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17 June 2021

**P** 07 3422 8000**F** 07 3422 8080**E** [info@mtaccountants.com.au](mailto:info@mtaccountants.com.au)[www.marshtincknell.com.au](http://www.marshtincknell.com.au)The Trustees  
Cinderlake Superannuation Fund  
PO Box 2111  
FORTITUDE VALLEY BC QLD 4006

Good Morning Rodney,

**RE: SUPERANNUATION FUND AUDIT FOR YEAR ENDED 30 JUNE 2020**

I am writing to inform you that I have completed the audit of the Cinderlake Superannuation Fund.

Please note that the following reportable matters were reported to the ATO:

**Loan to a Related Party – Greater than 5% of Fund Assets**

A Superannuation Fund is not permitted to lend monies to a related party, unless the amount of the loan is less than 5% of the Fund's assets. During the year the Fund lent money on a number of occasions to Weareco Pty Ltd, a related party of the members. As at 30 June 2020 the Fund was owed \$426,947.96 by Weareco Pty Ltd which is approximately 91.92% of the Fund's assets at that date. Interest is being paid on the monies outstanding at a commercial rate.

Please note that the following matters are noted for your attention:

**Borrowings by the Fund – Overdraft**

During the year, the Fund's Westpac Business Cash Reserve #19-8475 was overdrawn on one occasion by an amount of \$ 1,322.14. A superannuation fund is not permitted to borrow monies and the overdrawn balance is considered a borrowing. While we note that the borrowing was repaid before the end of the financial year, you will need to ensure that in the future there are sufficient funds in the cheque account before drawing cheques or making payments. Whilst the amount itself is immaterial, as the Fund's auditor, we are required by Law to advise you of the breach.

**Investments Not in the Name of the Trustee**

We noted that certain investments (as listed below) were not in the name of the Trustee. It is a requirement that all investments are held in the name of the Trustee, and we require the Trustee to address this within one month of receiving this letter. Please confirm this has been addressed by providing documentation to that effect.

The assets we have noted are:

- Westpac Business Flexi #12-6649;
- Westpac Business Cash Reserve #15-9708;
- Tabcorp Holdings limited share holding;
- Charter Hall Direct Property; and
- Any current insurance policies you have in place.

Please change the following account names to "Rodney Levien, Yvonne Levien and Natalie Levien ATF the Cinderlake Superannuation Fund":

Should you have any queries regarding this audit engagement, please do not hesitate to contact me.

Kind regards

A handwritten signature in black ink, appearing to be 'Ed Glasson', with a long horizontal stroke extending to the right.

Ed Glasson  
SMSF Auditor No. 100105093  
Director

# **CINDERLAKE SUPERANNUATION FUND**

## **Self-Managed Superannuation Fund Independent Auditor's Report for the period 1 July 2019 to 30 June 2020**

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### **Approved SMSF auditor details**

<b>Name</b>	Ed Glasson
<b>Business name</b>	Marsh Tincknell
<b>Business postal address</b>	Level 1, 1454 Logan Road, Mt Gravatt, QLD 4122, Australia
<b>SMSF auditor number (SAN)</b>	100105093

### **Self-managed superannuation fund details**

<b>Self-managed super fund (SMSF) name</b>	CINDERLAKE SUPERANNUATION FUND
<b>Australian business number (ABN)</b>	70 484 806 324
<b>Address</b>	Po Box 83, Mount Gravatt, QLD 4122, Australia
<b>Year of income being audited</b>	2020

### **To the SMSF trustees**

To the SMSF trustees of CINDERLAKE SUPERANNUATION FUND

## **Part A: Financial report**

### **Opinion**

I have audited the special purpose financial report of the CINDERLAKE SUPERANNUATION FUND comprising the statement of financial position as at 30 June 2020, and the operating statement, a summary of significant accounting policies and other explanatory notes of the CINDERLAKE SUPERANNUATION FUND for the year ended 30 June 2020.

In my opinion, the financial report presents fairly, in all material respects, in accordance with the accounting policies described in the notes to the financial report, the financial position of the fund at 30 June 2020 and the results of its operations for the year then ended.

### **Basis for Opinion**

My audit has been conducted in accordance with Australian Auditing Standards<sup>1</sup>. My responsibilities under those standards are further described in the *Approved SMSF Auditor's Responsibilities for the Audit of the Financial Report* section of this report. I am independent of the SMSF in accordance with the auditor independence requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* (the Code) that are relevant to this audit and as required by the Superannuation Industry (Supervision) Regulations 1994 (SISR). I have also fulfilled my other ethical responsibilities in accordance with the Code.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

### **Emphasis of Matter - Basis of accounting**

I draw attention to note 1 of the financial report, which describes the basis of accounting. The financial report has been prepared to assist CINDERLAKE SUPERANNUATION FUND meet the requirements of the SMSF's governing rules, the *Superannuation Industry (Supervision) Act 1993* (SISA) and the *Superannuation Industry (Supervision) Regulations 1994* (SISR). As a result, the financial report may not be suitable for other purposes and should not be distributed to parties other than the trustees. My opinion is not modified in respect of this matter.

### **Responsibilities of SMSF trustees for the financial report**

Each SMSF trustee (individual trustee or director of corporate trustee) is responsible for the preparation and fair presentation of the financial report in accordance with the financial reporting requirements of the SMSF's governing rules, the SISA and the SISR. Each trustee is also responsible for such internal controls as they determine are necessary to enable the preparation and fair presentation of a financial report that is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the trustees are responsible for assessing the fund's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless the trustees intend to wind-up the fund or have no realistic alternative but to do so.

Each SMSF trustee is responsible for overseeing the fund's financial reporting process.

### **Approved SMSF auditor's responsibilities for the audit of the financial report**

My objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in

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<sup>1</sup> The Australian Auditing Standards issued by the Auditing and Assurance Standards Board.

aggregate, they could reasonably be expected to influence the economic decisions of trustees taken on the basis of this financial report.

As part of an audit in accordance with Australian Auditing Standards, I exercise professional judgment and maintain professional scepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of an internal control.
- Obtain an understanding of internal controls relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the fund's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the trustees.
- Conclude on the appropriateness of trustees' use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the fund's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in the auditor's report to the related disclosures in the financial report or if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of the auditor's report. However, future events or conditions may cause the fund to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

I have communicated with the trustees regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during the audit.

## **Part B: Compliance engagement**

### **Qualified Opinion**

I have undertaken a reasonable assurance engagement on CINDERLAKE SUPERANNUATION FUND's compliance, in all material respects, with the applicable provisions of the SISA and the SISR as listed below ("the listed provisions") for the year ended 30 June 2020.

Sections: 17A, 35AE, 35B, 35C(2), 62, 65, 66, 67, 67A, 67B, 82-85, 103, 104, 104A, 105, 109, 126K

Regulations: 1.06(9A), 4.09, 4.09A, 5.03, 5.08, 6.17, 7.04, 8.02B, 13.12, 13.13, 13.14, 13.18AA

In my opinion, except for the matter(s) referred to below each trustee of CINDERLAKE SUPERANNUATION FUND has complied in all material respects, with the listed provisions for the year ended 30 June 2020.

### **Basis for Qualified Opinion**

#### **Loan to related party**

The super fund loaned money to a related party on several occasions during the 2020 financial year. The amount loaned to the related party exceeded the 5% limit from Section 83 and Section 82 of the in-house asset rules.

The trustees have a written plan to repay the loan to the fund in full, with commercial interest charged, before 30 June 2021.

I have conducted my engagement in accordance with Standard on Assurance Engagements ASAE 3100 *Compliance Engagements* issued by the Auditing and Assurance Standards Board.

I believe that the evidence I have obtained is sufficient and appropriate to provide a basis for my qualified opinion.

### **Independence and quality control**

I have complied with the independence and other ethical requirements relating to assurance engagements, and applied Auditing Standards ASQC 1 *Quality Control for Firms that Perform Audits and Reviews of Financial Reports and Other Financial Information, and Other Assurance Engagements* in undertaking this assurance engagement.

### **SMSF trustee's responsibilities**

Each SMSF trustee is responsible for complying with the listed provisions and for the identification of risks that threaten compliance with the listed provisions, controls which will mitigate those risks and monitoring ongoing compliance.

### **Approved SMSF auditor's responsibilities**

My responsibility is to express an opinion on the trustees' compliance, in all material respects, with the listed provisions, for the year ended 30 June 2020. ASAE 3100 *Compliance Engagements* requires that I plan and perform my procedures to obtain reasonable assurance about whether the trustee have complied, in all material respects, with the listed provisions for the year ended 30 June 2020.

An assurance engagement to report on the trustees' compliance with the listed provisions involves performing procedures to obtain evidence about the compliance activity and controls implemented to meet the compliance requirements. The procedures selected depend on my judgement, including the identification and assessment of risks of material non-compliance.

My procedures included examination, on a test basis, of evidence supporting compliance with those

requirements of the listed provisions for the year ended 30 June 2020.

These tests have not been performed continuously throughout the period, were not designed to detect all instances of non-compliance, and have not covered any other provisions of the SISA and the SISR apart from those specified.

**Inherent limitations**

Due to the inherent limitations of an assurance engagement, together with the internal control structure it is possible that fraud, error, or non-compliance with the listed provisions may occur and not be detected.

A reasonable assurance engagement for the year ended 30 June 2020 does not provide assurance on whether compliance with the listed provisions will continue in the future.

Signature of approved SMSF auditor



..... Dated: **17/06/2021**.....

Name: Ed Glasson

## Appendix 1 - Explanation of listed sections and regulations in compliance engagement

This appendix is included to assist with the meaning of the legislation and regulations listed above

Section or Regulation	Explanation
S17A	The fund must meet the definition of an SMSF
S35AE	The trustees must keep and maintain accounting records for a minimum of five years
S35B	The trustees must prepare, sign and retain accounts and statements
S35C(2)	The trustees must provide the auditor with the necessary documents to complete the audit in a timely and professional manner; and within 14 days of a written request from the auditor
S62	<p>The fund must be maintained for the sole purpose of providing benefits to any or all of the following:</p> <ul style="list-style-type: none"><li><input type="checkbox"/> fund members upon their retirement</li><li><input type="checkbox"/> fund members upon reaching a prescribed age</li><li><input type="checkbox"/> the dependants of a fund member in the case of the member's death before retirement</li></ul>
S65	The trustees must not loan monies or provide financial assistance to any member or relative at any time during the financial year
S66	The trustees must not acquire any assets (not listed as an exception) from any member or related party of the fund
S67	The trustees of the fund must not borrow any money or maintain an existing borrowing (not listed as an exception)
S67A & 67B	The fund must comply with the limited recourse borrowing arrangement rules when borrowing to purchase single acquirable asset or replacement assets (not listed as an exception to the borrowing rules)
S82-85	The trustees must comply with the in-house asset rules
S103	The trustees must keep minutes of all meetings and retain the minutes for a minimum of 10 years
S104	The trustees must keep up to date records of all trustee or director of corporate trustee changes and trustee consents for a minimum of 10 years
S104A	Trustees who became a trustee on or after 1 July 2007 must sign and retain a trustee declaration
S105	The trustees must ensure that copies of all member or beneficiary reports are kept for a minimum of 10 years
S109	All investment transactions must be made and maintained at arms-length - that is, purchase, sale price and income from an asset reflects a true market value/rate of return
S126K	A disqualified person cannot be a trustee, investment manager or custodian of a superannuation fund
Sub Reg 1.06 (9A)	Pension payments must be made at least annually, and must be at least the amount calculated under Schedule 7
Reg 4.09	Trustees must formulate, regularly review and give effect to an investment strategy for the fund



Reg 4.09A	The assets of the SMSF must be held separately from any assets held by the trustee personally or by a standard employer sponsor or an associate of the standard employer sponsor
Reg 5.03	Investment returns must be allocated to members in a manner that is fair and reasonable
Reg 5.08	Member minimum benefits must be maintained in the fund until transferred, rolled over, allotted (to the member's spouse) or cashed out in a permitted fashion
Reg 6.17	Payments of member benefits must be made in accordance with Part 6 or Part 7A of the regulations and be permitted by the trust deed
Reg 7.04	Contributions can only be accepted in accordance with the applicable rules for the year being audited
Reg 8.02B	When preparing accounts and statements required by subsection 35B(1) of SISA, an asset must be valued at its market value
Reg 13.12	Trustees must not recognise an assignment of a super interest of a member or beneficiary
Reg 13.13	Trustees must not recognise a charge over or in relation to a member's benefits
Reg 13.14	Trustees must not give a charge over, or in relation to, an asset of the fund
Reg 13.18AA	Investments in collectables and personal use assets must be maintained in accordance with prescribed rules