# Deed of Variation in relation to *[insert Grant Details]*

# Date

This Deed is made on *[insert date]*.

# Parties

This Deed is made between:

1. The Commonwealth, as represented by *[Insert Agency Name]* ABN *[insert ABN]* (the ‘Commonwealth’); and
2. *[Insert Grantee name]* ABN *[insert ABN if applicable]* (the ‘Grantee’).

# Context

1. The Parties entered in an agreement on *[insert date of original agreement]* under which the Commonwealth agreed to give a grant of $*[insert amount of grant]* to the Grantee for *[insert the Activity]* (the ‘Agreement’)
2. The Parties have agreed to amend the Agreement on the terms and conditions contained in this Deed.

[C. A list of previous amendments to the Agreement is contained at Schedule *[X]*]

# Amendments

With effect from *[insert date from which amendments should take effect],* the Agreement is amended [as follows OR in accordance with Schedule [X]:

You should consider when the amendments will take effect – this will not will not always be the same as the date this Deed is executed. For example, it may be that the original Agreement included an error – in this case the amendment might take effect from the date of the original Agreement. In other situations, it may be that the Activity is being amended to add a further component or the Recipient might change to a new bank – in this case it would be appropriate to specify the relevant date.

The amendments should be clearly set out – and should reflect the wording of the proposed change, rather than the ‘reasons’ behind the change. This can be in the form of 'delete paragraph [XX]' or 'in paragraph [XX], after the words [YY], insert [ZZ]' or 'delete [XX] and replace with [YY]'.

Depending on the complexity of the amendments, it may be appropriate to delete the entire clause and set out the amended clause in its entirety rather than listing all the individual amendments - this would be appropriate where, for example, there are a number of amendments being made to the one clause. Where there are many amendments to a particular part or Item in the Grant Details or Agreement Schedule, an option would be to include a 'new' version of the relevant item or a new version of the Grant Details or Agreement Schedule (showing the amendments in mark-up) in the Schedule attached to this Deed.

*[List details of amendments*

* 1. *…*
  2. *…*
  3. *…*

*Examples:*

* *Delete the bank account details in the Grant Schedule and insert the following: [insert new details]*
* *Delete the Grant amount of ‘$XX’ and replace with ‘$YY’ and update the Grant payment milestones to include the following:* 
  + *Insert*
* *Add the following paragraphs to the ‘Activity’ section of the Agreement Schedule:* 
  + *Insert*
  + *Insert ]*

# Entire agreement and interpretation

* 1. The parties confirm all the other provisions of the Agreement [as previously varied as indicated at Schedule [X]] and, subject only to the amendments contained in this Deed, the Agreement remains in full force and effect.
  2. This Deed and the Agreement, when read together, contain the entire agreement of the parties with respect to the parties' rights and obligations under the Agreement.
  3. Unless otherwise specified or the context otherwise requires, terms that are defined in the Agreement have the same meaning in this Deed.

# Signatures

**Executed as a deed:**

## Commonwealth:

|  |  |
| --- | --- |
| SIGNED, SEALED AND DELIVERED for and on behalf of the Commonwealth of Australia as represented by [*insert Australian Government entity*] |  |
| Name: (print) Position: (print) Signature and date: |  |
| In the presence of:  Witness Name: (print) Signature and date: |  |

## Grantee:

[Select or insert the appropriate signature block depending on the nature of the Grantee. Delete all signature blocks that are not used.]

SIGNED, SEALED AND DELIVERED by:

[If Grantee is an Individual]

|  |  |
| --- | --- |
| Full legal name of the Grantee: | [*insert name of the Grantee and any ABN*] |
| Signatory Name: (print) Signature and date: |  |
| Witness Name: (print) Signature and date: |  |

[OR]

[If Grantee is a Company]

|  |  |
| --- | --- |
| Full legal name of Grantee: | [*insert registered name of company and any ABN, ACN or ARBN followed by any business name under which the company trades*] |
| Director’s Name: (print) Signature and date: |  |
| Director/Company Secretary Name:  (print) Signature and date: |  |

[OR]

If Grantee is an Incorporated Association]

|  |  |
| --- | --- |
| Full legal name of the Grantee: | [*insert registered name of incorporated association and any ABN or other registration number*] |
| Public Officer’s Name: (print) Signature and date: |  |
| Committee Member/Secretary Name:  (print) Signature and date: |  |

[OR]

[If Grantee is a Partnership]

|  |  |
| --- | --- |
| Full legal name of the Grantee: | [*insert name of partnership and any ABN*] |
| Partner’s Name: (print) Signature and date: |  |
| Partner’s/Witness Name:  (print) Signature and date: |  |

# Schedule [X] – Amendments to the Agreement

* *The [insert the name of the part of the Agreement being varied eg ‘Grant Details’ or ‘Agreement Schedule’] is deleted and replaced with the updated [‘Grant Details’ or ‘Agreement Schedule’] set out below:*

# Schedule [X] – Previous amendments to the Agreement

* *The Agreement has been previously amended as set out below:*