

## Eastern Guruma Charitable Trust No. 2 Policy Guidelines

### SUMMARY OF DISTRIBUTION POLICIES FOR FY 2019/ 2020 – Updated October 2019

#### **BACKGROUND / GENERAL INFORMATION**

The charitable trust is set up to support economic, social, health, educational, cultural and heritage benefits to the Eastern Guruma people. The trust supports these activities by meeting the objects listed below:

- Relief of poverty
- Advancement of education
- Promotion of health care services and facilities
- Provision of transport and communication services
- Promotion and protection of Aboriginal culture

#### **APPLICATIONS**

Application forms are to be presented to either Australian Executor Trustees Ltd (**AET**) or through Wintawari Guruma Aboriginal Corporation (**WGAC**). If a member is not able to sign the application form, then a Family Representative can sign on their behalf. This process is explained in further detail in the attached document *Process for Making Applications (Annexure1)*.

| <b>Current Advisory Trustees</b> |                  |                          |
|----------------------------------|------------------|--------------------------|
| Glen Camille                     | Dennis Hicks Snr | Bevan Hicks              |
| Judith Hughes                    | July Hicks       | Sue Boyd                 |
| Terry Hughes                     | Justin Gilba     | Ian Hobson (Independent) |

#### **AET Contact Information**

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 Phone: 1800 078 680 (Free Call). Phone lines open 9am-1pm weekdays  
 Fax: (08) 9481 6148  
 Email: [eg@aetlimited.com.au](mailto:eg@aetlimited.com.au)

#### **WGAC Contact Information**

Visit: 2574 Augustus Drive, Karratha  
 Phone: (08) 9185 2223  
 Fax: (08) 9185 2225  
 Email: [admin@wintawariguruma.com.au](mailto:admin@wintawariguruma.com.au)  
[admin2@wintawariguruma.com.au](mailto:admin2@wintawariguruma.com.au)

## **RESOLUTIONS**

For a resolution to be approved it needs to be agreed upon by a majority of Advisory Trustees, this equates to five (5) signatures of Advisory Trustees. The Advisory Trustees must approve of each resolution that does not have a set criterion or where a bulk policy does not already exist. Any resolutions to be signed by the Advisory Trustees must either be in writing or in the form of an email from each person.

## **NEW MEMBERS**

A person over the age of 18 (or upon a member turning 18 years) who is recognised as an Eastern Guruma person is eligible to be included on the list of beneficiaries. The applicant must submit an application form direct to WGAC for consideration. When the WGAC membership register is updated, all new member additions will also be passed on to AET.

## **POLICY SUMMARY (Bulk Resolutions)**

| <b>Account Funds</b>       | <b>Policy</b>  |
|----------------------------|--|
| General Account            | <ul style="list-style-type: none"><li>• Funeral Costs</li><li>• Funeral Attendance – Elders Only</li><li>• Vehicle Repairs</li><li>• Advisory Trustee Meetings &amp; WGAC Meetings</li><li>• WGAC Quarterly Funding</li><li>• Elders</li><li>• Family Bucket &amp; Special Projects Bucket</li><li>• Housing</li></ul> |
| Education Account          | <ul style="list-style-type: none"><li>• Education</li></ul>  |
| Medical Account            | <ul style="list-style-type: none"><li>• Medical Assistance</li><li>• Critical Illness</li><li>• Medical Hardship</li><li>• Non-Member Assistance (paid from General)</li><li>• Dental</li></ul>  |
| Business Promotion Account | <ul style="list-style-type: none"><li>• Business Promotion</li></ul>   |

### 1. FUNERAL COSTS

This policy assists in funding the costs associated with the passing of an Eastern Guruma member. The costs associated with the funeral director are to be prioritised and allocated above all other costs. Items like flowers, catering and clothing can also be applied for, but must be noted on the application so as not to exceed the funeral director costs. Applications will require the approval of Advisory Trustees.

In certain circumstances the trust may consider paying for funeral expenses for non-Eastern Guruma people (for example, a spouse of an Eastern Guruma person) where it may be seen as culturally appropriate to do so and would otherwise be the responsibility of the Eastern Guruma person. In such instances, WGAC may pay for such expenses and seek reimbursement from the Trust for the cost incurred.

### 2. FUNERAL ATTENDANCE – ELDERS ONLY

A total of **\$200,000.00** is allocated for the financial year.

Members entitled to assistance under the Elders Bucket (see *below*) may apply for mileage, living allowance and/or accommodation in order to attend funerals of members or other Aboriginal persons where it is considered culturally appropriate. Assistance will only be provided where the total return distance exceeds 100km.

### 3. VEHICLE REPAIRS/MAINTENANCE

A total of **\$140,000.00** is allocated for the calendar year.

A maximum of **\$2,000** per member, per calendar year, is available for costs incurred with the operation and maintenance of a vehicle. Typically, assistance with repairs, servicing costs, replacement of tyres and car registration are covered. Items like roof racks, bull bars, tow bars, window tinting, etc. are not considered maintenance or repairs. These are “improvements” which might be considered to add value to the vehicle and do not fall within this policy.

### 4. LORE AND CULTURE CEREMONIES

The Advisory Trustees believe that it is culturally appropriate for the individual family groups to independently make decisions regarding who is attending Lore and Culture activities. Members apply to their elected Family Representatives who have authority over their families Lore & Culture bucket which can be used for mileage and living allowance in order to participate in cultural ceremonies.

### 5. ADVISORY TRUSTEE MEETINGS / WGAC MEETINGS

AET will attend to the arrangements for scheduled meetings for Advisory Trustees. WGAC shall call meetings of its Directors as required.

Accommodation (room and meals), catering, venue hire, mileage or flights and living allowance will be arranged where appropriate, for members who travel to attend meetings. These costs associated with this policy are deducted from the bulk Administration resolution.

“Consulting” fees of \$1,000.00 can be paid to Advisory Trustee members on a “per attendance” basis. WGAC may also pay its Directors in accordance with its rule book.

## 6. WGAC QUARTERLY FUNDING

The administrative cost of running WGAC may be paid for from the trust. A quarterly sum of **\$250,000.00** is allocated for this purpose following the receipt of royalties 30 days after the end of each financial quarter.

The WGAC legal and consultancy costs may be paid from the trust, with a quarterly sum of **\$300,000.00**. These costs include, but are not necessarily limited to, payments to lawyers & consultants.

WGAC may apply for additional funds in writing, with any request approved via a circulating resolution of the Advisory Trustees.

## 7. ELDERS BUCKET

This policy is divided into two distinct and separate allocations:

- **General Charitable Items**
- **Annual Honorarium Payment**

### General Charitable Items

The purpose of this policy is to improve the general circumstances of Eastern Guruma Elders. These circumstances include relief of poverty, promotion of health and wellbeing and assistance with the essential everyday costs of maintaining a home. Examples of these cost include, but are not limited to:

| <b>General Charitable Costs</b>                          | <b>Examples</b>   |
|--|---|
| "Essential" household bills                              | Water, shire rates, power and gas   |
| Rent   | Rent payments   |
| Car repair and maintenance                               | Repairs, service costs, replacement of tyres and registration   |
| Furniture or white goods that are considered "essential" | Beds and bedding, linen and towels, washing machines, dryers, refrigerators (except bar fridges), freezers, cooking appliances, cutlery and crockery, air-con, fans, heaters, vacuum cleaners, lounge suites, dining settings |

### Annual Honorarium

This payment is awarded to Elders for cultural advice provided over the course of the financial year. In order to receive the payment, Elders will need to:

- Sign a disclaimer regarding treatment of tax for cash payments; and
- Decide how to receive the payment: either in a lump sum or as requested by the Elder. For Elders taking their payment in a lump sum this will be paid at the start of the financial year.

Amounts payable under this policy are allocated under three age bands: 50-55 years, 56-59 years and 60+ years. Funds are allocated in the acknowledgment that Elders aged 60+ years are recognised for their seniority and cultural significance and are therefore apportioned the higher amount. Amounts payable under this policy are:

| <b>Allocation Purpose</b>    | <b>50-55 years</b>     | <b>56-59 years</b>     | <b>60+ years</b>       |
|------------------------------|------------------------|------------------------|------------------------|
| Honorarium                   | \$5,000                | \$7,500                | \$10,000               |
| General Charitable Items     | \$10,000               | \$12,500               | \$15,000               |
| <b>Amount (per age band)</b> | <b><u>\$15,000</u></b> | <b><u>\$20,000</u></b> | <b><u>\$25,000</u></b> |

Members eligible to be considered Elder are required to provide a proof of age document (e.g. birth certificate or driver's license) in order to verify their age. Requests will be taken close to a member's 50<sup>th</sup> birthday and all new Elders are subject to the funds allocated being pro-rated depending on when they become eligible to be an Elder.

For example:

| <b>Date added to Elders Register</b> | <b>Eligible Amount</b>   |
|--------------------------------------|--------------------------|
| July - September                     | 100% of total allocation |
| October - December                   | 75% of total allocation  |
| January - March                      | 50% of total allocation  |
| April - June                         | 25% of total allocation  |

## **8. FAMILY / SPECIAL PROJECTS BUCKET FUNDING**

This policy exists to give each of the four (4) family groups the opportunity to address the specific needs within their own family groups. Funds are allocated to each Family Bucket on a quarterly basis. The Advisory Trustees can attribute additional funds into these buckets at any point via circulating resolution.

This policy is divided into two distinct and separate allocations:

- **Family Bucket**
- **Special Projects Bucket**

### **Family Bucket**

A sum of **\$640,000.00** is available per quarter and is then allocated to each family group on a per head basis. For example, if one family group has 30 members out of a total pool of 100 members, that family will receive 30% of the total funds. If another family group has 45 members out of a total pool of 100 members, that family will receive 45% of the total funds.

The funds can be used for any **general charitable item** with approvals being made by the Family Representatives. All applications must be signed off or confirmed in writing by a majority of the family before any funding can be allocated to an applicant.

**Mortgage Payments** – can be applied for from either Family or Special Projects buckets, however, the Trust can only pay for 1 months' worth of repayments at a time. The payment can only be made directly to the home loan account. The mortgage will need to be an owner-occupied loan and in the name of the person applying. If the member is wanting further funds to put towards their mortgage, the member will have to provide a copy of their mortgage statement to show that the funds previously paid were not withdrawn from the loan account. If the funds have been withdrawn no further mortgage payment can be provided.

### **Special Project Buckets**

Each family group is responsible for their own allocation of funds to the Special Projects Bucket. The funds are topped up quarterly from time to time, depending on the amount of royalties received that quarter. There may be times where there is no allocation as there is not enough funds available.

Each family may decide to accumulate funds to provide for family-type investment or business purposes. Such requests shall be made via a written application to the Trustee and must include details of:

- What is being requested
- Which charitable object applies
- How any interest, dividends, returns, profits or gains will be distributed back into the family or to a family member to benefit the same people/person
- Which family member(s) will benefit

The Trustee will typically request the applicable family members to sign a Memorandum of Understanding setting out these arrangements.

If a family representative is applying for assistance themselves, they will need to get another family member to sign off on their application. The person concerned will typically be an Elder.

| Family Group | Representatives   |
|--------------|---|
| Hicks        | Dennis Hicks Snr, July Hicks, Bevan Hicks                   |
| Hughes       | Glen Camille, Justin Gilba, Terry Hughes                    |
| Smith        | Kendall Smith, Samantha Connors, Tacita Walker              |
| Stevens      | Tania Stevens, Quentin Stevens, Wayne Stevens, Kirsty Henry |

Note: the Smith & Stevens family buckets is allocated equally across the members and each member is responsible for their own funds – no approval is necessary.

## EDUCATION ACCOUNT POLICIES

### 9. EDUCATION

This policy recognises the importance of education and provides members financial assistance to achieve their highest educational aspirations. The general guidelines for assistance are:

| Education – General Guidelines for Assistance                                  |   |   |
|--|---|---|
| Education level  | Eligible amount per child / calendar year | Eligible items  |
| Pre-Primary/ Primary/ Secondary  | up to \$1,000                             | School fees, books, stationery, uniforms, school camps/ excursions and lunches              |
| High School (year 7 – 10)  | up to \$2,500                             |   |
| High School (year 11 & 12)   | up to \$4,000                             |   |
| Tertiary/ Apprenticeships/ Traineeships/ Private Primary and Secondary Schools | no set limits apply                       | Fees, books and stationery (lunches and excursions for private education school level only) |

#### **Proof of enrolment**

Confirmation of enrolment is required for all applications involving private education and tertiary/ apprenticeship studies.

#### **IT equipment**

The Trust can provide funding for other items including computers/ software (desktop, laptop, or iPad/ tablets) up to a maximum value of **\$3,000** per student in addition to other costs described above. A letter from the school or educational institution confirming that the items would benefit the student must be provided to support the purchase of the equipment.

#### **Living allowance (boarding school only)**

Allowances are available for full time students attending primary or secondary boarding school, to assist with incidental expenses and excursions endorsed by the boarding house. The maximum allowance available per student is **\$120 per week** and will be paid directly to the school. The application must be accompanied with a letter from the boarding school outlining what the costs are and the purpose for which they will be used. Allowance payments are to be directly managed by the boarding school.

**10. MEDICAL ASSISTANCE**

This policy provides assistance for members to attend medical appointments or to obtain medical equipment/ items. Applications must be accompanied by a medical certificate or doctor/ specialist appointment card to evidence the need. If further or ongoing assistance is required after the appointment, then updated documentation will be required before further assistance can be provided. Assistance provided may include:

- Living allowance
- Flights or mileage
- Accommodation
- Medication
- Health-related / medical equipment

Applications are approved via a circular resolution of the Advisory Trustees and must have adequate medical support attached. The Trustee may use its discretion in purchasing goods that it can reasonably attribute to medical or general wellbeing.

**11. MEDICAL HARDSHIP**

Applications can be made to support an individual on the grounds of hardship, where a medical condition is the cause of the member being unable to work and earn an income. Appropriate medical documentation and evidence that the applicant is not receiving an income for the period must support these applications.

**Living allowance**

Allowances may be paid under the medical hardship policy. These allowances are paid at 50% of the standard rate as per this policy document (pg. 10 *General Rules and Provisions*), this figure results from the member requiring support but not living away from home.

Medical certificates must state the period that a person is unfit for work and updated certificates are required for ongoing support in accordance with the below age brackets:

| <b>Medical Hardship – Supporting Documentation</b> |  |
|--|--|
| <b>Beneficiaries aged 49 years or less</b>         | Every 6 weeks where the medical certificate does not define the length of illness, at the discretion of the Trustee  |
| <b>Beneficiaries aged 50+ years</b>                | Every 12 weeks where the medical certificate does not define the length of illness, at the discretion of the Trustee |

The type and extent of the assistance provided will be considered on a case by case basis by the Trustee. Consideration will be given to ongoing requests depending on the level of funding held in the Medical Account at the time.

## **12. NON-MEMBERS ASSISTANCE**

There are some instances where medical costs of non-members, usually spouses or immediate family of members can be paid from the Trust. This has been done on the basis that the member has 100% financial responsibility for the maintenance of the non-member. Assistance for applications of this nature may be paid for from the associated Family Bucket if approved.

## **13. DENTAL**

Dental treatment up to a maximum of \$5,000 is accessible to any member without requiring approval from the Advisory Trustees. The applicant must provide AET with confirmation of the appointment and the final cost, which will then be paid directly to the dentist.

Members needing dental work exceeding \$5,000 should obtain a treatment plan and fill out a medical resolution and submit to the WGAC Office before booking an appointment. Dental work of this magnitude and cost requires the approval of the Advisory Trustees before assistance can be provided.

## **BUSINESS PROMOTION ACCOUNT POLICIES**

### **14. BUSINESS PROMOTION**

In accordance with the terms of the Hamersley Iron (Rio Tinto) Indigenous Land Use Agreement, 5% of all royalty payments are set aside for the purposes of business promotion.

Business promotion is not a charitable object of the Trust, therefore the Trustee can only provide funding to members on the basis that:

- The business activity to be run by the members will be, or at least transition into being, the sole means of the member earning an income to support themselves and their family financially.

#### **Business plans/ mentoring**

Assistance can be provided towards the cost of preparing a business plan or business mentoring. Funding applications for this purpose are assessed by the Trustee on a case by case basis.

## GENERAL RULES AND PROVISIONS

### **Reimbursements**

Beneficiaries can seek reimbursement for monies spent, or to have costs paid in respect of any item in this policy document. An application is required along with supporting documentation such as an invoice/receipt as proof of payment. AET reserves the right to question any application regarding evidence required for reimbursement. No reimbursement can be made where the time passed since the payment was made or incurred, is more than one calendar year or falls outside the current year of funding.

### **Assistance Received from Other Language Groups Charitable Trusts**

The Advisory Trustees and the Trustee may request from time to time that:

- An applicant provide evidence that they are not receiving benefit from another charitable trust belonging to another Language Group, and/or
- Make enquiries it thinks appropriate to check prior to making any payment to a beneficiary.

### **Ensure Funds Used for Charitable Purposes**

The Advisory Trustees and the Trustee may from time to time request evidence that an applicant has applied the funds received for the purpose requested.

### **Balls and Social Events**

Events of this nature will not be funded because they are “social” and do not meet the charitable objects of the trust. If an event can be shown to support aboriginal charitable entities, programs, or occasions then funding may be provided.

### **Car Hire**

AET cannot arrange car hire on behalf of members or third parties. If members hire a car, they must use their own credit card for security bond purposes and can seek a reimbursement of the hire costs when receipts are provided following the return of the vehicle. The Trustee cannot reimburse any costs considered to be damage caused to the vehicle under any circumstances. Actual fuel costs can be reimbursed where receipts are provided.

### **Accommodation**

AET can arrange accommodation for educational and medical requests, anything outside of this will need to be organised by the member and a reservation number sent to AET for payment. Any incidentals charged to the room must be paid by the member prior to departure. AET cannot cover incidental charges under any circumstances.

AET reserves the right to recover funds from future applications made by the member in the event of a “no show” or to recover charges aside from “room only”.

Room Damage – if any member damages a room or charges incidentals, members will be given warnings to that effect which could result in a complete ban from accommodation. Members will be issued one warning whereby recoverable costs are to be paid out of any future allowance or Direct Benefits Trust (DBT) payments. If a second offence occurs, the member is immediately put on a 12 month ban from accessing accommodation through the trust and costs will be recovered from future allowances or DBT payments.

### **Flights**

Flights can be booked for members for approved purposes, as opposed to paying mileage. When making bookings all flights will be made on a “best fare of the day” basis. Many of these flights therefore cannot be altered, and so once booked, AET cannot guarantee that changes will be able to be made to bookings in view of that. Members should carefully consider dates and times of travel before requesting that flights be booked.

In a bid to minimise costs, changes or alterations to flights cannot be made once the booking has been finalised. AET reserves the right to recover funds from future applications made by the member in the event of a “no show”.

### **Mileage**

AET will pay mileage for a person to travel by vehicle where the total distance to be travelled is more than a 100km return trip. Mileage is paid at the rate of \$0.75 per km. This mileage rate shall apply to applications made under the grounds of health/ medical, education and funerals.

### **Living Allowance**

An allowance can be paid where the member needs to “live away from home” and is being assisted by the trust for a charitable purpose. The allowance is paid on a sliding scale for individuals and also families with children:

| <b>Living Allowance</b>          |   |
|----------------------------------|---|
| Individual person                | <b>\$125.00 per day</b>   |
| Families with 1 to 2 children    | <b>\$200.00 per day</b>   |
| Families with 3 or more children | <b>\$250.00 per day</b> - this amount is the maximum that any family can receive. |

This living allowance rate shall to apply to applications made under the grounds of education, health/ medical and funerals.

### **Escalation to Trustee**

Advisory Trustees are given 10 business days to respond to an application with an approval decision; if this time frame is surpassed with no final approval, the member can escalate the approval to the Trustee for review. In this instance, the Trustee will need to look over the application and provide a response.

# Eastern Guruma Charitable Trust No. 2

## ANNEXURE 1: PROCESS FOR MAKING APPLICATIONS – updated October 2019

### SCOPE

This document formalises the process involved in beneficiaries making applications to the Eastern Guruma Charitable Trust No. 2. The following process will assist the efficient and effective payment processing for both Eastern Guruma beneficiaries and AET.

### APPLICATION PROCESS

The application process has been summarised into three categories:

- 1) Applications that can be processed by AET (no approvals required)**
- 2) Applications that require approvals by Family Representatives**
- 3) Applications that require approvals by Advisory Trustees**

| <b>1) Applications that can be processed by AET (no approvals required)</b> |  |
|---|--|
| Funeral Attendance – Elders only  | Education (kindergarten, primary, secondary)   |
| Vehicle Repairs   | Dental - \$5k limit                            |
| Elders  | Business Promotion (considered by the Trustee) |

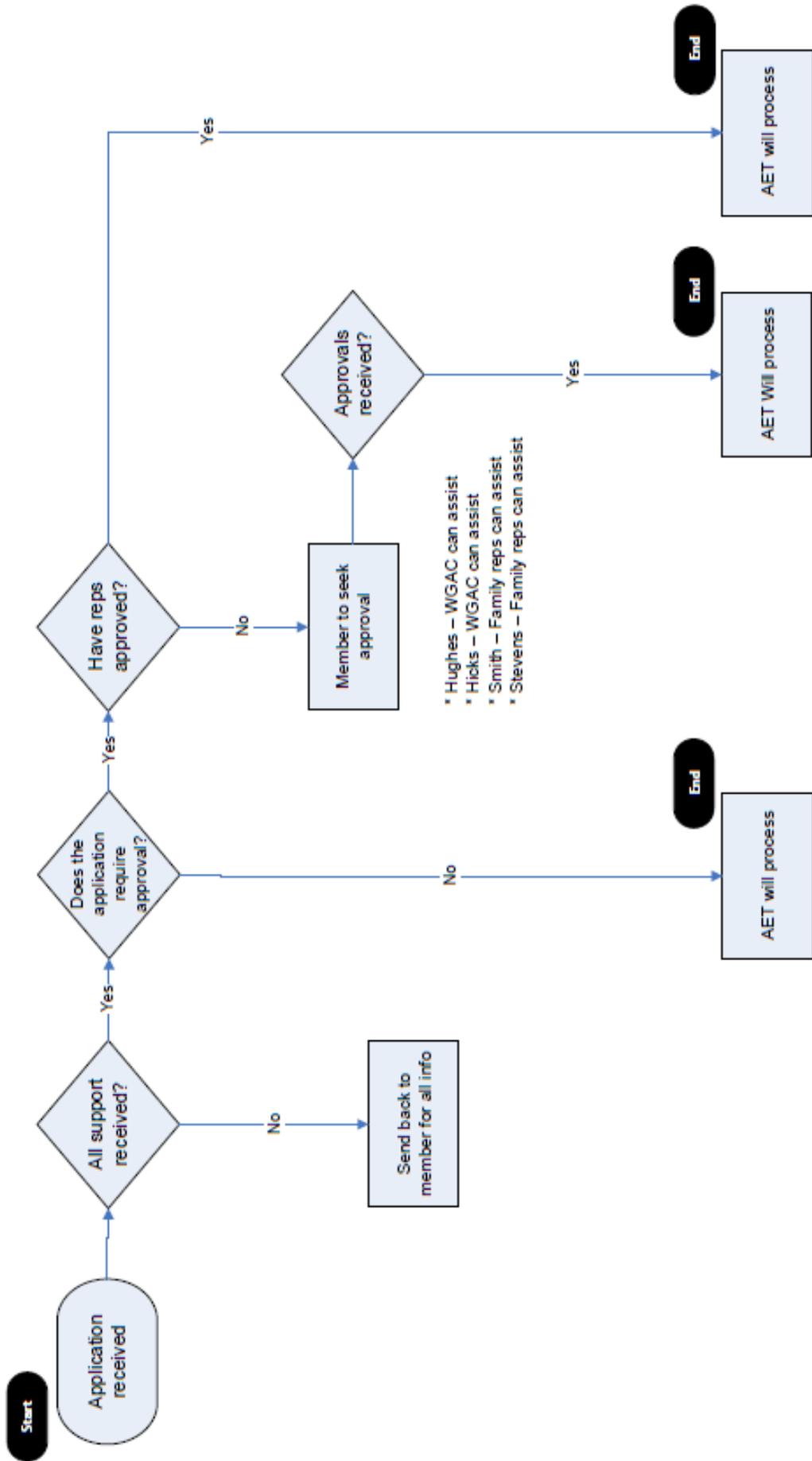
| <b>2) Applications that require approval by Family Representatives</b> |                          |
|--|--------------------------|
| Lore and Culture   | Special Projects Buckets |
| Family Bucket requests   | Family Housing           |

| <b>3) Applications that require approvals by Advisory Trustees</b> |  |
|--|--|
| Funeral Costs  | Medical (including dental over \$5k)                               |
| Legal and Consultancy Costs  | Any application for assistance that exceeds a defined policy limit |
| Education (tertiary, apprenticeships)                              | Any application that does not fit any of the policy guidelines     |

#### **Steps for member application:**

- Send application and support documents/ quotes to AET
- If approvals are required, member needs to seek these and provide to AET
- Once approvals are granted, AET will process application

# EASTERN GURUMA APPLICATION PROCESS



## **How do the Advisory Trustees work with the Trustee?**

The opinion or decisions of the Advisory Trustee are not necessarily binding on the Trustee. The Trustee is obliged to consider the views and recommendations of the Advisory Trustees in all cases, as outlined in the Trust Deed. The Trustee must look to enforce the policies created and resolved by the Advisory Trustees wherever possible.

## **Trustee Considerations**

All applications can be subject to the consideration of the Trustee, these include but are not limited to:

- Does the request meet the charitable objects of the trust
- Ensuring requests meet policy criteria
- Are there enough funds to make payment?
- Sustainability, i.e., should the Trust make one large purchase vs several small purchases?
- Fairness and equity on a longer-term basis

## **Declined Applications / Rejected Applications**

Member applications must meet all policy and approval criteria in order to be successful.

AET will **not**:

- Progress applications that do not have the necessary supporting paperwork
- Make over-riding decision regarding applications for Family Representatives consideration.
- Make over-riding decision regarding applications that are of a Cultural nature.

If the Advisory Trustees decline an application, a valid reason must be provided for the decision. AET will not address any correspondence concerning declined applications, unless the beneficiary provides evidence in writing that their application has been dealt with in accord with the process set out above.

## **Escalation to Trustee**

If an application requires approvals from Advisory Trustees that has not been addressed within 10 business days of submission, the applicant may contact the Trustee and request that a decision be made on behalf of the approvers.