

# Anangu Pitjantjatjara Yankunytjatjara

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## EXECUTIVE BOARD MEETING

Day one - Wednesday 12 JULY 2018

### Attendees

Mr Frank Young (FY) (Chairperson), Mr Noah Pleshet (NP) (Minute taker), Mrs Nyukana Norris (NN), Mrs Nyunmuti Burton (NB), Mr Richard Kanari (RN), Mr Donald Fraser, Mr Rex Tjami (RT), Richard King, (RK), Mr Willy Martin (WM), Mr Bernard Singer (BS), Mr Murray George (MG), Mr Anton Baker (AB)

### Apologies

Ms Scales Sally (SS), Ms De Rose Ebony (ER)

Mr Young opened the meeting at 1135 am.

Executive viewed the previous minutes displayed from the projector and read aloud by RK.

Discussion Points for minutes of the meeting 23 May 2018.

- (BS) asked the question, will insurance be applied to homelands as well as other buildings?
- (MG) raised concerns about traditional ownership and authority in context of discussion of minutes item about mining tenements. In the past minutes. Emphasises the authority of Fregon and Mimili for the Coffin Hill area.
- NP seeks to emphasise his role as minute taker today.
- 11.55 am Clem Toby joins meeting as observer.

### Resolution I

APY Executive approves the minutes of the 23<sup>rd</sup> May, 2018 as a true and accurate account and gives permission to publish the minutes online.

<b>Moved:</b>	Richard Kanari	<b>Seconded:</b>	Anton Baker	<b>Carried:</b>	All in Favour
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### 1200 Correspondence

Letter from Karina Lester re: Mintabie closures

## Resolution Two

APY Executive agree to organise a meeting in WAC (Walatina Aboriginal Corporation) with members of Executive in attendance to discuss Mintabie town closure and the rollout of the Mintabie closure report.

<b>Moved:</b> Donald Fraser	<b>Seconded:</b> Anton Baker	<b>Carried:</b> All in Favour
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Letter Two from NMA Dr Mathew Trinca about the Songlines exhibition and its success and request to enter discussion.

- (FY) notes the need to consult all Cave Hill [TOs]

## Resolution Three

Executive give approval to APY to commence negotiations with NMA to ensure final rights of traditional owners (TO) are considered in the rollout of the Song lines exhibition, & its touring to other locations.

<b>Moved:</b> Fraser Donald	<b>Seconded:</b> Anton Baker	<b>Carried:</b> All in Favour
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Letter Three from AI Lad (undated), requesting an opportunity to discuss the Mintabie closures at APY Executive meeting in April.

- Executive note Mr Lad's request and deny his request to attend a meeting.

Letter Four from Ms De Rose to Mr Frank Young regarding the code of conduct (12F) complaint made under s9D {Land Rights Act}

- (MG) responds that a complaint about his use of the word ("Nyinakura") and other languages terms was not intended in a derogatory or offensive way. Makes reference to men being above women in Anangu culture and in the bible (Adam and Eve).
- (RK) in this meeting women and men are equal.
- (MG) Tjukurpa is separate and above the white man's law.
- (RK) reads letter of complaint aloud from projector.
- (DF translates for MG)
- (RK) discussion deferred to later time when all executive members are present. (BS) suggested we need to refer to the recording of the meeting. (MG) "I am sorry, people didn't understand what I mean".
- (AB & MG) argument between (AB) and (MG) about this issue and conduct of (MG). (DF) stated (MG) has apologised for what he said.

Letter Five from Paul Wade from Woomera Protected Area working level agreement and offer of \$25,000 thousand dollars to support the development of a plan.

12.40 Review of accounts and expenses, specific lines and overall cash flow statement viewed from the projector screen. (RK) reviews accounts such as the cash flow statement.

(RK) called for any questions. There were no questions raised.

#### Resolution Four

APY Executive have reviewed the financial report for April 2018 and agree that it is an accurate account of APY expenditure and approve the release of the April financial report to be published online.

<b>Moved:</b>	Bernard Singer	<b>Seconded:</b>	Richard Kanari	<b>Carried:</b>	All in Favour
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#### ITEM 3 ARA IRITJA

John Dallwitz (JD) would like to get started with the idea of APY and Ara Iritja to come close together. Question, what is the sustainable way forward? The Ara Iritja board are worried about the future of thinking that it would be good to make a plan to see how Ara Iritja can work together with APY plans including,

- Cultural centre
- Collaboration in the use of these resources
- Remembering Pit Council (PC) and early days of land rights
- Anangu resource officers

These plans will help [APY] Anthropology with genealogies as a lot of information is stored on Ara Iritja.

(JD) stated that “there is a new app Ara Iritja has developed to showcase good stories about Anangu for wider public distribution. Ara Iritja directors have been talking about this app and trust that AI would not put anything on there that they shouldn’t, they would seek to raise revenue from this iPad Application. AI would seek a resolution about this at a later Executive meeting.

#### Resolution Five

“The APY Executive Board approves the formation of a partnership with the Ara Iritja project. The objective is to secure the long term sustainability and continuing development of the Ara Irititja project. APY officers are authorised to work with Ara Iritja to develop a project plan to make the project happen.”

<b>Moved:</b>	Donald Fraser	<b>Seconded:</b>	Anton Baker	<b>Carried:</b>	All in Favour
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#### ITEM 7 DPC – AAR (1330)

Craig Macauley stated that “the government, Mr Marshall, has written to Mr Young to say that they intend to terminate the lease as of 30 June 2019.” Craig seeks nominations for a committee to meet and talk about how the Mintabie closure will work. Previous members were Bernard Singer, Murray George, Nyukana Norris. Discussion between (FY), (DF), (AB), (RK), about connection (to Mintabie area).

(AB), (MB) nominated by (FY).

(WM) nominated and K Lester

Final nominations proposal are:

Mr Baker, Mr Singer, Karina or Rosemary Lester and Willy Martin.

## Resolution Six

APY Executive Board support the nomination of the following; to represent APY Executive on the Mintabie oversight committee; Mr Bernard Singer, Mr Anton Baker, Karina and Rosemary Lester, and Willy Martin.

(RK) the General Manager and Rex Tjami will also attend the meeting.

<b>Moved:</b> Donald Fraser	<b>Seconded:</b> Anton Baker	<b>Carried:</b> All in Favour
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Craig notifies APY Executive about the OECD visit to Umuwa on Friday the 13 July. Executive members invited to meet then to discuss opportunities and barriers to local business opportunities.

### **Clem Toby (*Wakulpinya*)**

Clem talking about bullock at New Well. What about the money? (Clem seeks recognition of his ownership of the area). (DF): "We spoke of the areas about this and the money and it goes to APY and is distributed to traditional owners". (RK) what happens is that all agistment money are paid and 10% is distributed to *Nguraritja*.

(BS) "we need to look at this on the map to see what area they are grazing."

(RK) brings up the google earth image on projector screen.

(BS) "what area is this in? they aren't in a leased area so how is the money collected for the TO's?" (from agistment)

(RK) "that's a good point that Bernard makes."

(DF) "we were at Kenmore and we moved out of Kenmore and gave it to APY for everyone to share and we moved to a smaller area and we [Executive] passed that acknowledgment of that, and that APY Anthropology to go and talk to all the TO's for Kenmore. That fence wire was cut when Troy Coe last mustered camels and the cattle came across to New Well".

(RK) "How many cattle are there?"

(DF) "maybe 100-150. But those are stray cattle from the last camel musters."

(RK) "the anthros have got to go and ask the TO's first, that's how it works."

(DF) "so you want us to hold the cattle there until they can be counted?, because Ruth Morely and Michael Clinch to move those cattle out. I've been living at Kenmore for long while but maybe now my brother (Clem) doesn't trust me.

(BS) "Anthropology and APY need to go and look at who are the *Nguraritja* because those fences here been down maybe since Troy Coe's time. Might be that Donald is in breach of his lease agreement. (for allowing his cattle to wander)."

(DF) "The cattle just got out themselves and now my brother (Clem Toby) is fighting with me through the Executive. I've got to worry about my sick wife."

**1415 Ruth Morely (RM) – LEGAL REPORT**

"Lots of legal work due to trouble with Ombudsman and Brouss Chambers. You may recall that Mr McFetridge requested all that information. In our view the information of APY is for APY and that is not to be distributed to just anybody. So we are still waiting for the decision on whether APY have to give this information from the minutes. Brouss Chambers can't let go of Anangu, after [Kumana] Ingkatji and [Kumana] Nyaningu looked after him.

(RK) "this is important because Government gave Anangu Tjuta land and funding and now they want to tell Anangu how to spend that money and manage their land. That's why we are stopping the Ombudsman and saying you are not the boss for Anangu Tjuta."

(RM) "We asked the Ombudsman for all of the records of the times he sat down with Trevor Adamson because we think this is just phone calls and email from Mr Chambers.

(BS) translates Ruth Morely.

(DF) "are we talking about bringing Trevor here to talk?"

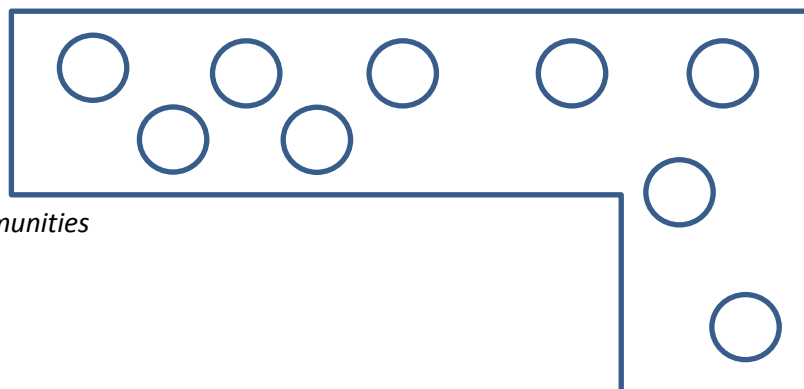
(RM) "we have tried to talk to Trevor here and he just fights. We are going to talk to him at the Supreme Court."

(DF) "we are Trevor's family is this a conflict of interest?"

(BS) "this is just a discussion."

(RM) "what we are discussing here, this is confidential that can't be discussed outside. What you've done is declared a conflict of interest that is noted and can be waived. But it is in the interest of all Executive members to be informed.

**(RM) Electorates (New item in Legal report)**



*Diagram of Communities*

(RM) “ In all these communities and homelands there are all these buildings, and if something goes wrong in these communities who is liable?, for example, Docker River community is being sued for the wrongful death of an old lady. This could happen to APY if something were to happen in any of these buildings. APY could be liable. So that’s why leases should come through APY and the lease money would come through APY and be distributed after.”

(RK) “Under the Land Rights Act leases can only go through APY, that power grant leases can only be held by Executive (or delegated by Executive to GM). All the leases made by community councils are not legal they don’t have the power under the Land Rights Act to grant leases.”

(BS) “what about the homelands, if something happens there where does the insurance come from?”

(RK) “Corrective Services want to ask homeland to [rehabilitate young fellas, instead of prison]”

(DF) “in the 1980’s we used to get money for local government functions is that still there?”

(RK) “we get that money but we are putting that to the Amata road.”

(DF) “that’s supposed to be for street lights.”

(RK) “the first project was street lights the next one was Kalka – Pip road next will be that special area near Kanpi.”

(DF) “what about our road to Kenmore?”

(RK) “that’s on the list, they are going to do that when they seal the road to Pukatja.”

(RM) “so we are saying this so that community councils get the right idea. APY is not trying to grab their money.”

(RK) “next month we have to start going around and talking to councils so that when something burns down, like happened at Pipalyatjara council building, we will have insurance money to rebuild it. Once there are proper leases and insurance from lease money.”

(BS) “what about asbestos at homelands (in the context of insurance)?”

(RM) “I take on notice a question about Homelands and asbestos and I will look into that. The urgency is noted.

(RM) “the next item is about the baby at Mimili. It raises issues about protocols for staff and people working on the APY lands. I know that when I see things when I walk in the bush, I just forget I saw it.”

(RT) “Discusses his concerns about what happened with this case and why they trespassed on that area and took the remains. They need to put signage.”

(RM) “suggests protocols (ideas)

- Any anthropology work on APY lands is referred to APY Anthropology (section 7 of APY LRA)
- Any discovery of human remains is to be reported to APY Director and GM
- Any discovery of human remains is not to be interfered with
- An incident report submitted

- The Director of A:Y and GM will the report to the Police and accompany police to the site of remains
- The area will be sealed
- APY will then direct APY anthropology to work with forensics identifying the remains and any local knowledge”

#### **Resolution Seven**

APY Executive directs GM and legal to build a protocol for the discovery of human remains on the APY lands.

<b>Moved:</b> Anton Baker	<b>Seconded:</b> Bernard Singer	<b>Carried:</b> All in Favour
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#### **Resolution Eight**

APY write to parties and state that we want to move forward and place memorial at site expect them to pay compensation [for disturbing remains]

<b>Moved:</b> Bernard Singer	<b>Seconded:</b> Marita Baker	<b>Carried:</b> All in Favour
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#### **National Heavy Vehicle Regulatory**

#### **Resolution Seven**

Executive Board consents to the National Heavy Vehicle Regulator approving the transit of road trains to length of 26m (1 trailer and doley) through the APY lands.

<b>Moved:</b> Donald Fraser	<b>Seconded:</b> Richard Kanri	<b>Carried:</b> All in Favour
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#### **Item 5 (Thursday)**

East Anangu Pastoral Corp Presentation

Presentation by SA NTS on behalf of the De Rose Hill Ilpalka Aboriginal Corp

See Presentation Handout

The proposal is to operate a pastoral business on APY Lands via the De Rose Hill Co and existing PDL holders on the APY lands , Bernard Singer, Peter De Rose, Rex Tjami.

APY an important Partner in the business. Improvement is accordance with APY policies.

SANTS is there to offer support.

(BS) “we have asked for this for some time and haven’t got an answer.”

(RT) “we have been promised five year lease plus five, but this is looking to the future.”

(BS) “this is what we’ve come up with to develop our business plan.”

(RK) "there is two agistments models, The one for *piranpa* (white people) who pay to build up the infrastructure. There's the second one for Anangu once it's been built up."

(DF) "we developed Kenmore, not white fellas. Of now were left it to go back to Pukatja."

(BS) "I'm thinking about a submission, how are we going to get funding if we only get five to ten year lease?"

Saints Rep "that would work we could work with that"

(RT) "We have been there 5+5 we have been talking about this. We want the land this is our land we own it. We want Anthropology to go and talk to the TO too and if they agree with a lease agreement. We wonder what will happen if Richard and Rex go, then they will dissolve PDL's, that's why we want a lease."

(BS) "with 5+5 then we've got to come back to negotiate again in 10 years or they're not going to renew our lease."

(RK) "the act is clear, all Anangu own all the land."

(RT) "Anangu can't do anything on the land because of the Act. We are thinking about the future, this is about our future, our culture."

(DS) "I had a dream that this hill country would be for Anangu and Anangu business. "

(RT) "it's written in the minutes somewhere that Anangu should develop a business plan and we will give you 5+5 [lease] and if you build it then come back and get 25 + 25. That's somewhere in the minutes."

(RK) "APY has to be the leaseholders because we own the infrastructure and that's why we pay for it. Like with Donald Fraser he built all those fences but now APY own it. We can't have that happen again. The grass goes like it did out Kenmore with no grass and the business with finish."

(RT) "at the moment we are giving our land to the agisters, they live us 50 thousand dollars and they get a millions. We want the lease so that we can make that money. We have to work with APY and work out this agreement."

(FY) "Listen this is our land (Anangu land) that's my grass. "

Bernard and Rex exit the room.

(FY) "what do we think about this?"

(R Kanari) "how many years do they want to hold this land for themselves? I'm thinking about my sons over that way to what will they have?"

(RK) "If we say this area is for our business and the grass runs out then the business is finished. But if there is a partnership with APY then they can move their cattle around and keep their business. "

(FY) "let's think about it while we finish the agenda"

Discussion deferred to the end.



## **Anthropology Presentation**

### **Resolution Nine**

APY Executive board approve the request by Toll Mining Services to use an unmanned drone to complete quantity surveying work on the road corridor within the cleared construction activity zone (CAZ) from Pukatja to Double Tank and additionally at the cleared site for Fregon 4 Pit, near Double Tank.

<b>Moved:</b> Donald Fraser	<b>Seconded:</b> Richard Kanari	<b>Carried:</b> All in Favour
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### **Resolution 10**

APY Executive Board resolve that the APY General Manager and Director of Administration can on behalf of APY Executive Board give final approval and sign off on completed HIA reports for the Mail Road and Kenmore Park works as per Section 9F of the Land Rights Act.

<b>Moved:</b> Frank Young	<b>Seconded:</b> Anton Baker	<b>Carried:</b> All in favour
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### **Resolution 11**

APY Executive Board endorse the completed HIA survey for GFlows proposed drilling locations, Amata to Watinuma (sites 2a, 2b, 3, 28, 29).

<b>Moved:</b> Donald Fraser	<b>Seconded:</b> Frank Young	<b>Carried:</b> All in favour
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### **Resolution 12**

APY Executive Board endorse the results of the completed Western Sensitive Area road meeting and instruct Anthropology to continue to work with male Exec members for Kanpi/Nyapari and Pipalyatjara/Kalka to advance approvals for work on the road between Kanpi and Kalka

<b>Moved:</b> Richard Kanari	<b>Seconded:</b> Anton Baker	<b>Carried:</b> All in favour
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### **ITEM 10 – Camel Yards Assistance**

(FY) requests from APY steel to repair camel yards at Watarru area.

### **Resolution 13**

APY Executive direct APY Pastoral to work with Mr Young to provide steel to build new camel yards near Watarru and assist with planning the work.

<b>Moved:</b> Murray George	<b>Seconded:</b> Donald Fraser	<b>Carried:</b> All in Favour
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#### **Resolution 14**

APY Executive support the Pastoral business (Eastern Anangu Pastoral Corp) to work in partnership with APY to establish an Anangu owned and run business.

<b>Moved:</b> Nyunmuti Burton	<b>Seconded:</b> Marita Baker	<b>Carried:</b> All in Favour
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#### **Morrison Bore Concern – Murray George**

(MG) states that only Wangka was getting money from Morrison paddock and Ironwood and Parakilya Bores. "Because my daughter was born there at Morrison (Michelle, deceased) I need to be recognised as holding that place and I need to get money from there."

#### **Resolution 15**

APY Executive direct the APY Director and GM to investigate the status of Morrison Bore PDL and report back to the Executive at the next meeting about whether it is still standing as expired and propose a way to resolve the concerns raised by Murray George.

<b>Moved:</b> Frank Young	<b>Seconded:</b> Mrs Norris	<b>Carried:</b> All in Favour
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#### **Women's Law and Culture**

Mrs Norris states that she has a small car but needs to transport women for law and culture. She requests the use of an APY law and culture car to transport women to women's law and culture. Not everybody is going to work at the women's camp just me. Richard King commits to working with Mrs Norris to obtain a car for women's law and culture.

#### **Watarru IPA Badge:**

#### **Resolution 16**

APY Executive Board have viewed the new Watarru IPA Badge (patch) and approve the design for use on Watarru IPA worker uniforms going forward.

<b>Moved:</b> Anton Baker	<b>Seconded:</b> Richard Kanari	<b>Carried:</b> All in Favour
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Next Meeting August 15

Meeting closed 6:03

See folder D01/01 [for sound file)