

# DISCLOSURE STATEMENT

Name: Christopher Heffernan

In accordance with the provisions of the Securities Markets Act 1988 and the Securities Markets (Investment Advisers and Brokers) Regulations 2007 this Disclosure Statement provides you with information and answers to questions about me. It provides details about:

- the services I can provide;
- how we operate our business;
- my qualifications as an investment adviser;
- what investment products I am able to sell you;
- which financial organisations I am able to place business with; and
- how I am remunerated.

This document was prepared on 29 February 2008

- |                                         |                                                                                                           |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------------|
| - <b>Employers:</b>                     | Leech & Partners Limited<br>Sempiternal Trust Company Limited                                             |
| - <b>Address:</b>                       | 248 East Street, Ashburton                                                                                |
| - <b>Phone:</b>                         | 03 307 6688                                                                                               |
| - <b>Other relevant contact details</b> | Fax: 03 308 1203<br>Email: <a href="mailto:chris@leech.co.nz">chris@leech.co.nz</a><br>Cell: 027 255 0805 |

## EXPERIENCE

I have been involved with financial services since approximately 1990 in my capacity as a tax adviser and latterly as a Chartered Tax Advisor and give advice mainly in connection with New Zealand and UK taxation, New Zealand self invested superannuation and UK pension transfers. I have worked in the taxation field since 1981 in the UK and in New Zealand from November 2003.

I have worked for Leech & Partners Ltd, a firm of Chartered Accountants, since arriving in New Zealand in November 2003. It is a private New Zealand company based in Christchurch and Ashburton and has its registered office at 248 East Street, Ashburton.

Following the establishment of the Sempiternal Registered Superannuation Fund (the "Sempiternal Fund") in October 2004, I only advise on the use of this fund. I am a Director of the Sempiternal Trust Company Limited, the Trustee of the Sempiternal Fund, since incorporation on 1 October 2004. Sempiternal Trust Company Limited is a private New Zealand company based in Ashburton with its registered office at 248 East Street, Ashburton.

## QUALIFICATIONS

My qualifications include the following:

*Association of Tax Technicians May 2003*

This was achieved with the Association of Tax Technicians in the UK and entitles me to use the designation ATT. It required a one year course of study and four examination passes. I was awarded a distinction in two of the papers.

### *Chartered Tax Adviser May 2003*

This was achieved with the Chartered Institute of Taxation in the UK and entitles me to use the designation CTA. It required either a two year course of study or one a one year course of study along with 5 or more years of relevant experience.

### *Financial Planning Certificate 2000*

This was achieved with the Chartered Insurance Institute in the UK and entitles me to use the designation Cert (PFS). It required a one year course of study and the passing of three examinations. In addition, I passed two of the three modules of the Advanced Financial Planning Certificate before coming to New Zealand.

I keep my qualifications up-to-date by attending numerous courses run by professional firms of accountants, tax advisers and financial services companies.

## **HOW WE OPERATE**

When we give advice on the use of the Sempiternal Fund we follow the internationally recognised six-step process:

1. Establishing the client-adviser relationship,
2. Gathering client data and determining your goals and expectations with respect to superannuation saving,
3. Facilitating, or offering to facilitate the analysing and evaluating the client's overall financial position, cash and debt management, personal and business insurance, retirement planning, estate and tax, and/or investment needs,
4. Developing and presenting our written advice,
5. Overseeing the implementation of the plan, and
6. Monitoring and reviewing the plan.

Following this process can require a series of meetings with a prospective client before our advice is finalised, or it may involve remote but detailed email or written correspondence and telephone conversations. It also means we maintain a close ongoing relationship with clients, regularly reviewing progress and working with them over time to ensure their goals can be met.

The services we provide will depend on client needs. They may include any or all of those detailed in this Disclosure Statement.

Our advice will take account of clients' personal objectives, financial situation and needs. It will be clear and concise, with enough detail for clients to make an informed decision about whether to act on it.

## **PROFESSIONAL BODIES**

I am a member of the Institute of Financial Advisers and, as a condition of my membership I adhere to the IFA Code of Ethics and IFA Practice Standards in all facets of my practice.

I am also a member of:

- The Chartered Institute of Taxation (UK)
- The Association of Tax Technicians (UK)
- The Chartered Insurance Institute (UK)

- The Personal Finance Society (UK)
- The Tax Agents Institute (New Zealand)

## **PROFESSIONAL INDEMNITY INSURANCE**

In compliance with the Institute of Financial Advisers Code of Ethics, I have professional indemnity insurance which covers all my areas of practice as listed above.

This insurance provides protection for clients for:

- any error or omission;
- defamation;
- employee dishonesty; and
- includes full "prior acts" protection.

The minimum level of cover is in compliance with Institute of Financial Adviser's Membership By-laws.

The underwriter is Abacus Association Inc.

As with all insurance, this cover has limitations and is subject to certain exclusions and terms and conditions.

## **DISPUTE RESOLUTION**

If at any time you would like to discuss with us how our service could be improved or if you are dissatisfied with the service you are receiving please let us know by contacting Gary Leech.

We undertake to look into any complaint carefully and promptly and to do all we can to explain the position to you. If we have given you a less than satisfactory service we undertake to do everything reasonable to put it right. If you are still not satisfied you may of course refer the matter to the Institute of Financial Advisers or the Institute of Chartered Accountants, each of which has the power to take disciplinary action against members in appropriate cases.

A complaints procedure is available through the IFA for all clients dealing with IFA members, by telephoning 0800 40 44 22 or by writing to National Office, FPIA, PO Box 5513, Wellington.

A complaints procedure is also available through the Institute of Chartered Accountants by telephoning 04 474 7840 or by writing to the National Office, Level 2, Cigna House, 40 Mercer Street, PO Box 11 342, Wellington 6034.

## **DISCLOSURE OF CERTAIN CRIMINAL CONVICTIONS**

### **Individual**

I have not, within the last five years, been:

- convicted of an offence under the Securities Markets Act 1988; the Investment Advisers (Disclosure) Act 1996 or the Securities Act 1978, or for a crime involving dishonesty;
- a director or principal officer of a body corporate that has committed an offence against the Securities Markets Act 1988, the Investment Advisers (Disclosure Act) 1996 or the Securities Act 1978 or for a crime involving dishonesty;
- adjudged bankrupt;
- prohibited by an Act or by a court from taking part in the management of a company or business;

- the subject of an adverse finding by a court in any proceeding taken against me in my professional capacity; or
- expelled from, or prohibited from being a member of, a professional body.

### **Body Corporate**

No principal officer of Leech & Partners Limited or Sempiternal Trust Company Limited has, within the last five years, been:

- convicted of an offence under the Securities Markets Act 1988; the Investment Advisers (Disclosure) Act 1996 or the Securities Act 1978, or for a crime involving dishonesty;
- a director or principal officer of a body corporate that has committed an offence against the Securities Markets Act 1988, the Investment Advisers (Disclosure Act) 1996 or the Securities Act 1978 or for a crime involving dishonesty;
- adjudged bankrupt;
- prohibited by an Act or by a court from taking part in the management of a company or business;
- the subject of an adverse finding by a court in any proceeding taken against me in my professional capacity; or
- expelled from, or prohibited from being a member of, a professional body.

Neither Leech & Partners Limited nor Sempiternal Trust Company Limited has, within the last five years, been placed in statutory management or receivership.

### **FEES**

No fees are payable to me personally. The fees you will have to pay Sempiternal Trust Company Limited for investing in the Sempiternal Fund are set out below.

Entry Fee – 2% of the net contribution received by the Trustee

Ongoing fees – By agreement depending upon the Member's activity within the Fund

Leech & Partners Limited is a firm of Chartered Accountants and they charge separately for any advice that they provide. Where they provide advice or services in relation to UK pension transfers or contributions to the Sempiternal Fund, they may charge fees to the Trustee of the Sempiternal Fund. Where these circumstances exist, the Trustee of the Sempiternal Fund will incorporate the fees from Leech & Partners Limited in the fees that they charge clients.

Up to 31 March 2008 the shares in Sempiternal Trust Company Limited are held by Trustees of trusts, the beneficiaries of which are the Principals of Leech & Partners Limited and Chris Heffernan. Together with the Principals of Leech & Partners Limited, I may therefore indirectly benefit from dividends paid by Sempiternal Trust Company Limited. It is intended that from 1 April 2008 Sempiternal Trust Company be made a wholly-owned subsidiary of Leech & Partners Limited.

### **OTHER INTERESTS AND RELATIONSHIPS**

I am not able to place business with any company or financial organisation other than the Sempiternal Fund and I am not required to place any level of business with any supplier or financial organisation.

Neither I nor any associate has any other financial or other relationship with any other person, other than the Sempiternal Fund, that would be reasonably likely to influence me in giving advice, except as described above.

## **AREAS OF ADVICE**

I provide advice in the following subject areas:


<b>Estate Planning</b>	Structuring the affairs of clients and long-term planning with the use of (inter alia) companies and trusts.
<b>Retirement Planning</b>	UK pension transfers, New Zealand self invested superannuation
<b>Taxation</b>	Expert-level New Zealand and UK tax planning

I only give advice in the particular subject areas set out above.

## **Products**

I only provide financial advice in respect of the Sempiternal fund, a New Zealand registered superannuation fund.

My employer, Leech & Partners Limited, also only provides financial advice in respect of the Sempiternal Fund.



C Heffernan  
Associate - Leech & Partners Ltd  
Ashburton & Christchurch

Prepared on 29<sup>th</sup> February 2008