RISK PROTECTOR

Your First Line of Defence Against Director Liability, ATO Enforcement and Asset Exposure

BUSINESS & DIRECTOR RISK IDENTIFIER TOOL — NO. 1

Personal Director Liability Risk Identifier

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WHAT THIS TOOL DOES — AND WHAT IT DOES NOT DO

This tool is designed for one purpose: to help you identify whether you may have a personal director liability problem that requires attention. It is not a diagnostic. It does not tell you how serious the problem is. It does not tell you how to fix it. What it does is give you a clear, honest picture of where potential risks exist in your current situation — risks that are often invisible until it is too late.

Work through every question honestly. Tick YES, NO or UNSURE. Count your results at the end. The score will tell you whether you need to take this further — and if you do, the next step is simple, free and waiting for you at the bottom of this tool.

1	Read each question and tick **YES**, **NO** or **UNSURE** honestly. There are no wrong answers — only honest ones.
2	Pay attention to the **RISK column** on the right. HIGH risk questions carry the most serious consequences if your answer is NO or UNSURE.
3	Count your NO and UNSURE answers in the **Score Summary** at the end. This gives you your risk picture.
4	Read your result at the end. If RED or AMBER risks are present, the next step is clear — and it costs you nothing.

SECTION 1 — ATO & Director Penalty Notice Exposure

Does the ATO have a pathway to hold you personally liable right now?

#	Question	YES	NO	UNSURE	RISK
1	Do you know whether your company currently has any unpaid PAYG withholding obligations owing to the ATO?	☐	☐	☐	HIGH
2	Do you know whether your company has any outstanding Superannuation Guarantee Charge owing to the ATO?	☐	☐	☐	HIGH
3	Have you received any ATO correspondence — letters, demands or audit notices — in the last 12 months?	☐	☐	☐	HIGH
4	Do you understand what a Director Penalty Notice is and what it means for your personal assets if one is issued?	☐	☐	☐	HIGH

5	Is your company currently on an ATO payment arrangement — and is it being met on time every single month?	☐	☐	☐	MEDIUM
6	Do you know whether the ATO has registered any charge or caveat against your personal or business assets?	☐	☐	☐	MEDIUM
7	Have you received any informal ATO contact — phone calls, portal messages or pre-lodgement notices?	☐	☐	☐	MEDIUM

SECTION 2 — Personal Guarantee Exposure

Do you know what you have personally guaranteed and what it covers?

#	Question	YES	NO	UNSURE	RISK
8	Can you state your total personal guarantee exposure across ALL facilities right now — finance, leases and trade credit combined?	☐	☐	☐	HIGH
9	Do any of your personal guarantees have unlimited liability — meaning there is no cap on what can be called?	☐	☐	☐	HIGH
10	Have you read and understood every personal guarantee you have signed — including the specific trigger conditions?	☐	☐	☐	HIGH
11	Could any of your current personal guarantees reach your family home or personal savings if called?	☐	☐	☐	HIGH
12	Do you have a written summary of every facility carrying a personal guarantee — with lender, amount and terms documented?	☐	☐	☐	MEDIUM
13	Have any of your personal guarantees been independently reviewed by a specialist in the last three years?	☐	☐	☐	MEDIUM

SECTION 3 — Trust Structure & Asset Protection

Is your trust genuinely protecting you — or creating a false sense of security?

#	Question	YES	NO	UNSURE	RISK
14	Do you know who the named Appointor is in your family trust — and who takes over if that person is unable to act?	☐	☐	☐	HIGH
15	Has your trust deed been reviewed by a specialist in the last three years — specifically for ATO compliance?	☐	☐	☐	HIGH
16	Does your trust use a Corporate Trustee — and if so, does it have more than one director?	☐	☐	☐	HIGH
17	Do you understand the ATO's Section 100A powers and whether your distribution pattern could be challenged?	☐	☐	☐	HIGH
18	Are your trust distributions varied across multiple beneficiaries — or do the same people receive them every year?	☐	☐	☐	MEDIUM
19	Are there Unpaid Present Entitlements in your trust that have been declared but never physically paid out?	☐	☐	☐	MEDIUM
20	Is your family home held in a structure that is completely separate from your trading company?	☐	☐	☐	MEDIUM

SECTION 4 — Director Obligations & Structural Gaps

Do you have visible structural vulnerabilities in how your business is set up?

#	Question	YES	NO	UNSURE	RISK
21	Are you the sole director of your trading company with no backup director or documented succession plan?	☐	☐	☐	HIGH

YOUR SCORE SUMMARY

Count your answers. Enter the totals below. Every NO or UNSURE on a HIGH risk question is a structural gap that carries real personal consequence.

✓ YES ANSWERS	✗ NO ANSWERS	? UNSURE ANSWERS
_____	_____	_____
questions ticked	*questions ticked*	*questions ticked*

HIGH RISK QUESTIONS ANSWERED NO OR UNSURE — QUESTIONS 1, 2, 3, 4, 8, 9, 10, 11, 14, 15, 16, 17, 21

My count: _____ out of 13 HIGH risk questions

This number is the one that matters most. Each HIGH risk gap answered NO or UNSURE represents a direct structural vulnerability in your personal director liability position.

WHAT YOUR SCORE MEANS

Score	What It Means
0 HIGH gaps	Your current situation shows no obvious HIGH risk vulnerabilities from the information you have provided. Review this tool every 12 months or immediately if your business circumstances change.
1 to 3 HIGH gaps	You have identified real structural vulnerabilities that carry genuine personal liability risk. These situations rarely improve on their own and almost always become harder to address the longer they are left. The complexity involved in resolving even one of these gaps is significant — this is not territory most directors can navigate alone.
4 to 7 HIGH gaps	Multiple serious structural gaps exist in your current position simultaneously. Each one compounds the others. The personal consequences — your home, your savings, your assets — are directly at risk. Resolving these gaps requires forensic analysis, precise timing and expert coordination that goes well beyond what any accountant or solicitor is mandated or indemnified to provide.
8 or more HIGH gaps	Your personal director liability exposure is at a critical level. The combination of these unaddressed gaps creates multiple direct pathways for the ATO, creditors or a liquidator to reach your personal assets. This situation cannot be safely or effectively resolved without specialist intervention. The longer it remains unaddressed the fewer options remain available to you.

IF YOUR SCORE HAS IDENTIFIED RED OR AMBER GAPS

The structural problems this tool has helped you identify are real. They are also complex — far more complex than they appear on a checklist. Resolving them requires a forensic understanding of how your specific entities, guarantees, trust structures and ATO position interact with each other.

The good news is that there is one clear, free and completely confidential next step available to you right now.

The Risk Protector A13 Structural Exposure Assessment

This is the only free forensic assessment of its kind available to Australian directors. It goes beyond this checklist to identify precisely what your structural gaps are, how serious each one is, and what a solution pathway looks like. It is confidential, obligation-free and designed for directors in exactly the situation this tool may have revealed.

HOW TO GET STARTED — IT IS FREE AND THERE IS NO OBLIGATION:

Visit **www.riskprotector.com.au** and click the **GET MY FREE A13 ASSESSMENT** button.

We will send the A13 Structural Exposure Assessment form directly to you.

No obligation. No cost. Absolute discretion.

The A13 is the only free forensic structural assessment of its kind available to Australian directors. Once completed it will tell you precisely what your gaps are, how serious each one is, and what a solution looks like — in plain English.

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This tool is a self-awareness resource only. It is not a diagnostic, not advice and does not replace a professional structural assessment. Risk Protector Pty Ltd provides strategic advisory services only. Not legal or financial advice. Covered by $50M Professional Indemnity Insurance.

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