Recent Federal Court decision spells disaster for bankrupt and his non-compliant self managed superannuation fund

Date : September 3, 2014

The recent case of *Coshott v Prentice [2014] FCAFC 88* highlights the importance of seeking legal advice to ensure that your self managed superannuation fund (SMSF) is compliant under the *Superannuation Industry (Supervision) Act* 1993 (Cth).

In this case, the Full Federal Court found that although a property was claimed to be held by a SMSF it was in fact beneficially owned by the bankrupt. Consequently, the property would be dealt with as being part of the bankrupt estate.

If you wish to ensure the protection of assets held in a SMSF the fund **must** operate as a compliant fund. Contact Matthews Folbigg today to speak with a commercial lawyer about asset protection or to check the compliance of your SMSF.

Phillip Brophy – phillipb@matthewsfolbigg.com.au **or 9635 7966**