



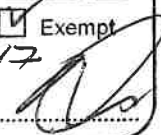
COOPER GRACE WARD
LAWYERS

Change of trustee deed K C Ward Superannuation Fund

Change of trustee deed

Parties

Continuing Trustee Jean Ward
New Trustee Suellen Jean Hansen
Member Jean Ward

Client No:	4380432	Duties Act 2001
Assessment No:	522-751-122	
Duty Paid \$	NIL	<input checked="" type="checkbox"/> Exempt
UTI \$	NIL	3/1/7
Date:	05/11/2021	Signed: 

Background

- A. The Continuing Trustee and Kelvin Charles Ward were the trustees of the Fund.
- B. Kelvin Charles Ward died 28 March 2021 and ceased being a trustee.
- C. Clause 14.3 of the Trust Deed allows the member of the Fund to appoint a new trustee of the Fund.

Operative part

1 Appointment

- 1.1 The Member appoints the New Trustee as an additional trustee of the Fund from the date of this deed.
- 1.2 The New Trustee agrees to act as an additional trustee and acknowledges that the Fund is a regulated superannuation fund under the *Superannuation Industry (Supervision) Act 1993* (Cth).
- 1.3 The Continuing Trustee acknowledges the appointment of the New Trustee.

2 Covenants

- 2.1 Subject to the Trust Deed, the New Trustee agrees to discharge any liability incurred by the Continuing Trustee in their capacity as the trustee from the assets of the Fund.
- 2.2 The Continuing Trustee agrees to do anything necessary to transfer legal title of the Fund assets to the New Trustee and the Continuing Trustee and to enable the New Trustee and the Continuing Trustee to carry out their duties as the trustees.

3 General

Construction

- 3.1 In this deed:
 - (a) words in the singular include the plural and vice versa;
 - (b) words indicating any gender indicate the appropriate gender;

- (c) where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings;
- (d) references to any document (including this deed) include references to the document as amended, consolidated, supplemented, novated or replaced;
- (e) a reference to a statute includes a reference to all enactments amending or consolidating the statute and to an enactment substituted for the statute and any subordinate legislation, including regulations;
- (f) the Schedule forms part of this deed; and
- (g) headings are included for convenience only and do not affect interpretation of this deed.

Governing law

- 3.2 This deed will be governed and construed in accordance with the laws of the state or territory of the Commonwealth of Australia in which the deed is executed.

Severability

- 3.3 If any part of this deed is invalid or unenforceable, that part will (if possible) be read down to the extent necessary to avoid the invalidity or unenforceability, or alternatively will be deemed deleted; and this deed will remain otherwise in full force.

No merger

- 3.4 The rights and obligations of the parties contained in this deed will not be extinguished by or upon completion.

4 Definitions

The meanings of the terms used in this deed are set out below.

<i>Term</i>	<i>Meaning</i>
Fund	K C Ward Superannuation Fund, particulars of which are set out in the Schedule
Trust Deed	the trust deed for the Fund, particulars of which are set out in the Schedule

Schedule

The Fund

Item 1	Name of the Fund	K C Ward Superannuation Fund
Item 2	Original trustee	Kelvin Charles Ward and Jean Ward
	Date of Trust Deed	1 June 1987
	Date of establishment	1 June 1987
	Variations and related trust documents	Deed of Variation dated 5 June 1990 Deed of Variation dated 29 June 1992 Deed of Variation dated 10 March 1995 Deed of Variation dated 15 April 1998 Deed of Variation dated 10 May 2007


Signing page

Signed as a deed on the date the last party signed this document

Signed sealed and delivered by **Jean Ward** as Continuing Trustee and Member in the presence of:



Jean Ward



Witness


William John Haines

Name of witness

23/09/2021

Date

Signed sealed and delivered by **Suellen Jean Hansen** as New Trustee in the presence of:



Suellen Jean Hansen



Witness

William John Haines

Name of witness

23/09/2021

Date

OATHS ACT 1867

Statutory Declaration

Change of Trustee

QUEENSLAND
TO WIT

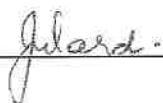
I, Jean Ward of 52 Coolong Street, Mt Gravatt, Queensland, do solemnly and sincerely declare that:

1. I am the continuing trustee of K C Ward Superannuation Fund.
2. A transaction occurred for the purpose of changing the trustee of the Fund.
3. The change of trustee is not part of an arrangement:
 - (a) involving a change in the rights or interest of a beneficiary of the Fund; or
 - (b) terminating the Fund.
4. Transfer duty has been paid on all trust acquisitions and trust surrenders for which transfer duty is imposed for the Fund before the change of trustee.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1867*.

Taken and declared before me at

Jean Ward



A Justice of the Peace/Solicitor/
Commissioner for Declarations¹

William John Haines

Name of witness

23/09/2021

Date



¹ Declarations can be made by:

- (a) a justice of the peace, commissioner for declarations or notary public under the law of the State, the Commonwealth or another state; or
- (b) a lawyer; or
- (c) another person authorised to administer an oath, under the law of the State, the Commonwealth or another State.

OATHS ACT 1867

Statutory Declaration

Change of Trustee

QUEENSLAND
TO WIT


I, Suellen Jean Hansen of 52 Coolong Street, Mt Gravatt, Queensland, do solemnly and sincerely declare that:

5. I am a new trustee of K C Ward Superannuation Fund.
6. A transaction occurred for the purpose of changing the trustee of the Fund.
7. The change of trustee is not part of an arrangement:
 - (a) involving a change in the rights or interest of a beneficiary of the Fund; or
 - (b) terminating the Fund.
8. Transfer duty has been paid on all trust acquisitions and trust surrenders for which transfer duty is imposed for the Fund before the change of trustee.

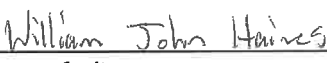
And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1867*.

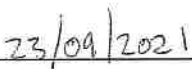
Taken and declared before me at


Suellen Jean Hansen


A Justice of the Peace/Solicitor/
Commissioner for Declarations²




Name of witness


Date

YDT10258937 3450-8704-0534v3

² Declarations can be made by:

- (a) a justice of the peace, commissioner for declarations or notary public under the law of the State, the Commonwealth or another state; or
- (b) a lawyer; or
- (c) another person authorised to administer an oath, under the law of the State, the Commonwealth or another State.

Consent to act and declaration as to status

K C Ward Superannuation Fund

To: The Trustee

1. I consent to my appointment as trustee.
2. I am not a disqualified person as set out in the *Superannuation Industry (Supervision) Act 1993* as:
 - (a) I have not at any time:
 - (i) been convicted of any offence relating to dishonest conduct; or
 - (ii) had a civil penalty order under that Act made against me;
 - (b) I am not an undischarged bankrupt;
 - (i) my property is not subject to control in a bankruptcy context by any person; or
 - (ii) during the last three years I have not entered into any assignment, arrangement or composition with my creditors under any law of any State or any country.
3. I am not aware that any of my fellow trustees is a disqualified person having regard to the criteria set out in paragraph 2.

Dated 23rd September 2021


Suellen Jean Hansen

YDT10258937 3450-8704-0534v3



Self-managed super fund trustee declaration

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

Fund name

K C Ward Superannuation Fund

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

Suellen Jean Hansen

Trustee's or director's signature



Date

Day 23 Month 09 Year 2021

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

William John Haines

Witness' signature




Date

Day 23 Month 09 Year 2021

Trustee declaration

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

 We strongly recommend you undertake a free trustee education course before reading and signing this declaration. For more information visit 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 and search 'news and alerts'.

For more information on free approved trustee education courses visit 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
- 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.