

Special General Meeting – Umuwa Day One – 12 November 2009

Over the 2 days, there were 88 members attending from 10 communities and 12 homelands. There were representatives from Amata, Amuruna, Anilalya, Black Hill 2, Cave Hill, David's Well, Eagle Bore, Granite Downs, Indulkana, Kaltjiti, Kanpi, Mimili, Mulga Bore, Ngarutjara, Pipalyatjara, Pukatja, Pututja, Railway Bore, Turkey Bore, Umuwa, Walalkara, Watarru and Watinuma.

1. Welcome

Ronnie Brumby, Deputy Chairperson opened the meeting at 2.00pm and welcomed everyone to the meeting. Gary Lewis interpreted. The meeting was recorded and broadcast on 5 NPY Radio, courtesy of PY Media.

2. Anangu Legal Rights

Ronnie said we have a senior QC Ron Merkel here to talk to us about Anangu rights under the *APY Land Rights Act*.

Ron Merkel thanked Anangu for inviting him. He said this is an important time for Anangu because of what has been happening in the NT. The Commonwealth Government has been taking away Aboriginal rights in the NT and they want the State to do the same here. It is a very important time for Anangu.

Ron started out with the history of the *Anangu Pitjantjatjara Yankunytjatjara Lands Right Act* in 1981 when Anangu got land rights like other places and Anangu Pitjantjatjara Yankunytjatjara was set up to represent Anangu. The Act was challenged in the High Court in 1985 and Ron represented Anangu Pitjantjatjara and won. Those Land Rights are still here today with the Permit System. The SA Government made changes in 2005 but they were about good governance not Land Rights. Anangu Pitjantjatjara Yankunytjatjara needs to fight the Government on any plans they want to change the rights of Anangu. Anangu Pitjantjatjara Yankunytjatjara has the same rights as any other landowner.

People who own their land can decide what they want done on their land and can say yes or no to people coming onto your land. That is what ownership is about. The Government is uncomfortable that 3000 Anangu own 100,000m² of the land and the Government does not have a right to come on and do what they wish because you have the *Land Rights Act*.

At the moment the Government is trying to get some more control of your land and is important to understand what is happening.

The first thing the Government wants is the right for the Government to give permits rather than Anangu Pitjantjatjara Yankunytjatjara. The Government wants to be able to have open access for Government employees and contractors. This is a big issue because Anangu Pitjantjatjara Yankunytjatjara is for Anangu to protect its members, significant sites, etc. The Minister may say he will do this but he does not have the experience and background to ensure Anangu interests are considered.

The first change the Government wants to make is that as well as employees and contractors the Government wants to open the lands to journalists. This could be quite intrusive. Ron sees the Government is like letting the fox into the chicken coop to get one chicken but there are other chickens in the coop.

Ron gave an example in the NT where good land rights were given in 1978 with the CLC and NLC. The Government kept amending the Act removing rights for Aboriginal people. When the intervention came, they took 5 years leases on 78 communities and abolished the permit system.

The important principle is not that you want to keep people out. The principle is that Anangu Pitjantjatjara Yankunytjatjara represents its members and Anangu Pitjantjatjara Yankunytjatjara decides who can come onto your Lands. This should remain with Anangu Pitjantjatjara Yankunytjatjara, not the Government, under the *Act*.

Under the *Act*, Anangu Pitjantjatjara Yankunytjatjara has all the powers to control the use of the lands what activities etc. The Government was planning to set up an alternative regional body but if the Government controls it, they can change it, or close it like ATSIC. Anangu have to say if they want another body but remember that it will take away some of the powers under the *Anangu Pitjantjatjara Yankunytjatjara Lands Right Act*.

Ron Merkel said he talked to the Minister and asked what he thought of the Anangu Pitjantjatjara Yankunytjatjara Executive. The Minister said it is the best board and he can work with them. Ron asked the Minister why he would want to establish a different authority and the Minister could not answer.

Ron knew the Minister wanted to control a new regional body. He cannot control Anangu Pitjantjatjara Yankunytjatjara, an Anangu body.

A third question is related to what is happening in the NT. The Commonwealth is working out what is good for Aboriginal people and telling them what to do, rather than working with them and asking for Anangu input. A better way is to work in a partnership, cooperatively with Government.

Ron said these are the problems and before he talks about solutions, he wants to know if there are questions. Donald Fraser continued as interpreter.

Mike Williams, Mimili, said this is very good and clear and we want to reverse what has been happening. If there are problems we want Anangu Pitjantjatjara Yankunytjatjara to work on it and if need be, take the Government to court.

Kawaki Thompson, Anilalya, wants to know if we can take the Government to court. Ron said one of the things special in the Act is that the Government cannot take away these rights if they discriminate against Aboriginal people. Another important power is that only Anangu Pitjantjatjara Yankunytjatjara after consulting TO's, can grant access to the Lands. If something is being done that is not lawful, it can be stopped.

Peter Nyangu, Ngaratjara, said he was very happy to hear Mr Merkel's words. He heard about the fox and the chicken coop. He took one and after, took the lot. Anangu power is nothing. In time they will be all gone. You have said very strong words and concerns Anangu do not stand up for their principle.

Stanley Douglas, Cave Hill, said Anangu have to wake up. He agreed about not standing for principle. We need to look at putting young people into taking responsibility.

Robert Stevens, Kaltjiti, said they would not support the Government creating another body. He wants the Government to fund the communities direct to run their offices. They are not going to approve anymore staff Government housing at their community. As owners of this land we should get compensation.

Ron Merkel said he wanted to make the most important point. In August at a SGM in August, Anangu were fighting in front of the Minister and in front of Ron. The Minister said "how can I work with these people, if they are all divided and fighting." He was told to bring it to the Executive Board the next day. Some of the people who were fighting agreed to work together.

At the Executive Board yesterday the Executive met with other Anangu and said they would agree to work together. Today and in the future, if Anangu don't fight and stay united, then Anangu have a good chance with Anangu Pitjantjatjara Yankunytjatjara representing Anangu.

Under the *Anangu Pitjantjatjara Yankunytjatjara Lands Right Act*, if you are unhappy with your Executive, you can use the election in a democratic process. You have to work within the *Act*. Ron said to the Minister that Anangu can be united and the differences of the past can be left and we can deal with Government with one voice.

Gary Lewis, Pukatja said that when Government come to your communities, Anangu say "yes" to everything. He has spoken with Ron and the APY Executive and we have to all work together through APY. The Government has made the decision to Close the Gap at Mimili and Amata. Have they done this through APY? How can we, as united Anangu get the Government to negotiate properly with APY? The fox has already been to Amata and Mimili.

Ron said that APY needs to talk to the two Ministers and tell them that if they are doing things on the Lands without a resolution of the APY Executive, they are being unlawful. Ron said APY is writing to the two Ministers about this.

Kawaki Thompson, said it is too late for Anilalya. They have already been taken. The Anilalya homelands have a total population larger than Pukatja but have been given no new houses. We don't want to see AP Services as part of the Government services. Bungala belongs to the Government. Services belong to the Government and Anangu is next if we are not strong.

Arnie Frank, Mimili, said we have our land rights and we have our lawyers we should listen to them, who listen to us, the lawyers of this country.

Ronnie Brumby, Indulkana, said we need to listen very carefully to the things Ron is saying to us. Let's not jump around. Focus on what Ron is telling us.

Yanyi Bandicha, Pukatja, said many Government people come and we look at them seriously and eagerly. Now, we need to be very strong on these issues. We need to rely on the Executive to push and work for us. The Executive have our power and our strengths. We need to all come together. We have seen many people come and go. Some are honest some are dishonest. They write everything but what happens to what they wrote. Are you serious? Are you looking at these issues seriously?

Ron Merkel said he has come up from Melbourne for 3 days because Anangu are good people and you have good rights and he wants to help Anangu protect these rights. We need to support the people that work and speak on behalf of us.

Adrian Lewis, Pukatja, said we really need to come together like his brother and Mike Williams said.

Ron Merkel said that if the Government will not negotiate with APY then we may need to take them to Court.

A woman from Anilalya has already missed out on housing and she wants APY to write a letter about it.

Witchety George, Kaltjiti was concerned about the funding taken away from communities. The Government is taking things away from us and we need to work together to stop this.

Ron Merkel said he wanted to talk about the future. We have a plan to keep the fox out of the chicken yard.

We are working on a MOU with the Minister with the following principles.

1. The Minister withdraw the Permit Bill that gives the Government the power to run the Permit System.
2. The Government gives a by-law power to APY about Permits and APY would determine the conditions, not the Government.
3. The Government will work with APY and not a competing body, in relation to municipal services on a regional basis.
4. APY and the Government will work on a protocol about Government workers coming onto the lands and spreading wrong stories and working out a communication protocol.
5. The Government will establish a leaders and leaders forum where Government Ministers with an interest in the Lands will meet as a group with APY leaders.
6. Ron told the Minister we could use Advisory Committees under the Act and we could have professional people on those committees to provide good advice to your Executive Board.
7. We will try and get the Commonwealth to agree with these principals as well.

If these steps are implemented we should be able to keep the fox out. But it is important to have Anangu united. If there is division, it gives the Government an excuse to by pass APY.

The messages to the Minister is you can cooperate and work with Anangu to close the gap. The other message to the Government is if you want to do it whitefella way and ignore blackfella, we will see you in Court.

Ron said this is his lawyer's way of trying to get a solution. Now Anangu have to decide if it is a good solution and get behind it. APY is only strong if Anangu support it and back it up. Ron thanked Anangu for having him come along and Anangu congratulated Ron for coming to help.

A resolution was approved at the Executive Board meeting yesterday and Bernard Singer read it out to all Anangu-tjuta. That resolution was further moved at this SGM.

Resolution

That APY, rather than any competing body or authority, be accepted by State and Commonwealth governments as the appropriate body for the delivery of municipal services on a regional basis on the APY Lands.

Moved: Robert Stevens
Second: Yuminya Ken
Carried: All

Resolution

The general meeting gives its support to the APY Executive Board to take all necessary steps to protect the Anangu land rights under the APY Land Rights Act, including:

1. *preventing activities on the APY Lands by any non-Anangu persons, entities or government that are/may be unlawful under the APY Land Rights Act; and,*
2. *preventing amendments to the current statutory scheme governing permits on the APY Lands.*

Moved: Donald Fraser
Second: Ronnie Brumby
Carried: Unanimously

The meeting adjourned at 4:40 pm and Anangu-tjuta were reminded to come back tomorrow for a 10 am start.

**SGM – Day 2 UMUWA
13 November 2009**

Ronnie Brumby chaired the meeting that opened at 1.45pm. Donald Fraser interpreted. Members of the Ernabella Choir sang a Christmas carol to launch the meeting. Peter Nyaningu said a prayer.

Ronnie Brumby introduced Peter Huntington, APY Legal Officer.

2. TKP

Peter said that over the past 2 days the Executive and the SGM have made important resolutions about Governance and Services. Ron Merkel was brought in to give independent legal advice to Anangu about their rights.

Peter Huntington said about 4-5 years ago when there were problems, TKP was created and comprised Government and Anangu service organisations. Now the Government thinks TKP is the body to sort out policy for the Anangu Pitjantjatjara Yankunytjatjara Lands. It is Anangu that should decide policy for the Anangu Pitjantjatjara Yankunytjatjara Lands. Service providers are there to provide services to you. They are here to do a job, not create policy for the Lands. Policy should be with Anangu in general meetings and through their Executive.

In 2006, a resolution was passed at a general meeting to make TKP the peak body. The problems of 2006 are behind us. Yesterday the resolutions were strong about Anangu Pitjantjatjara Yankunytjatjara and Anangu Governance. Because of those resolutions Anangu should pass a resolution saying TKP is no longer the peak body. TKP meetings still occur 4 times per year and that's ok.

Resolution

TKP is no longer the peak body for the Anangu Pitjantjatjara Yankunytjatjara Lands.

Moved: Nicholas Coulthard
Second: David Pearson
Carried: All

3. Mintabie

Peter Huntington said in 1981 the *Anangu Pitjantjatjara Yankunytjatjara Lands Right Act* said 2 things about Mintabie.

1. It gave a lease to the State for 25 years. That lease ran out in 2006.
2. Rules were set out on who could go to Mintabie and who could live there.

The rules have caused a lot of problems at Mintabie:

- a. Many non-Anangu can go to Mintabie and stay there
- b. it is very hard to get those people out of Mintabie
- c. it is hard for the Police to do their business.

Even if Anangu decided everyone in Mintabie should go, it would take time for this to happen. While happening, the old rules would still apply.

The State Government has put a Bill into Parliament to change the rules about Mintabie. It will be harder for people to go and live in Mintabie. It gives Anangu Pitjantjatjara Yankunytjatjara more say and makes it easier to get rid of people there that cause problems. It will be easier for the Police to take action. So the new rules will make it better to deal with Mintabie. The Government hopes the rules will pass before the end of the year.

The Executive wanted to bring the new Bill to a SGM to see if Anangu want to talk about the new rules for Mintabie. The lawyer said the new rules are better rules and good rules but does anyone want to talk about them.

Kawaki Thompson said he wants Mintabie to close down.

Peter Huntington said the question of the lease can still be determined. This Bill is about the rules for Mintabie.

Teddy Edwards, Mimili, said he grew up in the Mintabie country near Wallatina. The General Manager reminded the Lawyer these rules are the results of meeting with Anangu since 2006. The rules are about making Mintabie a better and safer place. Traditional Owner's will have to be consulted about the actual lease. This is about the rules for Mintabie.

Teddy Edwards said we have been talking about Mintabie for a long time and those residents are still there.

Adrian Lewis, Pukatja, said we all want to talk about Mintabie.

The **General Manager** gave a summary of all the meetings that have taken place since 2006 and how the Executive Board has tried to listen to everyone and came up with the best rules.

Nicholas Coulthard, Indulkana, said there are tourists that come into Mintabie and do some opal mining. People come from all over the lands to buy a little food because Mintabie holds their key card.

4. Mining Exploration Update

Gary McWilliams, MTO, gave an update on all mineral exploration on the Anangu Pitjantjatjara Yankunytjatjara Lands. Gary said the main story is near Wingellina, where they are looking for nickel and cobalt. There are about four companies looking for minerals. Things will close down over Christmas and start up in the New Year.

Ahava is doing oil exploration and have finished their first work. There will be more meetings about the next stage of exploration.

Maybe next year there will be news about nickel at Pipalyatjara.

5. Royalty Distribution – Mining Money Story

Because of the exploration activity, the Executive wants to start talking with Anangu about royalty distribution. The Chairperson will write to Community Chairpersons about coming to your communities to talk about mining royalties. After that the Executive Board will discuss and bring back to a future general meeting.

Roger Kayipipi talked about his country and said some people say they are traditional owners when they are not. Some of these people are collecting compensation. He also said he was happy about this meeting.

Mrs Brown, Pipalyatjara, said people have been collecting money that are not the proper people. People who are not entitled should go back to their own country.

Andy Tjilari, Fregon, said let's wait and see about the mining because he was also born there, other side of Pipalyatjara. There might be something for everyone. Let's all go together and enjoy it together.

Mrs Dunn, Turkey Bore, said there are people that rushed in and took the compensation and the main ones missed out. Some people got money from Pipalyatjara and another place.

Maringka Burton, Indulkana, said if there are distributions meetings for her fathers country, she should be contacted.

Ungakini Burton, said she will speak about matters and always talk about her father's country.

Kinyin McKenzie, Pukatja, asked if his 2 fathers came out of the ground, rock, where? They came from mother that also comes from the same area. People say I came from the east, but my father's mother comes from the west. There are also people from Turkey Bore who have connections to Pipalyatjara.

Graham Kuluyru, Pukatja, said yesterday we heard about many important things from the lawyer. He talked about a fox and getting into the chicken yard. He wants to talk for people from the southern side of Pipalytjara (Mt Davies) and said he can't jump over the hill to get compensation. But we are the same families even if we come from different places.

6. AP Services

Mr Fraser said he heard that Anangu Pitjantjatjara Yankunytjatjara has cancelled the permits of people working at the airstrip and asked if this was true. The General Manager said no permits have been cancelled.

7. Watinuma Store

Mr Fraser raised this matter but said he would work with Administration on this.

8. Police

Josephine Mick, Pipalyatjara, has a concern about Police. The Community has chosen a person to work with the Police. Usually a house is available for Police but not for Anangu. Why is housing not provided for Anangu Police? They work for Government. If there is a Police house available, can Umuwa find him a house. This is a concern.

Ginger Mick, Umuwa, said he has been giving the policeman a place to live. Ginger Mick is his Uncle and he said he has a wife and would like his own place as she comes from Port Augusta.

Ken Newman, General Manager said Anangu Pitjantjatjara Yankunytjatjara has been raising this for 4 years saying it is not right or fair that the Government only provide houses for their non-Anangu staff, not Anangu even though they are also public servants.

The **Chairperson** said every meeting we attend, we will raise this matter.

Roger Kayipipi, Kaltjiti, said there is a concern about dragged men. Sometime the Police grab them at this time of the year when young men are often required for cultural reasons. Once when RK was away, they took a man away and left a disabled girl behind without a Carer. The Police should have asked as he was the only Carer.

We waited a long time for this general meeting to happen to talk about this. RK is a friend of the Police but they took the man away. He wanted the general meeting to know the disabled girl is lost without her husband. I want the Police to know they have done the wrong thing. The young men need to be available for this cultural education.

The Police need to work through mediation and restorative justice to work these matters out.

Ken Newman said Anangu Pitjantjatjara Yankunytjatjara will talk with the Police and Courts to see if we can arrange a meeting to talk about this matter.

Bernard Singer thanked PY Media for broadcasting the SGM and thanked Mr Lewis and Mr Fraser for being the interpreters.

The meeting closed at 5.00pm

Minutes by Ken Newman