

CONSENT TO ACT AS TRUSTEE

FITZSIMONS FAMILY SUPERANNUATION FUND

I, **Trevor James Fitzsimons** consent to act as a trustee of the **FITZSIMONS FAMILY SUPERANNUATION FUND** and furthermore I;


1. Agree to be bound by the terms of the Trust Deed dated **23 August 1999** establishing the Fund and any variations to that Deed.
2. Declare that I have not at any time been convicted of an offence against or arising out of a law of the Commonwealth, a State, a Territory or a foreign country, being an offence in respect of dishonest conduct:
3. Declare that I have not at any time had a civil penalty order under the *Superannuation Industry (Supervision) Act 1993* ('**SIS Act**') made in relation to me;
4. Declare that I am not an insolvent under administration for the purposes of the SIS Act;
5. Undertake that if, while I am a trustee of the **FITZSIMONS FAMILY SUPERANNUATION FUND**, I:
 - (a) am convicted of an offence of the type described in paragraph 1;
 - (b) have a civil penalty order made in relation to me; or
 - (c) become an insolvent under administration;

I will immediately notify the other trustees of the Fund and will immediately resign from my position as a trustee.

Dated

22ND MAY

2005

TJF

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Note: For the purposes of this consent/declaration, 'insolvent under administration' means a person who:

- (a) under the *Bankruptcy Act 1966* or the law of an external Territory, is a bankrupt in respect of a bankruptcy from which the person has not been discharged; or
- (b) under the law of a country other than Australia or the law of an external Territory, has the status of an undischarged bankrupt;

and includes:

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- (c) a person any of whose property is subject to control under:
 - (i) section 50 or 188 of the *Bankruptcy Act 1966*; or
 - (ii) a corresponding provision of the law of an external Territory or the law of a foreign country; or
- (d) a person who has, at any time during the preceding 3 years, executed a deed of assignment or a deed of arrangement under:
 - (i) Part X of the *Bankruptcy Act 1966*; or
 - (ii) the corresponding provisions of the law of an external Territory or the law of a foreign country; or
- (e) a person whose creditors have, within the preceding 3 years, accepted a composition under:
 - (i) Part X of the *Bankruptcy Act 1966*; or
 - (ii) the corresponding provisions of the law of an external Territory or the law of a foreign country

Initials
N.J.