

Contents

1	Establishing a Comparative Framework of Tax Incentives for Start-Up Investors	1
1.1	Introduction	2
1.2	Venture Capital	3
1.3	Early Stage Investor Program	4
1.4	Aim and Structure of this Book	6
	References	8
2	Innovation, Start-Ups and Venture Capital	11
2.1	Introduction	11
2.2	Australia and the Global Innovation Race	14
2.3	Start-Up Companies as Drivers of Innovation	16
2.3.1	Contrasting Start-Ups with Other Small Businesses	17
2.3.2	Contrasting Start-Ups with Large Businesses	17
2.4	The Nature of Venture Capital	18
2.5	Angels and Venture Capitalists	19
2.5.1	Similarities Between Angels and Venture Capitalists	20
2.5.2	Differences Between Angels and Venture Capitalists	21
2.6	Conclusion	24
	References	24
3	Australia's Formal Venture Capital Tax Incentive Programs	29
3.1	Introduction	30
3.2	Australia's Formal Venture Capital Tax Incentive Programs	31
3.3	MIC and PDF Programs	32
3.4	VCLP and ESVCLP Programs	35
3.5	Conclusion	38
	References	39
4	Australia's Early Stage Investor Program	41
4.1	Background	42

4.2	Early Stage Innovation Companies	43
4.2.1	Early Stage Requirements	43
4.2.2	Innovation Requirements	47
4.2.3	Critique of the Innovation Requirements	57
4.2.4	Tax Rulings	61
4.3	Tax Offset	64
4.3.1	Amount of Tax Offset	65
4.3.2	Restriction on Investments Made by Retail Investors	66
4.3.3	Flow Through of the Tax Offset for Members of Trusts and Partnerships	69
4.4	Modified CGT Treatment	71
4.5	Reporting Obligations	74
4.6	Diagrams Illustrating the Operation of the ESI Program	75
4.7	Conclusion	76
	References	77
5	United Kingdom's Seed Enterprise Investment Scheme	81
5.1	Background	82
5.2	The Risk-To-Capital Condition	84
5.3	Investor Requirements	84
5.4	General Requirements	86
5.5	Company Requirements	87
5.5.1	Point-In-Time Requirements	87
5.5.2	Ongoing Requirements	88
5.5.3	Absence of Specific Innovation Requirements	90
5.6	Income Tax Relief	91
5.7	CGT Relief	92
5.8	Loss Relief	94
5.9	Reinvestment Relief	95
5.10	Conclusion	96
	References	97
6	Suggestions for Reforming Australia's Early Stage Investor Program	99
6.1	Introduction	99
6.2	Providing Innovation and Science Australia with the Power to Make Rulings	100
6.3	Allowing Capital Losses	101
6.4	Introducing Reinvestment Relief	103
6.5	Extending the Incentive to Investment in Later Stage Companies	103
6.6	Removing the 10 Year CGT Limit	104
6.7	Conclusion	105
	References	106
	Appendix: ESI Program Legislation	109
	Index	119