Questionnaire: Family / Discretionary Trust

Ensure that all information is typed or legibly handwritten

| **QUESTION** | **ANSWER** |
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| **Date of commencement**  This should be either the date of registration of the corporate trustee, if applicable, or the date of receipt of the settled sum, whichever is the **later** date. |  |
| **Name of trust**  This can be based on the family name, trustee name or specific activities of the trust. |  |
| **Land Holding**  Please advise if the Trust proposes to purchase land or property in Australia. | Yes  No  If Yes, please advise which State: |
| Is the land residential\* Yes  No  or commercial Yes  No | |
| If yes then please note that Stamp Duty and Land Tax surcharges may apply if foreign residents (even distant relatives) or other trusts in your group with foreign residents as beneficiaries are included as beneficiaries or potential beneficiaries of this Trust. If so, you **must** seek advice as to whether the Trust Deed needs to exclude foreign residents and other trusts and companies as beneficiaries or potential beneficiaries of the Trust to avoid the Stamp Duty and Land Tax surcharges.  \*land is residential if the land is capable of being used solely or primarily for residential purposes OR land that may at any time in the future (as is or redeveloped) be capable of being used solely or primarily for residential purposes | |

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| **Settlor**  The following details are required for the person who will settle the trust  This should NOT be a person who will or may benefit under the trust. | |
| Full name |  |
| Residential address |  |

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| **Settled Sum**  This is the initial amount given by the Settlor to create the trust. If a cheque is provided, it must be made payable to the trustee as trustee of the trust. Whether paid by cash, cheque or other means, the amount must be properly recorded as the settled sum paid to create the trust and be deposited into an appropriate account for the trust. | |
| Settled sum | $ |

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| **Trustee**  The following information is required for each trustee  **A corporate trustee is recommended rather than individuals**. | |
| Full name |  |
| ACN (if corporation) |  |
| Registered office / residential address |  |

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| **Execution of deed and meeting of trustee (if corporation)**  If the trustee is a corporation, provide the following information | |
| Name of director/s present to form a quorum at meeting (if sole director, that must be stated) |  |
| Place of meeting (if more than one director) |  |
| If Sole Director please advise if Sole Director is also the Secretary | Yes  No  - if no provide name of Secretary |

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| **Specified beneficiaries**  Generally this is ‘**the children of [x]**‘ or it can be '**[x**]'. Alternatively, the following information is required for each person or entity to be specified | |
| Full name & ACN (if corporation) |  |
| Home address / registered office |  |
| Trust details (if a trust is to be named) |  |
| Relationship to guardian / appointor  (if any) |  |

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| Full name & ACN (if corporation) |  |
| Home address / registered office |  |
| Trust details (if a trust is to be named) |  |
| Relationship to guardian / appointor  (if any) |  |

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| Are ex-nuptial children (born out of wedlock) to be included? | Yes  No |

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| Are spouses of the specified beneficiaries to be included? | Yes  No |

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| **General beneficiaries**  **This class is very widely defined in the trust deed and includes relatives by relationship to the specified beneficiaries such as** - **children, grandchildren and remoter lineal descendants, parents, grandparents, brothers, sisters, uncles, aunts, nieces, nephews and cousins and the spouses of all the said persons.** **Consider carefully**, and advise, whether you wish to limit the class of beneficiaries.. The following information is required for each person or entity to be added to the class of general beneficiaries | |
| Full name & ACN (if corporation) |  |
| Home address / registered office |  |
| Trust details (if a trust is to be named) |  |
| Relationship to guardian / appointor  (if any) |  |

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| --- | --- |
| Full name & ACN (if corporation) |  |
| Home address / registered office |  |
| Trust details (if a trust is to be named) |  |
| Relationship to guardian / appointor  (if any) |  |

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| --- | --- |
| Full name & ACN (if corporation) |  |
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| Trust details (if a trust is to be named) |  |
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| Are spouses of the General Beneficiaries to be included? | Yes  No |

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| **Guardian / Appointor**  The following information is required for each person or entity  This is the controller of the trust. **Careful consideration** must be given to the person, persons or entity to be appointed in this capacity.  **Important note:** If only one person is named as guardian and that person dies without appointing a successor, the trustee will be prevented from exercising various powers under the trust deed. For example, the power to exclude or nominate beneficiaries, alter the vesting day, appoint the trust fund on the vesting day, and generally vary the trust deed. As such, it is important to consider the appointment of a successor or successors to the position of guardian, and the way in which decisions are to be made by them. | | |
| If more than one person is to be appointed, from the options listed, advise how decisions are to be made | Jointly  Majority  Unanimous | |
| **Guardian/Appointor 1** | | |
| Full name & ACN (if corporation) | |  |
| Home address / registered office | |  |
| Explain decision-making if other than above  (i.e. where more than 2, are they to act successively or on reaching a certain age) | |  |
| Relationship to guardian / appointor  (if any) | |  |

| **Guardian/Appointor 2** | |
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| Full name & ACN (if corporation) |  |
| Home address / registered office |  |
| Explain decision-making if other than above |  |
| Relationship to guardian / appointor  (if any) |  |

| **Guardian/Appointor 3** | |
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| Full name & ACN (if corporation) |  |
| Home address / registered office |  |
| Explain decision-making if other than above |  |
| Relationship to guardian / appointor  (if any) |  |

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| **Purpose / activities of the trust**  Provide any further information you consider relevant or necessary to ensure the trust deed is appropriately established. |
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**Further information**

For further information, please contact the Corporate Department:

Telephone 61 3 9229 9630

[CorporateDepartment@abl.com.au](mailto:CorporateDepartment@abl.com.au)