**RAN CLEARANCE DIVER TRUST**

**Funds Approvals Guidance**

1. Capitalised terms used but not defined in this document have the meaning given in the Deed of Settlement Navy Clearance Diver Trust (***Trust Deed***).
2. The following guidance is provided to assist the Trustees in their deliberations associated with paying, applying or Setting Aside funds in respect of a Beneficiary where, in the opinion of the Trustees, a case of financial hardship or necessitous circumstances has been established.
3. These guidelines are subject to the terms of the Trust Deed and do not bind the Trustees. The Trustees have absolute discretion to pay, apply or set aside sums from the Net Income of the Trust Fund, subject to the terms of the Trust Deed.

**General Principles**

1. The Trustees can consider whether funds to be paid, applied or Set Aside by the Trustees in respect of a potential Beneficiary may reasonably assist a potential Beneficiary. For example, the Trustees may decide not to pay, apply or Set Aside sums in respect of a debt (or debts) if the applicant will still be left with a hopeless burden of debt.
2. In determining the amount of any assistance, the Trustees can choose to take into consideration any assistance the potential Beneficiary has received or may receive from other sources, including entitlements under the law of the Commonwealth or any State. If a potential Beneficiary has obtained, or may obtain assistance from an alternative source, the Trustees can choose to consider whether providing additional sums from the Trust Fund to that potential Beneficiary would be best use of Trust Funds.
3. Where an applicant has fallen into debt through misfortune or hardship, or otherwise without personal fault, and has made reasonable efforts to meet creditors from private resources, the Trustees may consider the application more favourably.
4. The Trustees will not pay, apply or Set Aside sums in respect of an applicant who is a corporation, group, class of persons, or organisation whether incorporated or not. The Trustees will only pay, apply or Set Aside sums in respect of individuals.

**Consideration of Applications**

1. All applications should be considered on their merits and due consideration should be given to all the factors presented in each case.

**Updated by:** Grant Pinder, August 2019