

Structuring Reference Guide



	Key Roles	Asset Protection	Tax Planning	Succession	Longevity	Other Considerations
Company (Pty Ltd)	<ul style="list-style-type: none"> • Directors • Shareholders 	<ul style="list-style-type: none"> • Limited liability of shareholders • Directors' duties & obligations 	<ul style="list-style-type: none"> • Company tax rate lower than highest marginal tax rate • Shareholder can be individual, trust, company • Can retain profits in company indefinitely • No access to CGT 50% general discount 	<ul style="list-style-type: none"> • Shares form part of estate if held individually • Shareholders generally have ability to remove & appoint directors • Successor Directors 	<ul style="list-style-type: none"> • Exists indefinitely (unless deregistered by directors/ shareholders or ASIC). 	<ul style="list-style-type: none"> • Suitable for non-related parties • Public register • Shares can be sold (may be duty consequences) • Special purpose companies
Discretionary Trust	<ul style="list-style-type: none"> • Settlor • Trustee (corporate) • Appointor • Beneficiaries 	<ul style="list-style-type: none"> • Personal assets separated from trust assets • Corporate trustee for additional asset protection 	<ul style="list-style-type: none"> • Broad class of potential beneficiaries • Can't retain profits in trust • 50% general CGT discount 	<ul style="list-style-type: none"> • Trust assets (not individual assets) • Appointor • Alternative Appointor • Shareholding of corporate trustee 	<ul style="list-style-type: none"> • 80 year perpetuity period 	<ul style="list-style-type: none"> • Suitable for related parties only • Trust Deed

Lineal Descendants Discretionary Trust	<ul style="list-style-type: none"> • Settlor • Trustee (corporate) • Appointor • Beneficiaries 	<ul style="list-style-type: none"> • Personal assets separated from trust assets • Corporate trustee for additional asset protection • Primary Beneficiary & lineal descendants only 	<ul style="list-style-type: none"> • Income and Capital Protected: Narrow class of potential beneficiaries • Capital Protected Only: Broad class of potential income beneficiaries. Narrow class of potential capital beneficiaries • Can't retain profits in trust • 50% general CGT discount 	<ul style="list-style-type: none"> • Trust assets (not individual assets) • Appointor • Alternative Appointor • Shareholding of corporate trustee 	<ul style="list-style-type: none"> • 80 year perpetuity period 	<ul style="list-style-type: none"> • Suitable for related parties only • Trust Deed
Unit Trust	<ul style="list-style-type: none"> • Settlor (optional) • Trustee (corporate) • Unit Holders 	<ul style="list-style-type: none"> • Personal assets separated from trust assets • Corporate trustee for additional asset protection 	<ul style="list-style-type: none"> • Unit holder can be individual, trust, company • Can't retain profits in trust 	<ul style="list-style-type: none"> • Trust assets - not individual assets • Units form part of estate if held individually • Unit holders generally have ability to remove & appoint trustee • Shareholding of corporate trustee 	<ul style="list-style-type: none"> • 80 year perpetuity period 	<ul style="list-style-type: none"> • Suitable for non-related parties • Units can be sold (may be duty consequences)

The information in this guide is general only and is not intended to be advice of any kind.