

Deed of Amendment (No. 4)

Foundation Perpetuity Trust

Surf Life Saving Foundation

and

Surf Life Saving Australia Limited

gadens

ONE ONE ONE
111 Eagle Street
Brisbane QLD 4000
Australia

T +61 7 3231 1666
F +61 7 3229 5850

Ref SLT:202135620

Deed of Amendment (No. 4)

Dated 5 November 2022

Parties

1. **Surf Life Saving Foundation ACN 159 849 591** of 190 Montpelier Road, Bowen Hills in the State of Queensland (**Trustee**).
2. **Surf Life Saving Australia Limited ACN 003 147 180** of 789 Botany Road, Roseberry in the State of New South Wales (**SLSA**).

Background

- A. The charitable trust known as the Foundation Perpetuity Trust (**Trust**), was established by deed of trust, dated 19 May 2003 between the Trustee and Brett Duncan Williamson (**Trust Deed**). The Trust Deed has been further amended by deeds of variation, dated 23 October 2012, 2 January 2015 and 30 June 2017.
- 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.
- C. In order to enable Benefits from the Trust to be provided to SLSA, the Trustee wishes to change the definition of "SLS Entity" to include SLSA itself. As SLSA is a deductible gift recipient under Division 30 of the Tax Act, that amendment will also make SLSA an "Eligible SLS Entity" for the purposes of the Trust Deed.
- D. The Trustee acknowledges that distributions may only be made to Eligible SLS Entities if they are made for the Charitable Purpose set out in clause 4.1 of the Trust Deed.
- E. Pursuant to clause 13 of the Trust Deed, the document 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.
- F. The Trustee wishes to amend the terms of the Trust and SLSA has approved the amendment, in accordance with the terms of this Deed.

Operative provisions

1. Definition of "SLS Entity"

1.1 Amendment of Trust Deed

Pursuant to clause 13 of the Trust Deed, the Trustee hereby amends the Trust Deed by deleting the definition of "SLS Entity" in clause 1.1 of the Trust Deed and replacing it with the following:

"SLS Entity means SLSA and any local, state or national surf life saving entity, being a member of or affiliated with SLSA, whether an incorporated association or a corporation."

1.2 Acknowledgements

- (a) The Trustee acknowledges that the amendment set out in clause 1.1 of this Deed is not intended to have the result that:
 - (i) the Trust Fund is no longer applied for the Charitable Purpose;
 - (ii) the Charitable Purpose would be materially altered;
 - (iii) the Trust would cease to be Charitable or would fail for any reason; or
 - (iv) gifts to the Trust Fund would or may cease to be eligible for allowable deductions under item 2 of the table in section 30 15 of the Tax Act.
- (b) It is further acknowledged that gifts to the Trust Fund are not eligible for allowable deductions under item 2 of the table in section 30-15 of the Tax Act and Benefits from the Trust must be provided for one or more of the following purposes:
 - (i) supporting or promoting surf life saving in Australia;
 - (ii) the provision and maintenance of essential life saving equipment and resources;
 - (iii) providing surf life saving education, training, development or support;
 - (iv) undertaking community and other education in relation to beach and water safety and awareness or other life saving related matters; or
 - (v) any other purpose deemed necessary or desirable by the Trustee for the ongoing maintenance or development of surf life saving in Australia.

1.3 Approval from SLSA

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

1.4 Notification of amendments

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

- (a) give the Commissioner of Taxation notice of the amendment to the Trust Deed referred to in clause 1.1 of this Deed; and
- (b) lodge a copy of this deed with the Australian Charities and Not-for-profit Commission.

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.

SIGNED, SEALED AND DELIVERED by **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

Darrin Bragg
Name of director (please print)



Signature of director/secretary

Adam Weir
Name of director/secretary (please print)

SIGNED, SEALED AND DELIVERED 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

John Baker ESM
Name of director (please print)



Signature of director/secretary

George Shales OAM
Name of director/secretary (please print)