

## My Penguin SMSF

### Director of Trustee Declarations

I make the following declarations:

- I am unaware, or have no reasonable grounds to suspect, that a person who is, or is acting as, a responsible officer of the trustee is a disqualified person as defined in section 120(1) of the *Superannuation Industry (Supervision) Act 1993*.
- Neither a receiver, or a receiver and manager, has been appointed in respect of property beneficially owned by the trustee.
- Neither an administrator nor a liquidator nor a provisional liquidator has been appointed in respect of the trustee.
- The trustee has not commenced to be wound up.

Date:

28/10/17

Signed:



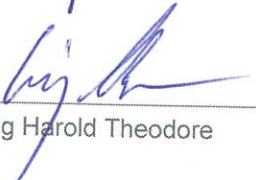
Craig Harold Theodore  
Director of the Trustee

## My Penguin SMSF

### Consent to Appointment as Director of the Trustee

I consent to being appointed a director of the trustee of the My Penguin SMSF.

Date: 28/10/17

Signed:   
Craig Harold Theodore

## Application to become a Member

This Application Form contains your Death Benefit Nomination and undertakings which must be made by you. It is also accompanied by the Product Disclosure Statement relevant to the fund contained in Annexure A.

### Part 1 Application and undertakings

- I apply to become an initial member of this fund under the trust deed.
- I make each of the following undertakings:
  - I am not in an employment relationship with another member who is not a relative of mine
  - I am not a disqualified person under superannuation law from being a director of the trustee of the fund.
  - I will comply with the trust deed.
  - Upon request, I will fully disclose in writing any information required by the trustee in respect of my membership of the fund. This includes disclosing:
    - Any circumstance which may lead to my entering into an employment relationship with any other member of the fund who is not also a relative of mine.
    - That I may become disqualified under superannuation law from being a director of the trustee of the fund.
    - Any information in relation to my medical condition.
- I will act as a director of the trustee of the fund.
- I understand the trust deed, particularly its terms concerning the benefits payable under it, and I have read and understood the attached Product Disclosure Statement, annexed and marked 'A'.
- I have read and understand the prescribed information relating to the collection of Tax File Numbers by the trustees of superannuation funds.

I attach a completed ATO Individual Tax File Number Notification form.

Applicant name	Craig Harold Theodore
Applicant address	Unit 5/1a Somme Parade, Edithvale VIC 3196
Applicant occupation	IT service delivery manager
Date of birth	01 October 1980
Applicant place of birth	Dandenong

## Part 2 Death benefit arrangements

This part of the member's application form is blank because the member elected to 'do nothing'. When they are ready, the member can consider the matters below when they decide on their death benefit arrangements.

At that time, the member;

- could prepare the relevant documents using the relevant pro-forma in the schedules to the Fund's deed (if they're comfortable doing so); or
- could order those documents from the person or organisation who arranged this document for them.

### First Notice: The types of death benefit arrangements and the order in which they take effect

The Fund's Deed allows three types of death benefit payment arrangements. They, and the order in which they take effect, are as follows:

- a *death benefit agreement* — which binds the trustee and which does not expire, see Part H of the Deed;
- *binding death benefit notices or binding nomination forms* — which bind the trustee but which expire after 3 years or earlier if replaced or revoked; and
- *non-binding nomination forms* — which do not bind the trustee but which do not expire until replaced or revoked.

*Death benefit agreements take priority over binding death benefit notices and non-binding nomination forms.*

### **What you need to consider**

When you, as a member, are considering signing a binding death benefit notice or a non-binding nomination form it is important to consider that:

- a death benefit agreement takes priority over any binding death benefit notice or any non-binding nomination form;
- to the extent permitted by superannuation law, the trustee must pay or apply the relevant benefit in accordance with the death benefit agreement. Therefore if you sign a binding death benefit notice or a non-binding nomination form, then they will have no effect on any earlier or later death benefit agreement that you sign; and
- if any part of a death benefit agreement is invalid, then the trustee (as required by the Fund's Deed) will pay or apply the "invalid" part of the death benefit in accordance with any binding death benefit notice, or by reference to any non-binding nomination form, you have signed.

### **Second Notice: Consistency of death benefit arrangements with pension terms**

It is important to consider how any death benefit nomination or death benefit agreement interacts with the arrangements for payment of a pension to a reversionary beneficiary. The terms of the pension, and the terms of the death benefit nomination or death benefit agreement should be considered together.

For instance, if the pension terms require an automatic reversionary pension, then the death benefit nomination or death benefit agreement has no effect in relation to that pension. If the member wants to ensure all these arrangements – under pension terms, a death benefit nomination or death benefit agreement – are consistent, or to deliberately vary from one to the other, then careful drafting is required and the member should seek professional advice.

**Part 3 Provision of member's tax file number to regulated superannuation fund**

To the director of the trustee of the My Penguin SMSF.

I have been informed of the reasons why my TFN is sought by the fund.

My TFN is 371012733.

Date:

28/10/17

Signed:

  
Craig Harold Theodore

## Important information about providing your tax file number (TFN) to the fund

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Under the *Superannuation Industry (Supervision) Act 1993*, the fund is required to request your TFN. Your TFN is confidential: you don't have to provide it.

### What your TFN may be used for

If you provide your TFN, it will be used for legal purposes only. The purposes for which your TFN may be used may change in the future. At present, they include:

- searching for other benefits that may exist for you in the fund;
- calculating reduced tax rates on eligible termination payments (ETPS) when benefits are paid;
- reporting payments to ATO for reasonable benefit limits (RBL) purposes;
- reporting contributions to ATO for contributions tax (surcharge) purposes which may not otherwise be subject to the surcharge;
- passing to other regulated superannuation fund, ADFs and RSAs if your benefits are rolled over. You may revoke this authority later in writing;
- passing on with other details if you become lost and your benefits are paid to the ATO as unclaimed money.

### What might happen if you don't provide your TFN

If you do not provide your TFN, the following may happen:

- other benefits existing for you in the fund may be more difficult to locate and amalgamate;
- higher tax rates may apply to ETPs paid to you. (This may be recovered with lodgement of your next income tax return);
- your benefits may be subject to an extra 15% contribution tax (surcharge). This may be reclaimed on application to the ATO;
- your TFN will not be passed to other regulated superannuation funds, ADFs and RSAs if your benefits are rolled over;

your benefits may be more difficult to locate if benefits are paid to the ATO as unclaimed money.

## My Penguin SMSF

### Instructions for use of Certificate of Compliance

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Used when the member “rolls over” (transfers) benefits from another fund to the My Penguin SMSF.

**What is the certificate for?**

If a member transfers money from another super fund into the member's SMSF, then the other fund may require one of these certificates.

**What is certified?**

By signing the Certificate the trustee(s) of the Fund certifies that:

- 1 It is a regulated superannuation fund under the SIS Act;
- 2 It is a complying superannuation fund under the SIS Act;
- 3 It is not subject to a direction under Section 63 of the SIS Act; and
- 4 Its trust deed permits the receipt of rolled over or transferred benefits.

**What should the trustee do before signing?**

**IMPORTANT:** Before the fund's trustee(s) sign the certificate they must make sure that:

- items 1-4 above are true; and
- the Fund must both have chosen to be regulated by the Australian Taxation Office (ATO) and have told the ATO of that choice — which the Fund does on the form used to apply for an ABN (Australian Business Number).



## My Penguin SMSF (Fund)

To whom it may concern

### Trustee Certificate of Compliance —

(This is not the “Notice of Compliance” that the Australian Taxation Office provides)

This Trustee’s Certificate of Compliance is to be used when the member “rolls over” (transfers) benefits from another fund to the My Penguin SMSF.

The Trustee(s) of the Fund certify/ies that the Fund:

- 1 Is a regulated superannuation fund under the *Superannuation Industry (Supervision Act) 1993 (SIS Act)*.
- 2 Is a complying superannuation fund within the meaning of section 42A of the SIS Act.
- 3 Is not subject to a direction under Section 63 of the SIS Act and is therefore able to accept employer contributions.
- 4 Is empowered by the Fund's trust deed to receive rolled over or transferred benefits.
- 5 Has received consent to the rollover from the relevant member, as set out below, in accordance with r6.28(i)(b) of the *Superannuation Industry (Supervision) Regulations 1994*.

Signed for and on behalf of the Trustee(s):

Signature of Trustee:

  
\_\_\_\_\_

Name:

Craig Theodore  
\_\_\_\_\_

Date:

28/10/17  
\_\_\_\_\_

### Member’s Consent to the “rollover”

I, Craig Theodore (member name), by signing this form, consent to the rollover of my benefits into the My Penguin SMSF.

Signature of Member:

  
\_\_\_\_\_

Date:

28/10/17  
\_\_\_\_\_

## My Penguin SMSF

### Minutes of the Initial Meeting of the Director of the Trustee of the My Penguin SMSF

Venue	5/1a Somme Parade, Edithvale 3196
Date	28 October 2017
Present	Craig Harold Theodore
Chair	Craig Harold Theodore

#### Establishment of the My Penguin SMSF

- 1 Agreed that it is the desire of the persons present to establish and maintain a fund of which the sole or primary purpose is to provide old age pensions and other benefits to members of the fund on their retirement.
- 2 Noted that the persons present have agreed to act as first director of the trustee of the fund in accordance with the proposed trust deed establishing the fund.
- 3 Resolved unanimously that:
  - the fund that is to be known and identified by the name the My Penguin SMSF be established as a superannuation fund;
  - the trust deed be executed by the trustee's director in accordance with section 127(1) of the *Corporations Act 2001*;
  - the fund be established as from the day the deed is executed;
  - the fund be a regulated superannuation fund under the *Superannuation Industry (Supervision) Act 1993*;
  - an 'Application to Register for The New Tax System Superannuation Entities' in respect of an Australian Business Number and an election to be a regulated superannuation fund be lodged with the Australian Taxation Office.

#### Membership

- 4 Noted that an application for membership had been received from:  
Craig Harold Theodore

- 5 **Resolved unanimously that:**
- the membership application be approved;
  - the member be advised;
  - that information be given to the member that the trustee reasonably believes the member would reasonably need for the purpose of understanding the main features of the fund; the management and financial condition of the fund; and the investment performance of the fund.

#### **Appointment of fund accountant**

- 6 **Resolved unanimously that:**
- be appointed fund accountant and be the contact address for the fund.

#### **Fund bank account**

- 7 **Resolved unanimously that:**
- a bank account named the My Penguin SMSF be established; and that the account and all dealings with the bank be operated by the director of the trustee who will be the signatory to the account.

#### **Documents**

- 8 **Resolved unanimously that:**
- the director of the trustee may sign receipts, acceptances, applications, contracts and other documents on the fund's behalf.

#### **Contributions**

- 9 **Resolved unanimously that:**
- contributions be received in respect of the member.

#### **Fund auditor**

- 10 **Resolved unanimously that:**
- be appointed auditor of the fund.

There being no further matters to discuss, the meeting was closed.

**Signed as a true record of the meeting**

Chairperson:

  
Craig Harold Theodore

Date:

28/10/17

## My Penguin SMSF

### Minutes of the Meeting of the Director of the Trustee

Venue	5/1a Somme Parade, Edithvale VIC 3196
Date	28 October 2017
Present	Craig Harold Theodore
Chair	Craig Harold Theodore

#### Investment objectives

- 1 Resolved that the fund have the following investment objectives:
  - an investment return in excess of inflation, that is, in excess of the Consumer Price Index (All Groups Weighted Average);
  - to hold assets in a form to enable the Fund to discharge existing and future liabilities in a manner which satisfies the members.

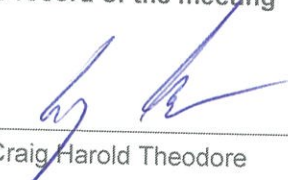
#### Investment objectives strategy

- 2 Resolved that the fund will have the ability to invest in the following areas:
  - direct equities and stocks, including participation in dividend reinvestment programs and rights issues or any other similar investments offered in this area;
  - property trusts and associated investments;
  - managed investments and associated products;
  - direct property investments; and
  - any other investment that is legal under the laws of the Commonwealth of Australia and its States and Territories.
- 3 Noted that in determining this strategy, the trustee considered whether to hold a contract of insurance for the member, and resolved to consider this requirement separately as soon as practicable.
- 4 Resolved that in giving effect to this strategy, the trustee will consider, in respect of each of the fund's investments, the aspects of the investment being in accordance with the fund's investment objectives and relevant legislation.
- 5 Further, the trustee will consider in respect of each investment, the risk to the fund and its member of acquiring it, the diversification of the investment vis a vis all of the other investments owned by the fund, the liquidity requirements of the fund in meeting its liabilities and the effect that each investment will have on those requirements and all matters relating to the prudential nature of the investment after having assessed the entire financial position of the member.

- 6 The trustee will ensure that all the fund's investments are monitored and continue to comply with this strategy and the relevant legislation, and will ensure that this investment strategy is regularly reviewed.
- 7 The trustee reserve the right to alter this strategy at any time.

**Signed as a true record of the meeting**

Chairperson:

  
\_\_\_\_\_

Craig Harold Theodore

Date:

28/10/17

# My Penguin SMSF

## Advice to the Director of the Trustee

One of the most important duties of a trustee of a superannuation fund is the investment of the fund's assets.

The earnings achieved on the investment of the fund's assets plus the concessional tax rate of 15% that is applied to those earnings helps to maximise the entitlement on retirement.

There are 5 guiding rules that trustees should follow:

### 1. ESTABLISH AND IMPLEMENT AN INVESTMENT STRATEGY

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The SIS Act requires that all funds **must** have an investment strategy. Once the trustee has agreed to an investment strategy, the fund's investments should be consistent with that strategy.

### 2. INVEST IN ASSETS THAT ARE PERMITTED BY THE TRUST DEED

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The trust deed may place some restriction on the type and class of asset in which the fund may invest. Ensure that the trust deed gives the trustee power to make an investment that may be proposed.

### 3. AVOID PROHIBITED INVESTMENTS

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The SIS Act prohibits certain investments. Restrictions are placed upon:

- the acquisition of assets from related entities;
- investing in, giving loans to and entering leases and lease arrangements with related parties (in house assets);
- borrowing; and
- lending to members.

In addition, all investment activities must be on an arm's length basis.

Ensure that all investments do not contravene the requirements of the SIS Act.

### 4. CONSIDER ETHICAL INVESTMENTS

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In the Product Disclosure Statement, trustees are required to disclose whether labour standards or environmental, social or ethical considerations are, or will be, taken into account when the trustees select, retain or realise an investment. While the Product Disclosure Statement states that, at this stage, the trustees do not take any such considerations into consideration when selecting, retaining or realising an investment, the trustees should consider incorporating such considerations into its investment strategy.

5. **AVOID INVESTMENTS THAT ARE TOTALLY SPECULATIVE**

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While any investment may be regarded as speculative, as trustees are expected to act prudently, the acquisition of assets that are totally speculative should be avoided, as they may be so speculative so as not to be regarded as an investment.

The trustees are required to develop an investment strategy and invest in a manner that satisfies these guidelines and which takes account of the particular needs of fund members.