

ELDER SMITH GOLDSBROUGH MORT LIMITEDTHE PROVIDENT FUND

W H E R E A S by Deed dated the twenty third day of December One thousand nine hundred and thirteen (hereinafter referred to as "the principal Deed") made between Elder, Smith & Co. Limited of the first part James Harvey and Alick James Murray both of Adelaide Directors of the said Elder, Smith & Co. Limited and Alfred Horsley Chapman of Adelaide Secretary of the said Elder, Smith & Co. Limited of the second part and certain persons whose names were or from time to time might be subscribed and whose seals were or might be affixed thereto (being at the time of their execution thereof officers of the said Elder, Smith & Co. Limited under the age of sixty five years) of the third part a Provident & Guarantee Fund was established in connection with the business of the said Elder, Smith & Co. Limited AND WHEREAS the principal Deed has from time to time been varied and altered by Deeds of Variation and the name of the Fund has been changed to "The Provident Fund" AND WHEREAS by Deed dated the 6th day of May 1958 the principal Deed was further varied and altered and the Regulations governing the Fund were consolidated and amended and the Regulations then governing the Fund were repealed and new Regulations were prescribed and such new Regulations (hereinafter referred to as "the Regulations") are set forth in a schedule to the said last-mentioned Deed AND WHEREAS the Regulations have been varied and altered from time to time by Deeds of Variation AND WHEREAS the Regulations have been further varied and altered by the Elder Smith & Co. Limited Provident Funds Act 1963 of the Parliament of South Australia AND WHEREAS pursuant to a Deed dated the 5th day



of March 1964 made in accordance with the provisions of Regulation 49a of the Regulations Elder Smith Goldsbrough Mort Limited whose registered office is at Currie Street Adelaide (hereinafter called "the company") has taken the place of the said Elder, Smith & Co. Limited in relation to the Fund and the company is now "the company" for the purposes of the principal Deed and the Regulations and the powers authorities and discretions by the principal Deed or by the Regulations conferred upon the Board of Directors of the said Elder, Smith & Co. Limited are now exercisable by the Board of Directors of the company NOW THEREFORE pursuant to Regulation 50 of the Regulations governing the Provident Fund we HENRY NORMAN GILES JOHN NEIL McEWIN ALFRED MOXON SIMPSON EWEN McINTYRE WATERMAN and BRUCE ROY MACKLIN all of Adelaide and IAN RICHARD McTAGGART of "Nonning" via Port Augusta being a majority of all the Directors of the Company with the assent of the said HENRY NORMAN GILES JOHN NEIL McEWIN ALFRED MOXON SIMPSON and IVAN EDWARD CROSSING Superintendent and JOHN BASIL LAURENCE TUCKER General Manager both of Adelaide being all the trustees of the said Fund testified by their execution of this Deed DO BY THIS DEED make the following alterations in the provisions of the principal Deed as varied and altered as aforesaid, namely: -----

Regulation 29 is amended

(a) by striking out the word "five" wherever it appears in that Regulation and inserting the word "three" in its place in each case

(b) by inserting the words "and who leaves the service of the company or an associated company subsequently to the 18th day of May 1970" immediately after paragraph (d) of that Regulation

(c) by striking out the words "provided that in no case shall the amount of his pension exceed two thirds of the annual salary of which the officer was in receipt at the date of his leaving the service of the company or the associated company" and inserting in their place the words "provided that in no case shall the amount of his pension exceed the greater of

(i) two thirds of the annual salary of which the officer was in receipt at the date of his leaving the service of the company or the associated company, and

(ii) seventy per centum of his average yearly salary during the last three years of his employment by the company or an associated company" _____

It is hereby declared pursuant to the said Regulation 50 that the alteration hereby made shall come into effect and shall be deemed to have come into effect on the 19th day of May One thousand nine hundred and seventy. _____

IN WITNESS whereof the parties hereto have set their hands and seals the *3rd.* day of *September* - One thousand nine hundred and seventy _____

SIGNED SEALED AND DELIVERED
by the said HENRY NORMAN
GILES in the presence of

H. Norman

) *H. Norman* X

SIGNED SEALED AND DELIVERED
by the said JOHN NEIL McEWIN
in the presence of

J. Neil McEwin

) *J. Neil McEwin*

SIGNED SEALED AND DELIVERED
by the said ALFRED MOXON
SIMPSON in the presence of

A. Moxon

) *A. Moxon*

SIGNED SEALED AND DELIVERED
by the said EWEN McINTYRE
WATERMAN in the presence of

Ewen

Ewen Waterman

SIGNED SEALED AND DELIVERED
by the said BRUCE ROY
MACKLIN in the presence of

Bruce

Bruce Macklin

SIGNED SEALED AND DELIVERED
by the said IAN RICHARD
McTAGGART in the presence of

Ian

I. R. McTaggart

SIGNED SEALED AND DELIVERED
by the said HENRY NORMAN
GILES in the presence of

Henry

H. Norman Giles

SIGNED SEALED AND DELIVERED
by the said JOHN NEIL McEWEN
in the presence of

John

John Neil McEwen

SIGNED SEALED AND DELIVERED
by the said ALFRED MOXON
SIMPSON in the presence of

Alfred

Alfred Moxon Simpson

SIGNED SEALED AND DELIVERED
by the said IVAN EDWARD
CROSSING in the presence of

Ivan

Ivan Edward Crossing

SIGNED SEALED AND DELIVERED
by the said JOHN BASIL
LAURENCE TUCKER in the
presence of

John

John Basil Laurence Tucker