

APPLICATION FORM

Private Ancillary Fund

Please read the following before completing this application form.

Warning

The trust deed that we will prepare if you submit this form to us is intended for use in relation to the creation and operation of a Private Ancillary Fund (**PAF**). The trust deed does not contemplate the offering of benefits outside the ordinary scope of the operation of a PAF.

GENERAL FEATURES

Broadly, a PAF provides:

- A simple, efficient and cost effective vehicle for ongoing planned giving. The structure itself can be income tax exempt and funds donated to the PAF can be tax deductible.
- Flexibility over the level of giving undertaken each year to eligible beneficiaries, with the only requirement being, currently and extremely broadly, an annual minimum distribution of 5 percent of the overall assets held in the PAF. The amount of giving undertaken each year is controlled by the PAF and can be higher than this minimum level if the PAF trustee would prefer to distribute funds more quickly.
- Control over which organisations are the beneficiaries of the grants provided the recipients have a certain status.
- An opportunity for founders to see the results of their generosity and share their philanthropic values with their families during their lifetime, and to inspire future generations to follow in their footsteps.

MATTERS TO CONSIDER

You need to consider the following issues at a minimum before proceeding with APAF:

- For PAFs established in Queensland or New South Wales, all the trustees appointed as trustees for a PAF must be constitutional corporations to which paragraph 51(xx) of the **Commonwealth of Australia Constitution Act** applies. Typically a private company limited by shares or a private company limited by guarantee is appointed as a corporate trustee.
- Usually the directors of the trustee company will be family members and/or business associates, but directors cannot be persons who are minors, mentally incapacitated or who have been convicted of an indictable taxation offence. Importantly, every company appointed as trustee must have at least one individual director who has a degree of responsibility to the community as a whole (a 'responsible person') who:
 - is not the founder;
 - is not a donor of more than \$10,000;
 - is not a family member, or an associate, of either the founder or such a donor

This does not preclude a person who has a business relationship with the founder (such as the founder's lawyer or accountant for example) being the responsible person.

- Gifts to PAFs are restricted to the founder or family members of the founder of the fund. If you require a public or widely held fund, or a fund where the public outside of the founder's family may gift money or assets to the fund, this trust will not be sufficient. In that event, please contact us.
- For taxation law purposes the establishment of a PAF may not in itself be sufficient to allow for gifts to the PAFs to be deductible for income tax purposes. The PAF may also want to apply to the Australian Taxation Office for the correct tax endorsement for the PAF (that is, income tax exempt fund or tax concession charity or deductible gift recipient status).
- The benefits/disadvantages of optional registration of the PAF with the Australian Charities and Not-for-Profits Commission (**ACNC**).
- The compliance requirements for trustees of PAFs as contained in the Private Ancillary Fund Guidelines, as in force from time to time, made under section 426-110 of Schedule 1 to the **Tax Administration Act 1953** (Cth).

CONFIRMATION

By completing and submitting this Application you confirm that:

- the trustee/s is/are company(ies) that will be in existence when the trust deed is signed (if you require assistance to establish a private company limited by shares or a private company limited by guarantee, please visit www.mcwonline.com.au and complete an application form to register such a company, or contact us directly); and
- a standard format PAF structure in the form of a private trust managed by a corporate trustee in the form of a private company is appropriate for your requirements, and the choice of trustee for the trust and its directors have been carefully considered. If you are uncertain, please contact us.

If you have any questions about completing the application form please contact:

Christopher Davis

Principal

Phone: (07) 3014 6530

Email: cdavis@mcw.com.au

Anthea Faherty

Principal

Phone: (07) 3231 0645

Email: afaherty@mcw.com.au

By completing and submitting the form you confirm as follows:

- a. It is the purchaser’s responsibility to ensure that the information supplied is correct.
- b. If new documents have to be prepared as a result of errors in the information a further fee will be payable.

Please ensure you complete all details below, and contact us with any questions you have prior to submitting the form.

PRICES

By electronic (email) delivery only (PDF format)	\$440 plus GST
Non-urgent (within 2 days) registered post (2 bound copies and trust register)	\$440 plus GST plus postage
Next day registered post (2 bound copies and trust register)	\$495 plus GST plus postage
Same day courier delivery (2 bound copies and trust register) (within Brisbane metro area)	\$550 plus GST
	express post - \$15

PURCHASER’S DETAILS

First name

Surname

Name of firm (if applicable)

Telephone

Fax

Email address

Street Address

Suburb/City

State

Postcode

Postal Address
(if different from above)

Suburb/City

State

Postcode

FUND (TRUST) DETAILS

Name of Fund (Trust)

State or Territory
(jurisdiction purposes)

FOUNDER

Founder 1

First name(s)

Surname

Street Address

Suburb/City

State

Postcode

Founder 2 (if any)

First name(s)

Surname

Street Address

Suburb/City

State

Postcode

TRUSTEE'S DETAILS

Corporate Trustee 1

Entity Name

ACN/ABN

Street Address

Suburb/City

State

Postcode

Corporate Trustee 2 (if any)

First name(s)

Surname

Street Address

Suburb/City

State

Postcode

RETURNING THIS FORM

After completing this form please either:

- print, sign, and fax it to McInnes Wilson Lawyers at (07) 3221 2921; or
- print, sign, scan, and email it to McInnes Wilson Lawyers at mcwonline@mcw.com.au; or

To print this form for signing click here:

To email this form to McInnes Wilson Lawyers, after confirming instructions below, click here:

CONFIRMATION OF INSTRUCTIONS

The purchaser agrees to purchase the goods and services indicated on this application form and acknowledges that legal or financial advice has not been given by McInnes Wilson Lawyers in relation to the preparation of the PAF.

Signed by purchaser

Date (dd/mm/yy)

OR

Confirmed by purchaser

Date (dd/mm/yy)

Note: This application form will not be processed by McInnes Wilson Lawyers unless this section is completed.

CREDIT CARD PAYMENTS

Please debit the following credit card for the supply of goods and services indicated on this application form.

Note: Payment by credit card will incur a fee of 1.07% (incl GST) for VISA, and MasterCard, and 3% (incl GST) for AMEX, on the GST inclusive price.

Credit card:

Visa MasterCard American Express

Total Remitted \$

Expiry date

 plus credit card fee specified above

Cardholder's Name

Card Number

Cardholder's Signature

Date