

ALAJA WELFARE FOUNDATION TRADING AS

**AUSPOL
POLICE WELFARE FOUNDATION**

APPLICATIONS FOR ASSISTANCE

**HOW TO MAKE A CLAIM
AND HOW THEY ARE ASSESSED**



Introduction

This guide sets out the rules regarding applications for assistance from AUSPOL - Police Welfare Foundation and the assessment and decision making processes that are used in making decisions. It includes a copy of the application form (Appendix 1) that must be used for all applications. The guide is also available in electronic form from the Australian Federal Police Association (AFPA) website. Application forms can be downloaded from the website.

AUSPOL - Police Welfare Foundation is affiliated with the AFPA, and is the preferred charity of the AFPA.

Information about the administration and management of the AUSPOL - Police Welfare Foundation can be found in the AUSPOL - Police Welfare Foundation Business and Strategic Plan.

For further information, or copies of these documents, contact the AUSPOL - Police Welfare Foundation direct (contact details on page 5).

Who can request assistance from AUSPOL - Police Welfare Foundation

AUSPOL - Police Welfare Foundation was primarily established to assist serving and former law enforcement officers and their families, but assistance may be provided to any person in need. AUSPOL - Police Welfare Foundation has been approved by the Australian Taxation Office (ATO) as a public fund for the relief of persons in necessitous circumstances. Further information about the meaning of "necessitous circumstances" and examples of claims can be found at Appendix 2.

The types of assistance that AUSPOL - Police Welfare Foundation may offer include assistance with the immediate financial needs of an AFP employee and/or their dependants in a case where there is a loss of life or livelihood. It could also cover emergency financial assistance in the case of an unexpected crisis. All requests for assistance will be considered and assessed according to the information provided by the applicant and other relevant information available.

What types of assistance are available?

There is currently no fixed amount – each claim will be assessed on its merits. However, as a general indication, one-off grants are usually in the range \$200 - \$2,000. Depending on the circumstances of a claim, amounts lesser or greater than this range may be considered. Requests for ongoing assistance, such as payments for rent, will be considered on their merits and will be reviewed regularly (at least once a year). Preference may be given to providing assistance in the form of goods or services rather than cash, depending on the circumstances.

How are claims for assistance made?

Claims may be made by completing the AUSPOL - Police Welfare Foundation application form (copy at Appendix 1) and sending it by fax, mail or personal delivery to AUSPOL - Police Welfare Foundation. It is in the interest of applicants to discuss claims with a member of the Benefits Assignment Committee before completing the application form (see contact details below under 'Who runs AUSPOL - Police Welfare Foundation?').

Preference is given to dealing direct with the potential beneficiary rather than an agent.

What information is required, and how are claims assessed?

Each claim will be considered on its merits. Factors that may be taken into account include the circumstances that have created the necessity, other avenues of help and support available, and other avenues of support and help that are actively being sought, for example, Centrelink, welfare organisations such as The Smith Family etc. and the length of time that assistance will be needed. Factors such as relative financial need, the availability of other forms of assistance and the nature of the emergency will be taken into account.

Where there is more than one urgent need, the applicant must provide a list in priority order that indicates which need is most urgent in terms of the assistance requested.

It is important for all relevant information to be provided when the claim for assistance is lodged. Incomplete or misleading information will lead to delays in decision making.

Additional information such as letters from welfare authorities should be provided if relevant to the claim. All information will be treated confidentially.

This information is required to enable AUSPOL - Police Welfare Foundation to ensure that all claims (current and future) are given equal consideration and to enable AUSPOL - Police Welfare Foundation to meet its statutory obligations.

Each case will be considered on its merits and preliminary inquiries are encouraged. Even if financial need or eligibility is not established, advice can be given on other sources of help or courses of action. A summary of some forms of assistance that may be available from other agencies is at Attachment 3.

When will the results of application be notified?

All applications will be acknowledged on receipt. For urgent requests, there is provision for the Benefits Assignment Committee to call an emergency meeting. Assistance will be granted where the majority of the Benefits Assignment committee support the application.

Applicants will be contacted by telephone within 48 hours of the decision. At that time an appointment will be made with AUSPOL - Police Welfare Foundation to arrange receipt of the benefit.

What if an application is rejected?

A decision may be deferred, pending receipt of additional information, or rejected. If an application is rejected, an appeal in writing may be lodged within seven days of receiving notification. The full Benefits Assignment Committee will consider all appeals within 14 days of receipt, and decisions following reconsideration will be final.

Who is on the Benefits Assignment Committee?

Applications for assistance are considered by the Benefits Assignment Committee. The Benefits Assignment Committee comprises two directors of the Australian Law and Justice Association Limited (ALAJA), who chairs the Committee and one community representative who is connected to ALAJA. In 2006, the members of the Benefits Assignment Committee are the Chair Jim Torr (AFP Federal Agent, currently seconded to the AFPA), Jason Parkinson LL.B (formally a detective in the NSW Police for 12 years, and now a lawyer with a substantial criminal, litigation and personal injury practice), and Mrs Vesna Trajanoska (Director of Administration AFPA).

How can AUSPOL - Police Welfare Foundation be contacted?

AUSPOL - Police Welfare Foundation's office is located in Canberra. Contact details are:

Street address: Level 9, AMP Tower, 1 Hobart Place
Canberra ACT 2600

PO Box: GPO Box 132
Canberra ACT 2601

Telephone: +61 (0)2 6285 1677

Fax: +61 (0)2 6285 2090

Email: afpa.office@afpa.org.au

Website: www.afpa.org.au

Who runs AUSPOL - Police Welfare Foundation?

The Australian Law and Justice Association Limited (ALAJA) is trustee for the ALAJA Welfare Foundation, trading as AUSPOL - Police Welfare Foundation. The directors of ALAJA are Jon Hunt-Sharman and Jim Torr (both AFP Federal Agents seconded to the AFPA), Jason Parkinson LL.B (Principle of Porters Lawyers), and Rick Wigglesworth (Curator of the Law Enforcement Wing, Western Goldfields Museum). The directors act as trustees for AUSPOL - Police Welfare Foundation in accordance with its constitution.

In cases where it is considered appropriate, a panel of qualified people will be convened to make recommendations to the Benefits Assignment Committee.

Application forms

All applications for assistance must be made on the AUSPOL - Police Welfare Foundation application form. A copy of the form is attached.

Appendix 1

Case No.
New / Review

Application to AUSPOL - Police Welfare Foundation

All sections of the form must be completed. All information in this form will be treated as confidential. Some generic information about claims may be used in the ongoing activities of AUSPOL - Police Welfare Foundation. No identifying information will be used.

1. Applicants Details

1.1 Full Name:

1.2 Postal Address:

1.3 Phone Home:
Business:
Mobile:

1.4 Age:

1.5 Relationship to AFP Employee if applicable:

1.6 Number of dependants and details:

2. Applicants Financial Situation

Please provide a brief summary of your current financial circumstances, assets and savings. Indicate priority of needs if applicable. (attach separate page if insufficient space).

4. **ADDITIONAL INFORMATION/COMMENTS** (Please give as much relevant information as possible to support this claim).

5. Declaration of the Applicant

I certify that the information given in this application is, to the best of my knowledge and belief correct and that I am the applicant/I am acting on behalf of the applicant.

I consent to this information being held by the AUSPOL - Police Welfare Foundation, and I am aware that I may request to see any information relating to this claim that is held by the Foundation.

Signature:

Date:

For AUSPOL Office Use Only

Case No

COMMENTS OF BENEFITS ASSIGNMENT COMMITTEE (Including reasons for decision):



For AUSPOL Office Use Only

	Grants Made						Prepared
Year							
Amount							
Purpose							

Approved/Deferred/Rejected
Give Details

Signature of Assignment Committee Members			
Name			
Signature			

Appendix 2

Necessitous circumstances

AUSPOL - Police Welfare Foundation has been approved by the Australian Taxation Office (ATO) as a public fund for the relief of persons in necessitous circumstances. AUSPOL - Police Welfare Foundation is a Deductible Gift Recipient (ABN 53 881 349 879), which means that donors can receive tax deductions for their donations. Further details about making donations can be obtained from the AFPA website or office.

The following information, which is taken from the ATO publication *Giftpack for deductible gift recipients and donors*, underpins the assessment process. Further information about the ATO's requirements can be obtained from the ATO website (www.ato.gov.au)

In summary, a person is in necessitous circumstances where his or her financial resources are insufficient to obtain all that is necessary, not only for a bare existence, but for a modest standard of living in the Australian community. A strong indicator of this would be where a person's level of income is such that they are eligible to receive income tested government benefits. However, this is not a conclusive factor and there may be other circumstances which need to be considered. For example, a person whose income level exceeds the welfare limit but who could demonstrate special or unusual circumstances which resulted in a marked lowering in their standard of living causing hardship, could still be considered to be in necessitous circumstances. The assets, liabilities, family responsibilities, health expenses, etc., of particular persons may cause them to be needy.

Some examples of necessitous circumstances based on ATO cases are listed below.

Defining "necessitous circumstances fund"

- "Necessitous circumstances" means financial necessity, not needs generally. The needs of the sick, incapacitated, aged, etc will not on their own constitute necessitous circumstances.

- Necessitous circumstance involves some degree of poverty – where a person’s financial resources are insufficient to obtain all that is necessary for modest standard of living in the Australian community.
- A strong indicator of necessitous circumstances would be eligibility to receive income tested government benefits. Other indicators are health needs (sickness or disability) or family responsibilities.
- “Necessitous circumstances” is a relative term having regard to a person’s particular circumstances. It has no fixed quantitative measure but assumes financial hardship.

Example of claims (based on [ATO ruling TR2000/9](#))

What are necessitous circumstances?¹

The expression ‘necessitous circumstances’ refers to financial necessity. It does not extend to needs generally. Accordingly, the needs of the sick, incapacitated, aged, etc will not, on their own, constitute necessitous circumstances.

Necessitous circumstances involves some degree of poverty, though it may be less than abject poverty or destitution. Necessitous circumstances does not extend to the absence of merely desirable advantages.

Example

While on holidays interstate, Jennifer was seriously injured in a car accident. She is suffering from loneliness and is facing a lengthy stay in hospital before she can return home. A local service club wishes to raise funds to fly Jennifer’s mother to comfort her daughter.

Jennifer’s needs are not financial in nature. The fund is not a necessitous circumstances fund.

A person will be in necessitous circumstances where his or her financial resources are insufficient to obtain all that is necessary, not only for a bare existence, but

¹ The details on necessitous circumstances are sourced from the ATO website. See www.ato.gov.au.

for a modest standard of living in the Australian community.

A strong indicator of this would be where a person's level of income is such that they are eligible to receive income tested government benefits. Other indicators are health needs (such as sickness or disability) and family responsibilities. Such non-financial needs can cause financial necessity.

Example

Geoff is 17 years old and was permanently incapacitated while playing football. He will require 24-hour care for the rest of his life. He was not insured and his parents cannot meet the costs. The local community wishes to set up an appeal fund for Geoff. The money raised will be used to pay for necessary modifications to his parents' home and for the services of a carer.

The fund will be a necessitous circumstances fund.

The death of a family member or the loss of an asset or a business will not necessarily place a person in necessitous circumstances. Other sources of income or assets (including superannuation, insurance, compensation etc) will be relevant.

Example

During recent floods, three volunteer workers were killed while carrying out a rescue. None of the three volunteers had any financial dependants. A public fund to give money to the volunteers' families would not be a necessitous circumstances fund.

The particular circumstances giving rise to financial necessity will not necessarily be permanent. For example, cyclones, floods and other disasters can cause people to be in short-term financial need.

Relieving necessitous circumstances

The common method of relieving necessitous circumstances is by direct distributions of money or goods to the person.

Where services go beyond distributions of money or goods, the organisation is more likely to be an institution rather than a fund. In this case, the organisation may be a public benevolent institution. See the ATO website for further details on

what is a '[Public benevolent institution](#)'.

A necessitous circumstances fund can distribute to other organisations, provided the recipients care for persons in necessitous circumstances.

Not only must a fund be for people in necessitous circumstances, it must also be for the relief of necessitous circumstances.

Not all funds directed towards people in necessitous circumstances are for the relief of necessitous circumstances.

Example

A fund provides scholarships for students to attend a particular school. Preference is given to meritorious students who are in necessitous circumstances.

While persons in necessitous circumstances may benefit from the fund, it is not dedicated to providing 'relief' of necessitous circumstances.

Where a fund is maintained primarily for the relief of one individual, family or similar group, its constituent documents should make it clear that the fund is for the relief of the particular circumstances. It should not provide merely that the fund is held on trust for named individuals.

Example

A fund is set up to raise money for two families whose homes were badly damaged in a bushfire. The rules of the fund state that the money will go to 'food, clothing and emergency shelter'.

It is clear that the fund is for the relief of necessitous circumstances and not merely for the personal benefit of the families.

Normally a necessitous circumstances fund will use an application form to obtain financial information from anyone applying for assistance. However, in some situations the financial need will be obvious. For example, immediately following a natural disaster, a fund would not normally need to check on the financial resources of each individual beneficiary. This would change once banks reopened, insurance monies are paid and the immediate financial urgency has passed.

Example

Smithville has been devastated by a cyclone. A mayoral fund is set up to provide short-term assistance to residents who were victims of flood and cyclone damage. In the immediate short-term, the circumstances of the disaster itself would indicate the need for relief. During this period, close consideration of the potential beneficiaries' finances would not be necessary.

Predominantly for relieving necessitous circumstances

A fund must be exclusively, or at least chiefly, for the relief of persons in necessitous circumstances. If a fund provides benefits indifferently to persons who are and who are not in necessitous circumstances, it will not be a necessitous circumstances fund.

Example

A fund has been set up to distribute money evenly for the following purposes: financial need, disaster relief, talented children and sporting achievement. It is not a necessitous circumstances fund because it is not predominantly for the relief of necessitous circumstances.

For people in Australia

The people whose necessitous circumstances are to be relieved must be in Australia.

Example

A fund has been set up to provide immediate assistance (in the form of money, food and clothing) to victims of a recent earthquake in New Guinea. It does not fall within the DGR category because it is not for the relief of people in Australia.

However, it is acceptable for a fund to provide money for an Australian person to have an operation or treatment carried out overseas because it is unavailable in Australia.

Example

Justin is a 10-year-old Australian boy with cancer. The most appropriate treatment is available at a clinic in Germany. Justin's family cannot meet the costs. It is acceptable for a necessitous circumstances fund to help pay for Justin's treatment.

Appendix 3

Other sources of assistance

The following examples show the types of assistance that may be available to persons in need. Further information can be obtained from the AUSPOL - Police Welfare Foundation office.

Centrelink

Centrelink offers a range of assistance to people in a crisis or needing special help, including:

- Payments if you are in a crisis or needing special help.
- Services and programs in a crisis.
- Publications if you are in a crisis or needing special help.
- Accommodation and Renting Issues.
- Emergency assistance.
- Information or referrals to local community organisations.
- Services for families having problems.
- Owing money to Centrelink or the Family Assistance Office.
- Bushfire Relief.

For further information, telephone Centrelink on 132 850, check the Centrelink website on www.centrelink.gov.au or visit your nearest Centrelink Customer Service Centre.

The Smith Family Emergency Help Service

The Smith Family Emergency Help Service can provide emergency help for families (and individuals) who face a crisis. Assistance can be in the form of cash for food or for meeting unexpected expenses. Clothing and blankets may be supplied. If electricity water or telephone is about to be cut off, in New South Wales The Smith Family can provide vouchers. These Energy Accounts Payment Assistance (EAPA) vouchers are supplied by the Department of Energy and can be used to pay electricity and water bills. Telephone Bill Assistance Certificates (TBAC) are provided by Telstra to assist client to pay their phone bill. Similar

arrangements are available in other States and Territories.

For further information, telephone The Smith Family on 02 9085 7222 (National office), 02 6285 2299 (ACT office) or check The Smith Family website on www.smithfamily.com.au

The society of St Vincent de Paul Emergency Relief and Family Support

The main activity of Society Members is welfare assistance and family support. Where appropriate, emergency assistance is given to individuals and families in need. An integral part of this assistance is home visitation and this is undertaken by conference members in pairs and with follow up visitations where necessary. The Society also operates Charity Centres/Stores for welfare, clothing and furniture. Clothing and furniture will be supplied free of charge to persons in need.

For further information, telephone The Society of St Vincent de Paul on 02 9572 6044 (Sydney office) or check the Society of St Vincent de Paul website on www.vinnies.org.au