


Trustee declaration

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

 Read this declaration in conjunction with *Key messages for self-managed super fund trustees* at ato.gov.au/smsfessentials



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 been directed to do so by us
- are a legal personal representative who has been appointed as trustee on behalf of:
 - 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.

Information you need to read

Make sure you read *Key messages for self-managed super fund trustees* at ato.gov.au/smsfessentials. It highlights some of the key points from the declaration and some important messages.

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.

We recommend that you keep a copy of your completed declaration and refer to it and the information in *Key messages for self-managed super fund trustees* when making important decisions, such as those relating to choosing investments, accepting contributions and paying benefits.

- ⓘ Do not send your completed declaration to us.

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Self-managed super fund trustee declaration

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

Fund name

PJ Matthews Super Fund

I am responsible for ensuring that the fund complies with the *Superannuation Industry (Supervision) Act 1993* (SISA) and other relevant legislation. The Commissioner of Taxation (the Commissioner) has the authority and responsibility for administering the legislation and enforcing the fund's compliance with the law.

I must keep myself informed of changes to the legislation relevant to the operation of my fund and ensure the trust deed is kept up to date in accordance with the law and the needs of the members.

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

- impose administrative penalties on me
- give me a written direction to rectify any contraventions or undertake a course of education
- enter into agreements with me to rectify any contraventions of the legislation
- disqualify me from being a trustee or director of a corporate trustee of any superannuation fund in the future
- remove the fund's complying status, which may result in significant adverse tax consequences for the fund
- prosecute me under the law, which may result in fines or imprisonment.

Sole purpose

I understand it is my responsibility to ensure the fund is only maintained for the purpose of providing benefits to the members upon their retirement (or attainment of a certain age) or their beneficiaries if a member dies. I understand that I should regularly evaluate whether the fund continues to be the appropriate vehicle to meet this purpose.

Trustee duties

I understand that by law I must at all times:

- act honestly in all matters concerning the fund
- exercise skill, care and diligence in managing the fund
- act in the best interests of all the members of the fund
- ensure that members only access their super benefits if they have met a legitimate condition of release
- refrain from entering into transactions that circumvent restrictions on the payment of benefits
- ensure that my money and other assets are kept separate from the money and other assets of the fund
- take appropriate action to protect the fund's assets (for example, have sufficient evidence of the ownership of fund assets)
- refrain from entering into any contract or do anything that would prevent me from, or hinder me in, properly performing or exercising my functions or powers as a trustee or director of the corporate trustee of the fund
- allow all members of the fund to have access to information and documents as required, including details about
 - the financial situation of the fund
 - the investments of the fund
 - the members' 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:

- lending money of the fund to, or providing financial assistance to, a member of the fund or a member's relative (financial assistance means any assistance that improves the financial position of a person directly or indirectly, including the provision of credit)

- acquiring assets (other than business real property, listed securities, certain in-house assets and acquisitions made under mergers allowed by special determinations or acquisitions as a result of a breakdown of a relationship) for the fund from members or other related parties of the fund
- borrowing money (or maintaining an existing borrowing) on behalf of the fund except in certain limited circumstances (while limited recourse borrowing arrangements are permitted, they can be complex and particular conditions must be met to ensure that legal requirements are not breached)
- having more than 5% of the market value of the fund's total assets at the end of the income year as in-house assets (these are loans to, or investments in, related parties of the fund – including trusts – or assets subject to a lease or lease arrangement between the trustee and a member, relative or other related party)
- entering into investments that are not made or maintained on an arm's length (commercial) basis (this ensures the purchase or sale price of the fund's assets and any earnings from those assets reflects their market value).

Administration

I understand that the trustees of the fund must:

- keep and retain for at least 10 years
 - minutes of all trustee meetings at which matters affecting the fund were considered (this includes investment decisions and decisions to appoint members and trustees)
 - records of all changes of trustees, including directors of the corporate trustee
 - each trustee's consent to be appointed as a trustee of the fund or a director of the corporate trustee
 - all trustee declarations
 - copies of all reports given to members
- ensure that the following are prepared and retained for at least five years
 - an annual statement of the financial position of the fund
 - an annual operating statement
 - copies of all annual returns lodged
 - accounts and statements that accurately record and explain the transactions and financial position of the fund
- appoint an approved 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
- notify the ATO within 28 days of any changes to the
 - membership of the fund, or trustees or directors of the corporate trustee
 - name of the fund
 - contact person and their contact details
 - postal address, registered address or address for service of notices for the fund
- notify the ATO in writing within 28 days if the fund becomes an Australian Prudential Regulation Authority (APRA) regulated fund.

DECLARATION

By signing this declaration I acknowledge that I understand my duties and responsibilities as a trustee or director of the corporate trustee of the self-managed superannuation fund named on this declaration (or if the fund's name changes, that name). I understand that:

- I must ensure this document is retained for at least 10 years or while I remain a trustee or director of the corporate trustee (whichever is longer) and, if I fail to do this, penalties may apply.
- I may have to make this document available for inspection by a member of staff of the ATO and, if I fail to do this, penalties may apply.
- I do not have access to the government's financial assistance program that is available to trustees of APRA regulated funds in the case of financial loss due to fraudulent conduct or theft.

Trustee's or director's name

Peter John Matthews

Trustee's or director's signature

PJ Matthews

Date ¹⁶ ~~05~~ / 05 / 2017

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

Robert Newton Hoarell

Witness' signature

RNH

Date 16/05/2017

**MINUTES OF MEETING OF TRUSTEE
PJ MATTHEWS SUPER FUND**

DATE:	
HELD AT:	19 FAIRPARK RTT, LANDSDALE, WA 6065
CHAIRPERSON:	Peter John Matthews was appointed Chairperson of the meeting.
PRESENT:	Trustee: PJ Matthews Pty Ltd - ACN 619141221 of 19 FAIRPARK RTT, LANDSDALE, WA 6065
BUSINESS:	<p>The Chairperson tabled a motion to establish the administrative platforms and appoint the relevant service providers in respect to the Fund's administration, which Fund shall be known by the name of PJ Matthews Super Fund by:</p> <ol style="list-style-type: none"> 1. applying to become a regulated complying self-managed superannuation fund; 2. applying for an Australian Business Number and a Tax File Number for the Fund; 3. establishing a cash account (such as a cash management trust) or cheque account for the fund as a clearing account for contributions and monies received and benefits and monies paid. Monies need to be deposited into this account as soon as practicable to cater for the running expenses of the Fund; 4. appointing an administrator and/or accountant to the Fund. The administrator and/or accountant's role is to provide information and reports as required under any administration agreement between the Trustee of the Fund and the administrator; 5. appointing an auditor to the Fund. The Superannuation Laws provide that an auditor must be appointed to the Fund on a yearly basis to provide an assessment of the Fund's compliance with the Superannuation Laws. The appointment should be in writing and evidenced by a Trustee minute to appoint an auditor. <p>IT WAS UNANIMOUSLY RESOLVED by all present that the Trustee will complete the following:</p> <ol style="list-style-type: none"> 1. establish a cash account and deposit funds in the account to be held in the name of the Trustee; 2. notify the ATO of the Fund's intent to become a regulated self-

	<p>managed superannuation fund as well as completing ABN and TFN forms to be filed with the ATO;</p> <ol style="list-style-type: none">3. formulate and implement an investment strategy of the Fund in accordance with section 52(2)(f) of the <i>Superannuation Industry (Supervision) Act 1993 (Cth)</i> and the <i>Superannuation Industry (Supervision) Regulations 1994 (Cth)</i>;4. appoint relevant professionals including, where required, an accountant, administrator, auditor, SMSF expert, SMSF investment expert and any other professional; and5. accept Peter John Matthews as initial Member of the Fund.
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CLOSURE: There being no further business, the meeting was closed.

Signed by the Chairperson as a record of the matters above resolved:



Peter John Matthews

Dated: 16/05/2017.

**APPLICATION FOR MEMBERSHIP FORM
PJ MATTHEWS SUPER FUND**

Member Name: Peter John Matthews
Residential address: 19 FAIRPARK RTT, LANDSDALE, WA 6065
Date of birth: 04 November 1960
TFN: 143 365 492

I apply to for membership with the Fund, and warrant as follows as a condition of my application:

1. I am not bankrupt.
2. I agree to act as a Natural Person Trustee, or as a Director of a Corporate Trustee, and in this capacity to act in accordance with the terms of the Governing Rules of the Fund, Special Rules of the Fund and the Superannuation Laws.
3. I acknowledge that the defined terms contained in this Application for Membership are identical to those used in the trust deed governing the Fund, and that I have had the opportunity to read and consider the Governing Rules of the Fund.
4. I have also had the opportunity to meet with legal, financial and accounting advisors, and am satisfied that membership in the Fund is appropriate to my circumstances and needs.
5. I understand that if I am accepted as a member, my membership may be subject to restrictions and/or classifications.
6. I understand that I may only contribute to the Fund if I am eligible under the Superannuation Laws to do so, and this includes any contributions made by other parties on my behalf.
7. I understand that membership in a SMSF carries with it risks, including but not limited to risks associated with disagreement with other members, liquidity and investment risk, and such other risks which follow the nature of a SMSF arrangement.
8. I acknowledge the Trustee is not and will not be liable for any loss suffered as a result of transactions being delayed or frozen.
9. I agree that, unless I provide notice to the Trustee in writing, I do not require any insurance to be held within the Fund in respect of me.
10. I undertake to provide any relevant information or documentary evidence to the Trustee and agree to submit to health and medical tests as and when requested by the Trustee.
11. I acknowledge the Trustee may collect my personal identification documents (as shown in Section Two) and Tax File Number (TFN), which will be treated as confidential in accordance with the *Privacy Act 1988 (Cth)* (**Privacy Legislation**) and will only be used for legal purposes (such as identifying and locating my Superannuation Interests, and calculating tax on any eligible termination payment I may be entitled to receive).
12. I agree to provide the Trustee with my TFN. I authorise the Trustee to provide my TFN to any other Superannuation Fund in which my Superannuation Interest may be transferred to and/or to the ATO.

13. I authorise the Trustee to retain and store information on my behalf despite any provision to the contrary in any Privacy Legislation.
14. I agree, if required, to complete any documentation which the Trustee may require, including a Binding Death Benefit Nomination, Substitute Decision-Maker Nomination, Default Superannuation Fund Nomination, and alike. I understand that it is beneficial to all members of the Fund to record my Nominations, so as to limit the opportunity and/or likelihood of disputes and other costs to the Fund associated with misunderstandings.
15. I understand that if I become a bankrupt person or subject to a Mandatory Transfer Event, the Trustee may, but is not required unless the Superannuation Laws prescribed, Roll-over my Superannuation Interests to any other Eligible Entity. If I have made a Default Superannuation Fund Nomination, then my Trustee will have regard to such Nominations. I also understand that the Trustee may not seek my consent in rolling over my Superannuation Interests in the event I am bankrupt or subject to a Mandatory Transfer Event.
16. I understand if I can make a Binding Death Benefit Nomination and/or SMSF Will, the Nomination may not be effected if I have nominated a person who is not eligible to receive the benefit under the Superannuation Laws, if I have made direction in respect to an Asset of the Fund which is not quarantined to my Superannuation Interest and/or I make a direction which threatens the solvency and/or SMSF Complying status of the Fund. I understand that it is best practice to disclose my Binding Death Benefit Nomination and/or SMSF to the Trustee and for the Trustee to obtain legal, financial and/or accounting advice to ascertain if the Nomination is lawful. I understand that the Trustee has no obligation to obtain advice, and it is therefore important that I obtain independent advice and consult with the Trustee. I understand that the Fund has limited membership and onerous terms (such as complicated Conditions of Release of Benefits and cascading provisions) may not be appropriate or agreeable. If I wish to include complicated provisions or attempt to quarantine a Fund Asset to pay a benefit from my Superannuation Interests, that it is best that I seek Trustee consent before making such provisions in my Binding Death Benefit Nomination and/or SMSF Will.
17. I declare that the information I provide to the Trustee is true and correct. I acknowledge it is my responsibility to inform the Trustee of any error or changes regarding these matters.



Peter John Matthews

Dated: 16/05/2017.