



Anangu Pitjantjatjara Yankunytjatjara

**EXECUTIVE BOARD MEETING  
Monday 23rd September 2019**

**Start time:** 11.55am

**Location:** Conference Room, Umuwa.

**Present:** Marita Baker (MB), Rex Tjami (RT), Anton Baker (AB), Willy Pompey (WP), Murray George (MG), Richard Kanari (RK), Tjutjana (Numati) Burton (NB), Makinti Minutjukur (MM), Ebony DeRose (ED), Richard King (RKg), Kym Tredrea (KT) Counsel Howard Zelling Chambers, Ruth Morley contracted lawyer to APY (RM), Mavis Welsh (MW) (minutes/recording).

**On phone:** Bernard Singer (BS), Sally Scales (SS)(Deputy Chair), Richard Kanari (RK),

**Observer:** Chantelle Bala and Ian Liddy, Department of Premier and Cabinet Aboriginal Affairs. (DPCAA)

**Apologies:** Nil.

RKg asked for approval for DPCAA representatives to be observers

BS asked for ED to interpret. ED agreed to interpret for the meeting.

RKg stated that the main item for this meeting is the report from the conciliator.

**Resolution:**

That the Executive Board has discussed that DPCAA to attend the meeting and Executive Board has agreed that it is ok for DPCAA representatives to attend as observers.

Moved Ebony DeRose, seconded Anton Baker All agreed.

BS asked for someone present at the meeting to chair the meeting.

RM read out the part of the Act relating to the chair of meeting.

SS stated she had only just returned from overseas and is ok for Willy Pompey to chair the meeting, as deputy chair.

ED asked for Mr Pompey to chair the meeting.

BS spoke in language.

MG said need to be here on table and not on conference phone.

MG spoke in language.

BS said it is no different being on the phone for APY business.

RKg asked if okay on phone to attend meeting. RM stated that members are eligible to attend and vote on phone. Agreed that okay for SS and BS to be on the phone.

MG and BS talked in language.

12.10 MG left meeting.

Two members from Dept of Premier and Cabinet attended meeting. Ian Liddy and Chantelle Bala.

Chantelle stated that she is representing Craig McAulay and they will leave if requested to. Executive Board to advise if not wanting them to attend.

1215 MG returned to the meeting.

ED translated and thanked them for their attendance. She stated DPC fund our administration.

RKg handed the discussion to Kym Tredrea.

He presented the Conciliator Report to the meeting and RKg displayed the report on the screen.

KT thanked Executive Board for having him. He visited the APY Lands in 2015. This is an important matter, the conciliator's report. He stated that he is here to give advice but it is for Executive Board to make decisions.

RKg advised that his reason for asking KT to attend is that it is important for Executive Board to have legal advice before making decisions.

KT asked if SS and BS can hear ok – they confirmed ok. He distributed notes to members and give a copy to MW to hold with the minutes.

MG asked that will have to take back to community. He asked who is KT. KT said he is APY lawyer.

KT stated that the advice has not been seen by RKg.

ED translated.

RKg stated it is a conflict for him so that is why he has not seen it. Also it is a conflict of interest for MG as he is one of the complainants. He cannot vote in this matter.

KT distributed document entitled: "Report of Conciliator Mr Moore dated 12 August 2019. Advice to Executive Board 23 September 2019."

KT started to talk to this document. MG interrupted – he is a Christian man, he talked in both English and language.

KT stated he is giving a copy to RKg, RM and Chantelle (observer). He stated that the Executive Board must consider the report of Mr Moore. If APY Executive Board does not consider the report you will have failed to follow the Act and the Premier can direct you to consider the report.

MG stated that staff got to go away – problems for me. MG spoke in language. Got to go back to community.

Discussion in language BS, WP and MG.

1235 MG Left the meeting.

RKg stated the conciliator tried to table this report in August but only gave it to the Chairperson.

ED translated.

KT stated there are two matters to start as conflict of interest. MG first as he has personal interest in conciliator's report. Mr George has done nothing wrong just that he is one of those who complained to the Minister, so he has conflict. Because he has to disclose... 12.45 MG returned to the meeting.

... interest to Executive Board, not take part in discussion of the matter, not vote on the matter and be absent from meeting when discussed and voted. (S12D of the APY Land Rights Act.)

KT advised that Mr King does not have to leave the room.

Dennis Colson entered the meeting – uninvited.

KT advised while the Executive Board is taking legal advice, not appropriate to have Anangu observers.

RKg stated Executive Board need to pass resolution to close meeting to outsiders.

### **Resolution**

The Executive Board resolve to have legal advice as a closed and confidential discussion to receive the conciliator's report.

Moved A Baker seconded B Singer. All agreed.

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That is the end of KT advice to Executive Board. He stated that he will stay and answer questions.

ED translated and said all is good with staff – seen all and been clean audit report.

1.35 AB left the meeting.

BS spoke in language. We are not doing anything wrong. We need to start making our own decisions.

ED thanked BS.

RK spoke in language.

1.40 RT left meeting.

1.40 MG entered the meeting.

ED saying BS and RK are saying Executive Board members are being strong. Seeing comments on social media – ED said we should not respond.

MM said when we come into Executive Board first time – we get legal advice from the conciliator – then get different advice from RM and KT – she is confused. Legal advice pulls in different directions. We are putting suggestions and seem to be hitting brick walls.

KT suggest you hear my legal advice – need to discuss with other Board members. Will get information – Executive Board have to decide. Executive Board set the policy and decisions. Some hard decisions need to be made.

ED translated. We can make decisions and policy – Act should guide us.

BS asked about how many dollars spend on court cases because of troublemakers. SS – through the chair – in language. Need for everyone to talk about this. Need to talk on community level.

BS asked in language – what is the plan?

MM stated we are not concentrating on good things – problem is in us – we are not going forward – we are stuck in one place, not moving. If you have problems in family can't do good things. We are trying to fix it but we are always talking about problems – every day.

MB spoke in language.

MM like to see good things in the community – it is there but not going forward – are we here to face problems every meeting – we need to see good things.

BS spoke in language.

ED – in language – we can fight it back.

ED as Jeremy Moore – here this is report. Can we recommend – in language.

MG and WP spoke in language.

2.02 NB left the meeting.

MG – my Council worked for my community. Need to work together. Problem from Trevor. He said he is owed money.

RM reminded about the conciliator's report. MG is conflicted as being part of conciliator's report.

MG interrupted back about group and his community – in language.

RM tried to answer MG problem. She explained about Trevor Adamson special general meeting.

2.10pm MG left meeting.

RM stated that the conciliator does not talk about the Special General Meeting in 2017 – which did not take place, to get rid of RKg and RM and RT - called by Trevor Adamson. She reminded Chantelle that this is confidential legal advice.

ED translated.

Chantelle advised that she will only share her notes with people she is responsible to.

ED said we had a clean audit report – but we can't do projects – we need to put things into place.

RM stated that MG has a problem with the conciliator's report. Conciliator did not address 2017 issue.

MG only talked about RKg.

RM had handwritten notes from July meeting. In conciliator's report SS says no legal advice given to the Board. But the Board was informed and advised on 31 May 2018 and 9 July 2019 when Kym Tredrea attended the Executive Board meeting in Adelaide. KT visited meeting in Adelaide and he explained about notice of appeal - all discussed on 9 July.

SS said she had not spoken to Jeremy Moore about that, she never said the Executive Board did not have legal advice about the Supreme Court actions.

RM advised the conciliator put words in SS mouth. RM stated that if she gives wrong advice, she can lose her licence to practise law. Same if KT gives wrong advice – lose licence to practise law. If Chris Tees gives wrong advice – lose licence to be an accountant. But these troublemakers say anything they like and have nothing to lose. RM said we should get the Commonwealth to come in and APY can say we have nothing to hide. She said we should get the SA Auditor General to come in and APY can say we have nothing to hide. And she recommended that we get APY accountant to do Financial Report.

RM went through resolutions 1 and 2. Executive Board already doing resolution 3. Conciliator recommends suspending RKg on full pay – he does not work, he loses permit, and the chairman of Executive Board directs APY staff and contractors.

RM stated that these threats and accusations are wearing her down, Executive Board down and especially RKg. This is no way to treat someone who has been loyal to APY communities and working according to the APY Land Rights Act. She suggests the Executive Board should take the advice of KT.

RT suggested going through each resolution and making decision.

RT explained in language.

RM suggested that Executive Board vote by secret ballot on conciliator's recommendations and to go through the recommendations of KT.

BS spoke in language.

2.45pm BREAK

3.00pm RESUMED

RKg left meeting.

RM said now for secret ballot. She reminded MG that he was not able to vote because he is one of the complainants.

ED translated.

A Baker is proxy for B Singer as discussed and agreed on phone.

M Minutjukur is proxy for S Scales as discussed and agreed on phone.

Observers Chantelle Bala and Ian Liddy remained in the room.

Kym Tredrea and Ruth Morley remained in the room.

### **Resolution 1 of Conciliator's report (3.1)**

That the Executive Board suspend Mr King as the APY General Manager pending an investigation by the Commonwealth of the application and expenditure of Commonwealth Funds.

All Executive Board members left the meeting room and returned one at a time to cast their vote.

Secret ballot result: Vote 1 for, 7 against. Motion lost.

### **Resolution 2 of Conciliator's report (3.2)**

That Mr King's rights to enter or remain within the administration office at Umuwa be cancelled effective forthwith.

All Executive Board members left the meeting room and returned one at a time to cast their vote.

Secret ballot result: Vote 1 for, 7 against. Motion lost.

### **Resolution 3 of Conciliator's report (3.3)**

That the APY General Manager, Director and all staff and contractors of APY shall take directions from the Chairperson of the Board until further notice on any matter that the Board thinks fit.

All Executive Board members left the meeting room and returned one at a time to cast their vote.

Secret ballot result: Vote 1 for, 7 against. Motion lost.

3.30 MG entered and left the meeting.

**Resolution 4 of Conciliator's report (3.4)**

That the Executive Board appoint a non-executive independent co-chairperson to the Executive Board.

All Executive Board members left the meeting room and returned one at a time to cast their vote.

Secret ballot result: Vote 0 for, 8 against. Motion lost.

**Resolution 5 of Conciliator's report**

That the Executive Board invite the Commonwealth to investigate the application and expenditure of Commonwealth Funds by APY having regard to appropriate and relevant Commonwealth requirements for expenditure of its funds.

All Executive Board members left the meeting room and returned one at a time to cast their vote.

Secret ballot result: Vote 8 for, 0 against. Motion passed.

**Resolution 6 of KT advice**

That the Executive Board invite the Auditor-General to audit the accounts of APY pursuant to S 13(3) of the APY Land Rights Act.

All Executive Board members left the meeting room and returned one at a time to cast their vote.

Secret ballot result: Vote 8 for, 0 against. Motion passed.

**Resolution 7 of KT advice**

That the Executive Board direct the administration of APY to take all steps to enable the accountants to prepare audited financial accounts of the 2018/2019 financial year for the Annual Report pursuant to S 13A(1) of the APY Land Rights Act as soon as possible.

All Executive Board members left the meeting room and returned one at a time to cast their vote.

Secret ballot result: Vote 8 for, 0 against. Motion passed.

All Executive Board members returned to the meeting room.

RM stated to members that this conciliator's report was an attack on GM and suggested that Executive Board show their support for the GM by passing a resolution of confidence in him. The SA Premier took the conciliator's report to Parliament before it had been to Executive Board. APY should write a letter to the Premier expressing concern at lack of consultation before presenting the conciliator's report to parliament which resulted in the negative press release saying that APY was not working well.

They need to know that you come away from your family for 3 days to attend Executive Board meetings every month and to do the business of the APY.

Need the message to get out that APY is working positively and should issue own press release.

MM said that sometimes she feels bad and wants to resign. NB and MM spoke in language ED said she wants the truth to get out.

MM said I want to do good work and show the good work we are doing for the community and members and for APY.

ED said we need to talk to people and get them involved.

Executive Board expresses concern about some of the information in the conciliator's report about Executive Board and APY.

ED said the complaint was against the Act, GM and Executive Board.

KT spoke to suggest a motion expressing confidence in GM and chairperson and Executive Board doing its work.

Need to be confident of GM and chairperson rather than be critical of them.

### **Resolution.**

That the Executive Board have confidence in the General Manager, the chairperson and Executive Board who are all doing a good job of addressing APY business.

Moved M Minutjukur seconded E DeRose.

### **Resolution**

That the Executive Board wants some publicity to show the good work that we are doing for our communities for our members and for APY.

Moved E DeRose seconded Minutjukur

Members expressed thanks to KT for guiding Executive Board through the conciliator's report.

4.30pm RKg returned to the meeting.

ED gave a summary of the resolutions to RKg.

RKg thanked Executive Board members. The contents of this report is still upsetting people out there. Executive Board needs to be strong.

ED – we need to speak to you to get press release and positive things which APY GM and Executive Board are doing.

RKg stated he has the contact of media person and he will bring his details to the next meeting.

### Agenda Items

RKg The Agenda for the Executive Board on the direction of the Conciliator was set aside for today bit Walatina Aboriginal Corporation have been waiting all day to come in so maybe we should hear them.

### Walatina Aboriginal Corporation

#### 3. Walatina



Walatina Aboriginal Corporation want to talk to Executive Board about inspectors and status as Traditional Owners.

RM advised that Walatina has a 30 year lease on the land which runs out next year, with the option to take another 30 year lease. If they want to take up the option we have to take a look at how good they are caring for the land. Also they are not paying enough for the cattle numbers on the land. APY needs to inspect the property and see that they are using proper land management practices.

T/O's have said that they do not know why a small family have such a large area of land. They do not engage with APY.

RM stated that if they do not let APY inspect, then APY can say that they are not following APY policies – not sharing money from cattle on land. APY can say they can have the homeland but not all the land to agist.

RKg advised APY tried to inspect the land but they did not let us. Cost is \$2500-3000 for inspectors to come to APY but no inspection took place.

4.50pm M Clinch (MC), Ruth Lester (RL) Karina Lester (KL), Kiah Lester (KLe) Lionel Lester (LL) attended the meeting.

RL stated that she is here to address the agistment agreement and policy for insurance and said she had copies of the insurance policies and the agistment agreement. She thanked Executive Board – they have been waiting since last November. They have had problems with Mr Sampson – on a neighbouring property. They want to extend the lease for a further 30 years.

She stated that when Granite Downs comes up for sale, they have an option to purchase the land.

In 1980 APY agreed lease with Walatina. She stated that Walatina is their country – all born there. Family and relations are buried there.

Have arrangement with Noel Fraser family Trust. Kiah was overseer for agistment. The land has never been overstocked – never over worked land. It is a 2 year agistment agreement. This will be negotiated after that.

Hope for Executive Board to support us on this and our other ventures.

ED interpreted for all Executive Board.

KL spoke at length in language to Board members – 30 year lease.

RM asked for interpretation.

Why refused inspection?.....

KL in language.

ED – 2 day meeting took place RKg and BS and RT and people from Landmark after we had written letter to advise of inspection.

RKg stated it was not a meeting – it was a courtesy call before the inspection.

RL stated she thought the letter was from RKg and she wanted a letter from Executive Board.

RKg stated he can only write letters as a result of a resolution of the Executive Board.

ED stated a lot to recall – and not sure of exactly when resolution passed.

RL in language.

ED is feeling tired and not able to concentrate on translation.

KL in language.

When you are ready to call us in – in language.

Calling for independent interpreter.

RKg stated that he tried for independent interpreter, but not able to get one this time.

KL in language. This time late for attending meeting.

RM sometimes urgent things come up and conciliator's report was tabled in Parliament.

RL stated can't afford legal advice – they are poor, have drought and are disadvantaged people.

RKg said can we keep it civil.

KL in language.

RKg stated that we need the inspection to go ahead.

KLe talking about tjilpis – not there.

RKg stated again that the inspection needs to go ahead.

RL asked about the process.

RKg stated that all Nguritja get together and discuss as a group – pick a group of T/O to develop HIA with Anthropology.

RL said no one had spoken to the elders.

KL in language.

RL we have no confidence in RM giving advice.

KL spoke in language – wants letter from chairperson.

5.20pm RL, KL, KLe, LL left the meeting left and took with them the agistment agreement and insurance policies RL said she had brought to give to the Executive Board..

ED explained she was tired and not well.

Meeting closed at 5.25 pm.