



Anangu Pitjantjatjara Yankunytjatjara

EXECUTIVE BOARD MEETING
(continued agenda items from meeting of 21 September)

Wednesday 30 September 2020

MINUTES

Start time: 12.00 pm

PRESENT

Location – Adelaide Members

Sally Scales (Chairperson) (SS), Ebony DeRose (ED), Julieanne Campbell (JC), Anton Baker (AB), Nyunmuti Burton, (NB),

Umuwa TTC

Willy Pompey (WP), Bernard Singer (BS), Makinti Minutjukur (MM), Owen Burton (OB), Gary Lewis (GL), Richard Kanari (RK), Marita Baker (MB), Rex Tjami (RT), Richard King (RKg), Tania King (TK), Ruth Morley, (RM), Mavis Welsh (MW) (minutes/recording).

Observer: Chantelle Bala, PMC/AAR

Apologies: Nil

SS welcomed everyone and explained the agenda for this meeting is a continuation of the meeting of the agenda of 21st

She reminded members that all Exec Board members have a right to be at the meetings and should not be subjected to bullying or harassment from other members or non-board members.

SS stated we will start with the Legal report and then order the items accordingly.
 RKg audio and video recording the meeting.

4. Legal Report

RM – last meeting there was discussion on Ara Irititja and Board wanted more info. It was agreed for APY to take over 3 Wilkinson Street. There was a good meeting on 13 August with Pitjantjatjara Council, Nganampa Health, Ara Irititja and NPY Women's Council to discuss the future of 3 Wilkinson Street, held at the Desert Precinct in Alice Springs.

Resolution

The APY Executive Board confirms its resolutions of 19 November 2019 regarding the transfer of 3 Wilkinson Street, Alice Springs and the Ara Irititja programme to APY Lands control.

Moved O Burton, Seconded B Singer. Carried unanimously.

Resolution

The Executive Board accept that the Legal advice is confidential to the Board members only.

Moved O Burton, Seconded A Baker. All agreed.

Resolution – Censure Motion

APY Executive Board censure Gary Lewis' conduct in speaking over other Board members and APY contractors and consultants and saying things are not legal and taking telephone calls outside the room with other people who are not on the Board and in fact speaking on the phone in the room.

Moved A Baker, Seconded J Campbell. Carried by Majority.

3. WHO's – Covid 19 update

RKg stated that APY have been working closely with stakeholders and number are low across the state.

BS asked about Work Health and Safety.

RKg gave an update on APY WH&S. He stated that the first aid boxes are being upgraded with snake bite treatment and providing socks and boots for workers.

Noting: (New defibrillation machine has been set up in the APY Office with training planned for next early year.)

5. Money Story**5.1 P&L July 2020**

RKg displayed the July on screen and he explained the items of expenditure and income in detail.

RKg legal fees are increasing due to the FOI requests because we do not have extra staff and there have been 80 FOI requests the past three years. Each one has a cost of \$2,000-\$3,000, which is a total of \$240,000. These fees may increase if more FOI requests are received. These funds should be going to Anangu and not being wasted.

Executive discussed the FOI issues.

RKg stated that the legal costs are also for all legal experts and legal staff as well as other legal advice we require.

Resolution

The APY Exec Board agree that this is a true and accurate reflection of the P&L Money story for July 2020 and Exec Board approve for it to be published on line.

Moved B Singer,

Seconded M Minutjukurr

All agreed.

5.2 Budget 2020-2021

RKg stated that the overall APY budget for 2020-2021 is \$1,864,207.00. He displayed the budget on the screen and read out various individual budgets.

The executive members discussed various aspects of the budget and asked for clarity on others.

Resolution

The APY Exec Board have reviewed the APY budget for 2020-2021 and in line with the LRA approve its submission to PMC/AAR.

MOVED B Singer,

Seconded A Baker.

All agreed.

ACTION: Executive discussed the sitting fees and travel allowances for them to get to the meetings. RKg asked TK to talk to PMC/AAR about fees, mileages and allowances to increase in line with CPI.

SS – I do not get paid any additional fees to attend meetings in Adelaide or mileage to go to other meetings when she represents APY.

RKg said every chairperson has had an allowance except the chair. The chairperson gets a chairperson's allowance– they do not receive anything extra travel support.

SS let me make it clear since the attack is on me – APY does not help and support me. What I do here with RKg and TK if a meeting in Adelaide I attend. None of my bills are paid by APY as I get one allowance.

RKg said members in Adelaide get taxi but not fuel allowance.

RT – through the chair to SS – under LRA only need six meetings per year.

ACTION: TK to bring back model for next year – need to bring back dates for 2021 – will work out 10 meetings for next year and can look at budget for fees and mileage.

5.3 Appointment of Auditor - 2019-2020

RKg – audit was to be carried out by Edwards & Marshall, however they cannot do it this year. I am therefore proposing KPMG to do the audit. They have done previous audits for APY and they know our organisation well.

SS – KPMG is a big company and they have lots of good auditors.

BS translated for everyone.

BS – KPMG is one of the four top companies in the world.

Resolution

The APY Executive Board agreed to the appointment of KPMG as APY auditor for 2019-2020 financial year.

Moved B Singer,

Seconded A Baker

Carried unanimously.

5.4 AGM for 2019-2020

RKg – we need another date for AGM to give time for KPMG to go through papers/books and prepare their audit. Looking at March 2021 for AGM.

BS suggested a Special General Meeting before Christmas.

SS said the next Exec Board meeting is 2 and 3 November.

RKg so dates for next meeting 2 & 3 November with Special General Meeting on 4 November.

SS asked if a date can be fixed.

Resolution

The APY Executive Board agree to set the date for the AGM as 24 February 2021.

Moved B Singer,

Seconded A Baker

Unanimous

RKg said the Special General meeting to be held on 4 November.

BS – now is the time to send in agenda items for SGM.

RKg – Pastoral stuff – need to start building agenda.

BS spoke in language.

 Mining Regulations.

 Pastoral regulations.

RKg – need to start meeting at right time with lots of time for discussion.
Hold the meeting in the big shed with PY media.

7. Cultural Liaison Heritage Unit – Anthropology

Charmaine Jones (CJ) Andrew Cawthorne presented PowerPoint presentation .

7.1 CFS Fire Breaks –

- Proposal to clear firebreaks for 12 communities and homelands across APY lands.
 - Use existing roads or tracks and clear extra tracks
 - RASAC to do maintenance yearly.
 - Proposal is for clearing tracks, not burning.
- CJ introduced Andrew Cawthorne on the phone.

Resolution

The APY Executive Board supports the results of the completed CFS firebreaks consultations and approve all the works to proceed.

Moved R Kanari,

Seconded W Pompey.

All agreed.

Resolution

The APY Exec Board approve that the GM and Director under Section 9F of the LRA can make decisions regarding the remaining CFS firebreak consultations.

Moved R Kanari,

Seconded G Lewis.

Carried.

7.2 DPTI Water Infrastructure

CJ spoke of difficulties experienced by DPTI water infrastructure. They have proposed 4 areas between Number Tank and Ronald's Bore: They are proposing a maximum of 4 drill holes within a 200m radius of the 4 proposed sites; Turkey nest infrastructure; with Pipelines and Access tracks.

BS translated.

AB, RT, Hughie Cullinan, WP and GL were shown 2 areas to look for water with Warren Peterson and to submit a new HIA request to Anthropology.

NOTED: DPTI to come back to Exec Board with further proposal for sites to find water for the roadworks.

7.3 Telstra – Kenmore School Internet.

CJ – this is a Dept of Education initiative. Telstra have identified 4 sites to be used. 3 are existing sites and installation of new equipment at Kenmore School.

They want to put up a 6 metre mast at the school and do some trenching work and soil testing and do work on other fenced sites to do testing.

- Kenmore RT upgrade – existing compound (but no current lease)
- Kenmore School - New solar frame & 6 panels, including footings
- Umuwa Exchange upgrade – existing compound
- Morrison Radio Tower upgrade – existing compound

Resolution

The APY Executive Board approves the proposed works to proceed for Telstra at Kenmore School pending the outcome of consultations for the Kenmore School site.

Moved B Singer,

Seconded G Lewis

Carried

Resolution

The APY Exec Board approve that the GM and Director under Section 9F of the LRA make decisions regarding Kenmore School site.

Moved B Singer,

Seconded R Kanari

Carried.

7.4 Granite Downs – illegal mining

AC gave background about APY prosecution of individual for illegal mining in Granite Downs area. There had been a community meeting planned for February 2020 but it did not happen. In February 2020 Exec Board asked Anthropology to plan a heritage survey.

BS translated.

AC continued that the northern area had destroyed important cultural heritage site; two areas too close to the northern site. The survey participants agreed to proceed with prosecution under the Heritage Act, but are concerned for family at Granite Downs.

RKg – APY will be taking the issue to court under the Heritage Act –this will pull family involved into the matter.

BS translated.

Suggested steps:

- Contact AARD to send referral from APY, and ask what information they need to look at prosecution under the Aboriginal Heritage Act.
- Speak to senior Traditional Owners about what information they can share on the heritage sites to be passed on to the prosecution.
- Undertake a legal analysis to see if Anangu may be negatively impacted by proceeding – whether Anangu will get in trouble through prosecution will depend on the evidence APY can provide.
- When completed report back to Executive Board for instructions.

RKg once reported back then Exec Board can make determination.

BS – Said, I know that Mintabie closing down soon, so miners will want to act quickly.

Discussion in language.

GL – the miner wants to go to Mintabie – should go to Minister for Mines. He can't go to Traditional Owners or Anangu for mining.

ACTION: AC suggested Anthropology to take steps to investigate Granite Downs illegal mining and report back to the Executive Board.

7.5 Anthropology/Pastoral

RKg tabled a letter from Ronnie Colson, Leon Arthur Colson, Francis Colson and Elizabeth Dunn to the Chairperson and the Anangu Pitjantjatjara Council elected, as below

RKg said he can ask Anthropology who Traditional Owners for that land.

GL – He is the representative from that area and want to mediate the issue– first Anangu way, then if not get police.

RM said if not resolved Anangu way then need to come back to Exec Board.

ACTION: RKg to give copy of letter to GL who will then write a letter to the family.

8. Pastoral

Michael Clinch (MC) attended the meeting and thanked the Exec Board and commended them to stay strong on the issue of illegal grazing.

He stated there is still a big problem with feral animals – Exec Board need to bring to the front the continued cull of feral animals.

He had a meeting with Mr Sampson – moving towards working to take on clearing areas. BS spoke in language about this matter.

MC – this will include Jim Scott on parts of Eagle Rock. Mr. Corcoran has not renewed his agreement – says he can't or won't work with me.

8.1 Warrick Hill Proposal.

TK – Warrick Hill (WH) is on phone to speak to this item.

WH – We have been trying to get permit for people to come on APY lands who have access to camel markets, for the supply of camels to a variety of industries. These are people that can offer a place to sell camels and open a wider range of markets.

BS – what camels? – bulls, cows, calves?

WH – trying to offer access to larger markets, but can't get permits. Can't have only one market, especially if only milk. What markets do you have at present? Only want to give more opportunity for Anangu.

BS – only wanted you to come and do presentation to Board.

WH spoke in language – have to access camels in Queensland as unable to obtain permit for APY. I need permit to come and look.

Best is to come and look – can't take all camels at once.
BS – come and talk in person. Need to sit and talk about how it can be done.

WH – will trying and come up and work out how to do it.

RKg said that if we yard camels and you take only milkers, we will have to destroy the others.
WH – may be able to arrange something for the others.

RM – I would be advising APY to do 'Due Diligence' of non-Anangu who you want to do business on APY land.

WH – 'yes, totally understand.'

RKg – in the past you have been caught on the Lands without permission. Need to follow the rules and come through front door.

WH – have been seeking permit for the last 3 years.

Exec Board thanked WH for attending today.

10. Permits

Need to nominate a chair for the remainder of the meeting.

Resolution

The APY Executive Board nominates R Kanari to chair the remainder of the meeting, accepted by R Kanari.

Moved G Lewis,

Seconded B Singer.

All agreed.

TK is seeking advice for people to enter the Lands for unplanned Emergencies – delay due requirement for NPC. Suggesting a Statutory Declaration saying nothing untoward on police check. They will then send in the official police check.

Resolution

The APY Executive Board approve the Permit Officer to accept Stat Dec from applicant for permit until such time as a National Police Check arrives, thereby enabling the permit to be processed, along with other required documentation.

Moved B Singer,

Seconded O Burton.

All agreed

BS asked about religious ministers coming on to the Lands.

TK they will have to provide all that too. Even if the Ministers and Pirampa living on community still have to go through process for permit.

RKg – Education Department have said 'Working with Children' card police check is more rigorous than National Police Check. Can I put it to the Board that if someone

has a 'working with children', card check and they want a permit, then that can be accepted.

Resolution

That APY Executive Board accepts, for people wishing permits, the use of a current 'Working with Children' card check will be accepted, in which case they will not require an NPC, but they will need other required documentation.

Moved O Burton,

Seconded B Singer.

All agreed.

ACTION: TK raised the item of L&C funding and all agreed to bring it back to next meeting in November.

11. Other Business

11.1 Proposal for Happy Valley Roadhouse

OB tabled a proposal and plan for creating a Roadhouse at Happy Valley.

RK described the proposal in language. This is for Exec Board to look at and consider.

BS – will need approval from APY Executive Board on the proposal to develop a roadhouse. There is the question of where funding to come from. Nguritja (Traditional Owners) needs to be consulted. Needs to be laid out how it will develop.

RKg – APY Exec Board and APY LRA where Nguritja want to use part of the land – APY only involved in the land lease, access and control if approved by Nguritja.

BS APY can't get involved in any development on the land.

RKg said it is a good idea. What APY needs is a step by step process for Anangu to build or create a company or business. If tourists come in we need Anangu business. Money mob may be able to help or Office of Consumer Affairs in SA.

Need to lay out a step by step process for this and any similar proposal for Anangu company/business.

RKg – This will need a licence from APY saying yes – with a lease and terms. Once a licence granted then can take the lease or licence to seek funding.

OB stated he has two sons and a daughter – one son done 5 year apprenticeship as mechanic. Wants his own business – Other son is the director on PY Education – this would be an opportunity. Spoke to Rowan Ramsey when in Adelaide. Will look for funding, but will need lease/licence first.

RT – approval for CLHU to go out and mark the area. Talk with Traditional Owners in the area and report back. Then proposal can come back to Exec Board for Lease/Licence.

RKg – once talked to Traditional Owners then come back will be able to say whether ok with Traditional Owners.

RM – can be referred to Anthropology.

ACTION: RKg will pass on to Anthropology, who have a big list of items, to go out and mark the area shown in Owen Burton's plan of Happy Valley Roadhouse and talk with Traditional Owners and report back to Exec Board.

NO QUORUM

Meeting closed at 6.40 pm.