

Deed of Amendment (Change of Name)

Foundation Perpetuity Trust (formerly the Surf Life Saving Rescue Fund)

The Surf Life Saving Foundation

and

Surf Life Saving Australia Limited

gadens

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Ref SLT: 201413151

Deed of Amendment (Change of Name)

Dated 2 JANUARY 2015

Parties

1. **The Surf Life Saving Foundation ACN 159 849 591** of 190 Montpelier Road, Bowen Hills in the State of Queensland (**Foundation**).
2. **Surf Life Saving Australia Limited ABN 67 449 738 159** of 789 Botany Road, Roseberry in the State of New South Wales (**SLSA**).

Background

- A. The Foundation is the trustee of the charitable trust known as the Surf Life Saving Rescue Fund (**Trust**), which was established by deed of trust, dated 19 May 2003 between the Foundation and Brett Duncan Williamson (**Trust Deed**). The Trust Deed has been further amended by a deed of variation, dated 23 October 2012.
- B. The Trust is registered under ABN 23 002 494 198 on the Australian Business Register and the Australian Charities and Not-for-profits Commission Charity Register. It is also endorsed to access certain tax concessions.
- C. The Foundation operates a charitable investment scheme (**Fund**) which is the subject of an Identification Statement registered by ASIC pursuant to Class Order CO 02/184 Charitable Investment Schemes – Fundraising.
- D. Investments in the Fund may be made by other surf life saving organisations or on behalf of the Trust.
- E. In order to clarify the functions and operations of the Trust and the Fund, the Foundation wishes to change the name of the Trust to the Foundation Perpetuity Trust, so that the Fund may be referred to as the Surf Life Saving Rescue Fund.
- F. Pursuant to clause 13 of the Trust Deed, the Trust Deed may be amended by a supplementary deed executed by the trustee. The trustee must consult with SLSA in respect of any proposed amendments and an amendment is not effective unless the amendment is first approved by SLSA and notice of the amendment has been given to the Commissioner of Taxation.
- G. The Foundation wishes to amend the terms of the Trust Deed to change the name of the Trust and SLSA has approved the amendment, in accordance with the terms of this deed.

Operative provisions

1. Change of name of Trust

1.1 Amendment of Trust Deed

The Foundation hereby amends the Trust Deed by deleting clause 2.2 of the Trust Deed and replacing it with the following:

2.2 Name of Trust

The trust is to be known as the Foundation Perpetuity Trust.

1.2 Approval from SLSA

For the purpose of clauses 13.2 of the Trust Deed, SLSA confirms that it approves the change of name and the amendment to the Trust Deed referred to in clause 1.1 of this Deed.

1.3 Notification of change of name

As soon as practicable after execution of this Deed, the Foundation will:

- (a) give the Commissioner of Taxation notice of the change of name of the Trust and the amendment to the Trust Deed referred to in clause 1.1 of this Deed; and
- (b) do all such acts and things as are necessary to change the name of the Trust to the Foundation Perpetuity Trust on any public registers (such as the Australian Business Register and the Australian Charities and Not-for-profits Commission Charity Register), notify any relevant agencies and change any references to the name of the Trust on documents used by the Trust.

2. Miscellaneous

2.1 Definitions and interpretation

The provisions in the Trust Deed relating to definitions and interpretation apply to this Deed and the Trust Deed (as amended) otherwise continues in full force and effect.

2.2 Effective date

Subject to notice being given to the Commissioner of Taxation, the amendments referred to in this Deed take effect from the date of this Deed.

2.3 Governing law

This Deed will be governed by the laws of Queensland.

Executed as a deed.

EXECUTED by **THE SURF LIFE SAVING FOUNDATION ACN 159 849 591** in accordance with section 127 of the *Corporations Act 2001* (Cth) in the presence of:

Signature of director

Peter Bruce Gordon

Name of director (please print)

Signature of director/secretary

STEPHEN C FRANCIA

Name of director/secretary (please print)

EXECUTED by **SURF LIFE SAVING AUSTRALIA LIMITED ACN 003 147 180** in accordance with section 127 of the *Corporations Act 2001* (Cth) in the presence of:

Signature of director

GRAHAM FORD

Name of director (please print)

Signature of director/secretary

RALPH DEVLIN

Name of director/secretary (please print)