



Anangu Pitjantjatjara Yankunytjatjara

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“PRESS RELEASE”

It is business as usual at APY and the Director, General Manager, staff and the Executive Board continue to work hard for Anangu and get on with the job of managing the land.

Last week a decision was made by the Supreme Court in South Australia that allows interference in APY business by non-Anangu and by the Ombudsman. Land Councils around Australia are often in Court about this type of thing and it is nothing unusual. APY has a good legal team advising it, APY lawyers are backed by rules of professional conduct and APY carry's professional indemnity insurance to protect Anangu.

The people who are talking on Facebook about this decision are not lawyers, but they are stirrers, making as much trouble for Anangu as they can.

WHAT THE CASE WAS ABOUT

This case was about these things:

- In 2016 Trevor Adamson made a complaint to the Ombudsman saying that the General Manager refused to email to an email address not known to APY, copies of the meeting notes from APY Executive Board meetings. It is true APY did not email APY Executive Board meeting notes to an email address not known to APY.
 - Trevor said the email address is his email address. APY agreed to hand the meeting notes to Trevor but not email the meeting notes to the email address.
 - Trevor complained to the Ombudsman about that
 - APY says that Trevor should have followed the APY Land Rights Act and complained to the Executive Board first, but he didn't, he went straight to the Ombudsman
 - APY says the Ombudsman should have sent Trevor back to the Executive Board, but the Ombudsman didn't
 - APY says the Ombudsman was wrong in not letting elected Anangu follow the APY Land Rights Act and sort the problem out under the Code of Conduct
- In 2017 a man called Brouss Chambers made a complaint to the Ombudsman that APY did not follow the wishes of Anangu and hold a Special General Meeting in March 2017.
 - APY got legal advice from Counsel at the time who advised APY that the meeting was unlawful under the APY Land Rights Act
 - Brouss Chambers is not Anangu and so he had no right to complain to the Ombudsman about APY business
 - Trevor Adamson did not personally call the Special General Meeting, he was not Chairman of APY nor even a member of the Executive Board in 2017, so he had no direct interest in whether or not the Special General Meeting was called, so he had no right to complaint to the Ombudsman about it
 - APY says the Ombudsman should not have got involved

APY took the Ombudsman to Court to stop the Ombudsman and non-Anangu from interfering in APY and Anangu business.

THE APPEAL

It is important for APY to appeal this decision to the Full Court of the Supreme Court because APY does not want the Ombudsman and non-Anangu to think that they can interfere with Anangu and APY's business like this.

The Full Court is three Judges, who will have experience in this type of law, that we call "administrative law" – laws about the way decisions are made by authorities, decisions have to be made fairly and correctly, not just any old way the authority thinks on the day.

COSTS

Appealing the Judgement costs money, \$2000 to file an Appeal at first then lawyer's fees on top of that. APY has a very senior barrister ready to work with APY on an appeal to the Full Court.

It is true that at the moment Adamson and the Ombudsman are claiming their legal costs against APY. Things to think about are that:

- APY does not have to pay TWO sets of legal costs, we will only pay a single set of costs
- If APY appeals, costs are decided at the end of the Appeal, so payment of any costs is delayed
- If APY wins the Appeal, then the Ombudsman and Adamson have to pay APY's legal costs

Should you have any questions, please call APY on 08 8954 8110.

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