

Anangu Pitjantjatjara Yankunytjatjara

Executive Meeting Minutes

17th June 2015

Start time: 10:17AM

Present:

Trevor Adamson (Pukatja/Yunyariniyi)
Murray George (Kaltjiti)
Owen Burton (Amata/Tjurma)
Anton Baker (Murputja Homelands)
Charlie Antjipanya (Watarru)
Milyika Paddy (Kalka Pipalyatjara)
Ken Pumani (Mimili)
Garry Lewis (Anilayla/Turkey Bore)
Ronnie Brumby (Railway Bore/ Amuroona)
Bernard Singer (Indulkana-Iwantja)
Joanne – (TafeSA – Governance Training)
Rex Tjami- (Director APY)
Richard king – (GM)
Tapaya Edwards – (Interpreter)
Danielle Shallow (Note-taking)

Welcome

Richard King welcomed everyone, congratulated the members on their election to the board. Mr Rex Tjami also welcomed everyone to country in Pitjantjatjara, acknowledging re-elected members. Richard thanked the previous board, thanked the outgoing Chairperson (Owen Burton) and the Deputy Chairperson (Trevor Adamson). Richard thanked Mr Bernard Singer for all his work as Chairperson in previous years and acknowledged that Bernard had to step down for personal reasons. Richard acknowledged last year as a difficult year for the board with much media attention.

Nominations

Richard then explained the voting process. Richard explained it would be a closed session and APY employees would need to leave the room – Richard, Rex and Danielle. Richard then explained the voting process and showed board members that the voting box is empty before voting and how it is sealed shut. He explained that the box would sit in the adjacent room (kitchen) and that one board member goes in at a time to cast the vote. He explained that Joanne would be standing at the side of the room making sure only one person goes in at a time to cast the vote. Votes are cast by putting a marble in the box.

Mr Charlie Antjipanya asked if it was just one colour of marble. Richard confirmed this and showed the marbles. Richard explained that each Board member gets one marble. He explained that the executive can discuss their thoughts between one another. Richard clarified that the first vote is for

the Chair person and the second vote is for the Deputy Chairperson. Rex explained this in Pitjantjatjara.

The Board members went outside to discuss.

Whilst board members were outside, Rex, Bernard and Richard clarified the note-taker is to stay inside for the nomination and then leave while voting takes place.

Mr Gary Lewis came back into the room and raised the option of another voting system. Gary wanted to do a vote for the Deputy and Chairperson at the same time – The person with the highest amount of votes becomes the Chairperson and the Person with the second most votes becomes the Deputy Chairperson.

Joanne and Richard confirmed it was possible to use that voting system, but that it would need to be discussed with everyone and that all board members would need to come back into the room to discuss and decide on the voting system together.

All Board Members came back into the room and Richard and Joanne explained that Gary had raised a different system of voting that was possible. Richard explained the steps of the 2 possible voting processes; Option 1 - A 2 step voting process. Firstly nominations are made for a Chairperson. There is voting for this role. Nominations are then made for a Deputy Chairperson and a second vote is cast for this position. Option 2 – A 1 step voting system. Nominations are made and votes are cast. The person with the highest number of votes becomes the Chairperson and the person with the second highest votes becomes the Deputy Chairperson.

Each board member then gave their opinions on the voting systems.

Richard then called members to cast a vote by show of hands. 3 members voted in favour of a 1-step vote system – Gary, Ken Pumani and Trevor. 7 members voted in favour of a 2-step vote system - Murray George, Owen, Anton Baker, Charlie, Milyika Paddy, Ronnie Brumby and Bernard.

Richard and Rex then explained it was time to do the nominations. Richard and Rex then left the room. Joanne asked for the nominations to be received and she would write each on a stick-it note. For the role of Chairperson;

- Bernard nominated Milyika
- Gary nominated Trevor
- Murray nominated Owen
- Ken Pumani nominated Gary, however Gary declined to accept nomination

Joanne confirmed there are 3 nominations.

- Owen Burton the box with a Pink stick-it note
- Milyika Paddy the box with a Yellow stick-it note
- Trevor Adamson the box with a Blue stick-it note

Joanne showed the board that each individual box was empty and Tapaya sealed each box. Danielle Shallow left the room while the votes were cast

Votes were cast and Danielle, Rex and Richard re-entered the room for the count of votes. Boxes were brought back into the board room and the count started. The box seals were broken.

For the position of Chairperson; Trevor Adamson received 3 votes, Owen Burton received 2 votes,

Milyika Paddy received 5 votes.

Joanne said congratulations to Mrs Paddy, the new chair and everyone shook Milyika's hand.

Richard and Rex left the room.

Joanne showed that all the boxes were empty and then called for nominations for the Deputy Chairperson. For the role of Deputy Chairperson;

- Gary nominated Trevor
- Ronnie nominated Bernard
- Anton nominated Owen

Joanne confirmed there were 3 nominations

- Trevor Adamson with a Pink stick-it note
- Ronnie Brumby with a Blue stick-it note
- Owen Burton with a Yellow stick-it note

Boxes were sealed by Joanne and Tapaya. Danielle Shallow left the room while the votes were cast.

Voting was conducted.

12pm. Everyone came back into the room for the count. The boxes were opened and votes counted.

- Owen Burton received 2 votes
- Bernard Singer received 5 votes
- Trevor Adamson received 3 votes

Bernard Singer was announced as the new deputy Chairperson and everyone congratulated Mr Singer.

Lunch was called at 12:30 –

Meeting recommenced at 1.30pm

Mr Ronnie Brumby is an apology – had to leave due to feeling ill

Owen Burton raised a personal concerns and there was long discussion. Richard King asked for this not to be included in the minutes.

Mr Brumby returned to the meeting at 1.50pm.

Meeting break at 2.30pm

Meeting resumed at 3.10pm

After the discussion executive made a minor change to the pay cycle of the last month of executive. Payment for the executive office bearers will continue until they are declared vacant and new office bearers are voted in at the first meeting of the new Executive.

Richard King suggested that the executive pass resolution for the proposed change.

Resolution: Going forward, the Chairperson and Vice-Chairperson of the APY Executive Board are

paid up until the positions are declared vacant.	
Motion is Moved:	Charlie Anytjipalya
Motion is seconded:	Anton Baker
Floor Vote:	all in favour
Dissenters	Nil

Due to the time used to conduct the voting some items were pushed over to the next meeting agenda.

Agenda Item 5: Executive Meeting dates

The meeting dates up until the end of the year have been locked in and the executive reviewed those dates. All executive agreed to the dates.

22 July 2015. All meeting dates planned for the year were provided to all members.

Resolution: Resolution: Meeting dates agreed to as listed.	
Motion is Moved:	Anton Baker
Motion is seconded:	Uncle George
Floor Vote:	all in favour
Dissenters	Nil

Agenda Item 8 – TAFE Expo

David explained that TAFE plans to have an Expo for young people who want training and jobs to come and see what jobs they could do in the future. TAFE will also be providing education – how to weld, make things, learn leadership. The expo will run for 3 days. The expo will be for people from Kalka-Pip one day, Ernabella and Amata another day, Fregon and Mimili another day. The expo will be on 18-24 August 2015.

Resolution: Executive agree that TAFE expo will happen on 18-24 August 2015.	
Motion is Moved:	Trevor Adamson
Motion is seconded:	Anton Baker
Floor Vote:	all in favour
Dissenters	Nil

David also asked for permission for people to camp and use the showers. Accommodation will be provided for the kids, but no adults allowed in this accommodation – adults to camp.

Resolution: Executive note that TAFE want to put kids in the house for accommodation.	
Motion is Moved:	Trevor Adamson
Motion is seconded:	Gary Lewis
Floor Vote:	all in favour
Dissenters	Nil

Agenda Item 10 – DPTI APY Roads Project

- The first road construction contract will be starting next week – Pukatja to the airstrip.
- Indulkana to Stuart Hwy and will start construction in August/Sept to bitumenise to the highway so there is access to the airstrip. DPTI have employed 4 Anangu working on that project, and they have employed more Anangu than they thought they would and hope to continue that for the rest of the project.
- DPTI will fund an anthropologist and liaison officer for the roads project. DPTI will provide the funding to APY and APY will employ to the positions.
- DPTI contractors attended law and culture session and training session on the Lands. Richard said APY will have to work with Murray George and the rest of the Executive to develop a good cross-cultural training program.

Resolution: The Executive agrees to develop a cross-cultural training session.	
Motion is Moved:	Mr Ken Pumani
Motion is seconded:	Owen Burton
Floor Vote:	all in favour
Dissenters	Nil

Mr Mick Horner then said there is 4 years left of the project (5-year project), so DPTI are looking at a putting together a small working group – made up of 2-3 roads representatives and 2-3 APY representatives (i.e. sub-group of the board)

Richard King said Rex Tjami is the best person to be involved, as well as the executive member where the work is happening. Richard King suggested it would also be good for the anthropologists and Anangu Liaison officer involved. Mr Horner said definitely.

Resolution: The Executive agrees with the proposal that Rex Tjami and probably Gary Lewis are included on the working group, which will include one person from Anthropology, the Director and one Executive Board member.	
Motion is Moved:	Mr Trevor Adamson

Motion is seconded:	Mr Gary Lewis
Floor Vote:	all in favour
Dissenters	Nil

Mr Horner said they want to know what involvement the Board would like to have over the life of the project?

Mr Owen Burton: The Executive wants DPTI to provide information at the Executive meeting before they award the contract, and work with the proposed smaller working group to discuss beforehand.

Richard King asked Mick Horner about the Murray River North camp. Cecilia then spoke to this and explained there had been a request by a contractor to use that camp (for the APY Roads project). However, they have no lease. All camps must be negotiated before work starts.

Bernard Singer said Trevor Adamson is the member for Pukatja, so he needs to be at any meetings about this, i.e. if there is a Council meeting, then the elected Board member should be there.

Resolution: The Executive directs APY staff to investigate the current status of the lease agreement with Murray River North to see whether or not it exists or has expired.	
Motion is Moved:	Mr Trevor Adamson
Motion is seconded:	Mr Gary Lewis
Floor Vote:	all in favour
Dissenters	Nil

Resolution: If the lease has expired or does not exist, the Executive directs APY staff to negotiate and update the lease agreement over the camp to accommodate remote contractors for use of the camp, with appropriate terms and fees to be negotiated between all parties – Pukatja Council, APY Executive and Remote Contracting Specialists.	
Motion is Moved:	Mr Trevor Adamson
Motion is seconded:	Mr Gary Lewis
Floor Vote:	all in favour
Dissenters	Nil

Mick Horner asked if the process of investigating the Murray River North camp lease situation can continue, while contractors come in and use the camp or do they need to wait until it is sorted.

Resolution: The Executive give Remote Contract Specialists approval to set up their camp on
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Monday while investigation into lease situation is undertaken.	
Motion is Moved:	Mr Trevor Adamson
Motion is seconded:	Mr Bernard Singer
Floor Vote:	all in favour
Dissenters	Nil

Trevor Adamson said he wanted to make sure DPTI are and will employ Anangu for the project and is happy to hear that they have been.

Action: Follow up with DPTI to make sure all contractors that come in have been police checked. Department of Premier & Cabinet and Skillhire representatives joined the meeting at 4.45pm.

Agenda Item 11 – Work for the dole program.

David explained he wants to provide an update on where they are at with Skillhire and to talk about some of the projects that they have got coming up.

David explained that they had to get more funding from the government because the work for the dole program stopped. They have been working with the government to get extra money to finish off big projects like landscaping and camels. Some of the projects are the Pipalyatjara School landscaping, Ernabella AES office, grading 60km of fenceline at Mimili, Happy Valley cattle yards, itjintpiri cattle yards, No. 16 bore Amata and Watinuma cattle yards, painting the entire APY building in Umuwa, and motorbike mustering at Fregon.

Richard King asked if the Umuwa Visitor Centre could also be painted at the same time as the APY building. Dave said yes definite possibility. Richard said there is also a carpentry project in one of the houses that people could do. David said this would be great to include and they are always looking for projects to get Anangu to work on.

Murray George said young people who have just been sitting down getting Centrelink money need big projects for work.

Trevor Adamson asked about the changes to Centrelink money. The Department of Premier & Cabinet representative explained that the changes come in on 1 July 2015. People must do activities 5 hours a day, 5 days a week. The program used to be RJAC, now CDP (Community Development Program). There was discussion about how this is not the same as the old CEDP program.

Gary Lewis asked about still getting paid when going on cultural business for 3-4 months at a time. David explained that the government has approved two weeks cultural leave as part of the program but has also approved cultural activities as part of acceptable activities. The Executive just needs to direct what cultural activities are included, so the Executive and government need to sit down with Law & Culture on this.

Department of Premier & Cabinet and Skillhire representatives left the meeting at 5.30pm.

Agenda Item 12 Other business

Richard King raised the next item and explained that is was a very confidential matter and a very important decision.

Item 12.1

He explained that Kevin Chan, who used to work at APY, is taking APY to court for wrongful dismissal. This could be costly to the APY. Richard said he has spoken to Kevin and asked him to hold off on the case, to let him talk to the Board first before deciding to go to court to see if they can come up with another solution. Richard asked the Executive to make a decision on this proposal.

Bernard said APY need to clear up our reputation first and fight the criticism, and he wants apology from the government for all the criticism. Richard suggested that the best way to fight the criticism is to show APY is moving forward and the accounting reports will show that the situation is not as bad as first suggested. Owen Burton said we shouldn't be wasting money taking people to court, and that we have to work with people.

Trevor Adamson said Richard's proposal is the right way – APY does not have money to throw away on court cases.

Owen and Bernard continued to argue loudly across each side of the room.

Richard said he wanted to respond to Bernard saying no one is sticking up for him. He said if we do this right Kevin will stand up and say everything was not as bad as KPMG said and Kevin will come out and defend the Board. Richard said Kevin would be put on a consultant contract and therefore cannot sue APY and has to work for us, and he can then clear his name too. Trevor agreed. Richard said he has talked to the APY lawyers and said wait first before proceeding with the case, as he needed to talk to the Board first and let them decide what to do.

Resolution: GM have discussions with Mr Chan, negotiate a consultant contract and if Mr Chan recoups lost revenue of up to an agreed target then APY will give him a bonus.	
Motion is Moved:	Mr Trevor Adamson
Motion is seconded:	Mr Anton Baker
Floor Vote:	all in favour
Dissenters	Nil

Agenda Item 12.2 : Other Business - current legal action

Richard explained that from July 2014 to now, APY has spent a large amount of financial resources on lawyer's fees, because APY has three main cases they are currently dealing with. None of the cases relate to the Land Rights Act.

Richard explained that to win a court case APY needs proof, that the defamation was untrue. Section 9 – Corporate Defamation: *Certain corporations do not have cause of action for defamation.* Richard explained that APY is a corporation and brought attention to Section 9.2 – a corporation cannot sue if it is suing for financial gain, or if employs higher than 10 persons. Richard explained that therefore APY we cannot sue for financial gain– We can only clear APY name, which will cost a lot of finances that APY cannot afford.

Richard is proposing to go to APY's lawyers and tell them to not take these cases any further.

Bernard said APY still needs to fight the criticism. Richard said the second KPMG report will come out soon and then he can say that APY could not have fixed things this quickly if things are as bad as people have said they are, and that is a better story than taking people to court. Bernard said we still need a national apology for all the criticism and he cannot get work because his name has been defamed. Richard said an apology will not happen and once those reports are released Bernard and everyone's name will be cleared and it will all be ok and everyone can move forward.

Resolution 1: APY stops the three cases in question.	
Motion is Moved:	Mr Trevor Adamson
Motion is seconded:	Mr Murray George
Floor Vote:	all in favour
Dissenters	Nil

Resolution 2: APY will send a letter to petitioners saying that if they wish to go ahead with their cases as an individual then palya, but APY is not going to pay for the cases.	
Motion is Moved:	Mr Gary Lewis
Motion is seconded:	Mr Ken Pumani
Floor Vote:	all in favour
Dissenters	Nil

Agenda Item 12.3– Other business Wiltja Constructions

Ms Aileen Shannon from Wiltja Constructions addressed the executive. Wiltja Constructions are based in Fregon and are currently undertaking residential and commercial building projects and maintenance. The company formed so that they could employ Anangu in their community and to create long-term work for Anangu. The company is now in their fourth year, and there are a lot more projects coming up on the APY Lands.

Major projects coming up is APY Lands Roads. Wiltja Constructions will be joining with a business partner that will provide machinery and camps, and then they would like to bid for the roads contract. If they are successful they would want APY Law & Culture to undertake all of their cultural awareness training and Wiltja Constructions will pay for that service, because they recognise it is important. They plan to use RASAC resources that are available for hire so they are using local APY resources.

Trevor Adamson read from print out provided by Aileen in Pitjantjatjara and English.

Aileen explained Wiltja Constructions plan to employ about 80% Anangu.

Wiltja Constructions are asking APY executive to recognise who they are and to support their application for this project so that the government recognises their support for doing work on country for Anangu.

Aileen said she sent a letter (for support) in a package to Tania King and asked to have it signed and that they be provided with an original copy.

Resolution: The Executive support Wiltja Constructions as the preferred provider for tenders on the APY Lands.	
Motion is Moved:	Mr Gary Lewis
Motion is seconded:	Mr Trevor Adamson
Floor Vote:	all in favour
Dissenters	Nil

Due to the extra special issues and voting of officer bearers during this first meeting with the new board some items were deferred to the meeting scheduled for 22nd July 2015.

Meeting closed 6.45pm.