

Company - Limited By Shares

What is a Company?

A company is separate, legal entity and is administrated by its directors. It is formed by people who own its shares and whose liability is linked to the amount (if any) unpaid on the shares respectively held by them.

Set up Procedures (estimated set up cost from \$1,400.00)

- Establish a new company.
- Register for TFN (Tax File Number).
- Register for ABN (Australian Business Number).
- Register for GST (if applicable).
- Register for PAYG (if applicable).

Advantages

- Limited Liability
- Ability to dispose of the shares rather than the investment, reducing stamp duty and other costs.
- Corporate tax rate lower than the top individual marginal rate.
- Flexible in distribution of income, with some restrictions in case of Personnel Services Income entities.
- No workers compensation on director's fees or dividends.
- **Imputation** credits can be passed to shareholders.
- Superannuation contributions deductible up to age base limits
- Retain earnings in the company effectively limits the tax rates to 30%.

Disadvantages

- Cost of establishing and maintaining is higher.
- Director's potential liability in case of negligence or insolvent trading
- Compulsory workers compensation on wages drawn. Two lots of insurance paid since most self employed people require income protection.
- Superannuation contributions are required on wages paid.
- Losses cannot be distributed to shareholders.
- More compliance issues Accounting standards and ASIC.
- Capital gains are not concessionally taxed.

Compliance Requirements

- ABN registration
- Tax File Number application.
- GST registration (if applicable).
- BAS - monthly or quarterly
- Tax Return - Yearly
- Financial records - financial accounts balance sheet and profit and loss in required format.
- ASIC annual return yearly and other charges in directors shares holding etc.

General Comments

This structure is a popular structure for people running a Business where there is a requirement for asset protection and tax minimisation. If the company is a Mum/Dad type arrangement and they require both asset protection and tax minimisation we recommend a single director company with assets held by the non director. Public liability is compulsory. The tax rate is 30% which is lower than the top individual marginal rate of 45% plus 1.5% Medicare levy.

Disclaimer: These notes are intended to be a guide only. Evolve and its directors, employees and consultants expressly disclaim any and all liability to any person, whether a purchaser or not, for the consequences of anything done or omitted to be done by any such person relying on a part or the whole of the contents. Do not act on the information without first obtaining specific advice regarding your particular circumstances from a tax professional.