

CONFIRMATION OF CHANGE OF TRUSTEE DEED

G Whipper Retirement Fund

Date of Deed: 5 APRIL 2013 (insert date of execution)

Our ref: 3296:130130

DBA
Lawyers

Level 1, 290 Coventry Street (PO Box 2085)
South Melbourne Vic 3205
Ph: (03) 9092 9400 Fax: (03) 9092 9440
dba@dbalawyers.com.au www.dbalawyers.com.au
DBA Lawyers Pty Ltd ACN 120 513 037

THIS DEED is made on: 5 April 2013.....(insert date of execution)

BETWEEN: **GAIL WHIPPER RECRUITMENT PTY LTD** ACN 092 700 304 (formerly G WHIPPER INVESTMENTS PTY LIMITED) care of Leenane Templeton Pty Ltd, Level 2, 134 King Street, Newcastle, New South Wales 2300 ('Original Trustee')

AND: **GT WHIPPER INVESTMENTS PTY LTD** ACN 124 164 478 care of Leenane Templeton Pty Ltd, Level 2, 134 King Street, Newcastle, New South Wales 2300 ('Current Trustee')

AND: **ANTHONY CARL WHIPPER** and **GAIL HELEN WHIPPER** both of 11 The Quarterdeck, Merewether Heights, New South Wales 2291 ('Members')

RECITALS:

- A The fund known as 'G Whipper Retirement Fund' ('Fund') was established by deed dated 11 May 2000 ('Operative Deed').
- B Pursuant to Clause 20.3 of the Operative Deed the Members have the power to appoint and remove trustees.
- C In accordance with Clause 20.3 of the Operative Deed the Members confirm that on or about 27 February 2007, they appointed the Current Trustee as the new trustee of the Fund in place of the Original Trustee.
- D The parties wish to confirm the validity of the change of trustee that occurred on or about 27 February 2007.

PROVISIONS:

- 1. The parties confirm that on or about 27 February 2007 they appointed the Current Trustee as the new trustee of the Fund in place of the Original Trustee.
- 2. The parties confirm that the Current Trustee continues to be the trustee of the Fund since its appointment.
- 3. The parties confirm that to the best of their knowledge all provisions in the Operative Deed regarding the valid and effective change of trustee have been satisfied.
- 4. The parties confirm that the Original Trustee has transferred all of the property of the Fund in the name of the Current Trustee on or about 27 February 2007.
- 5. The parties confirm that this Deed is not intended to give rise to any change in beneficial entitlement in the Fund.
- 6. In this Deed, unless the context otherwise requires:
 - 6.1 a reference to any person or body shall include references to its respective authorised officers, agents, delegates, successors, assigns, executors and administrators;
 - 6.2 a reference to the word Parties includes a reference to each of the parties in this Deed;
 - 6.3 references to any provision of the Deed or law are references to that provision of the Deed or law as amended, replaced or superseded from time to time; and

- 6.4 words importing any one gender include all genders and words importing the singular number include the plural and vice versa.
7. The provisions of this Deed are and shall be construed as severable from the Operative Deed or any other deed and so if any provision or any part of the provision shall, at any time, be found or declared void, voidable by any party, invalid, unenforceable or illegal then the remaining part of the provision, if any, and all other provisions of this deed and the Operative Deed shall remain valid, binding and enforceable.
8. This Deed shall be construed in accordance with the laws of the State of New South Wales and the Commonwealth of Australia and the courts and tribunals of those jurisdictions and, to the extent that they have application to the Deed, their jurisdictions shall be exclusive except to the extent that all of the parties to a proceeding unanimously agree that the courts and tribunals of another state or territory of Australia shall have jurisdiction.

EXECUTED as a deed.

ORIGINAL TRUSTEE

EXECUTED by **GAIL WHIPPER**)
RECRUITMENT PTY LTD ACN 092 700 304)
in accordance with s 127 of the *Corporations*)
Act 2001 (Cth):)



Signature of **SOLE DIRECTOR / SECRETARY**


Name of signing officeholder

CURRENT TRUSTEE

EXECUTED by **GT WHIPPER INVESTMENTS**)
PTY LTD ACN 124 164 478 in accordance with)
s 127 of the *Corporations Act 2001* (Cth):)



Signature of **DIRECTOR / SECRETARY**


Name of signing officeholder



Signature of **DIRECTOR**


Name of signing officeholder

MEMBERS

SIGNED SEALED AND DELIVERED by)
ANTHONY CARL WHIPPER in the)
presence of the following witness:)



Signature of ANTHONY CARL WHIPPER



Signature of witness

Stephanie Dooley

Name of witness

Level 2, 134 King Street, Newcastle NSW 2300

Address of witness

SIGNED SEALED AND DELIVERED by)
GAIL HELEN WHIPPER in the presence)
of the following witness:)



Signature of GAIL HELEN WHIPPER



Signature of witness

Stephanie Dooley

Name of witness

Level 2, 134 King Street, Newcastle NSW 2300

Address of witness