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Fact Sheets

Structures Comparison

There are different structures available for trading and tax purposes. Each provide different levels of protection and complexity.

This is a not exhaustive but indicative list.

Sole Trader

Advantages

1. Inexpensive to establish and run
2. Easy to understand
3. Business losses can be offset against other income, subject to certain tests

Disadvantages

1. No asset protection for personal assets
2. No income splitting
3. Cannot refinance working capital to take capital out of the business
4. May be tax implications upon divorce or death
5. Tax implications if a partner is admitted

Partnership

Advantages

1. Inexpensive to establish and run
2. Easy to understand
3. Profit distribution between partners can be flexible (subject to PSI rules)

Disadvantages

1. Partners jointly and severally liable
2. Basically no asset protection
3. PSI rules may attribute all income to one

4. Income assessed at personal tax rates
5. Complex PAYG instalment calculations

Company

Advantages

1. Personal assets of shareholders protected, except where suppliers/banks are given personal guarantees
2. Can employ owners and salary package
3. Undistributed profits taxed at 30%
4. Dividends distributed with tax imputation credits
5. Can have different Classes of Shares for distribution to different shareholders

Disadvantages

1. Complex to administer, activities & administration are regulated

2. Losses are trapped in the company
3. Establishment costs upfront
4. Costly to run due to legislation

5. Cannot pass tax-free (CGT discount) amounts to shareholders without liquidating the company

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6. Restrictions apply on "Loans" from the company to directors/shareholders	6. Need to Pay Workers Comp and Super on Directors Wages

Unit Trust

Advantages	Disadvantages
1. Asset protection	**1. Complex trust loss rules**
2. Less regulation than a company	2. Losses are trapped in the Trust
3. Trust can employ principals and salary packaging and superannuation	3. Establishment costs upfront plus stamp duty

Discretionary Trust

Advantages	Disadvantages
1. Ultimate asset protection when corporate trustee, with both trust and principals are protected from each other's creditors	1. Establishment costs upfront plus stamp duty
2. Can save on super & workers comp insurance by keeping principal's wages down	2. Losses are trapped in the Trust
3. Flexible profit distribution options, no need to justify wages paid to spouse or children (see PSI below)	3. Stamp Duty implications for changes to beneficiaries
4. Tax free distributions can be made (eg church tithes made from pre-tax income)	4. Land Tax payable at top rate from first dollar
5. Profits distributed to children with low income can save substantial tax – over 18 years no restrictions, under 18 maximum $416	**5. Very difficult to satisfy CGT rollover exemptions on retirement due to $6m assets of all possible relationships**

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PSI Personal Services Income - if 80% or more of business income earned is from one business entity (and associates) and is primarily from one individuals work (and the business has little value in equipment etc), there are restrictions on income splitting. If this applies then it is applicable to partnerships, companies and trusts.

CGT Capital Gains Tax – increase in sale price of assets over their purchase price, which in certain circumstances can be discounted to reduce income tax liability. Salary sacrifice has become an increasingly popular way for employees to have items paid out of pre-tax income, therefore getting the item cheaper than if they were buying it out of their after-tax income.

These are all important considerations. Should you wish to discuss them with one of our professional team, please contact us to make an appointment.

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