

BUSINESS START UP



Prior to buying or starting a business it is necessary to assess the right structure for the business to operate through.

Why?

There are a number of considerations:

- Asset Protection of personal & business assets
- Legal Tax Minimisation
- Capital Gains issues regarding future disposal of business
- Financing
- Key Personal Insurance
- Retirement
- Business Continuity & Estate Planning

OUR BUSINESS SET UP INCLUDES:

- Companies
- Trusts
- Sole Traders
- Partnerships
- Self Managed Superannuation Fund

COMPANIES (TRUSTEE COMPANY & TRADING COMPANY)

A company is a separate legal entity i.e.: It can sue and be sued in its own right. Ownership is via shares and shareholders can be different than the officers of the company. Officers (Directors) operate the companies day to day operations with major decisions usually decided upon via board meetings. Directors have a fiduciary duty to conduct the affairs of the company in an ethical & honest manner and are generally not responsible for the debts of the company unless they have acted in a dishonest manner. It is quite often used as the entity to operate a business through.

SET UP INCLUDES:

- Company set up; corporate secretarial binder, Certificate of incorporation, all registrations (ABN, GST, PAYG, TFN) Initial ASIC documents prepared and lodged Director minutes prepared; ready for signing
- Prepared documents ready for bank account set up

SELF MANAGED SUPER FUND

These are commonly referred to as Mum & Dad funds. These are funds for which you the individual take charge of your superannuation in lieu of leaving the responsibility with larger common used Insurance Industry funds. These funds are limited to 4 members and all members must be a trustee. As such they come under the administration of the Tax Office, which is less onerous than APRA which sets the regulations for the larger funds where compliance is much more stringent. They can be used to tax effectively acquire investments because of the lower tax rate of 15%.

SET UP INCLUDES:

- Super Fund set up, super trust deeds completed
- All registration (ABN, GST, PAYG, TFN)
- Trustee minutes; prepared ready for signing
- Investment Strategy; prepared and ready for signing
- Assistance in the preparation of setting up a bank account with Macquarie, if required by client.

TRUSTS (UNIT TRUST, FAMILY TRUST, INVESTMENT TRUST, DISCRETIONARY TRUST)

There are many different types of trusts, the most common of which is the “Discretionary Trust” or as it is more commonly known “Family Trust”. The day to day operations are undertaken by a trustee who is legally liable for the debts & liabilities of the trust. Trusts can be used for business or investment and are one of the vehicles that can be used for asset protection especially when the trustee is a company. Unit Trusts are not discretionary as they have unit holders who share in the income of the trust according to the number of units held. They too have a trustee which should be a company. Trusts do not pay tax if they distribute all income to beneficiaries/unit holders so they can be used to effectively distribute income in the most tax beneficial way. Investment Trusts can be a Hybrid Trust or a Unit Trust which are a combination of the discretionary & unit trust and gives more flexibility when deciding on the best way to structure investments, which may be negatively geared and allows the tax deduction to pass to an individual.

SET UP INCLUDES:

- Trust set up; trust deeds completed
- All registrations (ABN, GST, PAYG, TFN)
- Trustee minutes; prepared ready for signing
- Prepare documents ready for bank account set up

SOLE TRADERS & PARTNERSHIPS

We can prepare complete set up for your entity:

- Registrations for ABN, TFN, GST, PAYG
- Register for a Business Name
- Assist in the preparation of a Partnership Agreement