

## Discretionary Trust Distribution Minutes

<b>Minutes of meeting of the Trustee(s) of</b>	
<b>TFN</b>	
<b>ABN</b>	
<b>Financial Year Ending</b>	
<b>Held at</b>	
<b>Date</b>	
<b>Persons Present</b>	

### 1. MINUTES

The previous minutes of the Trustee were read and confirmed.

### 2. EXERCISE OF POWERS

The Chairperson noted that the resolutions to be passed at this meeting are pursuant to the powers and discretions conferred on the Trustee as trustee at law and by the deed of settlement establishing this Trust.

### 3. DETERMINATION OF INCOME

It is resolved under the powers vested in the Trustee that the income of the Trust fund available for appointment will be an amount equal to 'net income' as calculated under section 95 of the *Income Tax Assessment Act 1936* (Cth), and includes any net capital gains and excludes any franking credits under section 207-35 of the *Income Tax Assessment Act 1997* (Cth) ("**income of the Trust Fund**").

### 4. ALLOCATING TRUST INCOME

Under the Trust the Trustee is empowered to select Trust beneficiaries to receive the income of the Trust Fund.

### 5. RESOLUTION TO APPOINT TRUST INCOME

Pursuant to:

- i. Clause [ ] of the Trust Deed, which authorizes the Trustee to appoint the income of the Trust Fund to the beneficiaries;

- ii. Clause [ ] of the Trust Deed, which authorizes the Trustee to separately deal with all or any part of the income or capital of a class referred to in clause [ ];
- iii. Section 115-228 of the *Income Tax Assessment Act 1997* (Cth), which authorizes the Trustee to determine that beneficiaries are entitled to a “share of the net financial benefit” referable to a capital gain made by the Trust;
- iv. Section 207-58 of the *Income Tax Assessment Act 1997* (Cth), which authorizes the Trustee to determine that beneficiaries are entitled to a “share of the net financial benefit” referable to the franked dividends made by the Trust;

The Trustee resolves to appoint the income of the Trust Fund for the Income Year to the beneficiaries in the proportions shown in the below tables.

**TABLE A**

<b>SPECIFIC ENTITLEMENTS</b>	<b>NAME</b>	<b>PROPORTION [%] or AMOUNT [\$] or BALANCE</b>
<b>FRANKED DIVIDEND DISTRIBUTIONS</b>	<i>[Name of beneficiary]</i>	<i>X% or \$X or Balance</i>
Franked dividend distributions		
Franked dividend distributions		
Franked dividend distributions		
Franked dividend distributions		
Franked dividend distributions		
<b>CAPITAL GAINS</b>		
Discount capital gains		
Discount capital gains		
Discount capital gains		
Discount capital gains		
Discount capital gains		
Non-discount capital gains		
Non-discount capital gains		
Non-discount capital gains		
Non-discount capital gains		
Non-discount capital gains		

**TABLE B**

<b>GENERAL ENTITLEMENTS</b>	<b>NAME</b>	<b>PROPORTION [%] or AMOUNT [\$]</b>
All other income		
All other income		
All other income		
All other income		
All other income		

**TABLE C**

<b>OTHER</b>	<b>NAME</b>	<b>PROPORTION [%] or AMOUNT [\$]</b>

For the avoidance of doubt and regardless of any adjustments to the income of the Trust Fund, the income of the Trust Fund shall be distributed as specified above.

**6. PRIOR PAYMENTS**

If any amount of income of the Trust Fund has actually been paid by the Trustee to any beneficiaries during the Income Year, it is resolved that those amounts represent applications of the income of the Fund in accordance with the terms of these resolutions, and do not vary or change the terms of any distributions made under these resolutions.

**7. INDEFEASIBLE INTEREST RESOLUTION**

The Trustee confirms all the payments, allocations and applications made under these resolutions give the respective beneficiaries and immediate vested and indefeasible interest in the income of the Trust Fund so paid, allocated or applied. Accordingly, those respective beneficiaries are presently entitled to their share of the net financial benefit / income of the Trust Fund.

There being no further business, the meeting was declared closed. Signed as a true and correct record:

**TRUSTEE:** .....

**DATED:** .....

## Explanatory Note

- i. The Trust Distribution Minutes above assumes your Trust Deed:
  - a. Has an income equalization clause which equates the income of the Trust Fund with the net income in section 95 of the *Income Tax Assessment Act 1936* (Cth) OR your Trust Deed allows your Trustee to determine that the income of the Trust Fund is equated to the net income in section 95 of the *Income Tax Assessment Act 1936* (Cth);
  - b. Has a streaming clause allowing streaming of capital gains and franked dividends; and
  - c. Allows the net financial benefit to be recorded in its character as referable to the capital gain and the franked distribution in the records or accounts of the Trust.
  
- ii. A beneficiary's present entitlement to the income of the Trust Fund must be created prior to the end of 30 June 2022. In addition, for a beneficiary to be specifically entitled to an amount of a capital gain, the beneficiary's share of the net financial benefit must be appropriately recorded in the accounts or records of the Trust not later than 2 months after the end of the relevant income year. Further, for a beneficiary to be specifically entitled for an amount of a franked dividend, the beneficiary's share of the net financial benefit must be appropriately recorded in the accounts or records of the Trust not later than the end of the Income Year.