



Anangu Pitjantjatjara Yankunytjatjara

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APY Special Board Meeting 10 May 23

PRESENT at WAKEFIELD HOUSE Bernard Singer (BS), Tony Paddy (TP), Nyunmuti Burton (NB), Rex Tjami (RTJ), Julianne Campbell (JC) arrived at 1201, Deborah Bailey (DB)(minute taker)

Present at Umuwa Sharon AhChee (SACH), Karina Lester (KL), Tania King (TK), Richard King (RK), Murray George (MG), Owen Burton (OB), Willy Pompey (WP), Rita Rolley (RR),

Present at Pip School Yangi Yangi Fox(YY)

PRESENT on PHONE Marita Baker (MB)

PRESENT LOG ON TO TEAMS Ebony De Rose (EDR) (interpreter), Ross Alexander (RA) (KPMG)

Nominated Proxy

- Trevor Adamson nominated Sharon AhChee as his proxy which was provided to General Manager and Chairperson

SIL= Spoke in Language

TRL = translated

TK Noted for minutes – 1045am TK went out into the carpark outside of the recreational shed and asked Sharon, Karina, Rita and Murray to come in as the chairperson wants to start the meeting. Sharon AhChee responded and said we'll come in when we have finished off our meeting with SA Health, with Damien Shen and Nick De Rozario who were sitting on the ground with Murray at the time.

11.00 RK went outside and asked the members to come into the meeting. Karina as still on the phone. RK was advised they are still meeting with SA Health.

11.30 RK went outside and asked all members to come in to the meeting. He spoke to Sharon who stated they will be finishing this meeting off with themselves.

Chairperson opened the meeting at 12.03

Chairperson Bernard Singer requested a minute silence.

12.03 APY Executive Chairperson Bernard Singer started the meeting at 12.03. BS introduced all those present. Invited KPMG to present.

KPMG Presentation

- RA presented the financials, and he provided a self-overview. Explained what his job is in relation as an auditor and informed that each year KPMG perform assessment of APY and conduct searches for any fraud. Due to recent press articles, we have engaged a specialist.
- BS asked if EDR can interpret
- KL what will you be presenting today to the executive this morning?
- BS the schedule at this meeting is for KPMG to present and talk about financials.
- KL anything to share?
- BS not able to hear well
- KL wanted to know if the paperwork has been provided to Executive.
- RA today there will be few things, 1) presenting financial statements which have been sent to management and will be available to all board members for the 30 June 22, that is what KPMG will be auditing. Part one of the topic is to discuss and make available to board members after.
- BS re-introduced Ebony the interpreter.
- RA Introduced himself. Explained that he started at the Darwin office and has audited a number of indigenous councils. Goal is to review the APY financial statements.
- EDR Translated (TRL)
- RA financials are mostly accurate and correct.
- EDR TRL
- RA we do this by making enquiries with management and the board.
- EDR TRL
- RA we check balance transactions throughout the year and agree to evidence.
- EDR TRL
- RA every year we do assessment of APY risk and procedures to see if we can find any fraud and assess the fraud risk.
- EDR TRL
- RA advised that KPMG has engaged a forensic specialist to help the audit due to some ABC press articles identified in the risk process.
- EDR TRL
- RA the procedures are largely performed every year but this year we are getting a specialist to assist as a safeguard.
- EDR TRL
- RA this year in order to sign off we will require two things from board and management.
- EDR TRL

RA the first thing we require this year is that ALL board members, General Manager, Director and all Board members will be required to fill out declarations.

EDR TRL

RA under the APY Act and required by the ACNC standards we need these conflict declarations.

EDR TRL

RA we need to know that all people mentioned, spouse, domestic partner or children have any financial information of APY and we just need to know who that is.

EDR TRL

RA 'the reason for why we need the declarations is that all transactions are at arm's length and there is no favouritism. This applies to board and management, and we do need to have this this year.'

EDR TRL - advised summarising and needed to outline to the board in detail.

RA Tania has and will arrange for the declaration forms to be distributed. Please take them home and have conversation with spouse etc and send back by the end of the month.

EDR TRL

RA any questions?

EDR TRL

OB SIL...every year video conference...

EDR stop there...interpreting ... Ross....

OB that's the reason why I'm saying because video conference is not enough should have a meeting with that man on the APY Lands.

EDR Interpreted OB... the reason why I'm raising a point to say this is not enough looking by the number of people, there is not enough people around the table to discuss that matter and also, I came in to tell him that could not hear what he was saying. To start the answer came back saying that is why I am saying video conference is not good enough. People should be on the lands having the meeting on the lands altogether.

OB SIL...should have the meeting with that man on the lands

EDR Mr Burton is saying that is why I am calling to say that the meeting should be held on the APY Land not in Alice Springs not in Adelaide with this subject for Ross to talk to us round the table in one group.

RA coming out to the lands would be a good idea. After this meeting there will be another meeting where the board will need to approve the financial statements.

EDR TRL

RA advised he would be happy to attend that meeting.

OB SIL ... difficult to hear.

EDR TRL OB ... at this meeting I am raising a point and for that sake we should put this meeting off and have it that time and hear Ross then.

RA this meeting it is more of an induction and touch on key things, no decision needs to be made today from the auditor's perception.

EDR TRL

BS SIL...could we get back onto the agenda?

OB speaking over the chairperson.

BS can we get back to agenda please?

EDR saying that maybe other executive board members will agree not to have this meeting go ahead but to have on the land and have Ross to come and talk to us in person.

KL question for Ross...what are the key things that you need to run through with Executive? Are they what you spoke about?

BS asked then can we get back to the meeting?

RA advised that 1. Require the declarations first. 2. All board members are required to approve unanimously the financial statement.

EDR TRL

RA the partner is very clear ALL the board members need to be happy before we sign our audit report.

EDR TRL

RA someone proposed because of telecommunications difficulties makes more sense for Richard and Tania to go through the financial statements for those on the lands.

EDR TRL

RA if you have any questions, in June / July there will be a board meeting before the AGM.

KL mentioned that has not been set, RA apologised and said there will be a board meeting before the AGM.

RA suggested to call him or email if anyone has questions.

EDR TRL

RA I will come out to that board meeting to provide result of the audit and answer any questions you have.

EDR TRL

KL those key issues... Ross, was the declaration and the financial statement ... RA said they need to be approved by all board meetings. KL have you provided the declaration forms? RA mentioned that TK has the forms and needs to be signed by everyone. KL asked has the financial statement been provided to TK? RA - it has been provided to Richard and Chris and believe they will be distributed to the board.

EDR TRL

KL RA mentioned a specialist...who is this specialist?

EDR TRL

RA Erin Infanti -She is based out of Melbourne, she is a forensic specialist.

EDR TRL

RA this is not a forensic auditor, but she is helping us with processes as she has specialist knowledge.

EDR TRL

KL can you put name in chat?

RA she is a director, and she is a specialist in forensic work

BS can we get back to meeting – agenda please?

RA do you have any other questions?

OB SIL...

BS can we get back to agenda please. Mr Burton

OB talking in language over other Board members.

BS need to respect this meeting and get back to this meeting.

OB continued talking over everyone 12:43

BS Mr Burton, we have responsibility and respect

EDR TRL – OB said this is not good because it's impossible we cannot go on like this through video links and all that its hard and impossible we need to be in unity and need to come together for Ross and for the other financial statements and all that to be done and said so we are together and should call this meeting off at this time for next time.

OB SIL – ... some people coming back from Adelaide ...SIL...APY Lands, separate all together and coming together to talk about this face to face and this is sad day for us to talk about. SIL...

BS we need to get back ... Mr Burton need to get back to the agenda please we have a responsibility OB continues to talk over the chairperson. BS we need to respect the Land Rights Act

EDR request has been put on table outlining that this meeting needs to be put off until next time.

BS have responsibility here and to respect we need to keep this going.

KL one question. You mentioned assessment and needs to be assessed, can you clarify for the executive what that requires and have you found something?

RA this year as part of the job, the auditors have to assess if there is fraud and assess every audit.

KL repeat please

RA Every year on every audit we have to assess if there is fraud risks. This year we are engaging an assistant which will involve a specialist assisting us in regard to the news articles

EDR TRL

RA No fraud identified in previous years

Adelaide was on mute unmuted at 1248

RA ACNC unrelated to this audit and investigation they did not find of inappropriate spending.

EDR TRL

OB SIL

BS get back to agenda please

OB continues to talk over chairperson

BS SIL – get on with agenda

KL do need to ask???

BS SIL ... no respect at all...need to pay respect

JC SIL

BS and JC SIL...

OB SIL talking over everyone in language

BS need to get back onto agenda

JC SIL – respect

KL can we continue to ask questions to Ross?

BS Uwa, but not if personal. Need respect

KL news article, clarify please

RA there were some ABC news articles in last year released where people were claiming requesting forensic auditors at APY

KL asked to repeat

RA there was ABC news article about APY requesting forensic

EDR who was requesting it?

RA don't have the article in front of me but can send it across

SACH why do we need a specialist to assist this year, is it any different from any other year that you have completed financial reports for us?

RA difference is because of allegations

RK because of the news article, KPMG need to make sure that the financial is true and correct because allegations have been made, and they say this is unqualified audit

OB SIL...Board members gotta see

EDR can I interpret what has been said earlier

BS yes

EDR question by KL... TRL to language

SACH could you email the conflict declaration so they can print? we need paperwork in front of us no more are we going to accept reports flashed on the screen!

EDR TRL

TK could not hear TK as people talking over

TK Conflict of interest and financials will be provided shortly, they are currently on the printer

SACH would like to finish off with a read apology to Chris, Alex and Rob. We apologise that you got caught up in this. We defer this financial report and until we get the conflict of declaration and discuss this on the 16 May at our official board meeting. Can you ask for seconds from the chair?

BS can we go through with the agenda/ we have two more items

SACH I just put a motion on the table please address this motion.

BS cannot pass any motion we are going through the agenda.

RA I have received management instructions to make sure that this was provided to the board and at a later date the board members will be given time to review the financial statements At a later meeting I will attend and can answer any questions.

RK said to the board members that 'before you go you will get the financial statements'

EDR TRL

BS can we get back to the agenda? Are we finished Ross or are still going?

SACH will rescind motion if you can record that agreement has been said that Ross will attend on the 16 May. Ross interjected and said that will not be available on the 16 May but believe there will be a meeting held prior to the AGM and that will be the suitable meeting for Ross to attend and that is the one where he will be able to attend.

EDR TRL

SACH if not available on the 16th who is going to present in readiness to the AGM?

RK Chris will be present.

BS said thank you

CT happy to present. Not sure if Ross wants to be there. Ross said that he will not be available on the 16th.

BS one of the agenda items for discussion is the date for the AGM and we will let you know AR by email.

KL Mr Adamson has question?

Noted at 1:11 Mr Adamson was on KL Telephone

TA SIL...

KL Mr Adamson question is around previous presentation on proposed budget and comment of APY being in the red. (to AR) Will you present that in person at the next Executive meeting and provide the paperwork?

EDR TRL – the question raised earlier again by board member Mr Adamson it's in the red and will that show up in the audit report, what is the situation at the moment?

RA advised that as at June 2022, from the numbers provided there was a profit surplus and not in the red as at June 30 2022.

EDR TRL

BS Surplus, SIL...

KL your presenting what financial 30 June 21-22?

RA year ended June 2022 there was a profit surplus, not a loss

BS how can we be in red, 6 /7 audit how can be in the red?

EDR TRL

CT the last presentation was for the 22-23 financial year and under LRA we had not had the budget approved as yet so therefore the State Govt had not released funding so we were using own funds to fund the running of APY until funding from the State Govt was provided. This funding has now come through because the budget was approved as the last board meeting.

EDR TRL

BS think that's good for what APY done. SIL... we got finance money approved and think it is paid to APY.

TK noted that the conflict of interest and that financial report documents handed to everyone.

BS hand over to members

EDR TRL on what BS said

BS anymore questions to RA?

RK handed out the report, does he want to talk to it?

SACH decided that now we have got this report to now defer this item to the 16th, 17th and we can close the financial questions. Can have a five-minute break?

EDR left meeting to attend personal matter.

BS thank you RA for coming in. will advise of next meeting re: to pass the financials.

TK 16 and 17 May is a full agenda. Another item in this agenda is to confirm the AGM in near future, whether the 16 or the 17 is the time or is there another time? Just putting it out there. BS suggested to discuss later with view to setting a date.

SACH can we take five minute break?

BS break for lunch? Will get back to RA.

TK asked is this special meeting finished and then Board preparation meeting starts?

RA left meeting at 1:25pm

BS reconvene meeting after lunch to discuss re: AGM date

Lunch break half hour. Return to meeting at 2pm.

Resumed meeting at 2:46pm

Continue with agenda item 2

BS addressed the third item on the agenda – AGM date to be confirmed. TK can you take us through with the board meetings.

TK next meeting on 16 and 17 May with a full agenda. Meeting after that is the 4th July. Note from members that the 4th July is show week in Alice springs which may have impact on meeting. In regard to the chair do you want to talk about the AGM possibility?

BS thinking that today's meeting had to go through the auditor's presentation to give us an update on where we are getting on with that with all documents to sign. SIL... Really need to look at it this way. I have spoken with Marita in Kanypi who allowed us to have the meeting today. She didn't want to postpone this meeting and would like to say thank you to Marita for allowing us to have this meeting on this sad day and told her that its best at this meeting SIL... might have to have the Executive and AGM after the show weekend 4 July. I think it's not silly that we postponed this meeting to a later date. Would have to send notices out and want to postpone that meeting in respect to the meeting not having that other meeting 16 and 17 May but postpone to July.

NB SIL...

BS also there is a funeral happening that month too so pay respect to the family there as well in Fregon. SIL...give us preparation. There is a lot of catching up to do. After the 4 July in that week is a good time to have that meeting and the AGM so that is what we are suggesting.

KL June 30 is end of financial year for 2023, are we proposing two AGM for 21-22 and 22 – 23 are you thinking 23 in the second half?

RK the second half will still give auditors on the 22 – 23 and then second half of year will do it

TK for the 22-23 what we normally do from the 1 July we engage KPMG again and they take 3-4 months to take a look at all the information with a view for Oct / Nov AGM for the 22-23 to be held. And we can have annual report completed as well.

KL is there a report for 21-22?

RK said yes.

BS 4 July so just work out ways around it. we will work something out.

BS notices should be out on notice boards and community as of next week. We don't want to be interfering with any meetings. One at Fregon and could be two and the one at Pukatja. Just want to work out dates around the funeral around the lands.

BS lots of prep for funerals and I don't want board members going out and having meetings and not getting notified from community members and families, we want to be helping families and this is where we support and prepare that family really needs can't just SIL... We need to

be thinking about our family as well and that is what APY normally do having a gap to work on for help to prepare funeral and things

KL is there a date you are proposing to the Executive?

BS will let board members know when I go through it.

RK under the Act we have to give seven days' notice for an AGM. So, if we meet next week, we still have time to have a spot.

BS that's what I said, when we go through that is the time, I will give seven days' notice.

RK not critical to lock it in today.

BS that's why I want to happen in July, there is a lot of works to help families.

TK going to suggest if there is a couple of weeks everyone can consider. Not to lock in.

KL June 19 and June 26?

BS play by ear and see if there is going to be any effects to those dates.

SACH at the 14 and 16 March meeting the AGM date was set for the 9th May which was yesterday. We agreed to that date and it has not happened and need to know why. Why did it not happen?

SACH the board approved that date and it didn't happen.

RK we do not have the audit complete.

BS SIL...had to go through prep for audit

SACH that's all I asked.

BS that is what RK is bringing up and I think you should listen to what RK said

RK suggestion is to set a date

BS will be looking at that

RK week of the 19 and 26 June – 19 possibly if the audit is complete. Ideally would be good to get it done in this financial year but may not be able to.

BS thank you – well leave it at that Tania? I will work with the Director and the GM to set up a date and will let members know asap.

RTJ Uwa

RK make sure that once we get the numbers from KPMG we will have to talk to Executive board first and once approved then can move ahead with AGM.

BS thank you everybody.

TA talking on phone -something about RK not having a permit.

BS RK does have a permit.

KL think the question is being asked as we don't know where the GM contract is at. Have the State received it, can you give a update on the contract?

BS SIL...

KL what does that mean no contract then no permit?

RTJ the board approved the GM for 12 months to come back and finish his work so he has a permit for the 12 months.

BS so when the board supported and approved his contract the permit is automatically for him.

KL concern is that the Minister has not received anything. We moved that motion for 12 months and then paperwork hasn't been received so technically the contract is Wiya. Is he still active as General Manager? Questions are being asked now. So that is why TA is asking

RK yes! the Minister has the contract.

I am statutory officer under the Act and responsible all staff that work here have to have permits. All done annually and doesn't expire until end June.

KL can the APY director provide us with the latest update what is happening from Ministers office?

RTJ that is not on the agenda. You're going opposite there? We still waiting on and they still working on and should be coming soon.

KL that the paperwork from our end. Where is the update on Ministers' office.

RTJ I asked the Minister yesterday and the department have passed the paperwork onto the minister so it is nearly there.

KL they have the paperwork for the contract and waiting from AGD, please let us know

RTJ will let you know next meeting.

TK Mr Adamson you may not be hearing him speaking.

TA SIL...

TK I can advise that all staff have permits including the GM. This is part of anyone working on the lands and I can confirm this.

BS not that silly to let people on without a permit. Every year we check with permits and with all staff members and see that everything is up to date.

TA 'we not going to be able to renew his contract even though we been talking with Kyam Maher and he said no we didn't have that because I gotta be able to give approval that have to rule out that where have to get you out on this meeting and having you coming out for one more year we already.'

BS were not talking about RK contract been signed for the 12 months so go back and ask discussion and we done it.

TA mentioned in meeting that Mr TA is going to court tomorrow.

RK Mr Adamson Mr Burton said that everyone should be here or be on the teleconference we cant hear you.

RK I do have a permit every year and all staff permits expire in June. As the statutory officer I make sure all staff have permits annually.

TA talking on the phone. SIL ... you haven't got any contract that was given to you.

RK you can go to court, there is a resolution, the Minister will work it through and I have a permit and that means that I will have to defend myself to the board. You will all be liable if it goes to court.

TA already done and was valid

RK they weren't valid

BS SIL...

Members talking in Language

TA SIL... 'your fucking mad' (TA to BS in conversation)

KL is the meeting still going?

BS/TA argumentative in SIL

KL said we are walking out need to close this part of the meeting

BS meeting closed 3:26pm

KL we are walking out

RTJ said that you're interfering.

Conflict of interest forms 345pm - Noted that two conflict of interest forms were taken and four remained on the table.