

# FINANCIAL SERVICES GUIDE

ESTATE  
AND TRUST  
ADMINISTRATION

DATED  
17 JUNE 2011

**The Trust Company  
Limited**  
ABN 59 004 027 749  
AFSL No. 235148

**The Trust Company  
(Australia) Limited**  
ABN 21 000 000 993  
AFSL No. 235145

**The Trust Company  
(UTCCL) Limited**  
ABN 35 008 426 784  
AFSL No. 235170



THE  
TRUST  
COMPANY



# INTRODUCTION

## About The Trust Company

Established in 1885 to help individuals and businesses during the Victoria gold rush, The Trust Company Limited ('The Trust Company') is now a publicly listed company with offices in Sydney, Melbourne, Brisbane, Perth, Townsville and Singapore.

The Trust Company Limited began as The Union Trustees, Executors and Administrators Company Limited. The main purposes were *"to act as a trustworthy agent to hold and manage businesses and financial assets for families of varying individuals travelling back to England for long periods"* and *"to take on the role of executor / administrator of a deceased estate"*.

Before being renamed The Trust Company Limited in 2010, the original company grew and amalgamated to include The Union Trustee Company of Australia Limited (1889), Fidelity Trustee Company Limited (1962) and Permanent Trustee Company Limited (2002) which changed its name to Trust Company Fiduciary Services Limited (2007).

As one of Australia's largest trustee companies, The Trust Company works with both individuals and companies. These services include wills and estate planning, financial planning, power of attorney services, funds management and setting up tax effective charitable trusts. The Trust Company's corporate solutions include acting as a responsible entity, superannuation trustee, real estate investment trust trustee, debenture and security trustee and providing property and infrastructure custody.

To celebrate The Trust Company's centenary in 1985, The Trust Company established a perpetual charitable trust, now known as The Trust Company Foundation. From an original donation of \$100,000 this public charitable trust has grown to more than \$30 million, supporting Australian charities and the Australian community.

## Contacting us

You can contact us by:

- writing to us or calling us at any of our offices by using the contact details indicated at the back of this FSG; or
- visiting our website at [www.thetrustcompany.com.au](http://www.thetrustcompany.com.au).

## Our Financial Services

The Trust Company holds Australian Financial Services Licences ('AFS licences') authorising it to provide financial services including estate and trustee administration services.

Under our AFS licences, The Trust Company is authorised to provide the following financial services:

- estate and trustee administration services, including charitable trusts
- administration services under power of attorney
- preparing a will, a trust instrument, a power of attorney or agency arrangement
- applying for probate of a will, applying for letters of administration or electing to administer a deceased estate
- establishing and operating common funds.

# FINANCIAL SERVICES GUIDE

The Trust Company and other related entities are also authorised to provide other financial services such as:

- portfolio management services and a custodial or depository service
- financial advice and financial product advice
- operating registered managed investment schemes
- dealing, applying for and issuing a broad range of financial products (including securities, interests in managed investment schemes, deposit products, life insurance products, superannuation products and retirement savings account products).

The Trust Company may provide the above financial services to both retail and wholesale clients.

When we act as the executor or trustee of a trust, we manage the trust's assets in accordance with the terms of the trust and for the benefit of the trust's beneficiaries. This can include investments in a range of financial products, such as shares, managed funds and common funds, for the preservation of the trust and benefit of identified beneficiaries of the trust. In some circumstances a range of other financial services and a custodial or depository service may be provided by The Trust Company.

Where we provide executor assistance services, we may provide guidance and other assistance (like transacting transfers to beneficiaries, disposing of assets etc.) to individual executors or trustees.

## How we are paid for our trustee services

Under its AFS licences, The Trust Company is authorised to provide services of a trustee company.

Capital commission is charged against the assets of the trust, and is calculated as a percentage of the gross amount of the value of the assets of a trust. The time at which it is charged will depend on the nature of the trust assets in each case. Income commission is based on a percentage of the income received on account of the trust assets. Income commission may be charged to the trust monthly, quarterly, six-monthly or annually and will be applied to the income received for that respective period.

The Trust Company's current rates of capital and income commission are indicated in the annexed Fee Schedule.

In certain circumstances, fees may be negotiated with the testator/testatrix, or executor or trustee, of a testamentary trust or with an individual establishing a will during their lifetime.

Where some portion of a trust's assets is invested in managed investment schemes or common funds operated by us or by other subsidiary companies within our group, the relevant company may receive fees that are charged to investors in their products. These fees may involve administrative and transaction fees as well as ongoing management fees. The amount of such fees will vary depending on the particular product involved and is usually calculated as a percentage of the value of the investment in the product. Refer to the annexed Fee Schedule.

# FINANCIAL SERVICES GUIDE

Where assets are invested with other fund managers in the market place fees may also be charged by those funds. These are explained in the fund manager's Product Disclosure Statements.

## **Our Staff**

Our staff are employees of The Trust Company. They are remunerated by way of salary and do not receive commission or any of the fees that are paid to The Trust Company or any of its subsidiaries for the provision of services explained in this FSG. Some employees may periodically be entitled to a bonus payment. Whether a bonus is provided to a particular person, and the amount of any such reward, will depend on a number of factors, including the overall performance of The Trust Company and its subsidiaries.

## **Referrals**

In some circumstances, The Trust Company may have arrangements to make payments to third parties for referring clients to our services. The amount of such payments would be calculated as a percentage of the fees paid by the clients who had been referred to us by the third party. Depending on the relevant arrangement we would provide payment to the referring third party quarterly, half yearly or annually.

If you have been referred to us by a third party who receives benefits for the referral, information about the amount we pay to the third party for the referral and the manner in which it will be calculated will be disclosed to you.

## **Relationships with product issuers**

Other related entities in The Trust Company may also issue financial products to investors. These include The Trust Company (RE Services) Ltd, which is a wholly owned subsidiary of The Trust Company (Australia) Limited.

The Trust Company is not owned by any bank or product provider but may have product providers on an approved product list.

# FINANCIAL SERVICES GUIDE

## **What to do if you have a complaint**

We have procedures in place to properly consider and deal with any complaints within 30 business days of receipt.

Contact your account manager and inform them of your complaint or write to:

General Manager, Estates & Philanthropy Services  
The Trust Company Ltd  
GPO Box 4270  
Sydney NSW 2001.

If you are not satisfied with our handling of the complaint or our response or any of our services or products, you may lodge a complaint with the Financial Ombudsman Service Limited (FOS), an external dispute resolution body of which we are a member. Information about FOS is available from their website at [www.fos.org.au](http://www.fos.org.au).

Contact details for FOS are:

Telephone 1300 780 808 or  
(03) 9613 7366

Facsimile (03) 9613 6399

Postal address:  
GPO Box 3  
Melbourne VIC 3001.

## **Professional Indemnity Insurance**

The Trust Company has professional indemnity insurance in place that meets the requirements of the Corporations Act.

## **Privacy**

The privacy of your personal information is important to us. If you would like details about our Privacy Policy and how it is applied in the management of personal information, or a copy of the policy, please contact us. Or, you can visit our website at [www.thetrustcompany.com.au](http://www.thetrustcompany.com.au).

# **ANNEXURE:**

# SCHEDULE OF ADMINISTRATION FEES AND CHARGES

# SCHEDULE OF ADMINISTRATION FEES AND CHARGES

## Estate and Trust Administration

Where we act as executor and trustee, we will provide experienced specialised trust administration services covering all legal and accounting responsibilities required for the estate. We will attend to all matters including verifying, protecting and collecting assets, paying liabilities, overseeing taxation and superannuation matters, arranging for a grant of probate to be obtained, providing trust account keeping services, fund and asset management, transactional services and provision of statements to beneficiaries and co-trustees leading to the final distribution

of the estate. During an estate administration, we will communicate and transact with beneficiaries, co-trustees, creditors, agents, valuers, insurers, and investment institutions, the Australian Taxation Office, government bodies and other people and organisations concerned with the estate. We will attend to all decision making as is required in our position as executor / trustee in an impartial manner and at all times in consultation with co-trustees and if appropriate, beneficiaries. Please see below for details of our fees and charges.

## Trusts and Deceased Estates (where the administration is commenced on or after 6 May 2010)

Your trust manager will provide you with an estimate of costs for your required services.

As a guideline, the **maximum** fees and charges that may apply for an estate with a total asset value of \$1 million or less are 5.5% of the gross value of

assets and 6.6% of the income of the estate. For an estate with a total asset value greater than \$1 million, 5.5% would apply to the first \$1 million and 2.75% would apply to the balance above \$1 million. All fees include 10% Goods and Services Tax (GST).

### Capital and Income Fee (other than for Charitable Trusts)

SLIDING SCALE	CAPITAL COMMISSION	INCOME COMMISSION ON ALL INCOME COLLECTED
\$0 - \$1,000,000*	5.5%	6.6%
> \$1,000,000	2.75%	6.6%
Principal Place of Residence	1.1%	

\*excluding Principal Place of Residence

# SCHEDULE OF ADMINISTRATION FEES AND CHARGES

## Continuing Estates or Trusts (other than Charitable or Personal Injury Trusts)

In lieu of income commission, for continuing trusts an annual management fee of 1.1% (incl GST) calculated on the gross capital value of the estate / trust assets will be charged quarterly in arrears, calculated on the gross capital value at the end of each quarter and is apportioned between income and capital in each year in such proportions as the trustee in its sole discretion shall determine or as agreed at the time of accepting the trust.

The following are continuing trusts:

- Deceased estates where the administration proceeds for longer than two years - the annual management fee would commence after two years.
- All ongoing trusts established by will - the annual management fee would commence on the establishment of the ongoing trust eg on completion of executorial duties.
- All other ongoing trusts committed to our administration - the annual management fee would commence on committal.

## Hourly service fee

An additional hourly service fee of up to \$302.50 including GST will be charged for certain non standard tasks if required in the administration, as follows:

- Acting as Director in an estate / trust;
- Preparation of income and land taxation returns;
- Preparation of Capital Gains Tax schedules;
- Property inspections and valuations;
- Arranging Insurances;
- Acting as auctioneer or real estate agent in sale of property;
- Carrying on and managing a business as part of the estate;
- Administration or management of assets located interstate or overseas;
- Arranging for and supervising repairs and / or letting of real estate;
- Attending to any issues arising from or relating to the Deceased's superannuation.
- Furnishing information for the purpose of any proposed dealing with a beneficial interest or for registering a notice of charge or other dealing;
- Rearrangements of transactions necessary as a result of requests or deeds entered into by the beneficiaries;
- Engagement in litigation (other than litigation arising from any default or neglect by us);
- Keeping books of accounts (including the preparation of balance sheets and profit and loss accounts) of any business, except where we also carry on the business;
- Applying in good faith for a grant of probate or letters of administration if the application is not granted due to circumstances beyond our control;
- Forming companies or restructuring existing companies for the benefit of beneficiaries;
- Duties involved in joint tenancies;
- Inquiries for missing or unnamed beneficiaries; and
- Passing of accounts with Registrar in Probate where the trustee company is acting as co-executor or co-administrator.

# SCHEDULE OF ADMINISTRATION FEES AND CHARGES

## Charitable Trusts

An annual management fee (including GST) not exceeding 1.056% of the gross value of the fund will be charged on all new charitable trusts established from 6 May 2010, whether established by will or otherwise.

### Notes

- Annual rate applies whether the Principal Place of Residence is transferred or sold during the estate administration.
- A minimum Capital Commission of \$11,000 including GST will apply.
- From time to time other entities, including related or subsidiary companies may be engaged to conduct work in the administration of an estate committed to our care as executor, administrator, trustee, receiver, manager, attorney and guardian or otherwise and the cost of same will be met from the estate.
- We will recover disbursements or out-of-pocket expenses incurred in any estate or trust administration. Such disbursements may include postage, couriers, bank administration charges, photocopying, travel charges, settlement fees, international transaction charges, registry fees, telecommunication charges etc.
- In certain circumstances, different fees to those indicated above may be negotiated, with the testator/testatrix, or executor or trustee, of a testamentary trust or with an individual establishing an inter vivos trust.

## Executor Assist

Where we are appointed to provide assistance to individuals who have been appointed as executor, administrator or trustee, there are three levels of service available and the fee per hour is \$302.50 including GST:

1. **Probate** – applying for Probate only.
2. **Probate plus** – applying for Probate and attending to property transfers, asset verification and asset collection.
3. **Complete** – attending to Probate and to all matters pertaining to estate on instruction from executors including above plus attending to CGT schedules, tax and all other matters.

# SCHEDULE OF ADMINISTRATION FEES AND CHARGES

## Legal Services

The Trust Company will provide you with an estimate of costs for your required services. As a guideline, the following schedule outlines our standard fees and charges. All fees are inclusive of GST.

### Wills

Simple will for a single person	\$400
Simple wills for a couple	\$650
Complex will for a single person between	\$800 - \$2,000*
Complex wills for a couple between	\$1,200 - \$3,500*

\* Note an additional charge of \$326.70 including GST per hour may apply for instructions that fall outside our standard parameters for this type of work. If this is the case we will discuss this with you at the time your instructions are confirmed and seek approval to proceed.

### Powers of Attorney, Guardianship, etc.

There are differences from State to State in the documents required for powers of attorney, enduring guardianship and medical directives. The charge set out below is for each document required.

Document for a single person	\$250
Documents for a couple	\$350

## Estate Planning

As a guideline, the following schedule outlines our standard fees and charges for estate planning work which includes preparation of a complex will and power of attorney documents, and an estate planning review of documents, including deeds and constitutions (as needed).

Single person, no trusts or companies	\$2,600*
Couple, no trusts or companies	\$2,900*
Single person, SMSF or family trust/company	\$2,800*
Couple, SMSF or family trust/company	\$3,400*
Single person, SMSF and family trust/company	\$3,200*
Couple, SMSF and family trust/company	\$4,200*
Not in above categories	from \$2,600* as quoted

\* Note an additional charge of \$326.70 including GST per hour may apply for instructions that fall outside our standard parameters for this type of work. If this is the case we will discuss this with you at the time your instructions are confirmed and seek approval to proceed.

# SCHEDULE OF ADMINISTRATION FEES AND CHARGES

## Hourly Rates

Hourly rates are charged on the basis of time spent by our professional staff performing the work which you have instructed us to carry out. Time is recorded and charged in six minute blocks.

Current hourly rates are listed below:

Solicitor Director	\$440
Senior Solicitor/ Accredited Specialist	\$330
Solicitor	\$297
Paralegal/Administration	\$165

## Probate & Letters of Administration

For work involved in obtaining a grant of probate or letters of administration in regard to non-contentious matters, we will charge the standard scale of costs.

For any additional work which you may require or work in relation to contentious matters or matters involving other complications (for example an informal will) we will charge the applicable hourly rate as listed above.

## Lump Sum Fee

For some categories of work, we may charge a lump sum fee rather than our standard hourly rates. The lump sum fee covers our professional fees only and not the out-of-pocket expenses which will still be payable.

## What is included in our fees?

The fees outlined above include the following:

- Routine photocopying
- All telephone calls and facsimile charges
- Standard postage charges, and
- Work undertaken by secretarial, administrative and other non-legal support staff

## What is not included in our fees?

The fees quoted above cover our professional charges only and do not include any disbursements or out-of-pocket expenses incurred in performing the work. Such disbursements may include court filing fees, stamp duties, government taxes, search fees, courier charges and cost of travel for out-of-office meetings, surveyors' fees and barristers' fees. These disbursements will be charged at cost.

## Invoices

Ordinarily we will invoice clients on completion of the work. For lengthy matters we may invoice on a monthly basis. Our invoices are payable within 30 days.

# SCHEDULE OF ADMINISTRATION FEES AND CHARGES

## Funds Management

If any assets of a trust, deceased estate or charitable trust are included in a common fund, we charge an annual common fund management

fee (including GST) not exceeding 1.1% of the gross value of the trust's assets in the fund. The fee is calculated daily on the fund's net assets and is paid monthly from the fund.

FUND NAME	MANAGEMENT FEE (INCLUDING GST)
Permanent Australian Share Fund – CTF4	0.9766%
Permanent Australian Equity Fund	1.0195%
Permanent Bond Fund – CTF15	0.7727%
Permanent Cash Management Fund	1.1000%
Permanent Income Fund	0.9548%
Trust Philanthropy Fund	1.0450%
Equity Common Fund QE1	1.1000%
General Equity Common Fund VE8	1.1000%
Infrastructure & Property Related Securities Common Fund V4	1.1000%
Trust Cash Management Fund	1.1000%
Trust Bond Fund CTF18	0.7727%
Trust Philanthropy Common Fund	1.0450%

## Additional Fees:

In administering the estate or trust or in the provision of our services described in this FSG there is a flat fee of \$93.50 including GST, per asset, for completing, lodging and executing all off-market asset transfers out to the new registered owners, as necessary or required.

In such cases we will:

- Prepare the transfer form

- Organise the signing of the transfer form
- Organise any stamp duty assessment and duties payable with the relevant state revenue office\*
- Lodgement of the transfer form for execution with the relevant registry

\* Any duties assessed and payable to the relevant state revenue offices will be charged at cost to the account

# CONTACT US

**FOR FURTHER  
INFORMATION  
PLEASE CONTACT:**

The Trust Company Limited  
T. 1800 650 358  
E. [info@thetrustcompany.com.au](mailto:info@thetrustcompany.com.au)  
W. [www.thetrustcompany.com.au](http://www.thetrustcompany.com.au)

## **NEW SOUTH WALES**

### **Sydney**

Level 15, 20 Bond Street  
Sydney NSW 2000  
GPO Box 4270  
Sydney NSW 2001  
T. 02 8295 8100  
F. 02 8295 8659

## **VICTORIA**

### **Melbourne**

Level 3, 530 Collins Street  
Melbourne VIC 3000  
PO Box 361  
Collins Street West  
VIC 8007  
T. 03 9665 0200  
F. 03 9620 3459

## **WESTERN AUSTRALIA**

### **Perth**

Level 28  
AMP Tower  
140 St Georges Terrace  
Perth WA 6000  
T. 08 9278 2668  
F. 08 9278 2727

## **QUEENSLAND**

### **Brisbane**

213-217 St. Paul's Terrace  
Brisbane QLD 4000  
GPO Box 441  
Brisbane QLD 4001  
T. 07 3634 9750  
F. 07 3252 3513

### **Townsville**

Level 4  
Suncorp Metway Plaza  
61-73 Sturt Street  
Townsville QLD 4810  
PO Box 990  
Townsville QLD 4810  
T. 07 4771 5114  
F. 07 4772 5260





**THE  
TRUST  
COMPANY**