

JOB HIGHLIGHTS PACK

Role:	General Counsel / Company Secretary
Department:	Executive
Reports to:	CEO
Direct Reports:	2
Location:	55 Reid Rd, Broome WA
Contract Type:	Fixed Term, Full time, 3 years

ORGANISATIONAL CONTEXT

*“Making mabu liyan real for all, always”
People, land, culture, prosperity*

Nyamba Buru Yawuru (NBY) means ‘This is the place of Yawuru’. NBY is the operational company of the Yawuru Native Title Holders Aboriginal Corporation. NBY manages the day to day business of Yawuru and is engaged in a diverse range of projects which help to provide social, cultural, environmental and financial sustainability for the future of Yawuru people.

PRIMARY FUNCTION

The **General Counsel/Company Secretary** is responsible for the communication, monitoring, performance, compliance and reporting obligations of the Yawuru Corporate Group Boards, administering the affairs of the Yawuru Corporate Group and the coordination, management and progression of legal matters across the Yawuru Corporate Group.

Please see the **attached Position Description** at the end of this pack for detailed key responsibilities and outcomes of this position.

ESSENTIAL SELECTION CRITERIA

1. Admitted Legal Practitioner with over 5 years’ experience
2. Current practicing certificate
3. Extensive knowledge of governance, commercial, property, land, corporate, tax and native title law
4. Demonstrated ability to quickly analyse, research and provide succinct and accurate plain language advice
5. Strong time management skills, including an ability to identify priorities and deliver multiple project to agreed specifications for time, cost and scope
6. Advanced interpersonal skills, including the ability to engage, influence, negotiate, and facilitate effectively with management, team members, staff, board directors and members of the Yawuru community
7. Demonstrated ability to identify and implement strategic responses to reoccurring problems.
8. Demonstrated leadership, supervision and mentoring skills and the ability to work effectively in a team orientated environment
9. Willingness to comply with current WA Health Department COVID 19 Health Directions and the NBY COVID 19 Health Policy.

DESIRABLE SELECTION CRITERIA

1. Knowledge and understanding of Aboriginal and Torres Strait Islander people, cultures and issues effecting them
2. Experience working in culturally diverse workplaces
3. Skills and experience in using and overseeing a board portal software such as CatHerder

BENEFITS OF WORKING FOR NYAMBA BURU YAWURU



Contribute to the success of Broome's Traditional Owner Group



Generous salary packaging



Active Social 'Binda Binda' (Butterfly) Club



Professional and Inspiring Workplace



Live in the Kimberley; one of the last great wildernesses in the world



Work/Life Balance



Work with a fun and committed team



Learn Yawuru Language



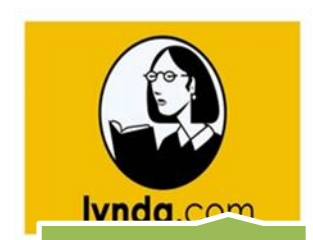
Work with Yawuru Traditional Owners



Involvement with Community at Community Events



Diversity of Projects/ Work Opportunities



Unlimited access to Lynda.com online training

Salary

An attractive salary package plus 10% Superannuation is offered

Salary Packaging

Salary packaging is a government incentive that allows you to use money that previously would have been paid as tax to pay for the items which you have chosen to salary package. Spending pre-tax dollars from your salary will decrease the stated gross income on your Payment Summary (group certificate) and increase your take home pay. As a registered Charitable Institution, eligible NBY employees can salary package up to \$15,900 per year for everyday expenses. Every day expenses may include your mortgage or rent, bills, shopping and petrol.

As Broome is considered a Remote Area, additional benefits may also apply. For further information refer to the AccessPay websites <https://accesspay.com.au/salary-packaging/>

Leave

5 weeks annual leave



LOCATION

Our office is located in Broome in the Kimberley region of Western Australia. Known for its' pearling history and tourism, Broome is a culturally diverse town, with a tropical climate and stunningly beautiful surrounds.

The permanent population is estimated at 16,222, growing to over 45,000 during the tourist season (May – October).

For more information:

<http://www.yawuru.com/>

<http://www.lonelyplanet.com/australia/western-australia/broome>

<http://www.visitbroome.com.au/>

<http://www.australia.com/en/places/broome.html>



APPLICATION PROCESS

Applications should be sent electronically to recruitment@yawuru.org.au and addressed to:

Manager Human Resources and Organisational Development
Nyamba Buru Yawuru
PO Box 425
Broome, WA 6725

Please include the following in your application:

1. Completed NBY Application for Employment Form (found on NBY website)
2. Cover Letter
3. Resume/ CV
4. Statements addressing the selection criteria

Should you require further information relating to this position or process, we welcome your call on (08) 9192 9609.

Applications for this position close **5pm Monday 17th January 2022.**

POSITION	LOCATION	REPORTING RELATIONSHIP
General Counsel/Company Secretary	Broome, Western Australia	Reports to the CEO & COO
ORGANISATIONAL CONTEXT		
<p style="text-align: center;"><i>“Making mabu liyan real for all, always”</i> <i>People, land, culture, prosperity</i></p> <p>Nyamba Buru Yawuru (NBY) means ‘This is the place of Yawuru’. NBY is the operational company of the Yawuru Native Title Holders Aboriginal Corporation. NBY manages the day to day business of Yawuru and is engaged in a diverse range of projects which helps to provide social, cultural, environmental and financial sustainability for the future of Yawuru people. In 2018 the organisation won the Indigenous Governance Awards, Category A Incorporated Organisations.</p>		
PRIMARY FUNCTION		
<p>The General Counsel/Company Secretary is responsible for the communication, monitoring, performance, compliance and reporting obligations of the Yawuru Corporate Group Boards, administering the affairs of the Yawuru Corporate Group and the coordination, management and progression of legal matters across the Yawuru Corporate Group.</p>		
LINE MANAGEMENT RESPONSIBILITIES	COMMUNICATIONS AND ENGAGEMENT RESPONSIBILITIES	
<ul style="list-style-type: none"> • Legal Officer • Yawuru Membership Officer • External subject matter experts and consultants 	<ul style="list-style-type: none"> • NBY, PBC & MMY Boards • Yawuru Subsidiaries • CEO, COO & CFO • NBY Management team • NBY Investment Audit and Risk Committee • Internal NBY colleagues • Yawuru community stakeholders • Other NBY stakeholders, as required 	
KEY RESPONSIBILITIES		
<p>COMPANY SECRETARIAT</p> <ul style="list-style-type: none"> • Manage board and committee processes including ensuring board and committee papers, circulation of agendas, minutes, discussion papers, proposals for the boards and its committees are distributed in a timely manner • Ensure members’ and directors’ meetings are properly called and held • Ensure the necessary registers are established and properly maintained and ensuring NBY’s financial records are maintained and reports prepared in accordance with the requirements of the <i>Corporations Act 2001 and the Australian Charities and Not-for-profits Commission Act 2012</i> • Ensure records of members and Directors’ meetings are kept in compliance with the Act and the relevant Board Constitutions • Ensure NBY complies with its statutory obligations, ensuring requirements of ACNC, ASIC, ORIC the ATO and any other regulatory body, including continuous disclosure. • Provide advice for Directors regarding application of the Act, constitutions, and other legal and regulatory requirements • Develop, implement, communicate and maintain Governance compliance policies, processes and procedures, including training where required. • Advise MMY, NBY and PBC Boards on best practice corporate governance, including providing guidance on the legal implications of the way it discharges its duties, runs meetings, and makes decisions • Counsel the board on standards of ethical and corporate behaviour • Ensure the MMY, NBY and PBC boards have the information they need to make informed decisions • Contribute towards risk management and corporate responsibility matters • Formulate policy for the Yawuru Corporate Group boards 		

- Undertake other tasks, relevant to this position, as requested by the CEO & COO

GENERAL COUNSEL / LEGAL

- Provide high quality and timely advice in plain language on legal issues
- Manage and resolve major disputes with minimum impact to business either through mediation or litigation.
- Identify, manage and report on legal issues impacting the organisation in contracts, operations and claims
- Manage and maintain effective relationships with external legal advisors that support efficient and effective provision of legal services.
- Ensure consistent, effective, efficient governance and legal record management systems are developed and maintained
- Work closely with senior managers on significant corporate initiatives, including negotiating all major commercial transactions and non-routine transactions.
- Research all legislation affecting the organisation and ensure that relevant business units are informed of new or proposed legislation and policy.
- Act as the key point of contact and facilitate timely responses for information and documents as requested by the Ombudsman, and any other agencies with investigative powers
- Undertake other tasks, relevant to this position, as requested by the CEO & COO

LEADERSHIP

- Contribute to strategic and operational planning as a member of the Executive Services team
- Plan and manage legal budgets and expenditure.
- Effectively communicate the organisation's strategic direction and team expectations
- Lead and manage the performance and development of the team.
- Develop, review, and implement governance strategies and systems aligned with NBY's strategic plan
- Develop accurate and timely reporting to the executive management team and the Board
- Engage with stakeholders to identify new initiatives and implement change
- Build and sustain an organisational culture in alignment with NBY's values
- Operate in a collegiate way across the organisation in order to share and leverage expertise

RISK

- Actively participate as a member of the NBY's Risk & Investment Committee
- Ensure appropriate risk management and due diligence processes are adhered to
- Anticipate potential impact to the organisation or board of any trends or variations in governance or legal issues and develop responses or strategies which mitigate risk and ensure NBY achieving its goals;
- Ensure accurate and timely reporting to the CEO and executive management team, Managers and the Board.

INDIVIDUAL COMMITMENT

- Actively embrace and integrate NBY's vision, mission and values into the role, and model appropriate behaviours
- Work collaboratively with management and staff across the business in support of NBY's strategic objectives
- Maintain a professional approach in the workplace
- Conform to NBY's conditions of employment, code of conduct, and organisational policies and procedures
- Adhere to relevant legislative requirements including and not limited to the Fair Work Act, Workplace Health and Safety Act and the EEO Act
- Continuously identify and implement opportunities for improvement

KEY OUTCOMES OF THIS POSITION

LEADERSHIP

- Governance and legal strategies and systems are developed, reviewed and implemented in alignment with the NBY strategic plan
- Effective employee supervision and leadership of relevant staff
- Contribute meaningfully to NBY, building and sustaining an organisational culture in alignment with its values

COMPANY SECRETARIAT

- Board performance is measured and continually improved
- Board Resolutions and items are recorded, actioned, tracked and reported on in an accurate and timely manner
- MMY, NBY and PBC Boards are receive appropriate and timely advice
- Communication, monitoring and reporting obligations of the Yawuru Corporate Group are met

LEGAL

- High quality, timely and cost effective legal advice provided
- Legal issues are managed and in order to protect the interests of the organisation and implementation of its Strategic Plan
- NBY has effective systems to continuously improve organisational governance
- Previous and current legal advice is stored, catalogued and known about

RISK

- Risks are effectively identified and managed in line with NBY's risk management framework

INDIVIDUAL COMMITMENT

- NBY's vision, mission and values are incorporated into all activities, and appropriate behaviours are role modelled in line with organisational policies
- All activities are subject to a demonstrated cycle of continuous improvement

ESSENTIAL QUALIFICATIONS, KNOWLEDGE, SKILLS AND ATTRIBUTES

1. Admitted Legal Practitioner with over 5 years experience
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4. Demonstrated ability to quickly analyse, research and provide succinct and accurate plain language advice
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DESIRABLE QUALIFICATIONS, KNOWLEDGE, SKILLS

1. Knowledge and understanding of Aboriginal and Torres Strait Islander people, cultures and issues effecting them
2. Experience working in culturally diverse workplaces
3. Skills and experience in using and overseeing a board portal software such as CatHerder

PRE-EMPLOYMENT REQUIREMENTS

1. Current 'C' Class driver's licence
2. National police clearance