

1.3 Trustee Resolution and Declarations

Osorio Superfund

Minutes of the Initial Meeting of the Trustees of the Osorio Superfund

Venue	27 Rabett Cres HORNINGSEA PARK NSW 2171
Date	31 August 2020
Present	George Daniel Osorio Edelweiss Janett Osorio
Chair	George Daniel Osorio

Establishment of the Osorio Superfund

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 to members of the fund on their retirement.

Noted that the persons present have agreed to act as first trustees of the fund in accordance with the proposed trust deed establishing the fund.

Resolved unanimously that:

- the fund that is to be known and identified by the name the Osorio Superfund be established as a superannuation fund;
- the trust deed be executed by the trustees;
- 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

Noted that the initial members of the Fund are:

George Daniel Osorio
Edelweiss Janett Osorio

Resolved unanimously that:

- the initial members are approved;
- the members be advised;
- that information be given to the members that the trustees reasonably believe the members 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

Resolved unanimously that:

- ESUPERFUND be appointed fund accountant and be the contact address for the fund.

Fund bank account

Resolved unanimously that:

- a bank account named the Osorio Superfund be established and that the account and all dealings with the bank be operated by one or more of the trustees who will be the signatories to the account.

Documents

Resolved unanimously that:

- any of the trustees may sign receipts, acceptances, applications, contracts and other documents on the fund's behalf.

Contributions

Resolved unanimously that:

- contributions be received in respect of the members.

Fund auditor

Resolved unanimously that:

- Business and Auditing Services be appointed auditor of the fund.

Investment Strategy

Resolved unanimously that:

- the Trustees take steps to formulate and implement an Investment Strategy for the Fund in accordance with the requirements of the Superannuation Industry (Supervision) Act 1993 and Regulations.

Election to be a Regulated Superannuation Fund

Resolved unanimously that:

- the Trustees make an irrevocable election in the approved format to the ATO that the superannuation fund is to be regulated superannuation fund in accordance with the Superannuation Industry (Supervision) Act 1993.

Tax File Number

Resolved unanimously that:

- an application for a tax file number for the Fund be made.

Australian Business Number

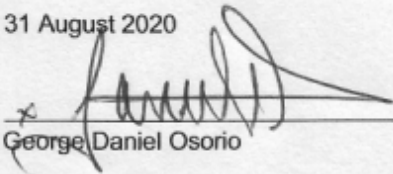
Resolved unanimously that:

- an application for an Australian Business Number be made.

There being no further matters to discuss, the meeting was closed.

Signed as a true record of the meeting

Date: 31 August 2020

Chairperson: 
George Daniel Osorio



Osorio Superfund

Individual Trustee Declarations

I, George Daniel Osorio make the following declarations:

I have not 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.

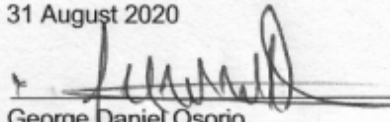
I have not had a civil penalty order made against me under the Superannuation Industry (Supervision) Act 1993.

I am not an insolvent under administration.

I have not been disqualified under section 120A of the Superannuation Industry (Supervision) Act 1993.

Date: 31 August 2020

Signed:

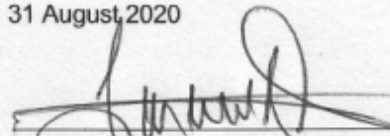

George Daniel Osorio
Trustee

Consent to Appointment as Trustee

I consent to being appointed a trustee of the Osorio Superfund.

Date: 31 August 2020

Signed:


George Daniel Osorio
Trustee



Osorio Superfund

Individual Trustee Declarations

I, Edelweiss Janett Osorio make the following declarations:

I have not 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.

I have not had a civil penalty order made against me under the Superannuation Industry (Supervision) Act 1993.

I am not an insolvent under administration.

I have not been disqualified under section 120A of the Superannuation Industry (Supervision) Act 1993.

Date: 31 August 2020

Signed: *Edelweiss Osorio*
Edelweiss Janett Osorio
Trustee

Consent to Appointment as Trustee

I consent to being appointed a trustee of the Osorio Superfund.

Date: 31 August 2020

Signed: *Edelweiss Osorio*
Edelweiss Janett Osorio
Trustee





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

Fund name

Osorio Superfund

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

George Daniel Osorio

Trustee's or director's signature



Date

31 August 2020

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

Lorena Soto

Witness' signature



Date

31 August 2020





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

Fund name

Osorio Superfund

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.

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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
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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:

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- 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
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- 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
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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

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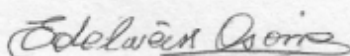
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I do not have access to the government's financial assistance program that is available to trustees of APRA regulated funds in the case of financial loss due to fraudulent conduct or theft.

Trustee's or director's name

Edelweiss Janett Osorio

Trustee's or director's signature



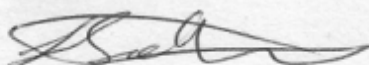
Date

31 August 2020

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

Lorena Soto

Witness' signature



Date

31 August 2020



1.4 Auditor Registration

Business & Auditing SERVICES

Postal Address:
430 Little Collins Street
Melbourne VIC 3000

31 August 2020

To: The Trustees
C/- Osorio Superfund
27 Rabett Cres
HORNINGSEA PARK NSW 2171

Dear Trustees,

In relation to the audit of the above-named Superfund, I set out below details of my responsibilities as auditor.

Audit Scope

In accordance with Section 35C of the Superannuation Industry (Supervision) Act 1993 ('SISA'), we are required to give you a report, in the approved form, known as an 'Independent Auditor's Report', on the operations of the fund for each financial year for which we are appointed. More specifically, our report must include an opinion on the special purpose financial report of the fund, as well as the fund's compliance with the following specific sections of SISA and the Superannuation Industry (Supervision) Regulations 1994 ('SISR').

Sections: 17A, 35AE, 35B, 35C(2), 62, 65, 66, 67, 67A, 67B, 82-85, 103, 104, 104A, 105, 109, 126K

Regulations: 1.06(9A), 4.09, 4.09A, 5.03, 5.08, 6.17, 7.04, 8.02B, 13.12, 13.13, 13.14, 13.18AA

Our procedures with respect to regulation 4.09 will include testing that you have an investment strategy and that you have given consideration to risk, return, liquidity and diversification and that the fund's investments are made in line with that investment strategy. No opinion will be made on the investment strategy or its appropriateness to the fund members.

Our procedures do not include a review of the Fund's self-managed superannuation fund annual return, although we may peruse it to identify areas that require our close attention. Accordingly, no opinion will be given and no responsibility taken for any issues arising from inaccuracies in the return lodged.

Auditor Responsibilities, Audit Objectives and Audit Approach

Our audit will be conducted in accordance with the Australian Auditing Standards, the applicable standards on Assurance Engagements and with the relevant professional and ethical standards issued by the Accounting Professional & Ethical Standards Board Limited (APESB), with the objective of providing an opinion on the items contained within the audit scope. We confirm that, to the best of our knowledge, our staff, currently meet the independence requirements of APES 110 and have complied with the competency standards set by ASIC.

Our audit of the Fund's Financial Report will be planned and conducted primarily to enable us to express our professional opinions as to whether the financial statements comply with Australian Accounting Standards and your reporting requirements under a special purpose reporting framework, so as to have reasonable expectations of detecting those material misstatements arising as a result of irregularities which would have a material effect on the financial statements. Unless otherwise agreed with you, we assume no responsibility to design audit procedures to identify matters that may be appropriate to report to you. However, if we encounter matters during the course of our audit that we believe should be brought to your attention, we will communicate these matters to you. We note that our communication to you may be directed to you through the accountant, administrator or financial advisor you may have engaged to complete the Fund's financial statements and maintain its member records.

The work undertaken by us to form an opinion is determined by judgement, in particular regarding the nature, timing and extent of the audit procedures for the gathering of audit evidence, and the drawing of conclusions based on the audit evidence gathered. In addition, there are inherent limitations in any audit, and these include the use of testing, the inherent limitations of any internal control structure, the possibility of collusion to commit fraud, and the fact that most audit evidence is persuasive rather than conclusive. As a result, our audit can only provide reasonable – not absolute – assurance that the financial statements are free from material misstatement. The report provided at the completion of the audit shall not be inferred or used for any purpose other than for which it was specifically prepared.

Trustee Responsibilities

We direct your attention to the fact that it is your responsibility for the maintenance of adequate accounting records and internal controls, the safeguarding of superannuation fund assets, the selection of accounting policies, the preparation and fair presentation of financial statements in accordance with a special purpose financial reporting framework, and compliance with SISA and SISR. In particular, we remind you that you are responsible for the implementation and operation of accounting and internal control systems necessary to enable the preparation of the financial report that is free from material misstatements whether due to fraud or error.

As part of the audit process, we may request from you, your accountant, administrator or financial advisor, written confirmation concerning representations made to us in connection with the audit. Please note, Section 35C(2) of SISA requires a trustee to give an auditor a documentation within 14 days if requested in writing by the auditor. For the purposes of this section, a request in writing to the trustee(s) will include an email sent by us to your accountant, administrator or financial advisor.

Report on Compliance Matters

In accordance with Section 129 of SISA, we are required to report to you in writing if during the course or in connection with our audit, we become aware of any contravention of SISA or SISR which we believe has occurred, is occurring or may occur.

We are also required under Section 130 of SISA to report to you if we believe the fund may be, or be about to become, in an unsatisfactory financial position. Where the contravention is of such a nature that it meets the reporting criteria established by the Australian Taxation Office, then we are also obliged to report the matter to the Australian Taxation Office by way of an Auditor contravention report.

Report on Other Matters

As well as reporting to you, either directly or through your accountant, administrator or financial advisor, any compliance matters that may have arisen during the audit, we may also report to you any matters arising from the financial audit and any other issues we believe should be brought to your attention. You should not however assume that any management letter issued will indicate all matters that you should be aware of in meeting your responsibilities.

If there are no matters for us to report to you, we will not provide a management letter.

Privacy and Quality Control

The conduct of our audit in accordance with Australian Auditing Standards means that information acquired by us in the course of our audit is subject to strict confidentiality requirements. Business and Auditing Services Pty Ltd (“us”) is also subject to the Privacy Act 1988 in its handling of personal information. We will not use any personal information obtained during the audit for any purposes other than for the purpose of conducting the audit.

We will keep secure personal information obtained during the audit to ensure it is not misused, lost, or improperly accessed, modified, or disclosed. After completing the audit, we will return to you any original documents we have obtained from you or your accountant during the course of the audit. Documentation forwarded to us electronically, or that is not an original, will not be returned to you unless specifically requested.

Information will not be disclosed by us to other parties except as required or allowed for by law or professional standards, or with your authority. We wish to draw your attention to our firm's system of quality control which has been established and maintained in accordance with the relevant APESB standard. As a result, our audit files may be subject to review as part of the quality control review program of the Certified Practising Accountants (CPA Australia), which monitors compliance with professional standards by its members. We advise you that by signing this letter you acknowledge that, if requested, our audit files relating to this engagement will be made available under this program.

Should this occur, we will advise you. Our files may also be reviewed by the Australian Taxation Office in its capacity as Regulator of self-managed superannuation funds. Should this occur we will advise you.

Independence

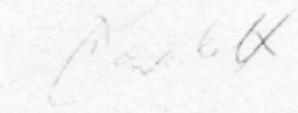
We have established policies and procedures designed to ensure our independence in accordance with applicable Accounting and Professional Ethical Standards.

Confirmation of Terms and Conditions

This letter will be effective for future years unless we advise you of its amendment or replacement, or if the engagement is terminated. Please sign and return the attached copy of this letter to indicate that it is in accordance with your understanding of the arrangements of the audit of the financial statements and SIS compliance.

By signing and returning the attached copy of this letter you are also taken to have acknowledged and agreed to your responsibilities outlined above.

Yours faithfully,



Business & Auditing Services Pty Ltd
Member of the Certified Practising Accountants (CPA Australia)

We, in our capacity as Trustee for the Osorio Superfund declare that the information provided in this documentation is accurate and complete.



George Daniel Osorio



Edelweiss Janett Osorio



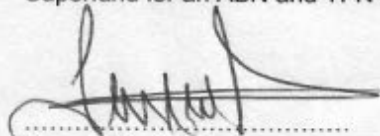
2. Application for ABN Registration & Election to become a Regulated Superfund

An application will be lodged electronically with the Australian Taxation Office to register the Osorio Superfund for an Australian Business Number (ABN) and a Tax File Number (TFN). The application will also register the Fund for GST and ESUPERFUND will attend to the preparation and lodgment of the Fund's annual GST Return. Registering your SMSF for GST will entitle your SMSF to receive GST refunds on items such as brokerage fees and the ESUPERFUND Annual Fee (this is a unique benefit afforded to a SMSF). Importantly where a SMSF is registered for GST any income it receives is GST exempt (NB: where a SMSF purchases a commercial property additional GST issues must be considered).

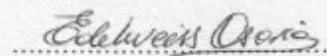
In order to lodge the electronic application, please sign the acknowledgement below.

	Trustee 1	Trustee 2
Title:	Mr	Mrs
Name of Member:	George Daniel Osorio	Edelweiss Janett Osorio
Date of Birth:	10/03/1961	23/10/1961
Tax File Number:	137 563 664	265 470 490
Name of SMSF:	Osorio Superfund	
Address of SMSF:	27 Rabett Cres HORNINGSEA PARK NSW 2171	
Establishment Date:	31 August 2020	

We, the Trustees of the Osorio Superfund declare that the information provided in this documentation is accurate and complete. We hereby authorise ESUPERFUND to lodge an application to register the Osorio Superfund for an ABN and TFN and to register the Fund for GST.



 George Daniel Osorio



 Edelweiss Janett Osorio

