



**DEED OF AMENDMENT RELATING TO  
THE MARITIME RETIREMENT SCHEME**

SIMON BRODIE, RAYMOND JOSEPH CARROLL FIFE, CARL GORDON FINDLAY,  
CRAIG JOHN HARRISON, RUSSELL LAWRENCE MAYN, WALTER MELVILLE  
RUSHBROOK, JOHN BRODIE STEVENS, DEEPTHI PANDADU SWARNAPURI,  
RAYMOND PAUL WELSON AND DAVID WILLIAM YOUNG



**TABLE OF CONTENTS**

**PARTIES..... 1**

**BACKGROUND..... 1**

**OPERATIVE PROVISIONS ..... 1**

**1 DEFINITIONS AND INTERPRETATION .....1**

**2 AMENDMENTS TO THE TRUST DEED.....2**

**3 CONFIRMATION OF THE TRUST DEED.....2**

**4 COUNTERPARTS.....3**

**EXECUTION AND DATE .....4**

## PARTIES

**Simon Brodie, Raymond Joseph Carroll Fife, Carl Gordon Findlay, Craig John Harrison, Russell Lawrence Mayn, Walter Melville Rushbrook, John Brodie Stevens, Deepthi Pandadu Swarnapuri, Raymond Paul Welson and David William Young (Trustees)**

## BACKGROUND

- A By deed of trust dated 31 March 2016 a superannuation scheme was established to be known as the Maritime Retirement Scheme (**Scheme**). The Trustees are the current trustees of the Scheme.
- B The Scheme is currently governed by a deed of trust dated 8 September 2020 (**Current Trust Deed**).
- C Under clause 18 of the Trust Deed, the Trustees by unanimous decision may at any time or times by instrument in writing amend the Trust Deed subject to compliance with the requirements of that clause.
- D The Trustees have resolved to amend the Trust Deed to alter the Seafarer retirement benefit entitlement provisions and provide for the Scheme to effect insurance for each Trustee.
- E The Trustees are satisfied that the amendments to the Trust Deed made in this Deed satisfy the conditions of clause 18 of the Trust Deed.
- F The Trustees have obtained a certificate from a lawyer that the Trust Deed, as amended, will comply with sections 135 to 137 of the Financial Markets Conducts Act 2013 on the basis set out in the certificate.

THIS DEED RECORDS THAT with effect from the date of this Deed the Trust Deed is amended as set out below.

## OPERATIVE PROVISIONS

### 1 DEFINITIONS AND INTERPRETATION

- 1.1 Unless the context otherwise requires, words and expressions defined in the Trust Deed shall apply to and be incorporated in this Deed.

## 2 AMENDMENTS TO THE TRUST DEED

2.1 Clause 5 of the Trust Deed is amended by inserting the following provision after clause 5.9:

- 5.10 The Scheme may effect insurance for each Trustee in respect of:
- 5.10.1 liability (other than criminal liability) of a kind referred to in section 526(1)(a) of the Act;
  - 5.10.2 costs incurred by the Trustee in defending or settling any claim or proceeding relating to that liability; or
  - 5.10.3 costs incurred by the Trustee in defending any criminal proceedings:
    - (a) that have been brought against the Trustee in relation to any alleged act or omission in his or her capacity as Trustee; and
    - (b) in which he or she is acquitted.

2.2 The reference in clause 40.2 to 'clause 40.2' is deleted and replaced with 'clause 40.3';

2.3 Clause 52.4 of the Trust Deed is deleted.

2.4 Clause 56.1 of the Trust Deed is amended by deleting it and replacing it with:

- 56.1 A Seafarer Member who:
- 56.1.1 reaches the Normal Retirement Date; or
  - 56.1.2 on or after the age of sixty (60) ceases to be a Seafarer or a member of the Union,
- shall be entitled to a benefit consisting of the total credit standing to the Members Account and the Employer's Account.

2.5 The reference in clause 56.2 of the Trust Deed to 'clause 56.1' is deleted and replaced by 'clauses 56.1.1 and 56.1.2'.

2.6 Clause 60.2 of the Trust Deed is amended by deleting and replacing it with:

- 60.2 If a Seafarer Member has been a Member of the Scheme for one (1) complete years 20 per cent (20%) of the Employer's Account shall vest for such Member for that complete year increasing at a rate of twenty per cent (20%) per year for each subsequent complete year of membership of the Scheme to a maximum of one hundred per cent (100%) on the 5th anniversary of the Member's membership of the Seafarer Scheme.

## 3 CONFIRMATION OF THE TRUST DEED

3.1 In all other respects the provisions of the Trust Deed are confirmed.



**4 COUNTERPARTS**

- 4.1 This Deed may be executed in two or more counterpart copies, each which will be deemed as an original, all of which together will constitute one and the same instrument.



**EXECUTION AND DATE**

Executed as a deed.

Date: 19 July 2021

Signed by **Simon Brodie** in the presence of:

Signature of witness

Signature of Simon Brodie

Name of witness (print)

Occupation of witness

Address of witness

Signed by **Raymond Joseph Carroll Fife** in the presence of:

Signature of witness

Signature of Raymond Joseph Carroll Fife

Name of witness (print)

Occupation of witness

Address of witness



DEED OF AMENDMENT RELATING TO THE MARITIME RETIREMENT  
SCHEME

Signed by **Carl Gordon Findlay** in the presence  
of:

*Steve Grant*  
.....

Signature of witness

*Carl Gordon Findlay*  
.....

Signature of Carl Gordon Findlay

STEVE GRANT  
.....

Name of witness (print)

PRINCIPAL  
.....

Occupation of witness

393 CHATSWORTH RD, SILVERSTREAM  
.....

Address of witness

Signed by **Craig John Harrison** in the presence  
of:

*Steve Grant*  
.....

Signature of witness

*Craig John Harrison*  
.....

Signature of Craig John Harrison

STEVE GRANT  
.....

Name of witness (print)

PRINCIPAL  
.....

Occupation of witness

393 CHATSWORTH RD, SILVERSTREAM  
.....

Address of witness



Signed by **Russell Lawrence Mayn** in the  
presence of:

*Steve Grant*  
.....  
Signature of witness

*R Mayn*  
.....  
Signature of Russell Lawrence Mayn

**STEVE GRANT**  
.....  
Name of witness (print)

**PRINCIPAL**  
.....  
Occupation of witness

**395 CHATSWORTH RD, SILVERSTREAM**  
.....  
Address of witness

Signed by **Walter Melville Rushbrook** in the  
presence of:

*Steve Grant*  
.....  
Signature of witness

*Walter Rushbrook*  
.....  
Signature of Walter Melville Rushbrook

**STEVE GRANT**  
.....  
Name of witness (print)

**PRINCIPAL**  
.....  
Occupation of witness

**395 CHATSWORTH RD, SILVERSTREAM**  
.....  
Address of witness





DEED OF AMENDMENT RELATING TO THE MARITIME RETIREMENT SCHEME

Signed by **John Brodie Stevens** in the presence of:

*SLM GA*  
.....  
Signature of witness

*JB Stevens*  
.....  
Signature of John Brodie Stevens

*STEVE GRANT*  
.....  
Name of witness (print)

*PRINCIPAL*  
.....  
Occupation of witness

*39 B CHATSWORTH RD, SILVERSTREAM*  
.....  
Address of witness

Signed by **Deepthi Pandadu Swarnapuri** in the presence of:

*SLM GA*  
.....  
Signature of witness

*Deepthi*  
.....  
Signature of Deepthi Pandadu Swarnapuri

*STEVE GRANT*  
.....  
Name of witness (print)

*PRINCIPAL*  
.....  
Occupation of witness

*39B CHATSWORTH ROAD, SILVERSTREAM*  
.....  
Address of witness



DEED OF AMENDMENT RELATING TO THE MARITIME RETIREMENT SCHEME

Signed by **Raymond Paul Welson** in the presence of:

*Sh Grant*  
.....  
Signature of witness

*[Handwritten Signature]*  
.....  
Signature of Raymond Paul Welson

*STEVE GRANT*  
.....  
Name of witness (print)

*PRINCIPAL*  
.....  
Occupation of witness

*39B CHATSWORTH RD, SILVERSTREAM*  
.....  
Address of witness

Signed by **David William Young** in the presence of:

*Sh Grant*  
.....  
Signature of witness

*[Handwritten Signature]*  
.....  
Signature of David William Young

*STEVE GRANT*  
.....  
Name of witness (print)

*PRINCIPAL*  
.....  
Occupation of witness

*39B CHATSWORTH RD, SILVERSTREAM*  
.....  
Address of witness