

Minutes of the Common Law Holders Meeting

**Held on Saturday, 5 June 2021 at 1.15pm
at West Augusta Football Club, 13 Gardiner Avenue, Port Augusta West SA 5070**

MINUTES

1 Meeting open

The Chair declared the meeting open at 1.15pm and welcomed everyone to the meeting and introduced herself, as the elected Chairperson by the Board for 2021, and Daniel Ramm, as the Vice Chair.

2 Acknowledgement of country

The Chair acknowledged the first inhabitants of the lands on which we were meeting and paid respect to Elder's past, present and emerging.

3 Apologies

The following apologies were received: Miss Una Spartlett, Wayne Rathman, Nelson and Timothy Ramm, Shane Colby, Judith, Charmain and Karen Smith, Kevin ???, Ben Swales, Chris Larkin and Joylene Thomas

4 Quorum

It was acknowledged that a quorum has been achieved in order for the meeting to proceed.

5 Minutes silence

One minutes silence was completed in recognition of the recent passings in our community.

6 Purpose of meeting

This meeting has been called by the Kokatha General Trust with the purpose of passing a motion that the OZ Minerals Distribution Policy be approved and to conduct the Kokatha General Trust Advisory Group elections.

The Chair invited Pamela Kaye and Maz Hearne from Perpetual to present to the meeting who highlighted that:

- The current Trustee Advisory Committee consists of: Chris Larkin, Khatija Thomas, Glen Wingfield, Michael Turner, Pamela Kaye and Maz Hearne.
- This meeting will discuss the changes to the Kokatha General Trust Deed and whether the Kokatha Common Law Holders want to wind up the Kokatha Charitable Trust and combine it with the General Trust, which is not for decision today but for information, and also the combining of the Kokatha General Trust and the Kokatha Charitable Trust.
- A proposed governance structure.

In response to a question regarding what money comes out of the trust and for what purpose Perpetual believe that it benefits Kokatha if the charitable trust is wound up as then you are only paying one set of administration fees. There is no benefit to Perpetual in doing this.

With the amendments to the Trust Deed and in particular the Kokatha Trustee Advisory Committee:

- A recommendation on the Kokatha Trustee Advisory Committee is that you could have two senior Kokatha people who were able to teach others who would have expertise in a particular area.
- There is a suggestion that there are two independent experts, if required, on the committee
- It is up to the community to consider the proposed model for the committee.

It was noted that the proposed structure has not been presented to the Board for consideration.

The next steps for Perpetual are to provide more detailed information to conduct a workshop with the KAC Board following which it may take a year to implement any changes. Any decision making is then fed back to the community from the KAC Board.

The financial reports for the OZ Minerals Scholarships Sub-Fund, BHP Sub-Fund 2019/2020 financial year were presented highlighting:

- The 2020 financial year and how funding was allocated for plant.
- An overview of what plant was purchased.
- The General Trust as at 31 March 2021 and how this is made up of the OZ Minerals and BHP Sub-Funds.
- The Charitable Trust and the approved programs which are funded by KAC which are managed through a funding agreement.

A breakdown on everything that is spent would be beneficial for members and could be made available immediately by Perpetual through KAC.

The programs which Perpetual are managing are what has been approved however consideration can be given to money being available to fund disabilities. This feedback will be important as part of the community consultations when the KAC Board seek input from the community on what they want the money spent on in the future and where it is currently spent.

Perpetual confirmed that the trust provides money to the corporation and then the corporation assess applications from the members before any money is provided.

There was a request that money to go back to country be considered which can be raised as part of the community consultations.

7 OZ Minerals Distribution Policy approval

The Distribution Policy for BHP has already been approved. The OZ Minerals Sub-Fund is just for education and scholarships and it needs two documents to be active, the first of which is the distribution policy and the second document is the guidelines which are developed by the PMC.

The Chair reiterated the importance of the community consultations so that we can understand the community needs which will help then to drive the programs that are needed for implementation.

The distribution policy was included in the pack for this meeting together with a list of questions and answers which people may have together with a diagram that explains how that works.

The Kokatha Common Law Holders approved the Oz Minerals Sub Fund Distribution Policy as presented.

Moved: Glen Wingfield

Seconded: Anna Strzelecki

Carried

Perpetual informed the meeting that \$267k comes in each year with the accumulated surplus being used over time to make the programs sustainable.

At the community consultations the Board will ask how the money is to be prioritized with the Partnering Management Committee ("PMC") then to be informed. (The Board doesn't make the decision.) After the community consultation guidelines will be developed by the PMC which is made up of Kokatha people (Kahlia Gibson, Daniel Ramm, Sabrina Starkey, Jessica Reid, Tanya Swales and Glen Wingfield) and Oz Minerals people (the GM and project officers).

8 Kokatha General Trust ("KGT") Advisory Group elections

The Trust Deed states that the Trustee Advisory Committee can be made up of between 4 and 8 members. The question is how many the members want to have.

It was confirmed, in response to a question, that the nominees have nominated themselves and that the request for nominations was on the website and posted to everyone.

The meeting broke at 3.03pm to check the Trust Deed before a vote and reconvened at 3.18pm.

The Chair advised that with voting on the floor, the advice is that the mechanism for voting on nominations is determined and approved by Perpetual. The reason why we can't vote from the floor is that the nominations presented were cross checked with eligibility requirements. We can't vote from the floor because we are unable to determine if people voting from the floor meet the eligibility requirements. (For example, financial literacy is one of the requirements.)

Perpetual clarified that a new process for voting, which is part of the good governance requirements, was set out in the notice of meeting. There are two options to vote at this meeting for the nominees presented and if members think that there was insufficient time then nominations could be opened up again before the next meeting of the Common Law Holders to vote. In that instance the current members of the Trustee Advisory Committee would continue which is four Kokatha people which is the minimum requirement.

It was confirmed that a meeting of the Common Law Holders could not be convened earlier than September 2021 as there is not a venue in Port Augusta available for the numbers that would be in attendance.

The question for the meeting is whether to vote today or leave this with the result being:

For (who would like to vote today): 52

Against (voting today): 12

Therefore, the floor had decided to vote on the nominations presented.

In response to a question the Chair confirmed that the process is that everyone who is registered is responsible for ensuring their address details are recorded as their current address. The corporation may have incorrect details for

members which may be why the papers have not been received. Details can be updated via email, phone, on the website or provided today.

The members were informed that if they wait for another Common Law Holder meeting that the 4 common law holder members who are currently on the Kokatha General Trust Advisory Committee would remain.

It was recommended that we vote for the 8 people nominated to allow for a fair distribution of members of the Kokatha General Trust Advisory Committee. The 8 nominations which have been presented for voting on are:

Jo-Anne Khan
Elaine Kite
Anne Strzelecki
Tanya Swales
Nyangu Thomas
Michael Turner
Garryn Wingfield
Greg Wingfield

By a majority vote the above people are the Kokatha General Trust Advisory Committee members.

9 Other Business

Perpetual will be in attendance at the next Common Law Holders meeting in September 2021.

Those nominated to the Kokatha General Trust Advisory Committee were invited to introduce themselves to Perpetual.

The Chair reminded everyone about jobs which are listed on the Kokatha website and also reminded everyone to update their contact details with Kokatha.

There being no further business the meeting was closed at 3.38pm.