



Our ref: SRJ:SHB 10216028

29 July 2019

**PRIVATE AND CONFIDENTIAL**

Dean Woods  
410/1 Hart Street  
ASHMORE QLD 4214

Level 21, 400 George Street  
Brisbane 4000 Australia

GPO Box 834, Brisbane 4001

T 61 7 3231 2444

F 61 7 3221 4356

[www.cgw.com.au](http://www.cgw.com.au)

ABN 95 591 906 639

**EXPRESS POST**

Dear Dean

**Tom Butler Superannuation Fund**

Thank you for asking us to prepare the documents to appoint you as a director of Metre Investments Pty Ltd and to confirm and vary the documents which govern the Fund.

1. We enclose:

- (a) resolution of shareholder to replace the constitution of Metre Investments Pty Ltd, appoint you as a director of the company and remove Tom as a director of the company;
- (b) resolution of member to appoint Metre Investments Pty Ltd as trustee of the Fund and to appoint you as a director of the company;
- (c) consent to act for you to act as director;
- (d) trustee declaration;
- (e) resolution of director of Metre Investments Pty Ltd to sign the confirmation and variation deed;
- (f) confirmation and variation deed (three copies);
- (g) notice to member (including product disclosure statement); and
- (h) proforma product disclosure statement (accumulation accounts only).

**Signing procedure**

2. The documents should be signed as follows:

- (a) The resolution of shareholder should be signed by Jacqueline and you where indicated. Your signatures on the resolution do not need to be witnessed.
- (b) The resolution of member should be signed by Jacqueline and you. Your signatures on the resolution do not need to be witnessed





- (c) You should then sign the consent to act and trustee declaration.

Your signature on the consent to act does not need to be witnessed.

Your signature on the trustee declaration should be witnessed by a person over 18.

- (d) You can then sign the resolution of director. Your signature on this resolution does not need to be witnessed.

- (e) The confirmation and variation deed should then be signed by Jacqueline and you.

Jacqueline and your signatures on behalf of the member should be witnessed by a person who is over 18 and not a party to the deed.

Your signature as director of Metre Investments Pty Ltd does not need to be witnessed.

- (f) The notice to member must be signed by you as director of Metre Investments Pty Ltd and given to the member with a copy of the product disclosure statement. A copy of the notice should be kept with the Fund's records.

- (g) Please make sure Jacqueline and you (and your witnesses) date each document where required.

### Next steps

3. The variation deed does not have to be stamped by the Queensland Office of State Revenue, so you do not need to return the documents to us.
4. If a new member joins the Fund, the pro forma product disclosure statement should be updated, signed on behalf of the trustee and given to the member. The information in the provided product disclosure statement is based on the 2019/20 financial year and should be updated for future years.
5. If a member starts a new pension, we strongly recommend the member is provided with another product disclosure statement outlining the pension features when given the pension documents. We can provide pension documents or a PDS – please contact us if we can assist with this.

### Other issues

6. The variation deed has been prepared in accordance with your instructions and on the basis that:
  - (a) the Fund does not own dutiable property outside of Queensland;
  - (b) there are no previous variations to the trust deed or changes of trustee you have not told us about;
  - (c) the Fund is not a Standard Employer Sponsor Fund;
  - (d) there are no special provisions in the trust deed that have been drafted specifically for Tom's circumstances that should be carried over to the new trust deed; and

- (e) the trust deed does not contain any special provisions for QROPS registration (UK pension transfers).
7. In case it is determined the appointment of Metre Investments Pty Ltd as trustee of the Fund in 2014 was not effective, we have included terms in the enclosed documents to appoint the company as trustee of the Fund as from the date you sign the documents.
8. As part of our advice report dated 5 July 2019, we recommended you apply to the ATO for a ruling that the appointment of Jacqueline and you as directors of Metre Investments Pty Ltd will not breach the superannuation laws. You have told us you do not want us to apply to the ATO for a ruling like this.
9. Once you have signed the enclosed documents, you will need to arrange for the Fund and company records to be updated with the ATO and the ASIC. You have told us Don Richards will help you with doing this. Please let us know if Don or you would like any assistance regarding this.

If you have any questions please contact Steven Jell.

Yours faithfully  
**COOPER GRACE WARD**



**Steven Jell**  
Senior Associate  
T 61 7 3231 2992  
E [steven.jell@cgw.com.au](mailto:steven.jell@cgw.com.au)



**Scott Hay-Bartlem, SMSF Specialist Advisor™**  
Partner



SRJ10216028 3471-2482-8429v1