

DEED OF AMENDMENT

DATED: 14 January 2009

By:

Zurich Australian Superannuation Pty Limited ABN 78 000 880 553 of 5 Blue Street,
North Sydney, New South Wales 2060 ("Trustee")

RECITALS

- A. The fund known as the Zurich Master Superannuation Fund ("**Fund**") was established by a trust deed dated 2 November 1972. The trust deed for the Fund has since been amended from time to time ("**Trust Deed**").
- B. The Trustee is the current trustee of the Fund.
- C. The Trustee has power under clause 3.1(a) of the Trust Deed to either prospectively or retrospectively alter, add to, modify, remove or replace all or any provision of the Trust Deed.
- D. The Trustee wishes to vary the Trust Deed in the manner set out in this deed to provide for changes to superannuation under the *Same-Sex Relationships (Equal Treatment in Commonwealth Laws – Superannuation) Act 2008*.
- E. The amendments are in accordance with the requirements specified in clause 3 of the Trust Deed and the Trustee considers that the amendments do not infringe the limitations set out in clause 3 or adversely affect a member's right or claim to *accrued benefits or the amount of those accrued benefits*.

OPERATIVE PROVISIONS

1. EFFECTIVE DATE

- 1.1 The amendments made by clause 2 of this deed to the definitions in clause 1.1 of the Trust Deed apply with effect from 1 January 2009. They do not, however, apply in respect of any member who dies on or before 31 December 2008.

2. AMENDMENT

- 2.1 The definitions specified in clause 1.1 of the Trust deed are amended as follows:

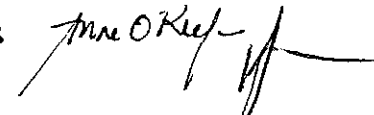
- (a) The definition of "**Child**" is deleted and replaced with:

"Child" in relation to a Member, includes:

- (a) an adopted child, a stepchild or an ex-nuptial child of the Member; and

- (b) a child of the Member's Spouse; and
- (c) someone who is a child of the Member within the meaning of the *Family Law Act 1975*.

(b) The definition of "Spouse" is deleted and replaced with:

"Spouse" in relation to a Member, ~~means:~~ ^{includes} 

- (a) another person (whether of the same sex or a different sex) with whom the Member is in a relationship that is registered under a law of a State or Territory prescribed for the purposes of section 22B of the *Acts Interpretation Act 1901* as a kind of relationship prescribed for the purposes of that section; and
- (b) another person who, although not legally married to the Member, lives with the Member on a genuine domestic basis in a relationship as a couple.

3. CONFIRMATION

- 3.1 The Trust Deed as amended by this deed is confirmed and ratified in all other respects.
- 3.2 The Trustee confirms that the amendments:
 - (a) Do not adversely affect a member's right or claim to accrued benefits or the amount of those accrued benefits; and
 - (b) Are not intended to declare or create any new trust in relation to the Fund, or to cause the transfer, vesting, or accrual or property to or in any person.

4. GOVERNING LAW

- 4.1 This Deed is governed by the law of New South Wales.


EXECUTED AS A DEED

Executed by Zurich Australian
Superannuation Pty Limited ABN 78 000
880 553:



Director/company secretary
Cathy A Manolios

Name of director/company secretary



Director
Anne O'Keefe

Name of director