

# Advice Guide | Self Managed Superannuation Funds

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## How to read this document

Managing your finances to meet your day to day requirements as well as your long-term goals can be a complex task. There are all sorts of issues you need to consider such as taxation, legislation, protecting your wealth and assets, associated costs, and the inherent risks of investment. When undertaking a financial plan, it is important that you understand how these issues will impact on you and what you should expect over time.

This document contains general information about the benefits, costs and risks associated with certain product classes and strategies. It is designed for use in conjunction with a Statement of Advice that takes into account the circumstances and objectives of an individual. Before making a commitment to purchase or sell a financial product, you should ensure that you have obtained an individual Statement of Advice prepared by WARR HUNT Pty Ltd.

As legislation may change, you should ensure you have the most recent version of this document.

Please contact your Adviser if you do not understand anything or need further information.

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For your ideal life

# Self-Managed Superannuation Funds

For individuals seeking to own direct investments within superannuation or gain greater control of their superannuation portfolio, Self-Managed Superannuation Funds (SMSFs) can be an attractive alternative. SMSFs can facilitate all major superannuation functions including:

- accepting new superannuation contributions
- housing superannuation funds received from a change in employment, and
- paying a retirement income.

## Considerations in establishing SMSFs

### Members

An SMSF must have between one and six members. No member is allowed to be an 'employee' of another member unless related.

### The sole purpose test

To meet the sole purpose test, SMSFs must be established for:

- benefits to members upon retirement; or
- death or ancillary benefits to members.

The trustee of a regulated superannuation fund must comply with the sole purpose test to be eligible for the taxation concessions available to a complying superannuation fund.

### Cost considerations

The costs associated with establishing an SMSF may include:

- the preparation of a trust deed including updates following legislative changes;
- in the event of a corporate trustee, the costs of establishing and using this framework;
- the costs of using and establishing the administrative framework; and
- the accounting, audit, and ongoing administration of the fund.

### Investment guidelines

Legislation requires the trustees of SMSFs prepare and implement an investment strategy that includes the:

- risk/return profile of selected investments in light of the investment horizon;
- diversification and liquidity of fund assets;
- ability of the fund to attain life insurance for members; and
- ability of the fund to meet current and prospective liabilities.

This strategy must be documented, monitored regularly, and updated where required.

In addition, an SMSF may only purchase certain types of investments from you, an associate or another individual or entity who is deemed to be a related party. Examples include:

- shares listed in Australia or an approved overseas stock exchange;
- units in widely held unit trusts; and
- business real property used wholly for any business purpose.

The transfer of any other assets may attract a penalty of imprisonment.

## Establishing a trust deed

A trust deed is commonly referred to as ‘the governing rules of the fund.’ A trust deed is a legal document that establishes the existence of the fund and rules regarding its operation when it is properly executed.

The major clauses of a trust deed will normally address:

- the establishment of the fund;
- the structure and purpose of the fund;
- details of who can be a trustee;
- how to appoint and remove trustees;
- the decision making powers of the trustee;
- who can be a fund member;
- who can make contributions;
- when to pay benefits to members;
- ability for the fund to take insurance on the lives of members;
- members’ benefit entitlements;
- what investments the fund can make;
- fund records, audit requirements, disclosure, and reporting requirements; and
- the appointment of actuary, auditor, and managers.

## Establishing the trustee/s

The trustee is responsible for compliance with a range of administrative and investment related requirements including:

- acceptance of member contributions and rollovers
- the investment strategy covenant
- payment of retirement benefits, once members meet a condition of release
- preparation and lodgements of relevant annual returns, financial statements, and audit
- various restrictions on investments and benefits including those related to:
  - lending to members or their relatives;
  - acquiring assets from members or their relatives;
  - in-house assets;
  - arms-length transactions;
  - borrowing by the fund;
  - member reporting obligations;
  - contribution standards; and
  - benefit payments standards.

While trustees may outsource certain functions to external service providers such as a fund administrator or an accountant, the ***ultimate responsibility and accountability for the fund always lies with the trustees.***

All trustees of your SMSF are responsible for running the fund and making decisions that are in the best financial interests of all members.

This means you are responsible for decisions made by other trustees even if you're not involved in making the decision.

The trustee of an SMSF can be a corporate trustee (ie: a private company) or individuals who are members of the fund.

Where the trustees are individuals, the trustee arrangements must be (subject to limited exceptions):

- all members must be trustees, and
- each individual trustee must be a member.

This arrangement promotes true self management of the fund by ensuring all the members have the opportunity to be involved in making decisions that directly affect their superannuation.

An SMSF may have a corporate trustee providing:

- each director of the company is a member of the fund; and
- each member of the fund is a director of the company.

Directors of corporate trustees must have a Director Identification Number, which is a unique identifier that a director will apply for once and keep forever.

## Single member funds

Where an SMSF has only one member, that person may elect to have a corporate trustee. In this case, the member must:

- be the sole director of the trustee company or;
- there can only be two directors of the trustee company, however the single member:
  - must not be an employee of the other director of the trustee company, or
  - must be related to the other director of the trustee company.

Alternatively, if the single member fund does not wish to have a corporate trustee, the fund must have two individuals as trustees. One of the individual trustees must be the member along with:

- any other person provided the member is not an employee of that person selected to be the other individual trustee, or
- any other person who is a relative of the member.

## Advantages of SMSFs

### Investment choice

You can invest directly in your own chosen combination of investments, for example, shares, property, fixed interest investments, managed funds, and cash. You may also include business real property (commercial property).

### Access to wholesale managed funds

You may gain the benefit of access to wholesale managed funds where the investment charges are lower than retail managed funds.

### Direct Property

You have the opportunity to use superannuation funds invest in direct property. This can provide certain tax benefits, however, can also result in diversification and liquidity risk as well as additional complexity with legislative requirements. Careful planning in advance of any decision is paramount.

### Consolidation

You have the ability to have up to six members in an SMSF. You are therefore able to combine your superannuation benefits into one strategy to reduce ongoing costs and increase the potential for compounding capital growth.

## Tax planning

You have the ability to reduce taxation liabilities within the fund by selecting a tax effective mix of investments, including franked dividends. Investment earnings are subject to tax at a maximum rate of 15%.

## Estate planning

SMSFs provide estate planning opportunities where there is more than one member in the fund. A member of an SMSF is able to have a non-lapsing binding nomination which allows them to specify how their benefits are to be distributed on their death.

## Disadvantages of SMSFs

### Cost barriers

The cost may vary depending on the fund balance, complexity of investments and level of outsourcing. You should consider the total ongoing costs associated with maintaining an SMSF as this can be significant.

Upfront costs in establishing the fund are estimated to be between \$1,000 and \$5,000. Additional costs may also be incurred upon winding up an SMSF.

### Legal and compliance obligations

Although as a member/ trustee, many responsibilities can be outsourced, the ultimate responsibility remains with the trustee. Non compliance can result in fines and /or imprisonment.

### Expertise and performance

A high level of flexibility in investment choice requires sound knowledge and experience on behalf of the members/ trustees.

### Time consuming

It is reasonable to expect an SMSF will take up a more amount of time for the member than alternative superannuation fund offers.

## When are SMSFs appropriate?

An SMSF is most appropriate for investors who:

- prefer to have direct control over their retirement funds
- wish to be involved in investment decisions, and
- wish to gain from the flexibility and estate planning benefits associated with SMSFs.

SMSF members must be prepared for the responsibilities associated with being a trustee of a regulated superannuation fund. Members who are prepared to pay for outsourcing much of the administration and investment management of the fund will not need to commit as much of their own time to the fund but will need to be prepared to pay the associated fees for these services.

### What level of support is appropriate?

While all SMSFs feature direct investment discretion you can choose the extent of administration support, investment reporting, and compliance. Broadly speaking you may choose from:

- a professional administration service for all services required in conjunction with the use of a financial adviser for investment decisions and other key decisions such as commencing a pension, contributions to and withdrawals from the fund, and

- an accounting firm for compliance and tax returns in conjunction with the use of a financial adviser for investment decisions and other key decisions such as commencing a pension, contribution to and withdrawals from the fund and then completing the trustee responsibilities yourself.

From your perspective, the major difference between these options is who is responsible for the prudent management of the fund.

The Superannuation and Insurance Supervision (SIS) legislation codifies some of the most important fiduciary duties of trustees in formal covenants. The codified duties exist alongside trustee duties under common law. For trustees, SIS means their basic duties are clearly spelt out. For members, SIS establishes statutory rights to civil action for loss or damage due to breach of covenants.

## Administration of the Fund

### Investment strategy

The investment strategy aims to outline the investment guidelines of the SMSF and must be consistent with the objectives of the fund. An SMSF with no investment strategy documented may be ruled as non-complying by the ATO.

### Insurance for members

The trustees must consider whether personal insurance cover is appropriate for the fund's members, taking into account each member's personal circumstances. Consideration should be given to the type and amount of cover required as a part of the overall investment strategy of the fund.

### Administration

While all SMSFs feature direct investment discretion, it may be desirable to outsource many of the administration tasks. These areas include corporate trustee, Trust Deed, and ongoing investment administration, taxation and compliance and audit for the fund.

## Additional information

For information regarding life insurance within a SMSF, refer to our **[Advice Guide Life Insurance](#)** document.

For further information regarding SMSFs, refer to [ATO – Self-managed super fund](#) guidance.