



Anangu Pitjantjatjara Yankunytjatjara

EXECUTIVE BOARD MEETING

Thursday 6 August 2020

MINUTES

Start time: 11.00

Location – all on phone:

Wakefield House- Adelaide based Members

Owen Burton (OB), Nyunmuti Burton (NB), Gary Lewis (GL), Makinti Minutjukur (MM),

Umuwa TTC- APY Lands based members.

Willy Pompey (WP) Vice Chair, Bernard Singer (BS), Richard Kanari (RK), Nyukana Norris (NN), Anton Baker (AB), Marita Baker (MB), Murray George (MG), Rex Tjami (RT), Richard King (RKg), Tania King (TK), Michael Clinch (MC), Bonnie Yeatman (BY), Neil Collins (NC), Charmaine Jones (CJ), Kenneth Davis (KD)

Erdunda, Northern Territory. Ruth Morley (RM), John Stirk (JS), Mavis Welsh (MW) (minutes/recording).

Apologies: Sally Scales (SS), Julieanne Campbell (JC), Ebony DeRose (ED),

Observer: Chantelle Bala of DPCR.

WP welcomed members on the phone. Handed chair over to GM by gesture.

RKg asked Executive Board if Bonni Yeatman and Roseline Deleu can be present at the meeting today?

Resolution:

That the Executive Board approve and support for CASO workers to be in the room.

Moved W Pompey,

Seconded R Kanari

All agreed

OB – suggested having an interpreter for the meeting.

OB next meeting there must not be cross talking. Chair needs to be up front and pull people up for cross talking.

BS translated.

7. Anthropology Report

Charmaine Jones (CJ), wanted to come and say 'hello'. She has been in Perth with family and been working in isolation from home since 20 March. Will be getting out and can start talking to everyone.

BS translated.

A Cawthorne (AW) on phone – has been out couple of weeks. He's in Adelaide now and will be doing work with Anton Baker and Mr Lee Brady. Wanted to talk to Executive Board about work relating to road upgrade project in West Tjitji Kutjara Iraranytja homeland and Puntj Puntj.

Executive requested this in 2018 from Anthropology. 5 hour meeting was held at Tjitji Kutjara on 3 July. 2018. At the meeting it identified:-

- Road needs upgrade/where material comes from Traditional owner's to form heritage teams to give go ahead to extract material.
- Traditional owners form monitoring teams (for road construction)

BS translated. RK – senior Tjilp's have agreed for work to be done. Road is in terrible condition and needs to be done for safety. HIA has been completed. 2 scoping trips made in June 19th July 20 (in DPTI). Instructions were recorded.

DPTI have requested Exec resolution to proceed with the identified work.

Map provided by Andrew – road in yellow on map. Highlighted for upgrades.

BS translated.

AS – South road identified – they need some bores and workers camp. Second bore around Malara homeland and a backup Bore at Puta Puta.

BS translated.

AC want to grade and build up road in section and have monitors there and on right track because it is a sensitive sites for monitors to protect. Andrew would like to meet up with Gary Lewis. Map shown on screen for Adelaide participants by Charmaine. BS translated.

AC- first thing would be test material, bores, sample munta. After that it will take DPTI time to build road. Mayla and Warren from DPTI starts next year
BS translated.

BS translated.

OB – question – what about compensation –

RKg – no compensation for any roads on APY. The compensation is that Anangu will have a good safe road and food security.
BS translated.

OB – compensation wiya, palya. If Executive and wati Tjuta agree that they can go ahead and build that road.

RKg problem is that this funding going from roads maintenance money. If we don't use it on this bad section it will go towards other roads elsewhere.

There was much discuss between executive members about the compensation, traditional owner involvement and sensitive nature of the road area needing repair.

RKan – spoke in language – there is compensation wiya – Richard Kanari, Mr Miller, Anton, Charlie will all be there standing on the road.

As this is a sensitive men area the minute taker and female members and guests stepped out of the room. Board members discussed in private and passed resolution.

Resolution:

That the Executive Board support the west upgrade road work and work identified for material to be constructed.

Moved B Kanari, Seconded W Pompey. Carried by majority vote.

GL abstained from the vote.

8. Pastoral presentation

Michael Clinch (MC) introduced Kenneth Davis who is from Oodnadatta – his grandpa is Ronnie Lennon. Work on cattle station he was 4 year old and up here now.

MC – in September 2020 Feral animal cull at present still doing - camels still coming. Few around Watinuma/Papangurra. Shane from Mulga Park requests move camels from that area.

RKg – Michael is asking for a resolution.

Resolution

APY Executive approve for Shane Nicholls request for Watinuma/ Papangurra area to remove camels.

Moved A Baker, Seconded R Kanari All agreed.

MC stated that everything they are doing is a direction from the Executive Board.

MC asked if Executive Board can reconsider Wellbourne Hill grazing agreement – otherwise may have to go back in to the courts.

APY Executive Board have reconsidered their review for Colleen Sampson of their grazing agreement – 5 year term for Davies Bore, etc.

BS spoke in language.

Resolution

APY Executive have reconsidered Colleen and Donald Sampson's request for a grazing license and offer an agreement to them to offer where to graze.

Moved R Kanari, Seconded A Baker All agreed.

OB asked to clarify the resolution. BS spoke in language. OB Palya.

BS – family has interest to put up proposal – old airstrip and stockyard/Roadhouse and respect family letter.

MG spoke in language. Not recognize his daughter's ownership. I speak to RKg and MC and they don't support me.

BS stated MG was saying GM/MC and executive is stealing our money.
MG said Michael and Anthropology didn't take my words. You people not respect people.

BS through the chair – in language – APY don't steal money – we don't do that – you have no valid license or Pastoral Development License (PDL)

MG – I didn't get a licence. Michael why you doing like this to me. BS in language – my daughter – Mr.George raising his voice. I am older than you people – you supposed to support me.

BS – you need to go through all Nguritja (traditional Owners). If they don't support your claim APY can't either.

RKg – referred to LRA Section 7 which states rules for Traditional Owner consultation.

MG – no you can't talk – mind your business.

RKg – APY can't do nothing if you do not listen to right way.

MG – don't bring out LRA law.

RKg - when you are an executive member there is a conflict of interest. If you try to get something for yourself it is a conflict of interest.

MG – I will get the lawyer, you're in big trouble now. I'm talking to MC – Anthropology don't talk to anyone. My daughter born in front of me.

BS spoke in language. Then need to identify Nguritja (all Traditional Owners) Tjuta through AGM for Pastoral. APY and GM can't want to give money out to individual people without consultation and Nguritja approval.

MG – I hate executive member/organization – really bad today.

MG said sorry Richard, Michael. Don't use GM. I'm telling you now.

BS go to advice from lawyer 13M says clearly you can't act as an individual person and give direction to staff.

GL – Richard, Michael, is Ruth listening?

I'm member of Pukatja – just been given concern with APY things happening as the representative of Kenmore/Pukatja. Donald Fraser has spoken to some areas. Wanted me to speak to Executive members about concern. Found out APY taking legal action against Scott Fraser asked to drop the case and Donald Fraser spoken to Board members.

RKg – said let's look at the APY Act. It is not up to Mr. Donald Fraser bring Agisters on to APY it is up to APY to understand proposal. Proposal approval never came from Scott Fraser meeting at Womikata – Nguritja clearly said 'No wiya'. Read out function of APY to ascertain wishes of Nguritja – we do this consultation with Anthropology. Make sure everyone playa then we can bring it to Executive for resolution and action.

Scott Fraser talked under the table deals to some Anangu – only some people got money. APY needed to speak to all Nguritja (TO's). Talking under the table is the wrong way. APY have power to sue under the Act. Look at the damage caused to Womikata, New Well, etc. 10 years for the country to recover. Scott Fraser only interested in fattening his cattle leave nothing for Anangu to have anything.

GL – asking not you only for lawyer to explain. You don't have to read out LRA it is a legal matter. You didn't go to Womikata traditional owners - concern. That's what they are concerned about. Cattle man and lawyer to explain LRA. You have to drop the case for Scott Fraser. Ruth to come up with this one. I want to talk to you another one, I'll leave it with you.

RKg – under section 13M, Mr Lewis is one person amongst the Board.

MG – mind your business. Take LRA law, take it away. If I'm the GM I have to step outside and go away. You can't give/make this LRA stronger.

RM started to speak – cross talking and interruption.

MG - said to wait – I'm talking to my people. You're not 'black, you're white' STOP It Hey! I mean it. She can't come across from when I'm talking.

RM – is there a chairperson? Asked twice.

MG – sorry – you should respect Anangu law.

RM I agree.

MG - don't go on top of me. You're not Executive, you are a lawyer.

RM – Mr Pompey can you do the chair and stick to the agenda.

BS - stated Mr. Pompey is experiencing pressure.

Code of Conduct is there and Constitution must continue on and declare our interests. RM Mr. Lewis you are coming close to a conflict of interest with Scott Fraser. Gary you accused APY of not consulting traditional owners.

Donald Fraser in room. (DF)

RM – Donald Fraser is a witness in the matter, so I can't talk about this matter anymore with Donald Fraser in the room.

DF – I do like to think that all the executive people who have brought me earlier, so we can sort this out. Not blaming you.

RM you cannot rewrite history Mr Fraser–Scott Fraser is still grazing illegally – you are a witness to a court case that you have brought upon yourself.

DF – it is my story now.

RM – I advise the Board to not listen to you Mr. Donald Fraser.

RKg – Scott Fraser has had 3 notices to remove cattle and he hasn't complied.

RM – I need to remind you, you can't make a resolution from Mr. Fraser – completely improbable.

DF – you Richard have a conflict – lets calm down the shitstirrer is over there – Ruth it is my turn to call you a shitstirrer.

RM – what you are is someone receiving money you are closing your own gate to cheat everyone and lining your own pocket.

DF - I was doing proper.

RM – No you have not done proper way.

RKg – Scott Fraser is breaking the law and G Lewis and his family is breaking the law.

DF – you cannot walk in and sue people.

RKg – everyone has to come under a proper grazing license.

Discussion DF, RKg and others.

RM – asked to come back to the agenda.

RM – I would ask the Board to ask Mr. Fraser to leave the meeting. He is a witness in the case against Scott Fraser.

RM we cannot send it to you directly. I will send a copy of the pleadings to you. Which email address to send it to? I will send a paper copy to Richard and he will give you the paper copy.

ACTION: send a copy of the pleadings to Mr. Donald Fraser.

RKg – Mr. Lewis will have to declare his conflict of interest.

GL it is not a conflict of interest to me – we are elected by Anangu as APY representative - we are representative of Traditional owners. You have a conflict of interest with your legal team.

RKg – Mr Lewis you and your wife are getting paid for the cattle to be on the country – Nguritja (TO's) aren't getting paid.

GL – not a conflict you are messing it up it is not a conflict of interest – we are going to run cattle business without talking to APY.

RM you have just declared another conflict of interest with what you just said – So let's get back to the meeting.

MC – I sat in the office with RKg – there were discussions about grazing and I said to you, Mr. Fraser, I would be the first person to stand beside you, but I can't do that until we have lawful grazing on APY lands. We can turn it into a business for Anangu, but have to do it through front door not under the table.

3.15 pm. Mr D Fraser left the room.

MC – Dr Tim Moore had to leave. Can you make a request of the Board to extend the MOU that they have with the feasibility study for another 6 months please.

MC – raised the matter of carbon farming.

RKg – Big companies response for that – they can offset their carbon and they pay money to people who offset carbon on their country. There is a calculation about trees and how each group can go out – they will buy carbon off APY, and we remove horses, camels and donkeys and Tim Moore is trying.

VIDEO AUDIO EQUIPMENT DROPPED OFFLINE

BS translated

Resolution

That the APY Executive Board agree to extend the terms of the MOU for another 6 months in order that Dr Tim Moore can continue APY partnership to advance and develop a commercial model to deliver Anangu their own cattle company.

Moved W Pompey

Seconded R Kanari

All agreed.

RKg thanked MC for attending the meeting.

10. Land Management Overview

Neil Collins (NC) attended the meeting. He presented the project of Antara Sandy Bore (ASB) IPA (Indigenous Protected Area) Steering Committee for the next 5 years. NC displayed slides and explained to Exec Board members. TO's from the ASB area to meet to select a Steering Committee of 8-9 people for the next 5 years.

BS translated

NC – each IPA has a plan and they are to be reviewed and need strong steering committee. Neil said the spirit still walks the land. It is a need to have the community look at steering committee to keep these areas for the next generation. Next slide talks about the Rangers doing the work - this will help APY Rangers in their work and to know that they are doing what the Community wants.

BS translated

Resolution

1. That the APY Executive Board give approval for APY LM and Anthropology to progress a community meeting to select the ASB IPA Steering Committee
2. The APY Executive Board give approval under S.9F of the Land Rights Act to Mr Richard King in consultation with Mr Rex Tjami to make decisions about the outcome of the ASB T/O meeting so that the community can get on with having work done on the IPA and decide things like, do they want Warru released in the IPA, and if so, where.

Moved A Baker

Seconded B Singer

All agreed.

11. DPTI via phone

RKg introduced Warren Petterson (WP) – Project Manager of APY Lands Main Access Road Upgrade Project, Department of Planning, Transport and Infrastructure (DPTI) here to give update.

WP – I am here to keep you posted on how the road construction works are progressing. The work are now starting to take shape in other areas. Started employing Anangu again – this is good after close down due to COVID earlier in the year. Also the workers with Lucas are doing between Mimili and other areas. Will finish the bridge and start to lay concrete at flood-ways.

Also maintenance grading has started again. Back on grading program. We have some works to restart near Kenmore Park and also work on Mail Road. This will happen later this month.

Discussion In language

BS raised the matter of the black spot area? Past Pukatja concern – BS gave details of the area to WP.

WP – yes got that thank you. Thank you for listening to me today. I will catch up with you next time in September.

Question raised about looking at graders up in other areas.

RKg thanked WP for attending the meeting. He left.

9. Permits

9.1 TK introduced Anita Nyathi (AN) to present the permits requests that need an executive decision.

BS translated.

BS explained about what Anita the new permit officer for is APY.

9.2 Permit for Warwick Hill to assist Alfred George.

Warwick Hill is invited to come back with a proposal for his business to the executive Board and then we will listen. It was agreed that the permit application for Warwick Hill to assist Alfred George from Fregon community in camel milk sales, is put off to the next meeting so that he can talk to the Board about what his idea is for monitoring. Alfred George for Warwick Hill to present to the board at the next meeting.

ACTION: Ensure Warwick Hill and Alfred George is on the next agenda to present his proposal.

Resolution

That the Executive Board considered the Permit application from Warwick Hill to assist in the mustering and selling of camels with Alfred George and ask that this be presented to the Board at the next meeting.

Moved R Kanari

Seconded B Singer.

All agreed.

The ladies in the meeting were asked for their vote and agreed to the resolution.

OB – in language

TK we talked about border closure after – finish Permits item first.

9.3 University of Sydney – Amata.

TK introduced two people from University of Sydney – Liam Grealy and Megan Moskos, both research fellows at University of Sydney. The project is Research for the project 'Modelling Regional and Remote Indigenous Housing and Maintenance', in partnership with Nganampa Health Council and SA Housing. The aim is to observe housing maintenance practices on the ground.

BS translated.

BS said we don't want people coming from eastern states. Need to put projects in writing.

TK said Megan Moskos and Liam Grealy want to undertake research for Remote Indigenous housing maintenance.

BS translated.

TK said that through the APY website they consider looking at information in more detail. Why it is important is that all applicants are requested to fill in a police check and risk assessment because of COVID.

BS translated.

TK – Health component of the applications have 72 hours before they come back in and that applies to a lot of new applicants in order to protect Anangu from COVID.

MG in language – how long will this be

TK – don't know Mr George. MG in language.

BS have to go through same health assessment. Don't want people to come in from outside our communities without checks.

TK – APY needs to partner with the experts so that our advice is correct – bio security advice needs to work with APY and someone needs the authority is COVID begins to outbreak again.

BS translated.

Resolution

1. That APY Executive Board will follow SA state border restrictions and continue in partnership with SAPOL.

Moved R Kanari

Seconded N Burton.

All agreed.

2. That APY wants all permit applications to say when they will leave their homes and come on to the lands and only have 72 hours from the time they leave to get on to the land. No time to go to Sydney, Melbourne, Queensland – only from their home to the lands.

Moved M Baker

Seconded N Norris.

All agreed.

3. That APY does not want anybody coming from hot spots in Sydney, Melbourne and Queensland.

Moved R Kanari

Seconded A Baker.

All agreed.

4. The APY agrees that everyone who wants to come on to the lands has a national police check, health assessment, risk assessment and show how they are going to show how they keep safe when on APY lands.

Moved A Baker

Seconded M Baker.

All agreed.

OB asked about people coming from Port Augusta. TK said they would have to fill in the forms.

OB – if approved for Jennifer to come to Amata to the family. TK we will get proper paper work to you Mr Burton.

Resolution

5. That all of the changes to make APY land really safe and to make sure that we know where people are coming from on to the lands to start straight **away**.

Moved O Burton

Seconded R Kanari.

All agreed.

OB asked RM to please write to him about the court case after the meeting.

ACTION: RM to write to Owen Burton and explain the outcome and impacts of the court case.

RM – OK.

Resolution

6. That APY Executive Board is seeking support from APRCC to support us in linking with expert advice.

Moved A Burton

Seconded B Singer.

All agreed.

RM – Mr George has asked for a special general meeting.

MG – in language

RM – the Act says that 10 members can call a meeting, but due to the COVID don't know when it can happen– it is not possible to hold the meeting – but it is not practical to do so.

BS translated.

RM – Mr George has written to say no confidence in staff and sack everyone and replace the whole Board. It is about bullying staff and Board members. Mr George is saying that APY are doing nothing to progress the Anangu. I need the board to say okay for me to write the letter.

Members were leaving the meeting – check numbers.

Meeting closed at 5.14 pm.