

MARENDA PTY LIMITED EMPLOYEES' SUPERANNUATION FUND

AMENDING DEED IN COMPLIANCE WITH REGULATION 18
OF THE OCCUPATIONAL SUPERANNUATION STANDARDS REGULATIONS

CROPPER & PARKHILL
SOLICITORS
53 MARTIN PLACE
SYDNEY NSW 2000

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JHC:PC:0060S

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THIS DEED is made the 19 day of April 1990

BY: MARENDA PTY LIMITED of 19 Massey Street, Gladesville, New South Wales (hereinafter called "the Trustee")

WHEREAS

- A. By deed dated 1 May 1981 ("the Trust Deed") the Trustee and Meriton Nominees Pty Limited established a superannuation fund known as the Marena Pty Limited Employees' Superannuation Fund ("the Fund"). By supplementary deed dated 1 March 1988 Meriton Nominees Pty Limited resigned as trustee and the Trustee was appointed as trustee.
- B. In accordance with clause 24 of the Trust Deed the Trust Deed may be amended by the Trustee with the consent of the Trustee in its capacity as employer.
- C. The Trustee desires to amend the Trust Deed in the manner hereafter described in order to comply with Regulation 18 of the Occupational Superannuation Standards Regulations and any other Statutory Requirements (as hereinafter defined) from time to time in force.

NOW THIS DEED WITNESSES:

1. In this Deed and in the Trust Deed the following words shall have the following respective meanings:
- "Act" means the Occupational Superannuation Standards Act, 1987;
- "Amending Date" means the date of this Deed;
- "Gazette" means Commonwealth of Australia Gazette;
- "Regulations" means the Occupational Superannuation Standards Regulations made under the Occupational Superannuation Standards Act 1987;



"Responsible Authority" means any one or more of the Insurance and Superannuation Commissioner (including any Deputy Commissioner (Superannuation)) or such other person appointed from time to time to administer the Occupational Superannuation Standards Act 1987, the Commissioner of Taxation (including any Deputy Commissioner of Taxation) appointed under the Income Tax Assessment Act 1936 or any other person or governmental authority responsible for administering the laws, regulations or any other rules applying to or governing the operation of superannuation funds and/or affecting the liability to taxation of contributions to, income of and benefits paid by such funds.

"Statutory Requirements" means any legislation delegated legislation policy or requirement of a Responsible Authority relating to the operation of superannuation funds and/or the liability to taxation of contributions to, income of and benefits paid by such funds.

2. The Trust Deed is hereby amended with effect the date hereof by the inclusion therein of new clauses 28 and 29 as follows:

"28. (a) Where a requirement of a standard prescribed under the Act, other than by Regulation 5 or Regulation 18 of the Regulations, and having effect on 1 January 1990 is applicable to the operation of a superannuation fund, the requirement, as in force from time to time, is taken to be included in this Deed;



(b) where a regulation prescribed under the Act, other than by Regulation 5 or Regulation 18 of the Regulations, and notified in the Gazette after 1 January 1990:

- (i) amends a standard in a manner that affects a requirement applicable to the operation of a superannuation fund; or
- (ii) prescribes a standard containing a requirement applicable to the operation of a superannuation fund;

the amendment referred to in paragraph (i) above is taken to be included in this Deed or the requirement referred to in paragraph (ii), as in force from time to time, is taken to be included in this Deed, as the case may be.

29. Notwithstanding anything herein to the contrary:

- (a) any matter which at any time after the Amending Date is required by the Statutory Requirements from time to time to appear in this Deed shall to the extent it does not presently appear be and be deemed to be included herein;
- (b) Any matter which at any time after the Amending Date is not required by the Statutory Requirements to appear in this Deed but which, if included in this Deed would secure for all or any of the Fund and the Fund members further relief from taxation shall to the extent to



which it does not presently appear be and be deemed to be included herein."

- 3. The assets of the Fund shall continue to be vested in the Trustee upon trust to apply them in the manner set out in the Trust Deed as amended.
- 4. The Fund shall continue to be managed and administered in all respects according to the Trust Deed as amended.

IN WITNESS WHEREOF the party hereto has executed this Deed on the date first above written.

THE COMMON SEAL of MARENDA
PTY LIMITED was hereunto
affixed in accordance with MARENDA
its Articles of Association PTY. LIMITED
in the presence of:



[Handwritten Signature]
.....
Director

[Handwritten Signature]
.....
Secretary