

**STATUTORY DECLARATION BY SMSF TRUSTEE**

We, \_\_\_\_\_ both of  
(Full Name)

\_\_\_\_\_  
(Address)

make the following declaration under the *Statutory Declarations Act 1959*.

1. <sup>1</sup>We are the directors of \_\_\_\_\_  
ACN \_\_\_\_\_ (“**SMSF Trustee**”) as trustee for the \_\_\_\_\_  
Superannuation Fund (“**SMSF**”)  
/<sup>1</sup>We are the trustees (“**SMSF Trustee**”) of the \_\_\_\_\_  
Superannuation Fund (“**SMSF**”)  
referred to in the trust deed dated \_\_\_\_\_ (“**Superannuation Trust Deed**”).
2. The SMSF is a regulated superannuation fund within the meaning of the *Superannuation Industry (Supervision) Act, 1993 (Cth)* (“**SIS Act**”).
3. The SMSF Trustee wishes to borrow \$ \_\_\_\_\_ (“**Loan**”) from Bank of Melbourne – A Division of Westpac Banking Corporation ABN 33 007 457 141 (“**Lender**”) to assist the SMSF to purchase a property located at \_\_\_\_\_ (“**Property**”).
4. \_\_\_\_\_ (“**Property Trustee**”) has been appointed as trustee of the \_\_\_\_\_ (“**Property Trust**”) for the purposes of holding the Property on trust for the SMSF for the term of the Loan, as required by the SIS Act.
5. We have read, completed and understood the matters detailed in the "Self Managed Super Fund Loan Applications – Trustee Acknowledgement" provided by the Lender.
6. The acquisition of the Property is not a prohibited "related party" transaction within the meaning of the SIS Act.
7. The acquisition of the Property will not cause the SMSF to breach the "in-house asset rules" in the SIS Act.
8. The Superannuation Trust Deed provides the SMSF Trustee has the power to acquire real estate, borrow money, charge assets of the fund to secure repayment of that money and provide indemnities.
9. The acquisition of the Property and the transaction as detailed in the Loan offer entered into between the Lender and the SMSF Trustee are within the written investment strategy of the SMSF.

\_\_\_\_\_  
<sup>1</sup> Delete inapplicable

- 10. We have received independent financial advice as to the suitability of the proposed Property purchase, the taxation implications of the proposed Property purchase and the Loan having regard to the particular needs and financial situation of the SMSF.
- 11. We have received independent legal advice as to the Loan and its compliance with the SIS Act.
- 12. We understand that making a false declaration is an “event of default” under the Loan and may lead to the Lender enforcing its rights under the Loan.
- 13. We understand and accept that it is the SMSF Trustee's responsibility as to whether or not to proceed with this Loan having obtained the advice referred to above.
- 14. We will not and may not hold the Lender liable for any loss suffered by the SMSF, cost incurred by the SMSF or any penalty imposed on the SMSF by any regulator arising for any reason including but not limited to a loss or cost suffered or imposed because we did not act in accordance with the independent advice referred to above.

We understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act, 1959*, and we believe that the statements in this declaration are true in every particular.

Declared  
at  
on  
before me:

20

\_\_\_\_\_  
(Signature of person making the declaration)

\_\_\_\_\_  
(Signature of person before whom the declaration is made)

\_\_\_\_\_  
(Full name, qualification<sup>2</sup> and address of person before whom the declaration is made)

Declared  
at  
on  
before me:

20

\_\_\_\_\_  
(Signature of person making the declaration)

\_\_\_\_\_  
(Signature of person before whom the declaration is made)

\_\_\_\_\_  
(Full name, qualification<sup>2</sup> and address of person before whom the declaration is made)

<sup>2</sup> A list of persons qualified to witness this Statutory Declaration is attached

## Attachment

The following persons may witness a statutory declaration made under the *Statutory Declarations Act, 1959* in accordance with regulation 4 of the *Statutory Declarations Regulations, 1993*.

1. a person who, under a law in force in a State or Territory, is currently licensed or registered to practise in an occupation listed in Schedule A;
2. a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or
3. a person listed in Schedule B.

### Schedule A

<i>Item</i>	<i>Occupation</i>
101	Chiropractor
102	Dentist
103	Legal practitioner
104	Medical practitioner
105	Nurse
106	Optometrist
107	Patent attorney
108	Pharmacist
109	Physiotherapist
110	Psychologist
111	Trade marks attorney
112	Veterinary surgeon

### Schedule B

<i>Item</i>	<i>Person</i>
201	Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public
202	Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the <i>Consular Fees Act 1955</i> )
203	Bailiff
204	Bank officer with 5 or more continuous years of service
205	Building society officer with 5 or more years of continuous service
206	Chief executive officer of a Commonwealth court
207	Clerk of a court
208	Commissioner for Affidavits
209	Commissioner for Declarations

<i>Item</i>	<i>Person</i>
210	Credit union officer with 5 or more years of continuous service
211	Employee of the Australian Trade Commission who is: <ul style="list-style-type: none"> <li>(a) in a country or place outside Australia; and</li> <li>(b) authorised under paragraph 3 (d) of the <i>Consular Fees Act 1955</i>; and</li> <li>(c) exercising his or her function in that place</li> </ul>
212	Employee of the Commonwealth who is: <ul style="list-style-type: none"> <li>(a) in a country or place outside Australia; and</li> <li>(b) authorised under paragraph 3 (c) of the <i>Consular Fees Act 1955</i>; and</li> <li>(c) exercising his or her function in that place</li> </ul>
213	Fellow of the National Tax Accountants' Association
214	Finance company officer with 5 or more years of continuous service
215	Holder of a statutory office not specified in another item in this Schedule
216	Judge of a court
217	Justice of the Peace
218	Magistrate
219	Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the <i>Marriage Act 1961</i>
220	Master of a court
221	Member of Chartered Secretaries Australia
222	Member of Engineers Australia, other than at the grade of student
223	Member of the Association of Taxation and Management Accountants
224	Member of the Australian Defence Force who is: <ul style="list-style-type: none"> <li>(a) an officer; or</li> <li>(b) a non-commissioned officer within the meaning of the <i>Defence Force Discipline Act 1982</i> with 5 or more years of continuous service; or</li> <li>(c) a warrant officer within the meaning of that Act</li> </ul>
225	Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants

<i>Item</i>	<i>Person</i>
226	Member of: (a) the Parliament of the Commonwealth; or (b) the Parliament of a State; or (c) a Territory legislature; or (d) a local government authority of a State or Territory
227	Minister of religion registered under Subdivision A of Division 1 of Part IV of the <i>Marriage Act 1961</i>
228	Notary public
229	Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public
230	Permanent employee of: (a) the Commonwealth or a Commonwealth authority; or (b) a State or Territory or a State or Territory authority; or (c) a local government authority; with 5 or more years of continuous service who is not specified in another item in this Part
231	Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made
232	Police officer
233	Registrar, or Deputy Registrar, of a court
234	Senior Executive Service employee of: (a) the Commonwealth or a Commonwealth authority; or (b) a State or Territory or a State or Territory authority
235	Sheriff
236	Sheriff's officer
237	Teacher employed on a full-time basis at a school or tertiary education institution