



IN THE SUPREME COURT OF WESTERN AUSTRALIA

CIV/1544/2022

EX PARTE:

**PERPETUAL TRUSTEE COMPANY LIMITED
(ACN 000 001 007) as trustee of the NOONGAR
BOODJA TRUST**

Plaintiff

**ORDERS OF MASTER SANDERSON
MADE ON 15 JUNE 2022**

**UPON APPLICATION of the plaintiff by originating motion dated 1 June 2022
IT IS ORDERED that:**

Direction as to Investment Committee

1. Pursuant to s 92 of the Trustees Act 1962 (WA) or the inherent jurisdiction of the Court, it is directed that the Plaintiff is justified or otherwise acting reasonably in administering the Noongar Boodja Trust on the basis that, upon the proper construction of the Trust Deed for the Noongar Boodja Trust dated 29 March 2021 (Trust Deed), the Trustee is empowered:
 - (a) itself to nominate the persons referred to in clause 20.2(a)(ii) of the Trust Deed for appointment to the Investment Committee (as defined in the Trust Deed) on recommendation of the Nominations Committee; and
 - (b) itself to appoint those persons to the Investment Committee,if, at the time of such nomination and appointment, no Noongar Corporations Committee (as defined in the Trust Deed) has yet been established under the Trust Deed.

Direction as to Nominations Committee

2. Pursuant to s 92 of the Trustees Act 1962 (WA) or the inherent jurisdiction of the Court, it is directed that the Plaintiff is justified or otherwise acting reasonably in administering the Noongar Boodja Trust on the basis that, upon the proper construction of the Trust Deed, the Trustee is empowered:
 - (a) itself to nominate the person referred to in clause 16.3(a)(ii) of the Trust Deed for

appointment to the Nominations Committee (as defined in the Trust Deed); and

(b) itself to appoint that person to the Nominations Committee,

if, at the time of such nomination and appointment, no Noongar Relationship Committee (as defined in the Trust Deed) has yet been established under the Trust Deed.

Direction as to Noongar Relationship Committee

3. Pursuant to s 92 of the Trustees Act 1962 (WA) or the inherent jurisdiction of the Court, it is directed that the Plaintiff is justified or otherwise acting reasonably in administering the Noongar Boodja Trust on the basis that, upon the proper construction of the Trust Deed:
 - (a) the Trustee is empowered to establish the Noongar Relationship Committee (as defined in the Trust Deed) as a committee comprised of only the persons referred to in clause 15.3(a) of the Trust Deed if, at the time the Noongar Relationship Committee (as defined in the Trust Deed) is so established, no Noongar Corporations Committee (as defined in the Trust Deed) has yet been established under the Trust Deed; and
 - (b) upon the Noongar Corporations Committee (as defined in the Trust Deed) being established under the Trust Deed, the members of the Noongar Corporations Committee are also appointed to the Noongar Relationship Committee

Costs

4. The costs of and associated with this application are:
 - (a) costs properly incurred in connection with the administration of the Noongar Boodja Trust; and
 - (b) to be paid out of the assets of the Noongar Boodja Trust.

BY THE COURT

MASTER C SANDERSON