

AMG Super

Trust Deed of Amendment

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Equity Trustees Superannuation Limited (**Trustee**)

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AMG Super Fund

Deed of Amendment

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Details

Date

Parties

Name	Equity Trustees Superannuation Limited
ABN	50 055 641 757
Short form name	Trustee
Notice details	Level 1, 575 Bourke Street, Melbourne, Victoria, 3000

Background

- A AMG Super (the “**Fund**”) is governed by a trust deed dated 12 May 2000, as amended from time to time (“**Trust Deed**”).
- B The Trustee is the trustee of the Fund.
- C Pursuant to clause 16 of the Trust Deed, the Trustee has the power to:
“...at any time amend all or any of the provisions of this Deed (including this clause) to take effect from a date before or after the date of the amendment, provided that the amendment must not:
- (a) permit the appointment of a person other than a Constitutional Corporation as trustee unless the Superannuation Law permits; or
 - (b) adversely affect a Member’s right or claim to accrued benefits, or the amount of those accrued benefits, unless it is consistent with Superannuation law.”
- D The Trustee wishes to amend the Trust Deed in the manner set out in this deed with effect from the Effective Time.
- E The Trustee considers that the proposed amendments set out in this deed are consistent with, and do not breach the restrictions in, the amendment power contained in clause 16 of the Trust Deed.

Operative Provisions

1. Amendments

The Trust Deed is amended by inserting new clause 9.12 as set out in Attachment 1 to this deed; and

2. Effective Time

The amendments in clause 1 of this deed take effect from the date of execution of this deed (or such time as determined by the Trustee).

3. Saving Provision

Notwithstanding any other provision in this deed to the contrary, if any amendment contained in this deed is not consistent with, or breaches the restrictions in the amendment power contained in clause 16 of the Trust Deed, that amendment shall be of no effect and the provisions purported to

be amended shall continue to be determined in accordance with the provisions of the Trust Deed as they existed prior to the date of the amendment.

4. No re-settlement of trust

This deed shall be construed only as operating to amend the Trust Deed and not establishing a new or different trust or superannuation fund.

5. Governing law

This deed is governed by the law applicable in New South Wales.

Signing page

EXECUTED as a deed.

Executed by Equity Trustees Superannuation Limited in accordance with Section 127 of the *Corporations Act 2001*



Signature of director

Mick O'Brien

Name of director (print)



Signature of director
(Please delete as applicable)

Mark Blair

Name of director

Attachment 1 – New Clause 9.12

9.12 Fund Structure

9.12.1 Parts of the Fund

The Fund shall consist of any such categories, classes, divisions, sub-divisions or sub-plans (“**Parts**”) as determined by the Trustee.

9.12.2 Changes to Fund structure

(a) The Trustee may:

- (i) establish any Part of the Fund; and
- (ii) make rules governing the entitlements of affected Members.

(b) Subject to clause 16, the Trustee may:

- (i) alter, split, consolidate or terminate any Part of the Fund; and
- (ii) make rules governing entitlements of affected Members (“**Rules**”).

9.12.3 Single trust

The Fund is one trust comprising different Parts of the Fund.

9.12.4 Maintaining categories, classes, divisions, sub-divisions or sub-plans

Unless the Trustee otherwise determines, any liability which in the Trustee’s opinion relates to one Part of the Fund must not be satisfied from the assets or the benefits relating to any other Part.

9.12.5 Sub-funds

Unless the Trustee determines otherwise, a Part is not a sub-plan under the *Corporations Act* 2001 (Cth).