



Anangu Pitjantjatjara Yankunytjatjara

MARCH 2015

Minutes of the Executive Meeting held at Umuwa on March 18, 19, 20 2015

PRESENT:

Executive: Owen Burton (chairman), Ronnie Brumby, Anton Baker, Charlie Anytipalya, Milika Paddy, Willy Pompey, Murray George.

Staff: Rex Tjami (Director), Ebony DeRose (interpreter). Cecilia Tucker (minute taker), Gary McWilliams (Secretary), Andrew Cawthorn, Lesley Johns (via phone interim GM).

Absent: Trevor Adamson

Visitors: Craig MacAuley (DSD-AAR).

Meeting commenced at midday.

Item: Appointment of General Manager

Letter read from SA Government to Owen Burton regarding the position of General Manager. Much Discussion including the reading of terms and conditions set by Richard King – the governments preferred candidate, including that Mr King's wife Tanis is also to be employed by APY.

Much discussion including comments from Murray George that the Minister should follow the rules of the Land Rights Act, that he is putting pressure on APY to appoint his choice. Mr George said Mr King might be ok but the Minister is pushing too much.

Craig MacCauley from DPC-AAR attempts to discuss the appointment. Murray George tells him Executive have to speak first. He says APY does not want to appoint without meeting the candidate. Discusses previous General Managers and the problems, says APY needs to be careful.

Owen Burton says the Minister knows the appointment must come through APY and that the appointment is only for a three month term so the Executive can run a proper recruitment campaign.

Craig MacAuley is asked to leave the room.

Much discussion about why the Minister wants his candidate in the role.

Mrs Paddy says the Minister is not understanding what work the executive has been doing. Too many lies have been told

Lesley Johns: The APY Executive has met every requirement set by the Minister since October 2014. The Minister's office and the Department have not known what APY has been doing, they have not been interested. There have been accusations toward the Executive but they have come from people who do not know what's going on. The Executive has been fulfilling its role under the Act.

Ronny Brumby asks why Lesley resigned.

Lesley explained the decision was made after the January meeting when there were threats made toward her. She was scared. She explained when she took on the role in October it was only for a short time while a recruitment campaign was held. But the SA Government would not let APY run the recruitment process because Minister Hunter wanted the Kings in the job. Now Minister Maher is putting them forward again.

Owen Burton says if the Executive does not appoint the Kings the Minister may put an Administrator.

Much discussion including the conditions the Kings want including salary, Qantas club, travel to Adelaide every month, city office space, commitment from government that he can return to his current level public service job. Wants five year contract.

Privileged legal advice is given by Graham Harbord (via phone linkup)

Executive agrees to write a letter to the Minister highlighting:

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1. first that before making any decision for new M, the Executive wants to meet with Richard King at Umuwa.
2. Secondly the Executive is concerned about the substantial increase of salary and conditions that Richard King is asking for and wants to clarify with the Minister of implications for that with APY.
3. Thirdly the Executive will be having an Election in two months time and is concerned about making such an important decision now for the new executive that they have not been involved in making a decision about.
4. Fourth. The executive is concerned about the requirement to also hire Mr Kings wife, again without meeting her. Hence should be asking Richard King and his wife to come to Umuwa.

Noting that Lesley will stay until this is resolved. The appointment can not be for any length until the court case with Bruce deans is resolved. Discussion that the terms wanted are the kinds of conditions for a long term employee, not for short term.

Two resolutions were passed:

Resolution: Owen Burton send a letter following discussion with the lawyers asking Ricahrd King to come with his wife to Umuwa to meet the Executive and letter to also raise concerns about the proposed terms of his appoinmnet as discussed .

Moved: Anton Baker
Second : Charlie Anytipalya
Passed unanimously

Resolution: APY has requested and Lesley Johns has accepted the offer for Lesley Johns to continue on a month by month basis as interim GM until a new interim GM or permanent GM is appointed, which the Executive hopes will occur soon.

Moved: Willy Pompey
Second: Anton Baker
Passed unanimously

EXECUTIVE DAY 2 – 19 March 2015

Meeting commences at 11.50am

Present: Rex Tjami (Director)

Executive: Owen Burton, Ronnie Brumby, Anton Baker, Charlie Antyipalya, Milika Paddy, Willy Pompey, Murray George.

Staff: Tayaya Edwards (interpreter). Cecilia Tucker (minute taker), Gary McWilliams (Secretary), Lesley Johns (via phone)

Lesley Johns and Owen Burton report that the Minister's office has contacted APY to say the Kings will visit on Friday to meet the board.

Anton Baker: Why are we inviting him to come, Director may want to say something

CA: Want to ask questions of the government why is he coming. We want to talk about this properly and ask someone. We want what sort of salary. What is the story.

Owen Burton : Letting government know that this is what the interim GM wants. But if you want to go for another 3 or 5 year he can be GM for 5 and 5 . But he is only interim manager for 3 months. But if he wants to get that money...already we get advice from lawyer. So I'm going to sign this letter. We are going to interview him tomorrow and ask him. Lesley remember Murray George said about Richard King he work for APY for 3 months he work for APY.

Murray George: The government have to follow the constitution for APY under Executive the government have to follow the law for APY. When we get a GM or anybody we have to advertise and interview. And from there they get probation for 3 months. ..But when heard that letter from Richard King he doing it himself, he not going through Executive.

When he come in we got to be nice to that person, we got a talk then. But you have to understand you have to follow our law, from APY. If it is an interview he has to understand that it is from APY.

MG: He can come through tomorrow but it has to go back to a GM before APY make any decision.

Discussion in language

Ronny Brumby : is worried about government plan that he should stay after 3 months.

Owen Burton: so really the government not working with APY Executive.

Lesley Johns: After 3 months he wants the Executive to appoint him for 5 years.

RT: *Speaks in language including telling Executive to sign the letter.*

LJ: Has the Executive agreed that he should come tomorrow

Ronny Brumby: So that means we will talk to them tomorrow but does not mean appointment.

Donald Fraser: discusses cattle issues. Discussion around leases and new way of doing business. Agreed that Jim Willoughby (Pastoral Manager) should discuss with Donald.

BREAK FOR LUNCH

Reconvene at 3.09pm

Gary McWilliams: Raises the tabled letters

Item: Land Trust Meeting in Port Augusta re MUNs funding

Murray George: Explains some things about Marlinga Tjaratja (MT), APY and the Land Trust. The land has got tjukurpa. APY and MT have got Tjukurpa. A lot of people come in from the other side who went through the law, and through Native Title. That Native Title is not for Anangu, that is White man's law. This land has got different Tjukurpa. Those WilararaTjukurpa. Those people have got nothing, only Malu. MT is free hold title. In the south area, land trust, they got Wilarara tjukurpa, that's pushed out from TO in South Australia. One day all that land is going to finish, and the government will come back to the three organisations: MT, APY, and Land Trust.

Owen Burton: We are talking about who should go to Land Trust meeting. Three attendees is not enough.

Item: Richard King

Owen Burton: There is something we don't know. Why the minister is putting him and not allowing us to find a good person through a recruitment process. After we find out that this man is looking for more money. Worried that something will be going under the table. We are worried that the General Manager will listen to the Minister and not APY.

Murray George : We have to tell them that we didn't advertise for General Manager, and that we need 3 or 4 people to apply for the job. We have to tell them that we are the boss's for this country, and not the government.

Owen Burton : Already we have discussed this today. We are going to write interview questions to Mr King. Minister has got to be fair to APY Executive. If we agree without questions, then he just comes up without permission from Anangu.

Item: Mining Trust money

Gary McWilliams: talking about mining money and trust fund so that money should stop being distributed in little bits.

1. Too difficult to make sure money was distributed to right people
2. Anangu people always asking for government money

In the trust there is a provision that the money can be distributed to Ngurra ritja or as they decide. So for the last 4 years the money has been kept in trust for all the tenements marked orange. So at the moment in the bank right now there is \$ 715,682. At the moment with interest the money is \$727,227. This money comes in per year per exploration licence. Sometimes it can go up a bit if there is more exploration in one area. I could break it down but complicated and better to say approx. 30,000 to 60,000 per tenement.

At the end of the recent General meeting when most people had left there was a resolution pushed through that some money should be given out. The resolution was not very clear to say how much. Since then people have been coming with different ideas as to what that should be.

I'm going to give you my opinion: *This is your money, this is money you do not have to ask the government for, and you should do everything you can to save it.*

Willie Pompie: *talks in language*

Ronnie Brumby: *talks in language (Tapaya translates that we may give out this money).*

Charlie Antyipalya: If going to give out , don't give out cash, give out order or something. Big problem if give out cash.

Ronny Brumby: People have accounts so maybe go

Murray George: Put in funeral fund for family head.

Owen Burton: When you talking about this it means no mining so far, just exploration. No cap no money no mining tenement. Explains in language what Gary explained.: That the areas not covered by mining tenements do not receive money. So a lot of Anangu will not get money. ... Instead of fighting to give money to everyone, give to one person family head they can then share.

GM: Mining trust fund was set up by lawyers at the request of APY. The trust fund was set up for Mining trust fund if money from tenements is paid into a trust fund not for APY it may be in breach of Landrights Act. So since that GM Sean McCarthy said that it has not been put into a mining trust fund it has been put into a general Account. The trustees have not had a meeting and they need one. They maybe in breach of trust fund law. You will need to use a lawyer to sort this out.

Ronny Brumby: expresses concern that if they use lawyer it will milk a cow and no money left.

Gary McWilliams: The money going in is starting to dry up because thereis no more exploration at the moment.

Rex Tjami : Speaks in language explaining how money is raised over time and if you take out it will not grow. ... If we go back this way we have to go back to anthropology and have meeting with each tenement to work out who gets money. ..

Murray George: Speaks again about the money being used for Land Culture. We have to make a plan first and then take it to a General Meeting.

Gary McWilliams: Suggest that with the money in the account, Anangu could buy their own cattle.
Ronny Brumby: At the moment we are struggling because that money belongs to Traditional Owner's. We should talk about releasing this money.

Owen Burton: They already know that meeting yesterday. We should pass a resolution:

Resolution:

The Executive acknowledge the Special General Meeting resolution to release some of the mining exploration money.

The Executive agrees to hold another Special General Meeting on the 14th of April to decide what to do with the exploration money. The meeting will also talk about the road upgrade.

First: Willy Pompey

Second: Mrs Paddy

Unanimous

Correspondence:

Owen Burton: Introduces letter to revoke Trevor Upton's (Pimba Joe worker)Permit based on complaints and wanting to withdraw his permit.

Discussion regarding the complaint .

Decision:

The Executive agree that Gary McWilliams or Lesley write a letter to revoke Trevor Upton's permit

Letter tabled from SA Electoral Commissioner regarding election date.

Letter tabled from Allan Fennell from Lambina Station re GM: Reads letter from Ellen Burnell from Lambina Station

OB: Closes meeting and agrees to reconvene tomorrow at 10.00am

Meeting closes at 5.20pm

Friday DAY 3 20 March Executive Meeting

1.20pm - Meeting opens

Chairman Owen Burton opens meeting with a prayer.

Item – Finance

.Discussion about KPMG wanting to work with APY to improve the financial controls. Finance firm expensive but very professional. Work for other Aboriginal organisations. They would work closely with GM and Executive

Report from KPMG – Refer Attached report

(Report interpreted by Tapaya Edwards).

LJ: Sue is going to retire in September this year. KPMG are keen to do this work and to work with Government approval but they want the board approval first.

They see the need for a finance assistance on the ground and that could be anangu person that is trained and work with Sue before Sue retires in September

If the government agrees to this they may still require APY to put it out to Tender. It is a large expensive contract. It would probably cost about 40,000 a month. Sounds like a lot but the grant funds would cover a little bit from each grant would cover it and this is government money \$360,000 a year is still cheaper than what is currently costs of APY accounting.; at the moment spending a lot more money but not doing a very good job.

Putting this for you today so the board can consider it and make a decision in a month. They can come then and present to you or have phone link. It is a big decision and it important that APY takes time and considers it a the right way to go.

Recommendation is that the board think it about over the next month.

Decision: The board would like KPMG to come and talk to them and then make a decision at the next executive meeting.

Item: Cattle Money story.

Executive advised they have papers to read and to discuss at next meeting.

Item: IAS grants

Lesley Johns explained APY applied for 24,000,000 funding. We wanted money to fix up governance so the executive could meet more times each year , street lights mobile phone towers lots of things like that we applied for. They said no to everything. Part of the reason for that is the money story at APY at the moment. The accusations of corruption. But they did ring me last week but they want to talk some more about some projects. So on Wednesday Karen Douglas from Premier an Cabinet was meant to come but she was sick . But next meeting next month she will attend and talk about what money may be available. In the meantime I will keep talking to her about this. I will also put them in contact with Rex because he needs to be informed and keep this going when I am gone.

12.42pm: Mr King Arrives

OB: Introduces Mr King to all of the Executive and staff present

(Gary exits and tells group outside that this is closed meeting)

Owen says we are pleased to see you and we will be asking you question about interview if you will be working here.

We had a letter from Mr Maher about money story for your job. We want job for 3 months trial and we can have a look afterwards when 3 months trail and then look at it again.

Mr KING: I am one of the bosses for correctional services and when people said you wanted to meet me I thought that very good.

Thankyou for inviting me I am very pleased to be meeting you all today. We came here today to tell you about us. This place is your place you are the boss here. If we work here we work for you. We know government but we also know community. Last community we were in was Yolngu. We needed to understand the language from there. If we come here we will also spend time to learn your language. I need to know exactly what you mob are thinking so I can tell Government. When we read in the paper what is happening in the Lands it made us sad. We said that there should be someone that could go there to help you mob. We know biggest mob of people and surely we can find someone. Then we thought maybe we can do it. We have experience we got two kids so we thought maybe we can do it. We are free to go there. No kids no Humbug. We see it as two way My tribe is Gurrindgi from Katherine region Mother side Krugar from Alice Springs. When I was small they sent me from Arnhem land to Adelaide where I met this Kunga and we got married at 19. First time we went bush we We then went to Bullman and we used to run the shop. After that we went to Katherine to live and we worked with Kurindgi, Walpiri.... We went to Nullinbuy after that where I was the head of Health. Right through yirrikal, ect. But I was the head of all health white fella still. We was 30 then so still pretty young. So we been working at executive level for long time. We then went to Adelaide and I started in correctional services.

They used to have a lot of deaths but I have turned that around. The other thing I did is that Aboriginal People in prison now work everywhere. Anangu working in kitchen and fabrication. We believe that Aboriginal people are the solution.

Too many times you read in the paper all the problems but when I look I can see strength. It is about all of us working together because you are the leaders.

We got to think about the kids and the next generation. If we come we would want to come for 5 years so we could build up the skill here so everything runs smooth. It is about training next generation so they can be trained up to take over. From my respect Ive, we got to work together.

Tania King: As Richard said we have worked in many communities and Community shops. I have worked in government in Child protection, youth HACK problems strong women, strong baby. My role has always been in managing those programs Separate to that when we moved back to Adelaide I took up the role of Kura Yerlo Largs Bay had services from child care right through to Working on governance policy procedures. So that was for 10 years. Since then have gone back to government and working with Housing and Aboriginal youth programs and managing those programs so staff and services provided.

OB: Ok we have a lunch break and we will come back and we will question you too. So come back give some answers. We will probably give some letter to Minister from here. We heard, we will come back after lunch and give you questions.

1.06: BREAK for Lunch

More questions, discussion with Mr and Mrs King before they leave.

Resolution:

APY will agree to appoint Mr Richard King to the role of Interim General Manager on a short term contract for 3 months only, beginning 1 April 2015. APY lawyers will draw up a contract for this term. A recruitment process for a permanent General Manager will commence in May 2015 to conduct a proper and transparent process.

The second part of the resolution was made after the Exec had had a conversation with Mr King about a proper and transparent process regarding the permanent position. Mr King agreed with the Executive that this was appropriate.

The board also resolved to allow a one to two week handover period and to grant Lesley Johns the ability to take her outstanding two weeks personal leave.

Meeting ends