RISK PROTECTOR

Find Your Exposure. Protect Your Personal Assets. Protect Your Business.

TOOL No. 1 - BUSINESS AND DIRECTOR RISK IDENTIFIER

Your Personal Exposure

Risk Identifier

WHAT THIS TOOL DOES AND WHY IT MATTERS

One purpose: identifying your personal liability exposure as a director. No legal advice. No reassurance. Just the questions your advisers haven't asked and a clear signal on where your personal assets may be at risk.

Most directors trust their structure protects them. Most have never been told all the ways it can fail. This tool starts that conversation.

Answer each question honestly. YES, NO or UNSURE.

Each question describes a real exposure. YES means it applies to you. UNSURE means you can't rule it out. Both count.

At the end, YES and UNSURE answers combine into a total risk score.

Pay particular attention to Parts B and C on ATO direct exposure and Personal Guarantees. A single YES or UNSURE answer there is critical and demands immediate action.

PART A: ATO and Director Penalty Notice Exposure

The questions below cover ATO recovery action and Director Penalty Notices (DPN's), which come in two forms: Lockdown or Non-Lockdown. The difference is significant. If you don't know which type applies to your company, that's already a problem.

#	Question	YES	NO	UNSURE
1	Does your company currently have any unpaid PAYG withholding, superannuation or GST owing to the ATO?	☐	☐	☐
2	Have you received any ATO correspondence in the last 12 months, whether directly or via your bookkeeper or accountant? This includes letters, SMS messages, portal notifications and phone calls.	☐	☐	☐
3	Has any ATO reported of your company's tax debt to a credit reporting agency?	☐	☐	☐
4	If the ATO issued you a DPN today, would you be unable to say with certainty whether it would be a Lockdown or Non-Lockdown DPN?	☐	☐	☐

PART B: ATO Direct Exposure

Answer these questions carefully. A YES or UNSURE response here places you in a critical risk category regardless of your answers elsewhere.

#	Question	YES	NO	UNSURE

5	Does your company currently have any outstanding ATO tax debt, or have you missed a payment under an existing ATO arrangement?	☐	☐	☐
6	Has the ATO registered a charge or security position over your company?	☐	☐	☐
7	Have you received any informal ATO contact in the last 12 months outside of normal written correspondence? This includes phone calls, emails or verbal approaches, either directly or through your bookkeeper or accountant.	☐	☐	☐

PART C: Personal Guarantee Exposure

Personal guarantees are one of the most misunderstood risks a director carries. Most people who signed one no longer remember exactly what they agreed to.

#	Question	YES	NO	UNSURE
8	Do you have any personal guarantees across your business facilities, leases or credit arrangements?	☐	☐	☐
9	Are you unsure of the full extent of your personal guarantee exposure across your business facilities, leases and trade credit accounts?	☐	☐	☐
10	Have you signed any personal guarantee and don't know the exact amount or conditions?	☐	☐	☐
11	Could personal guarantees given by other directors put your position at risk if they can't honour their obligations?	☐	☐	☐
12	Do you have a written summary of every facility carrying a personal guarantee including amounts and conditions?	☐	☐	☐
13	Have your personal guarantees been independently reviewed by a qualified advisor in the last 12 months?	☐	☐	☐

PART D: Trust Structure and Asset Protection

Many directors believe their trust structure insulates them from personal liability. In most cases it doesn't.

#	Question	YES	NO	UNSURE
14	Do you know who the appointed Appointor is in your family trust and who takes over if that person can't serve?	☐	☐	☐
15	Is your trust deed older than three years and hasn't had a specialist review it current fit?	☐	☐	☐
16	Do you act as both a company director and a trustee of a related trust, where the ATO could pursue you personally for unpaid trust tax obligations?	☐	☐	☐
17	Could your trust distributions across multiple entities be successfully challenged by the ATO?	☐	☐	☐
18	Are unpaid beneficiary entitlements sitting exposed on your trust balance sheet without Protected Entitlements in place?	☐	☐	☐

19	Could your family home be exposed to creditors of your trading company?	☐	☐	☐
20	Could your business assets fall into your personal estate if you died, were sued or became bankrupt?	☐	☐	☐

PART E: Director Obligations and Misconduct

Statutory obligations don't disappear because you were't aware of them. Ignorance is not a defence once a claim is made.

#	Question	YES	NO	UNSURE
21	Are you the sole director of your trading company with no backup director or accountable succession plan in place?	☐	☐	☐
22	Have you ever been a director of a company that entered external administration without documentation confirming you were clear of misconduct?	☐	☐	☐

YOUR SCORE SUMMARY

Add your YES and UNSURE answers in the left block, and your NO answers in the right block. The total of both blocks should total 22.

YES and UNSURE Answers ______ out of 22	**NO Answers ______ out of 22**

IMPORTANT QUESTIONS TO REVIEW SEPARATELY

Questions 4, 6, 19 and 20 carry the highest individual risk. A YES or UNSURE answer to any of them requires immediate action regardless of your total score.

WHAT YOUR SCORE MEANS

Score Range	What It Means
0 out of 22	No flagged exposures across this tool. That doesn't mean nothing exists. A tool can only test what it asks. The free A13 Structural Vulnerability & Risk Exposure Analysis goes deeper and confirms where you actually stand.
1 to 3 out of 22	You have identified material structural gaps. Even one flagged answer points to real exposure that most directors carry without realising it. The combination matters more than the count. Get the A13 completed before something else surfaces.
4 to 22 out of 22	Your personal exposure pattern is critical. The combination of gaps you have identified has cost other Australian directors everything. The A13 Structural Vulnerability & Risk Exposure Analysis is the next step. Don't put it off.

WHAT TO DO NEXT

The exposures this tool has helped you identify are real. These gaps sit on directors' files across Australia every day. They are more common than most advisers realise and resolving any one of them requires a clear understanding of how your entire position fits together.

The good news is that all of it can all be addressed.

The Risk Protector A13 Structural Vulnerability & Risk Exposure Analysis

This is the only free forensic assessment of its kind available to Australian directors. It works through all 13 risk areas and takes your position apart piece by piece to find what's actually sitting unresolved.

Found something concerning? The A13 won't soften what it finds. But you'll come away knowing exactly where to start.

No obligation. No sales. Absolute direction.

The Street-Smart Advisory Team

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is a specialist structural and strategic advisory practice for directors and business owners. Services cover structural architecture, strategic mentoring and draft document preparation only. All content is general and educational in nature. It's not legal, financial or tax advice. Start with the free A13 at riskprotector.com.au then seek independent professional advice.