



Update

Superannuation & Funds Management

25 January 2012

What's News? - 25 January 2012



PDF Format

News

FOFA to continue dominating financial advice in 2012

FOFA is set to dominate again with the longer-term impacts and four key trends expected to characterise the market in 2012 – the end of 'one-size-fits-all' financial advice; a shift towards big or boutique licensees; business model specialisation and a focus on cost reduction and income diversification (20 January 2012) [More...](#)

FOFA compliance to cost millions warns FSC

□The Financial Services Council (FSC) has added its weight to calls for the Federal Government to provide an appropriate transition time for the implementation of the Future of Financial Advice (FOFA) legislation (18 January 2012) [More...](#)

FOFA may force bank restructures

The ABA believes that the scope of the FOFA legislative package has extended significantly beyond the initial stated policy intent, and consequently will result in a number of adverse and unintended consequences for banks and banking groups and their customers (17 January 2012) [More...](#)

Financial planner reforms will disproportionately hurt SMEs

Independent financial advisors say that Government reforms of the sector will disproportionately hurt small- and medium-sized enterprises in the sector (16 January 2012) [More...](#)

Funds must disclose returns targets: SuperRatings

Only 40 per cent of superannuation funds have disclosed the CPI+ objective of their balanced option to SuperRatings, and none of them have hit their target over a three or five-year period (20 January 2012) [More...](#)

Stronger Super draft needs clarity

The second tranche of Stronger Super is in need of more clarity, according to AIST in its submission on the Bill, with calls for clearer terminology and the legal boundaries of trustees. Submissions are being accepted from industry participants on the Superannuation Legislation Amendment (Trustee Obligations and Prudential Standards) Bill 2012 (17 January 2012) [More...](#)

MySuper comparisons must exclude services: AIST

In a submission to the Government on the recently announced Stronger Super changes, the AIST has argued ancillary services such as financial advice, insurance and online services should be completely excluded from the comparison of MySuper products (17 January 2012) [More...](#)

MySuper regulations fundamentally flawed

Industry concerns have arisen over pricing structures and fee levels under the proposed My Super legislation, with calls for the government to allow differential pricing. The concern on fee levels under MySuper was echoed by the Corporate Super Specialist Alliance (CSSA) in a submission to the Parliamentary Joint Committee on Corporations and Financial Services (17 January 2012) [More...](#)

ASFA outlines key disclosure rules push

Risk and volatility issues top priorities, with ASFA to push for two key matters to be incorporated into ASIC's guidelines for full disclosure on super fund asset holdings, and the FSC wants industry language standardised (16 January 2012) [More...](#)

SMSFs dominating super assets

The peak body for SMSFs has welcomed the latest Australian Tax Office statistics which show SMSF assets have grown at twice the rate of total super industry assets in the past five years to June 30 2010 (13 January 2012) [More...](#)

ASFA and FSC call for transparency on remuneration

The Financial Services Council (FSC) and the Association of Superannuation Funds of Australia (ASFA) have argued that director remuneration must be publicly disclosed (12 January 2012) [More...](#)

Legislation

Exposure Draft – 2nd Tranche MySuper – Trustee Obligations and Prudential Standards

ASFA Submission to Treasury, 16 January 2012 [More...](#)

Superannuation Legislation Amendment (Trustee Obligations and Prudential Standards) Bill 2012

AIST submission, 13 January 2012 [More...](#)

Practice Notes

Personal Property Securities Register commences January 2012

The new national register commences on Monday 30 January 2012 and business owners and consumers may be affected by changes to personal property security laws as:

- - buyers of properties that may be subject to a security interest
- - business or consumer borrowers
- - providers of credit, or investors who are contemplating buying into a business

[Personal Property Securities Register](#)

Commonwealth – Treasury Current Consultations

[Review of not-for-profit governance arrangements - consultation paper](#)

Submissions close 20 January 2012 Hosted by the [Treasury](#)

[Proposed amendments to the Corporations Act - discussion paper](#)

Submissions close 30 January 2012 Hosted by the [Treasury](#)

Cases

SAS Trustee Corporation v Arthur Cox [2011] NSWCA 408

SUPERANNUATION - police superannuation - backdating of superannuation entitlement for hurt on duty injury to date of medical discharge - application made 16 years after discharge - whether primary judge took into account irrelevant considerations or disregarded relevant considerations - Police Regulation (Superannuation) Act 1906 s 9A(4), s 10B TRUSTS - Superannuation - defined benefit scheme - trustee a statutory body - duty of trustee -- whether trustee had a duty to advise beneficiaries of potential rights - relevance of contributions of fund SUPERANNUATION - where delay in processing application pending legislative amendments - whether error in position of law in considering delay between application for benefit and decision. [More...](#)

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