



# Discretionary trust and corporate resources

**Company Incorporation Questionnaire - Company limited by shares**

No.	Question	Answer	Holding Redlich's Notes
1.	<b>Name</b> What is the proposed name of the company that is to be incorporated (the <b>new Company</b> )?		
2.	<b>Registered office</b> What is the address of the new Company's registered office?  Will the new Company occupy these premises? If not, what is the legal name of the entity that does?		The address of the registered office of the company must be in Australia. If the company does not occupy these offices, written consent will be needed from the occupier. We can assist in preparing this consent.
3.	<b>Principal place of business</b> What is the address of the new Company's principal place of business?		This address may be the same as the registered office.
4.	<b>Place of incorporation</b> Which State is the new Company's State of incorporation?		
5.	<b>Directors, Company Secretary, and Public Officer</b> For each director, secretary, and public officer, please provide: (a) Position (e.g. director and public officer);		Each director's and secretary's residential address is required unless an alternative address is approved by ASIC. Commercial and postal addresses are not valid. If there is an Alternative Address, please quote the ASIC Approval Number.

	<ul style="list-style-type: none"> <li>(b) Full name (including middle names if any);</li> <li>(c) Previous names (if any);</li> <li>(d) Date of birth;</li> <li>(e) Place of birth (town, state, country);</li> <li>(f) Current residential address; and</li> <li>(g) Names of any public companies that the person is an officer.</li> </ul>		<p>Each director, secretary, and public officer must provide written consent to act in that capacity – we will prepare those consents.</p> <p>At least one director must ordinarily reside in Australia.</p> <p>Company secretary - A proprietary company is not required to have a company secretary, but if it does, at least one secretary must ordinarily reside in Australia. The Company Secretary has specific responsibilities, including the responsibility for notifying and corresponding with ASIC about changes to the company’s directors and members.</p> <p>Public officer - a public officer must be appointed to the company within 3 months of the company being incorporated. A public officer is responsible for corresponding with the ATO regarding the taxation affairs of the company. The public officer must ordinarily reside in Australia.</p>
<p>6.</p>	<p><b>Share Structure</b></p> <p>What is the proposed share structure of the new Company?</p>		<p>The following considerations should be given:</p> <ul style="list-style-type: none"> <li>(a) how many shares will be issued;</li> <li>(b) what class of shares will be issued (e.g. ordinary); and</li> <li>(c) the price for each share.</li> </ul>
<p>7.</p>	<p><b>Shareholder Information</b></p> <p>Who will be the Shareholders of the new Company?</p>		

<p>If any Shareholder is a company, please provide the Shareholder's:</p> <ul style="list-style-type: none"> <li>(a) company name;</li> <li>(b) country of incorporation;</li> <li>(c) company number in its place of incorporation (e.g. ACN);</li> <li>(d) registered office address;</li> <li>(e) number and class of shares held in the new Company;</li> <li>(f) confirmation that the shares in the new Company are beneficially held; and</li> <li>(g) confirmation that the shares in the new Company are fully paid.</li> </ul> <p>If any Shareholder is an individual, please provide the Shareholder's:</p> <ul style="list-style-type: none"> <li>(a) full name (including middle names if any);</li> <li>(b) current residential address;</li> <li>(c) number and class of shares held in the new Company;</li> <li>(d) confirmation that the shares in the new Company are beneficially held; and</li> <li>(e) confirmation that the shares in the new Company are fully paid.</li> </ul>		
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**Establishment of Discretionary Trust Questionnaire**

No.	Question	Answer	Holding Redlich's Note
1.	<b>Name</b> What is the proposed name of the trust that is to be incorporated (the <b>new Trust</b> )?		
2.	<b>Appointor</b> What is the full name and address of the appointor?		<p>The appointor is the person who is vested with the power to appoint (and remove) the trustee. The power of the appointor gives the appointor the ability to effectively control the trust should the appointor wish to do so.</p> <p>However, it is not compulsory to have an appointor for a discretionary trust.</p>
3.	<b>Trustee</b> a) Please let us know the full name of Trustee or Director of Trustee to make Statutory Declaration for submission to the Stamp Duties Office (if applicable). b) Please let us know the address of Trustee or Director of Trustee for Statutory Declaration(if applicable); and		

	<p>c) Please let us know the names of Directors of the Trustee where the Trustee is a Company.</p>		
<p>4.</p>	<p><b>Beneficiary</b></p> <p>Where there is a named beneficiary(s), please let us know the full name of beneficiary(s) and confirm you are happy with those listed as Secondary and Tertiary Beneficiaries below :</p> <p><b>Primary:</b></p> <p><b>Secondary (standard):</b></p> <p>Each of the following persons:</p> <ol style="list-style-type: none"> <li>1. the parents of the Primary Beneficiary;</li> <li>2. the Spouse of the Primary Beneficiary;</li> <li>3. the Children of the Primary Beneficiary, whether born at the date of this deed or prior to the Vesting Day;</li> <li>4. the Grandchildren of the Primary Beneficiary, whether born at the date of this deed or prior to the Vesting Day; and</li> <li>5. the great Grandchildren of the Primary Beneficiary, whether born at the date of this deed or prior to the Vesting Day.</li> </ol>		

<p><b>Tertiary (standard):</b></p> <p>Each of the following persons:</p> <ol style="list-style-type: none"><li>1. the brothers and sisters of the Primary Beneficiary, whether born at the date of this deed or prior to the Perpetuity Date;</li><li>2. the spouses of the Children of the Primary Beneficiary, whether born at the date of this deed or prior to the Vesting Day;</li><li>3. the spouses of the Grandchildren of the Primary Beneficiary, whether born at the date of this deed or prior to the Vesting Day;</li><li>4. the spouses of the great Grandchildren of the Primary Beneficiary, whether born at the date of this deed or prior to the Vesting Day;</li><li>5. the nieces and nephews of the Primary Beneficiary, whether born at the date of this deed or prior to the Perpetuity Date;</li></ol> <p><b>Default:</b></p>		<p>Can you please confirm that you wish the Default Beneficiary to be the same as the Primary Beneficiary?</p>
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## Key contacts



**Kylie Wilson**  
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Kylie has worked with family businesses for over 20 years and has many intergenerational business clients in their third and fourth generation. Ensuring the business can remain viable, without the risk of litigation devolving business assets, is one of her key areas of specialty.

Kylie also works closely with advisors to prepare compliant solutions for a diverse range of individual clients with complex structures as well as rural and business clients and families with diverse dynamics.



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Laura has over 16 years' experience working with private clients and family businesses in crafting and executing succession plans.

Laura's key focus is to understand each individual or families motivation for their succession planning and tailor an appropriate plan for the individual or family.

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