

RESOLUTION OF THE TRUSTEES OF  
THE CUBIT SUPERANNUATION FUND

1 YUCCA COURT, EIGHT MILE PLAINS QLD 4113

**PRESENT:** Mr Terrence Cubit  
Mrs Judith Cubit

**APOLOGIES:**

**NOTICE OF MEETING:** Notice of meeting was deemed to have been given as all parties entitled to attend at meetings and vote are present or due notice of meeting had been sent to all persons entitled to receive notice and sufficient numbers are present to enable the meeting to proceed.

**CHAIRMAN:** It was resolved to appoint Mr Terrence Cubit to act as Chairman of the meeting.

**MINUTES:** The Chairman reported that the minutes of the previous meeting had been signed as a true record.

**BUSINESS:** The meeting was advised that the meeting was convened so that the company/individuals present, acting in its/their capacity/s as trustee/s of the Cubit Superannuation Fund could consider the operations of the superannuation fund for the financial year ended 30 June 2011 and in particular could consider the fund's compliance with the *Superannuation Industry (Supervision) Act (SIS)*. Accordingly the meeting followed the SIS agenda and the following matters were considered.

1. The meeting was advised that the trustees were not aware of any contravention of SIS during the said financial year nor had the trustees received any written communication from any person in respect of the superannuation fund having contravened any relevant section of SIS.
2. The trustees advised they believed the financial position of the fund was satisfactory so that the fund could discharge its liabilities as and when they arose.
3. The trustees reiterated their awareness that the superannuation fund must be run solely for the provision of benefits to members when the members reach retirement age or attain appropriate withdrawal age without having retired or the provision of benefits for dependants of the member in the event of the member's death.
4. The trustees resolve to continue the fund as a self-managed superannuation fund in accordance with the provisions of section 17A of the *Superannuation Industry (Supervision) Act*. The trustees noted these conditions included:
  - a) It has fewer than five members.
  - b) If it has individual trustees, each trustee is a member of the fund.
  - c) If it has a corporate trustee each director is a member of the fund.
  - d) Each member of the fund is a trustee or a director of the trustee.
  - e) No member is an employee of another member unless they are relatives
  - f) No trustee receives any remuneration directly or indirectly in relation to their duties as trustees.

Further it was noted that where a self-managed fund has only one member, the conditions are:

- i. The member is the sole director of the trustee company.
- ii. If the trustee has two directors one is the member and the other is either a relative of the member or the member is not an employee of the other director.
- iii. If it has individual trustees one is the member and the other is either a relative of the member or the member is not an employee of the other director.
- iv. No trustee receives any remuneration directly or indirectly in relation to their duties as trustees.

**5. Consent to act as trustees or directors of a corporate trustee:**

The trustees noted they had previously consented in writing to act as trustees or director of corporate trustee and further reaffirmed this resolution the attestation to which is contained in the signatures at the foot of this minute.

**6. Trustees Qualifications:**

Each trustee advised the meeting that they are not a disqualified person in terms of SIS and accordingly are fully entitled to act as trustees of the superannuation fund.

*(A disqualified person is a person who has at any time been convicted of an offence involving dishonest conduct or who is insolvent. A corporate trustee is disqualified if it is insolvent, is being wound up or has as a responsible officer of the company a disqualified person [Section 120]).*

7. The trustees noted the prohibition upon loans to members and relatives. Trustees resolved to advise auditors that no such loans had taken place in the previous financial year.
8. The trustees noted the prohibition upon superannuation funds borrowing money. Trustees resolved to advise auditors that no such loans had taken place in the previous financial year.
9. The trustees noted the requirement that all investments must be made on an arms length basis and the trustees similarly resolved to notify the auditors that this had occurred.
10. The trustees attested that all assets of the superannuation fund were held in the name of the trustee and secured title existed.
11. The trustees declared that no assets (other than an asset that the fund is allowed to acquire) had been acquired from a related party by the superannuation fund during the financial year *(the superannuation fund may acquire an asset from a related party where the asset is a security listed on an approved stock exchange or business real property and acquired at market value)*. The trustees noted the definition of related party under the act was very wide and included relatives, partnership associates and other entities influenced by associated entities.

## 12. Accounts/Financial Statements of the Fund

It was resolved that the financial statements would be prepared as a Special Purpose Financial Report as, in the opinion of the trustees, the superannuation fund is a non-reporting entity and therefore is not required to comply with all the Australian Accounting Standards.

The chairman tabled the Financial Statements and Notes to the Financial Statements of the superannuation fund in respect of the year ended and it was resolved that such statements be and are hereby adopted as tabled.

The trustees further noted that the fund was required to prepare the statements and lodge its annual return with the Australian Taxation Office in accordance with section 36A and regulation 8.03(a). The trustees further noted they were required to keep records for five years within Australia and in the English language. Further to this, the trustees noted that although the financial statements were required to be kept for only five years certain other records are required to be kept for ten years and the trustees resolved to do so. These records include:

- Minutes or resolutions of trustees or directors of corporate trustee meetings.
- Changes of trustees or directors of corporate trustee.
- Consents of trustees/directors of corporate trustee.
- Election under Section 71E (certain geared investments for funds with less than five members).

## 13. Significant Adverse Events.

The trustees are not aware of any significant adverse events that have occurred in respect of the fund in the preceding financial year. Further, the trustees resolved in the event that they become aware of any significant adverse event they will notify the Australian Taxation Office within three days of becoming aware of that event (Section 106).

## 14. Payment of Benefits

The trustees advise members received payment of benefits in the financial year as follows:

- |                           |          |
|---------------------------|----------|
| ➤ Terrence Roderick Cubit | \$19,000 |
| ➤ Judith Ann Cubit        | \$19,000 |

## 15. Insurance

The trustees considered the advisability of further insurance for members including:

- Life insurance
- Personal, accident and illness insurance
- Trauma insurance

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## 16. Acceptance of Contributions

The trustees advised the fund had complied with the conditions for acceptance of contributions in granting of benefit accruals (Regulation 7.04). The trustees noted that:

- Where members are less than 65 years of age: contributions have only been accepted for members who are gainfully employed full time or part time or contributions received are mandated employer contributions.
- Where members are aged 65 to 69 only mandated employer contributions are to be accepted unless the member is gainfully employed on a full time or part time basis.
- Where members are aged 70 to 74 only mandated employer contributions are acceptable, or the contributions are made by the member in respect of the member and the member is gainfully employed on a full-time or part-time basis.
- ♦ Where members are aged 75 and over only mandated employer contributions are acceptable.

Further the trustees noted that eligible spouse contributions are only acceptable where: (a) the spouse is under 65 years of age; or (b) the spouse is aged 65 to 69 and is working at least 10 hours in the week in which the contribution is made.

17. The trustees declare that the fund has not allowed a charge over any of its assets nor has the associated unit trust allowed a charge over any of its assets where same charge is not disclosed in its balance sheet.

## 18. Investment Strategy

The investment performance was reviewed and found to be within the acceptable investment ranges outlined in the investment strategy. After considering the risk, rate of return and liquidity of the investments and the ability of the fund to discharge its existing liabilities it was resolved that no changes in the investment strategy were required.

## 19. Allocation of Income

It was resolved that the income of the fund would be allocated to the members based on their ratio of opening balance holdings.

## 20. Investment Acquisitions and Disposals

It was resolved to ratify the investment acquisitions and disposals throughout the financial year ended 30 June 2011. The trustees noted they had met to determine the appropriateness of acquisitions throughout the year and decided upon the acquisitions noted in the attached financial statements. The meeting now formally ratifies these determinations.

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## 21. Auditors and Tax Agents

It was resolved that Allens Australia Pty Ltd continue to act as tax agent and facilitate the audit of the fund until further notice.

## 22. Banking Arrangements

The trustees confirm that there have been no changes in the fund's banking arrangements in the last financial year.

## 23. Disaster Recovery Plan

The trustees have put in place a disaster recovery plan for the fund in the event of the theft or destruction by fire, flood or other natural disaster of the records of the fund.

It is noted that the records of the fund are kept manually and stored on site. Copies of all information relating to the fund is given to the fund's auditors and tax agents, Allens Australia Pty Ltd, on an annual basis.

Allens Australia Pty Ltd has confirmed that hard copies of all documentation including tax returns and financial statements are retained on its files for at least 7 years. Copies of the information are also contained on its computer system, which is backed up on a daily basis. Accordingly, the trustees feel that if required an accurate reflection of the fund's status would be able to be reconstructed.

## 24. Liquidity of Fund

The trustees noted that the fund's total assets were approximately \$778,262. The trustees further noted that the fund currently holds the following investments:

♦ Cash at Bank	\$19,724
♦ Listed Equities	\$621,710
♦ Unlisted Equities	\$131,107

Accordingly, the fund has liquid assets of approximately \$641,434.

The trustees have discussed the liquidity of the fund and are of the opinion, taking into account factors such as the number of members of the fund, the age of the members and the fund's assets, that the liquidity of the fund was satisfactory and nothing need be done in relation to same.

## 25. Form F Annual Return

Being satisfied that the fund has complied with the requirements of the *Superannuation Industry (Supervision) Act 1993* and Regulations during the year ended 30 June year, it was resolved that the annual return be approved, signed and lodged with the Australian Taxation Office.

**CLOSURE:** There being no further business to attend to the meeting was declared closed.

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Signed as a true and correct record.

Attested to by:

**SIGN**

  
Terrence Roderick Cubit  
Trustee

**SIGN**

  
Judith Ann Cubit  
Trustee

Dated \_\_\_\_\_

Dated \_\_\_\_\_


Signed as a true and correct record.

Attested to by:

**SIGN**

  
Terrence Roderick Cubit  
Member

**SIGN**

  
Judith Ann Cubit  
Member

Dated \_\_\_\_\_

Dated \_\_\_\_\_