

# Know Your Client 6

## Australian Regulated Trusts (including Self-Managed Super Funds)

This form is used to provide the information we need to verify the Trust's identity and to meet our regulatory obligations, including those under Anti-Money Laundering and Counter-Terrorism Financing Act 2006, United States Foreign Tax Compliance (FATCA) and Common Reporting Standards (CRS). Complete this form if you are a Company acting as a Trustee for a Trust/Fund.

### Relevant documents required

For the **trust**, please provide the following:

**For registered managed investment schemes or Australian regulated trusts:**

A copy of search results from ASIC or the relevant regulator

OR

If the trust is a government superannuation fund, a copy or relevant extract of the legislation establishing the fund.

**For unregistered wholesale managed investment scheme**

A copy of the offer document or information memorandum of the managed investment scheme

OR

Other evidence that the scheme is open only to wholesale clients, and does not make small scale offerings under section 1012E of the Corporations Act 2001 (Cth)

**For other trusts:**

An original or certified copy of the trust deed or, if this is not reasonably available, a certified copy of an extract of the trust deed containing the names of the trust, each trustee, the beneficiaries, the settlor and the appointer/protector (if applicable).

If each current trustee of the trust is not named in the trust deed (or has changed from the date of the trust deed), a certified copy of the documents evidencing the appointment of each current trustee

For **individual trustee**, provide:

A completed Know Your Client 1 - Individual form

AND

Certified copy of:

One primary photographic ID document

OR

One primary and one secondary non-photographic identification document

For **corporate trustee**, provide:

A completed Know Your Client 4 - Company form with relevant supporting documents

# 1. Regulated Trust Identification Requirements

## 1.1 General information

Full name of Trust/Superannuation fund

Country of establishment (if not Australia)

Registered business name of Trust (if applicable, in full)

ABN (if applicable)

## 1.2 Type of Regulated Trust

Self-Managed Superannuation Fund

ABN

Registered managed investment scheme

Australian Registered Scheme Number (ARSN)

Unregistered managed investment scheme

ABN

Government Superannuation fund

Name of establishing legislation

Other regulated Trust

ABN or licence or registration number

Regulator name (e.g. ASIC, APRA, ATO)

## 2 Tax information

### What is FATCA and CRS?

FATCA and CRS are two ways in which a large number of governments are seeking the same thing - to improve global tax compliance. Both require financial institutions to capture relevant information on foreign taxpayers, as follows:

- FATCA promotes cross border tax compliance by US taxpayers, by implementing an international standard for the automatic exchange of information related to those taxpayers. Australia has entered into an inter-governmental agreement (IGA) with the US to implement FATCA in Australia, to be administered through the ATO. The AUS-USA FATCA IGA requires the ATO to obtain detailed account information for US citizens and/or taxpayers on an annual basis. The effect of this is that, to satisfy their FATCA obligations, relevant Australian financial institutions must identify any US taxpayers and report those taxpayers' financial account data to the ATO. The Tax Laws Amendment (Implementation of the FATCA Agreement) Act 2014 (Cth) gave domestic legal effect to the obligations by inserting Division 396-A FATCA into the Taxation Administration Act 1953 (Cth).
- CRS is a global reporting standard, developed by the OECD, for the automatic exchange of information (AEOI). Its goal is to allow tax authorities to obtain a clearer understanding of financial assets held abroad by their residents, for tax purposes. Over 96 countries have agreed to share information on residents' assets and incomes in accordance with defined reporting standards. Once again, this means that financial institutions around the globe must provide tax authorities with taxpayer financial account data, and the financial institutions must therefore collect this information from their customers and pass it on. The Tax Laws Amendment (Implementation of the Common Reporting Standard) Act 2016 (Cth) gave domestic legal effect to the obligations by inserting Division 396-C Common Reporting Standard into the Taxation Administration Act 1953 (Cth).

Refer to FATCA and CRS definitions document on [uethical.com](http://uethical.com)

### 2.1 Tax Status

Please complete section (a) if the Entity is a Financial Institution or section (b) if the Entity is a Non-Financial Entity

#### (a) Financial Institution

Please select the Financial Institution's status from one of the options below:

- (i) Depository Institution
- (ii) Specific Insurance Company
- (iii) Custodial Institution
- (iv) An Investment Entity located in a Non-Participating Jurisdiction and managed by another Financial Institution (complete 2.3)

Provide the entity's Global Intermediary Identification Number (GIIN), if applicable

**If the entity is a Financial Institution but does not have a GIIN, select one of the following FATCA statuses:**

- A Financial Institution resident in Australia e.g., Australian Regulated Trust (such as a registered managed investment scheme or complying superannuation fund)
- A Financial Institution resident in the US
- A Non-Reporting Financial Institution resident in Australia, Non-Reporting IGA FI or Deemed compliant FFI
- A Financial Institution resident in a Partner Jurisdiction or a Participating Foreign Financial Institution (FFI) that has a Global Intermediary Identification Number (GIIN) (please provide GIIN):
- Non-participating Foreign Financial Institution
- An Exempt Beneficial Owner (please provide details):
- An FI that has applied for a GIIN but that has not yet been issued with the GIIN
- Other (please specify entity's FATCA status):

**(b) Non-Financial Institution**

**Please select the Non-Financial Entity's (NFE) status from one of the options below:**

(i) Active NFE – a corporation the stock of which is regularly traded on an established securities market, or a corporation which is a related entity of such a corporation

Name of securities market

Name of related entity (if applicable)

- (ii) Active NFE – government entity, central bank or international organisation
- (iii) Active NFE – other – entities operating an active trade or business that is not described above
- (iv) Passive NFE – an entity earning 50% or more of its revenue from investment activities (e.g. rent, dividend, interest) or 50% or more of the entity's assets are used to generate investment income **(complete section 2.3)**
- Passive NFE Trust - A trust that has a non-resident trustee, beneficiary or settlor **(complete section 2.3)**
- Passive NFE Company – A proprietary or unlisted public company where 25 per cent or more of the beneficial owners are non-residents for tax purposes **(complete section 2.3)**
- Passive NFE Other Entities – Any other passive non-financial entity for where a non-resident for tax purposes exercises control by way of determining decisions about financial and operating policy) **(complete section 2.3)**
- (v) Charitable organisation registered in Australia with the Australian Charities and Not-for-profit Commission (ACNC)
- Provide ABN
- (vi) US Company - A company created or established under the laws of the US or that is a US taxpayer
- Provide your US TIN
- (vii) US Trust – A trust that is subject to the laws of the US and is controlled by one or more persons that are US citizens or US residents
- Provide your US TIN

**2.2 Tax Residence**

Are you a resident of Australia for income tax purposes? Yes  No

If yes, please provide your tax file number

Is the entity also a tax resident of another country? Yes  No

If the entity is a tax resident of another country, please provide details of all countries, other than Australia, in which the entity is tax resident (note that certain countries, including the US, treat all citizens as residents for tax purposes):

Countries of tax residency	Tax Identification Number (TIN)	If no TIN, provide a reason A,B or C (see below)
1. <input type="text"/>	<input type="text"/>	<input type="text"/>
2. <input type="text"/>	<input type="text"/>	<input type="text"/>
3. <input type="text"/>	<input type="text"/>	<input type="text"/>

**Reason A** – The country/jurisdiction of tax residency does not issue TINs to its tax residents

**Reason B** – Unable to obtain a TIN or equivalent (Please provide explanation)

**Reason C** – No TIN is required. (i.e., the domestic law of the relevant jurisdiction does not require the collection of TINs).

If the entity is not a tax resident of any country, please provide details and place of effective management

Reason for no tax residency

Place of effective management

### 2.3 Controlling Persons

You must complete this section if you ticked Part 2.1(a)(iv) or 2.1(b)(iv) or if you are:

- An investment entity located in a Non-Participating jurisdiction and managed by another Financial Institution
- A passive Non-Financial Entity (NFE)

Controlling Persons per entity type are as follows:

Entity Type	Controlling Persons
Trust	All beneficiaries, trustees, settlors, protectors and any other natural person (or persons) exercising ultimate effective control over the trust e.g. appointer. Note: If any party is a company, then please refer to the definition of Controlling Persons in point (2) below.
Company	All beneficial owners i.e. individuals that control the company or own (directly/indirectly) 25% or more of the company's issued share capital.  If no natural person meets the threshold, the Controlling Person will be the natural person who holds the position of senior managing official for the entity.
Partnership	All partners of a partnership
Association/Co-operative	All governing members

Are any of the entity's Controlling Persons a tax resident of any country outside Australia for income tax purposes?

Yes  No

If 'yes', you must complete Know Your Client 1 – Individual form for each Controlling Person who is a tax resident of any country outside Australia.

### 3. Politically Exposed Person (PEP)

A "politically exposed person" (PEP) is an individual who holds a prominent public position or function in a government body or international organisation, both within and outside Australia. This definition also extends to their immediate family members or close associates.

Please provide the name of anyone that is named in this Form as a PEP or is an immediate family member or close associate of a PEP.

## 4. Declaration

- I/We certify that the countries of foreign tax residence provided in this form, represent all foreign countries in which the Trust is considered tax resident.
- I/We acknowledge and agree that the information contained in this form and information regarding any reportable account(s) may be reported to the ATO, and the ATO may exchange this information with the country or countries in which the Trust may be resident for tax purposes.
- I/We undertake to advise U Ethical promptly of any change in circumstance which causes the information contained in this form to become incorrect and to provide a suitably updated Certification within 30 days.
- I/We certify that I/We am/are authorised to sign for the Trust in respect of all the account(s) to which this form relates.
- **I/We declare that all statements made in this declaration are, to the best of my/our knowledge and belief, correct and complete.**

Signature

Full Name

Position

Date DD / MM / YYYY

 /  / 

Signature

Full Name

Position

Date DD / MM / YYYY

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