

Trustee declaration

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

i We strongly recommend you undertake a free trustee education course before reading and signing this declaration. For more information visit ato.gov.au/smsf and search 'approved education courses'.



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 undertaken a course of education in compliance with an education direction
- are a legal personal representative who has been appointed as trustee on behalf of a:
 - 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.

Understanding your obligations

We have a range of services available to help you understand your obligations and keep up to date with the latest news for SMSF trustees.

To subscribe to our news and alerts service visit ato.gov.au/smsf and search 'news and alerts'.

For more information on free approved trustee education courses visit ato.gov.au/smsf and search 'approved education courses'.

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.

ⓘ Do not send your completed declaration to us unless we request this from you.

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Published by

Australian Taxation Office
Canberra
April 2019

DE-3355



Self-managed super fund trustee declaration

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

Fund name

NAN'S RETIREMENT SMSF PTY LTD ATF NAN'S RETIREMENT
SMSF

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

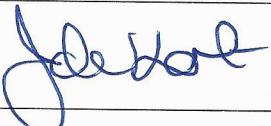
By signing this declaration I acknowledge that I understand my duties and responsibilities as a trustee or director of the corporate trustee of the self-managed superannuation fund named on this declaration (or if the fund's name changes, that name). I understand that:

- 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

JENNIFER CAROL DE KORT

Trustee's or director's signature




Date

Day: 16 / Month: 10 / Year: 2020

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

Luke Halsby

Witness' signature



Date

Day: 16 / Month: 10 / Year: 2020

NAN'S RETIREMENT SMSF

Nomination of Beneficiary(ies)

Binding Death Benefit Nomination

Information about binding directions

[This is a binding death benefit notice; by the completion and signing of which you require the Trustee to provide any benefit from the fund that is payable upon or subsequent to your death to that person or those persons whom you mention in this notice. Person(s) listed must be one or more of your dependents or your legal personal representative.]

The operation of the fund, of which you are a member or are being invited to be a member, is governed by a document called a Trust Deed. The Trustee of the fund is bound to act in accordance with the Trust Deed in administering the fund.

Under the Trust Deed, the Trustee has a discretion to decide whether, in the event of your death, to pay the Death Benefit, which is payable to your estate or to dependents of yours, and, in what proportions.

However, the Trust Deed also enables you to override the Trustee's discretion by you giving a Binding direction to the Trustee. This is a direction to the Trustee to pay any Death Benefit payable either to your estate or to dependents specified by you and in the proportions that you specify.

You may either elect for the Trustee to exercise the discretion given to it to decide who to pay your benefit to, in the event of your death, or you can give a binding direction to the Trustee by completing the direction in this nomination.

Important points about binding directions

If you decide to give a binding direction by completing this nomination, it is important for you to note

1. You can only direct the Trustee to pay the benefit either to your estate or to the dependents that you specify on this nomination (or both).
2. If you wish to give such a direction to the Trustee, you must specify the percentage of your total Death Benefit which is to be paid to each of the estates or your dependents.
3. You can confirm, amend or revoke this nomination by giving notice to the Trustee.
4. The direction that you give is non-lapsing and does not cease until you revoke and provide another nomination. If you revoke this nomination and do not provide another similar nomination, this direction ceases, the Trustee will have discretion to decide who to pay the Death Benefit to.
5. If, on this nomination, you direct the Trustee to pay any of your Death Benefit to a person who is not a dependent (as described below), your direction will be void and of no effect and the Trustee will be required to decide who to pay your Death Benefit to.
6. For the purposes of the Trust Deed, a dependent is as per law (Section 302-195 of ITAA 1997) and below
 - a spouse or former spouse of a member, including a de facto spouse
 - any children of a member, including step-children, adopted and ex-nuptial of the member or of their spouse
 - any other person who is financially dependent on the member at the time of death or a person with whom an interdependent relationship existed
7. If you are unsure whether someone you wish to nominate to receive any part of your death benefit is a dependent, you should seek advice from the Trustee before completing this nomination. For this nomination to be effective, it must be signed and dated by you in the presence of 2 witnesses who are both at least 18 years old and neither of the witnesses can be a person who you have nominated to receive a part of your death benefit.

Important information for completion

1. In order for this nomination notice to be valid, it must be fully completed in accordance with the details below
 - ensure the nomination and member and witness declaration are completed.
 - the beneficiaries must be dependents and/or your legal personal representative.
 - As noted above, your dependents are your spouse including same sex and de facto spouse and your children (including step, adopted and ex-nuptial children of the member or their spouse), and any other person financially dependent upon you at the time of your death or a person with whom an interdependent relationship existed.
 - Your legal personal representative is either the person named as your executor in your will, or, if you do not have a valid will at the date of your death, the person who applies for and has been granted letters of administration for your estate.
 - Should you wish to nominate your legal personal representative, please write "legal personal representative" as the name of the beneficiary.
 - for each person nominated, you must provide both their relationships to you and the proportion of any benefit that is to be paid to each.
 - the nomination must be signed and dated by you in the presence of 2 witnesses aged 18 years or over. Both witnesses must also provide their date of birth, sign and date the nomination. It is important to note that the witnesses cannot be persons nominated as beneficiaries.
2. If any of this information is not provided, then your nomination may be invalid. The Trustee/s will contact you for clarification if this is the case.
3. It is not compulsory to complete this nomination. Information on what happens in the situation where there is no valid nomination, can be usually found in the Member Death Benefit section of the Trust Deed.

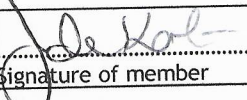
Member Declaration

I, Jennifer Carol De Kort of 11 Karadong Street, Wattle Grove born on 02/12/1963 as a member of the fund, direct the Trustee/s to pay my Death Benefit to the above person(s) in the proportions as shown in the table above.

I understand:

- I can amend or revoke this nomination at any time by providing a new nomination to the Trustee/s of the fund, signed and dated by myself in the presence of 2 witnesses who are aged 18 years or over;
- unless amended or revoked earlier, this nomination is binding on the Trustee/s for an indefinite period from the date it is first signed or last confirmed
- this nomination revokes and amends any previous notice supplied to the Trustee/s of the fund in regard to my nominated beneficiaries
- if this nomination is not correctly completed, it may be invalid
- if I have nominated persons who are not "dependents", the direction contained in the nomination, will be void and of no effect and the Trustee will have a discretion as to when the benefit is payable and in what proportion.

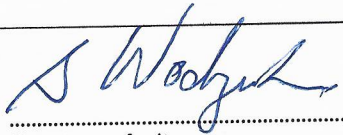
I acknowledge that I have been provided with information by the Trustee/s of the fund including a copy of the trust deed & PDS of the fund that enables me to understand my rights to direct the Trustee/s to pay my Death Benefit in accordance with this nomination. I declare that I understand the information provided to me and I have had an opportunity to seek legal advice regarding issues which I do not understand.

 Signature of member	Date 18,11 2020
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Witness 1 Declaration

We declare that


- this nomination was signed by the member in our presence
- we are aged 18 or more and
- we are not named as beneficiaries.

 Signature of witness	{insert name of witness} STAN WODZIANSKI Name of witness	Date 18,11,2020
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Witness 2 Declaration

We declare that

- this nomination was signed by the member in our presence
- we are aged 18 or more and
- we are not named as beneficiaries.

 Signature of witness	{insert name of witness} Luke Halsby Name of witness	Date 18,11,2020
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Nomination of Beneficiary(ies)		
Name	Relationship to you	Proportion of benefit
ESTATE OF JENNIFOR CAROL DE KORT		100%

Total Allocation 100%

Signature of member making the nomination

Jennifer Carol De Kort

11 Karadong Street, Wattle Grove

Dated... 18/11/2020