

Self Managed Superannuation Fund Amendment Deed

Haywill Holdings Superannuation Fund

Table of contents

Deed

Recitals

- Clause 1:** Confirmation of Superannuation Fund
- Clause 2:** Replacement of Current Provisions
- Clause 3:** Amendment Powers
- Clause 4:** Amendment Deed, Annexure & SuperCentral Governing Rules

Annexure

- Part 1:** Trustees - Consent and Declaration
- Part 2:** Schedule of Current Members
- Part 3:** Tax File Number Authorisations

This amendment deed is made:

At: 286 Maribyrnong Rd, MOONEE PONDS, VIC, 3039

On: 18/2/08

By: Morel Da Ros ("the Trustee") 26 Curagul Road, Turramurra , NSW, 2074

Christain Da Ros ("the Trustee") 26 Curagul Road, Turramurra , NSW, 2074

Recitals

- A. The Trustees are the trustees of the Haywill Holdings Superannuation Fund ("the Superannuation Fund") which has been established by a deed dated 30 November 1992 made between Morel Da Ros, Del Da Ros as that deed has been subsequently amended ("the Current Deed").
- B. The Superannuation Fund is a self managed superannuation fund and is a regulated superannuation fund.
- C. The Trustees intend to amend the Current Deed by completely replacing all of the provisions of the Current Trust Deed with the provisions of this Amendment Deed (which provisions include the SuperCentral Governing Rules as later defined in this Deed).
- D. The Trustees are empowered under clause/rule 25 of the Current Deed to make the proposed amendment.
- E. The proposed amendment is not intended to and does not adversely affect a member's right or claim to benefits accrued immediately before the date of this Amendment Deed or to the amount of those accrued benefits.
- F. The current members of the Superannuation Fund are those persons identified in Part 2 of the Annexure and they consent to the proposed amendment as evidenced by their signing the declarations set out in Part 2 of the Annexure.

Operative Part

1. Continuation of superannuation fund

Continuation of fund

- a) The Trustees hereby confirm that it holds the Trust Fund of the Superannuation Fund pursuant to the trusts, powers and discretions applying to the Superannuation Fund for the benefit of the Members and their Dependants.

Indefinitely continuing

- b) The Superannuation Fund will be an indefinitely continuing fund which will provide individual personal benefits, pensions or retiring allowances for the Members and their Dependants.

Name

- c) The Superannuation Fund will be known as the Haywill Holdings Superannuation Fund or by such other name as the Trustees determine.

Current members

- d) Each of the persons ("the Current Members") identified in Part 2 of the Annexure ("Schedule of Current Members") continue to be the Members of the Superannuation Fund.
- e) Each of the Current Members authorise the Trustees to use their tax file numbers in accordance with the authorisations set out in Part 3 of the Annexure ("Tax File Number Authorisations").

2. Replacement of Current Provisions

Replacement of rules

- a) Pursuant to the amendment powers conferred on the Trustees (whether under the Current Deed or otherwise) the Current Deed is amended with effect on and from the date of this Amendment Deed by completely replacing all of the current provisions of the Current Deed with the provisions of this Amendment Deed and of the SuperCentral Governing Rules.

Incorporation of SuperCentral governing rules

- b) For the purposes of Clause 2(a), the SuperCentral Governing Rules are expressly incorporated into this Trust Deed as if they had been set out at length in this Trust Deed.

Identification of SuperCentral Governing Rules

- c) The SuperCentral Governing Rules are the Rules set out as an attachment to the Deed dated 7th February 2006 made by Super Governing Rules Pty Limited ACN 117 737 381 ("SGR") as those Rules are subsequently amended from time to time by SGR pursuant to clause 3(b).

3. Amendment Powers

Donees & scope of amendment powers

- a) The Trustees may by deed amend, alter, delete or replace any or all of the provisions of the Trust Deed or of the SuperCentral Governing Rules.
- b) Super Governing Rules Pty Limited ACN 117 737 381 ("SGR") may by deed amend, alter, delete or replace any or all of the provisions of the SuperCentral Governing Rules.
- c) Any amendment, alteration, deletion or replacement may:
 - i) be retrospective and apply from a date preceding the date on which the amendment is made;
 - ii) be prospective and apply from a date following the date on which the amendment is made; and
 - iii) operate by way of complete replacement of all of the current provisions with new provisions.

Limitation to the scope of amendments

- d) The amendment powers:
 - i) whenever the Trustee consists of one or more natural persons - cannot be used to change the primary purpose of the Superannuation Fund from the provision of old-age pensions;
 - ii) whenever the primary purpose of the Superannuation Fund is not the provision of old-age pensions - cannot be used to remove the requirement that the Trustee of the Superannuation Fund be a constitutional corporation;

- iii) cannot be used to reduce the amount standing to the credit of the benefit accounts of a Member unless that Member has consented to the reduction or the reduction is permitted by Superannuation Law, by the Regulator or by Court Order;
- iv) in the case of the power conferred on the Trustees - cannot be exercised until the amendment power conferred on SGR has been terminated in accordance with either clause 3(i) or 3(j);
- v) cannot be used to amend this clause 3(d).

Trustees and Members bound by amendments to SuperCentral Governing Rules

- e) The Trustees and each Member of the Superannuation Fund are bound by any amendment made pursuant to this clause in the same manner as if the amendment had been made immediately before the Member joined the Superannuation Fund.

Trustees may request amendments made by SGR not to apply

- f) The Trustees may by notice to SGR request that an amendment ("the current amendment") made by SGR to the SuperCentral Governing Rules not apply to the Superannuation Fund.
- g) For the request to be effective, the notice must be in writing and be given to SGR within 14 days of the Trustees being notified of the current amendment.
- h) Where the Trustees make an effective request for the current amendment not to apply to the Superannuation Fund, then SGR will by deed revoke the current amendment so far as it applies to the Superannuation Fund and the current amendment will be taken never to have applied to the Superannuation Fund.

Repatriation of amendment power

- i) Where SGR at the request of the Trustees has revoked an amendment made to the SuperCentral Governing Rules then the following provisions apply:
 - i) the amendment power conferred on SGR terminates; and
 - ii) amendments previously made by SGR to the SuperCentral Governing Rules continue to apply to the Superannuation Fund notwithstanding that the amendment power conferred on SGR has terminated.

Release of amendment power

- j) SGR may by deed or written notice to the Trustees release the power conferred by clause 3(b) in which event:
 - i) the amendment power conferred on SGR terminates; and
 - ii) amendments previously made by SGR to the SuperCentral Governing Rules continue to apply to the Superannuation Fund notwithstanding that the amendment power conferred on SGR has terminated.

4. Amendment Deed, Annexure & SuperCentral Governing Rules

Deed includes annexure, rules and schedules

- a) This Amendment Deed includes the Annexure to this Deed and the SuperCentral Governing Rules.

Inconsistency between parts of deed

- b) Where any provision of the SuperCentral Governing Rules or the Annexure is inconsistent with the Amendment Deed, then to the extent of the inconsistency, the provision of the Amendment Deed shall take precedence.

Executed as a Deed

SIGNED SEALED AND DELIVERED

Trustee 1:

Morel Da Ros

Signature:

x *M Da Ros*

Full name of witness:

Daniel Ryan

Witness signature:

Daniel Ryan

Trustee 2:

Christain Da Ros

Signature:

x *CW*

Full name of witness:

Daniel Ryan

Witness signature:

Daniel Ryan

Annexure

Part 1: Trustees - Consent and Declaration



We each understand that the Superannuation Fund is both a regulated superannuation fund and also a self managed superannuation fund.

We each individually hereby reaffirm our consent to act as a Trustee of the fund.

To this end we each wish to confirm, as at the date of this declaration, that in relation to ourselves:

- a) we have attained the age of 18 years;
- b) no notice of disqualification has been made in respect of any of us pursuant to s120A of the Superannuation Industry (Supervision) Act, 1993;
- c) we are not an insolvent under administration;
- d) no civil penalty order under the Superannuation Industry (Supervision) Act, 1993 has been made against us; and
- e) we have not been convicted (whether in Australia or elsewhere) of any offence involving dishonest conduct.

We each individually understand that should any of the matters listed in paragraphs (b) to (e) subsequently apply to any of us, that we will cease to be eligible to act as a trustee of a superannuation fund regulated under the Superannuation Industry (Supervision) Act 1993 and that we will immediately advise our fellow trustees and that we will, as and when required by our fellow trustees, resign as a trustee.

Trustee 1:	Morel Da Ros
Address:	26 Curagul Road, Turramurra , NSW, 2074
Signature:	
Trustee 2:	Christain Da Ros
Address:	26 Curagul Road, Turramurra , NSW, 2074
Signature:	

Part 2: Schedule of Members

Member 1: Morel Da Ros
Date of birth: 28/03/1951
Address: 26 Curagul Road, Turramurra , NSW, 2074

We each confirm that we each have (and know that we each have) access to a Product Disclosure Statement in respect of superannuation interests in the Superannuation Fund.

We each confirm that we understand that as members of the Superannuation Fund we will be bound by the provisions of the Trust Deed (including the provisions of the SuperCentral Governing Rules) which apply to the Fund as those provisions are from time to time amended.

We understand that the current provisions of the Superannuation Fund will be completely replaced by the provisions of this Deed and by the provisions of the SuperCentral Governing Rules (as they are amended from time to time) and consent to this amendment.

Member 1: Morel Da Ros
Address: 26 Curagul Road, Turramurra , NSW, 2074

Signature: -----

Part 3: Tax File Number Authorisations

Each of the Current Members understand that there is no legal obligation to provide to the Trustee their Tax File Number ("TFN") but are aware that the consequences of not providing their TFN.

Each of the Current Members individually authorise the Trustee to use their TFNs in the manner set out below.

Statutory Basis for requesting your TFN

The Trustees are authorised under the Superannuation Industry (Supervision) Act, 1993 to request and collect TFNs of members and prospective members of the Fund.

Uses to which TFNs will be put

If a member or prospective member provides their TFN, the Trustees are only permitted to use the TFN for lawful purposes including:

- a) identifying the members/prospective members superannuation benefits where other information is not sufficient;
- b) calculating tax due on any ETP payable to the member/prospective member;
- c) providing the TFN to the Commissioner of Taxation for the purpose of assessing any tax on any ETP payable to the member/prospective member and for assessing any surcharge payable on superannuation contributions and other amounts made by or for the member/prospective member); and
- d) providing the TFN to the Commissioner of Taxation for the purpose of determining an entitlement of members to a Government Co-Contribution under the Superannuation (Government Co-Contribution for Low Income Earners) Act 2003.

The lawful purposes to which TFNs are used may, because of legislative changes, alter in the future.

No obligation to provide TFN

A member/prospective member is under no legal obligation to provide their TFN. Consequently, by not providing their TFN, a member/prospective member will have committed no offence.

Consequences of not providing TFN

If a member/prospective member does not provide their TFN then the following may happen:

- a) more tax than is otherwise due may be withheld from benefits paid to you from the Fund;
- b) superannuation surcharge or a greater amount of surcharge may be payable in respect of surchargeable contributions of members than would otherwise be the case;
- c) it may be more difficult to locate, identify and consolidate superannuation benefits in other funds; and
- d) an entitlement to a Government Co-Contribution may not be payable.

The consequences of not providing TFNs may, because of legislative changes, alter in the future.

Providing TFN to other Superannuation bodies

The Trustees may provide your TFN to the trustee of another superannuation fund or to a Retirement Savings Account provider where that trustee or provider is to receive from the Fund any of the transferred/rolled over benefits of a member or prospective member. However, a TFN will not be provided to another superannuation body if the member/prospective member instructs the Trustees not to provide their TFN.

The Trustees may provide your TFN to the Commissioner of Taxation.

Member 1:

Morel Da Ros

Signature:

x. *m. Da Ros*
