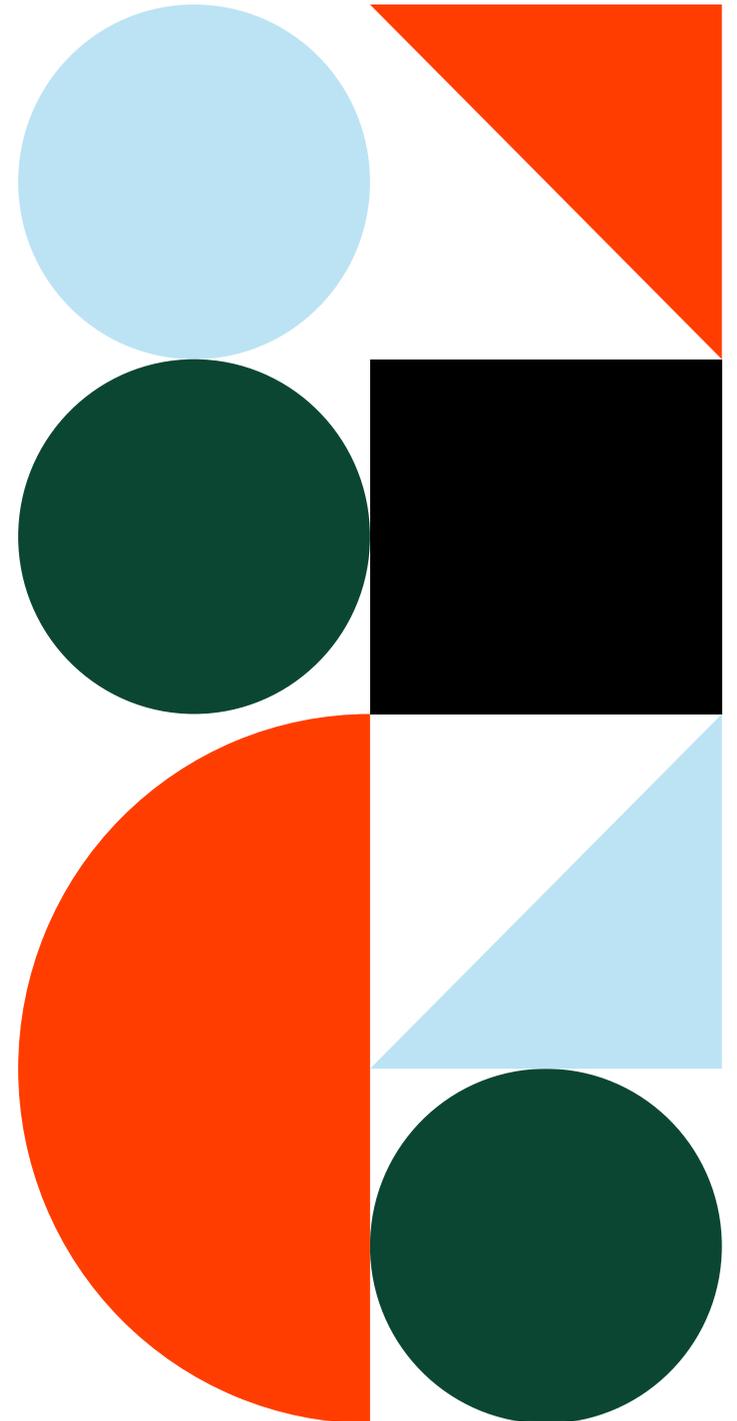

Business Health Check

This document sets out some common priorities for business owners. It is not an exhaustive list and is a guide only.

We recommend seeking independent legal advice that is tailored to your situation.



Item	Checklist	Risks
Employment	<input type="checkbox"/> Employment contracts have been reviewed in the past 24 months to ensure alignment with current best practice. <input type="checkbox"/> Internal procedures regarding redundancy and dismissals have been tailored to your workforce and are reviewed regularly. <input type="checkbox"/> Contractor arrangements have been reviewed in the past 24 months (employee vs contractor and payroll tax).	<p>Former employees poaching team members, soliciting staff, or misusing confidential information.</p> <p>Financial and reputational damage if claims are made by employees.</p>
Business Terms	<input type="checkbox"/> Business trading terms have been reviewed within the past 24 months to ensure: <ul style="list-style-type: none"> • Compliance with applicable law; and • Optimal protection against risk. 	<p>Inadequate protection.</p> <p>Financial damage.</p> <p>Misleading and deceptive conduct claims.</p>
Co-Ownership	<input type="checkbox"/> (if multiple owners) Shareholders Agreement has been reviewed in the past 24 months to ensure alignment with current best practice and business circumstances. <input type="checkbox"/> (if multiple owners) Buy Sell Agreement has been reviewed in the past 24 months to ensure alignment with current best practice and business circumstances.	<p>Death, disagreement, departure, or dispute leading to unexpected consequences.</p> <p>Financial damage to the business and its owners.</p>
Intellectual Property	<input type="checkbox"/> The name and logo of the business has been protected with a trademark. Please note: a business name and a company name do not provide trademark protection.	<p>Your brand is vulnerable to attack by third parties.</p> <p>Having to re-brand due to potential infringement.</p>

Item	Checklist	Risks
Family & Legacy	<input type="checkbox"/> Wills and Powers of Attorney for the business owners have been reviewed in the past 36 months. <input type="checkbox"/> If applicable, a Binding Financial Agreement has been put in place to protect assets (e.g. shares in a company) in the event of a relationship breakdown.	<p>Increased pressure on your loved ones after your death or incapacity.</p> <p>Family members not sufficiently protected.</p> <p>Assets exposed to risk.</p>
Tax Structuring and Asset Protection	<input type="checkbox"/> Business structure has been reviewed in the past 24 months from a tax, structuring, and asset protection perspective. <input type="checkbox"/> Trust deeds have been reviewed in the past 36 months (including review of foreign resident beneficiaries, streaming powers, and the terms of the deed generally).	<p>Undesirable tax outcomes.</p> <p>Assets exposed to risk.</p> <p>Unexpected financial and legal consequences relating to the trust.</p>
Contracts	<input type="checkbox"/> Contracts with third parties (e.g. supplier contracts and premises lease) contain appropriate terms to protect your business against legal risk.	<p>Inadequate protection.</p> <p>Purchasers and investors viewing the business as less valuable.</p>
Lease	<input type="checkbox"/> Key information in relation to the business premises lease has been recorded. For example, the expiry date, option to renew process, rent review processes, outgoing review processes and demolition clauses. <input type="checkbox"/> If the lease is due to expire or can be renewed within the next 12 months, a strategic plan has been developed for that juncture.	<p>Missing opportunities.</p> <p>Sub-optimal protection.</p> <p>Worse off financially.</p> <p>Unexpected consequences.</p>