

BE THE BOSS

Check before you become the boss and sign the cheques



So you want to be the boss and control your destiny? Owning your own business is not a simple task and with regulation and rules on top of the difficult financial climate you must be sure that all your ducks are in a row.

From a legal aspect you need to ensure that before you enter into a contract to purchase a business that you consult your solicitor. Before you even get to a contract there are extremely important issues of structuring that must be considered. Don't for a moment think you should just be buying in your own name, serious consideration should be had to owning the business in a company, trust or combination of these vehicles. This type of structuring when done correctly will provide asset protection and may also allow your accountant more flexibility when planning your taxation matters.

The contract must be properly drafted to ensure that you are protected as this is the single most important stage of the purchase. A sensible business contract should allow you the opportunity to investigate all aspects of the business before you are committed to buy. You need to make sure the accounts of the business are

accurate and you should ensure your accountant verifies the figures. A trial period can be negotiated where you work in the business and get to see not only the workings but also the customers and the income.

It is essential that the premises from which the business operates is secure as often there is a large amount of the goodwill attached to the position of the business. Therefore your solicitor must check the lease and ensure you have security of tenure. All licences and approvals must also be in place to guarantee that you will be able to operate the business. Issues with staff, ownership and transfer of assets, business names, websites and the like form an integral part of the process. Franchises are often part of business purchases these days and it is essential that you are properly advised on these agreements.

Your solicitor will be able to guide you through the process and you will soon learn being The Boss simply means that you have responsibility for not only yourself but the whole business.

Simon Bennett is a Partner and Accredited Property Law Specialist with O'Keefe Mahoney Bennett Solicitors.



O'Keefe Mahoney Bennett

Property Law Conveyancing | Body Corporate Matters | Leasing
Corporate Estates & Administration | Wills & Power of Attorney | Franchising
Litigation Insurance | Family & Commercial

Level 1, 9 Seabank Lane, Southport Q 4215 Australia | P 61 7 5555 0000 | F 61 7 5555 0055 | E info@omb.com.au | www.omb.com.au