

Snapshot: Legal services for small business

A comprehensive range of services – for good times and bad – because Kells understands running a small business is more than just a full-time job!

Kells has Extensive Small Business Experience

97 percent of private sector businesses in Australia are small businesses with less than 20 employees. Kells has provided legal support to this sector for more than five decades and, in so doing, has developed a comprehensive range of legal solutions tailored to meet the specific needs of small business clients; clients who prefer honest, straightforward advice and practical, cost-effective solutions based on real-life experience.

Services Tailored to Meet the Needs of Small Business

Whether you are just starting out or have been operating a small business for a while, need help with an on-going operational issue or are facing an unexpected crisis or thinking about handing over or selling your business, Kells has a range of practical legal services based on real-life experience ready to share with you.

Operating a Business		
buying a business	loan agreements	business on the Internet
securing premises	employment issues	contracts and other business documents
protecting your ideas	estate planning	franchising
planning & environment	credit control policies	compliance & corporate governance
consumer & competition law	selecting the right business structure	capital raising
When Things Go Wrong		
dispute resolution	WHS and injuries	debt recovery
business failure	contract claims	bankruptcy
Moving On		
succession planning	selling a business	partnership dissolution



Kells is certified to ISO 9001 standard, ensuring that our systems and processes are industry best practice, enabling our staff to deliver the highest quality legal services.

Kells

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A few client case studies ...

Saving GST on purchase of business

Clients came to Kells when they were buying a food outlet business. It turned out the vendor was also the landlord from whom they were going to lease the business premises. Kells determined this was a case where the clients were 'buying a going concern' and, as such, they did not have to pay GST on the purchase. This freed up tens of thousands of dollars for the clients during the start-up phase of their business which could be used on business generating initiatives such as advertising and promotions. *Protect your investment by getting advice from a lawyer with small business experience.*

Drafting DIY documents so business owner can save costs

Kells' client—a small manufacturer—needed to update its 'old-school' licence agreements used with its agents and distributors. These agreements included the licence of patented equipment and trademarks. Kells drafted new documents and a series of optional clauses which were able to be inserted as required by the client's administration staff who then took over the production of their own licence agreements in-house, saving the client time and money. Kells remains available to the client should any additional changes be required or any uncertainties arise. *Investing in the right documentation will save a business time and money in the long run.*

Protecting Business Owner with Thorough Employment Contract

A client bought a small business and wanted to keep on the vendor (as an employee) to help with the transition. When drafting the employment contract

Kells ensured it would be possible to terminate the vendor, should the need arise, during the probationary period. This turned out to be a valuable precautionary measure because the new employee was badmouthing our client to key customers. The right contract allowed employment to be terminated before any damage was done to the goodwill of the business. *Employment law can get complicated – get the right advice.*

Ensuring retiring partners get fair payout

When two partners retired from a small engineering business a dispute arose over the process and discount rate to be used to value their payouts. Unfortunately, the shareholder agreement – which should have clearly detailed all aspects of the valuation process – turned out to be a useless document produced together by the shareholders themselves with very limited legal advice. As a result, all the shareholders were drawn into lengthy and costly litigation. *Avoid a similar scenario by investing in the right legal advice when setting up a business.*

Winding up failed joint venture

So many small business people end up in court because they failed to take steps to protect themselves when setting up their business ... in this case a joint venture partner found herself thrown out of the business by her previous 'best friends'. There was no joint venture agreement because the partners had never envisaged anything going wrong. Their naïve approach cost them their business, their friendship and two years of their lives through drawn-out court battles. *Be prepared ... the right structure and agreements must be put in place from the outset.*

Kells has NSW Law Society Accredited Specialists in:

- Business Law,
- Property Law, and
- Employment and Industrial Law

Our specialist knowledge means that we provide expert advice across all legal issues that small businesses face.



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