

# Trustee declaration

To be completed by new trustees and directors of corporate trustees of self-managed super funds.



Read this declaration in conjunction with *Self-managed super funds – key messages for trustees* (NAT 71128).



## WHO SHOULD COMPLETE THIS DECLARATION?

You must complete this declaration if you become a **new** trustee (or director of a corporate trustee) of:

- a **new** self-managed super fund (SMSF)
- an **existing** SMSF.

You must sign this declaration within 21 days of becoming a trustee or director of a corporate trustee of an SMSF.

A separate declaration is required to be completed and signed by each and every new trustee (or director of a corporate trustee).

You must also complete the declaration if you are a legal personal representative who has been appointed as trustee (or director of a corporate trustee) on behalf of a:

- member who is under a legal disability (usually a member under 18 years old)
- member for whom you hold an enduring power of attorney
- deceased member.

## INFORMATION YOU NEED TO READ

Make sure you read *Self-managed super funds – key messages for trustees* (NAT 71128). It highlights some of the key points from the declaration and some important messages for you.

## BEFORE COMPLETING THIS DECLARATION

Before you complete and sign this declaration, make sure you:

- read each section
- understand all the information it contains.

➤ If you have any difficulties completing this declaration or you do not fully understand the information it contains:

- speak to a professional adviser
- visit [www.ato.gov.au/smsf](http://www.ato.gov.au/smsf)
- phone us on **13 10 20**.

If you are not familiar with some of the terms used in this declaration or you need more information, refer to *Running a self-managed super fund* (NAT 11032).

## WHEN COMPLETING THIS DECLARATION

When you complete this declaration, remember to:

- insert the full name of the fund at the beginning
- sign and date it
- ensure it is signed and dated by a witness (anyone 18 years old or over).

## WHAT SHOULD YOU DO WITH THE DECLARATION?

You must keep your completed declaration for at least 10 years and make it available to us if we request it.

We recommend that you keep a copy of your completed declaration and refer to it and *Self-managed super funds – key messages for trustees* (NAT 71128), which is available on the ATO website, when making important decisions, such as those relating to choosing investments, accepting contributions and paying benefits.

! Do not send your completed declaration to us.



## Self-managed super fund trustee declaration

### I understand that as an individual trustee or director of the corporate trustee of

Fund name

JLR Super Fund
----------------

I am responsible for ensuring that the fund complies with the *Superannuation Industry (Supervision) Act 1993* (SISA) and other relevant legislation. The Commissioner of Taxation (the Commissioner) has the authority and responsibility for administering the legislation and enforcing the fund's compliance with the law.

I must keep myself informed of changes to the legislation relevant to the operation of my fund and ensure the trust deed is kept up to date in accordance with the law and the needs of the members.

If I do not comply with the legislation, the Commissioner may take the following actions:

- impose administrative penalties on me
- enter into agreements with me to rectify any contraventions of the legislation
- disqualify me from being a trustee or director of a corporate trustee of any superannuation fund in the future
- remove the fund's complying status, which may result in significant adverse tax consequences for the fund
- prosecute me under the law, which may result in fines or imprisonment.

### SOLE PURPOSE

I understand it is my responsibility to ensure the fund is only maintained for the purpose of providing benefits to the members upon their retirement (or attainment of a certain age) or their beneficiaries if a member dies. I understand that I should regularly evaluate whether the fund continues to be the appropriate vehicle to meet this purpose.

### TRUSTEE DUTIES

I understand that by law I must at all times:

- act honestly in all matters concerning the fund
- exercise skill, care and diligence in managing the fund
- act in the best interests of all the members of the fund
- ensure that members only access their super benefits if they have met a legitimate condition of release
- refrain from entering into transactions that circumvent restrictions on the payment of benefits
- ensure that my money and other assets are kept separate from the money and other assets of the fund
- take appropriate action to protect the fund's assets (for example, have sufficient evidence of the ownership of fund assets)
- refrain from entering into any contract or do anything that would prevent me from, or hinder me in, properly performing or exercising my functions or powers as a trustee or director of the corporate trustee of the fund
- allow all members of the fund to have access to information and documents as required, including details about
  - the financial situation of the fund
  - the investments of the fund
  - the members' benefit entitlements.

I also understand that by law I must prepare, implement and regularly review an investment strategy having regard to all the circumstances of the fund, which include, but are not limited to:

- the risks associated with the fund's investments
- the likely return from investments, taking into account the fund's objectives and expected cash flow requirements
- investment diversity and the fund's exposure to risk due to inadequate diversification
- the liquidity of the fund's investments having regard to the fund's expected cash flow requirements in discharging its existing and prospective liabilities (including benefit payments)
- whether the trustees of the fund should hold insurance cover for one or more members of the fund.

### Investment restrictions

I understand that, as a trustee or director of the corporate trustee of the fund, subject to certain limited exceptions specified in the law, I am prohibited from:

- lending money of the fund to, or providing financial assistance to, a member of the fund or a member's relative (financial assistance means any assistance that improves the financial position of a person directly or indirectly, including the provision of credit)
- acquiring assets (other than business real property, listed securities, certain in-house assets and acquisitions made under mergers allowed by special determinations or acquisitions as a result of a breakdown of a relationship) for the fund from members or other related parties of the fund
- borrowing money (or maintaining an existing borrowing) on behalf of the fund except in certain limited circumstances (while limited recourse borrowing arrangements are permitted, they can be complex and particular conditions must be met to ensure that legal requirements are not breached)

- having more than 5% of the market value of the fund's total assets at the end of the income year as in-house assets (these are loans to, or investments in, related parties of the fund – including trusts – or assets subject to a lease or lease arrangement between the trustee and a member, relative or other related party)
- entering into investments on behalf of the fund that are not made or maintained on an arm's length (commercial) basis (this ensures the purchase or sale price of the fund's assets and any earnings from those assets reflects their market value).

**Accepting contributions and paying benefits**

I understand that I can only accept contributions and pay benefits (income streams or lump sums) to members or their beneficiaries when the conditions specified in the law and the fund trust deed have been met.

**Administration**

I understand that the trustees of the fund must:

- keep and retain for at least 10 years
  - minutes of all trustee meetings at which matters affecting the fund were considered (this includes investment decisions and decisions to appoint members and trustees)
  - records of all changes of trustees, including directors of the corporate trustee
  - each trustee's consent to be appointed as a trustee of the fund or a director of the corporate trustee
  - all trustee declarations
  - copies of all reports given to members
- ensure that the following are prepared and retained for at least five years
  - an annual statement of the financial position of the fund
  - an annual operating statement
  - copies of all annual returns lodged
  - accounts and statements that accurately record and explain the transactions and financial position of the fund
- ensure that an approved auditor is appointed within the prescribed period (currently this is no later than 31 days before the due date for lodgment of the fund's annual return but this may change to 45 days) to audit the fund for each income year, and provide that auditor with documents as requested
- lodge the fund's annual return, completed in its entirety, by the due date
- notify the ATO within 28 days of any changes to the
  - membership of the fund, or trustees or directors of the corporate trustee
  - name of the fund
  - contact person and their contact details
  - postal address, registered address or address for service of notices for the fund
- notify the ATO in writing within 28 days of the fund being wound up or after becoming aware that the fund has ceased to be an SMSF.

**DECLARATION**

*By signing this declaration I acknowledge that I understand my duties and responsibilities as a trustee or director of the corporate trustee of the self-managed superannuation fund named on this declaration (or if the fund's name changes, that name). I understand that:*

- I must ensure this document is retained for at least 10 years or while I remain a trustee or director of the corporate trustee (whichever is longer) and, if I fail to do this, penalties may apply.
- I may have to make this document available for inspection by a member of staff of the ATO and, if I fail to do this, penalties may apply.
- I do not have access to the government's financial assistance program that is available to trustees of Australian Prudential Regulation Authority (APRA) regulated funds in the case of financial loss due to fraudulent conduct or theft.

**Trustee's or director's name**

Julian Rcedom

**Trustee's or director's signature**

X

Date

Day / Month / Year  
 □□ / □□ / □□□□

**Witness' name** (witness must be 18 years old or over)

**Witness' signature**

Date

Day / Month / Year  
 □□ / □□ / □□□□



# Trustee declaration

To be completed by new trustees and directors of corporate trustees of self-managed super funds.



Read this declaration in conjunction with *Self-managed super funds – key messages for trustees* (NAT 71128).



## WHO SHOULD COMPLETE THIS DECLARATION?

You must complete this declaration if you become a **new** trustee (or director of a corporate trustee) of:

- a **new** self-managed super fund (SMSF)
- an **existing** SMSF.

You must sign this declaration within 21 days of becoming a trustee or director of a corporate trustee of an SMSF.

A separate declaration is required to be completed and signed by each and every new trustee (or director of a corporate trustee).

You must also complete the declaration if you are a legal personal representative who has been appointed as trustee (or director of a corporate trustee) on behalf of a:

- member who is under a legal disability (usually a member under 18 years old)
- member for whom you hold an enduring power of attorney
- deceased member.

## INFORMATION YOU NEED TO READ

Make sure you read *Self-managed super funds – key messages for trustees* (NAT 71128). It highlights some of the key points from the declaration and some important messages for you.

## BEFORE COMPLETING THIS DECLARATION

Before you complete and sign this declaration, make sure you:

- read each section
- understand all the information it contains.

➤ If you have any difficulties completing this declaration or you do not fully understand the information it contains:

- speak to a professional adviser
- visit [www.ato.gov.au/smsf](http://www.ato.gov.au/smsf)
- phone us on **13 10 20**.

If you are not familiar with some of the terms used in this declaration or you need more information, refer to *Running a self-managed super fund* (NAT 11032).

## WHEN COMPLETING THIS DECLARATION

When you complete this declaration, remember to:

- insert the full name of the fund at the beginning
- sign and date it
- ensure it is signed and dated by a witness (anyone 18 years old or over).

## WHAT SHOULD YOU DO WITH THE DECLARATION?

You must keep your completed declaration for at least 10 years and make it available to us if we request it.

We recommend that you keep a copy of your completed declaration and refer to it and *Self-managed super funds – key messages for trustees* (NAT 71128), which is available on the ATO website, when making important decisions, such as those relating to choosing investments, accepting contributions and paying benefits.

⚠ Do not send your completed declaration to us.



# Self-managed super fund trustee declaration

## I understand that as an individual trustee or director of the corporate trustee of

Fund name

ILR Super Fund
----------------

I am responsible for ensuring that the fund complies with the *Superannuation Industry (Supervision) Act 1993* (SISA) and other relevant legislation. The Commissioner of Taxation (the Commissioner) has the authority and responsibility for administering the legislation and enforcing the fund's compliance with the law.

I must keep myself informed of changes to the legislation relevant to the operation of my fund and ensure the trust deed is kept up to date in accordance with the law and the needs of the members.

If I do not comply with the legislation, the Commissioner may take the following actions:

- impose administrative penalties on me
- enter into agreements with me to rectify any contraventions of the legislation
- disqualify me from being a trustee or director of a corporate trustee of any superannuation fund in the future
- remove the fund's complying status, which may result in significant adverse tax consequences for the fund
- prosecute me under the law, which may result in fines or imprisonment.

### SOLE PURPOSE

I understand it is my responsibility to ensure the fund is only maintained for the purpose of providing benefits to the members upon their retirement (or attainment of a certain age) or their beneficiaries if a member dies. I understand that I should regularly evaluate whether the fund continues to be the appropriate vehicle to meet this purpose.

### TRUSTEE DUTIES

I understand that by law I must at all times:

- act honestly in all matters concerning the fund
- exercise skill, care and diligence in managing the fund
- act in the best interests of all the members of the fund
- ensure that members only access their super benefits if they have met a legitimate condition of release
- refrain from entering into transactions that circumvent restrictions on the payment of benefits
- ensure that my money and other assets are kept separate from the money and other assets of the fund
- take appropriate action to protect the fund's assets (for example, have sufficient evidence of the ownership of fund assets)
- refrain from entering into any contract or do anything that would prevent me from, or hinder me in, properly performing or exercising my functions or powers as a trustee or director of the corporate trustee of the fund
- allow all members of the fund to have access to information and documents as required, including details about
  - the financial situation of the fund
  - the investments of the fund
  - the members' benefit entitlements.

I also understand that by law I must prepare, implement and regularly review an investment strategy having regard to all the circumstances of the fund, which include, but are not limited to:

- the risks associated with the fund's investments
- the likely return from investments, taking into account the fund's objectives and expected cash flow requirements
- investment diversity and the fund's exposure to risk due to inadequate diversification
- the liquidity of the fund's investments having regard to the fund's expected cash flow requirements in discharging its existing and prospective liabilities (including benefit payments)
- whether the trustees of the fund should hold insurance cover for one or more members of the fund.

### Investment restrictions

I understand that, as a trustee or director of the corporate trustee of the fund, subject to certain limited exceptions specified in the law, I am prohibited from:

- lending money of the fund to, or providing financial assistance to, a member of the fund or a member's relative (financial assistance means any assistance that improves the financial position of a person directly or indirectly, including the provision of credit)
- acquiring assets (other than business real property, listed securities, certain in-house assets and acquisitions made under mergers allowed by special determinations or acquisitions as a result of a breakdown of a relationship) for the fund from members or other related parties of the fund
- borrowing money (or maintaining an existing borrowing) on behalf of the fund except in certain limited circumstances (while limited recourse borrowing arrangements are permitted, they can be complex and particular conditions must be met to ensure that legal requirements are not breached)

- having more than 5% of the market value of the fund's total assets at the end of the income year as in-house assets (these are loans to, or investments in, related parties of the fund – including trusts – or assets subject to a lease or lease arrangement between the trustee and a member, relative or other related party)
- entering into investments on behalf of the fund that are not made or maintained on an arm's length (commercial) basis (this ensures the purchase or sale price of the fund's assets and any earnings from those assets reflects their market value).

**Accepting contributions and paying benefits**

I understand that I can only accept contributions and pay benefits (income streams or lump sums) to members or their beneficiaries when the conditions specified in the law and the fund trust deed have been met.

**Administration**

I understand that the trustees of the fund must:

- keep and retain for at least 10 years
  - minutes of all trustee meetings at which matters affecting the fund were considered (this includes investment decisions and decisions to appoint members and trustees)
  - records of all changes of trustees, including directors of the corporate trustee
  - each trustee's consent to be appointed as a trustee of the fund or a director of the corporate trustee
  - all trustee declarations
  - copies of all reports given to members
- ensure that the following are prepared and retained for at least five years
  - an annual statement of the financial position of the fund
  - an annual operating statement
  - copies of all annual returns lodged
  - accounts and statements that accurately record and explain the transactions and financial position of the fund
- ensure that an approved auditor is appointed within the prescribed period (currently this is no later than 31 days before the due date for lodgment of the fund's annual return but this may change to 45 days) to audit the fund for each income year, and provide that auditor with documents as requested
- lodge the fund's annual return, completed in its entirety, by the due date
- notify the ATO within 28 days of any changes to the
  - membership of the fund, or trustees or directors of the corporate trustee
  - name of the fund
  - contact person and their contact details
  - postal address, registered address or address for service of notices for the fund
- notify the ATO in writing within 28 days of the fund being wound up or after becoming aware that the fund has ceased to be an SMSF.

**DECLARATION**

*By signing this declaration I acknowledge that I understand my duties and responsibilities as a trustee or director of the corporate trustee of the self-managed superannuation fund named on this declaration (or if the fund's name changes, that name). I understand that:*

- *I must ensure this document is retained for at least 10 years or while I remain a trustee or director of the corporate trustee (whichever is longer) and, if I fail to do this, penalties may apply.*
- *I may have to make this document available for inspection by a member of staff of the ATO and, if I fail to do this, penalties may apply.*
- *I do not have access to the government's financial assistance program that is available to trustees of Australian Prudential Regulation Authority (APRA) regulated funds in the case of financial loss due to fraudulent conduct or theft.*

**Trustee's or director's name**

Richard Fleck

**Trustee's or director's signature**

X

Date

Day / Month / Year  
  /   /

**Witness' name** (witness must be 18 years old or over)

**Witness' signature**

Date

Day / Month / Year  
  /   /

# Appointment as Trustee

## J L R Superannuation Fund

MODAR PTY LTD

Please print name of Company

159 219 191

Please print Australian Company Number (ACN)

63 Wigram St Harris Park NSW 2150

Please print registered office address

Hereby declares that:

1. it consents to the appointment to act as trustee of the Fund; and
2. to be bound by the constitution of the company, the Fund's trust deed and all of the rules contained within the governing rules of the Fund, and the laws under the *Superannuation Industry (Supervision) Act 1993* ('SIS Act'), the *Income Tax Assessment Act 1997*, the *Family Law Act 1975* (Part VIII B), the *Social Security Act 1991*, the relevant *State Trustee Act*, any successor acts and all regulations made for the purposes of the foregoing acts to ensure that:
  - a. the Fund continues to be a regulated superannuation fund under the *SIS Act*;
  - b. the Fund is continuously maintained as a self managed superannuation fund; and,
  - c. the Fund remains a continuously complying self managed superannuation fund;
3. all of the directors of the trustee company are members of the Fund unless specifically exempted under Section 17A of the *SIS Act* and that no director is a disqualified person as that term is defined under the rules of the Fund and pursuant to Part 15 of the *SIS Act*. A disqualified person includes:
  - a. A person found guilty of a dishonest conduct offence in Australia or elsewhere;
  - b. A person that is insolvent under administration pursuant to the *Bankruptcy Act 1966*;
  - c. A person disqualified by the Regulator, as that term is defined under the rules of the Fund, according to Section 120A of the *SIS Act*.
4. a receiver, or a receiver and manager has not been appointed in respect of the property beneficially owned by the company, or an official manager, or a deputy official manager, or a provisional liquidator has not been appointed to the company, nor is the company being wound up.

The appointment is to last only so long as the continuing appointment does not render the Fund a non-complying self managed superannuation fund. Where the appointment jeopardises the Fund's complying status, the trustee agrees to resign with effect immediately upon it becoming known that the continuing appointment may result in the Fund becoming a non-complying self managed superannuation fund.

**Signed by:**

X

.....  
Signature

..... / ..... / .....  
Date

.....  
Please print name and capacity



# Application for Membership

## J L R Superannuation Fund

I, Julian Radom  
please print name

of 12 Mitchell st Marenburn NSW 2065  
Please print name

have been formally appointed as director of Modar Pty Ltd ACN 159 219 191 of 63 Wigram Street, Harris Park, NSW 2150 ('the trustee') the trustee for the Fund. As such I hereby apply for membership of the Fund and consent to becoming a member of it. I confirm that I am not aware of any impediment to my becoming a member. I acknowledge that I have read the product disclosure statement including any written or audiovisual information provided to me.

I agree, upon acceptance of my membership to:

1. Be bound by the terms of the deed and all of the rules of the Fund;
2. Be bound by all decisions of the trustee of the fund including decisions that may impact upon my membership benefits provided those decisions are made in accordance with the rules of the fund, the superannuation laws and the trustee laws;
3. Be a director of the trustee unless there is a specific trustee exemption in place in respect of my membership under the superannuation laws;
4. Provide information to the trustee where required including medical information enabling the trustee to facilitate any death or disablement insurance on my behalf;
5. Provide my tax file number to the trustee provided the trustee abides by the laws relating to the collection and dissemination of my tax file number;
6. Consent to the trustee to hold that information despite anything to the contrary in the privacy legislation;
7. Provide the trustee, within a reasonable period of time a detailed death benefit plan that may include a binding death benefit nomination;
8. Ensure that at the time of making any super contributions, transfers or rollovers that those contributions, transfers and rollovers are made in accordance with the superannuation laws;
9. Notify the trustee where I become disabled, retired, have reached preservation age or meet some other condition of release of my benefits from the preservation rules.
10. Notify the trustee where I become separated from my spouse, if I have one and the separation is deemed by either spouse to be irreconcilable.



I nominate the following Dependants (spouse or children) to be entitled to any benefit that I may have in the Fund upon my death:

Name	Relationship	% of Benefits

The above is in place until I provide the trustee, a detailed death benefit plan as noted at 7. above.

21/9/1959  
Date of birth

143-020 823  
Tax File Number (TFN)

**Signed by:**

X  
Signature

/ /  
Date

.....  
Please print name

# Application for Membership

## J L R Superannuation Fund

I, Richard Fleck  
please print name

of 10/270 Willoughby Rd Willoughby NSW 2068  
Please print name

have been formally appointed as director of Modar Pty Ltd ACN 159 219 191 of 63 Wigram Street, Harris Park, NSW 2150 ("the trustee") the trustee for the Fund. As such I hereby apply for membership of the Fund and consent to becoming a member of it. I confirm that I am not aware of any impediment to my becoming a member. I acknowledge that I have read the product disclosure statement including any written or audiovisual information provided to me.

I agree, upon acceptance of my membership to:

1. Be bound by the terms of the deed and all of the rules of the Fund;
2. Be bound by all decisions of the trustee of the fund including decisions that may impact upon my membership benefits provided those decisions are made in accordance with the rules of the fund, the superannuation laws and the trustee laws;
3. Be a director of the trustee unless there is a specific trustee exemption in place in respect of my membership under the superannuation laws;
4. Provide information to the trustee where required including medical information enabling the trustee to facilitate any death or disablement insurance on my behalf;
5. Provide my tax file number to the trustee provided the trustee abides by the laws relating to the collection and dissemination of my tax file number;
6. Consent to the trustee to hold that information despite anything to the contrary in the privacy legislation;
7. Provide the trustee, within a reasonable period of time a detailed death benefit plan that may include a binding death benefit nomination;
8. Ensure that at the time of making any super contributions, transfers or rollovers that those contributions, transfers and rollovers are made in accordance with the superannuation laws;
9. Notify the trustee where I become disabled, retired, have reached preservation age or meet some other condition of release of my benefits from the preservation rules.
10. Notify the trustee where I become separated from my spouse, if I have one and the separation is deemed by either spouse to be irreconcilable.

I nominate the following Dependants (spouse or children) to be entitled to any benefit that I may have in the Fund upon my death:

Name	Relationship	% of Benefits

The above is in place until I provide the trustee, a detailed death benefit plan as noted at 7. above.

21/9/59  
Date of birth

131 738 726  
Tax File Number (TFN)

**Signed by:**

**X**

Signature

Date   /  /  

Please print name

# Minutes of Trustee Meeting

Membership Application and Appointment of Trustee

## J L R Superannuation Fund

Attended by Modar Pty Ltd ACN 159 219 191 ('the trustee') as trustee for the J L R Superannuation Fund.

**Held at:** 12 Mitchell Street, Naremburn, NSW 2065

**Date:** 27 / 06 / 2012

**Time:** .....

**Present:** .....

Julian Radom  
Richard Fleck

**Chairperson:** .....

Julian Radom

was appointed Chairperson of the meeting.

**Quorum:**

The Chairperson noted that a quorum was present at the meeting to pass on the proposed resolution.

**Table of Motion to consider membership application and appointment as director of the trustee company:**

Pursuant to Rule 13 of the Fund's Rules, the trustee has received an application from

Richard Fleck

.....  
Please print name

to become a member. At this time the trustee seeks to impose no further conditions of membership upon the applicant other than those found under the Fund rules and the superannuation laws. Further, the current membership, upon acceptance of the applicant would not jeopardise the fund's complying self managed superannuation fund status.

**Trustee Resolutions:**

It was resolved by the directors that:

Richard Fleck

.....  
Please print name

1. be appointed as a director of the trustee company and accept them as a trustee of the Fund provided all eligibility criteria has been satisfied unless a specific exemption under section 17A of the SIS Act applies; and
2. a member notification be issued acknowledging their appointment as a director and acceptance as a member of the Fund be.

**Meeting Closed:**

There being no further business the meeting was declared closed.

Confirmed as a true and correct record.

**X**  
.....  
Chairperson

..... / /  
Date



# Minutes of Trustee Meeting

Membership Application and Appointment of Trustee

## J L R Superannuation Fund

Attended by Modar Pty Ltd ACN 159 219 191 ('the trustee') as trustee for the J L R Superannuation Fund.

**Held at:** 12 Mitchell Street, Naremburn, NSW 2065

**Date:** 27 / 06 / 2017

**Time:** .....

**Present:**

Julian Radom  
Richard Fleck

**Chairperson:**

.....  
was appointed Chairperson of the meeting.

**Quorum:**

The Chairperson noted that a quorum was present at the meeting to pass on the proposed resolution.

**Table of Motion to consider membership application and appointment as director of the trustee company:**

Pursuant to Rule 13 of the Fund's Rules, the trustee has received an application from

Julian Radom

.....  
Please print name

to become a member. At this time the trustee seeks to impose no further conditions of membership upon the applicant other than those found under the Fund rules and the superannuation laws. Further, the current membership, upon acceptance of the applicant would not jeopardise the fund's complying self managed superannuation fund status.

**Trustee Resolutions:**

It was resolved by the directors that:

Julian Radom

.....  
Please print name

1. be appointed as a director of the trustee company and accept them as a trustee of the Fund provided all eligibility criteria has been satisfied unless a specific exemption under section 17A of the SIS Act applies; and
2. a member notification be issued acknowledging their appointment as a director and acceptance as a member of the Fund be.

**Meeting Closed:**

There being no further business the meeting was declared closed.

Confirmed as a true and correct record.

**X**

-----  
Chairperson

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date



# Notification of Appointment and Acceptance

as Director of Modar Pty Ltd ACN 159 219 191('the trustee') and as a Member

## J L R Superannuation Fund

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The trustee has reviewed your application to join the Fund as a member that is conditional upon your appointment as a director of the trustee. It has been resolved by the trustee to:

1. Appoint you firstly as a director of the trustee. As director of the trustee company you have agreed to be bound by the the constitution of the trustee, the trust deed and rules of the Fund and the superannuation, taxation, family law, social security and State trustee laws;
2. Accept you as a member conditional upon you becoming first appointed as a director of the trustee company. As a member you have acknowledged that you have read the product disclosure statement as required by the rules of the Fund and have agreed to be bound by the trust deed and rules of the Fund.

You would already have received a Product Disclosure Statement explaining your rights and responsibilities under the rules of the Fund as both a trustee and as a member. However we advise, that as a director of the trustee company it is your responsibility to become acquainted with the constitution of the company and the rules of the Fund that are located at the office of the trustee.

Furthermore we advise that you have a responsibility to complete the declaration provided on a form approved by the Regulator (Australian Taxation Office) that you understand your duties and obligations as director of the trustee.

**Signed by and on behalf of the trustee:**

**X**

.....  
Signature

..... / ..... / .....  
Date

.....  
Please print name & capacity

# Notification of Appointment and Acceptance

as Director of Modar Pty Ltd ACN 159 219 191('the trustee') and as a Member

## J L R Superannuation Fund

---

The trustee has reviewed your application to join the Fund as a member that is conditional upon your appointment as a director of the trustee. It has been resolved by the trustee to:

1. Appoint you firstly as a director of the trustee. As director of the trustee company you have agreed to be bound by the the constitution of the trustee, the trust deed and rules of the Fund and the superannuation, taxation, family law, social security and State trustee laws;
2. Accept you as a member conditional upon you becoming first appointed as a director of the trustee company. As a member you have acknowledged that you have read the product disclosure statement as required by the rules of the Fund and have agreed to be bound by the trust deed and rules of the Fund.

You would already have received a Product Disclosure Statement explaining your rights and responsibilities under the rules of the Fund as both a trustee and as a member. However we advise, that as a director of the trustee company it is your responsibility to become acquainted with the constitution of the company and the rules of the Fund that are located at the office of the trustee.

Furthermore we advise that you have a responsibility to complete the declaration provided on a form approved by the Regulator (Australian Taxation Office) that you understand your duties and obligations as director of the trustee.

**Signed by and on behalf of the trustee:**

**X**

.....  
Signature

..... / /  
Date

.....  
Please print name & capacity

# Director's consent

**Modar Pty Ltd**  
**ACN 159 219 191**

---

I, **Julian Lee Radom** of **12 Mitchell Street Naremburn NSW 2065** hereby consent to my appointment as a Director of **Modar Pty Ltd** and in compliance with the requirements of the *Corporations Act* provide the following information:

Any former names:

.....  
Please print

Date of birth: **21/09/1959**

Place of birth: **Sydney NSW**  
Town/City/State/Country

**Executed by:**

**X**

.....  
**Julian Lee Radom**

**27/06/2012**

.....  
Date

# Director's consent

**Modar Pty Ltd**  
**ACN 159 219 191**

---

I, **Richard Andrew Fleck** of **10/270 Willoughby Road Willoughby NSW 2068** hereby consent to my appointment as a Director of **Modar Pty Ltd** and in compliance with the requirements of the *Corporations Act* provide the following information:

Any former names:

.....  
Please print

Date of birth:

**21/09/1959**

Place of birth:

**Adelaide SA**  
Town/City/State/Country

**Executed by:**

**X**

.....  
Richard Andrew Fleck

**27/06/2012**

.....  
Date

# Secretary's consent

**Modar Pty Ltd**  
**ACN 159 219 191**

---

I, **Julian Lee Radom** of **12 Mitchell Street Naremburn NSW 2065** hereby consent to my appointment as a Secretary of **Modar Pty Ltd** and in compliance with the requirements of the *Corporations Act* provide the following information:

Any former names:

.....  
Please print

Date of birth: **21/09/1959**

Place of birth: **Sydney NSW**  
Town/City/State/Country

**Executed by:**

**X**

.....  
**Julian Lee Radom**

**27/06/2012**

.....  
Date

**Register of  
Member(s):**

**IT WAS RESOLVED** that the names of the persons specified in the application for the Company's registration, who consented to become Members of the Company, be entered in the Register of Member(s) in respect of the following shares, as described in the Share Certificates, deemed to have been allotted to them on incorporation. Share Certificates were tabled.

Share Certificate No. 1  
**Julian Lee RADOM**

Share Certificate No. 2  
**Richard Andrew FLECK**

**Auditors:**

**IT WAS RESOLVED** in accordance with the *Corporations Act* that the Company need not appoint an auditor.

**Meeting Closed:**

There being no further business the meeting was declared closed.

Signed as a true and correct record.

**X**

-----  
**Chairperson**

# Minutes of meeting of Directors

First meeting of Directors

**Modar Pty Ltd**  
**ACN 159 219 191**

---

**Held at:** 63 Wigram Street  
Harris Park NSW 2150

**Date:** 27 / 06 / 12

**Time:** .....

**Present:** Julian Lee Radom  
Richard Andrew Fleck

**Chairperson:** .....  
was appointed chairperson of the meeting.

**Quorum:** The Chairperson noted that a quorum was present at the meeting of Directors to pass the proposed resolution.

**Registration of Company:** The meeting was advised that all matters relating to the registration of the Company have been attended to; and the Company has been registered on **27/06/2012**. The Certificate of Registration and a copy of the Constitution were tabled.

**Director(s):** A Memorandum was tabled at this meeting, signed by the persons specified in the application for the Company's registration who consented to become Members of the Company, appointing:

**Julian Lee Radom**  
**Richard Andrew Fleck**

as the first Director(s) of the Company. Signed consent(s) of the Director(s) was tabled.

**Secretary:** **IT WAS RESOLVED** that:

**Julian Lee Radom**

be appointed Secretary of the Company. Signed consent(s) of the Secretary(ies) was tabled.

**Registered Office:** **IT WAS RESOLVED** that the Registered Office of the Company be situated at:

**63 Wigram Street**  
**Harris Park NSW 2150**

**Principal Place of Business Address:** **IT WAS RESOLVED** that the Principal Office of the Company be situated at:

**12 Mitchell Street**  
**Naremburn NSW 2065**



# Minutes of meeting of Directors

Appointment of Directors

**Modar Pty Ltd**  
**ACN 159 219 191**

---

**Held at:** 63 Wigram Street  
Harris Park NSW 2150

**Date:** 27 / 06 / 12

**Time:** .....

**Present:** Julian Lee Radom  
Richard Andrew Fleck

**Chairperson:** .....  
was appointed chairperson of the meeting.

**Quorum:** The Chairperson noted that a quorum was present at the meeting of Directors to pass the proposed resolution.

**Appointment of Director:** The Chairperson advised that:  
**Julian Lee Radom**  
**Richard Andrew Fleck**  
had consented in writing to be appointed as Director of the Company and this consent is for the purpose of Section 201D of the *Corporation Act 2001 (Cth)*.

**IT WAS RESOLVED** that:

1. the person or persons listed above to be appointed as a Director or Directors of the Company;
2. at least one Director ordinarily resides in Australia;
3. this appointment will be effective commencing at the close of this meeting;
4. this appointment is for the purposes of the *Act*; and
5. Australian Securities and investments Commission has been notified of such appointment.

**Meeting Closed:** There being no further business the meeting was declared closed.

Signed as a true and correct record.

  
.....  
Chairperson

# Minutes of meeting of Directors

Appointment of secretaries

**Modar Pty Ltd**  
**ACN 159 219 191**

---

**Held at:** 63 Wigram Street  
Harris Park NSW 2150

**Date:** 27 / 06 / 12

**Time:** .....

**Present:** Julian Lee Radom  
Richard Andrew Fleck

**Chairperson:** .....  
was appointed chairperson of the meeting.

**Quorum:** The Chairperson noted that a quorum was present at the meeting of Directors to pass the proposed resolution.

**Appointment of Secretary:** The Chairperson advised that:  
**Julian Lee Radom**  
had consented in writing to be appointed as Secretary of the Company and this consent is for the purpose of Section 204C of the *Corporation Act 2001 (Cth)*.

**IT WAS RESOLVED** that:

1. the person or persons listed above to be appointed as a Secretary or Secretaries of the Company;
2. at least one Secretary ordinarily resides in Australia;
3. this appointment will be effective commencing at the close of this meeting;
4. this appointment is for the purposes of the *Act*; and
5. Australian Securities and investments Commission has been notified of such appointment.

**Meeting Closed:** There being no further business the meeting was declared closed.

Signed as a true and correct record.

  
.....  
Chairperson

# Minutes of meeting of Directors

Resolution to open bank account

**Modar Pty Ltd**  
**ACN 159 219 191**

---

**Held at:** 63 Wigram Street  
Harris Park NSW 2150

**Date:** 27 / 06 / 12

**Time:** .....

**Present:** Julian Lee Radom  
Richard Andrew Fleck

**Chairperson:** .....  
was appointed Chairperson of the meeting.

**Quorum:** The Chairperson noted that a quorum was present at the meeting to pass the proposed resolution.

**Resolution:** **IT WAS RESOLVED** that the Company open a bank account with:

.....  
Please print name of financial institution

**Meeting Closed:** There being no further business the meeting was declared closed.

Signed as a true and correct record.

**X**  
.....  
Chairperson



# Minutes of meeting of Directors

Appointment of Public Officer

**Modar Pty Ltd**  
**ACN 159 219 191**

---

**Held at:** 63 Wigram Street  
Harris Park NSW 2150

**Date:** 27 / 06 / 12

**Time:** .....

**Present:** Julian Lee Radom  
Richard Andrew Fleck

**Chairperson:** .....  
was appointed Chairperson of the meeting.

**Quorum:** The Chairperson noted that a quorum was present at the meeting to pass the proposed resolution.

**Appointment of Public Officer:** The Chairperson advised that **Julian Lee Radom** had consented to be appointed as Public Officer of the Company and this consent is for the purpose of the *Income Tax Assessment Act 1936* (as amended from time to time) (Act).

**IT WAS RESOLVED** that:

1. **Julian Lee Radom** be appointed as Public Officer of the Company;
2. This appointment will be effective commencing at the close of this meeting;
3. This appointment is for the purposes of the Act; and
4. Notification of this appointment will be forwarded to the Deputy Commissioner of Taxation.

**Meeting Closed:** There being no further business the meeting was declared closed.

Signed as a true and correct record.

**X**  
.....  
Chairperson

# Minutes of meeting of Members

Appointment of a lodging agent

**Modar Pty Ltd**  
**ACN 159 219 191**

---

**Held at:** 63 Wigram Street  
Harris Park NSW 2150

**Date:** 27 / 06 / 12

**Present:** Julian Lee Radom  
Richard Andrew Fleck

**Chairperson:** Julian Radom  
was appointed Chairperson of the meeting.

**Quorum:** The Chairperson noted that a quorum was present at the meeting to pass the proposed resolution.

**Directors:** **IT WAS RESOLVED** that the name(s) of the first Director(s) of the Company are:

Richard Andrew Fleck  
Julian Lee Radom

**Noted:** **Reckon Docs Pty Ltd ABN 47 002 604 088** be appointed as agent for the purpose of the registration of the Company.

**Meeting Closed:** There being no further business the meeting was declared closed.

Signed as a true and correct record.

X  
Chairperson



# Application for shares

**Modar Pty Ltd**  
**ACN 159 219 191**

---

I, **Julian Lee RADOM** of **12 Mitchell Street Naremburn NSW 2065**

apply for the following shares:

Number	Class	Amount Paid/Share (\$)	Amount Unpaid/Share (\$)
50	Ord	1.00	0.00

Payable **27/06/2012**

I agree to accept those Shares and to be bound by the Constitution of the Company and authorise my name to be placed on the Register of Members in respect of those Shares.

**Executed by:**

  
.....  
Julian Lee RADOM

**27/06/2012**  
.....  
Date



# Application for shares

**Modar Pty Ltd**  
**ACN 159 219 191**

---

I, **Richard Andrew FLECK** of **10/270 Willoughby Road Willoughby NSW 2068**

apply for the following shares:

Number	Class	Amount Paid/Share (\$)	Amount Unpaid/Share (\$)
50	Ord	1.00	0.00

Payable **27/06/2012**

I agree to accept those Shares and to be bound by the Constitution of the Company and authorise my name to be placed on the Register of Members in respect of those Shares.

**Executed by:**

**X**

Richard Andrew FLECK

**27/06/2012**

Date

# Share Certificate

**Modar Pty Ltd**  
**ACN 159 219 191**

Registered under the provisions of the *Corporations Act*

Registered Office:

**63 Wigram Street**  
**Harris Park NSW 2150**

Certificate No.:

**1**

Number of shares

**50**

This is to Certify that:

**Julian Lee RADOM**

of

**12 Mitchell Street Naremburn NSW 2065**

is the Registered Holder subject to the Constitution  
of the undermentioned shares in the Company.

Number	Class	Amount Paid/Share (\$)	Amount Unpaid/Share (\$)
50	Ord	1.00	0.00

**Executed** in accordance with the *Corporations Act 2001*:

**X**

.....  
Director/ Sole Director\*

**X**

.....  
Director/ Secretary\*  
\*Delete as appropriate

**27/06/2012**

.....  
Date

Note: This original certificate must be surrendered to the Company on Transfer of any of the above shares

# Share Certificate

**Modar Pty Ltd**  
**ACN 159 219 191**

Registered under the provisions of the *Corporations Act*

Registered Office:

**63 Wigram Street**  
**Harris Park NSW 2150**

Certificate No.:  
**2**

Number of shares  
**50**

This is to Certify that:

**Richard Andrew FLECK**

of

**10/270 Willoughby Road Willoughby NSW 2068**

is the Registered Holder subject to the Constitution  
of the undermentioned shares in the Company.

Number	Class	Amount Paid/Share (\$)	Amount Unpaid/Share (\$)
50	Ord	1.00	0.00

**Executed** in accordance with the *Corporations Act 2001*:

**X**

.....  
Director/ Sole Director\*

**X**

.....  
Director/ Secretary\*  
\*Delete as appropriate

**27/06/2012**

.....  
Date

Note: This original certificate must be surrendered to the Company on Transfer of any of the above shares



**REGISTER OF OFFICERS**  
**Modar Pty Ltd**  
**ACN 159 219 191**

Date of Appointment	Full Name	Residential Address	Date of Birth	Place of Birth	Role	Changes and Relevant Date
27/06/2012	Julian Lee Radom	12 Mitchell Street Naremburn NSW 2065	21/09/1959	Sydney NSW	Director, Secretary, Public Officer	
27/06/2012	Richard Andrew Fleck	10/270 Willoughby Road Willoughby NSW 2068	21/09/1959	Adelaide SA	Director	

**REGISTER OF MEMBERS**  
**Modar Pty Ltd**  
**ACN 159 219 191**

Allotment Date	Name	Address	Allot/Trans	Share Class	Cert No.	Serial No.		No. of Shares		Balance Held	Amount Paid/Share (\$)	Amt Unpaid/Share (\$)	Date of Cessation
						From	To	Acq'd	Tf'd				
27/06/2012	Julian Lee RADOM	12 Mitchell Street Naremburn NSW 2065	Allotment	Ord	1	1	50	50	-	50	\$1.00		
27/06/2012	Richard Andrew FLECK	10/270 Willoughby Road Willoughby NSW 2068	Allotment	Ord	2	51	100	50	-	50	\$1.00		

## SHARE SCRIP REGISTER

**Modar Pty Ltd**  
**ACN 159 219 191**

Date Issued	Certificate No.	To Whom Issued	Shares		Serial No.		Date of Surrender
			No.	Class	From	To	
27/06/2012	1	Julian Lee RADOM	50	Ord	1	50	
27/06/2012	2	Richard Andrew FLECK	50	Ord	51	100	

**APPLICATION AND ALLOTMENT JOURNAL**

**Modar Pty Ltd  
ACN 159 219 191**

Date Received	Name of Applicant	No. of Shares Applied for	No. of Shares Allotted	Cert. No.	Distinctive No.s		Amount Paid on Application Per Share	Balance Payable	Date of Allotment
					From	To			
27/06/2012	Julian Lee RADOM	50	50	1	1	50	\$1.00	Nil	27/06/2012
27/06/2012	Richard Andrew FLECK	50	50	2	51	100	\$1.00	Nil	27/06/2012



enacted

Act 5216

TFM 938 375 348  
ANN 25 638 075 105

29th June, 2012

Mr J Radam & Mr R Fleck  
J L R Superannuation Fund  
12 Mitchell Street  
NAREMBURN NSW 2065

Dear Julian & Richard

Attached please find the following paperwork for your new Superannuation Fund, **J L R Superannuation Fund**. Could you both please sign the attached documents including the 3 Trust Deeds where indicated and have witnessed where needed and return the documents and 2 copies of the Deeds to our office for filing in the Fund Register. The 3<sup>rd</sup> Trust Deed is for the purpose of opening up Bank Account in the funds name.

- Minutes of Meetings of Trustees.
- Consent to act as Trustees.
- Application for membership, notification of appointment as trustees and acceptance as fund members.
- Binding death nominations.
- ATO Self Managed Super Fund Trustee declaration.

Also, please find copy of PAID Invoice from Espreon Corporate Services Pty Ltd for setting up of Superannuation Fund and guide for Roles and responsibilities of trustees for your reading.

Yours faithfully,

N. SPRINGER & CO