

**THIS DEED OF TRUST** is made the 23rd day of March One Thousand Nine Hundred and Ninety Nine **BETWEEN THE UNITING CHURCH IN AUSTRALIA (AUSTRALIAN CAPITAL TERRITORY) PROPERTY TRUST**, a body corporate constituted under the Uniting Church in Australia Ordinance No.15 of 1977 and having its office at 222 Pitt Street, Sydney (hereinafter called ‘the Trustee’) of the one part **AND THE WESLEY MUSIC FOUNDATION** being an agency of The Uniting Church in Australia under a constitution granted by the New South Wales Synod of the Church and having its office in National Circuit, Forrest, Australian Capital Territory (hereinafter called ‘the Beneficiary’) of the second part

**NOW THIS DEED WITNESSES**

1. The Trustee hereby acknowledges that any moneys received by the Beneficiary from any person or body corporate shall be held by the Trustee under the trusts established by the constitution granted by the Synod a true copy of which is annexed hereto marked ‘A’ and for no other purpose whatsoever.
2. The Trustee also acknowledges that the Board of Management of the Beneficiary is required to conduct an annual audit of the funds of the Beneficiary and supply a report by a duly qualified Auditor to the Church Council of the Canberra Central Parish of The Uniting Church in Australia and a certified copy to the Trustee and if required to supply a copy to the Department of Communications, Information Technology and the Arts (hereinafter called ‘the Department’).
3. The Trustee declares that the Beneficiary is a cultural organisation within the meaning of sub-division 30-F of the *Income Tax Assessment Act 1997* and declares that the constitution of the Beneficiary granted by the New South Wales Synod of The Uniting Church in Australia has the following characteristics:
  - (a) its principal purpose and each of its principal purposes is a cultural purpose which is designed to promote music, including public performance, music education, the housing of music and the maintenance and development of musical instruments and associated activities;
  - (b) it has no power or authority to pay any of its profits or financial surplus or give any of its property to any of its members or beneficiaries other than expenses incurred on its behalf;
  - (c) the fund of the Beneficiary is a public fund in relation to which:
    - (i) gifts of money or property can be given only for the cultural purposes of the Beneficiary;
    - (ii) any interest or capital or activities which produces money must be credited;
    - (iii) any property given to the Beneficiary must be paid into the fund and any money derived from the property shall be paid or credited to this fund;
    - (iv) no other money or property shall be paid or credited to this fund in any way whatsoever;
    - (v) the fund is used only to support the Beneficiary’s cultural purposes.
  - (d) the Beneficiary undertakes to give the Department at six (6) monthly intervals statistical data about gifts received by the fund.

4. The Beneficiary is authorised through its constitution to promote music and in particular the public performance of music and music education.
5. The Trustee declares that if upon the winding-up or dissolution of the Foundation there remains after the satisfaction of all its debts and liabilities, any property, the property shall not be paid to or distributed among its members, but shall be given or transferred to some other organisation or organisations having objects similar to the objects of this organisation, and whose rules shall prohibit the distribution of its income among its members, such organisation or organisations shall be eligible for tax deductibility of donations under subdivision 30-B of the *Income Tax Assessment Act 1997* and listed on the Register of Cultural Organisations maintained under the Act. All transfers shall be subject to the approval of Synod.
6. The Beneficiary will report to the Trustee in terms and manner as provided in the constitution as to its stewardship of its activities and its funds.

**IN WITNESS WHEREOF** the parties hereto have signed this Deed on the day and year first hereinbefore mentioned.

**THE COMMON SEAL OF THE UNITING CHURCH  
IN AUSTRALIA (AUSTRALIAN CAPITAL TERRITORY)  
PROPERTY TRUST**

was hereunto affixed  
on the 23 day of March 1999  
pursuant to a resolution of the Trust  
at a duly constituted meeting in the presence of

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Member

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Member

**SIGNED FOR AND ON BEHALF OF THE )  
WESLEY MUSIC FOUNDATION )  
by members of the Board of Management )**

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Member

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Member