

**DEED OF VARIATION**

**OF**

**TOUS Super Fund**

THIS DEED IS DATED the 23<sup>rd</sup> day of June 2017

DATE HERE

**PARTIES:**

**Tous Pty. Ltd (ACN 151 827 655) of 58 Garnett Rd, Wheelers Hill VIC 3150** ("the Trustee")

**Yin Onn Chee of 58 Garnett Rd, Wheelers Hill VIC 3150 and Linda Set Fen Chee of 58 Garnett Rd, Wheelers Hill VIC 3150** ("the Members")

**RECITALS:**

- a) **Tous Pty. Ltd** acts as Trustee of TOUS Super Fund ("the Fund").
- b) **Yin Onn Chee and Linda Set Fen Chee** are the Members of the Fund ("the Members").
- c) The Fund was established by deed dated 06/07/2011 ("the Original Deed").
- d) The Trustee, at the request of the Members, wishes to amend the Deed by substituting in place of the existing Clauses those Rules ("the New Rules") in the form annexed and marked as "Annexure A" to this Deed.
- e) The Trustee wishes to amend the Deed by substituting in place of the existing Clauses those Rules ("the New Rules") in the form annexed and marked as "Annexure A" to this Deed.
- f) Clause 189 of the Fund's existing Deed allows the Trustee to vary the Deed so long as no amendment will reduce a Member's Benefit (as defined in those Clauses). The purpose of the amendment is to enable the Trustee and the Members to take comply with the new superannuation measures by adopting the governing rules as the governing rules of the Fund.
- g) Notwithstanding anything contained in this Deed to the contrary, this Deed does not and shall not:
  - (i) alter the objects of the Fund;
  - (ii) reduce the benefits and entitlements payable to Members;
  - (iii) alter the rights and benefits of existing Members in a manner such that, on the whole, equity between Members is not maintained; or
  - (iv) offend the provisions of any relevant Act or Regulation as they exist, from time to time, or any amendments or variation of any relevant Act or Regulation made after the date of this Deed.

- h) To the extent that any one or more of the provisions of this Deed are not able, allowed or required to take effect pursuant to a provision of the Superannuation Industry Supervision Act 1993 as amended or regulation made for the purposes of that statutory enactment, the provisions are amended by deletion to the extent that:
- (i) it is necessary to remove that or those restrictions beyond the validity of the amendments, or any part of them made pursuant to this Deed; and;
  - (ii) the deletion of part or all of the provisions does not result in a resettlement of the Fund; and
  - (iii) amendments made by this Deed are deemed to have occurred after the deletion referred to in this clause.
- i) This Deed shall not take effect, to the extent that any one or more of the provisions of this Deed are not able, allowed, or required to take effect pursuant to the provisions of any regulation made for the purpose of that statutory enactment; and the provision is not capable of amendment to enable or allow this Deed to take effect

**PROVISIONS:**

**1. Replacement of Rules:**

The existing Clauses of the Fund are replaced in their entirety with the New Rules as marked "Annexure A" to this Deed, pursuant to Clause 189 of the Fund's governing rules.

**2. No Resettlement at Law:**

Any amendment to the Clauses of the Fund affected by this Deed does not result in a resettlement of the Fund at law, equity or under any Superannuation Law.

**EXECUTED AS A DEED BY:**

Executed for and on behalf of Tous Pty. Ltd (ACN: 151 827 655), in its capacity as Trustee of the Fund in accordance with section 127(1) of the *Corporations Act 2001 (Cth)*.



.....  
Signature of Director/Sole Director

.....  
YIN ONN CHEE

Name of Director/Sole Director



.....  
Signature of Director/Secretary


.....  
LINDA SEI FEN CHEE

Name of Director/Secretary

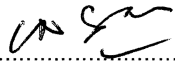


Executed by Yin Onn Chee in the presence )

of: )

..... 

**SIGN HERE**

..... 

Witness

..... Janet Chai N Saw

Witness Full Name

**WITNESS**

Executed by Linda Set Fen Chee in the )

presence of: )

..... 

**SIGN HERE**

..... 

Witness

..... Janet Chai N Saw

Witness Full Name

**WITNESS**