

# **The rule book of Anindilyakwa Leaders Future Fund Aboriginal Corporation (ICN 9385)**

This rule book complies with the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

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## 1. Name

The name of the corporation is: Anindilyakwa Leaders Future Fund Aboriginal Corporation.

## 2. Objectives

The corporation is established to be a charity for the relief of poverty, by providing senior long serving ALC employees, Members, Chairpersons and Deputy Chairpersons, who meet the eligibility requirements of schedule 3 with access to a **voluntary** recognition and protection package in accordance with schedule 5.

The voluntary recognition and protection package acknowledges:

1. In recognition of the outstanding work for, and dedication to, the ALC and local communities, that past leaders of the ALC contributed, and the often appalling conditions and circumstances of their later retired lives, inspired the founding of this corporation.
2. That the living conditions of senior ALC employees, Members, Chairpersons and Deputy Chairpersons are not always upheld following their service with the ALC for reasons that include:
  - (a) a lack of access to financial planning services;
  - (b) a lack of post-service work opportunities;
  - (c) community expectation that the significant financial resources they have access to during their period of service with the ALC should be shared which makes it difficult for affected individuals to save and financially plan for the time following their service.
3. That senior ALC employees, Members, Chairpersons and Deputy Chairpersons remain important community figures, role models and leaders who continue to contribute greatly to the community after their service. This contribution should not be diminished because they have shared their financial resources during employment and are living in significantly reduced conditions.

## 3. Definitions

In this Rule Book:

“**ALC**” means the Anindilyakwa Land Council established under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth).

“**Anindilyakwa descent**” means a person who:

- (a) is eighteen years of age or older; and
- (b) either

- (i) belongs to one of the fourteen clans of the Groote Archipelago (and who resides anywhere); or
- (ii) is a Descendant who either;
  - a. permanently resides on the Groote Archipelago; or
  - b. permanently resides off the Groote Archipelago in order to access medical treatment or due to incarceration.

A “**Descendant**” means a first or second generation descendant of a male or female member of the 14 clans who has married a spouse who is not a member of those clans.

## **4. Members**

### **4.1 Who is eligible?**

A member must be:

- at least 18 years old; and
- an Aboriginal or Torres Strait Islander person of Anindilyakwa descent (as defined in Schedule 6).

### **4.2 How to become a member**

Membership of the corporation is restricted to 10 members in total.

A person applies in writing.

A person needs to be eligible under rule 4.1.

The directors accept the application by resolution at a directors’ meeting.

The directors must consider all applications for membership within a reasonable period after they are received.

The person’s name, address and date they became a member is put on the register of members.

The directors may refuse to accept a membership application. If they do so, they must write to the applicant about the decision and they may, at their discretion, provide reasons for it.

A person does not become a member until their name is entered on the corporation’s register of members. This must be done within 14 days after the directors accept the membership application. However, the corporation must not enter the person on the register of members until after the relevant general meeting or annual general meeting (AGM) has been held if:

- a person applies for membership after a notice has been given for a general meeting or AGM, and
- the general meeting or AGM has not been held when the directors consider the person's application.

Note: An application for membership form is at Schedule 1— Application for membership form of this rule book.

### **4.3 Members' rights**

A member can:

- attend, speak and vote at general meetings
- be made a director (if the member is eligible to be a director—see rule 6.3 on eligibility of directors)
- put forward resolutions at general meetings.
- ask the directors to call a general meeting under rule 5.3
- look at the members' register free of charge
- look at the minutes of general meetings and AGMs free of charge
- look at the rule book or get a copy (free of charge)
- raise a dispute and have a dispute dealt with using rule 11
- look at the books of the corporation if the directors have authorised it or the members pass a resolution at a members' meeting which approves it.

### **4.4 Members' responsibilities**

A member must:

- follow the corporation's rules
- let the corporation know if they change their address
- treat other members with respect.

Members should also attend general meetings (including AGMs) or give their apologies.

### **4.5 No membership fee**

The members of the corporation are not required to pay fees to join or for ongoing membership of the corporation.

## **4.6 Liability of members**

The members do not have to pay the corporation's debts if the corporation is wound up.

## **4.7 How to stop being a member**

A person stops being a member if:

- they resign in writing
- they pass away
- their membership is cancelled in accordance with rule 4.8 or 4.9.

When a person stops being a member the corporation must put their name, address and the date they stopped being a member on the register of former members.

## **4.8 Cancelling membership**

A person's membership can be cancelled by members passing a special resolution at a general meeting if the member:

- can't be contacted for two years
- misbehaves

The directors must give the person notice of the cancellation of their membership at the person's last known address as soon as possible after the special resolution is passed.

When a person's membership is cancelled the corporation must put their name, address and the date they stopped being a member on the register of former members.

## **4.9 Directors limited right to cancel membership**

For grounds not covered by rule 4.8, a person's membership can be cancelled by the directors passing a resolution at a directors' meeting if the member is not or stops being eligible for membership as set out in rule 4.1.

To do this, the directors must:

- write to the member to tell them:
  - the directors are going to cancel their membership
  - the member has 14 days to object to the planned cancellation
  - if the member objects, they must write to the corporation to say so
- allow the member 14 days to object in writing to the intended cancellation.

**If the member does not object**, the directors must cancel the membership by passing a resolution at a directors' meeting. Then give the former member a copy of the resolution.

**If the member objects**, the directors cannot cancel the membership. The membership can only be cancelled by members passing a resolution at a general meeting.

#### **4.10 The register/s of members and former members**

The register/s must contain:

- the names and addresses of members and former members
- the date when each person's name was added to the register
- for former members, the date when they stopped being a member.

The register/s of members and former members must be kept at the corporation's document access address or, if it is a large corporation, its registered office.

The register of members must be made available at the AGM.

## **5. General meetings and AGMs (members' meetings)**

### **5.1 AGM timing**

An AGM must be held before the end of November each year.

### **5.2 AGM business**

AGM business includes:

- checking the register of members
- confirming the minutes of the previous general meeting
- presenting reports: general, financial, directors'
- asking questions about how the corporation is managed
- electing directors (if required)
- choosing an auditor (if required) and agreeing on the fee.

### **5.3 Calling general meetings**

The directors can call a general meeting or AGM by passing a resolution in a directors' meeting or by circulating resolution.

The required number of members can request the directors to call a general meeting.

<b>Number of members in corporation</b>	<b>Number of members required to request a general meeting</b>
2 to 10 members	= 1 member
11 to 20 members	= 3 members
21 to 50 members	= 5 members
51 members or more	= 10 per cent of members

The members' request must:

- be in writing
- state any resolutions to be proposed at the meeting
- be signed by the members making the request
- nominate a member to be the contact member on behalf of the members making the request be given to the corporation.

Within the 21 days of receiving the request the directors must either call the meeting or apply to the Registrar to deny the request.

### ***Directors agree to the request***

If the directors agree to the request, they must call the general meeting within 21 days of receiving the members' request.

### ***Directors apply to the Registrar to deny the request***

If the directors resolve that:

- the request is frivolous or unreasonable or
- complying with the request would be contrary to the interests of the members as a whole

a director, on behalf of all of the directors, may apply to the Registrar for permission to deny the request to call a general meeting.

The directors' application to the Registrar to deny the members' request must:

- be in writing
- set out the reasons why they wish to deny holding the meeting
- be made within 21 days after the members' request for a meeting was made.

The directors must give notice to the contact member that they have applied to the Registrar to deny the request.



## **5.4 General meeting business**

General meetings business includes:

- confirming the minutes of the previous general meeting
- considering the business or resolutions in the notice of meeting.

## **5.5 Notice for general meetings and AGMs**

At least 21 days' notice must be given.

Notice must be given to:

- each member individually
- the directors
- the contact person or secretary
- the auditor (if the corporation has one).

The notice must set out:

- the place, date and time for the meeting
- the business of the meeting
- if a special resolution is being proposed, the exact wording of it
- any technology to be used in the meeting (if required)

Notices must be given to each member individually. This can be done by sending by post to their address, by fax, by email or via social media. In addition to individual notice a corporation can also give notice in a manner which follows Aboriginal or Torres Strait Islander custom.

A notice of meeting:

- sent by post is taken to be given three days after it is posted
- sent by fax, or other electronic means, is taken to be given on the business day after it is sent.
- local newspaper advertisements, radio broadcasts, social media or community noticeboards.

The required number of members can propose a resolution by giving notice of it to the corporation.

<b>Number of members in corporation</b>	<b>Number of members required to propose a resolution</b>
2 to 10 members	= 1 member
11 to 20 members	= 3 members

21 to 50 members	= 5 members
51 members or more	= 10 per cent of members

The notice must set out the resolution in writing and must be signed by the members proposing it.

The corporation must give notice of the resolution to all members in the same way as rule 5.5.

The corporation must consider the resolution at the next general meeting which is being held more than 28 days after the notice from the members has been given to the corporation.

## **5.6 Quorum at general meetings and AGMs**

<b>Number of members in corporation</b>	<b>Number of members to make a quorum</b>
2 to 30 members	= 2 members
31 to 90 members	= 5 members
91 members or more	= 10 members

The quorum must be present during the whole meeting. If there is no quorum after one hour, the meeting is adjourned until the next week at the same time and at the same place. If there is still no quorum, the meeting is cancelled.

### ***How to count the quorum***

To work out if there is a quorum count each member present at the meeting

## **5.7 Chairing general meetings and AGMs**

The directors can elect someone to chair the meeting. If they don't, the members must elect someone.

## **5.8 Using technology at general meetings and AGMs**

General meetings and AGMs can be held at more than one place using any technology that gives members a way of taking part but the type of technology to be used must be set out in the notice of meeting.

## **5.9 Voting at general meetings and AGMs**

Each member has one vote.

The chairperson has one vote (if he or she is a member) plus a casting vote.

A challenge to a right to vote at a meeting may only be made at the meeting, and must be determined by the chairperson, whose decision is final.

A resolution is decided by majority on a show of hands, unless a poll is demanded under rule 5.10.

The chairperson declares the results of the vote, on a show of hands, or when a poll is demanded.

### **5.10 Demanding a formal count (i.e. a poll)**

Either the chairperson or any member entitled to vote on the resolution can demand a poll. A poll is a formal count of votes.

A poll can be held instead of, or immediately after, a vote decided by majority on a show of hands.

A poll demanded on any matter must be taken immediately. The chair of the meeting directs how the poll will be taken.

### **5.11 Proxies at general meetings and AGMs**

Proxies may not be appointed to attend or vote for members at general meetings.

### **5.12 Other people at general meetings and AGMs**

A person appointed by a member as their attorney under a power of attorney may not in their capacity as attorney attend general meetings and AGMs or vote for the member.

### **5.13 Postponing a general meeting or AGM**

After notice has been given for a general meeting or AGM the directors can decide to postpone the meeting (this means, delay or reschedule the meeting for a later date) if there are exceptional reasons for doing so (such as the death of a community person or a natural disaster).

The directors postpone the meeting by passing a resolution in a directors' meeting. A postponed meeting must be held within 30 days of the date that the meeting was due to occur.

The directors must give reasonable notice of the postponement and give each member individually a notice of the postponed meeting setting the new date, time and place.

## **6. Directors**

### **6.1 *Role of directors***

The directors oversee the running of the corporation on behalf of all members, make decisions about the affairs of the corporation, and should always be aware of what the corporation and its employees are doing. The directors manage, or set the direction for managing, the business of the corporation.

The directors may exercise all the powers of the corporation except any that the CATSI Act or this rule book requires the corporation to exercise in a general meeting.

### **6.2 *Number of directors***

The number of directors of the corporation is seven (7) This number includes up to three (3) independent or specialist non-member directors.

To change the number of directors, members need to pass a special resolution at a general meeting or AGM to change the rule book. Such a resolution needs to be in the notice calling that meeting.

### **6.3 *Eligibility of directors***

A director (other than a director appointed under rule 6.7) must be:

- at least 18 years old
- a member

A person is not eligible to become a director if the person:

- has been disqualified from managing corporations.
- is a Chairperson of the ALC or a full-time employee of the ALC based entirely or principally on Groote Eylandt and/or Bickerton Island.
- is in receipt of any benefits under the voluntary recognition and protection package.

### **6.4 *Majority of director requirements***

A majority of directors of the corporation must:

- at least 18 years old
- be members of the corporation
- be individual who are Aboriginal or Torres Strait Islander people (only relevant if your rule 6.3 allows non-Indigenous people as directors)

- usually reside in Australia
- not be employees of the corporation.

The chief executive officer (CEO) may be a director but cannot chair directors' meetings.

## **6.5 How to become a director**

The corporation can appoint a director by the members passing a resolution at a general meeting or AGM.

If there is a casual vacancy in a directorship the other directors can pass a resolution in a directors' meeting to fill the vacancy (see rule 6.8).

Before being appointed as a director, the person must give the corporation their consent in writing to act as a director.

The corporation must notify the Registrar of the director's appointment and personal details within 28 days after they are appointed.

## **6.6 Directors' terms of appointment and rotation**

Directors (other than those appointed under rule 6.7) are appointed for two (2) years. They must retire at the end of the second AGM after they take office. They are eligible to be re-elected.

If, despite the operation of section 246-25(4) of the CATSI Act, the terms of all directors expire so that there are no directors appointed at a particular time, the directors holding office immediately before the expiry will continue to hold office until the members appoint new directors or reappoint the existing directors by resolution at a general meeting.

## **6.7 Independent or specialist non-member directors**

Independent or specialist non-member directors may be selected because they are independent or have skills in financial management, corporate governance, accounting, law or a field relating to the corporation's activities.

The directors may appoint independent or specialist non-member directors by passing a resolution in a directors' meeting.

Before being appointed as an independent or specialist non-member director, the person must give the corporation their written consent to become a director.

Independent or specialist non-member directors are appointed for the term specified by the directors in their appointment. Independent or specialist non-member directors can be appointed for a term of one year, and they can be reappointed.

## **6.8 How to fill casual vacancies**

The directors can appoint a person as a director to fill a casual vacancy.

A casual vacancy is where a person stops being a director before their term of appointment expires (see rule 6.9) and so the position of that director is vacant.

The person must meet the director eligibility criteria in rule 6.3 and any criteria that applies to the particular vacancy.

The term of an appointment made to fill a casual vacancy is for the balance of the term remaining on the vacant position.

However, a person's appointment to fill a casual vacancy must be confirmed by members passing a resolution at the next general meeting otherwise the person stops being a director at the end of the general meeting.

## **6.9 How to stop being a director**

A person stops being a director if:

- the director passes away
- the director resigns in writing
- the director's term of appointment expires
- the director is removed as a director by the members or the other directors
- the director is disqualified from managing a corporation
- the director ceases to be a member but was a member when they became a director.

The corporation must send the Registrar a notice within 28 days after a person stops being a director.

## **6.10 How to remove a director**

By resolution of the members in a general meeting:

- A notice for a resolution to remove a director must be given to the corporation at least 21 days before the next general meeting or AGM. (Alternatively, the members can request a meeting (rule 5.3) for the purpose of removing a director.)
- The corporation must give the director concerned a copy of the notice as soon as possible.
- The director can give the corporation a written statement and speak at the meeting. The written statement must be given to everyone entitled to notice of the meeting (see rule 5.5).

By the other directors:

- Directors can only remove a director if the director fails to attend three or more consecutive directors' meetings without a reasonable excuse.
- Directors must give the director a notice in writing and they must give the director 14 days to object in writing.
- If the director objects, they cannot remove the director. The director can only then be removed at a general meeting or AGM by resolution.

### **6.11 Directors' and officers' duties**

The duties are:

- a duty of care and diligence
- a duty of good faith and to act in the best interests of the corporation
- a duty to disclose a conflict of interest
- a duty not to improperly use position or information
- a duty to not trade while insolvent.

### **6.12 Conflict of interest**

A director who has, or thinks they may have, a conflict of interest in a corporation matter must tell the other directors. This includes, but is not limited to, a material personal interest.

The director must give details of what the interest is and how it relates to the corporation. These details must be given at a directors' meeting as soon as possible, and must be recorded in the minutes of the meeting.

If a director will personally benefit from another person receiving benefits through the voluntary recognition and protection package this is a material personal interest.

A director who has a conflict of interest must not:

- be present at a directors' meeting while the matter in question is being considered
- vote on the matter

unless they have been granted approval by:

- the other directors (those that do not have a conflict of interest) passing a resolution, or
- the Registrar in writing.

### **6.13 Payments to directors**

A director can be paid a salary or sitting fees for their work as directors provided the decision to pay a salary or sitting fees and the amount of the salary or sitting fees are determined by the members in general meeting and approved by the ALC.

Directors may be paid if they are employed by the corporation, or if they have a contract to provide goods or services to the corporation (so long as the director has fulfilled any duty to disclose a conflict as required by this rule book and the payment is fair and reasonable to the corporation).

The corporation may pay the directors' travelling and other expenses for attending meetings or to do with other corporation business.

### **6.14 Related party benefit**

If a corporation wants to give a financial benefit to a director or other related party (including a spouse, child or parent of a director) it must comply with Part 6.6 of the CATSI Act and, where required, follow the procedure to get the approval of the members.

### **6.15 Delegation of directors' powers**

The directors can pass a resolution to delegate any of their powers to:

- another director
- a committee of directors
- an employee of the corporation
- any other person.

The delegate must follow the directions of the directors when using the delegated powers.

The exercise of the power by the delegate is as effective as if the directors had exercised it themselves. This means the directors are still responsible for what the delegate does with the powers.

Delegates must report to directors on the exercise of their delegated power.

### **6.16 Calling and giving notice of directors' meetings**

Directors must meet at least every three months.

All directors must be given reasonable notice of a directors' meeting.

The directors will usually decide at a meeting when and where the next meeting will be.



A director can call a meeting by giving reasonable notice to all the other directors.

### **6.17 *Quorum for directors' meetings***

A majority of the directors must be present at all times during the meeting.

The directors may appoint a person as a director to make up a quorum for a directors' meeting.

### **6.18 *Chairing directors' meetings***

There must be a chair elected for each directors' meeting.

If someone has not already been elected to chair the meeting, or the person previously elected as chair is not available, the directors must elect a director present to chair the meeting (other than the CEO).

When electing a chair, the directors must decide how long that director will be the chair (i.e. just for that meeting, or at every meeting over a certain period of time). The directors may also remove a chair (but not their appointment as a director) by a resolution of the directors.

### **6.19 *Using technology***

Directors' meetings can be held at more than one place using any technology, as long as all directors agree to it. The type of technology to be used may be set out in the notice for a directors' meeting.

### **6.20 *Resolutions by directors***

Directors pass a resolution at a directors' meeting by a majority of the votes.

- Each director (including independent or specialist non-member directors) has one vote.
- The chairperson of the meeting also has a casting vote (if required).

Directors can pass a resolution without a directors' meeting if all directors sign a statement saying that they are in favour of it.

## **7. Contact person or secretary**

Small and medium corporations have a contact person. Large corporations have a secretary.

The directors appoint a contact person/secretary.

The contact person/secretary must be at least 18 years old.

The directors decide the contact person/secretary's pay and terms and conditions of employment, if any.

The contact person/secretary must pass on any correspondence received to at least one of the directors within 14 days.

The contact person/secretary must give the corporation their consent in writing to become a contact person/secretary before being appointed.

The corporation must send the Registrar a contact person's/secretary's details within 28 days after they are appointed.

## **8. Records**

The corporation must keep the:

- minutes of meetings (in writing or as an audio or video recording)
- rule book (constitution)
- register of members and former members
- names and addresses of directors, officers and the contact person/secretary
- written financial records.

## **9. Finances**

The corporation must keep written financial records that:

- correctly record and explain its transactions, financial position and performance
- would enable true and fair financial reports to be prepared and audited.

When the corporation is a trustee it must also keep written financial records for the trust.

The corporation must follow these procedures.

- The corporation must give receipts for all money it receives.
- All money of the corporation must be deposited into a corporation bank account.
- All accounts must be approved for payment at a directors' meeting or in accordance with valid delegations.
- All cheques, withdrawal forms, electronic funds transfer (EFT) transactions, and other banking documents must be signed by at least two people authorised by the directors.

- All payments made out of the corporation's money must be supported by adequate documents which explain the nature and purpose of the payment.
- The corporation must keep adequate records for all cash withdrawals from the corporation's bank accounts (i.e. records that show the cash was used for a proper purpose and in accordance with the corporation's objectives).

The financial records must be retained for seven years after the transactions covered by the records are completed.

## 10. Application of funds

The corporation is a not-for-profit corporation.

The directors can use the money and property of the corporation to carry out its objectives (see rule 2).

The directors cannot directly or indirectly give any money or property of the corporation to members of the corporation. This rule does not stop the corporation from making:

- a reasonable payment to a member in their capacity as an employee or under a contract for goods or services provided
- payment to a member in carrying out the corporation's objectives.

## 11. Dispute resolution

If a dispute arises, the parties must first try to resolve it themselves.

If the dispute is not resolved within 10 business days, any party may give a dispute notice to the other parties.

The dispute notice must be in writing and must say what the dispute is about. It must be given to the corporation.

The directors must help the parties resolve the dispute within 20 business days after the corporation receives the notice.

If the directors cannot resolve the dispute, it must be put to the members to resolve it at a general meeting.

### ***Seeking assistance from the Registrar***

- If a dispute or any part of a dispute relates to the meaning of any provision of the CATSI Act or the corporation's rule book, the directors or any party to the dispute may seek an opinion from the Registrar about the correct meaning of the relevant provision.
- The Registrar's opinion will not be binding on the parties to a dispute.

- The right to request assistance from the Registrar does not create a right to request a formal mediation. However, in an appropriate case the Registrar may provide assistance in having the matter resolved.

For more information on members' rights see rule 4.3.

## **12. Changing the rule book**

The rule book can be changed by the members passing a special resolution at a general meeting or an AGM. The proposed changes must be set out in the notice of the meeting.

Within 28 days after the resolution is passed, the corporation must send the Registrar copies of the:

- rule book changes
- special resolution
- minutes of the meeting.

The changes do not take effect until the new rule book is registered by the Registrar.

## **13. Winding up**

### ***Surplus assets of the corporation***

Where:

- the corporation is wound up, and
- after all debts and liabilities have been taken care of, and costs of winding up have been paid, surplus assets of the corporation exist

the liquidator can decide, or the members may pass a special resolution about how the surplus assets of the corporation are to be distributed.

The surplus assets must not be given to any member or to any person to be held on trust for any member and can only be given to a charitable organisation/s with similar charitable purposes.

### ***Surplus assets of gift funds***

If the Australian Tax Office allows the corporation to give tax deductible receipts for donations, and the corporation is wound up, any surplus gift funds must be given to another body with similar objectives and that gives tax deductible receipts for donations.

# Schedule 1— Application for membership form

## Anindilyakwa Leaders Future Fund Aboriginal Corporation

ICN: 9358

### Application for membership

I, \_\_\_\_\_ (first name of applicant)

\_\_\_\_\_ (last name of applicant)

of \_\_\_\_\_ (address of applicant)

\_\_\_\_\_

apply for membership of the corporation.

I declare that I am eligible for membership.

I am:  Aboriginal  Torres Strait Islander

Signature of applicant \_\_\_\_\_

Date \_\_\_\_\_

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#### Corporation use only

Application received	Date:
Application tabled at directors' meeting	Date:
Directors consider applicant is eligible for membership	Yes / No
Directors approve the application	Yes / No
If approved, new members' details added to register of members	Date:
Applicant notified of directors' decision	Date:

## Schedule 2— Consent to become a director form

### Anindilyakwa Leaders Future Fund Aboriginal Corporation

ICN: 9358

#### Consent to become a director

I, \_\_\_\_\_ (full name of  
of \_\_\_\_\_ (residential address, a postal  
\_\_\_\_\_ address is not sufficient)

give consent to become a director of the corporation.

I confirm my date  
of birth is \_\_\_\_\_ (date of birth)

and my place of  
birth was \_\_\_\_\_ (place of birth)

I acknowledge I am automatically disqualified from managing corporations if I:

- have been convicted of an offence under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act) that is punishable by imprisonment for more than 12 months
- have been convicted of an offence involving dishonesty that is punishable by imprisonment for at least three months
- have been convicted of an offence against the law of a foreign country that is punishable by imprisonment for more than 12 months
- am an undischarged bankrupt
- have signed a personal insolvency agreement and have not kept to the agreement
- have been disqualified under the *Corporations Act 2001* from managing corporations,

and I will notify the corporation if any of the above events occur after my appointment.

Signature of person \_\_\_\_\_

Date \_\_\_\_\_

NOTE: This form should be completed and given to the corporation before the person is appointed as a director—  
section 246-10(1) of the CATSI Act.

The period of automatic disqualification is set out in sections 279-5 and 279-10 of the CATSI A

## Schedule 3 – Eligibility Requirements for the Voluntary Recognition and Protection Package

The following criteria must be satisfied for a person to be eligible for the voluntary recognition and protection package. The person must:

1. be of Anindilyakawa descent.
2. be an employee, Member, Chairperson or Deputy Chairperson of the ALC as at 1 Jan 2019 or have commenced their employment after that date;
3. carry out their duties based entirely or principally on Groote Eylandt (including Bickerton);
4. have been a Member, Chairperson, Deputy Chairperson or full-time employee of the ALC (which means employed for a period of > 30 hours per week), or any combination of them, for at least 10 years. For the purposes of these eligibility criteria if a person is employed to work for the ALC, even if they are employed through another entity, they can be considered to be an employee of the ALC for that period, upon the ALC confirming this in writing.
5. be approved by the directors, and approved by the ALC Board, and
6. reasonably satisfy the directors that they have experienced the detriments referred to in rules 2.1(a)(b)(c) and/or 2.2 of the rule book.

### The following examples are provided to assist with interpretation of Schedule 4

1. Employee A worked full time for 3 years on GE, took a break for 2 years then recommenced and worked full time for 8 years further on GE all with ALC.... total full-time employment is 11 years (**eligible**).
2. Employee B worked full time for 3 years then moved to part time and worked for 18 years. During 12 of these 18 years employee B was employed for fewer than 30 hours per week (**not eligible**. Only 9 years as a full-time employee).
3. Employee C worked full time for ALC for 8 years and was a Member for 27 years. (**eligible** as full time for <10 years but then a Member for 27 years.)
4. Employee D worked for ALC on Groote Eylandt for 6 years then worked a further 5 years full time in Cairns ALC offices. (**Not eligible** insufficient Groote Eylandt based employment)
5. Employee E worked for ALC on Groote Eylandt for 4 years then transferred to GEBIE for a further 2 years, then took a break for 2 years before returning to ALC for a further 5 years full time employment. The transfer to GEBIE was purely for administrative purposes. (**Eligible** as employment was on Groote Eylandt full time for >10 years and GEBIE transfer was purely for administrative convenience)
6. Employee F was an Aboriginal employee with no Anindilyakwa 14 clan affiliations in last 2 generations but worked on Groote Eylandt for ALC for 15 years continuously. (**Not eligible** as not of Anindilyakwa descent)

7. Employee G was an Aboriginal employee of ALC for 15 years with no Anindilyakwa descent but married to an Anindilyakwa descent employee who has worked for ALC for 4 years. (**Not eligible** as not of Anindilyakwa descent)
8. Employee H was an employee of Anindilyakwa descent employed full time from 1 Jan 2000 to 1 Jan 2016 (16 years) but has been retired since 1 Jan 2016 (**Not eligible** because retirement predates the scheme commencement)



## **Schedule 4 – Voluntary Recognition and Protection Package**

The Voluntary Recognition and Protection Package will provide eligible persons with the option to receive a capped benefit comprising one or more benefits under the headings below.

### **Financial advice**

The corporation will arrange and cover the reasonable costs of an independent financial advisor to provide financial advice to the eligible person.

### **Housing**

The corporation will liaise with the ALC to facilitate the eligible person and his or her spouse to be able to live in their home on Groote Eylandt rent free until the death of the eligible person or the death of their spouse, whichever is later in time. This includes seeking consents where necessary from the Anindilyakwa Land Trust and/or any leaseholders of the home.

If an eligible person elects to access this benefit, the money paid to that person as a living expense allowance under the living allowance category will be reduced by an amount comparable to the rent and any other expenses paid for the eligible person in accordance with this benefit.

### **Car**

The corporation will liaise with the ALC to enable the eligible person to retain the vehicle they were provided with during their employment, following the end of their employment, and to have that car replaced by a similar vehicle every three years.

Maintenance on that vehicle will be paid by the corporation up to a maximum of \$10,000 per year. The arrangement will terminate upon the death of the eligible person or at such time as the eligible person is permanently ineligible to hold a driver's licence, whichever is sooner.

If an eligible person elects to access this benefit, the money paid to that person as a living expense allowance under the living allowance category will be reduced by an amount comparable to the financial benefit obtained by access to this benefit.

### **Living Allowance**

The eligible person will receive a living expense allowance after their retirement at standard retirement age (or exceptional agreed upon date/circumstance – by directors and ALC Board), until their death. The living expense allowance is to be paid on the expectation that the eligible person will **not** be providing any continued service to the ALC while the amount is paid, and there is no employment relationship between the ALC and the eligible person.

The living expense allowance will be calculated as a percentage of the eligible person's final salary. This living expense allowance is the maximum value of the Voluntary Recognition and Protection Package and it will be reduced in accordance with the value of any benefit obtained by the eligible person under the Housing and Car categories of the Voluntary Recognition and Protection Package.

*Chairperson*

<b>Consecutive years of employment</b>	<b>Total Annual Benefit</b>	<b>Notes</b>
6 - 10 years	50% of final annual salary	The final salary is to be determined with reference to the Remuneration Tribunal
10+	70% of final annual salary	The final salary is to be determined with reference to the Remuneration Tribunal

*Senior ALC Staff*

<b>Consecutive years of employment (Full time)</b>	<b>Total Annual Benefit</b>
10	50% of final annual salary
11	55% of final annual salary
12	60% of final annual salary
13	65% of final annual salary
14	70% of final annual salary
15+	75% of final annual salary

This living expense allowance is to be paid by weekly instalments so that the annual amount paid is equal to the Total Annual Benefit set out in the above tables.

If the eligible person has reached superannuation preservation age and is drawing on their superannuation or is otherwise employed or remunerated (**Other Income**), then their living expense allowance is to be reduced by the amount of their Other Income.

Following the death of the eligible person the corporation will arrange for the living expense allowance to be paid to the dependent spouse of the eligible person but at a reduced rate of 60% of the benefit that was being paid to the eligible person.

### **Will preparation**

The corporation will arrange and pay for a will to be drawn up for the eligible person. In case the eligible person wishes for their benefit to pass to their children, or be split between the eligible person's spouse and children, the share of the eligible person's benefit going to the children,, will be at the reduced rate of 30% of the eligible persons benefit and will be limited to 5 years.