

Raymond John JOHNSON  
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07 June 2017

PRIVATE & CONFIDENTIAL

### CONSENT TO ACT AS TRUSTEE

RAY JOHNSONS SCRAP TYRE DISPOSALS PTY LTD ACN 608 158 096 hereby consents to its appointment as trustee of the RAY JOHNSON SCRAP SUPERFUND under the provisions of the Superannuation Industry (Supervision) Act 1993 (the "SIS Act") and in accordance with the documents which regulate the RAY JOHNSON SCRAP SUPERFUND.

RAY JOHNSONS SCRAP TYRE DISPOSALS PTY LTD ACN 608 158 096 confirms that it is not a disqualified person as defined in Section 120 of the SIS Act, an extract of which is shown below:

#### **EXTRACT: SUPERANNUATION INDUSTRY (SUPERVISION) ACT 1993**

##### **SECTION 120 DISQUALIFIED PERSONS**

**120(1) Individuals** For the purpose of this Part, an individual is a disqualified person if:

- (a) at any time (including a time before the commencement of this section):
  - (i) the individual was convicted of an offence against or arising out of a law of the Commonwealth, a State, a Territory or a foreign country, being an offence in respect of dishonest conduct; or
  - (ii) a civil penalty order was made in relation to the person; or
- (b) the person is an insolvent under administration; or
- (c) either:
  - (i) to the extent that the Regulator is the Commissioner of Taxation - the Regulator has disqualified the individual under section 126A; or
  - (ii) to the extent that the Regulator is APRA - the Federal Court of Australia has disqualified the individual under section 126H.

**120(2) Bodies corporate** For the purposes of this Part, a body corporate is a disqualified person if:

- (a) the body corporate knows, or has reasonable grounds to suspect, that a person who is, or is acting as, a responsible officer of the body corporate is:
  - (i) for a person who is a disqualified person only because he or she was disqualified under section 126H – disqualified from being or acting as a responsible officer of the body corporate; or
  - (ii) otherwise – a disqualified person; or
- (b) a receiver, or a receiver and manager, has been appointed in respect of property beneficially owned by the body; or
- (c) an administrator has been appointed in respect of the body; or
- (d) a provisional liquidator has been appointed in respect of the body; or

(e) the body has begun to be wound up.

**120(3) Convictions** A reference in this section to a person who has been convicted of an offence includes a reference to a person in respect of whom an order has been made under section 19B of the Crimes Act 1914, or under a corresponding provision of a law of a State, a Territory or a foreign country, in relation to the offence.

**120(4) Law on spent convictions does not apply** Division 3 of Part VIIC of the Crimes Act 1914 does not apply in relation to the disclosure of information about a conviction of the kind mentioned in paragraph (1)(a), if the disclosure is for the purposes of this Part.

#### SECTION 126B APPLICATION FOR WAIVER OF DISQUALIFIED STATUS

**126B(1) Waiver of Disqualified status** An individual may apply to the Regulator for a declaration under section 126D waiving his or her status as a disqualified person for the purposes of this Part only if:

- (a) he or she is a disqualified person solely because of the operation of subparagraph 120(1)(a)(i); and
- (b) the offence leading to him or her being a disqualified person is not an offence involving serious dishonest conduct as described in subsection (2).

**126B(2) Serious dishonest conduct** For the purposes of paragraph (1)(b), an offence involves serious dishonest conduct if the penalty actually imposed for the offence is:

- (a) a term of imprisonment of at least 2 years or such longer period (if any) as is specified in the regulations; or
- (b) a fine of at least 120 penalty units or such larger fine, if any, as is specified in the regulations.

RAY JOHNSONS SCRAP TYRE DISPOSALS PTY LTD ACN 608 158 096 hereby confirms that it will carry out its duties as a trustee of the RAY JOHNSON SCRAP SUPERFUND in accordance with the documents which from time to time regulate the RAY JOHNSON SCRAP SUPERFUND.

Yours faithfully

**RAY JOHNSONS SCRAP TYRE DISPOSALS PTY LTD ACN 608 158 096**  
**as Trustee for the RAY JOHNSON SCRAP SUPERFUND**