



Anangu Pitjantjatjara Yankunytjatjara
A.B.N. 77 261 612 162
PMB 227 Umuwa via Alice Springs NT 0872

21 22 23 January 2015

**APY January minutes
Meeting no 7
Umuwa**

Day one: 21 January

PRESENT: Owen Burton, Murray George, Willy Pompey, Anton Baker, Leon Colson, Charlie Antyipalya.

Absent: Trevor Adamson (deputy chair)at commencement of meeting, Mrs Paddy (has provided a proxy to Murray George)

Visitors: Minister Ian Hunter, Nerida Saunders, Craig Macauley, Shane Webster, ... Agius, Tom Moore, Richard Bradshaw, Gary Lewis, Gordon Inngkatji, Eileen Shannon, George Kenmore, Mrs Kenmore and others

Interpreter: Ebony DeRose

Item 1: vote for member to chair the meeting, as required under the APY Act

Resolution: Owen Burton to chair this part of the meeting until Trevor Adamson (deputy chair) arrives.

**Move: Murray George
2nd : Anton Baker
vote all in favour.**

Item 2: Welcome to the Minister Hunter

Owen Burton welcomes Minister Hunter and his party

Item 3: Setting aside deputy chairman's agenda

Discussion about the Minister being present and the need to get on with the meeting in Mr Adamson's absence.

Resolution: This meeting overturns the agenda of Trevor Adamson as he is not present and it determines to set its own agenda, as is allowed under the APY Act.

Move: Owen Burton

2nd : Charlie Anytipalya

vote: all in favour

Item 4: General Manager's report

General Manager updates status of APY server following the unexpected interruption from late last year. Discusses training and work opportunities with the road and the cattle business. GM thanked Minister Hunter for assisting with cost of replacing computers and server.

Minister Hunter responded by saying he did not say he would cover the cost.

Item 5: Skillhire report

David Couzner provided an update on Skillhire training and employment programs including the APY Traffic Management program whereby Skillhire is assisting to purchase equipment needed to run a traffic management business and with training Anangu to fill the positions.

Also discussed a Culture Awareness business, Driver's Licence program and school attendance.

Item 6: APY Pastoral Report

Jim Willoughby outlines APY Executive plans to separate the cattle business from APY with the support of ILC and panel of experts. He says it is important that cultural areas are protected and cattle numbers are increased – these can be done hand in hand. He discusses the long term view of having an APY herd and that when this happens the profits will come to Anangu – and the jobs.

12.15 – break for 15 minutes

12.30 meeting resumed

Owen Burton (acting chairman) welcomes the observers but asks them not to take notes or photographs.

Item 7: Minister Hunter

Minister Hunter says he has A number of Issues to be raised with Anangu: I'll go through them one by one, they don't all require immediate responses.

Open to doing it section by Section – and take questions..I don't mind.

Elections: I know Mr Singer has resigned from the Executive and thank him for his contribution over the last 10 years and wish him all the best. His resignation creates a vacancy in the Railway Bore/ Walatinna..as I understand it, because the election for the whole board is happening in May the board has the ability to appoint someone. I raise that with the executive to talk to advisers and discuss.

I move to the full election. I have been talking to APY for almost two years now about changing the way the exec is elected to ensure women are elected.

Robyn Layton conducted an inquiry and review, my understanding is that the Executive and Anange are supportive of that change.

Minister is interrupted by member of the observers gallery. The meeting continues a short time later

Minister:

Because its taken so long to discuss the Layton stuff, the general election is coming up very fast. What I propose is to allow the election to happen for APY executive, go ahead to produce legislation to make the changes to include women later. And then bring that back to talk to Anangu about that later this year, and when it passes have a new election that will have half men, half women. So I need APYs executive view about that.

Watarru is entitled to one elected member...only 1 or 2 people live there...is it fair?

I needed feedback and a resolution...I will say to the executive is that it will look strange if a person is elected to a community that isn't there.

The APY election is due between February and May.. I have to consult about the boundaries and I would like your feedback. And if possible, I would like your advice by end of next week.

General Manager/interim manager

I understand the Exec is involved in court proceedings about the termination of a previous General Manager. I have my own legal advice that tells me until that court case is involved I should not appoint another unless on a temporary basis with terms and conditions about when that term might end. I have written to APY with the details of that and I encourage to become informed about the issues in my letter.

Director of Administration

I received a letter from Lesley Johns last November asking me to approve terms and conditions of that appointment . I was requested to approved for 3 years back to July – I note that Rex has been in that position for ten years already and the appointment has asked me to approve some new conditions. I wrote back asking for more information and I have not yet received a reply. Until I get that information I will not approve.

Cattle business

I was very pleased to hear Jims report. One of the ongoing issues is about the lack of clarity of where the money has gone. I think it's vitally important that when we re establish the business with the ILC that all Anangu have confidence in how the business is operating. That means everyone must be able to see where the money goes and what it is spent on. I encourage the APY to consider that report and to work with the ILC.

Finances

I wrote to the previous chair last Decemer and request information about the finances..and I have not received a response to that request. I made it very clear that I will not release money to APY until I receive those responses. The response I received didn't provide me with the response but told me there was some difficulty. I changed what I wanted and asked for copies of bank statements. As far as Im aware I received bank statements for only one account. I note if I don't release the income APY will be forced to use other sources of income. I have asked for that and asked for the accounts.

I have written to the Auditor General and asked him to begin a forensic audit. I understand that from Ms Johns report that money situation is becoming urgent. I will consider releasing some state government funds.

On two conditions..that I get what I asked for and that it is spent on a budget approved by me.

Disputes and Conciliation

When anangu have a difference of opinion, the act provides that a conciliator be provided

Im interested in raising the idea of a community led response to mediation...

There is a community mediation scheme that works well in Yuendumu.. Yuendumu is a community that had a lot of tension. It used community members and trained them to do disputes.

Owen: asks questions about community mediator.

Minister: some time of honorarium not a wage because these are community people trying to solve a problem.

So talk about that and let me know what you think.

Owen: why I say that, when I was chairperson in the past two organizations like APY and Pit council, we had Anangu against Anangu. We have to pay someone to come and sort things out. This is good for Anangu, to have Anangu doing this.

GOVERNMENT SERVICE DELIVERY

Murray George – all the people need to come to mind and that when we got this land we need to have with one language. As we've continued along things have gone out of this way. The Minister knows this is our land. And I encourage and ask that we need to be together and not in two parties. With the Land Rights Act you cannot break it.

Minister: I will never be party to changes to the Act that would change your inalienable land rights.

That will never change under me or this government. What I want to do is work with Anangu so that they can run their organization properly.

Changes in Ceduna...one person is in charge of all government delivery, federal, local, state and not for profit NGOs... that person brings together all the different organizations and makes sure they are working efficiently. To make sure all the government departments talk to one another and talk to the aboriginal community they are providing the service to. It's working very well. I've spoken to Minister Scullion and would like to talk to APY about doing it here. So what I want to do is have my agency talk to the executive about how to do that - but I think it might make a big difference.

Municipal Services Funding

The Federal government has made lots of cuts to Aboriginal Services. Muns is one area they've told us where they'll cut funding. This covers many things, road maintenance, electricity, airstrip maintenance, dog and cat management, rubbish. Because the federal government want the state government to take over control. There's a very real risk that APY could lose over \$6million in funding next year.

Im fighting the federal government to make sure they fund that money but they are saying no. To tell you what happened in WA. The feds did a deal with the WA government. The Federal Government gave WA \$90m to take over all these services. WA took the money but then said they can't afford to provide the services and half the homelands in WA must close. In SA, the federal government offered \$10m to take over all those services that cost \$10m a year. So here's \$10m you look after those services for the rest of time and take control of \$100m of run down and dilapidated assets which need about \$50million spent on them to bring them to a usable state. We said no. So we are fighting. I tell you that as you as an exec need to start work with RASAC to see what you will do if the

services stop. It is something you may care to raise with the Federal Government when they visit.

SA understands what the government wants to do and wants to work with them but wants a fair amount. What we won't do is what they did in WA. That is to promise they'll deliver the services, but once they get the money, they closed the homelands.

GOVERNANCE APY

It is no secret that the governance of APY has been through a period of instability. You have had several different managers over the years and one of them is taking you to court. You are having disputes among your community. You are having negative articles written about you in the national newspaper. And a lot of politicians in Adelaide are worried that you are not able to run your own affairs. It is vitally important in these days that organizations like this are open and transparent. For people to have trust and faith in the organization that runs their lands they must be able to see who makes the decisions, and have minutes publicly available. I believe there is a need to make a break with the past and to make a fresh start in governance. We need to have a commitment by the APY executive to giving out information freely. And not to waste APYs money fighting FOI requests.

It's important that APY understands the public opinion – not just the state but also all Anangu how this organization works. I want to work with the Executive to improve governance and we need to think about how we make a break with that unstable past and how we can win back the trust of Anangu, the state and the parliament.

There are very real concerns about the finances of APY. These concerns will only be met when we have an open inspection of those finances. This is why I have suggested the consideration of a forensic audit and I want to ask the APY Exec to consider whether they want me to use the power I got in the Parliament last year, and exercise my authority to appoint an administrator. I think the APY needs a period of stability while we work out these financial problems and start the process of rebuilding trust. So that finishes the issues I wanted to raise with the Executive today. We are absolutely committed to working with Anangu about them taking control and self determination seriously.

To do that we must have the support of all Anangu and the trust of the state. And I ask they consider they ask me to appoint an administrator to allow me to do that.

Happy to take questions:

Owen Burton: the chair is not here. Under the Land Rights Act and the constitution we have to elect a chairperson to run the place for the next three months. We will probably get to a vote with out him if he doesn't turn up. Thanks for talking to us. We have to come together as a family and start walking on that road with one people, one voice.

Minister: the legislation says there needs to be an election this year, round about April, May. We've been talking about changing the way people are elected, equal numbers of men and women. We don't have time.

Im suggesting we allow the election to take place as it is supposed to in April or May. Then we change the legislation and then have another election. So maybe the new Executive might only be for 10-12 months.

Lunch 1.30

3.00pm – meeting resumes

Owen Burton tells the meeting they will address the Trevor Adamson letters. Owen Burton says Trevor Adamson has separated himself from the board, has written unauthorized letters using APY letterhead and using a lawyer.

Richard Bradshaw is asked to provide advice about what the Act says in relation to electing a new chairman after a resignation. Mr Bradshaw explains that at the next meeting after a resignation there must be an election for the next chairperson. If there is more than one nomination there must be a secret ballot.

Discussion continued about the Act and Mr Adamson's concerns, also Mr Lewis raised some issues about consultants getting too much money.

Mr Adamson raised his voice and asked Ms Johns to leave the room

The meeting was suspended.

Day two: 22 January 2015

Present: Mrs Paddy, Murray George, Willy Pompey, Owen Burton, Leon Colson, Charlie Antiypalya, Trevor Adamson, Anton Baker.

Staff: Lesley Johns (interim GM), Andrew Cawthorne, Cecilia Tucker, Greg Jobson,

Visitors: Richard Bradshaw, Ebony DeRose interpreter

Deputy chairperson opened the meeting and the meeting started.

Discussion about interim General Manager.

Mr Adamson asks Richard Bradshaw and Lesley Johns to leave the room. They did.

Lunch 12.35

Meeting resumed 1.15

Item 1: Election

Executive members ask Richard Bradshaw to instruct the board on the process of electing a new chairman.

Mr Bradshaw asks if the resignation letter from Bernard Singer had been tabled. The letter is produced and tabled. Mr Bradshaw explained that as soon as the letter had been given to Lesley Johns she called Trevor Adamson and told him about it.

Mr Bradshaw explained how, under the Act, the election should be run. Mr Greg Jobson, APY employee, assumed responsibility for running election.

He called for nominations.

Leon Colson nominated Mr Burton. There were no other nominations. Mr Burton was asked if he accepted the nomination, he said yes.

A show of hands was called for supporting the election of Mr Burton.

Those who raised their hands were

Murray George

Charlie Antjipalya

Mrs Paddy

Willy Pompey

Leon Colson

Trevor Adamson and Anton Baker abstained.

Greg Jobson stated: there was one nomination, elected unopposed, then there was a vote, the vote was for chairman. Congratulations Mr Chairman.

Leon Colson asked for it to be recorded that Owen Burton is only the chairman until the next APY General Election.

The meeting confirmed Trevor Adamson remains as Deputy Chair.

Richard Bradshaw provided confidential legal advice about

- Bruce Deans court case
- Manager's position
- Minister's comments from 21 January
- Court claim by cattle businesses

Resolution:

The Minster has asked APY to consider the appointment of an Administrator. We request more information from the Minster and consultation with him so we can make an informed decision

**First: Mrs Paddy
Second: Anton Baker
Carried: All**

Item 2 : Director's contract

Discussion around why the Minister had not approved Rex Tjami's terms and conditions. Mr Tjami said the contract was developed by the General Manager Bruce Deans and Finance Coordinator Kevin Chan.

Mr Tjami said the GM had also increased the Finance Coordinator's salary without going to the board and that he had told the GM he should put it through the board.

Tabled a letter written by APY to the Minister explaining how Mr Tjami's salary had been determined by Deans and Chan.

Item 3: Mediators

We support the training and appointment of Anangu Mediators to sort out Anangu disputes under the Act, with the training being funded by the State Government as proposed by the Minister to Leon Colson.

1st: Leon Colson
2nd: Anton Baker
Passed and carried

Item 4: Alec Bakers resignation

Discussion around the verbal resignation of Alec Baker on 9 July. And the Exec had just received the written confirmation. Letter from Alex Baker tabled.

Item 5: legally privileged

Three resolutions (also legally privileged) were passed.

Item 6: Leon Colson

Resolution:

A letter of support for Leon Colson from the APY Executive that he is a valued contributor to the Executive and Anangu community.

1st: Owen Burton

2nd: Anton Baker

Passed unanimously

Item 7: Cattle business

Lesley Johns explains present situation with the cattle business and plans for future.

Resolution:

APY endorses further discussion to separate cattle business from APY to become a stand alone business . APY would welcome a workshop with the working group to find out more information.

1st: Leon Colson

2nd: Anton Baker

Passed unanimously

Item 8: DPTI and the road upgrade

Discussion on heritage work. The following direction was provided:

Executive direction to Development & Planning & Anthropology:

The APY Executive required that DPTI Heritage surveys do not proceed before the terms of a Heritage Agreement have been agreed to.

Executive unanimously agree.

Meeting closes 7.30pm

Day three: 23 January

Meeting opened at 10.50 by chairman

Item 1: General Meeting

Resolution: The Executive agrees to call a General Meeting which will discuss the Mining Trust and the Traditional Owner Fund on 12 February 2015.

Moved: Leon Colson

Second: Anton Baker

Vote: unanimous

Resolution: The APY Executive agrees to adopt all the recommendations from the Financial Systems Assessment and the NT Chamber of Commerce audit into the HR requirements as quickly as possible.

Moved: Willy Pompey

Second: Owen Burton

Vote: all in favour.