



## Self managed super fund trustee declaration

I understand that as a director of STUART NESBITT HOLDINGS PTY LIMITED the corporate trustee of STUART NESBITT SUPERANNUATION SCHEME

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.

If I do not comply with the legislation, the Commissioner may take the following actions:

- Impose administrative penalties on me

- 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 resulting in a significant tax penalty on the fund, and

- Prosecute me under the law, resulting in fines or imprisonment.

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.

### **Sole Purpose**

I understand it is my responsibility to ensure the fund is maintained for the purpose of providing benefits to its members upon their retirement (or attainment of a certain age) or their beneficiaries if a member dies.

### **Trustee Duties**

I understand that by law I must:

- 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 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)

- Not enter 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

- Prepare and implement an investment strategy that takes the whole of the fund's circumstances into account, which includes, but is 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, and

  - the liquidity of the fund's investments having regard to the fund's expected cash flow requirements in discharging its existing and prospective liabilities.

- 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, and

  - the members' benefit entitlements.

### **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 the following:

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 listed securities, business real property or managed funds) for the fund from members or associates or other related parties of the fund

Borrowing money (or maintaining an existing borrowing) on behalf of the fund and having more than 5% of the fund's total assets at any time of the year as loans to, or investments in, related parties of the fund (including trusts) and assets subject to a lease or lease arrangement between the trustee and a member, relative or other related party (these assets are in-house assets), and

Entering into investments on behalf of the fund that are not made or maintained on an arm's length (commercial) basis, ensuring that the purchase or sale price of the fund's assets reflect market value.

### **Accepting contributions and paying a benefit**

I understand that I can only accept contributions and pay benefits (pensions or lump sums) to members or their beneficiaries when the conditions specified in the law and the fund's governing rules (including its trust deed) have been met.

### **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, and  
all trustee declarations.

Ensure that the following are prepared and retained for at least 5 years

a statement of financial position

an operating statement, and

accounts and statements that correctly record and explain the transactions and financial position of the fund.

Notify the tax office within 28 days of any changes in trustees, directors of the corporate trustee or members of the fund  
fund name

details of the contact person, contact phone and facsimile numbers, and  
the postal address, registered address, or address for service of notices for the fund.

Notify the tax office in writing as soon as practicable (not later than 28 days) after becoming aware that the fund has ceased to be a self managed superannuation fund or ceased to exist

Ensure that an approved auditor is appointed to audit the fund for each income year and provide that auditor with documents as requested, and

Lodge the fund's annual return by the due date.

**Declaration**

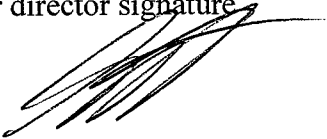
By signing this declaration I acknowledge that I understand my duties and responsibilities as a director of STUART NESBITT HOLDINGS PTY LIMITED the corporate trustee of STUART NESBITT SUPERANNUATION SCHEME. I understand that:

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, and

I may have to make this document available for inspection by a member of staff of the tax office and if I fail to do this, penalties may apply.

Trustee or director signature

Sign >>



date 8 December 2020

Trustee or director name  
STUART NESBITT

Witness' signature

Sign >>



date 8 December 2020

Witness' name (witness must be over the age of 18 years)

The Trustees,  
STUART NESBITT SUPERANNUATION SCHEME,  
2/28-30 OATLAND ESPLANADE  
RUNAWAY BAY QLD 4216

### Trustee Standards

I am a director of STUART NESBITT HOLDINGS PTY LIMITED, and confirm my consent to act as director of the Superannuation Fund's Trustee,

I declare that I am not a Disqualified Person under the Superannuation Industry (Supervision) Act ("SIS"), I have never been convicted of a dishonest conduct offence, no civil penalty order has been made against me and I am not an insolvent under administration.

I further declare that STUART NESBITT HOLDINGS PTY LIMITED is a Constitutional Corporation under SIS and is eligible to act as Trustee.

I am aware that my duties as director of STUART NESBITT HOLDINGS PTY LIMITED in its capacity as Trustee to the STUART NESBITT SUPERANNUATION SCHEME as set out in S.52 of the SIS Act as compulsory covenants are to:-

- act honestly,
- exercise care, skill & diligence,
- always act in the best interests of the beneficiaries of the fund,
- keep Fund assets separate from my own assets,
- formulate an investment strategy,
- allow beneficiaries access to prescribed information,
- not do anything that would prevent the Trustee from properly performing its duties.

and that other requirements of the SIS Act generally are to:

- maintain accurate accounting records,
- lodge an annual return with the ATO,
- notify the ATO of any adverse events,

comply with the vesting and preservation rules and other operating standards which include the restrictions on;

- acquiring assets from members,
- borrowings, other than for payment of benefits,
- lending money to members,
- making payments to STUART NESBITT HOLDINGS PTY LIMITED or any of its associated entities.

Sign >>



STUART NESBITT

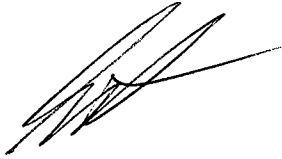
date 8 December 2020

The Trustees,  
STUART NESBITT SUPERANNUATION SCHEME,  
2/28-30 OATLAND ESPLANADE  
RUNAWAY BAY QLD 4216

**Trustee's Consent**

I the sole director of STUART NESBITT HOLDINGS PTY LIMITED, confirm that by resolution, STUART NESBITT HOLDINGS PTY LIMITED confirmed its consent to act as Trustee to STUART NESBITT SUPERANNUATION SCHEME.

Sign >>



STUART NESBITT

date 8 December 2020



**Memorandum Of A Resolution Of Directors Of STUART NESBITT HOLDINGS PTY LIMITED as Corporate Trustee of STUART NESBITT SUPERANNUATION SCHEME**

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**Distribution of Investment Income**

The Trustees considered the distribution of investment income to the members for the year and consider that the distribution has been made in accordance with Reg 5.03 of the SISR

The sole director of STUART NESBITT HOLDINGS PTY LIMITED at this date (8 December 2020), hereby confirms and adopts the above resolution of the company

Sign >>



STUART NESBITT

**Memorandum Of A Resolution Of Directors Of STUART NESBITT HOLDINGS PTY LIMITED as Corporate Trustee of STUART NESBITT SUPERANNUATION SCHEME**

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**Resolution**

It was resolved that the company will continue to act as Trustee to the STUART NESBITT SUPERANNUATION SCHEME and that a letter confirming this resolution should be sent to that Fund

The sole director of STUART NESBITT HOLDINGS PTY LIMITED at this date (8 December 2020), hereby confirms and adopts the above resolution of the company

Sign >>



STUART NESBITT



**Memorandum Of A Resolution Of Directors Of STUART NESBITT HOLDINGS PTY LIMITED as Corporate Trustee of STUART NESBITT SUPERANNUATION SCHEME**

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**Investment Policy**

The Fund's investment policy was reviewed and adopted as current

In adopting the investment strategy the Trustee has had regard to the following

that the purpose of the Fund is to provide retirement benefits to members and their dependants

the value of the Fund, and the amounts available for investing

the age of the Fund's members the Fund's time horizon and its ability to discharge existing and prospective liabilities

the members' risk tolerances

that while the Fund will seek to minimise investment risk by appropriate diversification across the range of asset classes over the full term of the Fund in the shorter period a significant exposure to one class of investment will be unavoidable

that the Fund is likely to secure higher long term returns while limiting variability by maintaining high exposure to one class of investment which then is consistent with the investment objectives.

that monitoring policies need to be implemented to measure the performances of individual assets and classes against suitable indices and benchmarks and to assess returns against those achieved by similar funds and to regularly balance the asset portfolio as a result of adjustments in market conditions

The investment policy is formulated upon the following primary rules

the Fund will not lend money or give any other financial assistance to STUART NESBITT or to a member or relative of STUART NESBITT

the Fund will not intentionally acquire an asset from STUART NESBITT or from a member or relative of STUART NESBITT or unless it is either "cash" or a listed public security with a readily determined market value

the Fund will not borrow or maintain an existing borrowing of money unless it is a Limited Recourse Borrowing Arrangement

the Fund will not make a loan to STUART NESBITT HOLDINGS PTY LIMITED or an associate of STUART NESBITT HOLDINGS PTY LIMITED

all investments and dealings by the Fund will be on an arms length basis

the Trustee will identify parties in dealings to ensure that all of these requirements are complied with fully and at all times

**Trustee Representation Letter**

The Trustee resolved to sign the representation letter and send it to the auditor

**Auditors Engagement Letter**

The Auditor, Tony Boys, has send an engagement letter to the Trustee

The Trustee has resolved to sign and return the engagement letter to the auditor

The sole director of STUART NESBITT HOLDINGS PTY LIMITED at this date (8 December 2020), hereby confirms and adopts the above resolution of the company

Sign >>



STUART NESBITT

**Memorandum of a Resolution of Directors of STUART NESBITT HOLDINGS PTY LIMITED as Trustee of the STUART NESBITT SUPERANNUATION SCHEME**

**Valuation of Assets** The Trustees are is required by Regulation 8.02B of the SI(S) Regulations to use market value reporting for the financial statements and that the valuation be supported by objective and supportable date and that the valuation methodology should be capable of being explained to a third party

**Valuation Methodology** The Trustees have has confirmed that all the assets of the Fund have been reviewed in accordance with the ATO valuation guidelines for self-managed superannuation funds and are reported in the accounts at the market value


The sole director of STUART NESBITT HOLDINGS PTY LIMITED at this date, (8 December 2020) hereby confirms and adopts the above resolution of the company

  
.....  
STUART NESBITT

**Memorandum Of A Resolution Of Directors Of STUART NESBITT HOLDINGS PTY LIMITED as Corporate Trustee of STUART NESBITT SUPERANNUATION SCHEME**

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<p><b>Trustees Annual Review</b></p>	<p>The Directors having completed a detailed review of the Fund's operations for the year determined that the Fund has complied with all ATO regulations and requirements</p> <p>the sole purpose of the Fund is to provide superannuation benefits for members retirement</p> <p>the Trustee is a constitutional corporation and the Fund has lodged a "regulation election"</p> <p>the Fund has an Investment Policy &amp; Strategy that the Trustees check every time an investment is either purchased or sold to ensure that the Policy &amp; Strategy is strictly complied with.</p> <p>This Policy &amp; Strategy requires that</p> <ul style="list-style-type: none"> <li>- no loans are made to members</li> <li>- investments are made on an arms length basis.</li> <li>- the Fund is not permitted to make a loan to, or invest in STUART NESBITT HOLDINGS PTY LIMITED or any associate of STUART NESBITT HOLDINGS PTY LIMITED</li> <li>- assets are not acquired from a member</li> </ul> <p>all member balances are fully vested in the member and preserved to the normal retiring age</p> <p>contributions have only been accepted in accordance with the Regulations</p> <p>the Fund has not borrowed any monies or maintained an existing borrowing of money and no assets of the Fund have been charged or used as security of any kind.</p> <p>there has not been any event having a significant effect on the financial position of the Fund and that all disclosure and reporting requirements have been met.</p> <p>It was resolved that a statement to this effect be signed by all director on behalf of the trustees and delivered to the Auditor.</p> <p>It was acknowledged that this statement would be used by the Auditor as a basis of preparing a report to the members of the Fund and to the ATO</p>
<p><b>Review of Investment Strategy</b></p>	<p>The Trustees tabled the investment strategy. This investment strategy was considered satisfactory given the ability of the Fund to discharge its debts and prospective liabilities having regard to its expected</p>

	cashflow requirements. The Trustees are satisfied that the investment strategy requires no modification or adaptation at this time.
<b>Contribution and Income</b>	The Trustees allocated contributions to members on the basis of the information provided by the employer, and resolved to allocate the net income of the Fund to members based on daily balances
	<p>The sole director of STUART NESBITT HOLDINGS PTY LIMITED at this date, (8 December 2020), hereby confirms and adopts the above resolution of the company</p> <p>Sign &gt;&gt;</p> <div style="text-align: center;">   STUART NESBITT </div>

Tony Boys

Dear Tony

**STUART NESBITT SUPERANNUATION SCHEME**  
**2020 Annual Audit**

The Trustees having completed a detailed review of the Fund's operations for the year have resolved to confirm to you that

- a) the Fund has met the definition of Australian Superannuation Fund and has complied with all ATO and SI(S) regulations and requirements
- b) the assets of the Fund have been kept separately from the assets of the Trustee the employer sponsor or any associate of the employer sponsor
- c) the Trustee has not entered into any contract or done anything else that would prevent it from properly performing or exercising its functions and powers
- d) the sole purpose of the Fund is to provide superannuation benefits for members retirement
- e) the Trustee is a constitutional corporation and the Fund has lodged an election to be regulated by the ATO and no disqualified person acts as a director of the Trustee company and all directors are members of the Fund and no director has received any remuneration directly or indirectly in relation to their duties as trustee
- f) the Fund has an Investment Policy & Strategy that the Trustees check every time an investment is either purchased or sold to ensure that the Policy is strictly complied with. This Policy & Strategy requires that
  - no loans are made to members
  - investments are made on an arm's length basis.
  - the Fund is not permitted to make a loan to, or invest in STUART NESBITT HOLDINGS PTY LIMITED
  - assets are not acquired from a member
  - all assets actually exist and the Fund has satisfactory title to all assets
- g) all member balances are fully vested in the member and preserved to the normal retiring age
  - the trustees will not allow an assignment of a members interest
  - the trustee has not given any charge over any members interest
- h) contributions have only been accepted in accordance with the Regulations and are reported correctly
- i) the Fund has not borrowed any monies or maintained an existing borrowing of money and no assets of the Fund have been charged or used as security of any kind unless it was a LRBA
- j) all accounts minutes and reports to members have been held from the commencement of the fund and all statutory records accounting records and related data for the Fund have been made available
- k) there has not been any event before or subsequent to the date of the financial statements having a significant effect on the financial position of the Fund and that all disclosure and reporting requirements have been met.

All the directors of STUART NESBITT HOLDINGS PTY LIMITED at this date, 8 December 2020, hereby confirm that to the best of their knowledge and belief the above statements are true and correct and that this statement has been signed in accordance with a resolution accepted by all directors.

Sign here >>



STUART NESBITT

8 December 2020

Dear Tony

***STUART NESBITT SUPERANNUATION SCHEME***  
***2020 Annual Audit***

With respect to the audit of the financial statements of the above mentioned fund for the year ended stated, the following representations are made which are true and correct to the best of my (our) knowledge and belief that will address the necessary compliance requirements of the *Superannuation Industry (Supervision) Act 1993*.

**Preparation of the ATO Income Tax & Regulatory Return**

The information disclosed in the annual return is complete and accurate.

**Sole Purpose of the Fund**

The sole purpose of the Fund is to provide retirement and/or death benefits to its members and/or beneficiaries.

**Accounting Policies**

All the significant accounting policies of the Fund are adequately described in the Financial Statements and the Notes thereto. These policies are consistently applied unless specifically noted in the Financial Statements and Notes.

**Fund Books/Records/Minutes**

All financial books, records and relevant material relating to the transactions and activities of the Fund have been made available to you, including minutes of the Trustees' meetings, the Trust Deed (as amended) and the Rules of the Fund. The Financial Statements accurately disclose the Revenue and Expenses and the full extent of the Assets and Liabilities of the Fund.

**Asset Form**

The assets of the Fund are being held in an acceptable form suitable for the benefit of the members of the Fund, and have been stated at their net market value.

**Ownership and Pledging of Assets**

The Fund has satisfactory title to all assets shown in the Financial Statements

Investments are registered in the name of STUART NESBITT SUPERANNUATION SCHEME

No assets of the Fund have been pledged to secure liabilities of the Fund or of any other fund or entity.

**Investments**

Investments are carried in the books at their net market value.

Amounts stated are considered reasonable in the current market condition, and there has not been any permanent diminution in their value below the amounts recorded in the Financial Statements.

There are no commitments, fixed or contingent, for the purchase or sale of long term investments.

Investment transactions and investments held are in accordance with the Investment Strategy, which has been determined with due regard to risk, return, liquidity and diversity.

The Trustee(s) have complied with all the Investment Standards stipulated in the Regulations relating to the SIS Act as amended.

### **Trust Deed Amendments**

All amendments (if any) to the Trust Deed were made in order for the Fund to comply with the SIS Act, Regulations and any other applicable legislation relating to the operation and governance of the Fund.

### **Governing Rules**

The Fund is being conducted in accordance with its Trust Deed and Governing Rules.

### **Legislative Requirements**

The Fund is being conducted in accordance with the *Superannuation Industry (Supervision) Act 1993*, and the Regulations of the said Act. Including minimum pension payments to members entitled to receive a pension.

### **Contributions**

The Trustees confirm the contributions, if any, received by the fund are within the limits imposed by the legislation, taking into account contributions paid by the members to other superannuation funds. Correspondence from the member(s) has been received and recorded by the trustees for all contributions from the member(s).

### **Use of Assets**

All assets of the Fund have been acquired and used for the sole purpose of generating retirement benefits in accordance with the *Superannuation Industry (Supervision) Act 1993*, the Trust Deed of the Fund and the Investment Strategy of the Fund.

### **Pension Payments and Withdrawal of Funds**

All pension payments (if any) and all withdrawal of funds from the accounts of the Fund have been made in accordance with statutory limitations imposed by legislation governing the Fund and all withdrawals of funds have been in accordance with the *Superannuation (Supervision) Act 1993*.

### **Trustee Responsibilities**

The Trustees are aware of their responsibilities and obligations to the Members and the various regulatory bodies that govern, administer and enforce respective applicable legislation.

### **Trustee Covenants**

The Trustee(s) have complied with all the Trustee Covenants set out in section 52 of the *Superannuation (Supervision) Act 1993*.

### **Legal Matters**

The Trustees confirm you have been advised of all significant legal matters, and that the probability of any material revenue or expenses arising from such legal matters has been adequately accounted for, and been appropriately disclosed in the financial report.

### **Related Parties**

All related party transactions have been brought to your attention.

### **Disqualified person not to act as a Trustee**

There is no reason why any Trustee should be prohibited from acting as a Trustee of this Superannuation Fund.

### **Information to Members**

Information relating to the transactions and activities of the Fund has been supplied in a timely manner.



**Meetings**

Meetings have been conducted in accordance with the Trust Deed and the requirements of the SIS Act. Resolutions and issues on which the Trustee(s) have voted, or on which they were required to vote have been passed by at least a 2/3rds majority of the Trustees.

**Subsequent Events**

Since the end of the financial year stated in the Financial Statements till the date of this letter, there have been no events or transactions that would have a material effect upon the Fund either financially or operationally

Sign here >>



STUART NESBITT

**Memorandum Of A Resolution Of Directors Of STUART NESBITT HOLDINGS PTY LIMITED as Corporate Trustee of STUART NESBITT SUPERANNUATION SCHEME**

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**Trustees Statement** It was resolved that, in the opinion of the trustee, the Fund has complied with all ATO regulations and that that a statement to this effect be signed by the sole director on behalf of the trustee and attached to the ATO return

**Trustees Declaration** A draft 2020 trustees' declaration was received. It was resolved that the declaration be approved, signed by the sole director on behalf of the trustee and attached to the accounts.

**Auditors Report** The draft 2020 Auditors' report was received. It was noted that the Auditors' report would be signed and included in the accounts.

**Financial Accounts** A draft 2020 financial report was received. It was resolved to approve the accounts and to distribute them to members

**Trustee Consent** It was resolved that the company will continue to act as Trustee to the Fund and that a letter confirming this should be sent to the Fund.

The sole director of STUART NESBITT HOLDINGS PTY LIMITED at this date, 8 December 2020, hereby confirms and adopts the above resolution of the company

Sign >>



STUART NESBITT

**STUART NESBITT SUPERANNUATION SCHEME**  
**TRUSTEE: STUART NESBITT HOLDINGS PTY LIMITED**  
**ACN:**  
**TRUSTEES DECLARATION**

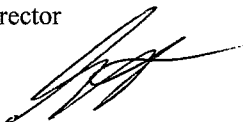
The directors of the trustee company have determined that the fund is not a reporting entity and that the special purpose financial statements should be prepared in accordance with the accounting policies described in Note 1 to the financial statements.

In the opinion of the directors of the trustee company:

- (i) the financial statements and notes to the financial statements for the year ended 30 June 2020 present fairly, in all material respects, the financial position of the superannuation fund at 30 June 2020 and the results of its operations for the year then ended in accordance with the accounting policies described in Note 1 to the financial statements;
- (ii) the financial statements and notes to the financial statements have been prepared in accordance with the requirements of the trust deed; and
- (iii) the operation of the superannuation fund has been carried out in accordance with its trust deed and in compliance with the requirements of the Superannuation Industry (Supervision) Act 1993 and associated Regulations during the year ended 30 June 2020.

Signed in accordance with a resolution of the directors of the trustee company by:

STUART NESBITT  
STUART NESBITT HOLDINGS PTY LIMITED  
Director



STUART NESBITT HOLDINGS PTY LIMITED  
Director

DATED 8 December 2020

