

## DEED OF VARIATION

### PARTIES:

PC & TA Brancourt Nominees Pty Ltd  
(ACN 122 687 370)  
C/- 74 Elizabeth Street Mayfield NSW 2304

(Trustee)

Peter Craig Brancourt  
Tracey Alison Brancourt  
74 Elizabeth Street Mayfield NSW 2304

(Members)

### RECITALS:

- A. The Peter Brancourt Superannuation Fund (**Fund**) was established by declaration of trust (**Trust Deed**) on the date specified in Appendix A as the *Establishment Date of the Fund*, for the benefit of certain present and future persons as will become members of the Fund and their dependants.
- B. The Trustee, with the consent of the Members, has decided to vary the Trust Deed to ensure that it is consistent with the current self managed superannuation fund provisions of the Superannuation Industry (Supervision) Act 1993 and to update the Trust Deed with developments in the superannuation laws since the Fund was established.
- C. Clause 18 (**Amending Clause**) of the Trust Deed allows the Trust Deed to be amended, altered or modified from time to time by deed of variation (**Deed of Variation**) executed by the Trustee.
- D. The variations effected by this Deed of Variation do not vary the main purpose of the Trust Deed, reduce any benefits accrued by members, or affect the basis for calculating the amount of retirement benefits of any member in a way that reduces the amount with respect to the period of membership before the commencement date of this Deed of Variation, and are permitted under the Amending Clause.

### IT IS DECLARED:

#### 1 Confirmation

- (a) The Trustee hereby agrees to maintain the Fund which was established on the date specified in Appendix A as the *Establishment Date of the Fund*.
- (b) The Members hereby consent to the variation of the Trust Deed.

#### 2 Amendments

In accordance with the Amending Clause, the operative provisions of the Trust Deed are hereby amended, subject to clauses 3 and 4 of this Deed of Variation, by being deleted and replaced by rules 1 to 45 and Schedules A and B attached as the '*SMSF Governing Rules Version 18.01*' (**Governing Rules**) to this Deed of Variation.

### 3 Pension Already in Payment

If a Member was in receipt of an income stream from the Fund immediately prior to the date specified in Appendix A as the *Date of this Deed (Effective Date)*, such income stream:

- (a) must continue to be paid in accordance with the provisions of the deed applicable to such income stream in effect immediately prior to the Effective Date, until such time as the Member elects:
  - (i) by written notice given to the Trustee to have the income stream paid in accordance with one or more of the provisions of the Governing Rules as amended; or
  - (ii) pursuant to rule 38.8 of the Governing Rules as amended to have the income stream paid in accordance with the conditions applying to a different type of income stream; and
- (b) may be commuted in accordance with the provisions of the deed applicable to such income stream in effect immediately prior to the Effective Date, to the extent only that such conditions of commutation are at the time of commutation acceptable under the Relevant Law.

### 4 Binding Death Benefit Instrument Already in Effect

If and to the extent that the Trustee was, immediately prior to the Effective Date, bound to act in accordance with an instrument in writing (in this clause referred to as the **Instrument**) requiring the Trustee to pay Benefits arising on the death of a Member to a person or persons specified in the Instrument, being the Legal Personal Representative and/or one or more of the Dependants of the Member, then the Trustee will remain so bound, provided that the person so specified is, or the persons so specified are, the Legal Personal Representative and/or one or more of the Dependants of the Member when the Member dies, unless and until the Instrument lapses or is revoked in accordance with the provisions of the Trust Deed in effect immediately prior to the Effective Date.

### 5 Effective Date

This Deed of Variation takes effect on the Effective Date.

EXECUTED as a Deed on the date of deed specified in Appendix A.

EXECUTED BY PC & TA BRANCOURT )  
NOMINEES PTY LTD (ACN 122 687 370) as )  
Trustee in accordance with the Corporations )  
Act 2001:

*Tracey Brancourt*  
Director Signature

Tracey Brancourt  
Director Name

*Peter Brancourt*  
Director / Secretary Signature

PETER CRAIG BRANCOURT  
Director / Secretary Name

SIGNED SEALED AND DELIVERED by )  
PETER CRAIG BRANCOURT as Member in )  
the presence of: )

*Peter Brancourt*

*C Ledger*  
Witness

Catherine Ledger  
Witness full name

SIGNED SEALED AND DELIVERED by )  
TRACEY ALISON BRANCOURT as Member )  
in the presence of: )

*Tracey Brancourt*

*C Ledger*  
Witness

Catherine Ledger  
Witness full name

## APPENDIX A

<b>DATE OF THIS DEED:</b>	16 June 2021
<b>TRUSTEE:</b>	PC & TA Brancourt Nominees Pty Ltd (ACN 122 687 370)
<b>NAME OF FUND:</b>	Peter Brancourt Superannuation Fund
<b>ESTABLISHMENT DATE OF THE FUND:</b>	15 November 2006
<b>PROPER LAW GOVERNING FUND:</b>	New South Wales

**PETER BRANCOURT SUPERANNUATION FUND  
(FUND)**

**RESOLUTION OF THE MEMBERS**

We, the undersigned:

Peter Craig Brancourt  
Tracey Alison Brancourt

being all of the members of the Fund (**Members**), do hereby resolve as follows:

VARIATION TO TRUST DEED: That the Members join with the trustee of the Fund to vary the trust deed in the manner set out in the deed of variation produced with this resolution, it being noted that the variation is in accordance with the requirements and within the limitations of clause 18 of the trust deed.

EXECUTION OF DEED OF VARIATION: That the Members execute the deed of variation.

DATED 16/6/2021.

  
PETER CRAIG BRANCOURT

  
TRACEY ALISON BRANCOURT

**PETER BRANCOURT SUPERANNUATION FUND  
(FUND)**

**PC & TA BRANCOURT NOMINEES PTY LTD  
(ACN 122 687 370)  
(COMPANY)**

**RESOLUTION OF THE DIRECTORS  
MADE UNDER THE CONSTITUTION OF THE COMPANY**

We, the undersigned:

Peter Craig Brancourt

Tracey Alison Brancourt

being all of the directors of the Company, acting in its capacity as trustee for the Fund, do hereby resolve as follows:

**VARIATION TO TRUST DEED:** That under clause 18 of the trust deed for the Fund, the Company vary the trust deed in the manner set out in the deed of variation produced with this resolution, it being noted that the variation is in accordance with the requirements and within the limitations of clause 18 of the trust deed.

**EXECUTION OF DEED OF VARIATION:** That the Company execute the deed of variation in accordance with its constitution and arrange for the stamping of the deed of variation and governing rules (if applicable).

**CONTINUING MEMBERS:** That under the trust deed as varied, the following continuing members be confirmed as members of the Fund:

**MEMBER NAME**

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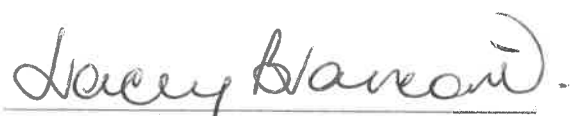
Peter Craig Brancourt

Tracey Alison Brancourt

**NOTICE:** That a written statement be given to each of the members explaining the nature and purpose of the variation and the fact that it will not have any effect on the entitlements or rights of any member.

**DATED** 16/6/2021.

  
**PETER CRAIG BRANCOURT**

  
**TRACEY ALISON BRANCOURT**

**PETER BRANCOURT SUPERANNUATION FUND  
(FUND)**

**NOTICE TO MEMBERS OF  
VARIATION TO TRUST DEED**

Dear Peter Craig Brancourt

This notice to members explains the nature and purpose of the variation to the trust deed for the Fund that has recently been effected.

**Nature and Purpose**

The nature and purpose of the variation to the trust deed is in order to:

- ensure the Fund complies and will continue to comply with the self managed superannuation fund (**SMSF**) requirements of the *Superannuation Industry (Supervision) Act 1993 (SIS Act)* and the *Superannuation Industry (Supervision) Regulations 1994 (SIS Regulations)*; and
- ensure the Fund is most effectively managed for the benefit of members and their dependants by providing the trustee with relevant and current powers and instructions.

Essentially, the governing rules of the Fund have been replaced with new governing rules which reflect these requirements.

**Accrued Benefits**

The variation was drafted in accordance with the requirements and limitations of the variation clause of the trust deed for the Fund and accordingly, no members' accrued benefits have been varied or adversely affected in any way.

DATED

16/6/2021

  
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Signed on behalf of the Trustee

**PETER BRANCOURT SUPERANNUATION FUND  
(FUND)**

**NOTICE TO MEMBERS OF  
VARIATION TO TRUST DEED**

Dear Tracey Alison Brancourt

This notice to members explains the nature and purpose of the variation to the trust deed for the Fund that has recently been effected.

**Nature and Purpose**

The nature and purpose of the variation to the trust deed is in order to:

- ensure the Fund complies and will continue to comply with the self managed superannuation fund (**SMSF**) requirements of the *Superannuation Industry (Supervision) Act 1993 (SIS Act)* and the *Superannuation Industry (Supervision) Regulations 1994 (SIS Regulations)*; and
- ensure the Fund is most effectively managed for the benefit of members and their dependants by providing the trustee with relevant and current powers and instructions.

Essentially, the governing rules of the Fund have been replaced with new governing rules which reflect these requirements.

**Accrued Benefits**

The variation was drafted in accordance with the requirements and limitations of the variation clause of the trust deed for the Fund and accordingly, no members' accrued benefits have been varied or adversely affected in any way.

DATED

16/6/2021.

Tracey Brancourt

Signed on behalf of the Trustee