



Anangu Pitjantjatjara Yankunytjatjara

A.B.N. 77 261 612 162

PMB 227 Umuwa via Alice Springs NT 0872

MINUTES

Wednesday 18 February 2015 at Umuwa

Present:

Executive Members: Owen Burton, Murray George, Mrs Paddy, Anton Baker, Charlie Antjipalya, Willie Pompey, Trevor Adamson, Ronnie Brumby

Staff: Gary McWilliams, Andrew Cawthorn, Jen Grindrod, Greg Jobson (part), Cecilia Tucker (part), Lesley Johns, interim General Manager (via phone)

Interpreter: Ebony DeRose

Members: Keith Stevens, Gordon Inkatji, Pepai Carroll, Willy , Paul Andy, Mrs Norris, Leon Colson and family (afternoon), Gary Lewis (afternoon)

Others: Graham Harbord and Richard Bradshaw (Lawyers, from Johnstone Withers on the phone),

Item 1: Welcome from the Chair

Prayer: Keith Stevens of Nyapari

Apologies: Ronnie Brumby (Indulkana) is on his way. Leon Colson (Turkey Bore) cannot attend for medical reasons.

Item 2: Chairman's Address: APY Code of Conduct

Chairman reminded all members that APY comes under a Code of Conduct. The Code of Conduct makes us stay together as one people. It guides us in what we do and say, for example, if I was to miss out on four meetings and not abide by the Code of Conduct, or to leave the Executive and act on my own, I am not together with the Executive, and I am breaching the Code of Conduct. I am thinking, if I was working for a Government Department, or any organisation, if I breached the code of conduct then I would be dismissed by the manager. I am addressing this meeting that we, Executive Members, need to stay together and be strong together, and abide within the Code of Conduct. At this meeting we need to put out a resolution to make it clear to ourselves to understand the Code of Conduct.

The Chairman asked Graham Harbord for his advice.

Graham Harbord: Section 12F APY Land Rights Act, says that the Executive Board must comply with the Code of Conduct.

Section 9B APY Land Rights Act, says that any act of the Executive Board is binding on APY. It also says that the Executive Board must advance the interests of Anangu at all times. Therefore the Executive Board is the group that makes the decisions on behalf of APY, not any individuals, and each member of the Executive Board must comply with the Code of Conduct. Each Member of the Executive should have a copy of the Code of Conduct. A copy is being printed.

The Code of Conduct includes a number of rules. Including, that any member of the Executive Board:

- must not intimidate
- must comply with reasonable direction
- must not make any public comment without being authorised by the Chair-person

Chairman: Asked a question: What happens if I breach the Code of Conduct?

Graham: If a member of the Executive seriously breaches the Code of Conduct, they could be expelled from the Executive Board.

Chairman: For the sake of the future, and future Board Members we need to pass a resolution so that we can be strong together.

RESOLUTION

The executive confirms that each member of the Executive Board must comply with the APY Code of Conduct. Any serious breach of the Code of Conduct by a member of the Executive may result in that member being removed from the Executive Board, in accordance with Section 9D of the APY Land Rights Act.

Moved: Anton Baker

Second: Mrs Paddy

For: O. Burton, A. Baker, W. Pompey, M. George, Mrs Paddy, C. Antjipalya, R. Brumby

Against: T Adamson

Passed

Mr Adamson: I am not against the Code of Conduct, it is really important, it covers us to stand firm, not only in the Executive but also in the Community. I think that if you have a reason to breach the code then it should be looked into the reason.

Chair: This particular Code of Conduct only applies for the APY Executive and the APY Staff. It's not for the local community councils; they have their own Code of Conducts.

Mr Adamson: The Code of Conduct covers us as Executive Members not just when I am in this room, at the meeting, but also when I am in community, I am representing the APY Executive.

Chair: We must move on because the resolution has been passed. This Code of Conduct was endorsed on the 27 March 2008 by the Annual General Meeting.

Item 2: Land Rights Administration funding from SA Govt

Gary McWilliams read out the Letter from Owen Burton to Minister Kyam Maher, dated 17 February 2015, regarding the release of State Government funds to APY.

We have today received a letter from the Minister's Office, responding to Owen's letter. This was also read out by Gary McWilliams. The Minister is releasing the first quarter's funding (approximately \$400,000), subject to a number of conditions.

Lesley Johns: I have been advised by Nerida Nettlebeck from Money Mob that one quarter funding will not be enough to get APY out of financial trouble. We will still be technically insolvent. We are \$900,000 in the red. The minister owes APY \$1.6Million, and he is only offering through this agreement \$400,000 dollars. The question to Graham is: Where does this leave APY? We will still be using funds from other sources.

Graham: My advice is to take the \$400,000 but to make it clear to the Minister that we need the other monies as soon as possible.

Lesley: The Minister's letter demonstrates a failure to understand that we have already spent the funds.

A discussion between Graham Harbord, Lesley Johns and Gary McWilliams: regarding legal advice of whether or not to publish the minutes. And whether this was a reasonable request on behalf of the Minister. Recommendation that the Executive replies to the letter, and makes the following resolution:

RESOLUTION

The Executive endorses the contents of the letter sent by the Chairperson to the Minister on the 17 February 2015. The Executive notes the response from the Minister dated 18 February 2015. The Executive continues to be very concerned at the failure of the State Government to provide sufficient funds for APY to carry out its responsibilities under the APY Land Rights Act. The Executive directs the Chairperson and General Manager to do everything necessary to try and have those funds paid to APY as soon as possible.

That the Chairperson signs the 2014-2015 State Government funding agreement but that the document be withheld until the General Manager, on Legal and Financial advice, is satisfied that the agreement can be complied with by APY.

Mover: Willie Pompey

Seconder: Charlie Antjipalya

For: O. Burton, A. Baker, W. Pompey, M. George, Mrs Paddy, C. Antjapalya, R. Brumby, T. Adamson

Against: None

Passed

Item 3: Executive Board Vacancies

The Executive is advised that Ronnie Brumby has been nominated to fill the Indulkana position on the Executive board in accordance with the rules for nominations when a position becomes vacant.

RESOLUTION

That the appointment of Mr Brumby will be made for the seat of Iwantja; pursuant to Section 9D (7) (b) of the APY Land Rights Act.1981

Moved: Owen Burton

Second: Anton Baker

For: O. Burton, A. Baker, W. Pompey, M. George, Mrs Paddy, C. Antjipalya, R. Brumby, T. Adamson, L. Coulson

Against: None

Passed

LUNCH

Item 4: Prime Minister and Cabinet Information

Presented by Samantha Welkie (?) Department of Prime Minister & Cabinet i. Also present Anthony Anno (

Samantha:

Government Business Manager Positions

We have three GBM positions on the APY Lands:

- Amata: Anthony Amo is acting in the position currently and we hope to have a new permanent person in the position soon – hopefully in March. This person will help to coordinate and look after Government services for the whole of the west including Kanpi, Nyapari, Murpitja, Pipalyatjara, Kalka, Watarru

- A new GBM living in Umuwa, David Witwa, will oversee Pukatja, Kenmore Park, Watinuma and Fregon.
- In Mimili Di Hodge works in Indulkana as well. She has been in the position for some time now.

Indigenous Advancement Strategy (IAS)

IAS is the Australian Government's grant funding to deliver Indigenous funding across Australia. In March there will be more information about what projects will be funded from this program across the APY Lands. Mid-march (approximately 17th March) the successful and unsuccessful applications will be told and will be announced publically.

Remote School Attendance Strategy

This is important to Minister Scullion. Part of this strategy is that all of the communities have School Attendance staff to help the families and the parents to get the kids to school and help them to stay at school all day. Part of the strategy is to make sure that children are going to bed at night so that they are well rested.

Trevor Adamson – How can we be sure that children are learning both-ways (Anangu ways as well as Pirampa ways)?

Samantha: It is my understanding that each week in the schools the children have classes to learn the "old ways" and that they go on bush camps to learn how to make spears, wiltja, etc.

Conversation between Samantha and Executive members: regarding children being more interested in Facebook than learning Anangu traditional knowledge and skills. The Executive asked what the schools were doing about this, and Samantha replied that information about using Facebook appropriately was given to school children. Issues also raised included teachers not speaking Pitjantjatjara and the gap between education on the Lands and mainstream education.

Remote Jobs and Communities Program (RJCP)

Jobs undertaken by RJCP depends on what the communities want them to undertake. Skillhire organises this work through their "pathway coaches" in each community.

Item 5: General Meeting Business

An APY Special General Meeting will be held tomorrow, Thursday 19th February. The agenda regards Cattle Money and Mining Trust Money.

In relation to the Cattle Money:

- The APY Executive was concerned during 2014 about the lack of information coming to it regarding the cattle business. APY ordered a review of the cattle business and the review has been completed. The Board endorsed the recommendations of the review and started conversations with the Indigenous Land Corporation (ILC) with regard to assistance in building a new business.

- The new cattle manager, Jim Willoughby, was appointed late last year.
- Discussions with APY, ILC and Jim have continued about separating the cattle business to its own business separate to APY
- The Minister for Aboriginal Affairs SA wants the cattle business to be separate to APY and funding for APY will not be forthcoming unless the business is separate.
- The ILC believes that the business should be able to make several million dollars profit per year and also to provide jobs and training for Anangu.
- Anangu need to decide whether they are happy to set up an advisory committee to plan the separate business and appoint three Anangu to join the
- There is currently approximately \$100,000 in the cattle account and some payments outstanding.

In relation to mining trust funds:

- \$705,596.00 is now accumulated in the Mining Trust Funds
- Decisions need to be made as to how decisions are to be made about this money and how distributions will be made as the fund was not set up properly in the first place.

RESOLUTION

That the Special General Meeting go ahead on Thursday 19 February 2015 to discuss:

- ***Cattle Business***
- ***Mining Revenue Trust***
- ***Other Business. Other business must be***

Mover: Murray George

Secunder: Willey Pompey

For: O. Burton, A. Baker, W. Pompey, M. George, Mrs Paddy, C. Antjipalya, R. Brumby, T. Adamson

Against: None

Passed

Item 6: Resignation of Leon Colson

The letter of the resignation of Leon Colson was tabled.

The Executive noted the resignation and the Chairman thanked Mr Colson for his contribution to the Executive Board.

Item 7: Road Project Update

Presented by Cecilia Tucker, Development and Planning

Cecilia has met with the lawyers who will be drafting an agreement between APY and the Roads Project and gave them the information to put in the agreement on APYs behalf. She also gave them information for the Development and Planning process and requests funded positions by APY. They still require more information regarding Land Management and about how Anangu employment is going to be addressed.

Current roads work which is underway:

1. Consulations in Indulkana with Traditional Owners has occurred this week and the heritage survey for the section of the road between the highway and Indulkana Community. The work went well.
2. Roads project staff are currently looking for water for the road construction and for communities. Water experts will be drilling for access to underground water. There is a letter within the Executive Member's correspondence for this meeting regarding this work.

Because of the issue of South Australian funding not being released, Development and Planning have now had to cease this work. We cannot pay the wages to Anthropologists or Community Members, nor for food, vehicles, fuel, etc. These jobs are waiting until that money is in the bank.

The Roads Project has sent APY a letter to discuss the Anangu Liaison position for which funding has been requested from the project. In this recent letter, the Roads Project is now questioning whether this should be a full-time position, they do not believe that it would be required to be a full-time role. This needs to be discussed further. Cecilia believes that this should be a full-time position.

Trevor Adamson: We want a new road, but we want Anangu to work.

Cecilia Tucker: We are not clear how many jobs for Anangu will be provided, but I do not think it will be as many as we first thought. It won't be many. We need a proper conversation with the Roads Project staff about what they are offering regarding jobs available to Anangu.

The Chairman agreed with this.

Item 8: Colson Family Dispute

Discussion about the Colson family dispute.

Meeting closed.