

## GM & JJ Muller Superannuation Fund

### Members' Consent to Deed Variation

The Trustees

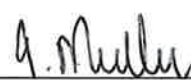
GM & JJ Muller Superannuation Fund

We, the members of the GM & JJ Muller Superannuation Fund, acknowledge that we have received information about the Deed Variation and consent to that variation.


Date: X 30/12/07

Signed

X SIGN   
George Mark Muller

X SIGN   
Janice Jean Muller

X SIGN   
Clyde James Muller

X SIGN   
Amanda Muller

**GM & JJ Muller Superannuation Fund**  
**Trustee Declaration Of Non-Disqualification**

I, Amanda Muller, declare:

(a) that 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;

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

(c) I am not an insolvent under administration.

**SIGN**  
X AM Amanda Muller

Date: 30/12/07

# **GM & JJ Muller Superannuation Fund**

## **Consent To Appointment As Trustee**

I, Amanda Muller, consent to being appointed as a trustee of GM & JJ Muller Superannuation Fund.

SIGN  
X AM  
Amanda Muller  
Date: 30/12/07

# **GM & JJ Muller Superannuation Fund**

## **Product Disclosure Statement**

### **THE MAIN FEATURES OF THE FUND**

#### **1. Type of Fund**

The fund is an “accumulation fund” where contributions and earnings are credited to individual accounts of members (“Accumulation Accounts”) with relevant taxes and charges being debited to those accounts.

Your superannuation benefit is an accumulation of the net contributions and earnings on those contributions over the years of membership.

#### **2. Regulated Fund**

The fund will operate as a regulated superannuation fund under the Superannuation Industry (Supervision) Act (“SIS”)

#### **3. Management of the Fund**

The Trustee of the Fund is George Mark Muller, Janice Jean Muller, Clyde James Muller and Amanda Muller.

#### **4. Financial Position**

As the Fund has just commenced operation, it does not have any assets and liabilities.

#### **5. Investment Performance and Risk**

There are currently no investments made by the Fund. Consequently, the Fund does not have any investment performance record.

The Trustee intends to formulate and give effect to an investment strategy that takes account of return risks, diversification issues, cash flow requirements and future liabilities.

The assets of the Fund will be invested in the best interests of members and their dependants in a manner in which a reasonably prudent man would invest funds on behalf of others.

An investment in the fund is not guaranteed. The value of your investment can rise or fall.

#### **6. Contributions**

The Fund allows the Members and the Employer (if any) to make contributions to the Fund.

The fund also allows splittable contributions to be allocated to the member's spouse at the option of the member.

The maximum rate of taxation on employer contributions and fund earnings is 15%

## 7. Benefits

The amount of your benefit is the credit balance in your Accumulation Account on the date you commence to receive your benefits.

The benefit will be paid as an Account Based Pension.

If you die or are permanently unable to work because of disablement you will receive a pension equal to:

- (a) All net contributions, together with accumulated interest, and
- (b) The proceeds of any relevant insurance policy that is in force.

Alternatively you may notify the trustee in writing that you want all or part of your benefit to be paid as a lump sum.

On your death, the Trustee must decide to whom a death benefit will be paid in accordance with legislation requirements. However, you may direct them as to your beneficiary to whom death benefits are to be paid.

## 8. Contact Details

The contact address for the Fund is:


George Mark Muller, Janice Jean Muller, Clyde James Muller and Amanda Muller  
GM & JJ Muller Superannuation Fund  
C/- Marsh Tincknell, Level 1, 1454 Logan Road, MT GRAVATT QLD 4122

The Trustees are the contact people in relation to the fund and are available to receive and deal with enquires or complaints.

Date 30/12/07

  
SIGN X \_\_\_\_\_  
George Mark Muller

  
SIGN X \_\_\_\_\_  
Clyde James Muller

  
SIGN X \_\_\_\_\_  
Janice Jean Muller

  
SIGN X \_\_\_\_\_  
Amanda Muller

George Mark Muller, Janice Jean Muller, Clyde James Muller and Amanda Muller  
Trustee for GM & JJ Muller Superannuation Fund.

**Resolution Of The Trustees Of The**  
**GM & JJ Muller Superannuation Fund**

**Dated x 30/12/07**

**Variation of the GM & JJ Muller Superannuation Fund trust deed**

It was noted that the Federal Government has made a number of changes to the regulation of superannuation funds that should be recognised in the Trust Deed to ensure that members' retirement benefits are protected.

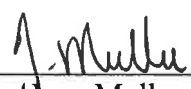
**It was unanimously resolved:**

1. The Deed of Variation includes amendments to the Trust Deed that will help ensure that the Fund remains a complying Self Managed Superannuation Fund and provide protection against the loss of the Fund's assets; and
2. The Deed of Variation now be executed.

Date: x 30/12/07

Signed

  
SIGN x \_\_\_\_\_  
George Mark Muller

  
SIGN x \_\_\_\_\_  
Janice Jean Muller

  
SIGN x \_\_\_\_\_  
Clyde James Muller

  
SIGN x \_\_\_\_\_  
Amanda Muller

INDIVIDUALS

SMSF TRUSTEES

INSTRUCTIONS AND FORM

NAT 71089-06.2007

SEGMENT

AUDIENCE

FORMAT

PRODUCT ID



**Australian Government**

**Australian Taxation Office**

# Trustee declaration

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




Read this declaration in conjunction with *Self managed super funds – Key messages for trustees* (NAT 71128).

## WHO SHOULD COMPLETE THIS DECLARATION?

You must complete this declaration if you became, on or after 1 July 2007, a **new** trustee (or director of a corporate trustee) of:

- a **new** self managed super fund (SMSF), or
- an **existing** SMSF.

You must sign this declaration within 21 days of becoming a trustee or director of a corporate trustee of a SMSF.

 You do not have to complete this declaration if you were appointed as a trustee or director before 1 July 2007.


## INFORMATION YOU NEED TO READ

Make sure you read *Self managed super funds – Key messages for trustees* (NAT 71128). It highlights some of the key points from the declaration and some important messages for you.

## BEFORE COMPLETING THIS DECLARATION

Before you complete and sign this declaration, make sure you:

- read each section of it, and
- 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 our website at [www.ato.gov.au](http://www.ato.gov.au), or
- phone us on 13 10 20.

If you're not familiar with some of the terms used in this declaration or you need more information, refer to *Self managed superannuation funds – Role and responsibilities of trustees* (NAT 11032).

## 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, and
- ensure it is signed and dated by a witness (anyone over the age of 18 years).

## WHAT SHOULD I 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.

We recommend that you keep a copy of your completed declaration and *Self managed super funds – Key messages for trustees* (NAT 71128) and refer to them when making important decisions, such as those relating to investments, making contributions and paying a pension or lump sum.

 Do not send your completed declaration to us.





## Self managed super fund trustee declaration

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

Fund name

G M + J J Muller Superannuation Fund

I am responsible for ensuring that the fund complies 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 the fund's compliance with the law.

If I do not comply with the legislation, the Commissioner may take the following actions:

- impose administrative penalties on me
- 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 resulting in a significant tax penalty on the fund, and
- prosecute me under the law, resulting in fines or imprisonment.

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.

### SOLE PURPOSE

I understand it is my responsibility to ensure the fund is maintained for the purpose of providing benefits to its members upon their retirement (or attainment of a certain age) or their beneficiaries if a member dies.

### TRUSTEE DUTIES

I understand that by law I must:

- 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
- 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)
- not enter 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
- prepare and implement an investment strategy that takes the whole of the fund's circumstances into account, which includes, but is 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, and
  - the liquidity of the fund's investments having regard to the fund's expected cash flow requirements in discharging its existing and prospective liabilities, and
- 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, and
  - the members' benefit entitlements.

### 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 the following:

- lending money of the fund to, or providing financial assistance 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 listed securities, business real property or managed funds) for the fund from members or associates or other related parties of the fund
- borrowing money (or maintaining an existing borrowing) on behalf of the fund
- having more than 5% of the fund's total assets at any time of the year as loans to, or investments in, related parties of the fund (including trusts) and assets subject to a lease or lease arrangement between the trustee and a member, relative or other related party (these assets are in-house assets), and
- entering into investments on behalf of the fund that are not made or maintained on an arm's length (commercial) basis, ensuring that the purchase or sale price of the fund's assets reflect market value.

## Accepting contributions and paying a benefit

I understand that I can only accept contributions and pay benefits (pensions or lump sums) to members or their beneficiaries when the conditions specified in the law and the fund's governing rules (including its trust deed) have been met.

## 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)
  - 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, and
  - all trustee declarations
- ensure that the following are prepared and retained for at least 5 years
  - a statement of financial position
  - an operating statement, and
  - accounts and statements that correctly record and explain the transactions and financial position of the fund
- notify the Tax Office within 28 days of any changes in
  - trustees, directors of the corporate trustee or members of the fund
  - fund name
  - details of the contact person, contact phone and facsimile numbers, and
  - the postal address, registered address, or address for service of notices for the fund
- notify the Tax Office in writing as soon as practicable (not later than 28 days) after becoming aware that the fund has ceased to be a self managed superannuation fund or ceased to exist
- ensure that an approved auditor is appointed to audit the fund for each income year and provide that auditor with documents as requested, and
- lodge the fund's annual return by the due date.

## 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, and
- I may have to make this document available for inspection by a member of staff of the Tax Office and if I fail to do this, penalties may apply.

Trustee's or director's name

Amanda Muller

Trustee's or director's signature



Date

Day Month Year  
30 / 12 / 2007

Witness' name (witness must be over the age of 18 years)

Witness' signature

Date

Day Month Year  
□□ / □□ / □□□□