

Deed

Public Ancillary Fund
Deed of Amendment

Garvan Research Foundation
ABN 91 042 722 738

Garvan Research Foundation

Deed of Amendment

Date

Trustee **Garvan Research Foundation**
ABN 67 107 850 751
(Trustee)

Background

- A. By a trust deed dated 21 November 2003 between Graham Bradley as Settlor and the Trustee, as trustee, (the **Trust Deed**), a trust known as Garvan Research Foundation (ABN 91 042 722 738) was established (the **Trust**).
- B. The Trust Deed was amended, and consolidated all previous amendments, by a Deed of Amendment dated on or about 16 February 2017 (**Consolidated Trust Deed**).
- C. Under clause 4.1(b) of the Consolidated Trust Deed, the Trustee may make payments or apply the Trust Fund to the Garvan Institute of Medical Research ABN 62 330 391 937 (**Garvan**) or to "*Eligible Entities which carry out scientific and medical research*".
- D. Clause 14 of the Consolidated Trust Deed provides as follows:
14 Amending this deed
The Trustee may by deed revoke, add to or vary any of the provisions of this deed, so long as:
- (a) *no part of the Trust Fund becomes subject to any trusts other than trusts for the provision of money, property or benefits to or for Eligible Entities; and*
 - (b) *the Trustee notifies the Commissioner if the deed will no longer comply with, or will be contrary to the requirements of the Public ancillary fund guidelines; and*
 - (c) *the Trustee notifies the Australian Charities and Not-for-Profit Commission or the Commissioner, as required, of the amendment.*
- E. The Trustee wishes to amend the Consolidated Trust Deed to require that all of the Trust Fund is applied to Garvan provided it is an Eligible Entity.
- F. The Trustee has concluded that the amendment to the provisions of the Consolidated Trust Deed in the manner set out in this Deed complies with the requirements of clause 14 of the Consolidated Trust Deed.

OPERATIVE PROVISIONS

1. Definitions

Where commencing with a capital letter words have the meaning given to them in the Consolidated Trust Deed.

2. Variation

- 2.1 With effect from the date of signature of this Deed of Amendment, the Consolidated Trust Deed is varied by deleting clause 4.1 and replacing it with the following:

4.1 Payment and application of the Trust Fund

The Trustee must pay or apply the Trust Fund solely for the purpose of providing money, property or benefits to or for the Garvan Institute of Medical Research ABN 62 330 391 937 provided it is an Eligible Entity as the Trustee decides, and in accordance with the Public ancillary fund guidelines.

- 2.2 Save for varying the Consolidated Trust Deed as specified in this Deed of Amendment, all other provisions in the Consolidated Trust Deed remain unchanged.


3. Governing law

This deed is governed by the laws of New South Wales.

Deed of Amendment is executed as a deed

Trustee

Signed sealed and delivered by
Garvan Research Foundation
by

sign here ► 

Company Secretary/Director

print name _____
Christopher Goodnow FAA FRS
Executive Director
Garvan Institute of Medical Research

date _____
7 MARCH 2019

sign here ► 

Director

print name _____
Russell SURIMSHAW

date _____
5/3/19