RISK PROTECTOR

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

BUSINESS & DIRECTOR RISK IDENTIFIER TOOL — NO. 37

Structural Assessment Urgency Guide

Do I Have a Problem That Needs Help?

Read this guide when you are unsure whether your overall business and personal structure needs a professional assessment

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WHAT THIS GUIDE DOES — AND WHAT IT DOES NOT DO

Most directors who end up in serious financial or legal difficulty were not blindsided. In hindsight, the structural vulnerabilities that created their problems were present for months or years beforehand — they simply were not identified and addressed while there was still time and money to do so. The gap between a problem that is manageable and a problem that is catastrophic is almost always a gap in structural awareness.

This guide is the final tool in the Risk Protector BDRI series. It is designed to help you step back from the individual issues this series has raised and assess your overall structural position — whether the combination of signals across your entity structure, your trust, your personal guarantees, your ATO position and your director obligations suggests that a professional forensic assessment is needed urgently, soon, or as a proactive measure. It does not replace that assessment. It tells you whether and how urgently you need one.

1	Answer each question based on your overall situation — not a single issue. This guide asks about your complete director and structural position, not any one area in isolation.
2	Be honest. The purpose of this guide is to help you see your situation clearly — not to confirm what you hope is true. A director who answers honestly and discovers they have a problem is in a far better position than one who minimises and discovers too late.
3	UNSURE answers carry the same weight as NO answers in this guide. Not knowing your structural position is itself a vulnerability — a director who cannot assess their own exposure has gaps that others will find before they do.
4	The overall assessment at the end is the most direct answer available from any tool in this series to the question: do I have a problem that needs professional help?

SECTION 1 — Your Entity Structure & Personal Liability

Does your structure expose you personally — or protect you?

1 Can you clearly describe the legal relationship between every entity in your structure — your trading company, your trust, your trustee company and any holding entities — and explain how they interact with each other?

☐ YES —	☐ NO —	☐ UNSURE —
You have a clear and current understanding of your structural relationships. A director who can articulate their own structure is positioned to identify when something changes that creates a new vulnerability.	You cannot clearly describe how your entities relate to each other. This is a fundamental structural awareness gap. The entities you cannot describe are the ones most likely to create unexpected liability — because you cannot manage what you do not understand.	You have a partial understanding but gaps remain. Each gap is a structural blind spot. The most dangerous vulnerabilities are in the areas a director thinks they understand but does not actually know in detail.

2 Are you confident that your personal assets — home, savings, investment properties — are genuinely protected from company trading liabilities and creditor claims through your current structure?

☐ YES —	☐ NO —	☐ UNSURE —
You have confidence in your asset protection position based on current, reviewed and properly documented structures. That confidence is well-founded only if the structures have been	You are not confident your personal assets are protected. This is the core question this entire series has been leading to. If your personal assets are not protected — or you do not know	You believe your assets are protected but cannot confirm it with certainty. Assumed protection is not actual protection. A structure that has not been reviewed, documented and

	formally reviewed within the last five years.	whether they are — a structural assessment is not optional. It is urgent.	confirmed is not a structure you can rely on when it matters.

3	**Has your business or personal structure been formally reviewed by a specialist in the last five years — not just your annual tax return prepared by your accountant?**

☐ **YES** — A formal structural review has occurred within the last five years. Your structure has been assessed by someone whose role was to identify vulnerabilities — not just prepare returns. This is a meaningful assurance, provided circumstances have not changed significantly since that review.	☐ **NO** — No formal structural review has occurred in the last five years — or ever. An annual tax return is not a structural assessment. Your accountant's job is compliance, not structural protection. These are different disciplines, and the gap between them is where most director vulnerabilities live.	☐ **UNSURE** — You are not certain whether a formal structural review has ever been conducted. Ask your accountant directly: has anyone reviewed the protective integrity of my structure — not just the tax compliance? If the answer is unclear, treat as NO.

SECTION 2 — Live Risk Signals

Are there active threats or developing vulnerabilities in your situation right now?

4	**Is your business currently free of all of the following: ATO correspondence, creditor legal threats, Statutory Demands, court proceedings, overdue PAYG or SGC obligations, and bank pressure?**

☐ **YES** — No active enforcement signals are present. Your situation is currently clean across all major threat categories. This is the best position to be in — and the best time to conduct a structural review, while there is no pressure distorting decisions.	☐ **NO** — One or more of these signals is present. Multiple simultaneous risk signals compound each other. The presence of even one of these signals in your situation means a structural assessment is needed now — not when the situation worsens further.	☐ **UNSURE** — You are not certain whether all of these categories are clear. If you cannot confirm with certainty that your situation is free of every item on this list, treat as NO. Uncertainty about active risk signals is itself a risk signal.

5	**In the last 12 months, has your business experienced any significant change — new debt, loss of a major customer, change in ownership, new director, significant ATO assessment or material change in revenue — that has not been assessed for its structural impact?**

☐ **YES** — No significant unassessed changes have occurred. Your structure has remained relatively stable and any major changes have been reviewed for their structural implications.	☐ **NO** — Significant changes have occurred that have not been assessed for structural impact. Every major business event — a new loan, a ownership change, a revenue collapse, an ATO assessment — changes the risk profile of your structure. An unassessed change is an unmanaged risk.	☐ **UNSURE** — You are not certain whether recent changes have been assessed structurally. Think through the last 12 months. Any event that changed your financial position, your entity relationships, your debt profile or your key person exposure is a structural event that should have triggered a review.

6	**Are you sleeping well — free from significant stress or anxiety about the financial or legal position of your business or your personal exposure?**

☐ **YES** — You are sleeping well and not carrying significant stress about your business or personal financial position. This is a genuine indicator of structural confidence — directors who know their position is sound are not kept awake by it.	☐ **NO** — You are not sleeping well. Financial and legal stress that manifests as poor sleep, anxiety or persistent worry is one of the most reliable indicators that a director knows — at some level — that their position is not as secure as it should be. That instinct is almost always right. Trust it.	☐ **UNSURE** — You sleep reasonably well but the concerns are there in the background. Background anxiety about your business or personal position that you manage day to day is still a signal. The absence of acute crisis does not mean the absence of structural risk.

SECTION 3 — Your Adviser Position

Does the advice you currently receive cover what actually needs to be covered?

7 **Do you have an adviser — other than your tax accountant — whose specific role is to assess and monitor the structural integrity and protective adequacy of your business and personal arrangements?**

☐ **YES** — You have a specialist structural adviser whose role is protective integrity, not just compliance. This is the single most important professional relationship a director with significant assets and obligations can have.	☐ **NO** — Your only professional adviser is your tax accountant. Tax accountants are compliance professionals — their role is lodgement accuracy and tax minimisation. Structural protection is a different discipline. The gap between what your accountant covers and what a structural specialist covers is where most director vulnerabilities are found and where most losses occur.	☐ **UNSURE** — You are not certain whether any of your current advisers covers structural protection specifically. Ask them directly: is it your role to assess whether my structure is protecting my personal assets? The answer will tell you immediately whether you have the right coverage.

8 **If a creditor, the ATO or a liquidator examined your structure today, are you confident they would find it properly documented, legally defensible and genuinely protective rather than superficially structured?**

☐ **YES** — Your structure would withstand scrutiny. The documentation is current, the arrangements are legally defensible, and the protection is genuine rather than assumed. This confidence should be based on recent professional confirmation, not personal belief.	☐ **NO** — You are not confident your structure would withstand scrutiny. A structure that looks protective on paper but is not properly documented, commercially substantiated or legally current is a structure that fails precisely when it is most needed. Before seeking any adviser, best practice is to get a free A13 Structural Exposure Assessment from Risk Protector first — so the specific gaps are identified before anyone starts making changes.	☐ **UNSURE** — You are not certain how your structure would hold up under scrutiny. Uncertainty about your own structure's defensibility is the clearest possible signal that a forensic structural assessment is needed. Contact Risk Protector for their take on the subject.

9 **Having worked through this entire tool series, do you have a clear, complete and confident picture of your full structural exposure — with no significant gaps, uncertainties or concerns remaining?**

☐ **YES** — You have worked through this series and emerge with a clear, complete and confident picture of your position. You know what is protected, what is exposed, what has been reviewed and what needs attention. This is the outcome the series was designed to produce.	☐ **NO** — Significant gaps, uncertainties or concerns remain after working through this series. This is the most important answer in all 37 tools. A director who has engaged honestly with this entire series and still has unresolved concerns has identified that a professional structural assessment is needed. The A13 is the natural and logical next step.	☐ **UNSURE** — You have a partial picture but gaps remain. Every gap identified by this series is a gap that a creditor, the ATO or a liquidator could find before you address it. The A13 is designed to find and map exactly those gaps.

SECTION 4 — Your Overall Situation Assessment

Based on your answers — do you have a problem that needs professional help?

✓✓ MOSTLY YES — STRUCTURALLY AWARE, PROACTIVE REVIEW RECOMMENDED

Your answers suggest you have a reasonable level of structural awareness, no acute live risk signals, professional coverage across the key areas, and a degree of confidence in your position. This is the best position to be in — and the best time to conduct a proactive structural assessment, before pressure creates distortion and before circumstances change. A proactive A13 Structural Exposure Assessment at this stage is the difference between reviewing a structure that is working and discovering a structure that has quietly developed vulnerabilities. Book yours at www.riskprotector.com.au.

⚠ MIXED ANSWERS — STRUCTURAL GAPS PRESENT — ASSESSMENT NEEDED SOON

Your answers reveal a mixed picture — some structural clarity, some significant gaps. You have areas of your structure you cannot confirm are working, live risk signals that have not been fully resolved, or an adviser position that does not cover structural protection specifically. These gaps will not close on their own. Before engaging any adviser to address specific issues, best practice is to get a free A13

Structural Exposure Assessment from Risk Protector first — so the complete picture of your vulnerabilities is mapped and any advice you receive is informed by all of it.

✕ MOSTLY NO OR UNSURE — URGENT STRUCTURAL ASSESSMENT REQUIRED

Your answers indicate serious and unresolved structural vulnerability across multiple areas simultaneously. You cannot clearly describe your structure, you are not confident your assets are protected, no formal review has occurred, live risk signals are present, and significant unresolved concerns remain after working through this entire series. This is exactly the situation the A13 Structural Exposure Assessment was designed for. The cost of not acting now is measured in the assets, the time and the options you will not have when enforcement arrives. The A13 is free. The consequences of delay are not. Visit www.riskprotector.com.au and click GET MY FREE A13 ASSESSMENT today.

THE NEXT STEP FROM HERE IS THE SAME REGARDLESS OF YOUR SCORE

Whether your answers showed a clean position or serious vulnerability — the A13 Structural Exposure Assessment gives you and any adviser you engage the complete forensic picture of your structural position. It identifies what is protected, what is exposed, what needs attention and what the solution pathways look like. It is the only assessment of its kind available free to Australian directors.

The Risk Protector A13 Structural Exposure Assessment

Free. Confidential. The only forensic structural assessment of its kind available to Australian directors.

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

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This tool is a situation awareness guide 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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