasonably go on your own. Have a lawyer review any contract before you send it.

USE THIS WHEN

You have decided to hire someone and want nothing to fall through

Most of what follows takes minutes. The cost of skipping it lands years later, usually when someone leaves unhappy and a regulator asks for records you never kept.

Work top to bottom. Each item says what to do and where the official source is, because these rules change and we would rather you check than trust a PDF.

28 days

To give a new employee the super standard choice form

7 years

How long you keep employee records

12%

Superannuation guarantee rate

STEP 01

Before you make the offer

Employee or contractor. Getting this wrong is the most expensive mistake in this document. Since 26 August 2024 the whole of relationship test applies, so what the contract calls the arrangement matters less than how the work actually happens. If you are hiring someone to work set hours, under your direction, using your tools, as part of your team, they are almost certainly an employee. Speak to a lawyer before you set up a contractor arrangement for work that looks like employment.

- ☐ **Decide employee or contractor properly.** Use the Employee vs Contractor Decision Tree in the library, then check with a lawyer if there is any doubt.
- ☐ **Check whether a modern award covers the role.** Coverage depends on the work being done, not the industry you think you are in. Use the Fair Work Ombudsman's Pay and Conditions Tool at [fairwork.gov.au](https://www.fairwork.gov.au). It is free and takes about five minutes. Screenshot the result.
- ☐ **Set the rate at or above the floor.** If an award applies, use the award rate for the classification. If none applies, the national minimum wage is the floor.
- ☐ **Check they can legally work in Australia.** For anyone who is not a citizen or permanent resident, check their visa conditions through VEVO at immi.homeaffairs.gov.au. Keep the result.
- ☐ **Work out why this person would choose you.** Not a compliance item, but the one that decides whether you get the person you want. The Hiring Foundations Checklist covers it.

STEP 02

Before day one

- ☐ **Written employment contract, signed before they start.** Not after. A verbal offer with paperwork to follow is how disputes begin.
- ☐ **Collect their tax file number details.** Most payroll software collects this and reports it to the ATO through Single Touch Payroll. If yours does not, use the ATO's tax file number declaration. Check the current process at ato.gov.au.
- ☐ **Give them the superannuation standard choice form within 28 days of their start date.** Include your default fund in Section C. If they do not choose a fund by the time their first contribution is due, you pay into their stapled fund, which you request through ATO online services. If the ATO says they have no stapled fund, you use your default.
- ☐ **Register for PAYG withholding** with the ATO if you have not already.
- ☐ **Set up Single Touch Payroll reporting.** Nearly all small business payroll software does this.
- ☐ **Take out workers compensation insurance.** This is state based. In Victoria it is WorkSafe. You generally need it from your first employee.
- ☐ **Tell your accountant or bookkeeper** before the first pay run rather than after it.

STEP 03

On or just after day one

- ☐ **Give them the Fair Work Information Statement.** Every new employee gets it. Give them the current official version from fairwork.gov.au rather than a copy you saved, because it is updated.
- ☐ **Give casual employees the Casual Employment Information Statement as well.** Also from fairwork.gov.au.
- ☐ **Walk them through their contract** rather than assuming they read it.

STEP 04

Every pay run, from the first one

- ☐ **Issue a pay slip within one working day of paying them.** It must show your name and ABN, their name, the payment date and period, gross and net pay, and any bonuses, allowances, penalty rates, deductions and superannuation.
- ☐ **Pay superannuation at 12%.** From 1 July 2026 contributions must reach the fund within seven business days of payday. A new employee's first eligible contribution gets twenty business days.

☐ **Keep the records as you go.** Reconstructing a year of records later is far harder than keeping them weekly.

STEP 05

Keep on file

WHAT

HOW LONG

Pay, hours, overtime, leave, super contributions, end of employment, individual flexibility arrangements	7 years
Completed super standard choice form or ATO summary	5 years
Signed contract, award check result, visa check result	Keep for the life of the employment and 7 years after

Records must be legible and in English. Fair Work inspectors can ask for them, and not having them is itself a breach.

Watch-outs

Paying a flat salary without checking the award. An annual salary can still underpay someone once you work out their hourly rate against award penalty rates and loadings. If an award applies, check the salary covers what the award would have paid.

- **Do not use an old copy of the Fair Work Information Statement.** It gets updated. Link or download it fresh each time.
- **Do not leave the contract until after they start.** It is the single most common gap we see.
- **Do not assume super is quarterly any more.** From 1 July 2026 it moves with each pay run.

Legal check

This checklist covers the obligations that apply to most small Australian employers. It is not legal advice and PeopleStack takes no liability for how it is used. Employee versus contractor decisions, pay below an award rate, and anything unusual about the arrangement should go past a lawyer first. Members can take what they have built here to our partner lawyer at a member rate. Deepak can help with how the role and contract are structured, though he is an HR professional and not a lawyer. The Fair Work Infoline on 13 13 94 is free if you only need to check one thing.

Next step

Open the **Employment Contract and Offer Letter** template and get the contract drafted before you make the offer. If you have not benchmarked the pay yet, start with the Pay and Conditions Tool.

Sources

Fair Work Ombudsman, pay slips and record keeping, and Pay and Conditions Tool (fairwork.gov.au). Australian Taxation Office, offer employees a choice of super fund (ato.gov.au). Fair Work Act 2009 s15AA, whole of relationship test, in force since 26 August 2024. Fair Work Commission Annual Wage Review 2026. All checked 11 October 2026. Rates and rules change, most often on 1 July.