RISK PROTECTOR

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

BUSINESS & DIRECTOR RISK IDENTIFIER TOOL — NO. 2

Business Structure Vulnerability Identifier

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WHAT THIS TOOL DOES — AND WHAT IT DOES NOT DO

Most business structures that fail to protect their owners do not fail because of bad luck. They fail because of silent vulnerabilities that were always there — gaps in entity design, asset placement, succession planning and structural separation that nobody ever identified because nobody ever looked. This tool is designed to help you look.

This is not a diagnostic. It does not tell you the severity of what it finds or how to fix it. What it does is reveal whether your current business structure has vulnerabilities that could be used against you — by the ATO, a creditor, a liquidator or an adverse legal action. Work through every question honestly. Your score at the end will tell you whether this needs to go further.

1	Read each question and tick **YES**, **NO** or **UNSURE** honestly. Answer based on what you actually know — not what you assume or hope.
2	The **RISK column** on the right shows how serious each gap is if your answer is NO or UNSURE. HIGH means direct personal exposure. MEDIUM means developing risk.
3	Count your NO and UNSURE answers in the **Score Summary** at the end. Total your HIGH risk gaps separately — that number is your most important result.
4	If RED or AMBER risk gaps are present the next step is simple, free and available to you immediately at the end of this tool.

SECTION 1 — Entity Structure & Separation

Is your business structured so that a creditor attack on one entity cannot destroy everything?

#	Question	YES	NO	UNSURE	RISK
1	Is your trading company — the entity that invoices customers and takes on liabilities — kept completely separate from the entity that holds your valuable assets?	☐	☐	☐	HIGH
2	Are your business assets such as intellectual property, equipment, vehicles and property held in a separate entity from your trading operations?	☐	☐	☐	HIGH
3	Does your business structure have more than one layer — meaning a holding company, trust or separate asset entity above or alongside the trading company?	☐	☐	☐	HIGH

4	If your trading company was wound up or attacked by a creditor tomorrow, would your key business assets survive intact in a separate entity?	☐	☐	☐	HIGH
5	Has your overall entity structure been reviewed by a specialist in the last three years to confirm it still provides the separation it was designed to provide?	☐	☐	☐	MEDIUM

SECTION 2 — Trading Company Risk Exposure

Does your trading company carry risks it should not be carrying?

#	Question	YES	NO	UNSURE	RISK
6	Is your trading company free of significant asset holdings — meaning it operates but does not own things of value that could be seized?	☐	☐	☐	HIGH
7	Does your trading company have any outstanding ATO debt, creditor claims or legal actions currently active against it?	☐	☐	☐	HIGH
8	Are all director loan accounts in your trading company at zero or in credit — meaning the company does not owe money to or from directors informally?	☐	☐	☐	HIGH
9	Is your trading company solvent — meaning it can pay all its debts as and when they fall due?	☐	☐	☐	HIGH
10	Does your trading company have a current Company Constitution that has been reviewed in the last five years?	☐	☐	☐	MEDIUM

SECTION 3 — Trust Structure Integrity

Is your trust structure legally sound and currently compliant — or is it quietly working against you?

#	Question	YES	NO	UNSURE	RISK
11	Does your business structure include a discretionary family trust — and if so, do you know who the Appointor is and who succeeds them?	☐	☐	☐	HIGH
12	Has your trust deed been formally reviewed by a specialist in the last three years — specifically for ATO Section 100A compliance?	☐	☐	☐	HIGH
13	Does your trust use a Corporate Trustee with more than one director — providing protection if one director is incapacitated or removed?	☐	☐	☐	HIGH
14	Are trust distributions varied across multiple beneficiaries each year rather than being paid consistently to the same one or two people?	☐	☐	☐	HIGH
15	Are there any Unpaid Present Entitlements in your trust — amounts declared as distributed but never physically paid — that have not been formally documented?	☐	☐	☐	MEDIUM

SECTION 4 — Asset Location & Personal Protection

Do you know where your assets actually sit — and whether that location protects or exposes them?

#	Question	YES	NO	UNSURE	RISK
16	Is your family home held in a structure — trust, spouse's name or separate entity — that is completely quarantined from your trading company's liabilities?	☐	☐	☐	HIGH
17	Are your personal savings and investments held in a way that separates them from your business creditor exposure?	☐	☐	☐	HIGH
18	Does any significant business asset — IP, goodwill, key equipment or property — currently sit inside the trading company rather than a protected entity?	☐	☐	☐	HIGH
19	Have you reviewed your asset location strategy in the last three years with someone who specialises in structural protection rather than just tax?	☐	☐	☐	MEDIUM
20	If a creditor obtained a judgment against your trading company today, do you know precisely which of your personal and business assets would be at risk?	☐	☐	☐	HIGH

SECTION 5 — Succession & Structural Continuity

What happens to your structure if something happens to you — or to a key person in it?

#	Question	YES	NO	UNSURE	RISK
21	Does your business structure have documented succession in place — for the directorship, the trusteeship and the appointor role — if you are unable to act?	☐	☐	☐	HIGH

YOUR SCORE SUMMARY

Count your answers and enter the totals below. Your HIGH risk NO and UNSURE answers are the most important number on this page.

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

HIGH RISK QUESTIONS ANSWERED NO OR UNSURE — QUESTIONS 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 16, 17, 18, 20, 21

My count: _____ out of 17 HIGH risk questions

Each HIGH risk gap answered NO or UNSURE represents a structural vulnerability that can be directly exploited by the ATO, a creditor or a liquidator. The more gaps present simultaneously, the greater the compounding risk to your personal position.

WHAT YOUR SCORE MEANS

Score	What It Means
0 HIGH gaps	Your business structure shows no obvious HIGH risk vulnerabilities from the information you have provided. Review annually or immediately if your business structure, ownership or financial position changes.
1 to 3 HIGH gaps	Real structural vulnerabilities exist in your current business setup. Each one creates a pathway that a creditor, the ATO or a liquidator can use against you. These situations do not resolve themselves over time — they almost always deteriorate. The steps required to address even one of these gaps involve a level of structural complexity that goes beyond standard accounting or legal advice.
4 to 8 HIGH gaps	Your business structure has multiple simultaneous vulnerabilities. Each gap amplifies the others. The combined exposure to your personal assets — home, savings, investments — is significant and directly connected to how your current structure is set up. Addressing this correctly requires forensic structural analysis, precise sequencing and expert coordination that is well outside the mandate of most professional advisors.
9 or more HIGH gaps	Your business structure carries critical vulnerability across multiple areas simultaneously. The pathways that exist from your trading operations to your personal assets are numerous and interconnected. This is not a situation that can be effectively resolved through standard advice channels — the complexity, the timing requirements and the legal precision involved demand specialist intervention. The window to act effectively narrows with every month this remains unaddressed.

IF YOUR SCORE HAS IDENTIFIED RED OR AMBER GAPS

The structural vulnerabilities this tool has helped you identify are real. They are also deeply complex — far more so than a checklist can convey. Every gap in a business structure interacts with every other gap. Fixing one without understanding the others can trigger consequences that are worse than the original problem.

There is one clear, free and completely confidential next step available to you right now.

The Risk Protector A13 Structural Exposure Assessment

The A13 is the only free forensic structural assessment of its kind available to Australian directors and business owners. It goes beyond this tool to identify precisely what your structural gaps are, how serious each one is, and what a genuine solution pathway looks like — in plain English, with absolute discretion and no obligation.

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.

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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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