

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 to establish a new division to be known as NQ Super & Pension 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 Attachment 1 to this deed as a new Schedule D of the Trust Deed.

2. Effective Time

The amendments in clause 1 of this deed take effect from 1 December 2021.

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 – Rules for the NQ Super & Pension Division

Schedule D – Rules for NQ Super & Pension Division

1. **Name of Division**

Pursuant to clause 9.12 of the Trust Deed, the Trustee wishes to establish a division within the Fund to be known as NQ Super & Pension, on the terms set out in in this Schedule D.

2. **Membership Categories**

Pursuant to clause 9.12 of the Trust Deed, the Trustee wishes to establish the following membership categories within NQ Super & Pension:

- (a) NQ Super Accumulation Category – on the terms set out in Part A of this Schedule D;
- (b) NQ Pension Category – on the terms set out in Part B of this Schedule D; and
- (c) such other categories as determined by the Trustee from time to time.

3. **Participation in the Division**

A person may be admitted to participate in the NQ Super & Pension division as a Member if the person is accepted by the Trustee as a Member, subject such terms and conditions as may be imposed by the Trustee from time to time.

3. **Terms of the Division**

To the extent of any inconsistency, the provisions of this Schedule D override the provisions of the remaining provisions of this Trust Deed.

Part A– Rules of the NQ Super Category

1. RULES

1.1 Application

The Rules in this Part A of Schedule D only apply to a Member of the NQ Super Accumulation Category.

1.2 References

A reference to:

- (a) A Rule in this Part A of Schedule D is a reference to a rule of the NQ Super Accumulation Category.
- (b) Membership and a Member's benefit is to be administered and determined in accordance with the Rules of this Schedule D and the remaining terms of the Trust Deed.

2. NQ SUPER ACCUMULATION RULES

- (a) The Trustee may make Rules that govern the participation in, operation of and administration of the NQ Accumulation Category, and payment of benefits in respect of the NQ Accumulation Category, as part of the NQ Accumulation Category.
- (b) This Rule 2 prevails to the extent of any inconsistency with any other provision of this Trust Deed.

Part B– Rules of the NQ Pension Category

1. RULES

1.1 Application

The Rules in this Part B of Schedule D only apply to a Member of the NQ Pension Category.

1.2 References

A reference to:

- (a) a Rule in this Part B of Schedule D is a reference to a rule of the NQ Pension Category.
- (b) a pension is to a pension payable in accordance with the Rules of this Part B of Schedule D (“**Pension**”);
- (c) a Pension is to any type of pension permitted to be paid from the Fund by the Trustee and under Relevant Law, including, but not limited to:
 - (i) account based pensions;
 - (ii) transition to retirement income streams; and
 - (iii) term account based pensions;
- (d) a Pensioner is to a Member of the NQ Pension Category and/or Reversionary Beneficiary, as appropriate.
- (e) Reversionary Beneficiary has the meaning as provided for in Relevant Law.

2. NQ PENSION RULES

- (a) The Trustee may make Rules that govern participation in, operation of, administration of and payment of Pensions as part of the NQ Pension Category.
- (b) This Rule 2 prevails to the extent of any inconsistency with any other provision of this Trust Deed.