



**prosuper**

**pro-super australia Pty Ltd**

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19th SEPTEMBER, 2018

Attention: Liz Meiklejohn  
Virtu Super Pty Ltd

PO Box 83  
MOUNT GRAVATT QLD 4122

Dear Liz,

**THE I & M ROBERTSON SUPERFUND**

We now have pleasure in enclosing the documentation required to amend the superannuation fund trust deed of the above superannuation fund, for the purposes of better complying with the SIS Act and Regulations.

The following should accompany this letter:-

1. 2 x bound Deeds of Amendment, plus 1 unbound Deed.
2. Documents for notifying the authorities of the change.
3. Minutes of meeting of Trustee and any other parties to the deed required to minute their proceedings.

Also enclosed is our invoice in the agreed amount for our services in this matter.

These documents should be executed/signed, where indicated. Once the 3 Deeds have been executed, they may need to be stamped, depending upon the rules applying in your jurisdiction. Please contact the Office of State Revenue in your relevant State or Territory.

Should you have any queries, please do not hesitate to contact us.

Yours faithfully,

Brad Hoffman  
**PRO-SUPER AUSTRALIA PTY. LTD.**

Ref No.: 1150

E. & O.E.

Enc.

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**MINUTES OF A MEETING OF RESIGNING TRUSTEE OF  
THE I & M ROBERTSON SUPERFUND**

**HELD AT: 30-34 SUGARGLIDER COURT  
MOUNT COTTON QLD 4165**

**AT: AM/PM  
ON: / /**

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**PRESENT: MARGARET MARY ROBERTSON  
IAN PHILLIP ROBERTSON**

**AMENDMENT OF**

**TRUST DEED:** It was noted that the trust deed and rules of

**THE I & M ROBERTSON SUPERFUND**

required amendment in order to better comply with the recently amended Superannuation Industry (Supervision) Act 1993 and Regulations.

The power to amend the fund's deed and rules is given by the Deed. A proposed deed of amendment, incorporating the necessary changes for the purposes of the new scheme, was tabled before the meeting.

**CHANGE OF  
TRUSTEE:**

It was noted that MARGARET MARY ROBERTSON and IAN PHILLIP ROBERTSON had, by the deed resigned from the office of trustee.

By the deed, ROBERTSON ELECTRICAL PTY LTD ACN 010-277-157 was also appointed to the trusteeship of the Fund.

**RESOLVED:** That the deed of amendment be executed and adopted, as tabled.

**CLOSURE OF  
MEETING:**

There being no further business, the meeting ended at AM/PM.

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Signed as a correct record.

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/ /

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**MINUTES OF A MEETING OF THE DIRECTORS OF  
ROBERTSON ELECTRICAL PTY LTD**

**010-277-157**

**AS NEW TRUSTEE OF**

**THE I & M ROBERTSON SUPERFUND**

**HELD AT: 30-34 SUGARGLIDER COURT  
MOUNT COTTON QLD 4165**

**AT: AM/PM**

**ON: / /**

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**PRESENT: IAN PHILLIP ROBERTSON**

**AMENDMENT OF**

**TRUST DEED:** It was noted that the trust deed and rules of

**THE I & M ROBERTSON SUPERFUND**

required amendment in order to better comply with the recently amended Superannuation Industry (Supervision) Act 1993 and Regulations.

The power to amend the fund's deed and rules is given by the Deed. A proposed deed of amendment, incorporating the necessary changes for the purposes of the new scheme, was tabled before the meeting.

**CHANGE OF  
TRUSTEE:**

It was noted that MARGARET MARY ROBERTSON and IAN PHILLIP ROBERTSON had, by the deed resigned from the office of trustee.

By the deed, ROBERTSON ELECTRICAL PTY LTD ACN 010-277-157 was also appointed to the trusteeship of the Fund.

**RESOLVED:** That the deed of amendment be executed and adopted, as tabled.

**CLOSURE OF  
MEETING:**

There being no further business, the meeting ended at AM/PM.

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Signed as a correct record.

.....  
/ /

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**MINUTES OF A MEETING OF MEMBERS OF  
THE I & M ROBERTSON SUPERFUND**

**HELD AT: 30-34 SUGARGLIDER COURT  
MOUNT COTTON QLD 4165**

**AT: AM/PM  
ON: / /**

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**PRESENT: IAN PHILLIP ROBERTSON**

**AMENDMENT OF**

**TRUST DEED:** It was noted that the trust deed and rules of

**THE I & M ROBERTSON SUPERFUND**

required amendment in order to better comply with the recently amended Superannuation Industry (Supervision) Act 1993 and Regulations.

The power to amend the fund's deed and rules is given by the Deed. A proposed deed of amendment, incorporating the necessary changes for the purposes of the new scheme, was tabled before the meeting.

**CHANGE OF  
TRUSTEE:**

It was noted that MARGARET MARY ROBERTSON and IAN PHILLIP ROBERTSON had, by the deed resigned from the office of trustee.

By the deed, ROBERTSON ELECTRICAL PTY LTD ACN 010-277-157 was also appointed to the trusteeship of the Fund.

**RESOLVED:** That the deed of amendment be executed and adopted, as tabled.

**CLOSURE OF  
MEETING:**

There being no further business, the meeting ended at AM/PM.

---

Signed as a correct record.

.....  
/ /

**NOTICE TO MEMBERS OF  
THE I & M ROBERTSON SUPERFUND**

From 1 July 1994, the Superannuation Industry (Supervision) Act 1993 and Regulations has governed the operation of superannuation funds in Australia. This scheme has been substantially amended during this time. In order that the Fund's trust deed and governing rules better reflect the current provisions of the Act and Regulations, the Trustee has decided to amend the Fund's deed.

The variations to the deed and governing rules of the Fund do not affect the security of benefits or protection of your rights as a Member of the Fund.

Please be assured that the changes which have been made are in your best interests and will enable the Fund to both retain its taxation concessions, and provide additional flexibility to the Members. The benefits to which you are entitled have not been adversely affected by the changes.

Yours faithfully,

.....  
For and on behalf of the Trustee

# Self-managed super funds – key messages for trustees

**!** Read this fact sheet in conjunction with the *Trustee declaration* (NAT 71089). We recommend that you check our website at [www.ato.gov.au](http://www.ato.gov.au) for the current version of this fact sheet.

If you are a new trustee (or director of a corporate trustee) of a self-managed super fund (SMSF), you must complete and sign a *Trustee declaration* (NAT 71089) to show you understand your duties and responsibilities under super laws.

You must also complete the declaration if you are a legal personal representative who has been appointed as trustee (or director of a corporate 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.

## YOU ARE RESPONSIBLE FOR MANAGING THE FUND

Becoming a trustee of an SMSF is an important decision that carries certain duties and responsibilities, with your primary concern being the management of the fund for the benefit of members for their retirement. You must also ensure fund assets are held in trust and invested on behalf of the members.

You are responsible for ensuring your fund is properly managed and complies with all rules (including super laws and the fund trust deed). These rules apply to you in your capacity as a trustee of the fund. You will also need to make important decisions that may affect the retirement savings of fund members.

All trustees are equally responsible for managing the fund and making sure it complies with the law. This is the case even if:

- one trustee (or director) is more actively involved in the day-to-day running of the fund than the others
- you use a professional to do certain tasks on your behalf – for example, an accountant, lawyer, investment advisor, super fund administrator or tax agent.

All trustees are responsible and accountable for running the fund and making decisions. You must always put your obligations and responsibilities as a trustee of the fund before your wishes as a member. Whenever a conflict occurs between your wishes as a member and your legal responsibilities as a trustee, you must comply with your trustee obligations.

If, for example, a breakdown of a relationship between members occurs, you must continue to act in the best interest of all members at all times and in accordance with super laws and the trust deed of your fund.



If you use a professional to help you manage your fund, it is important you select one that is right for you and your circumstances. It is essential that any financial, investment and legal advice you receive comes from a qualified professional, as your decisions will have an impact on the retirement income of fund members.

You must separately manage the affairs of the fund and your own personal or business affairs. This means you must keep fund assets (including money) separate from your personal and business assets and ensure they are used solely for fund purposes.

You must not allow members' benefits (money or other assets) to be accessed earlier than is legally permitted. As a general rule, a member's benefits must be preserved in the fund until they reach their preservation age (currently 55 years old for members born before 1 July 1960, increasing to 60 years old for those born after 30 June 1964) or until they retire after reaching preservation age.

A member's benefits can only be accessed before the member reaches their preservation age in very limited circumstances – for example:

- in cases of severe financial hardship (subject to specific criteria being met)
- on tightly restricted compassionate grounds
- on diagnosis of a terminal medical condition
- in the event of temporary or permanent incapacity.

⊖ It is illegal to set up an SMSF to gain early access to your super savings. If benefits are unlawfully released, significant penalties, including fines and jail terms of up to five years, can apply to you. Significant adverse taxation consequences may also arise for your fund and the recipient of the super benefits.

## YOU MUST UNDERSTAND YOUR DUTIES AND RESPONSIBILITIES

Your trustee duties and responsibilities include:

- making sure the purpose of the fund is to provide retirement benefits for members
- preparing an investment strategy and making investment decisions
- accepting contributions and paying benefits (income streams and lump sums) in accordance with super laws and the fund trust deed
- advising us of any changes in trustees, directors or members within 28 days of the change occurring
- ensuring an approved auditor is appointed for each income year
- undertaking administrative tasks such as lodging annual returns and record-keeping.

You must also ensure the fund trust deed and investment strategy are regularly reviewed and updated in accordance with the law and the needs of the members.

Over time your circumstances may change, possibly in a way that affects your ability to effectively manage the fund and undertake your obligations as trustee. Throughout the fund's life cycle, you must consider the individual circumstances of each member and the general condition of the fund. You need to continually reassess whether an SMSF is still the appropriate option for your retirement savings.

⊖ To avoid penalties, make sure you understand and comply with your duties and responsibilities under super laws.

### **PROTECTION OF SUPER IN YOUR SMSF**

Super laws allow for financial assistance to be granted to Australian Prudential Regulation Authority (APRA) regulated funds that suffer losses as a result of fraudulent conduct or theft. Under existing super laws, there is no government or industry compensation available for members of SMSFs, as they operate outside the regulation of APRA.

If you want your super to be covered by the financial assistance program, you can choose to either:

- join an APRA-regulated fund
- appoint a registrable super entity licensee as trustee (that is, become a small APRA fund).

You do have certain rights and options available if your fund suffers a financial loss due to fraudulent conduct or theft. Legal options are available under corporations law if you received advice or services from an Australian financial services licensee who was involved in the fraudulent conduct or theft. You may also approach the Financial Ombudsman Service (FOS) if the adviser involved in the fraudulent conduct is a member of FOS.



## MORE INFORMATION

For more information about your role and responsibilities as a trustee, refer to *Running a self-managed super fund* (NAT 11032).

To obtain a copy of our publications or for more information:

- phone **13 10 20**
- phone our automatic publications distribution service on **1300 720 092**
- write to us at  
**Australian Taxation Office**  
**PO Box 3100**  
**PENRITH NSW 2740**

If you do not speak English well and need help from us, phone the Translating and Interpreting Service on **13 14 50**.

If you are deaf, or have a hearing or speech impairment, phone us through the National Relay Service (NRS) on the numbers listed below:

- TTY users, phone **13 36 77** and ask for the ATO number you need
- Speak and Listen (speech-to-speech relay) users, phone **1300 555 727** and ask for the ATO number you need
- internet relay users, connect to the NRS on National Relay Service at **[www.relayservice.com.au](http://www.relayservice.com.au)** and ask for the ATO number you need.

## OUR COMMITMENT TO YOU

We are committed to providing you with accurate, consistent and clear information to help you understand your rights and entitlements and meet your obligations. If you feel that this publication does not fully cover your circumstances, or you are unsure how it applies to you, you can seek further assistance from us.

We regularly revise our publications to take account of any changes to the law, so make sure that you have the latest information. If you are unsure, you can check for more recent information on our website at **[www.ato.gov.au](http://www.ato.gov.au)** or contact us.

This publication was current at **December 2012**.

# Trustee declaration

To be completed by new 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 become a **new** trustee (or director of a corporate 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 (or director of a corporate trustee).

You must also complete the declaration if you are a legal personal representative who has been appointed as trustee (or director of a corporate 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.

## 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
- 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 **[www.ato.gov.au/smsf](http://www.ato.gov.au/smsf)**
- phone us on **13 10 20**.

If you are not familiar with some of the terms used in this declaration or you need more information, refer to *Running a self-managed super fund* (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
- 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.

We recommend that you keep a copy of your completed declaration and refer to it and *Self-managed super funds – key messages for trustees* (NAT 71128), which is available on the ATO website, when making important decisions, such as those relating to choosing investments, accepting contributions and paying benefits.



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


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.

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
- 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 only 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
- ensure that members only access their super benefits if they have met a legitimate condition of release
- refrain from entering into transactions that circumvent restrictions on the 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.

## 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:

- 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 business real property, listed securities, certain in-house assets and acquisitions made under mergers allowed by special determinations or acquisitions 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)

- having more than 5% of the market value of the fund's total assets at the end of the income year as in-house assets (these 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 on behalf of the fund 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).

### 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.

### 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
  - all trustee declarations
  - copies of all reports given to members
- 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
- ensure that an approved auditor is appointed within the prescribed period (currently this is no later than 31 days before the due date for lodgment of the fund's annual return but this may change to 45 days) to audit the fund for each income year, and provide that auditor with documents as requested
- lodge the fund's annual return, completed in its entirety, by the due date
- 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 28 days of the fund being wound up or after becoming aware that the fund has ceased to be an SMSF.

### 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.*
- *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 Australian Prudential Regulation Authority (APRA) regulated funds in the case of financial loss due to fraudulent conduct or theft.*

**Trustee's or director's name**

**Trustee's or director's signature**

**Date**

Day	Month	Year
<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

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

**Witness' signature**

**Date**

Day	Month	Year
<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>