

MARLINYU GHOORLIE TRUSTS ADVISORY BOARD

INDEPENDENT DIRECTOR

EXPRESSION OF INTEREST

12 June 2024

The Marlinyu Ghoorlie Native Title Claimants (MG) registered a native title claim in 2017 on behalf of the Kalamaia Kapurn People over an area that covers Kalgoorlie and extends east to the boundary of the South West Noongar native title area.

The MG claim is ongoing, and MG remain optimistic of a positive determination. The MG native title claim area is subject to a large amount of mining and development activity and MG have successfully negotiated a number of agreements with proponents.

MG has been working on the establishment of a benefits management structure incorporating a discretionary trust and charitable trust to manage current and future benefits on behalf of the MG claim group. A Licensed Trustee has been appointed for an initial term of 5 years.

It is anticipated that significant funds will be under the trust management. The Marlinyu Ghoorlie Trusts Advisory Board (MGT Advisory Board) will be appointed to provide guidance and advice to the Licensed Trustee in relation to the management of the trusts and will work with the Trustee to build the capacity of MG to ultimately establish its own trustee.

The MGT Advisory Board seeks an inaugural Independent Director for an initial term of 3 years.

If you are a tertiary qualified experienced leader and have a genuine desire to contribute to the social and economic advancement of the Marlinyu Ghoorlie People, please lodge your application with Rachel McGarry of Houston Legal & Consultants by 5.00pm, Monday 1 July 2024.

Your application should include:

- a short CV (no more than 4 pages); and
- a short letter (no more than 3 pages) addressing the eligibility and selection criteria on pages 3 and 4.

Deadline for applications 5:00pm Monday 1 July 2024

Please send your completed application with subject line: **MGT Advisory Board Independent Director EOI** by email to: Rachel@houstonlegal.com.au

Should you have any questions about the application or the selection process, please contact Rachel McGarry by phone 0455 107 448 or by email Rachel@houstonlegal.com.au

OUTLINE OF SELECTION PROCESS

Houston Legal & Consultants (Houston Legal), in conjunction with the Marlinyu Ghoorlie Trusts Selection Panel (MGT Selection Panel), will oversee and manage the selection process.

The MGT Selection Panel will be comprised of three (3) independent people – an Industry Specialist, a Financial Specialist and a Legal Specialist – and will be responsible for reviewing applications from candidates and preparing a shortlist for interviews. Final candidates will be required to participate in an interview with the MGT Selection Panel at a time to be advised.

Following interviews, the MGT Selection Panel will advise Houston Legal of the successful candidate. Houston Legal will contact successful candidate and advise of their appointment and the onboarding process which will commence around end July 2024.

MARLINYU GHOORLIE TRUSTS ADVISORY BOARD

The Marlinyu Ghoorlie Trusts will be established to receive, hold and manage all of the assets arising from the MG native title claim and MG native title agreements.

Equity Trustees has been selected as the trustee of the Marlinyu Ghoorlie Trusts for an initial term of 5 years. The MG Trust Deeds requires the establishment of the MGT Advisory Board to provide advice and assistance to the Trustee on a wide range of matters.

The Trustee will rely on the MGT Advisory Board for important advice to set the strategic direction of the Trust.

OBJECTIVES AND FUNCTIONS

The MGT Advisory Board is established to:

- a. assist the Trustee to manage its relationship with, and to liaise with, the MG Applicant, Marlinyu Ghoorlie People, Eligible Charities and Eligible Programs.
- b. foster mutual respect and cooperation between the Trustee, MG Applicant, Marlinyu Ghoorlie People, Eligible Charities and Eligible Programs; and
- c. make recommendations to the Trustee as to the fulfilment by the Trustee of the Trust Objects and terms of the MG Trust Deeds generally.

THE COMPOSITION

The MGT Advisory Board will comprise of up to seven (7) directors:

- a. The following Marlinyu Ghoorlie Persons, provided they are not a member of the Applicant:
 - One (1) descendent of Lucy Sambo
 - One (1) descendent of Nellie Champion; and
 - One (1) descendent of Kadee or Warada
- b. Between two (2) and three (3) members of the Applicant; and
- c. One (1) Independent Directors who satisfies the criteria of Expert Trust Director

ELIGIBILITY

A person is eligible for appointment as an Independent Director if:

- a. they are an Australian citizen;
- b. at least 18 years old;
- c. has not been disqualified from managing corporations or companies, or from doing anything else contemplated by the role of Director, under any applicable law.
- d. Satisfy the criteria of Independent person; and
- e. Satisfy the criteria of Expert Trust Director.

INDEPENDENT PERSON

To be an Independent person in the case of a natural person, that person, and any person who is a relative of that first person, so far as the first person is, or ought to be, reasonably aware:

- a. is not and has not been a member of the Marlinyu Ghoorlie People;
- b. has not ever received (directly or indirectly) a Distribution from, or of, the Trust Fund as a Beneficiary;
- c. is not and has not been a spouse of a Marlinyu Ghoorlie Person;
- d. is not and has not, within the previous three (3) years, been:
 - i. an employee of, director of, officer of or auditor of the Trustee or a Marlinyu Ghoorlie Related Entity; or
 - ii. an employee of, director of, officer of or auditor of any entity or trust in which the Trustee (in its capacity as trustee for the Trust) owns shares, units, a partnership interest, fixed interests or any other interests which entitle the Trustee to 20% or more of the surplus assets of the entity or trust upon a winding-up;
- e. has no material interest in, business affiliation with or other relationship with any of the Marlinyu Ghoorlie People which the Trustee reasonably considers would hinder the person in the impartial and objective discharge of their duties; and
- f. is not a director, officer or employee of a Contributor or of a related body corporate of a Contributor;

EXPERT TRUST DIRECTOR

An Expert Trust Director (in accordance with the Trust Deeds):

- a. Has a tertiary qualification in a field relevant to the trustee functions and duties; and
- b. At least five (5) years demonstrated experience in senior management roles and/or board positions in a trust or corporation of a similar value to the MG Trusts; or
- c. Specialist financial or investment skills or acumen to assist with furthering the Trust Objects.

SELECTION CRITERIA

Education requirements:	<ul style="list-style-type: none">• Has a Degree and/or Post Graduate qualifications in a law, accounting, economics, community development, social policy or other relevant field, and/or a recognised qualification or work experience in lieu of experience, including not-for-profit sector management;• Relevant qualifications in Company Directorship e.g. Graduate of Australian Institute of Company Directors.
Essential experience requirements:	<ul style="list-style-type: none">• Minimum 5 years' experience as a director of an Australian company, governed by the Corporations Act or the Corporations (Aboriginal and Torres Strait Islander) Act 2006 (Cth)• Has experience with legal compliance and governance including legal, ethical and fiduciary responsibilities;• Can demonstrate strong financial acumen skills; an ability to read and comprehend a company's accounts and financial material; and• Strategic thinking, demonstrated ability to review strategy and contribute to effective decision making – flexibility and open to other ideas
Essential Leadership criteria:	<ul style="list-style-type: none">• Can demonstrate transparency and high integrity leadership or management experience;• Can demonstrate a preparedness to question, challenge and critique, and a willingness to understand and to commit to the highest standards of governance; and• Is of high repute and recognised integrity, acts ethically with appropriate independence and puts the organisations interests before personal interests.
Highly regarded criteria:	<ul style="list-style-type: none">• A passion for contributing to the social & economic development of Marlinyu Ghoorlie People.• An understanding of indigenous matters and has experience working in a cross-cultural environment;• An active contribution to Indigenous nations or native title throughout Australia;• A genuine interest or experience in improving the social and economic status of Marlinyu Ghoorlie People; and• Experience dealing with similar trusts to the MG Trusts

APPOINTMENT PROCESS AND TERM

The initial term of appointment will be three (3) years.

REMUNERATION AND EXPENSES

Term and conditions of appointment including remuneration and expenses will be discussed in detail with the appropriate candidates after the shortlisting process. Please provide your remuneration expectations in your cover letter.

TIME COMMITMENT

The successful candidate will be required to attend and participate in MGT Advisory Board meetings in Kalgoorlie as determined by the Chair, anticipated to meet approximately monthly during the initial establishment phase (up to one year) and then:

- Between 4 to 6 times per year; and
- attend to Board to matters in between meetings;

A hybrid attendance model may be accepted provided majority of meetings are attended in person. Please provide details of your preferred attendance style in your cover letter.

REFEREE REQUIREMENTS

Please accompany your application with two (2) professional references.

Further information:

Should you have any questions about the application or the selection process, please contact **Rachel McGarry** by email Rachel@houstonlegal.com.au