


















	Individual Name	Joint Names	Family Trust	Company	Superfund	
Cost	Establishment	 (\$ Nil)			 (±\$5000)	
	Ongoing Admin	 (\$ Nil)			 (±\$3500)	
Taxation	Transfer Duty	Duty, however possible access to family farm exemptions	Duty, however possible access to family farm exemptions	No duty on transfer of control	If land rich, duty applies	No duty on transfer (if vesting)
	Tax Rates	Personal rates	Personal rates	Generally personal rates	<50m Turnover, 26% rate (2021) <50m Turnover, 25% rate (2022)	15% Accumulation, 0% Pension phase
	CGT on Sale/Transfer	>12 mths, 50% Discount	>12 mths, 50% Discount	>12 mths, 50% Discount △ Control - nil CGT	No discounts	>12 mths, 1/3 Discount
Wind Up	Cost & Complexity					
Estate Planning	Will	Risk challenge/change	Joint tenancy VS Tenants in common	Control by deed/will Lower risk challenge/change	Control determined by shareholding	Binding Death Benefit Nomination/Reversionary pension
Succession Planning	Flexibility					
Asset Protection	Risk Level	High risk Joint and several liability	At risk Joint and several liability	With corporate trustee risk reduced	Single director to reduce risk	Protected from bankruptcy
Preference		Not recommended	Generally not recommended Can be used to good effect for estate planning (joint tenancy)	Most popular vehicle due to flexibility	Becoming more popular to access cash from corp beneficiaries (Div 7A)	Was popular for those with strong balances in super, now more difficult to put cash into fund

- One size does not fit all.
- Asset protection is a vital component in assessing a decision of which ownership structure to use. Farmland owned in individual/joint names is at risk of creditors, whilst a trust with a corporate trustee provides protection.
- Flexibility in succession and estate planning is often the main factor swaying any decision. Consider the future and what may happen past the initial purchase/transfer decision.
- Avoid including many blocks of farmland in just one entity, if doing so for the sake of cost.
- Give adequate time to plan. Understand that gone are those days where a 5 minute phone call is enough and a decision can be made on the spot. Using trusts, companies, and superfunds requires time for establishment and careful consideration of the internal structures of such entities (eg. Appointor and Guardian).
- Consult with your accountant before any decisions are made! An accountant is best placed to understand the farm business structure, goals, and succession/estate plans of the family.

Specialisation

We are uniquely placed in the Ag industry. We are big enough to influence your industry, have enough resources to tackle your most complex issues, yet small enough to be personal and really understand what is important to you. We specialise in:



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