

---

# SUPERCENTRAL



## APPOINTMENT OF TRUSTEE/DIRECTOR TO A SUPERCENTRAL SUPERANNUATION FUND

Document provided by

**TOWNSENDS BUSINESS & CORPORATE LAWYERS**

Tel 02 8296 6222 [www.townsendslaw.com.au](http://www.townsendslaw.com.au)

## CHECKLIST

1. Confirm that the Appointee is not a disqualified person (eg not insolvent or been convicted of an offence involving dishonest conduct).
2. Appointee must complete their personal details and sign on page 3.
3. Appointee must complete and sign ATO Trustee Declaration and be given a copy of the ATO form "Key Messages for Trustees".

*(The relevant ATO form NAT 71089 must be signed within 21 days of the appointee's appointment as a trustee/director. The Key Messages form is ATO NAT 71128. )*

4. Trustees/Directors must sign written resolution.
5. If the Appointee is also to be admitted as a Member then the Membership Admission Resolution must also be signed.

*(The appointment as a trustee/director and the admission as a member must occur within 6 months of each event).*

6. Notify ATO of the appointment of the appointee as a Trustee/Director of the Superannuation Fund. Use ATO form NAT 3036

*(If the appointee is also to be admitted as a member and the appointment and admission occur on the same day, both events can be reported to the ATO using the same form.*

*If the appointment and admission occur on different days, then two forms must be completed and submitted to the ATO.*

*The forms must be submitted to the ATO within 28 days of the occurrence of the relevant event.)*

7. If Appointee is appointed as a Director then ASIC must be notified of the appointment.
8. If the Appointee is appointed as a Trustee then update the asset title records of the fund's assets to reflect the additional trustee. Certified copies of the Appointment Resolution may have to be provided to the operators of the title register.
9. If the Appointee is appointed as a Trustee and the Fund includes real estate it may be necessary to confirm the appointment by a Deed of Appointment. You should obtain legal advice as to how the title registers of real estate can be updated to reflect the additional trustee.

*(Note: Items 8 and 9 do not apply if the trustee of the Fund is a company. In this case, the assets of the fund are held in the name of the company).*

10. If the Appointee is appointed as a Trustee, then the bank account/CMT account of the Fund must be updated as to account name and signatories.

*(The evidential requirements of banks and CMT operators vary and they may require confirmation of the appointment by Deed of Appointment.)*

11. If the Appointee is appointed as a director, then the signatories to the bank account/CMT account of the Fund must be updated.

## Written Resolution of the Trustee of the **Price Superannuation Fund** ("the Superannuation Fund")

### **Purpose of Written Resolution**

The purpose of the Written Resolution is to:

- (a) appoint the Appointee as a Trustee or, if a company acts as trustee, to appoint the Appointee as a director of that company; and
- (b) authorise various actions to be undertaken as a consequence of the appointment of the Appointee.

### **Appointment of Appointee**

#### **Appointment of Appointee**

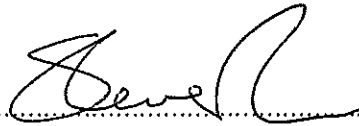
I understand that the Superannuation Fund is a regulated superannuation fund and also a self managed superannuation fund.

I consent to acting as a trustee or as a director of the company which acts as the trustee of the Superannuation Fund (as appropriate) and by signing below I make the following declarations:

- (a) I have attained the age of 18 years;
- (b) No notice of disqualification has been made in respect of me pursuant to s126A of the *Superannuation Industry (Supervision) Act, 1993*;
- (c) I am not an insolvent under administration;
- (d) No civil penalty order under the *Superannuation Industry (Supervision) Act, 1993* has been made against me;
- (e) I have not been convicted (whether in Australia or elsewhere) of any offence involving dishonest conduct.
- (f) (where the Trustee is a company) I am not disqualified from managing a corporation under Part 2D.6 of the *Corporations Act, 2001* or under any other provision of that Act or, if so disqualified, then I have permission under either section 206F(5) or section 206G of the *Corporations Act 2001* to act as a director of the company which acts as the Trustee.

I understand that should any of the matters listed as declarations (b) to (e) subsequently apply to me I will cease to be eligible to act as a trustee or as a director of the company which is trustee and undertake to immediately advise my fellow trustees/directors.

I further understand that, if appointed as a director of the company which acts as trustee, and if I become disqualified as referred to in declaration (f) or the permission referred to in that declaration ceases, I will cease to be eligible to act as a director of a company which acts as trustee of a superannuation fund regulated under the *Superannuation Industry (Supervision) Act 1993* and that I will immediately advise my fellow directors.



Appointee

Full Name Steven Price

Residential Address 31 Baskerville Crescent, Baldivis

Date of Birth 27/05/1964

**Resolution**

Noted that under the Constitution of the Company the Directors have the power to appoint an additional director.

**Resolutions in relation to the appointment of the Appointee**

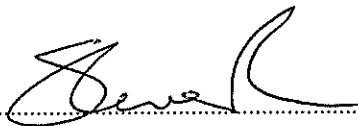
Resolved that the Appointee be appointed as a Director of the Company with immediate effect.

**Other Resolutions**

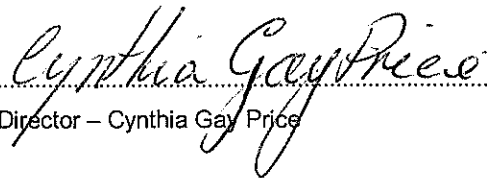
Noted that the Appointee has signed the ATO Trustee Declaration form as required by s104A of the *Superannuation Industry (Supervision) Act, 1993*.

Resolved that the administrator of the Fund be instructed to advise the ATO of the change in the persons associated with the Superannuation Fund by reason of the appointment of the Appointee by completing and submitting form ATO NAT 3036 within the required period of 28 days or, if applicable, by notifying the ATO by internet where the Superannuation Fund has a digital certificate with the ATO.

Signed as a Written Resolution of **Jedeye Pty Ltd ACN 169 424 177** the Trustee of **The Price Superannuation Fund**.



Director – Steven Price



Director – Cynthia Gay Price

Dated: 3/16/2011