

# **DEED OF AMENDMENT**

**AMG Super**

**EQUITY TRUSTEES SUPERANNUATION LIMITED**  
ABN 50 055 641 757  
**(Trustee)**

THIS DEED is made the 17th day of August

2023

## **PARTY**

**Equity Trustees Superannuation Limited** ABN 50 055 641 757 (**Trustee**)

## **RECITALS**

- A. The superannuation fund now known as “AMG Super” (**Fund**) was established by a trust deed dated 12 May 2000 (the original trust deed, as amended from time to time, to be referred to as “**the Trust Deed**”).
- B. The Trustee is the current trustee of the Fund.
- C. Clause 16 of the Trust Deed authorises the Trustee to amend the Trust Deed by a further deed provided that it does not, amongst other things, adversely affect a Member’s right or claim to accrued benefits or the amount of those benefits unless it is consistent with the relevant law.
- D. The Trustee wishes to amend the Trust Deed in the manner set out in this deed with effect on and from the date of this deed.
- E. The Trustee is satisfied that the amendments made by this deed are authorised by clause 16 of the Trust Deed.

## **OPERATIVE PROVISIONS**

### **1. AMENDMENT TO TRUST DEED**

With effect on and from the date of this deed, the Trust Deed is amended by:

- (a) inserting the words “or permitted” immediately after the words “The Trustee is empowered to make any transfer from the Fund required” in clause 2.13 of Schedule 1 – Part 2 of the Trust Deed;
- (b) deleting clause 11.2 in its entirety and substitution the new clause 11.2 set out in the schedule to this deed.

### **2. GOVERNING LAW**

This Deed is governed by the law in force in Victoria.

### **3. NOT A RESETTLEMENT**

The amendments effected by this Deed do not constitute the declaration of new trusts or a resettlement.

**EXECUTED** as a deed.

**EXECUTED** by **EQUITY TRUSTEES**  
**SUPERANNUATION LIMITED** ACN 055  
641 757 by its Attorneys under Power of  
Attorney dated 27<sup>th</sup> May 2016 in the  
presence of:



.....  
Signature of witness

Karen Court  
.....  
(Print name)



.....  
Signature of Attorney

Andrew Godfrey, Authorised Signatory - Schedule II  
.....  
Office & Name of Attorney



.....  
Signature of Attorney

David Warren, Authorised Signatory - Schedule II  
.....  
Office & Name of Attorney

## Schedule

### 11.2 Investment Portfolios

- (a) Despite clause 11.1, the Trustee may:
  - (i) set different investment objectives for 2 or more Investment Portfolios;
  - (ii) formulate an investment strategy for each Investment Portfolio which is designed to achieve the investment objectives of the Investment Portfolio;
  - (iii) divide the Assets of the Fund between the different Investment Portfolios consistent with the investment strategy for each Investment Portfolio;
  - (iv) invite Members to nominate one or more Investment Portfolios for the investment of the whole or any part of their Member Account and future contributions;
  - (v) set rules regarding:
    - (A) when, how and in what manner Members may change their nominations;
    - (B) the minimum amount that may be invested in an Investment Portfolio; and
    - (C) any other matters which the Trustee considers appropriate;
  - (vi) change the investment objectives, strategies, Investment Portfolios and the Assets of the Fund which comprise the Investment Portfolios as the Trustee determines;
  - (vii) close one or more Investment Portfolios to any additional investments; and
  - (viii) subject to the Superannuation Law:
    - (A) transfer a Member's investment from an Investment Portfolio that has been closed in accordance with clause 11.2(a)(vii) to another Investment Portfolio that the Member nominates or, in the absence of a nomination, that the Trustee determines to be appropriate; and
    - (B) if there are no Assets of the Fund remaining in an Investment Portfolio, terminate the Investment Portfolio.
- (b) Despite clause 11.2(a), the Trustee may allocate the proceeds of any policy of insurance received in respect of a Member to any one or more Investment Portfolios as the Trustee determines to be appropriate.