
SMSF AFSL ADVISERS KIT

CONTENTS

Thank you for your recent order of the SMSF AFSL Advisers Kit ('Kit'). The Kit comprises five parts:

- 1 SMSF AFSL Advisers Memo ('Memo')
- 2 Template Communications
- 3 Checklists
- 4 Internal Training Presentation for Non-AFSL Advisers
- 5 Disclaimers

See below for a list of the documents provided under each part.

The Kit is intended for use by advisers (particularly accountants) who:

- do not hold their own AFSL or are not an authorised representative of an AFSL holder; or
- have an AFSL but provide services (eg, via an accounting firm) that are not covered by an AFSL.

The documents that comprise the Kit have been prepared to allow options and tailoring to each accountant's specific circumstances, business model and structure.

Files Provided

| Document Reference | Document Name |
|---------------------------|--|
| 00A (this document) | Contents - SMSF AFSL Advisers Kit |
| 1 | <p>SMSF AFSL ADVISERS MEMO (PDF)</p> <p>The Memo provides background information and general guidance to accountants who:</p> <ul style="list-style-type: none"> • do not hold their own AFSL or are not an authorised representative of an AFSL holder; or • have an AFSL but provide services (eg, via an accounting firm) that are not covered by an AFSL. |
| 00B | SMSF AFSL Advisers Memo |

2 TEMPLATE COMMUNICATIONS – EXECUTION ONLY SERVICE/FACTUAL INFORMATION ONLY (WORD)

These template letters have been prepared on the basis that the accounting firm will be providing an execution only service. Where appropriate, disclaimers have been included in the template letters stating that the content is factual information only without any financial advice. These template communications are suggestions only, and are provided for you to use and adapt for your firm’s services. These templates have been provided in a MS Word and MS PowerPoint (editable) format allowing you to brand the information appropriately. We confirm that we do not accept any responsibility or liability for any changes you make to the text and we disclaim in respect of any loss, penalties or damages arising from any changes (‘Variation Disclaimer’). Please let us know if you would like us to review any changes.

| | |
|----|--|
| 01 | Letter to all clients re impact of AFSL regime |
| 02 | Letter re new SMSF set up |
| 03 | Letter re pension commencement |
| 04 | Letter re SMSF deed update |
| 05 | Letter re pension commutation |
| 06 | Letter re contributions |
| 07 | Letter re investment strategy |
| 08 | Letter re in specie contribution of BRP |
| 09 | Letter re LRBAs |
| 10 | Letter re benefit roll-over |
| 11 | Letter insert re referral |

3 CHECKLISTS (PDF)

These checklists should be used in conjunction with the Memo and are to be used as a general guide only. They are not to be taken as an exhaustive list. If an accountant is uncertain about whether they can or cannot perform an activity, we recommend that they seek legal advice. DBA Lawyers would be pleased to assist in this regard.

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| 12A | Checklist - Accountants |
| 12B | Checklist - SMSF AFSL Advisers |

4 INTERNAL TRAINING PRESENTATION FOR NON-AFSL ADVISERS (POWERPOINT)

The PowerPoint slides are a suggested format for internal training. The purpose of these slides is to provide a framework for discussion and highlight the key considerations regarding the impact of the AFSL regime to all staff. You may wish to discuss some of the examples from the Memo during the internal training. These slides supplement the information in the Memo but all staff should still review the Memo. We confirm the Variation Disclaimer also applies to any changes. Please let us know if you would like us to review any changes.

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| 13 | Internal training for Non-AFSL Advisers |
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5 DISCLAIMERS (WORD)

This document provides the suggested disclaimers from the Memo in a word (editable) format for you to vary for your firm. The categories of disclaimers are listed below:

- Factual advice
- Taxation advice
- Execution only service
- Broad asset allocation advice
- Referral
- Accountant involved in a FP related assignment
- No legal services provided
- FP advice related to an eligible service
- Combined disclaimer (covering all of the above)

We confirm the Variation Disclaimer also applies to any changes made.

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| 14 | Disclaimers from Memo |
|----|-----------------------|

Licensing

You have, subject to the disclaimer below, purchased a single licence that offers multiple use by one user of the same firm, in the same office for a 12 month period. You are not permitted to licence or allow others to use the kit.

The documents in the kit have been prepared based on the law as of 1 August 2017. Note that there are likely to be changes and developments in this area in the next 12 months as it is a relatively new area of law. We intend to monitor any changes and developments, and if there are substantial changes in the next 12 months, we may decide to update the kit. If we do update the kit, we will provide you the opportunity to purchase a licence of the updated kit at a discounted price.

Assistance

Unless specifically requested and agreed to, we have not provided any advice in respect of the enclosed documents. Rather, the documentation is general in nature only and we recommend that you obtain specific advice in relation to your own specific circumstances.

In particular, the documentation is to safeguard advisers who remain within the exemptions provided. However, an adviser who provides financial product advice or financial services will not be protected by this kit. Thus, advisers must ensure that their practice is consistent with relevant law.

Further, unless specifically instructed by you in writing, and subject to you entering into an ongoing client agreement and payment of our required annual fee, there is no obligation whatsoever upon DBA Lawyers to notify you in respect of any changes to the law, ASIC regulatory statements, policies, etc and how any such changes might impact upon any information previously given.

Copyright in this suite of documents belongs to DBA Lawyers and any unauthorised copying without DBA Lawyers' prior written consent will be prosecuted.

Finally, it should be noted that DBA Lawyers is not licensed to provide financial product advice under the *Corporations Act 2001* (Cth).

Please do not hesitate to contact us should you have any queries or require further assistance.

Yours sincerely

DBA LAWYERS