

Notes to your Cromwell Phoenix Opportunities Fund 30 June 2016 Annual Tax Statement

The following notes have been prepared to assist Australian resident individual investors understand their Annual Tax Statement and to prepare their 2016 income tax return.

These notes apply to you if:

- You are an individual Australian tax resident holding your units for the purposes of investment (on capital account), rather than for resale at a profit (on revenue account), and the Capital Gains Tax (“CGT”) provisions apply to you; and
- You are using the “Individual Tax Return 2016” and “Tax Return for Individuals (Supplementary Section) 2016” publications or *myTax* to complete your income tax return.

If you hold your units on revenue account, or are a non resident, a superannuation fund, company, partnership or trust investor you should consult your professional tax adviser for more information.

The following notes have been prepared for general information only and should not be relied upon as tax advice. The information should be read in conjunction with the Australian Taxation Office’s (“ATO’s”) instructions and publications, some of which are listed below. An investment in a managed investment trust can give rise to complex tax issues and each investor’s particular circumstances will be different. As such, we recommend before taking any action based on this document that, you consult your professional tax adviser for specific advice in relation to the tax implications.

This document does not constitute financial product or investment advice, and in particular, it is not intended to influence you in making decisions in relation to Cromwell’s financial products.

While every effort is made to provide accurate and complete information, Cromwell does not warrant or represent that the information in these notes is free of errors or omissions or is suitable for your intended use and personal circumstances. Subject to any terms implied by law which cannot be excluded, Cromwell accepts no responsibility for any loss, damage, cost or expense (whether direct or indirect) incurred by you as a result of any error, omission or misrepresentation in the information contained in this information.

These notes have been prepared on the basis of the prevailing taxation laws at 30 June 2016.

Thank you for investing with Cromwell. For further information about your investment:

- Contact your adviser;
- Contact the Cromwell Investor Services Team on 1300 276 693;
- Access our website at www.cromwell.com.au/investment;
- For registry related questions please call Boardroom on 1300 737 760 within Australia, or +61 2 9290 9600 outside Australia, between 8.00am and 7.30pm, AEST, Monday to Friday; or
- You can access and administer your investment online 24 hours a day, 7 days a week, via Boardroom’s InvestorServe portal at: <https://www.investorserve.com.au>. If you are not already registered for InvestorServe call 1300 737 760.

The below notes have been prepared to assist you or your tax adviser to complete your 2016 income tax return using your Annual Tax Statement

For tax purposes your investment in units in the Cromwell Phoenix Opportunities Fund is an investment in a Managed Investment Trust.

Your Annual Tax Statement provides details of any distributions paid to you by Cromwell Phoenix Opportunities Fund for the period 1 July 2015 to 30 June 2016.

Australian resident taxpayers include in their assessable income their proportionate share of Cromwell Phoenix Opportunities Fund’s taxable income (including any net capital gains). Cromwell Phoenix Opportunities Fund’s distributions are included in investor’s assessable income for tax purposes on a present entitlement basis and not on a receipts basis. This means:

- the distribution paid in July 2016 in relation to the June 2016 month is included in your 2016 Annual Tax Statement; and
- the distribution paid in July 2015 in relation to the June 2015 month is not included in your 2016 Annual Tax Statement as it was included in your 2015 Annual Tax Statement.

For tax purposes the distributions from Cromwell Phoenix Opportunities Fund may comprise separate components including interest, dividends, other Australian taxable income, foreign income, capital gains and tax deferred amounts.

Managed Investment Trust Regime

Cromwell Phoenix Opportunities Fund qualified as a Managed Investment Trust (“MIT”) for the year ended 30 June 2016 in accordance with Division 275 of the Income Tax Assessment Act 1997 (“ITAA 1997”). Cromwell Phoenix Opportunities Fund made an irrevocable election in 2013 to treat the disposal of its eligible assets as subject to CGT and not giving rise to revenue gains or losses.

On 5 May 2016, the Government passed new legislation establishing a new tax system for MITs including the ability for MITs to elect to be Attribution MITs (“AMITs”). Cromwell Phoenix Opportunities Fund has exercised its choice not to elect to be an AMIT for the year ended 30 June 2016.

If you are using myTax:

For resident individual holders using *myTax* to lodge their individual income tax return the following section should be used as a guide to personalise your income tax return to ensure the relevant questions and sections are completed.

If the distribution from your investment in Cromwell Phoenix Opportunities Fund has been pre-filled for you, check this information against your Annual Tax Statement. If the information has not been pre-filled yet, transpose the amounts from your Annual Tax Statement in “Part A: Summary of 2016 Tax Return (supplementary section) Items” section to the tax return boxes corresponding to the 2016 Tax Return Labels shown on your Annual Tax Statement.

Taxable Income – Question 13

Using your Annual Tax Statement and the “Tax Return for Individuals (Supplementary Section) 2016” you should include at Question 13 of your income tax return the non-primary production income amount (label 13U) and any franked distribution amount (label 13C) (including any franking credit amount from label 13Q). See Part A of your Annual Tax Statement for these amounts.

The foreign income amount on your Annual Tax Statement should be included separately at Question 20 (see below).

Capital Gains – Question 18

Cromwell Phoenix Opportunities Fund has realised capital gains during the income tax year as a result of disposing of investments and receiving distributions of capital gains from other trusts. Your proportionate share of the net capital gain is outlined on your Annual Tax Statement and should be included in your income tax return at Question 18.

The CGT capital gains tax components of your distribution comprise the following:

- The Discounted Capital Gain amount represents your share of realised net capital gains as determined applying the CGT 50% discount method for individual tax payers.
- The CGT Concession Amount represents the distribution of ‘non-assessable’ realised gains determined under the CGT 50% discount method for individual tax payers and does not reduce the CGT cost base of your units.
- The Capital Gains Other amount represents your share of fully taxable capital gains.

Unit holders should refer to the ATO's "Guide to Capital Gains Tax 2016" or "Personal Investors Guide to Capital Gains Tax 2015-16" or should consult their professional tax adviser to calculate their net capital gains for the year.

Where applicable, the CGT 50% discount method for individuals has been applied in calculating the net capital gains for your Annual Tax Statement. Non individual tax payers including companies and superannuation fund security holders are required to calculate net capital gains differently.

You should also include at Question 18 any capital gains or losses otherwise arising in relation to your Cromwell Phoenix Opportunities Fund units and other investments. This may include capital gains or losses arising from the disposal of your Cromwell Phoenix Opportunities Fund units or from tax deferred distributions depleting the cost base of your Cromwell Phoenix Opportunities Fund units to nil (discussed further below). If you are offsetting capital losses against the capital gains you should refer to the above publications or should contact your professional tax adviser to determine the correct treatment and order of calculating your net capital gain.

Foreign Entities - Question 19

As your Cromwell Phoenix Opportunities Fund distribution includes Controlled Foreign Companies ("CFC") income, you should complete the "YES" box at Item 19I of your 2016 Income Tax Return Supplementary Section.

Using your Annual Tax Statement and the "Individual Tax Return Instructions Supplement 2016" you should separately disclose any CFC income at Item 19K.

CFC income included in your assessable income may:

- Reduce the amount of distributable income included in your assessable income in future years; and
- Reduce or increase your gain or loss on a disposal of your investment in future.

Additional guidance may be obtained from the following ATO publication:

- Foreign Income Return Form Guide 2016.

Foreign Income – Question 20

Using your Annual Tax Statement you should separately disclose any foreign income amount at Question 20 (label 20E). You may be entitled to a foreign income tax offset for the amount of any foreign tax credit disclosed on your Annual Tax Statement (label 20O). If your total foreign income tax offset is less than \$1,000 then you can claim this amount in full. You should follow the steps in the instructions to Question 20 of the Tax Return for Individuals (Supplementary Section) 2016 or refer to the ATO's publication "Guide to Foreign Income Tax Offset Rules 2015-16" to determine your entitlement.

Tax Deferred Amounts

It is important that you apply the correct tax treatment to the tax deferred component of your Cromwell Phoenix Opportunities Fund distributions. While tax deferred amounts are generally not immediately assessable for income tax purposes they will reduce the CGT cost base of your Cromwell Phoenix Opportunities Fund units. This reduction in cost base will apply in calculating any capital gain or loss on disposal of your Cromwell Phoenix Opportunities Fund units.

In addition you make a capital gain (even if you do not sell your units) if the sum of the tax deferred amounts received exceeds the cost base of the units at the end of an income tax year.

If you have held your Cromwell Phoenix Opportunities Fund units for more than one year you may be able to reduce any capital gain on account by the CGT 50% discount.

Any capital gain arising from tax deferred amounts in excess of your Cromwell Phoenix Opportunities Fund unit cost base is not included in your Annual Tax Statement, and if applicable you will need to calculate this amount and separately include it at Question 18 of your income tax return. We recommend you refer to the ATO's publications "Guide to Capital Gains Tax 2016" or "Personal

Investors Guide to Capital Gains Tax 2015-16” or contact your professional tax adviser to determine these amounts.

To obtain copies of these ATO publications please phone the ATO publications distribution service on 1300 720 092, 13 36 77 (for the hearing impaired) or visit the ATO website at www.ato.gov.au and select Print Publications from the right hand menu.

TFN Amount Withheld

Where you have not provided your Tax File Number (TFN), Australian Business Number (ABN) or claimed a relevant exemption, amounts may have been withheld from the taxable components of income distributed to you by Cromwell Phoenix Opportunities Fund at the rate of 49%. Any tax withheld should be included in Question 13R and offset against the tax payable on your taxable income or refunded.