

Our Practice

1 Business Structuring

Every business needs a structure. For the most part, accountants and business advisors tend to look at this primarily from the perspective of tax efficiency and administrative convenience. However, there are other factors which need to be considered in order to choose the best business structure for you. These include:

- ▶ Asset protection;
- ▶ Long term control;
- ▶ Exit strategy; and
- ▶ Enforceability of arrangements between co-owners of business.

It is easy to think that you fix these other issues down the track after the business has matured. However, fixing a business structure might involve paying transaction costs like capital gains tax and stamp duty. Investing a little bit of time and resources now planning means you can avoid these types of cost shocks down the line.

2 Business Succession

No one lives forever. At some point, every business owner has to hang up their hat and exit – whether they are selling to a stranger or passing the business on to family members or trusted employees. Unfortunately, most business owners (being busy running the business) don't think about their exit plan until retirement beckons and they have one foot out the door. This often results in a rushed process, where the owner might not get the best bang for buck. In the case of family succession, the business owner is often left on the hook for the business debts after they have retired.

Generally, planning for business exit should start 5 years before D-Day. That is usually enough time to coordinate your tax plan and retirement plan so that you can clean out the cobwebs in your business to make it an attractive buy for the purchaser and de-risk yourself from any potential residual liability (particularly if you are passing the business to your family).

The team at Your LegalHQ can provide tax and legal advice in the planning stage and prepare the legal document (e.g. Sale of Business Agreement) at D-Day.

3 Buy-Sell Insurance Arrangements

It is important to consider what would happen to your business if you died suddenly or suffered an injury or illness that kept you out of the business. This is doubly important if you are in business with other. Your family needs certainty that they will receive fair value for your business assets and the other owners need certainty that they can achieve a clean break with your family and not left carrying silent partners.

You may have heard the term "*Buy Sell Insurance Arrangements*" where a life insurance policy funds the purchase of a person's business by the continuing owners. What you might not know is that the legal documents you will need will depend upon how the life insurance is structured.

We have extensive experience in preparing the legal documents for Buy Sell Insurance Arrangements tailored to suit almost every life insurance structure.

4 Tax

Tax is an ever-present issue in the modern business world and Australia has one of the most complicated tax codes in the world. Making business decisions ignorant of the relevant tax laws is a good way of getting in the bad books of the Australian Taxation Office.

For the most part, tax law is usually seen as the province of your accountant. However, accountants are primarily responsible for preparing your annual tax return and taking care of your regular compliance obligations. Not every accountant specializes in providing tax advice on the numerous grey areas in our tax code which are not part of the routine tax reporting process.

Your LegalHQ is one of the few tax law practices in Perth. We regularly provide researched tax opinions on discrete transactions including the small business capital gains tax concessions. Our role is to navigate grey areas in the tax code and advise you and your accountant on what will need to be reported in your tax return. In more contentious scenarios, this include applying for a Private Binding Ruling with the ATO so that you have certainty about the tax implications.

Other legal services we can provide you with

5 Estate Planning and Preparing your Will

People are often told that *"everyone should have a Will"*. However, what they really should be told is that they need an estate plan.

A Will is a legal document that allocates your assets when you die. But without advice on what can and can't be done, the Will may end up being a blunt instrument that does not achieve all your goals effectively. That is where estate planning comes into the picture.

Estate planning is the strategic process where clients are advised on all the different legal options which may be at their disposal so that they can choose which option they wish to implement through their Will. That is where the team at Your LegalHQ can help. Estate planning is one of our specialist areas and we have over 20 years experience helping our clients find and document strategies that suit their circumstances.

6 Deceased Estates & Probate

Your LegalHQ specialises in probate and estate administration. We can take the stress and upset out of applying for a grant of probate when a loved one has passed away. Don't worry if there is no Will. Call us and we will help sort things out for you with minimum of fuss.

We can also help you to administer an estate if you have been named as an executor and are not sure how to approach it. Our administration service can involve providing some advice along the way or taking it over and dealing with it on your behalf - just ask.

We often act for executors or beneficiaries where a Will is to be challenged in court. We know this is often the first time people are involved in court proceedings and will ensure you understand what is happening every step of the way.

7 Standard Legal Documents

We are able to prepare many types of legal documents, some of which are set out below.

- ▶ Leases
- ▶ Loan Agreements
- ▶ Division 7A Loans
- ▶ Licence Agreements
- ▶ Shareholders' Agreements
- ▶ Agreements Caveats
- ▶ Mortgages
- ▶ Employment Contracts
- ▶ Sale of Business
- ▶ Deeds
- ▶ Sub-Contract
- ▶ Trust Deeds

We can also draft any novel type of arrangement. If you can tell us what it is, we'll put it into a legal form.

8 Contract Review

"Buyer Beware". It is the coined term to explain the fact that our legal system does not yet get you out of a contract just because you did not read the fine print before you signed. Everyone, from the biggest corporation to the one-person band, has the onus of reading and understanding their legal documents before they put pen to paper. And in an increasing litigious society, the fine print gets longer and longer as everyone tries to cover themselves and pass the buck onto someone else.

The team at Your LegalHQ have extensive experience in reviewing and advising on legal documents from many different industries. We can help you decode the fine print so that you can understand the nature and extent of the risks which you will be putting yourself under so that you can make a fully informed decision whether you sign the contract or not. We can also help negotiate and draft amendments to the contract to redress any imbalances which you want to correct.

9 Other Legal Work

There are a lot of other types of legal work we can do, so if you don't see what you're looking for, give us a call. If it's not in our area, we'll put you in touch with someone who can help, for no charge.

YOUR LEGALHQ

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