



Shadow and De Facto Director Questionnaire.

Don't be caught out - key personnel can no longer hide in the shadows.

11-Point Questionnaire.

Are you a key employee of a company and are concerned that you might be a shadow or de facto director? If you tick yes to any of these factors, you should consider contacting us for an assessment of your circumstances.

1. You are not appointed as a director of the company, nor are you registered as a director of the company with the Australian Securities and Investments Commission (ASIC).
2. You have independent authority to negotiate and manage executive matters of the company, including negotiation of supply contracts, sale of key items of equipment, and managing employment and remuneration matters.
3. You promote yourself to the public, including suppliers and customers, as having the power to bind the company.
4. You have full control of the bank accounts of the company and that control is not subject to monetary (or other) limits.
5. You are or were involved in establishing the structure of the business.
6. You have wide ranging authority and power to bind the company, and that authority and power is not subject to monetary (or other) limits.
7. You are responsible for providing instructions to any BAS or tax agent of the company.
8. You are subject to limited oversight by, or there is limited involvement of, the appointed directors in carrying out any of the above functions.
9. The appointed directors are accustomed to acting in accordance with your wishes and instructions.
10. There are limited established internal governance policies and procedures in place in relation to the company and the roles and responsibilities of the key personnel of the company.
11. You are not an external professional advisor.

If you answer yes to a number of these factors, contact us for an assessment of your circumstances and advice on how you can manage the shadow or de factor director risks.



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For an assessment of your circumstances and advice on how you can manage the shadow or de factor risks, contact Taryn on (07) 3014 6513, or at thartley@mcw.com.au.

