

**SUPERANNUATION FUND
DEED OF VARIATION**

**Wong Family
Superannuation Fund**

Our ref: 8006:172157 (SMSF2019-20a)



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26/9/19

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

BETWEEN: **KENNETH TSUN-KIT WONG** and **DAPHNE HONG-CHUAN KAO** both of 86 Wallis Avenue, Strathfield, New South Wales 2135 ('Trustees')

AND: **KENNETH TSUN-KIT WONG** and **DAPHNE HONG-CHUAN KAO** both of 86 Wallis Avenue, Strathfield, New South Wales 2135 ('Members')

RECITALS:

- A The fund known as 'Wong Family Superannuation Fund' ('Fund') was established by deed dated 3 May 2004.
- B The Trustees are all of the current trustees and the Members are all of the members of the Fund.
- C The parties propose to vary the current governing rules of the Fund ('Outgoing Governing Rules') to ensure the Fund continues to comply with the *Superannuation Industry (Supervision) Act 1993* (Cth) ('SISA') and the *Superannuation Industry (Supervision) Regulations 1994* (Cth) ('SISR'). Broadly, the variation will delete the provisions of the Outgoing Governing Rules and replace them with the new governing rules attached to this deed ('New Governing Rules').
- D Subject to certain provisos, the Outgoing Governing Rules empower the Trustees to vary the Outgoing Governing Rules. The Members wish to consent to the variation by executing this deed.
- E Subject to rule 1, the purpose of the Fund is to provide superannuation benefits to Members, and in the event of their death, to their Dependants and to act for any other purposes as permitted from time to time by the SISA and the SISR.
- F The parties wish to maintain the Fund as a complying superannuation fund under the *Income Tax Assessment Act 1936* (Cth) and the *Income Tax Assessment Act 1997* (Cth).
- G The parties intend that the proposed variation is in accordance with the provisos limiting variation of the Outgoing Governing Rules and is not intended to give rise to any change in beneficial entitlement in the Fund.
- H Details of the Fund on execution of this deed are summarised in the schedule attached to this deed.

PROVISIONS:

- 1. Subject to provisions 2 and 3 below:
 - 1.1 the Outgoing Governing Rules (including any schedules thereto) are varied by deleting all of the operative provisions therein and replacing them with this deed and the New Governing Rules; and
 - 1.2 this deed and the New Governing Rules are subject to the interpretation and definition provisions in the New Governing Rules.
- 2. Subject to the Standards, any provisions or schedules in the Outgoing Governing Rules that:
 - 2.1 provide for the payment of a Benefit (including a Defined Benefit Pension) that is still being provided, the provision of which is not specifically contemplated in the New Governing Rules;
 - 2.2 specify a perpetuity period;

- 2.3 provide for loans to Members;
- 2.4 provide a limitation or restriction that cannot be varied or deleted; or
- 2.5 are currently utilised by the Trustees to provide for:
 - (a) categories of membership; or
 - (b) vesting of benefits;

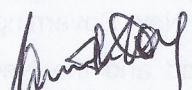
are preserved and form part of this deed and the New Governing Rules ('Preserved Provisions'). To the extent of any inconsistency between the Preserved Provisions and the remaining provisions of this deed and the New Governing Rules (including any schedules thereto), the Preserved Provisions shall prevail.

- 3. A BDBN made by a Member under the provisions of the Outgoing Governing Rules continues to be effective despite this variation. Such a BDBN is subject to the conditions (such as the completion of formalities, duration, type of Benefit and to whom it is payable) that applied to that BDBN prior to the date of this variation. Each Member may however revoke their existing BDBN and make a new BDBN in accordance with this deed and the New Governing Rules.
- 4. This variation maintains the trust relationship and shall not give rise to any change in beneficial entitlement in the Fund or a resettlement of the Fund and shall be void to the extent that it would otherwise do so.
- 5. The parties confirm that:
 - 5.1 all parties consent to the variation and act and execute this deed in all relevant capacities to effect it;
 - 5.2 this deed constitutes written notice to all parties and also constitutes a simple resolution and a resolution passed by all parties present in a meeting called for the relevant purpose;
 - 5.3 the Outgoing Governing Rules (including any notice or information requirements) have been complied with, but to the extent that any requirement has not or may not have been complied with, it is waived; and
 - 5.4 the variation is in accordance with the provisos limiting the variation of the Outgoing Governing Rules and where any additional items are necessary in order to ensure the effectiveness of this deed, such items are hereby deemed to occur.
- 6. The parties confirm the provisions of this deed and the New Governing Rules in all other respects.

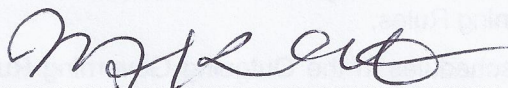
EXECUTED as a deed.

TRUSTEES

SIGNED SEALED AND DELIVERED by)
KENNETH TSUN-KIT WONG in the)
 presence of the following witness:)



Signature of **KENNETH TSUN-KIT WONG**



Signature of witness who is not a party to deed

Ming-Hsien Kao

Name of witness

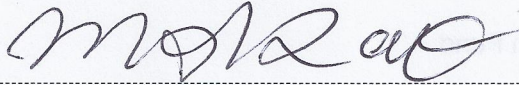
27 Warford Rd Hurstville NSW 2220

Address of witness

SIGNED SEALED AND DELIVERED by)
DAPHNE HONG-CHUAN KAO in the)
presence of the following witness:)



Signature of **DAPHNE HONG-CHUAN KAO**



Signature of witness who is not a party to deed

Ming-Hsien Kao

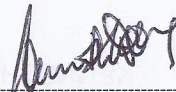
Name of witness

27 Waitara Pde Hurstville Grove NSW 2220

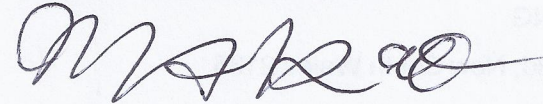
Address of witness

MEMBERS

SIGNED SEALED AND DELIVERED by)
KENNETH TSUN-KIT WONG in the)
presence of the following witness:)



Signature of **KENNETH TSUN-KIT WONG**



Signature of witness who is not a party to deed

Ming-Hsien Kao

Name of witness

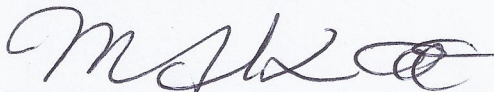
27 Waitara Pde Hurstville Grove NSW 2220

Address of witness

SIGNED SEALED AND DELIVERED by)
DAPHNE HONG-CHUAN KAO in the)
presence of the following witness:)



Signature of **DAPHNE HONG-CHUAN KAO**



Signature of witness who is not a party to deed

Ming-Hsien Kao

Name of witness

27 Waitara Pde Hurstville Grove NSW 2220

Address of witness

SCHEDULE

Fund details

Fund name: Wong Family Superannuation Fund

Trustee details

Name: KENNETH TSUN-KIT WONG
Address: 86 Wallis Avenue, Strathfield, New South Wales 2135

Name: DAPHNE HONG-CHUAN KAO
Address: 86 Wallis Avenue, Strathfield, New South Wales 2135

Member details

Name: KENNETH TSUN-KIT WONG
Address: 86 Wallis Avenue, Strathfield, New South Wales 2135

Name: DAPHNE HONG-CHUAN KAO
Address: 86 Wallis Avenue, Strathfield, New South Wales 2135