

# Trustee consent

## Kemps Family Super Fund

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**Withans Pty Ltd ACN 605 326 841** ('the Trustee') hereby consent to the appointment to act as Trustee of the Fund and to be bound by the Fund's Deed and all of the Rules and the Act as defined in the Deed and to ensure that:

- the Fund continues to be a Complying Superannuation Fund as defined in the Deed; and
- the Fund is continuously maintained as a Self Managed Superannuation Fund.

The Trustee declares that:

- To the best of its knowledge, all of the directors of the Trustee are Members of the Fund unless specifically exempted under the Deed or the Act;
- To the best of its knowledge, no director of the Trustee is a disqualified person as that term is defined under the Deed or the Act;
- It is not insolvent; and
- No administrator, receiver, manager liquidator or provisional liquidator has been appointed to the Trustee, nor has any application been made to wind up the Trustee.

The appointment is to last only so long as the Fund continues to be a Complying Superannuation Fund. Where the appointment threatens the Fund's complying status, the Trustee agrees to resign with effect immediately upon becoming aware of such threat.

**Executed** in accordance with section 127 of the *Corporations Act 2001* by its Directors or Director and/ or Secretary:

Bernard Kemps


.....  
Please print name of Director/ Sole Director\*

  
.....  
Signature

Maree Kemps

.....  
Please print name of Director/ Secretary\*

\*Delete as appropriate

  
.....  
Signature

16 / 04 / 2015  
.....  
Date

# Trustee consent/ declaration form

## Kemps Family Super Fund

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I, **Maree Anne Kemps**,

**Hereby declare that:**

1. (a) I consent to act as a director of **Withans Pty Ltd ACN 605 326 841** ("the company") acting as the Trustee of the Fund;
  - (b) the company has consented to act as the Trustee of the Fund; and
  - (c) a receiver, or a receiver and manager has not been appointed in respect of the property beneficially owned by the above company, or an official manager, or a deputy official manager, or a provisional liquidator has not been appointed to the company, nor is the above company being wound up; and
2. As a director of the company I understand all of the duties of a Trustee of a Self Managed Superannuation Fund.

**Executed by:**

  
.....  
Maree Anne Kemps

16 / 04 / 2015  
.....  
Date

# Trustee consent/ declaration form

## Kemps Family Super Fund


---

I, **Bernard William Gerard Kemps**,

Hereby declare that:

1. (a) I consent to act as a director of **Withans Pty Ltd ACN 605 326 841** ("the company") acting as the Trustee of the Fund;  
(b) the company has consented to act as the Trustee of the Fund; and  
(c) a receiver, or a receiver and manager has not been appointed in respect of the property beneficially owned by the above company, or an official manager, or a deputy official manager, or a provisional liquidator has not been appointed to the company, nor is the above company being wound up; and
2. As a director of the company I understand all of the duties of a Trustee of a Self Managed Superannuation Fund.

Executed by:

  
.....  
Bernard William Gerard Kemps

16 / 04 / 2015  
.....  
Date

# Self-managed super fund trustee declaration

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

Fund Name

<b>Kemps Family Super Fund</b>

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
- give me a written direction to rectify any contraventions or undertake a course of education
- 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, resulting 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' benefits 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.

### 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.

### 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 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).

**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
- appoint an approved auditor each year, no later than 45 days before the due date for lodgement of the fund's annual return and provide documents to the auditor 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 if the fund becomes an Australian Prudential Regulation Authority (APRA) regulated fund.

**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).

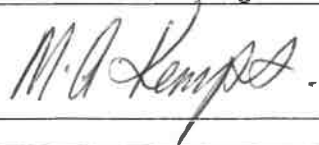
I understand that:

- 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 APRA regulated funds in the case of financial loss due to fraudulent conduct or theft.

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

Maree Anne Kemp

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



**Date**

Day		Month		Year					
1	6	/	0	4	/	2	0	1	5

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

**Witness' signature**



**Date**

Day		Month		Year					
1	6	/	0	4	/	2	0	1	5

# Self-managed super fund trustee declaration

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

Fund Name

<b>Kemps Family Super Fund</b>
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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
- give me a written direction to rectify any contraventions or undertake a course of education
- 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, resulting 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' benefits 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.

## 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.

## 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 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).

**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
- appoint an approved auditor each year, no later than 45 days before the due date for lodgement of the fund's annual return and provide documents to the auditor 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 if the fund becomes an Australian Prudential Regulation Authority (APRA) regulated fund.

**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 APRA regulated funds in the case of financial loss due to fraudulent conduct or theft.

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

Bernard William Gerard Kemp

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



**Date**

Day: 1 6 / Month: 0 4 / Year: 2 0 1 5

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

**Witness' signature**



**Date**

Day: 1 6 / Month: 0 4 / Year: 2 0 1 5

# Minutes of trustee meeting

Appointment of trustee and establishment of the Fund

## Kemps Family Super Fund

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**Held at:** 19 Lakeview Drive  
Bundaberg QLD 4670

**Date:** 16 / 04 / 2015

**Time:** 4.30pm

**Present:** Bernard William Gerard Kemps  
Maree Anne Kemps

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

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

**Motions to appoint trustee and establish the fund:** The Chairperson tabled a motion to appoint Trustees, execute the Deed and establish the operation of the Fund. Under the Rules of the Fund, the Trustees are required to undertake the following:

1. be appointed as Trustees of the Fund;
2. execute the Fund's Deed;
3. formulate and implement an investment strategy and complete annexure "A" to the Product Disclosure Statement;
4. provide the Product Disclosure Statement to Members;
5. accept Members into the Fund;
6. apply to become a Regulated Superannuation Fund;
7. apply for Australian Business Number and Tax File Number;
8. establish a bank account for the Fund;
9. appoint an administrator to the Fund;
10. appoint an Auditor to the Fund;
11. appoint a Self Managed Superannuation Fund (SMSF) specialist and any other professional; and
12. determine voting powers.



**Trustee resolution:** IT WAS RESOLVED by the Trustee to:

- (a) execute the Deed of the Fund;
- (b) formulate and implement an investment strategy which will:
  - (1) aim at attaining the investment objective of the Fund from investments to satisfy the cash flow requirements of the Fund, having particular regard to the composition of the investment, diversification and liquidity; and
  - (2) ensure that the primary investment objective is to provide the Member(s) with Benefits in the event of their retirement and Benefits to their Dependants or legal estate in the event of the Member's death;
- (c) ensure that all prospective Member(s) have read and understood the Product Disclosure Statement (PDS);
- (d) appoint the following as Trustee(s) of the Fund provided all eligible:

**Withans Pty Ltd ACN 605 326 841**
- (e) invite the following person(s) to become the Member(s) of the Fund provided all eligible:

**Maree Anne Kempes**  
**Bernard William Gerard Kempes**
- (f) notify Member(s) of their acceptance as a Member of the Fund;
- (g) complete and lodge Australian Business Number (ABN) and Tax File Number (TFN) with the Australian Tax Office (ATO);
- (h) establish a bank account on behalf of the Fund;
- (i) seek consent to act and appoint relevant professionals wherever required, and complete annexure "B" to the PDS when fees and charges are known.

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

Confirmed as a true and correct record.

  
.....  
Chairperson

# Minutes of trustee meeting

Trustee Resolutions

## Kemps Family Super Fund

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**Held at:** 19 Lakeview Drive  
Bundaberg QLD 4670

**Date:** 16 / 04 / 2015

**Time:** 4.30pm

**Present:** Bernard William Gerard Kemps  
Maree Anne Kemps

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

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

**Adoption of Voting Powers:** The Chairperson noted that for the purposes of clause 8.5 of the Trust Deed, the Trustees are to determine by majority approval at the first meeting of the trustees one of the following as the method by which Trustees will be entitled to cast votes at all meetings of Trustees:

- (1) each Trustee being entitled to cast the number of votes nearest to the number of whole dollars of that Member's Account the Trustee represents and any amounts in Reserve that an actuary has determined might be transferred to the Member's Account to pay a Pension, but no less than one vote each; or
- (2) each Trustee being entitled to cast one vote each.

The Chairperson further noted that if the Trustees failed to make a determination, method (2) will apply and that if method (2) applies and there is a deadlock, the deadlock shall be resolved by weighting each Trustee's votes nearest to the number of whole dollars of the Member's Account the Trustee represents and any amounts in Reserve that an actuary has determined might be transferred to the Member's Account to pay a Pension, but no less than one vote each.


**Trustee Resolutions:** **IT WAS RESOLVED** to adopt method:

- (1) Method 1 ; or
- (2) Method 2 X .

**Meeting closed:**

There being no further business the meeting was declared closed.

Confirmed as a true and correct record.

  
.....  
Chairperson

# Application for membership

## Kemps Family Super Fund

---

I, **Bernard William Gerard Kemps** of **19 Lakeview Drive, Bundaberg QLD 4670** am the director of **Withans Pty Ltd ACN 605 326 841** ('the trustee') the trustee for the Fund. I hereby apply for membership of **Kemps Family Super Fund** and consent to becoming a Member of it. I confirm that I am not aware of any impediments to this application and acknowledge that I have read the Product Disclosure Statement including any other information provided to me.

I agree that upon acceptance of my membership to:

1. be bound by the terms of the Deed and the Rules of the Fund;
2. be bound by all decisions of the Trustee that were made in accordance with the Rules of the Fund, the superannuation laws and the trustee laws;
3. provide information to the Trustee where required, e.g. medical conditions;
4. 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;
5. consent to the Trustee to hold that information despite anything to the contrary in the privacy legislation;
6. provide the Trustee, within a reasonable period of time a detailed death benefit plan that may include a Binding Death Benefit Nomination;
7. ensure that any Superannuation contributions, transfers or rollovers are made in accordance with the superannuation laws at that time;
8. notify the Trustee where I have become disabled, retired, attained preservation age or met some other condition of release; and
9. notify the Trustee where I have become separated from my Spouse that is deemed irreconcilable, if I have one.

**Date of Birth:** 15 / 06 / 1959

**Tax File Number:** 484 845 018

**Executed by:**

  
.....  
**Bernard William Gerard Kemps**

16 / 04 / 2015  
Date

# Application for membership

## Kemps Family Super Fund

---

I, **Maree Anne Kemp** of **19 Lakeview Drive, Bundaberg QLD 4670** am the director of **Withans Pty Ltd ACN 605 326 841** ('the trustee') the trustee for the Fund. I hereby apply for membership of **Kemps Family Super Fund** and consent to becoming a Member of it. I confirm that I am not aware of any impediments to this application and acknowledge that I have read the Product Disclosure Statement including any other information provided to me.

I agree that upon acceptance of my membership to:

1. be bound by the terms of the Deed and the Rules of the Fund;
2. be bound by all decisions of the Trustee that were made in accordance with the Rules of the Fund, the superannuation laws and the trustee laws;
3. provide information to the Trustee where required, e.g. medical conditions;
4. 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;
5. consent to the Trustee to hold that information despite anything to the contrary in the privacy legislation;
6. provide the Trustee, within a reasonable period of time a detailed death benefit plan that may include a Binding Death Benefit Nomination;
7. ensure that any Superannuation contributions, transfers or rollovers are made in accordance with the superannuation laws at that time;
8. notify the Trustee where I have become disabled, retired, attained preservation age or met some other condition of release; and
9. notify the Trustee where I have become separated from my Spouse that is deemed irreconcilable, if I have one.

Date of Birth:                    15 / 07 / 1960

Tax File Number:                672 580 352

Executed by:

  
Maree Anne Kemp

16 / 04 / 2015  
Date

# Minutes of trustee meeting

Adoption of a pooled investment strategy

## Kemps Family Super Fund

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**Held at:** 19 Lakeview Drive  
Bundaberg QLD 4670

**Date:** 16 / 04 / 2015

**Time:** 4.30pm

**Present:** Bernard William Gerard Kemps  
Maree Anne Kemps

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

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

**Motion to adopt a pooled investment strategy:** The Chairperson tabled a motion to adopt a pooled investment strategy for the Fund prepared by:

.....  
Please print

The investment strategy attached to these minutes was forwarded to each director prior to this meeting.

The Chairperson noted that in formulating the investment strategy consideration has been given to section 52(6)(a) of the *Superannuation Industry (Supervision) Act 1993* ('SIS Act'), the Fund's rules, the investment rules in the *SIS Act* and importantly that the strategies consider the following:

1. the risk involved in making, holding and realising, and the likely return from, the entity's investments having regard to its objectives and its expected cash flow requirements;
2. the composition of the entity's investments as a whole including the extent to which the investments are diverse or involve the entity in being exposed to risks from inadequate diversification;
3. the liquidity of the entity's investments having regard to its expected cash flow requirements;
4. the ability of the entity to discharge its existing and prospective liabilities; and
5. whether the trustee or trustees of the Fund should hold a contract of insurance that provides cover for one or more members of the Fund.

There were no comments or concerns raised by trustee directors in relation to the investment strategy.

**Trustee resolutions:** It was resolved by the trustee to adopt a pooled investment strategy for the Fund.

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

Confirmed as a true and correct record.

  
.....  
Chairperson 