

GOVERNING RULES UPDATE – VERSION 4/19

TRUSTEE ACKNOWLEDGEMENT RESOLUTION

Instructions

1. This resolution can be used by both corporate and individual trustees.
2. To be effective all trustees/directors must sign the resolution.
3. Once signed the resolution must be kept as part of the Trustee's records of the Superannuation Fund.
4. Variables are in red text.

Background notes

1. The SUPERCentral Governing Rules are periodically amended by way of complete replacement of the current version of the Governing Rules with an updated version of the Governing Rules.
2. The proposed amendment is effected by Super Governing Rules Pty Ltd exercising the power of amendment conferred on that company by the SUPERCentral Establishment Deed/Amendment Deed which has been signed by the Trustee.
3. Fourteen clear days' notice is given of the proposed amendment and the Trustee, if it so wishes, may decline to accept the proposed amendment by notifying SUPERCentral within that notice period. If the Trustee does not opt out of the proposed amendment, then the new version of the SUPERCentral Governing Rules will apply to the Fund after the end of the update period.
4. The formal notice of the proposed amendment was issued on **21 March 2019** and the 14 day notice period expires on **4 April 2019**. Consequently the new version of the SUPERCentral Governing Rules will apply on and from **5 April 2019**. With the formal notice, an information sheet was provided which detailed the changes and the implications of the changes.
5. As the updating system operates on an "opt out" basis, the Trustee does not need to notify SUPERCentral of their decision to accept the proposed amendment.
6. Despite Point 5, the Trustee may wish to record the decision to not to opt out of the proposed amendment of the SUPERCentral Governing Rules for internal management purposes.
7. This template is provided for a Trustee which wishes to formally record for internal management purposes the Trustee's acknowledgement of the proposed amendment and its decision not to "opt out".

Written Resolutions in respect of the Trustee of the The Russell Family Superannuation Fund (“the Fund”)

Purpose of resolution

The purpose of this resolution is to formally confirm and record the decision by the Trustee not to opt out of the SUPERCentral Governing Rules Update – Version 04/19 which was notified to the Trustee (or its information agent) and which will apply (if the update is not rejected by the Trustee within the notice period) on and from 5 April 2019.

Notice of update and information received

Noted that the Trustee (or its information agent for this purpose) had received:

- (a) a notice issued by Super Governing Rules Pty Ltd of the replacement of the current version of the SUPERCentral Governing Rules Version 05/18 with the updated Version 04/19;
- (b) an electronic link to the SUPERCentral Governing Rules Version 04/19;
- (c) an electronic link to a marked up version of the SUPERCentral Governing Rules Version 04/19; and
- (d) a link to an information sheet on the changes made to the SUPERCentral Governing Rules.

Consideration of changes made to the SUPERCentral Governing Rules as set out in Version 04/19

Noted that the information sheet identified, amongst other changes, the principal changes which have been made to the SUPERCentral Governing Rules which are summarised below:

(a) **Proposed increase in the maximum number of members from 4 to 6**

The Morrison Government has proposed to increase the maximum number of members of self managed superannuation funds to 6 members from the current limit of 4. This proposal is intended to apply from 1 July 2019.

While the proposal has not, as yet been enacted, the amendment of the Governing Rules will accommodate the proposal assuming the proposal is enacted. This will be achieved by removing from the references to “four” or “4” as being the maximum number of members and replacing them with a reference to “four, or if a greater number is specified, that greater number”.

This change have been effected by the following amendments:

- (i) Rule 10.1 – first sentence has been replaced by “*The number of members of the Superannuation Fund must not, at any time, exceed four, or, if a greater number is specified for the purposes of s17A(1)(a) of the SIS Act, that greater number.*”;
- (ii) Rule 10.8(a) - has been amended by inserting “*exceeding the maximum permitted by Rule 10.1*” in lieu of “being five or more”;

(iii) Rule 10.8(b) - has been amended by inserting "*exceeding the maximum permitted by Rule 10.1*" in lieu of "be five or more";

(b) **Automatic restart of pensions which have not satisfied the pension standards**

New Rule 15.7A has been inserted to ensure that where a pension has failed to satisfy an applicable pension standard in a financial year (typically failing to pay the minimum pension amount), the pension will, unless the pension recipient determines otherwise, have automatically recommenced for taxation purposes immediately upon the start of the following financial year. The recommenced pension will be on the same terms as applied immediately before the start of the financial year in which the pension failed to satisfy the applicable pension standard.

(c) **Binding Death Benefit Nominations**

The Governing Rules have been amended to expressly refer to binding death benefit nominations as being non-lapsing. Binding death benefit nominations under the Governing Rules have always been of indefinite duration (but revocable at any time) and so not subject to any time based lapsing condition. However, to satisfy expectations, Rule 15.18 has been amended to expressly refer to the indefinite duration nominations as non-lapsing.

This change has been effected by amending Rule 15.18 (penultimate paragraph) by inserting "*is both binding on the Trustee and non-lapsing*" for "is binding on the Trustee".

(d) **Extension of crowd-sourced funding regime to proprietary companies**

The Governing Rules have been amended to expressly permit investment in securities issued by unlisted proprietary companies pursuant to offers which qualify as crowd-sourced funding offers. Currently the Governing Rules only permits investment in securities issued by unlisted public companies.

This change has been effected by amending the definition of "CSF Offer" set out in Rule 1.2 as follows: the current definition of "CSF Offer" has been amended to include "*made by an eligible CSF company (within the meaning of s738H and whether a public company or a proprietary company)*".

(e) **Extension of permitted investments to include Foreign Passport Fund Products**

The Governing Rules have been amended to expressly permit investment in foreign investment funds which have been registered in Australia under the Asia Region Funds Passport regime of the Corporations Act for investment by retail investors.

This change has been effected by:

- (i) inserting a new definition in Rule 1.2 of "*Notified Foreign Passport Fund*" and
- (ii) amending Rule 3.4(e) by adding at the end "*including interests in Notified Foreign Passport Funds*".

(f) **UK Pension Transfers**

The Governing Rules have been amended to update the provisions relating to UK pension transfers in light of changes made to UK legislation relating to such transfers.

The updating has been effected by:

- (i) Rule 29.4 (Permitted Access Conditions) has been amended;
- (ii) Rule 29.5 (Mandatory Payment Methods) has been amended to require the payment of the UK transferred amount as a flexi-access drawdown fund (as defined by the relevant UK legislation) while the transferred amount remains subject to the "5 year transfer" rule or the "10 year residence" rule;
- (iii) Rule 29.7 (Statutory references) has been updated to reflect revised and amended statutory instruments which relate to qualifying recognised overseas pension schemes (QROPS) and relevant non-resident UK pension schemes (RUNKS).

Other changes

These changes are to improve expression, correct typographical errors, update legislative and cross references or are consequential to the principal changes identified above.

Noted that Version 04/19 automatically applies to the Superannuation Fund.

Resolved that the proposed amendment of the SUPERCentral Governing Rules by the replacement of the current Version 05/18 with Version 04/19 is in the best interests of the members of the Fund and, consequently, no objection should be made to the proposed amendment as it applies to the Superannuation Fund.

Resolved that a copy of the information sheet issued in respect of the proposed amendment be provided to each member of the Fund.

Signing & Dating – Trustees/Directors

For the purposes of this Part "Trustee" means the company which acts as trustee or the group of individuals which constitute the trustee (as the case may be).

Signed as a Written Resolution Baninda Pty Ltd 055 254 076 as Trustee of the Superannuation Fund The Russell Family Superannuation Fund



Kim Russell
Trustee / Director



Frank Costanzo
Trustee / Director

Dated: 2.14.19