

Constitutions needed for Superfund Trustee Companies

We are regularly asked if a company, that is established for the sole purpose of acting as a trustee of a regulated superannuation fund, may rely on the replaceable rules of the Corporations Law and still qualify for a reduced annual return fee ie. \$ 35.00 as opposed to \$ 200.00 for a standard proprietary company.

The answer, put simply, is *NO*. Regulation 2A of the Corporations (Fees) Regulations regarding "special purpose companies" and the concessional fees applying thereto, states that such a company must have a constitution that prohibits the distribution of that company's income or property to its members.

It is clear that, as the replaceable rules do not take this fact into consideration, any company acting in this capacity will require a properly drafted constitution, such as is provided with any ACIS company.

Please direct any queries regarding this Bulletin to ACIS on Freecall 1-800-773-477.