

IN THE SUPREME COURT OF WESTERN AUSTRALIA

CIV of 2020

**IN THE MATTER OF SECTIONS 89 AND 92 OF THE *TRUSTEES ACT 1962*
(WA)**

**IN THE MATTER OF THE GENERAL GUMALA FOUNDATION_TRUST
(ABN 50 336 714 927)**

IN THE MATTER OF:

GUMALA INVESTMENTS PTY LTD (ACN 077 593 581) Plaintiff
AS TRUSTEE FOR THE GENERAL GUMALA
FOUNDATION_TRUST (ABN 50 336 714 927)

PLAINTIFF'S MINUTE OF PROPOSED ORDERS

Date of document:	25 November 2020	
Date of filing:	25 November 2020	
Filed on behalf of:	The Plaintiff	
Prepared by:	Blackwall Legal LLP	
PO Box 8098	Level 26	Tel: (08) 6169 2500
Cloisters Square PO	140 St Georges Tce	service@blackwall.legal
PERTH WA 6850	PERTH WA 6000	Ref: 2011008 / J Shepherd

1. Pursuant to the inherent jurisdiction of the Court, Clause 16.1 of the Consolidated Trust Deed be varied to read as follows (variation emphasised):

An annual general meeting of the Beneficiaries shall be held between 1st August and 31st December in each Accounting Period. *In the case of an emergency, natural disaster, health epidemic, or other potential risk to the health and safety of persons who may attend an annual general meeting, the Trustee may, acting reasonably, in good faith and in the best interests of the Beneficiaries, hold the annual general meeting after 31st December.* All general meetings other than the annual general meeting shall be called extraordinary general meetings.

FILED

25 NOV 2020

Via eLodgment
**CENTRAL OFFICE
SUPREME COURT**

2. Alternatively to order 1 above, pursuant to s. 89 of the *Trustees Act 1962* (WA), the necessary power be conferred on the Plaintiff to hold the Trust's 2020/21 AGM on a date later than that provided for in the Consolidated Trust Deed, to be by no later than 1 March 2021.
3. Alternatively to orders 1 and 2 above, directions that the Plaintiff is justified in holding the AGM of the Trust outside of the period prescribed by the Consolidated Trust Deed.
4. The costs of this proceeding be borne by the Trust.