

# Product Disclosure Statement

## Fleay-Williamson Super Fund

The issuers of interest in the Fleay-Williamson Super Fund (Fund) are **Jennifer Marie Fleay and Bruce Eric Williamson** both of 273 Torquay Terrace, Torquay, QLD 4655 (Trustees) who may be contacted at that address.

The Trustees are not licensed to provide you with advice about investing in the Fund. If you wish to obtain advice about the Fund or superannuation products generally, you should contact a person who is licensed to provide this advice.

### Significant benefits of investing in the Fund

The significant benefit of investing in the Fund is that, as a member of the Fund, you may plan for your retirement in a tax effective manner.

The Fund is a self managed superannuation fund. As such, if you become a member of the Fund, you will also be required to be a Trustee (or a director of the Trustee). The benefits of being involved in the management of the Fund include the ability to influence the investment decisions of the Fund, taking into account:

- (a) your income requirements in retirement;
- (b) your investment profile;
- (c) your taxation requirements;
- (d) any other business or investments you may have;
- (e) the administrative costs that will be incurred by the Fund; and
- (f) your environmental, social and ethical beliefs.

As a trustee, you will be responsible for formulating and effecting the Fund's investment strategy, having regard to such things as income requirements in retirement, risks and likely returns from the Fund's investments, diversification, liquidity and cash flow requirements of the Fund.

The Trustees will, if they have not done so already, attend to the formulation of an appropriate written investment strategy as soon as possible.

### Risks of investing in the Fund

As a trustee, you will be responsible for ensuring the Fund is properly managed and that it remains compliant with all of its legal obligations. A failure to comply with the Fund's legal obligations can render the Fund non compliant. If this occurs, the Fund may have to pay significant tax.

The Trustees have wide powers of investment under the trust deed for the Fund and the assets of the Fund may be exposed to varying levels of risk. While the Trustees will aim to generate income returns, it is not guaranteed.

You have no minimum guaranteed benefit and you may ultimately receive less than you have contributed to the Fund if investment returns are poor.

Further, as a trustee, you will owe the other members of the Fund fiduciary duties and significant penalties can be imposed on you personally if you are involved in a breach of the *Superannuation Industry (Supervision) Act 1993* (Cth) or the *Corporations Act 2001* (Cth).

**Cost of the product**

You will not be obliged to make any contributions to the Fund. Any contributions you do make to the Fund will be at your discretion.

The reasonable costs of the ongoing administration of the Fund will be deducted from the assets of the Fund.

**Fees and charges**

Under the Fund's trust deed, the Trustees are entitled to pay those costs or expenses and any tax attributable to your membership and such other amounts as the Trustees determine from your member accumulation account. The Trustees may also pay from the income account of the Fund any tax or levy not attributed to a member account and the cost of any insurance policy not attributed to a member account.

**Commission**

There is no commission, to the Trustees' knowledge, or other similar payment, that will be paid from the Fund that may impact on the amount of the return generated by your investment in the Fund.

**Trustee remuneration**

No Trustees are permitted to receive any remuneration from the Fund for any duties or services performed as the Trustees of the Fund as long as the Fund is a self managed superannuation fund.

**Information about making contributions to the Fund**

Generally, before you reach age 65 years, contributions can be made to the Fund by you, or on your behalf and there is no requirement for you to be gainfully employed.

The Trustees have the power under the trust deed to accept compulsory or voluntary employer contributions made to the Fund on your behalf. Your employer does not need to become a participating employer to be able to make contributions to the Fund.

Special rules apply under superannuation law regarding contributions made to the Fund on your behalf after you have reached age 65 years (including that a prescribed "work test" must be met for a member aged over 65 to make contributions, and that a member cannot make personal contributions in any case once they reach 75). If you have any queries about the Trustees' ability to accept contributions on your behalf, please contact the Trustees.

Any contributions made to the Fund are subject to the Trustees' unfettered discretion to accept contributions as they determine.

Contributions can be made at any time, either as one off payments or at regular intervals.

In the absence of an agreement to the contrary, neither a Member nor an employer is under an obligation to make a contribution to the Fund.

*Employer contributions*

As from 1 July 2013, an employer can claim a tax deduction for superannuation contributions made in respect of your membership in the Fund regardless of your age, to the extent that the contributions reduce the employer's superannuation guarantee charge percentage. (Before 1 July 2013, an employer could generally only claim a tax deduction for superannuation contributions made in respect of your membership in the Fund if you were under the age of 75 years).

*Personal contributions*

So long as you have not reached age 75 years, you can generally claim a tax deduction for personal contributions made

to the Fund, if you are self-employed, substantially self employed, or do not receive and are not entitled to receive superannuation support from your employer.

Salary sacrificed income will be included in your assessable income when determining whether you satisfy the requirements to be eligible to claim a deduction for personal contributions.

As from 1 July 2017, all individuals (not just the self-employed) under age 75 (apart from members of certain prescribed funds) can claim an income tax deduction for personal superannuation contributions.

If you are unsure of your eligibility for a tax deduction on personal contributions, you should seek professional superannuation and tax advice.

### **Information about withdrawing your investment**

#### *Preservation rules*

Your investment in the Fund is intended for your retirement and normally cannot be paid out in cash until you turn age 65 years, retire after reaching your 'preservation age' (refer below), you become permanently and totally unable to work, you are terminally ill or you die.

You can transfer your investment in the Fund to another superannuation fund or retirement savings account at any time.

Any contributions made to a regulated superannuation fund from 1 July 1999 are preserved benefits. Neither preserved, nor restricted non preserved benefits may be accessed by you until a condition of release has been satisfied. Once a full condition of release is satisfied, the benefits in the Fund at that time become unrestricted non preserved benefits. As a general rule, only unrestricted non preserved benefits can be accessed/cashed by you from the Fund.

A condition of release includes events mentioned above, such as retirement after reaching preservation age (although reaching preservation age without retiring may still allow limited access to your superannuation), your death, your permanent incapacity, attaining age 65 years, terminal illness and severe financial hardship. It is crucial that you do not access/cash your benefits before they become unrestricted non-preserved (unless otherwise allowed) as the benefits accessed will not be taxed concessional as a superannuation benefit but will be taxed at your marginal tax rate.

Your preservation age is as follows:

<b>Date of birth</b>	<b>Preservation age</b>
Before 1 July 1960	55 years
1 July 1960 to 30 June 1961	56 years
1 July 1961 to 30 June 1962	57 years
1 July 1962 to 30 June 1963	58 years
1 July 1963 to 30 June 1964	59 years
After 30 June 1964	60 years

#### *Payment of your benefits*

If you retire or you are otherwise entitled to receive your benefit, the benefit may be paid in any one or more of the following forms:

- (a) one or more lump sums; or

(b) one or more income streams.

The amount that may be paid is the amount standing to the credit of your member account less any tax applicable, subject to the preservation rules discussed above.

Where your benefit is being paid as an income stream, the Trustees may pay your benefit by way of any type of income stream permissible by superannuation law at the time of payment. The permitted income streams generally include account based pensions and transition to retirement pensions.

#### *Temporary residents*

From 1 April 2009, the fund trustees may be required to pay the unclaimed superannuation benefits of departed temporary residents to the Australian Taxation Office. Certain conditions of release (ie retirement or attaining age 65 years) are not available to departed temporary residents, who will have to receive their benefits as a departing Australia Superannuation payment (**DASP**). As from 1 July 2017, a DASP will be taxed at 35% on the taxed element and 45% on the untaxed element on the taxable component of the benefit. (For the 2015, 2016 and 2017 income years, as a result of the temporary budget repair levy, a DASP was taxed at 38% on the taxed element and 47% on the untaxed element on the taxable component of the benefit.)

#### *Payments and transfers in-specie*

The Trustees may, with your permission or the permission of a dependant of yours (as the case requires), pay a benefit by transferring investments of the Fund of equivalent value instead of paying the whole or part of the benefit amount in cash as long as the transfer does not cause the Fund to breach the superannuation law.

#### *Death benefits*

Under the Fund's trust deed, your entitlement is payable to your legal personal representative or your nominated superannuation dependants on your death.

You are able to nominate your legal personal representative or superannuation dependants to receive some or all of your entitlement when you die.

If you wish to nominate a person to receive some or all of your entitlement to be paid if you die, you should ask the Trustee for either a non binding nomination form or a binding nomination form. The Trustee will not be bound to make a payment in accordance with a non binding nomination, but will be bound to make a payment in accordance with a valid binding nomination (although, if you are receiving a pension that reverts to another beneficiary on your death, that reversionary nomination may take precedence over an inconsistent binding death benefit nomination – refer below).

If you seek to nominate more than one beneficiary, you should clearly apportion the entitlement of each nominated beneficiary and ensure that the entitlement is reasonably ascertainable.

Where your benefits are paid in the form of an income stream (such as a pension or annuity), you can nominate a reversionary beneficiary to receive the income stream. The reversionary beneficiary cannot be your adult children (over age 25 years), unless they have a disability under section 8(1) of the *Disability Services Act 1986*. Adult children (over age 25 years) must take any superannuation death benefits received as a lump sum. From 4 December 2008, under superannuation law, a spouse includes a same sex partner. A child of the relationship (ie adopted or conceived during the relationship) will be a dependant of both partners for the purpose of payment of death benefits.

#### *Disablement benefit*

Once the Trustees are satisfied that you have suffered total and permanent disablement (**TPD**), a TPD benefit may be paid. TPD means incapacity to such a degree that, in the opinion of two registered medical practitioners appointed by the Trustees, you have ceased to be gainfully employed and are unlikely to work again in a position for which you are reasonably qualified by education, training or experience.

If you become temporarily totally disabled (ie unable to attend work for a period of time but not permanently incapacitated) and the Trustees form that opinion, you will be entitled to receive your benefit in the form of a non commutable income stream for the purpose of continuing the gain or reward (in whole or part) which you were receiving before the temporary incapacity from employment. The non commutable income stream will continue for the duration of your temporary incapacity (depending on the amount of your benefit).

#### *Vesting*

Under superannuation law, all contributions made in respect of your membership must be fully vested as they are all minimum benefits to which you are entitled.

#### **Rollover of benefits**

Where you are a member of another superannuation fund and wish to transfer your benefits from the other fund into this Fund, the Trustees may accept cash or authorised investments from the other fund to the value of your member benefits being transferred.

Conversely, where you join another superannuation fund and you request that the whole or part of your benefit in this Fund be transferred to the other fund, the Trustees may transfer to the other fund cash or authorised investments.

Further, you are able to rollover all or any of your benefit into another approved benefit arrangement or back into this Fund. This allows internal rollovers to be achieved under the terms of the Fund's trust deed.

#### **Trust deed binding**

On becoming a member of the Fund, you will be bound by the provisions of the Fund's trust deed as varied from time to time.

#### **Variation of trust deed**

The Fund's trust deed can be varied by the Trustees, provided that the variation does not retrospectively reduce or adversely affect the accrued value of the benefit in the Fund of any member (without the written approval of the affected member).

#### **Insurance**

The Trustees will regularly review your insurance needs and may arrange and maintain an insurance policy for your benefit or the benefit of your dependants. The Trustees will determine the type, amount and terms of the policy and will appoint the insurance company. The Trustees may require you to be medically examined, submit proof of health, habits or pastimes, provide proof of age or take such other actions as may reasonably be required by the Trustees or the insurer. Further, you may request the Trustees in writing to effect an insurance policy and the Trustees must effect such policy unless it is of the opinion that such policy is not in your best interests or in the best interests of your dependants. The premiums of the insurance policies held for you will be paid out of your member account.

Decision regarding insurance: \_\_\_\_\_

*(If the above is blank, the trustees have decided not to acquire an insurance policy on your behalf as at the date of this Product Disclosure Statement).*

#### **Taxation**

Provided that you do not exceed your contribution limits, you will not be taxed on personal contributions paid from your after tax income. A tax of 15% is paid by the Fund on contributions paid from your before tax income, contributions paid for which you received a tax deduction, rolled over amounts (to the extent they consist of an untaxed element of the post June 1983 component of a rollover) and contributions made by your employer.

From 1 July 2004, the Government Co-contribution is available, where you are an employee who is under age 71 years, you lodge a tax return, 10% or more of your total income is from eligible employment, running a business or both, your total income is less than \$51,813 (for the 2017/18 income year) and you make a personal contribution of after tax money into a complying superannuation fund. The income limit for the 2016/17 income year was \$51,021.

From 1 July 2007, you are also eligible for the co-contribution if you are self employed.

From 1 July 2009 there has been a reduction in the government co-contribution. For the 2009/10, 2010/11 and 2011/12 income years the co-contribution was reduced from \$1.50 to \$1.00 for every \$1.00 of personal (after tax) contributions made up to \$1,000. For the 2012/13 and later income years, the government co-contribution is further reduced to \$0.50 for every \$1.00 of personal (after tax) contributions made up to \$500. This is summarised in the table below.

<b>Contribution year</b>	<b>Matching rate %</b>	<b>Maximum co-contribution</b>
2011/2012	100	\$1,000
2012/2013	50	\$500
2013/2014	50	\$500
2014/2015	50	\$500
2015/2016	50	\$500
2016/2017	50	\$500
2017/2018	50	\$500

If you are self employed, as mentioned above, you can claim a tax deduction for all of your contributions.

Investment earnings by the Fund are generally taxed at a maximum rate of 15%, with capital gains generally taxed at a discounted rate of 10% (or nil where the assets are funding a pension liability). However, as from 1 July 2017, the tax exemption on earnings of assets supporting transition to retirement income streams (being income streams of individuals over preservation age but not retired) is removed.

You may have to pay tax when you withdraw some or all of your entitlement from the Fund. If you are under age 60 years the amount of tax you may have to pay will depend upon your age, how the benefit is paid and your eligible service period. Benefits taken after you reach age 60 years are generally tax free.

Generally, you will not pay tax if you transfer your entitlement (ie cash) from one superannuation fund to another.

*When do benefits need to be taken?*

Compulsory cashing events have been abolished (except on death). Therefore, members have more freedom to choose when to take their benefits as they will not be forced to draw down on their superannuation benefits.

*Contribution rules*

- (a) From 1 July 2007, age based contribution limits have been abolished.
- (b) Subject to certain restrictions, employers and self employed persons can claim a full tax deduction on all superannuation contributions. As stated above, as from 1 July 2017, all individuals (not just the self-employed) under the age of 75 can claim a tax deduction on personal superannuation contributions.

- (c) As from 1 July 2017, the first \$25,000 (previously \$30,000) of concessional (before tax) contributions to all superannuation funds in respect of the member per annum is generally taxed at 15% irrespective of the member's age although the effective tax rate for individuals with income greater than (as from 1 July 2017) \$250,000 (previously \$300,000) has doubled from 15% to 30%. In addition, any excess concessional contributions (i.e., any excess over \$25,000) will be added to the member's assessable income and effectively taxed at their marginal tax rate. (Before 1 July 2013, excess concessional contributions were taxed at the *highest* marginal rate).
- (d) For the 2014/15, 2015/16 and 2016/17 income years, the concessional contributions cap was \$35,000 for individuals aged 50 years and over, and was \$30,000 for individuals aged under 50. For the 2013/14 income year, the concessional contributions cap was \$35,000 for individuals aged 60 years and over (and was \$25,000 for individuals aged under 60).  
Individuals with a superannuation balance of less than \$500,000 can make additional concessional contributions where they have not reached their concessional contributions cap in previous years, although only unused amounts accrued from 1 July 2018 can be carried forward, and they can only be carried forward on a rolling basis for a period of five consecutive years.
- (e) Contributions over the concessional contributions cap will count against the member's non concessional (after tax) cap (in addition to being included in the individual's assessable income and effectively taxed at their marginal tax rate). However, the member can nominate a fund to release money to pay the excess contributions tax, and to the extent amounts are released, these will not count against the member's non concessional cap.
- (f) As from 1 July 2017, the cap on the amount of after tax contributions (excluding small business CGT exemption amounts) is set at \$100,000 (previously \$180,000) per annum (or \$300,000 (previously \$540,000) averaged over three years under the "bring-forward rule" where the member is under age 65 years as at 1 July in the financial year the contribution is made).  
If the "bring-forward rule" was triggered in either the 2015/16 or the 2016/17 income years, then the cap that applies for the three year period may be subject to transitional rules.  
After tax contributions in excess of (as from 1 July 2017) \$100,000 per annum (or \$300,000 averaged over three years where the member is under age 65 years), are taxed at the top marginal rate plus Medicare levy. The additional tax is levied against the member, not the fund, although the member must nominate a fund to release money to pay the excess contributions tax payable on non concessional contributions.  
With effect from 1 July 2013, the taxation of excess non-concessional contributions was brought in line with the taxation of excess concessional contributions, broadly by allowing individuals to withdraw excess non-concessional contributions and any associated earnings, with the earnings to be taxed at the individual's marginal tax rate.  
As from 1 July 2017, any person who holds a superannuation balance of more than \$1.6 million cannot make any further non-concessional contributions. (This may impact in particular on the amount of non-concessional contributions that can be made over a three year period under the "bring-forward rule".)
- (g) Funds are prohibited from accepting single contributions in excess of the maximum allowable after tax contributions (ie, as from 1 July 2017, \$100,000 per annum or \$300,000 averaged over three years for members aged 64 years or less).

*Superannuation income streams & assets testing for the age pension*

- (a) From 20 September 2007, the different types of income streams available have been replaced with one set of minimum standards.
- (b) From 20 September 2007, the assets test exemption for the age pension was abolished. The assets test taper was also halved from \$3 to \$1.50 per fortnight for every \$1,000 of assets over \$157,000 (now indexed to \$209,000 for a single home owner as at 1 July 2016 for the full age pension). From 1 January 2017, there will be a further increase to the assets test threshold and assets test taper rate to \$3 per fortnight for every \$1,000 of assets over \$250,000 for a single home owner for the full age pension.

- (c) The minimum pension drawdown required for the 2009, 2010 and 2011 income years was reduced by 50%. For the 2012 and 2013 income years, the minimum pension drawdown required was reduced by 25%. However, under current legislation, no reduction is to apply to the minimum pension drawdown for the 2014 and later income years.

*Employer ETPs*

Under the applicable rules in force from 1 July 2007, employer termination payments (**ETPs**) basically cannot be rolled over into superannuation funds, and the transitional rules allowing an exception to this are no longer available after 30 June 2012.

**No dispute resolution system**

As the Trustees are not an Australian Financial Services licensee, they are not obliged to have a dispute resolution system to deal with a complaint you may have. If you have any queries or complaints, you should contact the Trustees at the address shown at the front of this document.

**Cooling off period**

As the Fund is a non public offer superannuation fund, you will not have a 14 day cooling-off period if you make an investment in the Fund.

**Labour standards, environmental, social or ethical considerations**

Any labour standards or environmental, social or ethical considerations that are taken into account in the selection, retention or realisation of the investment are outlined below:

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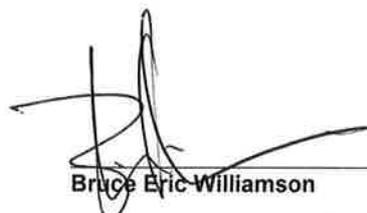
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If no labour standards or environmental, social or ethical considerations are taken into account in the selection, retention or realisation of the investment, the above section will be left blank by the Trustees.

The law in relation to self managed superannuation funds such as this Fund may change. The information contained in this Product Disclosure Statement reflects the law as at 1 July 2017.

**Signed for and on behalf of the Trustees**

  
 \_\_\_\_\_  
 Jennifer Marie Fleay  
 Date 21 8 1 2017

  
 \_\_\_\_\_  
 Bruce Eric Williamson  
 Date 02-08-17