

Understanding Your General Practice's Legal Structure

Purpose

This guide helps you understand what legal details your Primary Health Network (PHN) typically requires for contracting purposes, why they matter, and how to determine which category of entity that you fall into.

Why Providing Accurate and Complete Legal Details Matter

- It helps your PHN draft valid contracts with you.
- It facilitates timely payment to your practice.
- It reduces administrative delays and burdens on your practice.
- It ensures your practice meets its legal and contractual obligations.

Common Legal Structures in Australian General Practice*

- **Sole Trader:** e.g., “Jane Smith” operating under her personal name.
 - If a sole trader, we will require that person’s individual ABN (e.g., ABN 12 345 678 901).
 - Often uses the individual’s own name as the legal name.
 - Can be a registered business name too e.g., Jane Smith trading as Strawberry Jam.
- **Partnership:** e.g., “Smith & Less Medical Partnership” (using a joint ABN, e.g., ABN 34 567 890 123).
 - The partnership name might be a combination of partners’ surnames or a registered business name.
 - Partnership is not a separate legal entity to that of the partners.
 - Unlike a company, it does not include “Pty Ltd.”
- **Company:** (e.g., “Smith Medical Pty Ltd”):
 - Separate legal entity to that of the shareholders/owners of the entity.
 - Will have an Australian Company Number or ACN (e.g., ACN 123 456 789) and ABN
 - The name typically includes “Pty Ltd” to indicate a proprietary limited company structure.
- **Trust:** e.g., “Smith Family Trust,” with “Smith Family Pty Ltd” as the trustee.
 - A trust must have a trustee, (which may be a living person or persons, or a company).

- The trustee's name is in the trust deed (your accountant may be able to assist you locating that).
- If the trustee is a company, its legal name will follow the usual company naming rules (refer above).

Key Information Your PHN Needs

To enter a legally valid contract, your PHN typically requires all of the following (where applicable):

- The Full Name of the General Practice*.
- Registered Business Name of the Practice* (if different from above).
- Where a solo trader or partnership – the name(s) of all of the practice owner(s).
- Your practice ABN (Australian Business Number).
- Your practice ACN (Australian Company Number), if applicable.
- The full name of the Trustees if you use a Trust structure.
- Person or persons authorised to enter into contracts on behalf of the Practice.

Where to Find the Required Details

- **Check Your ABN (Australian Business Number):** Visit the Australian Business Register (ABR) (<https://abr.business.gov.au/>) to confirm the entity type (or legal structure) associated with your ABN.
- **Search ASIC Registers:** For companies and some trusts, search the ASIC register (<https://asic.gov.au/>) to verify key registration details and confirm the company’s legal name, ACN, and structure.
- **Review Founding Documents:** Trust deeds, partnership agreements, or company constitutions outline the formal legal structure.

If You Can’t Find the Details

- **Seek Advice:** Consult your practice accountant, lawyer, or practice manager about the legal structure.
- **Contact Regulatory Bodies:** Bodies like ASIC and ATO can guide you on or confirming entity details.
- **Notify the PHN:** if delays persist, inform the PHN that you are working to confirm the information.

This flyer does not constitute legal advice. If you need further assistance, please contact your own advisor.

** For companies providing serviced offices to self-employed GP sole traders, the term “General Practice or Practice” means that service company as authorised to act on behalf of the individual GP sole traders being served.*