

# Trustee declaration

To be completed by new trustees and directors of corporate trustees of self-managed super funds.

- 1 We strongly recommend you undertake a free trustee education course before reading and signing this declaration. For more information visit [ato.gov.au/smsf](http://ato.gov.au/smsf) and search 'approved education courses'.



## Who should complete this declaration?

You must complete this declaration if you become a trustee or director of a corporate trustee (trustee) of:

- a new self-managed super fund (SMSF)
- an existing SMSF.

You must sign this declaration within 21 days of becoming a trustee or director of a corporate trustee of an SMSF.

A separate declaration is required to be completed and signed by each and every new trustee.

You must also complete the declaration if you:

- have undertaken a course of education in compliance with an education direction
- are a legal personal representative who has been appointed as trustee on behalf of a:
  - member who is under a legal disability (usually a member under 18 years old)
  - member for whom you hold an enduring power of attorney
  - deceased member.

## Understanding your obligations

We have a range of services available to help you understand your obligations and keep up to date with the latest news for SMSF trustees.

To subscribe to our news and alerts service visit [ato.gov.au/smsf](http://ato.gov.au/smsf) and search 'news and alerts'.

For more information on free approved trustee education courses visit [ato.gov.au/smsf](http://ato.gov.au/smsf) and search 'approved education courses'.

## Before completing this declaration

Before you complete and sign this declaration, make sure you:

- read each section
- understand all the information it contains.

➤ If you have any difficulties completing this declaration or you do not fully understand the information it contains:

- speak to a professional adviser
- visit [ato.gov.au/smsf](http://ato.gov.au/smsf)
- phone us on 13 10 20.

## When completing this declaration

When you complete this declaration, remember to:

- insert the full name of the fund at the beginning
- sign and date it
- ensure it is signed and dated by a witness (anyone 18 years old or over).

## What should you do with the declaration?

You must keep your completed declaration for at least 10 years and make it available to us if we request it.

- ⚠ Do not send your completed declaration to us unless we request this from you.

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You are free to copy, adapt, modify, transmit and distribute this material as you wish (but not in any way that suggests the ATO or the Commonwealth endorses you or any of your services or products).

### Published by

Australian Taxation Office  
Canberra  
April 2019

DE-3355



## Self-managed super fund trustee declaration

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

Fund name

THE STEFANATOS SUPERANNUATION FUND.
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I am responsible for ensuring that the fund is operated in accordance 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 trustees' 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, which may result in fines or imprisonment.

### Sole purpose

I understand it is my responsibility to ensure the fund is 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
- keep records of decisions made about the running of the fund, including the appointment of professional advisers and the retirement of members and 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' benefit 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:

- giving financial assistance using the resources of the fund 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 from the trustee or investment manager of another regulated super fund 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)
- acquiring an in-house asset if the fund's in-house assets exceed 5% of the market value of the fund's total assets, or the in-house assets will exceed 5% of the market value of the fund's total assets by acquiring the asset (in-house assets 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, the retirement of members and payment of benefits)
  - 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
  - documented decisions about storage of collectables and personal use assets
- 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 including asset market valuation
  - copies of Transfer balance account reports lodged
  - copies of any other statements you are required to lodge with us or provide to other super funds
- appoint an approved SMSF auditor each year, no later than 45 days before the due date for lodgment 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
- review the independent audit report received from the approved SMSF auditor and take action as required
- 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 21 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.
- Administrative penalties can be imposed on me for not complying with the legislation
- 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

JOHN SIGANAYOS

Trustee's or director's signature

*[Handwritten Signature]*

Date

Day: 22 / Month: 06 / Year: 2021

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

BECKY JEISMAN

Witness' signature

B. Jeisman

Date

Day: 22 / Month: 06 / Year: 2021

# Constitution

of

## Stefanatos Pty Ltd

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Unit 3

33 Meron Street

Southport, QLD, 4215

**ACN: 651257493**

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Orange Partners  
Lvl 1  
26 Michigan Drive  
Oxenford QLD 4210  
Tel: 56881383  
[hello@orangepartners.com.au](mailto:hello@orangepartners.com.au)  
[orangepartners.com.au](http://orangepartners.com.au)

Maddocks Lawyers  
Tel: 1300 307 343  
(c/- Cleardocs)  
[info@maddocks.com.au](mailto:info@maddocks.com.au)  
[www.maddocks.com.au](http://www.maddocks.com.au)



**Execution**

Date: 22 June 2021

Signature of member:   
John Stefantos

Signature of witness: B. Jaisman

Name of witness: BECKY JEISMAN









(To be tabled at first meeting of directors)

To  
Stefanatos Pty Ltd  
Unit 3, 33 Meron Street  
Southport, QLD, 4215

### Consent to act as Director

I consent to act as director of **Stefanatos Pty Ltd** with effect from the date of this consent.

My personal details are as follows:

<b>Full name</b>	John Stefanatos
<b>Usual residential address</b>	Unit 3, 33 Meron Street
<b>Town / State / Postcode</b>	Southport, QLD 4215
<b>Place of birth</b>	Melbourne
<b>Date of birth</b>	18-05-1970

I give you notice of the following:

No Interests to declare.

Signed:

  
John Stefanatos

Date: 21 June, 2021

(To be tabled at first meeting of directors)

To

Stefanatos Pty Ltd  
Unit 3, 33 Meron Street  
Southport, QLD, 4215

### Consent to act as Secretary

I consent to act as secretary of **Stefanatos Pty Ltd** with effect from the date of this consent.

My personal details are as follows:

<b>Full name</b>	John Stefanatos
<b>Usual residential address</b>	Unit 3, 33 Meron Street
<b>Town / State / Postcode</b>	Southport, QLD 4215
<b>Place of birth</b>	Melbourne
<b>Date of birth</b>	18-05-1970

Signed:

  
John Stefanatos

Date: 21 June, 2021

(To be signed and provided to company before Registration Application is submitted)

To the Directors  
Stefanatos Pty Ltd  
Unit 3, 33 Meron Street  
Southport, QLD, 4215  
Australia

### Application for Shares

I apply for the allotment to me of the following shares in the capital of the company:

Type of shares	Number of shares	Amount paid per share	Amount unpaid per share	Total cost of shares
Ordinary	12	\$1.00	\$0.00	\$12.00


I will accept the shares allotted to me and will be bound by the company's Constitution.

I authorise the company to place my name on the Register of Members in respect of the shares.

My personal details are as follows:

Name of Shareholder	Usual residential address of Shareholder
John Stefanatos	Unit 3, 33 Meron Street Southport, QLD 4215

Date: 22 / 6 / 2021

Signed:   
John Stefanatos

## Dummy Form 201

This is a dummy form 201 - and is for your reference only. The actual information that will be lodged with ASIC is more accurately reflected in the 'Summary Checklist' that appeared at the end of the online question interface you completed to create these documents.

Message Trace Number : 894283

lodging party or agent name **John Stefanatos**  
 level/building name/unit **Unit 3**  
 street number & name **33 Meron Street**  
 state/territory  
 postcode **4215**  
 DX number suburb/city **Southport**

Australian Securities & Investments Commission

form **201**

**Application for  
 registration as an Australian company**

Corporations Act 2001

**100(1)(d), 112-114, 117,  
 119-121, 134-136, 147-  
 150**

### Application

I/We apply for registration of the company under the Corporations Act 2001, and nominate QLD as the State or Territory in which the company will be taken to be registered.

### Proposed details of the company

Does the company have a proposed company name? **Yes**

if yes, the proposed company name is, **Stefanatos Pty Ltd**  
 (give name reservation number, if any)

Is the proposed name identical to a registered business name(s)? **No**

type and class of company	type of company	class of company	subclass of company
	proprietary company	limited by shares	superannuation trustee company

### registered office

C/-  
 office **3** level building name  
 street number & name **33 Meron Street**  
 suburb/city **Southport** State/territory **QLD** postcode **4215**

Does the company occupy these premises **Yes**

if no, name of occupier

occupier's consent

### principal place of business in Australia

**as above**

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## Director and secretary details

Give details below of the person(s) who have consented in writing to become a director and/or secretary of the company. A public company must have a minimum of 3 directors (2 resident in Australia) and 1 secretary (resident in Australia). A proprietary company must have a minimum of 1 director (resident in Australia). The office of secretary is optional, but if appointed one must reside in Australia. Officeholder(s) appointment date shall be effective from the beginning of the day on which the company becomes registered.

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family name	<b>Stefantos</b>	given names	<b>John</b>
former name			
unit, floor, building name	<b>Unit 3</b>		
street number & name	<b>33 Meron Street</b>		
suburb/city	<b>Southport</b>	state/territory	<b>QLD</b> postcode <b>4215</b>
country (if not Australia)			
date of birth	<b>18/05/1970</b>	place of birth (town/city)	<b>Melbourne</b> (state/country) <b>VIC</b>
office held	Director - <b>YES</b>	secretary	<b>YES</b>

Is the address shown above the usual residential address of the officeholder? **YES**

## Share structure

(details of shares issued by the company, not required from a company limited by guarantee)

<b>Code</b>	<b>Full title</b>	<b>Code</b>	<b>Full title</b>	<b>Code</b>	<b>Full title</b>	<b>Code</b>	<b>Full title</b>
A	A	LG	Life governor's	SPC	Special	REDP	Redeemable preference
B	B, etc	MAN	Management	PRF	Preference	NRP	Non-redeemable preference
EMP	Employees	ORD	Ordinary	CUMP	Cumulative preference	CRP	Cumulative redeemable preference
FOU	Founder's	RED	Redeemable	NCP	Num-cumulative preference	NCRP	Non-cumulative redeemable preference
						PARP	Participative preference

<b>Share class code</b>	<b>Full title</b>	<b>Total number issued</b>	<b>Amount to be paid</b>	<b>Amount to be unpaid</b>
ORD	Ordinary	12	12.00	0.00

If you are using the standard share class codes you do not need to provide a full title for the shares

If you are not using the standard share class codes, enter a code of no more than 4 letters and then show full title.

If shares will be issued for other than cash

Will some or all of the shares be issued under a written contract yes    no

If yes, proprietary companies must also lodge a Form 207Z certifying that all stamp duties have been paid and public companies must also lodge a Form 207Z and either a Form 208 or a copy of the contract

If No, public companies must also lodge a Form 208

## Details of all members

Companies with shares – provide the names and addresses of all persons who have agreed to take up shares, then, for each share class, show the total number of shares that the member will hold, the totals amounts that will be paid and will remain unpaid for those shares, and indicate if the shares are fully paid or beneficially held.

Companies Limited by Guarantee – provide the names and address of all your members.

Name and address of member	Code	Total number Held	Total amount paid	Total amount Unpaid	Fully paid	Beneficially held
John Stefantos Unit 3, 33 Meron Street Southport, QLD 4215 Australia	Ordinary	12	12.00	0.00	Y	Y



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## Ultimate Holding Company

Will the company have an ultimate holding company upon registration **No**

If yes, provide the following details of the ultimate holding company

Company name

ACN/ARBN/ABN

Country of incorporation if not Australia

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## Declaration by applicant

Name **John Stefanatos**

Is the address of the applicant the same as the lodging party? **YES**

I/we apply for registration of a company on the basis of the information in this form and any attachments. I/we have the necessary written consents and agreements referred to in this application concerning the members and officeholders and I/we shall give the consents and agreements to the company after the company becomes registered. The information provided in this application and in any annexures is true and correct at the time of signing.

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## Signature

If the applicant is a natural person - 1 signature required.

If the applicant is a corporation - at least 1 director or secretary to sign.

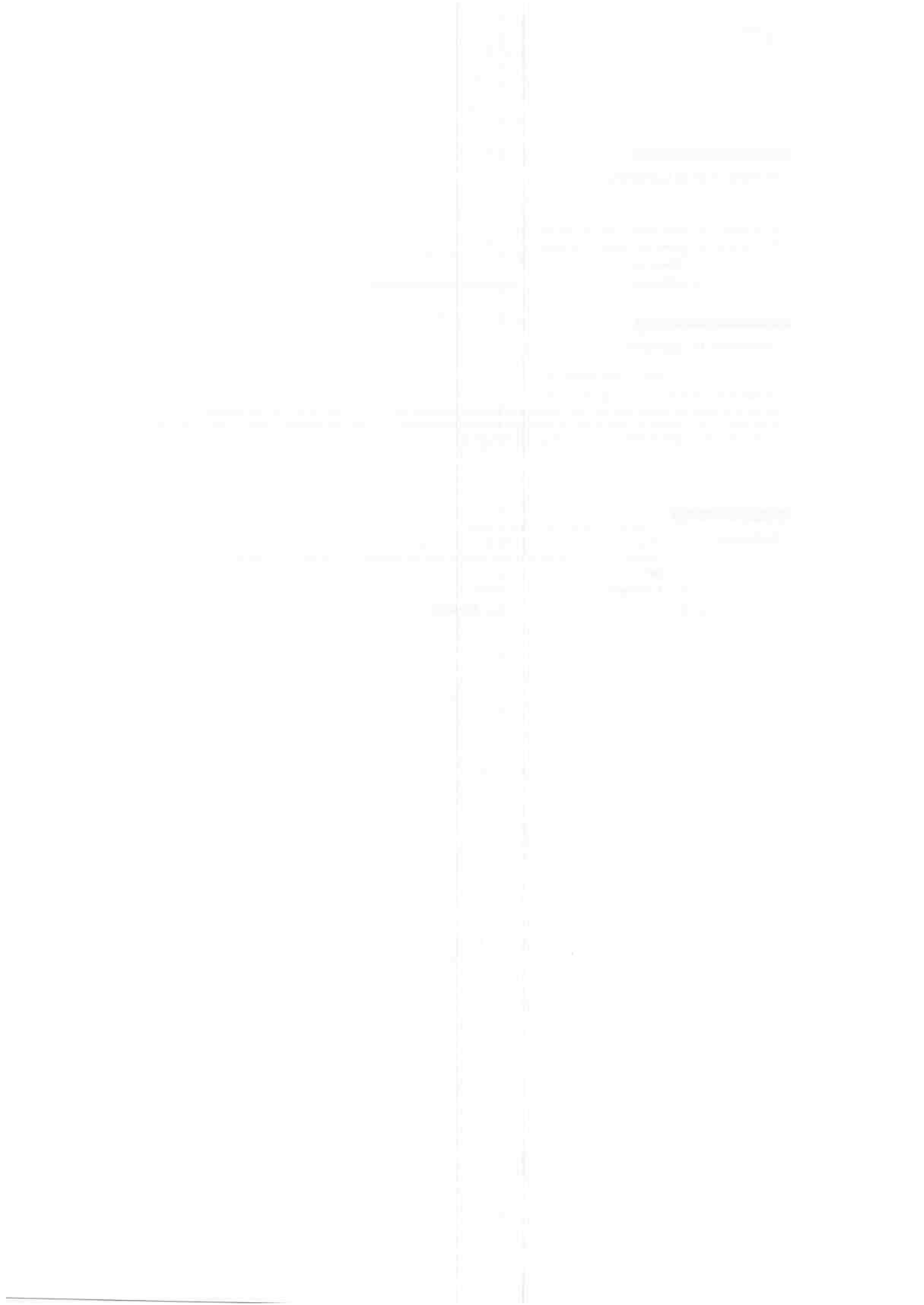
If the applicant is acting in the capacity of 'agent' for a natural person or a corporation he/she may sign on their behalf and state their capacity as agent.

name **John Stefanatos**

capacity

sign here

Date: **22/06/2021**



## Stefanatos Pty Ltd

Unit 3, 33 Meron Street  
Southport, QLD, 4215 Australia  
(ACN 651 257 493)

### Circulating Resolution of Directors

#### Notice of circulating resolution

- 1 **Noted** that the requirements for notice of the circulating resolution have been satisfied.

#### Company registered

- 2 The sole director **noted** that Stefanatos Pty Ltd was registered under the *Corporations Act* and is deemed to have been registered in QLD on 22/06/2021. A copy of the Certificate of Registration is attached to this resolution.

#### Director

- 3 The sole director **noted** that the following person has been appointed in accordance with the Application for Registration of the Company signed by the applicant as at the date of the company's registration as the first director of the company and had received and recorded the signed consent to act.

John Stefanatos

#### Secretary

- 4 The sole director **resolved** to appoint the following person as secretary of the company, and to receive and record the signed Consent to act as Secretary.

John Stefanatos

#### Public officer

- 5 The sole director **resolved** to appoint John Stefanatos as public officer of the company, and to receive and record the signed Consent to act as Public Officer and to notify the Deputy Commissioner of Taxation of the appointment.

#### Registered office

- 6 In accordance with the notification to the Australian Securities and Investments Commission, **resolved** that, as from the date of registration of the company, the registered office of the company is:

Unit 3  
33 Meron Street  
Southport, QLD 4215  
Australia

### Shareholders

7 The sole director **noted** that the following, in accordance with the Application for Registration of the company signed by the applicant and lodged on 22/06/2021 is the first member of the company. Its shares are deemed to have been allotted on the date of registration.

John Stefanos

8 The sole director **resolved**:

- to record the name of the member in the Register of Members in accordance with the *Corporations Act*,
- to prepare numbered Share Certificates in the name of the member recording the number and type of shares allotted to that member; and
- to execute each Share Certificate in accordance with section 127(1) of the *Corporations Act*.

### Register of option holders

9 The sole director **resolved** to establish, and keep up to date, a register of option holders in accordance with sections 168(1)(b) of the *Corporations Act*.

### Register of debenture holders

10 The sole director **resolved** to establish, and keep up to date, a register of debenture holders in accordance with sections 168(1)(c) of the *Corporations Act*.

### Financial records

11 The sole director **resolved** to do everything necessary to establish, and keep up to date, the financial records of the company, as required by the *Corporations Act*.

### Common seal

12 The sole director **resolved** not to adopt a common seal.

### Records

13 The sole director **resolved** to notify the relevant authorities and update the company's records in relation to the business.

Signed as a true record:

Date: 22 - 6 - 2021

Signed by the sole director of the company in  
accordance with section 248B of the *Corporations*  
*Act*

A handwritten signature in black ink, consisting of a stylized 'J' and 'S' followed by a long horizontal line extending to the right.

John Stefantos

on 22 - 6 - 2021

## Share Certificate for Ordinary Shares

<b>Certificate number</b>	1		
<b>Company name</b>	Stefanatos Pty Ltd	<b>ACN</b>	651 257 493
	The company is registered under the <i>Corporations Act 2001</i> (Cth)		
<b>Registered office</b>	Unit 3 33 Meron Street Southport, QLD 4215		

This certifies that (subject to the company's Constitution) John Stefanatos of Unit 3, 33 Meron Street Southport, QLD 4215 is the registered holder of 12 **Ordinary** shares.

The shares are numbered 1 to 12 inclusive.

The total number of shares under this certificate is 12.

Issued on 22 June 2021.

Signed by



Signature of

John Stefanatos

## Consent to act as Public Officer

Unit 3, 33 Meron Street  
Southport, QLD 4215  
Australia

To the directors

Stefanatos Pty Ltd

ACN 651 257 493

Registered office Unit 3, 33 Meron Street  
Southport, QLD 4215

I consent to act as public officer of Stefanatos Pty Ltd with effect from the date of this consent.

My personal details are as follows:

Full name	John Stefanatos
Former given names and family names (if any)	
Usual residential address	Unit 3, 33 Meron Street Southport, QLD 4215 Australia
Occupation	Director
Date of birth	18-05-1970
Place of birth	Melbourne

Signature:

  
John Stefanatos

Date: 22/06/2021

## Stefanatos Pty Ltd

Unit 3, 33 Meron Street  
Southport, QLD 4215  
(ACN 651 257 493)  
Issued on 22 June 2021

Deputy Commissioner of Taxation  
Australian Taxation Office  
PO Box 3373  
Penrith NSW 2740

Dear Deputy Commissioner:

### Notice of appointment of public officer

In accordance with section 252 of the *Income Tax Assessment Act 1936*, we give notice that John Stefanatos whose date of birth was 18-05-1970 was appointed public officer of Stefanatos Pty Ltd, ACN 651 257 493 on 22 June 2021.

The registered address and address of service of the company and the officer is:

Unit 3, 33 Meron Street  
Southport, QLD 4215

Other documents regarding the ATO's proof of identity requirements in support of this notice are enclosed.

Yours faithfully,

Signed on behalf of Stefanatos Pty Ltd:

Signature: \_\_\_\_\_

Director

Signed by the public officer:

Signature: \_\_\_\_\_

John Stefanatos



## Stefanatos Pty Ltd

ACN 651 257 493

### Register of Members

Register of shares issued to, and transferred by, a shareholder (based on Register of Shares allotted and Register of Shares transferred) (Section 169 *Corporations Act 2001*).

**Name of shareholder, and ACN if applicable:** John Stefanatos

**Address:** Unit 3, 33 Meron Street Southport, QLD 4215

Date	Allotment or transfer	Class of share	Certificate number	Serial numbers (from and to)	Shares acquired	Shares transferred	Balance held	Amount paid per share	Amount unpaid per share
22/06/2021	Allotment	Ordinary	1	1 to 12	12	-		1.00	0.00







## The Stefanatos Superannuation Fund (Fund)

### Death Benefit Agreement

- This Agreement, executed as a deed, is between the Fund's trustee listed below and the Fund's member listed below.
- This Agreement is an addition to the "Superannuation Trust Deed for a Self-Managed Fund" for the Fund (**Deed**). It has effect in the way described in Part H of that Deed. This Agreement is not a binding death benefit notice given in accordance with regulation 6.17A of the *Superannuation Industry (Supervision) Regulations*. Therefore:
  - 1 it continues in force until amended or terminated; and
  - 2 it does not end after 3 years as binding death benefit notices are required to do by the law.
- On execution, this Agreement forms part of the Deed.
- If at the time of the member's death the member is a retirement phase recipient of a superannuation income stream, then the member directs the trustee that 100% of that income stream will automatically revert to Nareekul Promla.
- In respect of any member death benefits not paid by operation of the previous clause, the member directs the trustee that, on the member's death, the persons named in the following table are to receive the proportion specified in that table of any benefit that is payable and in the form specified:

Person	Relationship to member	Proportion of death benefit	Form of benefit
Nareekul Promla	Partner	100%	as a lump sum cash payment
Total (which must total 100%)		100%	

- If every person named in the table above predeceases the member, then the member directs the trustee to pay the member's benefit in accordance with Part H of the Deed.
- The trustee consents to acting on this direction as evidenced by it executing this Agreement.
- If the member's death benefit is paid to the member's legal personal representative in accordance with this Agreement, then the member directs the representative to apply the funds for the sole benefit of the member's estate.
- If compliance with superannuation law prevents any part of the benefit being paid to the named persons then that part of the benefit will be dealt with under Part H of the Deed.
- The parties agree that:



- 1 the member may terminate this Agreement by serving a notice terminating the Agreement on the trustee;
  - 2 this Agreement may be replaced by the trustee and the member executing a later death benefit agreement at which time this Agreement terminates; and
  - 3 this Agreement is not terminated, varied or otherwise affected by any variation to the Fund's Deed from time to time, unless the trustee and the member expressly agree to the contrary.
- The details of the trustee are:
    - 1 Trustee Company Name: Stefanatos Pty Ltd
    - 2 Trustee ACN: 651257493
    - 3 Trustee's Address: Unit 3  
33 Meron Street  
Southport, QLD 4215
  - The member's name is: John Stefanatos of Unit 3  
33 Meron Street  
Southport, QLD 4215

## Definitions

**Pension dependant** means a person who satisfies the requirements of r6.21(2A) of the *Superannuation Industry (Supervision) Regulations 1994*.

**Retirement phase recipient** has the meaning given to that term in the Tax Act.

Superannuation income stream has the meaning given to that term in the Tax Act.

**Tax Act** means the *Income Tax Assessment Act 1936* or the *Income Tax Assessment Act 1997*, as appropriate, and the regulations made under the relevant Act.

**Executed by the parties as a deed:**


Dated: 22. 6. 2021.






Signed sealed and delivered by  
John Stefanatos  
in the capacity of member in the presence of:

B. Jeisman  
Signature of witness

  
Signature of individual

BECKY JEISMAN  
Name of witness (please print)

Executed by  
Stefanatos Pty Ltd ACN 651257493, in its  
capacity as trustee, in accordance with  
section 127(1) of the *Corporations Act 2001*  
(Cwth):

  
John Stefanatos, director

  
John Stefanatos, company secretary

**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:

- the above form of **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.

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## The Stefanatos Superannuation Fund

### 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:

22. 6. 2021.

Signed:



John Stefanatos

**Director of the Trustee**

**The Stefanatos Superannuation Fund**

**Consent to Appointment as Director of the Trustee**

I consent to being appointed a director of the trustee of the The Stefanatos Superannuation Fund.

Date: 22. 6. 2021.

Signed: \_\_\_\_\_

John Stefanatos

## Application to become a Member

This Application Form contains 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	John Stefantos
Applicant address	Unit 3 33 Meron Street, Southport QLD 4215
Applicant occupation	Director
Date of birth	18 May 1970
Applicant place of birth	Melbourne, VIC, Australia

## Part 2 Death benefit arrangements

In a separate document, I have entered into a Death Benefit Agreement with the trustee.

### 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 The Stefanatos Superannuation Fund.

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

My TFN is 147731157.

Date: 22. 6. 2021

Signed:   
John Stefanatos

## The Stefanatos Superannuation Fund (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 The Stefanatos Superannuation Fund.

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: John Stefanatos

Date: 22 . 6 . 2021 .

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

I, John Stefanatos (member name), by signing this form, consent to the rollover of my benefits into the **The Stefanatos Superannuation Fund**.

Signature of Member: 

Date: 22 - 6 - 2021 .







## The Stefanatos Superannuation Fund

### Minutes of the Initial Meeting of the Director of the Trustee of the The Stefanatos Superannuation Fund

Venue	Oxenford
Date	22 June 2021
Present	John Stefanatos
Chair	John Stefanatos

#### Establishment of the The Stefanatos Superannuation Fund

- 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 The Stefanatos Superannuation Fund 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:  
John Stefanatos

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:**

- Orange Partners Pty Ltd be appointed fund accountant and be the contact address for the fund.

**Fund bank account**

7 **Resolved unanimously that:**

- a bank account named the The Stefanatos Superannuation Fund 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:**

- Super Audits 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:

  
John Stefanatos

Date:

22. 6. 2021



# The Stefanatos Superannuation Fund

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

<b>Venue</b>	Oxenford
<b>Date</b>	22 June 2021
<b>Present</b>	John Stefanatos
<b>Chair</b>	John Stefanatos

### 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:   
John Stefanos

Date: 22. 6. 2021.

# The Stefanatos Superannuation Fund

## 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.

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Handwritten notes in the top middle section, including the number "10" and some illegible scribbles.

Handwritten notes in the top right corner, including the number "10" and some illegible scribbles.

Date	Description	Debit	Credit
10/1/19	...	...	...
10/2/19	...	...	...
10/3/19	...	...	...
10/4/19	...	...	...
10/5/19	...	...	...
10/6/19	...	...	...
10/7/19	...	...	...
10/8/19	...	...	...
10/9/19	...	...	...
10/10/19	...	...	...
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10/26/19	...	...	...
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10/28/19	...	...	...
10/29/19	...	...	...
10/30/19	...	...	...
10/31/19	...	...	...

# **Superannuation Trust Deed for a Self- Managed Fund**

for

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## **The Stefanatos Superannuation Fund**

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Orange Partners  
Lvl 1  
26 Michigan Drive  
Oxenford QLD 4210  
Tel: 56881383  
[hello@orangepartners.com.au](mailto:hello@orangepartners.com.au)  
[orangepartners.com.au](http://orangepartners.com.au)

Maddocks Lawyers  
Tel: 1300 307 343  
(c/- Cleardocs)  
[info@maddocks.com.au](mailto:info@maddocks.com.au)  
[www.maddocks.com.au](http://www.maddocks.com.au)

**Execution**

Executed as a deed.

Dated: 22. 6. 2021.

Executed by  
Stefanatos Pty Ltd ACN 651257493, in its  
capacity as trustee, in accordance with  
section 127(1) of the *Corporations Act 2001*  
(Cwth):



John Stefanatos, director



John Stefanatos, company secretary



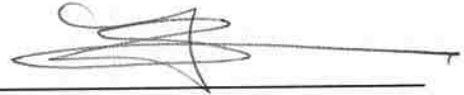


**Signed sealed and delivered**

by John Stefanatos in the capacity of principal  
in the presence of:

B. Jersman

Signature of witness



Signature of individual

Becky Jersman

Name of witness (please print)

Signed sealed and delivered by John  
Stefantos, in the capacity of member, in the  
presence of:

B. Jersman

Signature of witness



Signature of individual

Becky Jersman

Name of witness (please print)