



11 November 2009

Dear Member

## SIGNIFICANT EVENT NOTICE

### Payment of certain third-party payments and ASIC order

Astarra Superannuation Plan ABN 43 724 394 795, RSE R1056020;  
Astarra Personal Pension Plan ABN 74 351 127 106, RSE R1056037;  
Employers Federation of NSW Superannuation Plan ABN 31 061 350 115, RSE R1056983;  
My Retirement Plan ABN 23 732 008 457, RSE R1056051;  
Seagrims Retirement Plan, a sub-fund of My Retirement Plan ABN 23 732 008 457, RSE R1056051;  
TIC Super, a sub-fund of My Retirement Plan ABN 23 732 008 457, RSE R1056051;  
Titanium Retirement Fund, a sub-plan of My Retirement Plan ABN 23 732 008 457, RSE R1056051;  
Astarra Pooled Superannuation Trust ABN 71 340 939 814, RSE R1056044) (collectively, **Funds**)

### Effect of APRA directions

As you have been notified previously, APRA, under subsection 264(3) of the *Superannuation Industry (Supervision) Act 1993 (Cth)* has directed Trio Capital Limited (**Trustee**) as the trustee of the Funds, (**Direction**):

- (i) not to acquire assets on behalf of the Funds until such time as the Direction is revoked; and
- (ii) not to dispose of any of the assets of the Funds until such time as the Direction is revoked; and
- (iii) not to deal in any of the assets of the Funds until such time as the Direction is revoked; and
- (iv) not to remove, or cause to be removed, from Australia any of the assets of the Funds until such time as the Direction is revoked.

This Direction is subject to the condition that the Trustee shall not acquire, dispose of, deal in, remove or cause to be removed from Australia, any asset of the Funds unless APRA otherwise approves in writing.

One effect of the APRA Direction is that, without the consent of APRA, third-party payments may not be made out of the Funds.

### APRA consent

APRA has provided its consent that the following monthly payments with payment dates falling from 25 October 2009 to 11 November 2009 may be made out of each of the Funds:

- (i) payments to the Australian Taxation Office;
- (ii) trustee and administration fees;
- (iii) member fees; and
- (iv) salary continuance payments.

Please note this consent only extends to the abovementioned payments which are payable in the stated date range. The consent does not extend to any other future third-party payments of the Funds.

If the consent from APRA is not extended or if a further like consent of APRA is not provided, then the Direction will continue to have effect and the Trustee will be unable to make third-party payments from the Funds for the duration of the Direction.

### **What this means for you?**

APRA's consent to the payment of these fees will allow the continuation of services during this period.

If you are entitled to receive a monthly salary continuance payment falling within the stated date range, you will receive the payment in full.

### **ASIC Order**

On 10 November 2009, the Australian Securities and Investments Commission served an interim stop order on the Trustee in relation to the following product disclosure statements:

- (i) Astarra Superannuation Plan and Astarra Personal Pension Plan dated 15 December 2008 and updated by supplementary product disclosure statement (**PDS**) dated 1 July 2009;
- (ii) Titanium Retirement Fund dated 17 September 2009;
- (iii) TIC Super dated 1 July 2009;
- (iv) Seagrims Retirement Plan dated 30 September 2009 and updated by supplementary PDSs dated 18 May 2009 and 1 August 2009; and
- (v) My Retirement Plan dated 14 December 2007.

Under this interim stop order (**Order**), the Trustee is prohibited from:

- (i) offering or issuing new superannuation products which are the subject of the abovementioned PDSs (**Relevant Super Fund Products**); or
- (ii) accepting any contributions, rollovers or transfers relating to the Relevant Super Fund Products.

The Order is in place until ASIC decides to either make a final order or revoke the Order.

This Order has the effect of extending the duration of the abovementioned prohibitions previously contained in the interim order served by ASIC on 21 October 2009 which expires on 11 November 2009.

### **What does this mean for you?**

The Trustee cannot offer or issue any interests in the Relevant Super Fund Products, or accept any contributions, rollovers or transfers relating to the Relevant Super Fund Products until ASIC decides to either make a final order or revoke the Order.

You should also note that, as you have previously been informed, the Trustee continues to be prohibited from acquiring, disposing, dealing in and removing from Australia or causing to be removed from Australia any assets of the Funds unless otherwise approved by APRA.

## Further Information

The Trustee is continuing to co-operate with APRA. We will contact you again to highlight any relevant developments.

Yours sincerely



Rex Phillipott  
Managing Director  
Trio Capital Limited

Trustee is Trio Capital Limited ABN 33 001 277 256, AFS Licence No. 238000

Offices of Trio Capital Limited  
ALBURY Level 1, 540 Swift Street, Albury NSW 2640  
Telephone: (02) 6041 9300 Facsimile: (02) 6041 9355  
Email: [service@triocapital.com.au](mailto:service@triocapital.com.au) Website: [www.triocapital.com.au](http://www.triocapital.com.au)

## Important Notice

*The information contained in this Notice does not constitute financial product advice. Trio Capital Limited (Trustee) has not considered the individual member's/pensioner's financial objectives, situations or needs in preparing this information. The Trustee recommends that members/pensioners should obtain professional financial advice from a licensed financial adviser.*