

INDUSTRY SERVICE

HARWOOD
ANDREWS

AGRIBUSINESS



CONNECTING YOU TO A BETTER FUTURE



AGRIBUSINESS

Harwood Andrews is the largest law firm in regional Victoria. We understand the needs of the agricultural business sector and rural communities and provide expert legal advice when it counts.

Many of our lawyers and support staff have family and business connections in farming and agribusinesses.

We are accessible, approachable and have a genuine interest in providing legal services to primary producers, agribusinesses, and their rural communities. We have guided multi-generations of agricultural industry members, both small and large across Victoria for many years.

Reach out to us to talk about:

- Structuring and asset protection
- Estate and succession planning (including family farm and multi-generational business succession planning)
- Property transactions
- Taxation
- Superannuation
- Workplace and industrial relations, OH&S and employment law
- Farming agreements
- Family and other disputes
- Water law
- Environment and planning issues
- Debt recovery
- Intellectual property
- Family law



BUSINESS AND FARM STRUCTURING & SUCCESSION PLANNING

We often work with clients who are sole traders or operate family-owned businesses and farms. When you own a farm or agricultural business, succession planning can be a difficult exercise. If it is poorly done it can lead to permanently damaged family relationships, perhaps the loss of a property or farm and very substantial legal costs.

Whether you are embarking on a new agribusiness venture or transferring ownership of an existing enterprise to the next generation, it is essential that you work with a structuring team that understands the farming sectors and relevant legislative and regulatory framework. We aim to provide structuring and succession strategies that are tax effective, expand opportunities and reduce risks for the business and your family.

Not only do clients need to consider who should take control of the business in the future, but also:

- how non-business or off-farm children should be provided for
- what risks there might be of a challenge to the will
- what alternative ownership options ought to be considered, including a discretionary trust
- taxation consequences that follow different options

- the use of trusts in business structuring and business succession planning
- how business structure can impact your personal and business succession
- integrated family business planning
- minimising risks to your assets during the succession of your business
- limiting potential business liabilities
- superannuation
- ensuring that appropriate substituted decision makers are appointed to act in the event of illness or incapacity.

Agreeing on controls, roles, responsibilities, and structure can be a significant undertaking. Different family members, including on-farm and off-farm children, may have differing and competing views and expectations, so it is important for everyone to agree and be clear on who owns what, who does what—and what happens if something unexpected happens.



Alasdair Woodford
Principal Lawyer
03 5225 5217
awoodford@ha.legal



TAX

Whether you're planning for a tax-effective structure or responding to an ATO audit, our tax team provides insightful and understandable commercial and tax advisory solutions.

Led by industry-recognised professionals and technical tax commentators, we navigate the increasingly complex and evolving State, Federal and international revenue laws as they apply to you and offer advice as to how you are best to meet your commercial and tax obligations.

We provide advice on specific taxes and assist you in efficiently managing tax disputes.

The knowledge and technical expertise of our tax and team is well recognised. Our team is regularly invited to present at industry events, forums, conferences and to write papers, in particular for the Taxation Institute.



Rob Warnock
Principal Lawyer
03 5226 8512
rwarnock@ha.legal

PROPERTY TRANSACTIONS & LEASING

Harwood Andrews' property team provide guidance on the purchase, sale or lease of a commercial, industrial or residential property, land, farm or estate. We draw on the expertise of the commercial, tax, planning and environment, local government and the dispute resolution and litigation teams to provide end-to-end, concise and frank advice. It's this sophisticated, well-informed direction that sees the distinguished team act for private agribusiness clients and small to large property developers on an array of matters including:

- commercial leasing
- leases of land including Crown land leasing
- easements and covenants
- off-the-plan contracts and sales
- mortgage and securities advice
- boundary disputes
- property and land tax advice
- adverse possession
- compulsory land acquisitions



Jamie McCallum
Senior Associate
03 5226 8563
jmccallum@ha.legal



FAMILY & OTHER DISPUTES

Harwood Andrews are expert in guiding and advising clients through commercial disputes and negotiations, and ensuring their interests are protected. With a proven history of successful resolutions, the team are well versed in disputes arising in relation to agricultural land ownership, partnership and shareholders arrangements. Our knowledge extends to disputes in commercial and business trading, tenancy and owners corporations and claims extending to consumer law and trade practice compliance and regulatory investigations.

Our acumen and expansive knowledge relating to the agricultural and building and construction industries, sees us regularly advising firm clients and peak industry bodies on business and legal developments.

Let the team guide you through:

- commercial disputes
- dispute with regulatory bodies and government agencies including ASIC and ACCC
- shareholder and business ownership dispute
- farm business disputes
- land ownership disputes
- retail and commercial tenancy disputes
- owners corporation disputes
- mortgage default and debt recovery
- insurance disputes
- professional negligence claims
- trusts and will disputes.



Amy Jenkinson
Special Counsel
03 5225 5236
ajenkinson@ha.legal

WORKPLACE & INDUSTRIAL RELATIONS, OH&S & EMPLOYMENT LAW

Undoubtedly, one of the most complex elements of operating a business is its workforce, and the intricacies that come with filling labour needs and managing working relationships while also keeping up to date with compliance. There is a constant balancing act between creating a safe, positive and productive workplace and managing risks whilst also remaining focused on your day-to-day operations, commercial objectives and strategy. Harwood Andrews' workplace relations team will work with you to safeguard your operations through the myriad of ever-changing employment obligations.

We help you through the full employment lifecycle by preparing employment contracts and policies tailored to suit your operations and advising on relevant industry awards, labour hire arrangements and statutory compliance. We guide you through performance and conduct management and handling pay and other employment disputes as well as managing bullying, discrimination and sexual harassment complaints, dealing with OH&S issues, redundancies and terminations, and handling dismissal claims when they arise.

The team is well-versed in industrial relations, including negotiation of enterprise agreements and managing industrial disputes, and has a breadth of knowledge in workplace relations issues and employment law requirements in the agribusiness industry.



Sonia McCabe
Senior Associate
03 5226 8558
smccabe@ha.legal

WATER LAW

There is an increasing importance of the management and protection of Australia's water resources.

We assist individuals, farmers, water authorities and all levels of government to ensure that access to this essential resource is retained and used fairly and efficiently and advise on the laws governing water use. Our experience draws on resources from across the firm including our planning & environment team to offer advice, legal services and dispute resolution over water rights and upholding and interpreting the Water Act.

Water disputes can arise between individuals, businesses, and government agencies. We have assisted and advised on many matters of this nature to help resolve disputes through negotiation, mediation, or litigation.

In the agricultural industry and in rural Victoria where climate change, population growth and increasing competition for access to scarce water resources are experienced, water use can become a contentious point between neighboring farms and properties.

Let us guide you through:

- land and easement acquisition
- commercial water matters
- administration law and regulation
- pricing and essential services matters
- water disputes
- planning and VCAT matters,
- energy and ombudsman issues
- groundwater licensing
- water trading
- compulsory water and sewerage schemes
- infrastructure development and renewal
- service agreements (water, sewage, trade waste)
- EPA licensing and regulation
- operation, ownership and implementation of drainage and drainage schemes
- environmental audits
- representation and advocacy for land catchment protection issues.
- floodplain, dry land and salinity issues
- groundwater and land contamination
- conservation farming practices.



Amy Jenkinson
Special Counsel
03 5225 5236
ajenkinson@ha.legal



FAMILY LAW

When a relationship ends, you want someone who understands the complexities of separation and divorce, property settlements, parenting arrangements and responsibilities such as child support. You may need assistance in circumstances where a family or farming business, company or trust is involved or where capital gains tax liabilities are a consideration. You may need help to negotiate who children will live with and spend time with.

The Harwood Andrews' Family Law team takes a pragmatic and client-focused approach to strive for an amicable outcome through mediation or agreement.

In working collaboratively with other areas of the firm such as Wills and Estates, Commercial Law and Disputes groups, the Family Law team takes a holistic approach to your complex financial and taxation issues, superannuation funds, parenting matters and the division of assets in the context of a separation or divorce.



Lisa Hunt
Principal
03 5226 8584
lhunt@ha.legal

ENVIRONMENT & PLANNING ISSUES

With demonstrated and revered experience working alongside local government, state government, planning authorities and statutory bodies, our planning and environment team intimately understands their decision-making processes and objectives, resulting in pragmatic advice to these authorities or developers seeking approval. It is this devoted focus that sees the team advising on a broad range of commercial, residential and infrastructure projects across an array of industry sectors, not only to agricultural operators but industrial, residential development, commercial, aged care, wind, and mineral resources.

Additionally, the team regularly represents clients in matters before the Planning and Environment List of the Victorian Civil and Administrative Tribunal (VCAT) and Ministerially Appointed Planning Panels and Advisory Committees.



Greg Tobin
Principal
03 5225 5252
gtobin@ha.legal



INTELLECTUAL PROPERTY

With the busy nature of owning and running a business in the agriculture sector, it is easy to overlook the importance of intellectual property which you have developed in your business. At Harwood Andrews, we cultivate commercial success by nurturing your intellectual property rights and ensuring your heavy lifting reaps the rewards you have worked hard to develop. We assist to identify your key business drivers and tailor your intellectual property to suit your needs. Whether that is patents for ground breaking agricultural technologies, trade marks to protect your brand/logo, plant breeders rights for a new variety of plant, or copyright and designs to protect the visual design of an invention.

Our clients often require:

- registration of intellectual property in Australia and overseas
- identification, protection and compliance advice
- commercialisation of intellectual property rights including licensing of IP rights
- representation in Intellectual property infringement disputes
- enforcement of intellectual property rights
- branding advice
- drafting IP agreements that protect intellectual property including R&D agreements, services agreements and confidentiality agreements
- management of trade mark portfolios
- IP Audits.



Michelle Dowdle
Principal Lawyer
03 9611 0114
mdowdle@ha.legal

DEBT RECOVERY

The debt recovery team at Harwood Andrews have considerable experience providing cost-effective advice to clients to maximise their debt recovery.

Whether debts are being recovered for an agricultural business or individual, we are proactive in negotiation and enforcement to obtain prompt and cost effective results.

We provide practical legal advice and tailored debt recovery strategies aimed at providing you with the most efficient and commercial outcomes.



Stephanie Davies
Senior Associate
03 5226 8550
sdavies@ha.legal

GEELONG

70 Gheringhap Street
Geelong VIC 3220
T 03 5225 5225

MELBOURNE

Tower Two | Collins Square
Level 22, 727 Collins Street
Melbourne, VIC, 3008
T 03 9611 0190

