

DISCRETIONARY TRUST VARIOUS DOCUMENTS — ORDER FORM

*Please complete all
details in block letters*

Firm ordering (if applicable):

Person ordering:

Street address:

Postal address (if different):

Phone:

Email:

Tick here ☐ if we are to invoice the trustee (otherwise, our invoice will be made out to the person ordering)

Documents will be delivered by email as PDF files

TRUST DETAILS

Name of trust:

Date of deed establishing the trust:

Date of the most recent deed (if amendments have been made):

Please provide a complete PDF copy of the executed/signed trust deed.

Has there been any variations to the trust deed? Yes ☐ or No ☐ (If yes, provide relevant variation documents)

COMPANY TRUSTEE

Company name:

ACN:

Registered office:

Full names of all directors:

OR

INDIVIDUAL TRUSTEES

Full name:

Residential address:

Full name:

	Residential address:
	Full name:
	Residential address:
	Full name:
	Residential address:

APPOINTOR (or other similar role that may referred to eg, Principal/Guardian)	
COMPANY	
Company name:	
ACN:	
Registered office:	
Full names of all directors:	

OR

APPOINTOR (or other similar role that may referred to eg, Principal/Guardian)	
INDIVIDUAL/S	
	Full name:
	Residential address:
	Full name:
	Residential address:
	Full name:
	Residential address:
	Full name:
	Residential address:

MAIN/PRIMARY BENEFICIARIES	
The primary beneficiaries are typically the people named in the trust (eg, husband and wife).	
	Full name: Residential address:
	Full name: Residential address:
	Full name: Residential address:

	Full name:
	Residential address:

SETTLOR	
The settlor is the person who creates the trust by placing the first trust property or settled sum (eg, \$10) on trust.	
	Full name:
	Residential address:

SPECIAL INSTRUCTIONS – Please provide any further information required
Note that DBA is not licensed to provide financial product advice under the <i>Corporations Act 2001</i> (Cth).

CONFIRMATION OF CAPACITY
Documents prepared will assume that all parties have legal capacity to execute documents. Please contact our office prior to submitting your order if this is not the case.

SERVICE	PRICE (INC GST)	ORDER
Review of trust deed and provision of report This service involves us reviewing the trust deed and reporting back on possible amendments. The review will cover the following items: income streaming, appointor powers, investment powers, financial reporting requirements and vesting date.	\$990	☐ 1
Change of trust name Variation of trust deed to change the name of the trust. Please provide additional information where indicated on the following pages.	\$440	☐ 2
Foreign person exclusion Variation of Family/Discretionary trust deed to exclude 'Foreign Persons' (or similar term) for a single or multiple jurisdictions for duties and land tax purposes. Please provide additional information where indicated on the following pages. Note additional fees apply for multiple jurisdictions.	\$990 DBA Deed \$1,250 Non-DBA Deed	☐ 3
Variation for streaming and to improve tax provisions Variation to a trust deed for tax purposes such as including appropriate income determination and streaming provisions.	\$1,250	☐ 4
Variation for Appointor and Successor Appointor provisions Variation for inclusion of Appointor and Successor Appointor provisions for the smooth functioning of the Appointor and Successor Appointor roles.	\$1,250	☐ 5
Variation for investment power provisions Variation to a trust deed to provide for broad and modern investment powers, allowing for investments in all types of investments and assets including such as cryptocurrencies.	\$1,250	☐ 6
Change of appointor Documents to effect a change of appointor of an existing trust. Please provide additional information where indicated on the following pages.	\$770	☐ 7
Documents for a current appointor to make a Successor Appointor nomination Note that we recommend the appointor provisions are reviewed to ensure they meet your needs and are varied if necessary (see order 5 above). Please provide additional information where indicated on the following pages.	\$660	☐ 8
Winding up or vesting Winding up/vesting a discretionary trust that does not have significant assets or any dutiable property. The documents are prepared on the basis that the Trust holds total assets less than \$5,000, and no assets that are situated outside Australia.	\$660	☐ 9
Change of Trustee for a discretionary trust Documents to effect a change of trustee of an existing trust. Please provide additional information on where indicated on the following pages.	\$770	☐ 10
Renunciation Instead of amending a deed to exclude certain existing beneficiaries, these documents can be signed by the 'existing' beneficiary to renounce all present and future rights as a beneficiary which they may have under the trust. Please provide additional information where indicated on the following pages.	\$990	☐ 11
Variation to amend reporting requirements These documents will remove the requirements to prepare statements in accordance with Australian Accounting Standards (AAS). Recent changes to the AAS have meant that trust deeds that were in existence as of 1 July 2021 that expressly require trustees to prepare financial statements in accordance with the AAS are required to prepare general purpose financial statements and not special purpose statements.	\$440	☐ 12
Extension to vesting date Variation to a trust deed to vary the vesting day to the 125 th (Qld) or 80 th (all other states except SA) anniversary of the commencement date of the trust. Please provide additional information where indicated on the following pages.	\$990 DBA Deed \$1,250 Non-DBA Deed	☐ 13
Beneficiary notification of unpaid present entitlement Documents to notify a beneficiary of an unpaid present entitlement for the purposes of section 100A of the <i>Income Tax Assessment Act 1936</i> (Cth). Please provide additional information where indicated on the following pages.	\$440	☐ 14

Please only complete for the document orders chosen.

For order 2: Change of trust name

PROPOSED TRUST NAME
Current name of trust:
Proposed name of trust:

For order 3: Foreign Person exclusion

Please select the jurisdictions to be covered
☐ VIC ☐ NSW ☐ QLD ☐ ACT ☐ SA ☐ TAS ☐ WA ☐ Cth Note that the standard fee covers 1 jurisdiction. • 1 additional jurisdiction = \$200 extra • 2 additional jurisdictions = \$350 extra • 3 or more additional jurisdictions = \$450 extra
Special Issue – NSW – Primary/named beneficiaries who are foreign The NSW Chief Commissioner in Revenue NSW's practice note CPN 004 v2 states that, should a trust contain named or specified beneficiaries that are foreign persons, the Chief Commissioner will usually require that such beneficiaries are specifically removed from the trust as beneficiaries and if the named foreign beneficiaries are not removed, the trustee will generally be liable for foreign surcharges. The practice note states that: 'It is generally not sufficient that named beneficiaries are merely prevented from receiving distributions, e.g. through a general clause excluding foreign persons from receiving distributions. This is because the named beneficiaries might have the power to appoint a new Appointer or appoint or remove trustees and the trust may still be capable of amendment in a manner that would result in a foreign person being a potential beneficiary.' Accordingly, if any of the primary/named beneficiaries of the trust are 'foreign' persons we recommend that you consider specifically varying the trust deed to remove their name. While this type of change in beneficiaries may give rise to resettlement risks, Revenue NSW provides some guidance on this issue in DUT 017v2. The Federal Tax Commissioner provides guidance on resettlements in TD 2012/21 Specific duty and tax law advice should be sought before proceeding. If you consider one of the primary/named beneficiaries is 'foreign' please contact us to discuss.

For order 7: Change of appointor

DETAILS OF NEW APPOINTOR/S

NEW AND CONTINUING INDIVIDUAL APPOINTORS (please include all people who should be appointors after the change)

	Full name:
	Residential address:
	Full name:
	Residential address:
	Full name:
	Residential address:
	Full name:
	Residential address:

OR

NEW COMPANY APPOINTOR	
Company name:	
ACN:	
Registered office:	
Full names of all directors:	

For order 8: Documents to appoint or change a Successor Appointor nomination

IMPORTANT INFORMATION

The standard successor appointor documents we prepare will provide that the nominated successor appointor will step into that role:

1. where one current appointor is nominating their own separate successor, upon the cessation of their role of appointor of the trust in accordance with the terms of the trust; or
2. where **two** appointors are jointly nominating one or two successors, upon the cessation of the last of the nominating current appointors from their role of appointor of the trust in accordance with the terms of the trust.

It is important that you review the terms of the trust to ensure you understand the events upon which an appointor's role will cease (eg, upon death, loss of capacity or resignation). If the current terms of the trust do not coincide with your intentions, the terms of the trust may have to be changed or tailored successor nomination documents may be appropriate.

Further, where a successor appointor is nominated in the deed itself, you may need to vary the terms of the trust to remove such a nomination. If the trust deed provides for a successor appointor, please contact us to discuss.

If you require any advice or input on reviewing the terms of the trust to ensure they meet your requirements, please contact us to discuss.

Choose and complete only 1 of either Option 1 or Option 2 below

Check this box if choosing Option 1: Separate Nominations ☐

Check this box if choosing Option 2: Joint Nominations ☐

SPECIAL INSTRUCTIONS

Please let us know if you have any other instructions or requirements.

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OPTION 1: ONE OR TWO CURRENT APPOINTORS EACH SEPARATELY NOMINATING ONE SUCCESSOR EACH

Please enter the details of each current appointor, whether they are appointing a successor and the successors details where relevant.

Current appointor 1	Full name:
	Residential address:
	Are they nominating a successor? ☐ (if so complete the details for the successor appointor 1)
Successor appointor 1	Full name:
	Residential address:
Current appointor 2	Full name:
	Residential address:
	Are they nominating a successor? ☐ (if so complete the details for the successor appointor 2)
Successor appointor 2	Full name:
	Residential address:

OPTION 2: TWO CURRENT APPOINTORS JOINTLY NOMINATING ONE OR TWO JOINT SUCCESSORS

Please enter the details of each appointor, whether they are appointing a successor jointly and the relevant successors details.

The nomination of the below listed successor appointor/s will take effect upon the cessation of the last of the below named current appointors from their role of appointor of the trust in accordance with the terms of the trust.

Current appointor 1	Full name:
	Residential address:
	Are they nominating a successor jointly? ☐ (if so complete the successor details below)
Current appointor 2	Full name:
	Residential address:
	Are they nominating a successor jointly? ☐ (if so complete the successor details below)
Joint successor appointor 1	Full name:
	Residential address:
Joint successor appointor 2	Full name:
	Residential address:

For order 9: Winding up or vesting a trust

PROPOSED VESTING DETAILS
Proposed vesting date (if left blank will be upon execution):
If you would like, you can instruct us below to provide that all capital and income of the Trust is held on bare trust in equal shares for the following person/s. This is taken to be a distribution by the Trustee immediately prior to the vesting of the Trust. If no names are provided, then: - any capital and income of the Trust is held on bare trust in equal shares for the beneficiary or beneficiaries who under the terms of the Trust is automatically entitled to any capital of the Trust that the Trustee has failed to make one or more other beneficiaries entitled to upon vesting of the Trust (ie, the takers in default of the Trustee exercising its discretion to distribute); or - if the terms of the Trust do not provide for any beneficiary to be automatically entitled to the capital of the Trust upon vesting in the absence of the Trustee exercising its discretion to distribute, then all capital and income is held on bare trust in equal shares for the beneficiary or beneficiaries who were last made presently entitled to income of the Trust in the last financial year in which any beneficiary was made entitled to any income of the Trust.
Proposed persons to be made entitled prior to vesting:
Full name:
Residential address:
Full name:
Residential address:

For order 10: Change of trustee

NEW COMPANY TRUSTEE	
Company name:	
ACN:	
Registered office:	
Full names of all directors:	

OR

NEW AND CONTINUING INDIVIDUAL TRUSTEES (include all people who should be a trustee after the change)	
	Full name:
	Residential address:
	Full name:
	Residential address:
	Full name:
	Residential address:
	Full name:
	Residential address:

Does the Trust hold real estate in any Australian State or Territory? (please select the relevant jurisdiction)
☐ VIC ☐ NSW ☐ QLD ☐ ACT ☐ SA ☐ TAS ☐ WA

For order 11: Renunciation

BENEFICIARY WHO WILL GIVE RENUNCIATION
Full name:
Residential address:
Why is this renunciation being given?:

For order 13: Variation to vesting date

GOVERNING LAW OF THE TRUST (please select the relevant jurisdiction)
☐ VIC ☐ NSW ☐ QLD ☐ ACT ☐ SA ☐ TAS ☐ WA

For order 14: Beneficiary notification of UPE

BENEFICIARY WHO WILL BE NOTIFIED OF UPE
Full name:
Residential address:
Amount of UPE (if known):