



Anangu Pitjantjatjara Yankunytjatjara

A.B.N. 77 261 612 162

PMB 227 Umuwa via Alice Springs NT 0872

Phone: (08) 8954 8111 Fax: (08) 8954 8110

Website: www.anangu.com.au

APY Annual General Meeting 28th November 2017

Meeting opened at 2.30pm

1. Welcome

Mr Young thanked everyone for coming and asked Mr Wilson to do a prayer. Mr Young introduced the General Manager, Director and Office Manager after prayer.

Apologies:

Mr Anton Baker, Mr Richard Kanari, Mr Murray George, Ms Makinti Minutjukur

Mr Adamson - if there was any way they can be on phone, so they can ring through?

Mr Young - if they can't come, they can't come.

Mr Adamson - it's really important they can talk about something in our minds and hearts so Anangu can have a clear understanding.

Mr Young - I want to go through the general business first, then the other business.

Mr Adamson – I think we need to look at other business, we want to look at it clearly, so we can have a clear picture. We want to put pressure as it's a concern for Anangu

Mr Young – we will do acknowledgement of APY Executive members, previous minutes, Chairpersons report, General Manager report, financial report, appointment of auditor then other business

2. Confirmation of Minutes of Previous Meeting

Ms Sally Scales read out the previous minutes of Annual General Meeting 2015-2016 in language.

Mr Young put forward Motion 1: That the Minutes of the previous 2015-2016 AGM is confirmed as true and accurate.

Moved: Mr Burton

Seconded: Mr Wilson **All in favour**

3. Chairpersons report

Mr Young read out Chairperson's report.

Mr Young put forward Motion 2: That the 2016-2017 Chairperson report is accepted

Moved: Mr Williams

Seconded: Mr Lewis **All in favour**

4. General Managers report

Mr King read out General Manager's report. Ms Scales translated the report into language. Mr King thanked Executive, Mr Tjami and all APY staff for all their hard work.

Mr Young put forward Motion 3: That the 2016-2017 General Managers report is accepted.

Moved: Mr Wilson

Seconded: Mr Burton

All in favour

5. Audited Financial Report

Mr King explained the APY audited financial report. APY has an unqualified audit this year, first time for APY. Mr King thanked stakeholders and Staff for their hard work.

Mr Young put forward Motion 4: to accept the Audited Financial Report for 2016-2017

Moved: Mr Wilson

Seconded: Ms Mick

All in favour

Mr Williams talked about cattle money, asking where it has gone. Mr King explained 10% of cattle agistment money collected by APY is set aside for Traditional Owners. The money is in trust awaiting an agreement to disperse.

6. Motion to appoint Edwards & Marshall as Auditors for 2017/2018 Financial Year

Mr Young put forward Motion 5: to the appointment of Edwards & Marshall as APY's Auditors for 2017-2018 Financial Year Report

Moved: Mr Martin

Seconded: Mr Stevens

All in favour

7. Other business

APY Constitution

Mr King explained that the constitution hasn't been updated for a long time. Ms Scales explained changes to constitution in language.

Mr Young invited Ms Morley to the meeting.

Mr Adamson – she's not a real lawyer, we don't want that one.

Mr Williams – constitution, Mr King is not a politician; we need Minister to come talk about constitution.

Mr Pumani – talked in language about constitution

Mr Young talked about how constitution needs to be changed.

Mr Adamson – (language) constitution belongs to APY not government, if we do little things, problem getting back. We not going to pass this one. We need lawyer to explain this one. Look at way happening in government so they can put foot on top of us. It's freehold land, Land Rights Act. This is land with story, this where Anangu have to make decision.

Mr Burton – (language) recommendation we still have power. I think we misunderstood, Layton review, APY constitution below Act. Act number one, constitution gives up power.

Ms Scales explained how Act number one, it's law, APY Constitution can be changed yearly.

Mr Adamson – Act changed couple of years ago, this made problems, Anangu want power back, we need lawyer. Needs to go through executive board. Please don't do it.

Mr Lewis – (language) Constitution changes. In the Act, it says Act number 1, constitution number 2. We had legal advice last week, they said you change constitution, you change Act. We need to look at this with lawyer for changes to Land Rights Act. I'm asking executive member to get legal advice and sit down with TO's. ALRM in Adelaide has constitution.

Mr Burton – I don't agree with what Mr Lewis said. (language) government recognise Land Right Act, Richard? The Act belongs to Anangu, only parliament can change it. Mr King can't change it. When do we need to change constitution? When Act changes, constitution needs to change to reflect Act. The other lawyer giving wrong information. Recommendation in court.

Nyunmuti Burton – (language)

Mr Lewis – (language) church writing letter asking what doing with Anangu

Mr Adamson – let's vote to see who's in favour

Mr Burton – (language) I think we are bringing other recommendations they are not APY, we are APY. We've been criticising each other. We don't want to bring other people in, stop fighting against APY, work together

Mr Fraser – (language) we thinking about past and future. An Act of Parliament is an Act of Parliament. That recommendation was on table for many years. We need to take this seriously. Today we are talking about Layton review, we looked at equal opportunity, 7 kunga/ 7 wadi (14 executive). I am founder of APY Act. I'm worried for all of us, the sunset clause. We need to revisit Act to see what changes happened.

Mr Adamson – lets vote, chipping APY

Ms Scales talked about sunset clause in language

Mr Burton – (language) Question to Gary Lewis, what's wrong with constitution that Anangu approved?

Ms Morley – the constitution is the rule book for APY, executive board, Annual General Meetings, Special General Meeting. You have bigger board now, so we need to change the rulebook. The rulebook needs to change to reflect these changes in the ACT, there are other rules

Mr Burton – (language)

Mr Stevens – before changes we need a lawyer to look at if the constitution can hire and fire staff.

Ms Morley – Mr Stevens asked if the constitution can hire/fire staff. The constitution does not cover this, the Act cover hiring and firing, the constitution does not change the law the constitution reflects the Act.

Mr Lewis – explained what Ms Morley said. She is wrong, the Land Rights Act, if you change constitution, you change Act.

Mr Lewis – she's not the only lawyer, we can get other lawyer. You need to give copy of constitution to me. That constitution is for executive, she is lawyer for APY, not TO's. TO's need to get own lawyer...

Ms Morley – Anangu are members of APY, Traditional Owners are members of APY. APY's powers and functions under sections 6 and sections 7 of the Act have never been changed since 1981 when they started. The job of APY is to look after the interests of Traditional Owners and members and consult with Traditional Owners about any use of the land. That means any lease, any exploration, the road, cattle grazing, rockholes protection, housing,

offices, government buildings, police stations...it is APY's job to make sure Traditional Owners approve these things happening, it's no one else's job but APY's.

Mr Lewis – she's wrong, talking wrong way...

Mr Burton – Miss Morley is our lawyer for long time since Pitjantjatjara Council. We know we can have any lawyer in the land. We have Miss Morley. She knows us. She's good for Anangu.

Mr Lewis – explained what Ms Morley said. She is wrong, the Land Rights Act, if you change constitution, you change Act.

Mr Anytjipalaya – we come here for meeting to listen

Mr Burton – different stories, there is a group of people (language) we haven't come to fight

Mr Young – language

Mr Adamson – (language) we ask through the chair, we can't vote for, we want proper lawyer to give us advice

Mr Burton – people hiding with their own lawyer (language)

Mr Adamson – that's all I'm saying Mr King

Mr Young – language

Resolution

We accept changes to APY Constitution

Moved: Owen Burton **Seconded:** Mr Wilson

For: 19 Against: 9 Motion carried

Ms De Rose – lot of hard work if you want to be an executive member. We need to look and act on the Act, not just talk about it. We get too personal at these meetings.

Mr King – Mr Williams said earlier I'm not a politician and he's right. I can't change the Act.

Mr Williams – you and Minister Maher changed Act

Mr King – Section 6 and 7 haven't changed in the Act, which means we have to consult with Anangu. As long as I'm your General Manager, I will make sure they talk to everyone before changes in the Act happen

Mr Young – nothing wrong with the constitution, sometimes I disagree with Mr King and Ms Morley and them with me, but we talk and we are friendly.

Ms Scales – language

APY Code of Conduct

Mr King read out code of conduct and Ms De Rose translated.

Mr Pumani – APY is more important than executive (language)

Mr Burton – (language) if one of the executive board members goes out of this room and mixing with other organisations, then come back into room, what the (language) story with code of conduct? What will happen with that person?

Mr King – in the Act, it's very clear, if you are breaching the code of conduct, section 12F and section 9D Tells the executive what can happen. 12F is the code of conduct.

Mr Burton – (language) what is community member's obligations under code of conduct?

Ms Morley – community members don't come under it unless reporting to an unauthorised outsider business of APY after they have attended an Executive Board meeting. The

business of APY is for members only. You can talk about things to other people that are public like the AGM, but you must be careful what you say. These meetings are recorded three ways – handwritten notes, ratified Minutes and audio recordings. So if you report to someone that the wrong thing was said, that can get you into trouble – like those articles in the Adelaide Advertiser recently, saying rude and untrue things about APY. That is defamation. APY have been advised of this. But the Code of Conduct, are the rules for Executive, Director, General Manager and staff
Ms De Rose – Language

Resolution

We accept the APY Code of Conduct.

Moved: Mr Burton **Seconded:** Ms Baker motion passed

Mr Adamson – lots of good things happening (language) he's putting people on the fence. He's a good chairman, people need to support him
Mr Williams – these are good things, but I read about the shareholder, we work together
Mr King – next item we talking about PDL-TO's, mining and cattle

Use of mining and cattle money

Mr King – when I first came here, everyone had cattle/mining money. We keep the money in bank and then share it out, APY shared the money out and then people wanted money for sorry business, cultural business etc.

Mr King – I'm asking for 30% mining and 30% cattle to be used sorry business, cultural business instead of spending APY money, we aren't funded for sorry business, cultural business.

Ms DeRose translated

Mr Edwards – relayed an APY Member's comment- some of these can be paid for by gate money and Law and culture funding

Mr Burton – gate money should be for funerals (language) we could send letter to government for the money

Mr King – we can try that again, but if doesn't work, we need money from some where

Mr Dodd – (language) talking about land, talk to the owner

Mr Anytjipalya – we should have law and culture meeting to talk about this

Mr Young – Executive could write letter to get funding if possible. I'm smart, I'm wadi, I'm lawman, I'm not stupid, I don't want people talking behind my back. I can do application to government for money myself, I'm not dumb. If stupid things are starting up, I will start up as well (language) Be careful that's why not against Mr King, when I signed letter, it was stupid people behind my back. Mr King is a straight man.

Mr King – APY has no money for Law and culture wiya, support money for funeral, money wiya (no money) The money generated from mining and cattle money needed to support these programs or we can't help

Mrs Lewis – spoke about money coming from cattle long time ago (language)

Meeting closed 7.15pm