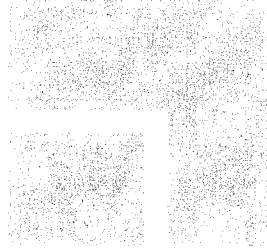


*Annexure "A"*



# TotalSuper

## **D & M Maione Family Super Fund**

### **Product Disclosure Statement Rules of the Fund**

**Total Super Pty Ltd**

---

**Rules Produced under license from Espreon Corporate Services Pty Limited**

Deed of Establishment and  
Rules of the Fund prepared by: Robert Richards  
Robert Richards & Associates  
Revenue and Corporate Law

©2006 Copyright Espreon Corporate Services Pty Limited

# D & M Maione Family Super Fund

## Index

<b>PRODUCT DISCLOSURE STATEMENT .....</b>	<b>1</b>
1. Introduction .....	1
2. The <i>Strategist</i> SMSF .....	1
3. Why the need to know so much? .....	2
4. Superannuation Product Comparisons .....	2
5. Are all SMSF's the same? .....	4
6. The Purpose of the Fund .....	4
7. The Ten Key Benefits of a <i>Strategist</i> SMSF .....	5
8. Trustee of the Fund .....	9
9. Responsibilities of the Trustee .....	11
10. Approved Trustee .....	12
11. Member Rights and Entitlements .....	12
12. Pension Entitlements .....	15
13. Estate Planning .....	17
14. Taxation .....	19
15. Appointment of Specialists .....	23
16. Costs and Expenses of the Fund .....	23
17. Understanding the Governing Rules of the Fund .....	24
<b>THE RULES OF THE FUND .....</b>	<b>25</b>
<b>Part One: Establishment of the Fund .....</b>	<b>25</b>
Purpose of the Fund .....	25
Rule 1. The Fund must satisfy the sole purpose test .....	25
Appointing the Trustee .....	26
Rule 2. Who may and may not be a Trustee .....	26
Rule 3. Appointment of a Trustee .....	29
Becoming a Regulated Superannuation Fund .....	31
Rule 4. The Trustee must ensure that the Fund is a Regulated Superannuation Fund .....	31
Trustee Operations and Obligations .....	31
Rule 5. Removal and Retirement of a Trustee .....	31
Rule 6. Remuneration and Indemnification of a Trustee .....	32
Rule 7. Meetings of the Trustees .....	33
Rule 8. Trustee's records .....	35
Rule 9. Trustee's covenants .....	35
Admittance of Members .....	36
Rule 10. Who may become a Member .....	36
Rule 11. Members have read and are bound by the Rules .....	37
Rule 12. Application Form .....	37
Rule 13. Receipt of an Application Form .....	38
Estate Planning .....	39
Rule 14. Non-binding Death Benefit Nomination .....	40
Rule 15. Binding Death Nominations .....	40
Rule 16. Incorporation of a Death Benefit request in the Rules .....	42
Rule 17. Terms and conditions of a Pension deemed to be a Rule .....	43

<b>Part Two: Operation and Administration of the Fund.....</b>	<b>45</b>
Termination of Membership.....	45
Rule 18. Expulsion of a Member.....	45
Rule 19. Ceasing to be a Member .....	46
Members' Accounts .....	47
Rule 20. The Trustee must keep Members' Accounts .....	47
Rule 21. Additions to a Member's Account.....	48
Rule 22. Deductions from a Member's Account .....	49
Appointment of Auditor and Specialists.....	50
Rule 23. The Trustee must appoint an Approved Auditor and may appoint a specialist.....	50
Contributions, Roll-Overs and Transfers.....	51
Rule 24. Who can make Contributions .....	51
Rule 25. Excess Contributions .....	52
Rule 26. The Trustee may accept a transfer from another Superannuation Entity..	52
Rule 27. Allotments, Transfers and Rollovers of Benefits.....	53
Investments.....	54
Rule 28. The Trustee must formulate a written investment strategy .....	54
Rule 29. The Trustee must invest the assets of the Fund .....	55
Rule 30. A Member can request the Trustee to invest their account separately or jointly.....	55
Rule 31. Authorised investments .....	56
Rule 32. Trustee Powers .....	57
Rule 33. The assets of the Fund are to be held in the Trustee's name.....	62
Rule 34. Trustee may receive gifts or distributions.....	62
Rule 35. The Trustee must not borrow unless permitted by the Act .....	63
Earnings.....	64
Rule 36. The Trustee must determine and allocate the Earnings of the Fund .....	64
Reserves .....	65
Rule 37. The Trustee may establish a Reserve.....	65
Taxation .....	66
Rule 38. Payment of Tax and allocation to Members' Accounts .....	66
Insurance .....	67
Rule 39. The Trustee may establish an insurance plan.....	67
Rule 40. The Trustee may self insure.....	67
Rule 41. The Trustee has discretion as to the application of any insurance proceeds.....	68
Annual Accounts.....	68
Rule 42. The Trustee must prepare annual accounts .....	68
Fund Compliance .....	69
Rule 43. Trustee must maintain the Fund's complying status.....	69
Fund Insolvency .....	70
Rule 44. The Trustee must develop a Solvency Plan .....	70

<b>Part Three: Payment of Benefits by the Trustee</b> .....	<b>71</b>
Benefits Payable to a Member .....	71
Rule 45. Benefits payable to a Member .....	71
Rule 46. When must Benefits be paid to a Member .....	72
Rule 47. Payment of a Lump Sum Benefit .....	72
Rule 48. Payment of a Pension Benefit.....	73
Incapacity.....	75
Rule 49. Member to advise Trustee of incapacity .....	75
Rule 50. Benefits payable for Temporary Incapacity .....	75
Rule 51. Benefits payable for Permanent Incapacity .....	76
Death Benefits.....	77
Rule 52. What must happen on death of a Member .....	77
Rule 53. Payment of a Death Benefit.....	78
Conversion of Benefits.....	79
Rule 54. Conversion of a Lump Sum Benefit into a Pension .....	79
Rule 55. Commutation of a Pension.....	79
<b>Part Four: Changes to the Fund</b> .....	<b>81</b>
Rule 56. Becoming a Small APRA Fund .....	81
Rule 57. Amendment of the Deed or the Rules .....	82
<b>Part Five: Winding Up of the Fund</b> .....	<b>83</b>
Termination .....	83
Rule 58. Termination of the Fund.....	83
<b>Part Six: Interpretation</b> .....	<b>85</b>
Governing Law .....	85
Rule 59. The governing law is the State in which the Trustee resides. ....	85
Status of the Act.....	85
Rule 60. The Act is paramount.....	85
Interpretation.....	86
Rule 61. Rules as to interpretation. ....	86
Definitions .....	87
Rule 62. Definitions.....	87

**Minutes of Trustee Resolution  
D & M Maione Family Super Fund ('the Fund')  
Purpose of Resolution – Amend Governing Rules of the Fund**

Attended by Maione Co Pty Ltd [ACN: 087297327] ('the trustee') as trustee for D & M Maione Family Super Fund.

**HELD AT:** 16 Shelton Drive Athelstone SA 5076

**DATE:**

**PRESENT:** Domenic Maione  
Maria Maione

**CHAIRMAN:** Domenic Maione was appointed Chairman of the meeting.

**TABLE OF  
MOTION TO  
AMEND THE  
RULES OF THE  
FUND:**

The Chairman tabled a motion to amend the governing rules of the **D & M Maione Family Super Fund** in accordance with **Rule 57** of the rules of the Fund.

The Replacement Rules attached to this minute were forwarded to each director prior to this meeting.

There were no comments or concerns raised by the directors in relation to the Replacement Rules.

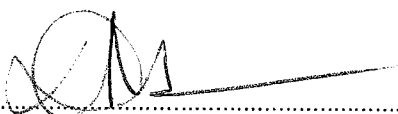
**TRUSTEE  
RESOLUTIONS:**

**IT WAS RESOLVED** by the directors to adopt the amendments to the governing rules by replacing the rules with the Replacement Rules identified as EON2008.9\_v1 as tabled before the meeting.

**MEETING  
CLOSED:**

There being no further business the meeting was declared closed.

Confirmed as a true and correct record.

  
.....  
(Chairman)