

SCHEDULE 10: RULES OF THE NGURRARRITJAKU KUTJU FUND

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RULES OF THE NGURRARRITJAKU KUTJU FUND

1. Interpretation

- 1.1 Words defined in the Agreement or the Warnpurru Rule Book but not in these NK Fund Rules have the same meaning as defined under:

- (a) Clause 1.1 of the Agreement; or
- (b) the Warnpurru Rule Book,

as the case may be.

- 1.2 In these NK Fund Rules:

Agreement means the agreement entered into between the State of Western Australia, Warnpurru and others (including a compensation application applicant acting on behalf of the Gibson Desert Traditional Owners) under which benefits are to be provided to Warnpurru in settlement of the liability of the State to pay compensation for the loss, diminution, impairment or other effect on native title by the Gibson Desert Nature Reserve;

Gibson Desert People means the Gibson Desert People as described in clause 1.4 of the Agreement;

NK Fund means the Ngurrarritjaku Kutju Fund, being the fund established under Clause 14 of the Agreement;

NK Fund Rules means these rules, as amended from time to time;

NK Fund Plan means the annual plan and budget referred to in Rule 6 of these NK Fund Rules and in Rules 21.7 or 21.8 of the Warnpurru Rule Book;

Warnpurru's Finance Policy means the document outlining Warnpurru's financial delegations and authorities, which sets out how funds are authorised to be released from a Warnpurru bank account, as amended from time to time; and

Warnpurru Rule Book means the Rule Book of Warnpurru as varied or amended from time to time.

2. Purpose, object and principles of NK Fund

- 2.1 Funds from the NK Fund are to only be applied for any or all of the following purposes:

- (a) to maintain, protect, preserve, promote and support land, law and culture as practised and observed by the Gibson Desert People in accordance with traditional law and custom over their land and waters, including the Reserve;
- (b) to support and advance the cultural, social, political, economic and legal interests of the Gibson Desert People; and
- (c) to relieve the poverty, sickness, misfortune, suffering, and social and/or financial disadvantage of the Gibson Desert People.

- 2.2 As much as is practical, and subject to traditional law and custom, the NK Fund will be operated in a fair, equitable, and transparent manner.
- 2.3 Funds from the NK Fund must not be paid to any member by way of dividends, bonuses, or profits.

3. Operation of NK Fund

- 3.1 The NK Fund must at all times be operated in accordance with:

- (a) these NK Fund Rules;
- (b) the Warnpurru Rule Book;
- (c) Warnpurru's Finance Policy; and
- (d) the Agreement.

4. Warnpurru to hold funds

- 4.1 The funds received from the State Parties under the NK Fund are to be held by Warnpurru in a separate interest-bearing bank account with an Australian bank.

5. Buckets

- 5.1 The following funding buckets are established under the purpose of Land, Law and Culture (see Rule 2.1(a) above):

- (a) Men's Law Business Bucket; and
- (b) Women's Law Business Bucket.

- 5.2 The following funding buckets are established under the purpose of Social, Political, Economic & Legal (see Rule 2.1(b) above):

- (a) Early Childhood/School/Tafe/Uni Support Bucket;
- (b) Legal Support Bucket (for example, supporting Gibson Desert People with legal and Court fees);
- (c) Business Development Planning Bucket;
- (d) Planning for Employment Opportunities Bucket; and
- (e) Future Fund Bucket.

- 5.3 The following funding buckets are established under the purpose of Relief of Poverty and Disadvantage (see Rule 2.1(c) above):

- (a) Funeral Bucket; and
- (b) Family Support Bucket.

6. NK Fund Plan

- 6.1 Each year, for the life of the NK Fund, it is the responsibility of the Warnpurru Directors to prepare the annual NK Fund Plan for the upcoming financial year, which will set out:
- (a) what funds will be allocated to the various buckets established under these NK Fund Rules; and
 - (b) any rules the Directors will follow in approving payments out of the various buckets, decided pursuant to Rule 7 below.
- 6.2 Each year, the NK Fund Plan will be presented to the Members at Warnpurru's Annual General Meeting for their information and comment, in accordance with the Warnpurru Rule Book.

7. Bucket Rules

- 7.1 Warnpurru Directors may develop bucket-specific rules to apply to any of the funding buckets established pursuant to Rule 5 above.
- 7.2 Any bucket-specific rules developed by the Directors under Rule 7.1 must be consistent with Rules 2, 3 and 8 of these NK Fund Rules.
- 7.3 Bucket-specific rules developed by the Directors under Rule 7.1 above may, for example, set the parameters and limits around how funds may be applied for and distributed under each bucket.
- 7.4 Any bucket-specific rules developed by the Directors under Rule 7.1 above must be:
- (a) decided at a meeting of the Directors in accordance with the decision-making process required under Rules 12.5 and 12.6 of the Warnpurru Rule Book for Administrative Decisions; and
 - (b) included in the NK Fund Plan for the relevant financial year, which must be kept by Warnpurru and made available to any Gibson Desert Person who asks Warnpurru to view it.

8. Application for funds

- 8.1 Applications for distribution
- (a) Only Gibson Desert People may make applications for distribution of funds from the NK Fund.
 - (b) Applications for distributions from the NK Fund may be made to the Warnpurru Directors by a Gibson Desert Person:
 - (i) in person;
 - (ii) by phone; or
 - (iii) in writing.

8.2 Approval of distributions from NK Fund

- (a) Distributions from the NK Fund must be approved and signed in writing by a minimum of three (3) Warnpurru Directors.

9. Disputes

- 9.1 Should a dispute arise in connection to the operation of the NK Fund or these NK Fund Rules, the dispute resolution process set out at Clause 17 of the Warnpurru Rule Book will apply.

10. Amendments

- 10.1 These NK Fund Rules may be amended at any time during the life of the NK Fund.

- 10.2 Any amendments to these NK Fund Rules must be approved by the members of Warnpurru at a General Meeting, in accordance with the decision-making process required under Rules 12.5 and 12.6 of the Warnpurru Rule Book for Administrative Decisions.

- 10.3 The process for amending the NK Fund Rules is as follows:

- (a) a draft of the proposed amendments to the NK Fund Rules will be workshopped by the Warnpurru Directors at a Warnpurru Directors' meeting;
- (b) the draft amendments to the NK Fund Rules will be sent to the State Parties for approval under the Agreement;
- (c) the draft amendments to the NK Fund Rules will be presented to the members of Warnpurru at a General Meeting for approval; and
- (d) if the Warnpurru members:
 - (i) approve the proposed amendments, then the NK Fund Rules are formally amended, and an amended copy of the NK Fund Rules will be provided to the State Parties; or
 - (ii) decide to make changes to the proposed amendments, then the proposed amendments to the NK Fund Rules will be sent to the State Parties for approval under the Agreement and, in the event that approval is given, then the NK Fund Rules are formally amended.

- 10.4 Until a proposed amendment to the NK Fund Rules is formally made under Rule 10.3(d), then the current NK Fund Rules continue to apply.

- 10.5 Where it is proposed that the NK Fund Rules be amended at a General Meeting, Warnpurru is to permit Gibson Desert People who are not also Members of Warnpurru to attend the General Meeting for that agenda item, including to give feedback (but not vote) in relation to the proposed changes.

EXECUTED AS A DEED

EXECUTED for and on behalf of the)
Applicant in the Gibson Desert)
Compensation Claim WAD 222 / 2020, by)
the following members of the Applicant:)
)

Daisy Ward

Daisy Tjuparntarri Ward, member of the
Applicant in WAD 222 / 2020 (signature)

28/10/20

Date

Ben Brown

Ben Junior Ralph Brown, member of the
Applicant in WAD 222 / 2020 (signature)

28/10/20

Date

ANDREW JONES

Andrew Jones, member of the Applicant in
WAD 222 / 2020 (signature)

29/10/20

Date

LEESE GILES

Leese Giles, member of the Applicant in WAD
222 / 2020 (signature)

28/10/20

Date

[Signature]

Witness (signature)

DAVID REGER

Name of witness (please print)

[Signature]

Witness (signature)

DAVID REGER

Name of witness (please print)

[Signature]

Witness (signature)

DAVID REGER

Name of witness (please print)

[Signature]

Witness (signature)

DAVID REGER

Name of witness (please print)

PAUL CARNEGIE

Paul Carnegie, member of the Applicant in
WAD 222 / 2020 (signature)

[Signature]

Witness (signature)

28/10/20

Date

DAVID REGER

Name of witness (please print)

Clarabelle Ward Kenda

Clarabelle Ward Kenda, member of the
Applicant in WAD 222 / 2020 (signature)

[Signature]

Witness (signature)

28/10/20

Date

DAVID REGER

Name of witness (please print)

EXECUTED by WARNPURRU)
(ABORIGINAL CORPORATION) (ICN)
8979) pursuant to section 99-5 of the)
Corporations (Aboriginal and Torres Strait)
Islander) Act 2006 (Cth):)
)

Robert Jennings

Director (signature)

ROBERT JENNINGS

Name (please print)

28/10/20

Date

Daisy Ward

Director (signature)


DAISY WARD

Name (please print)

28/10/20

Date

EXECUTED by CENTRAL DESERT)
NATIVE TITLE SERVICES LIMITED)
(ABN: 53 124 921 811) in accordance with)
the requirements of section 127 of the)
Corporations Act 2001 (Cth) by:)




Director (signature)

TED LEWIS LEONARD GRASSIE

Name of Director (please print)

28.10.20

Date



Director / Secretary (signature)

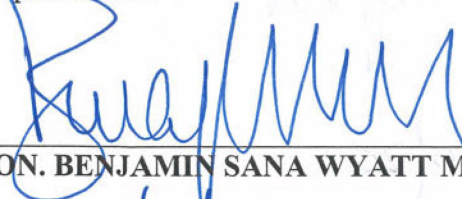
Andrew Glen

Name of Director / Secretary (please print)

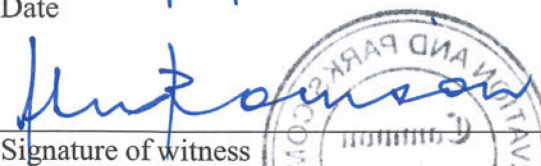
28/10/2020

Date

SIGNED for and on behalf of the STATE OF)
WESTERN AUSTRALIA by the)
HONOURABLE BENJAMIN SANA WYATT)
MLA, Minister for Aboriginal Affairs of the State)
of Western Australia and the HONOURABLE)
STEPHEN NOEL DAWSON MLC, Minister for)
Environment for the State of Western Australia, in)
the presence of:


HON. BENJAMIN SANA WYATT MLA


28/10/20
Date


Signature of witness

ALEX RORRISON
Full name of witness


Address of witness

SOURCITOR
Occupation of witness


HON. STEPHEN NOEL DAWSON MLC

28/10/20
Date


Signature of witness

ALEX RORRISON
Full name of witness


Address of witness

SOURCITOR
Occupation of witness

The common seal of the **MINISTER FOR LANDS**, a body corporate continued under Section 7 of the *Land Administration Act 1997* (WA) was hereunto affixed in the presence of:



[Handwritten signature of Benjamin Sana Wyatt]

HON. BENJAMIN SANA WYATT MLA
MINISTER FOR LANDS

28/10/20

Date

The common seal of the **CONSERVATION AND PARKS COMMISSION** was hereunto affixed in accordance with section 26AB of the *Conservation and Land Management Act 1984* in the presence of:



Christopher Doepel

Signature of member

Christopher Doepel

Full name of member

26/10/2020

Date

Tania Donovan

Signature of member

Tania Donovan

Full name of member

26/10/20

Date

The common seal of the **CONSERVATION**)
AND LAND MANAGEMENT)
EXECUTIVE BODY was hereunto affixed)
by the Chief Executive Officer in accordance)
with section 38 of the *Conservation and*)
Land Management Act 1984 in the presence)
of:



W. L. L. L. L. L.

Signature of Chief Executive Officer

MARK WEBB

Name of Chief Executive Officer

28/10/20

Date