

# Todds Family Superannuation Fund

## Director of Trustee Declarations

I make the following declarations:

- I am unaware, or have no reasonable grounds to suspect, that a person who is, or is acting as, a responsible officer of the trustee is a disqualified person as defined in section 120(1) of the *Superannuation Industry (Supervision) Act 1993*.
- Neither a receiver, or a receiver and manager, has been appointed in respect of property beneficially owned by the trustee.
- Neither an administrator nor a liquidator nor a provisional liquidator has been appointed in respect of the trustee.
- The trustee has not commenced to be wound up.

Date:

7 / 12 / 2011

Signed:




Andrew Osborne Todd  
Director of the Trustee

## Todds Family Superannuation Fund

### Consent to Appointment as Director of the Trustee

I consent to being appointed a director of the trustee of the Todds Family Superannuation Fund.

Date: 7/12/2011

Signed:   
Andrew Osborne Todd

## Application to become a Member

This Application Form contains undertakings which must be made by you. It is also accompanied by the Product Disclosure Statement relevant to the fund contained in Annexure A.

### Part 1 Application and undertakings

- I apply to become an initial member of this fund under the trust deed.
- I make each of the following undertakings:
  - I am not in an employment relationship with another member.
  - I am not a disqualified person under superannuation law from being a director of the trustee of the fund.
  - I will comply with the trust deed.
  - Upon request, I will fully disclose in writing any information required by the trustee in respect of my membership of the fund. This includes disclosing:
    - Any circumstance which may lead to my entering into an employment relationship with any other member of the fund who is not also a relative of mine.
    - That I may become disqualified under superannuation law from being a director of the trustee of the fund.
    - Any information in relation to my medical condition.
- I will act as a director of the trustee of the fund.
- I understand the trust deed, particularly its terms concerning the benefits payable under it, and I have read and understood the attached Product Disclosure Statement, annexed and marked 'A'.
- I have read and understand the prescribed information relating to the collection of Tax File Numbers by the trustees of superannuation funds.

I attach a completed ATO Individual Tax File Number Notification form.

Applicant name	Andrew Osborne Todd
Applicant address	44 Old Carey Gully Road, Stirling SA 5152
Applicant occupation	Manager
Date of birth	20 January 1968
Applicant place of birth	Australia

## **Part 2 Death benefit arrangements**

This part of the member's application form is blank because the member elected to 'do nothing'. When they are ready, the member can consider:

- a death benefit nomination (either binding or non-binding); or
- a Death Benefit Agreement which is binding and "permanent" until the member replaces or revokes it.

In either case, the member;

- could prepare the form of those documents using the relevant pro-forma in the schedules to the Fund's deed (if they're comfortable doing so); or
- could order those documents from the person or organisation who arranged this document for them.

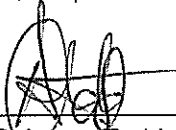
**Part 3 Provision of member's tax file number to regulated superannuation fund**

To the director of the trustee of the Todds Family Superannuation Fund.

I have been informed of the reasons why my TFN is sought by the fund.

My TFN is 151532979.

Date: 7/12/2011

Signed:   
Andrew Osborne Todd

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## Important information about providing your tax file number (TFN) to the fund

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Under the *Superannuation Industry (Supervision) Act 1993*, the fund is required to request your TFN. Your TFN is confidential: you don't have to provide it.

### What your TFN may be used for

If you provide your TFN, it will be used for legal purposes only. The purposes for which your TFN may be used may change in the future. At present, they include:

- searching for other benefits that may exist for you in the fund;
- calculating reduced tax rates on eligible termination payments (ETPS) when benefits are paid;
- reporting payments to ATO for reasonable benefit limits (RBL) purposes;
- reporting contributions to ATO for contributions tax (surcharge) purposes which may not otherwise be subject to the surcharge;
- passing to other regulated superannuation fund, ADFs and RSAs if your benefits are rolled over. You may revoke this authority later in writing;
- passing on with other details if you become lost and your benefits are paid to the ATO as unclaimed money.

### What might happen if you don't provide your TFN

If you do not provide your TFN, the following may happen:

- other benefits existing for you in the fund may be more difficult to locate and amalgamate;
- higher tax rates may apply to ETPs paid to you. (This may be recovered with lodgement of your next income tax return);
- your benefits may be subject to an extra 15% contribution tax (surcharge). This may be reclaimed on application to the ATO;
- your TFN will not be passed to other regulated superannuation funds, ADFs and RSAs if your benefits are rolled over;

your benefits may be more difficult to locate if benefits are paid to the ATO as unclaimed money.

Annexure A

## Product Disclosure Statement

### Todds Family Superannuation Fund

Andrew Osborne Todd  
44 Old Carey Gully Road  
Stirling, SA, 5152

*Here you need to attach a copy of the Product Disclosure Statement in Schedule 6 to the Deed.*

# Todds Family Superannuation Fund

## Instructions for use of Certificate of Compliance

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Used when the member “rolls over” (transfers) benefits from another fund to the Todds Family Superannuation Fund.

### What is the certificate for?

If a member transfers money from another super fund into the member’s SMSF, then the other fund may require one of these certificates.

### What is certified?

By signing the Certificate the trustee(s) of the Fund certifies that:

- 1 It is a regulated superannuation fund under the SIS Act;
- 2 It is a complying superannuation fund under the SIS Act;
- 3 It is not subject to a direction under Section 63 of the SIS Act; and
- 4 Its trust deed permits the receipt of rolled over or transferred benefits.

### What should the trustee do before signing?

**IMPORTANT:** Before the fund's trustee(s) sign the certificate they must make sure that:

- items 1-4 above are true; and
- the Fund must both have chosen to be regulated by the Australian Taxation Office (ATO) and have told the ATO of that choice — which the Fund does on the form used to apply for an ABN (Australian Business Number).



## Todds Family Superannuation Fund (Fund)

To whom it may concern

### Trustee Certificate of Compliance —

(This is not the “Notice of Compliance” that the Australian Taxation Office provides)

This Trustee’s Certificate of Compliance is to be used when the member “rolls over” (transfers) benefits from another fund to the Todds Family Superannuation Fund.

The Trustee(s) of the Fund certify/ies that the Fund:

- 1 Is a regulated superannuation fund under the *Superannuation Industry (Supervision Act) 1993 (SIS Act)*.
- 2 Is a complying superannuation fund within the meaning of section 42A of the SIS Act.
- 3 Is not subject to a direction under Section 63 of the SIS Act and is therefore able to accept employer contributions.
- 4 Is empowered by the Fund's trust deed to receive rolled over or transferred benefits.
- 5 Has received consent to the rollover from the relevant member, as set out below, in accordance with r6.28(i)(b) of the *Superannuation Industry (Supervision) Regulations 1994*.

Signed for and on behalf of the Trustee(s):

Signature of Trustee:

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Name:

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Date:

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### Member’s Consent to the “rollover”

I, \_\_\_\_\_ (member name), by signing this form, consent to the rollover of my benefits into the **Todds Family Superannuation Fund**.

Signature of Member:

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Date:

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# Todds Family Superannuation Fund

## Minutes of the Initial Meeting of the Director of the Trustee of the Todds Family Superannuation Fund

<b>Venue</b>	44 Old Carey Gully Road Stirling SA 5152
<b>Date</b>	15 September 2011
<b>Present</b>	Andrew Osborne Todd
<b>Chair</b>	Andrew Osborne Todd

### Establishment of the Todds Family Superannuation Fund

- 1 **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 and other benefits to members of the fund on their retirement.
- 2 **Noted** that the persons present have agreed to act as first director of the trustee of the fund in accordance with the proposed trust deed establishing the fund.
- 3 **Resolved unanimously** that:
  - the fund that is to be known and identified by the name the Todds Family Superannuation Fund be established as a superannuation fund;
  - the trust deed be executed by the trustee's director in accordance with section 127(1) of the *Corporations Act 2001*;
  - 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

- 4 **Noted** that an application for membership had been received from:  
Andrew Osborne Todd

5 **Resolved unanimously that:**

- the membership application be approved;
- the member be advised;
- that information be given to the member that the trustee reasonably believes the member 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**

6 **Resolved unanimously that:**

- ActiveSuper Pty Ltd be appointed fund accountant and be the contact address for the fund.

**Fund bank account**

7 **Resolved unanimously that:**

- a bank account named the Todds Family Superannuation Fund be established; and that the account and all dealings with the bank be operated by the director of the trustee who will be the signatory to the account.

**Documents**

8 **Resolved unanimously that:**

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

**Contributions**

9 **Resolved unanimously that:**

- contributions be received in respect of the member.

**Fund auditor**

10 **Resolved unanimously that:**

- be appointed auditor of the fund.

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

**Signed as a true record of the meeting**

Chairperson: \_\_\_\_\_  
Andrew Osborne Todd

Date: \_\_\_\_\_

# Todds Family Superannuation Fund

## Advice to the Director of the Trustee

One of the most important duties of a trustee of a superannuation fund is the investment of the fund's assets.

The earnings achieved on the investment of the fund's assets plus the concessional tax rate of 15% that is applied to those earnings helps to maximise the entitlement on retirement.

There are 5 guiding rules that trustees should follow:

### 1. ESTABLISH AND IMPLEMENT AN INVESTMENT STRATEGY

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The SIS Act requires that all funds **must** have an investment strategy. Once the trustee has agreed to an investment strategy, the fund's investments should be consistent with that strategy.

### 2. INVEST IN ASSETS THAT ARE PERMITTED BY THE TRUST DEED

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The trust deed may place some restriction on the type and class of asset in which the fund may invest. Ensure that the trust deed gives the trustee power to make an investment that may be proposed.

### 3. AVOID PROHIBITED INVESTMENTS

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The SIS Act prohibits certain investments. Restrictions are placed upon:

- the acquisition of assets from related entities;
- investing in, giving loans to and entering leases and lease arrangements with related parties (in house assets);
- borrowing; and
- lending to members.

In addition, all investment activities must be on an arm's length basis.

Ensure that all investments do not contravene the requirements of the SIS Act.

### 4. CONSIDER ETHICAL INVESTMENTS

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In the Product Disclosure Statement, trustees are required to disclose whether labour standards or environmental, social or ethical considerations are, or will be, taken into account when the trustees select, retain or realise an investment. While the Product Disclosure Statement states that, at this stage, the trustees do not take any such considerations into consideration when selecting, retaining or realising an investment, the trustees should consider incorporating such considerations into its investment strategy.

## **5. AVOID INVESTMENTS THAT ARE TOTALLY SPECULATIVE**

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While any investment may be regarded as speculative, as trustees are expected to act prudently, the acquisition of assets that are totally speculative should be avoided, as they may be so speculative so as not to be regarded as an investment.

The trustees are required to develop an investment strategy and invest in a manner that satisfies these guidelines and which takes account of the particular needs of fund members.