

**Executive Meeting No. 8 of 2009/2010  
3 March 2010 at Umuwa  
Minutes**

<b>Present:</b>	Chairperson	Bernard Singer
	Amata	Leonard Burton (by telephone from Adelaide)
	Anilayla	Kawaki Thompson
	Indulkana	Ronnie Brumby
	Kaltjiti	Murray George (by telephone from Adelaide)
	Mimili	
	Murputja	Anton Baker
	Pukatja	Jamie Nyangu
	Kalka/Pipalyatjara	Mrs Paddy
	Watarru	Charlie Anytjipalya
	APY	Rex Tjami, Ken Newman, Peter Huntington, Rodney Edwards

**1. Welcome**

Bernard Singer opened the meeting at 11:45 am with a prayer by Mrs Paddy. Bernard Singer explained that Mr Campbell is in Alice Springs hospital and may not be able to attend future meetings.

**2. Previous Minutes of Meeting No. 7– 3 February 2010**

The General Manager read the Minutes of Meeting No. 7 held on 3 February 2010 which were accepted without alteration.

Moved: Jamie Nyangu  
Second: Charlie Anytjipalya  
Carried: All

**3. Legal Matters**

Peter Huntington provided a report and the following matters were discussed.

**a. Housing**

Housing SA would like the Public Housing Leases transferred to the SA Housing Trust. The effect of this would be to preclude the application of the protective provisions of the *Residential Tenancies Act* which protect tenants by creating obligations on the landlord. Accordingly TO consent is required.

***Action: APY to write to Housing SA about the need to consult with Traditional Owners as certain rights would be altered***

**b. Watinuma Store**

This should be referred for TO consultation once a deposit has been received to cover costs.

**c. NRM**

The Minister has retained Phillip Toyne to advise him on how NRM should be delivered on the APY Lands. He will visit the lands next week to meet with Land Management. He is thinking there should be an NRM group under the *NRM Act* to deliver NRM on the APY and MT lands and that APY should do the delivery for both lands, subject to having the capacity to do so. A finding or admission of lack of capacity could provoke an amendment to the *APY Land Rights Act* to exclude delivery of NRM by the AW Board as government does not want to resource two agencies to deliver NRM in this region.

**d. AP Services**

On the last day of the administration (16 February) the Administrator signed a deed with APY to release AP Services claim on the remaining grant money (claim value \$270K) and for payment to

APY of \$168K rent collected from communities, \$11K profit on R&M and \$20K interest in rent held by APS. The deal is subject to the State releasing APY from any further account under the R&M grant. If this is given, APY has saved over \$330K of money which would otherwise have been lost into APS. The State has advised that it expects APS to be wound up.

#### **e. Commonwealth leases**

The Commonwealth has not progressed this and it is recommended that a commercial party be identified to rent those assets so that TOs will receive compensation.

- Action: 1. APY to investigate if any commercial companies are interested in leasing yards and facilities and helping to develop Anangu businesses.**  
**2. APY is to obtain advice about setting up a commercial company and trust/royalty distribution models.**

The legal report was deferred at 2:45 pm

#### **4. Land Management Matters**

Rodney Edwards provided a report to all members but Thalie Partridge started with a summing up of her work over the past three years. She gave a slideshow presentation which was well received. The Executive Board thanked Thalie for her work in APY Land Management.

Rodney then spoke to his report.

#### **a. IPA'S**

##### **Declaration of Kalka/Pipalyatjara IPA**

A letter signed by Stanley Young on behalf of the Kalka/Pipalyatjara Land Management Steering Committee and Mrs Paddy for Kalka community seeking Executive support for voluntary declaration of the area in their management plan as an Indigenous Protected Area.

##### **Resolution**

*The Executive Board endorses the plan of management and support the commitment of the Kalka/Pipalyatjara Land Management Steering Committee to declare the area an Indigenous Protected Area.*

Moved: Kawaki Thompson  
 Second: Jamie Nyangu  
 Carried: All

#### **Recruitment of IPA Officer**

On-Lands interviews have been conducted with Walalkara and a new Project Officer appointed. Laura Mitchell will commence after Easter.

Applications are due in April for continuation of IPA funding, the Planning for IPA's and the declaration of the new IPA's

#### **b. Recruitment of New Land Management Staff**

Regional Ranger – A malpa has been identified. The position description needs to be developed and advertised.

#### **c. AW NRM Issues**

**Draft regional NRM Plan** – the GM AW NRM has advised a submission will be received up to 8 March. Marilyn Ah Chee said the consultation period had been extended to 3 months. Following Marilyn Ah Chee's visit, an invitation was extended to the designated Board members to attend this meeting but was declined based on short notice. They have been advised the next Executive meeting is in May.

AWNRM staff requested to visit communities to discuss priorities in the 3 yr business plan –

**Action: They are to be invited to attend the next Executive meeting in the first instance.**

- d. **Warru Reintroduction Project** – a contract has been provided this week for signing. It will be difficult to achieve the contract milestones by March 31. We have recruited an Officer with contract/tendering skills and Jasmina Muhic will commence in two weeks.
  - e. **Camels**
    - National Steering Committee mtg 18<sup>th</sup> March
    - Permit applications regarding a proposed survey on Anangu attitudes to camels – **defer** until after PT visit and National Camel Management Steering Committee meeting
    - Correspondence regarding culling – **discuss camels at AGM**
    - State Camel Management Working Group – **Rodney and Troy are to be the delegates**
    - Application from Walalkara – **discuss camels at AGM and respond**
  - f. **Clearances** – Clearances will be undertaken for the warru reintroduction fence and for warru aerial surveys over the Tomkinson Ranges during the next month.
  - g. **Toyne visit** – Phillip Toyne will be visiting next week with David Leek from DWLBC to assess LM capacity to deliver projects.
  - h. **State NRM Community Grants** – an application by Frank Young has been received from DWLBC and they have requested in-principal Executive support. There are 2 other grants known but information not received. – decision to invite Mr Young to discuss his application at the next Executive meeting
  - i. **New Project** – There is interest in starting a new project for collection of species in the swimming pools and sending them to the SA Museum. Executive support is needed.
- Action: Approved**

Mr George and Mr Burton left the meeting at 4 pm (5pm SA time).

## 5. Housing SA

### a. Visiting Housing SA accommodation

Gary Oxford and Roman Kowalczyk provided a briefing on the need for visiting Housing SA staff at Umuwa. They were reporting back as requested from the last meeting. They were seeking approval for the development and placement of a 4 bedroom temporary housing development at Umuwa that could be gifted to APY when they are finished with it.

### b. Temporary Builders' Camp, Kaltjiti

They were also seeking approval for a temporary builders' camp at Kaltjiti, similar to that at Mimili. It will be located near the aged care facility.

### c. Recovery of Housing R&M funds

Roman thanked APY for its efforts in recovering housing r&m funds from AP Services, now called Regional Anangu Services. This will enable funds to be put back into the housing r&m program for Anangu houses.

### d. Community Repairs and Maintenance Requests

Gary also asked for approval to discuss alternative proposals with communities in relation to repairs and maintenance requests. This was approved by the Executive Board.

## 6. Development and Planning Matters

### a. PA09-031, PA09-033, PA09-034, Australian Defence Force Projects

There are further heritage clearances to be arranged before the Army project work can start. Clearances need to occur mid March.

A quote for the work was sought by APY for Defence Force approval. The quote amounted to approximately \$28,000, with \$4,000 of this going to TO's who participate in the clearances.

The clearances are neither new nor complex and can be done by Mary Anderson and Gary McWilliams with the right TO's.

Summary of the clearances:

- Water route from Young's Well to Pukatja Community- previously cleared in 2008 but a slight change in route- the same TO's should attend and advise if clear to go ahead.
- Electricity route- same route as water, again needs same TO's for clearance
- School site plan- drainage works- desk top clearance is suitable
- Camp site and layout- proposed site is south of Turkey Bore – this needs careful assessment with the right TO's- if not agreed TO's will advise suitable site with access to power and water
- Two new house sites in Pukatja already cleared and included in 5<sup>th</sup> lease variation, need to be re-cleared because of tree removal
- Tony Davies advising re new slit trench at Pukatja Dump for Army waste disposal.

Mary Anderson and Gary McWilliams are to discuss the idea of staff members undertaking the clearances with traditional owners with Jamie Nyanningu and Kawaki Thompson.

**b. DA10-003 Bungala request to place Caravans on the Land for CDEP workers**

15/2/10 APY P&D emailed Erin Woolford re APY Executive decision to invite to AGM. Erin Woodforde and David Pierce will attend to give an update on all Bungala projects for 2010.

**c. DA10-002 Housing SA Visiting Staff Accommodation**

This matter was discussed by Housing SA. An application went forward to Executive in February 2010 but the Executive did not endorse the development, and requested Housing SA to use the existing 4x bedroom DFC temporary accommodation. On 15/2/10 APY received an amended application for the same site. This meets the Minister's specification and will be gifted to APY at the end.

**Resolution**

That Executive Board considers the new application and supports Housing SA to get their programs up and running by approving the development as presented.

Moved: Jamie Nyanningu  
Second: Charlie Anytjipalya  
Carried: All

**d. TA10-002 GBM sites in Amata and Mimili**

The February Executive approved 2 sites for development for GBM accommodation. Since then the Amata site has been identified as unsuitable due to overhead high voltage powerlines. We have proposed another site for the GBM/IEO in Amata located next to AMA422, this requires clearance and a new land parcel to be created. The site sits alongside teacher accommodation.

**Action: Deferred to next meeting**

**e. TA10- 001 Commonwealth Government request for leases for NGO use**

We travelled to all Communities and photographed all houses that the Commonwealth Government wants to lease. We included other assets for example, work yards and sheds. This record of assets will be available for TO consultations.

#### f. Fixed Assets in Umuwa

We have also recorded all fixed assets in Umuwa for future reference for APY staff and Executive. This is available when needed.

#### g. Kaltjiti Builders' Camp

##### Resolution

The Executive Board approves the temporary builders' camp at Kaltjiti as discussed, provided it meets with all the necessary APY development approvals.

Moved: Anton Baker

Second: Mrs Paddy

Carried: All

#### 7. Anthropology Matters

The General Manager advised that APY is utilising Coffey International Development to help us recruit to the Anthropologist positions. Advertisements were placed in the Weekend Australian last week.

#### 8. Correspondence In/Out

##### In

1/2/2010	Minister	Phillip Toyne and NRM delivery on the APY Lands
2/2/2010	Army	ACAP projects Pukatja
4/2/2010	Minister	Invitation to Leaders and Leaders Meeting
5/2/2010	Meertons	Mimili Community Inc.
9/2/2010	DWLBC	State Feral Camel Management Project
10/2/2010	Minister	Emergency Response to Invasion of Camels
11/2/10	Roger Menadue	Walk across the APY Lands – to discuss with McKenzie and
Ingatji		
9/2/2010	DEH	Permission to consult with Anangu about control of camels – <b>deferred</b>
9/2/2010	Minister	Regulation re Permits By-Law
16/2/2010	Minister	Appointments to various NRM Board vacancies
22/2/2010	P Toyne	Email responding to letter
19/12/2009	Kaltjiti	Grog running on the APY Lands
25/2/2010	D Fraser	Requesting GM to resign – <b>discussed at item 12</b>

##### Out

4/2/2010	Aurukun	Request to visit to discuss the FRC
22/2/2010	P Toyne	Request to delay visit by one week

#### 9. Appointment of Auditor for 2009/2010

The General Manager reported that APY has to appoint an independent auditor each year. Quotations were provided by three companies and it is recommended that Perks is approved as the Auditor for the 2009/2010 financial year.

Moved: Bernard Singer

Second: Anton Baker

Carried: All

#### 10. Financial Reports

The General Manager provided each member with graphs of income and expenditure for Land Rights Administration and Local Government funding to the end of February 2010.

#### 11. Reporting Back to Communities

The General Manager advised that Minutes are prepared for meetings and when approved are posted on the internet for other people to learn about what APY discusses. However, there are

always complaints from Anangu that they don't know what is going on. Executive Board members were reminded it is their job to report back to their communities, either through community council meetings or more general community discussions.

## **12. Letter from Donald Fraser**

The General Manager advised he was hand delivered a letter by Mr Fraser on 25 February 2010 and he read it to the Executive Board. He then said he would excuse himself from the meeting while the letter is discussed by the Board.

The General Manager, Director and Rodney Edwards were asked to leave the room. Peter Huntington, Principal Legal Officer remained and took the Minutes for this item.

Peter Huntington outlined the rules relating to the removal of the General Manager and Director.

The purpose of having a General Manager with day to day management and financial control, whose removal is limited in this way, is to protect the assets and operation of APY being damaged by arbitrary removal in response to the politics of the day.

Bernard Singer said the General Manager cannot just be removed by the Executive Board or by an individual member.

Ronnie Brumby said the Executive Board should decide about the Fraser letter and write to Fraser. Ronnie then spoke against the General Manager. Jamie Nyangu asked why? Bernard Singer said the matters raised in the letter should be investigated but Jamie said he can see a problem.

### **Proposed Resolution**

That the Principal Legal Officer investigate the matters raised in Mr Fraser's letter and the General Manager should be offered a leave of absence on pay while the investigation is done. This resolution was not moved.

There was further discussion in language mainly between J Nyangu and R Brumby. Jamie Nyangu said that Ronnie Brumby was a trouble maker with AP Services and is causing trouble once again.

Further discussion then occurred with the members, apart from R Brumby, and Bernard Singer expressed reluctance to cause the matter to build and expand.

### **Resolution**

That further consideration of Mr Fraser's letter is deferred to the May meeting.

Moved: Bernard Singer  
Second: Jamie Nyangu  
Carried: All

## **13. Investigation**

Peter Huntington advised that an investigation has shown that at least two Executive Board members are in a police case on 13 April 2010 and that no further action is required until the case is finalised as the matter is before the Court and in light of the members concerned showing throughout this meeting that they were able to put aside their differences and work together in the interests of Anangu during the meetings. Removals, Leaves of Absences and stepping down damage the reputation of governance of APY.

Rex Tjami and Ken Newman re-entered the meeting at 7:30 pm.

**13. Date of Next Meeting**

The next Executive Board meeting will be held on Wednesday 5 May 2010 at Umuwa. Although invited to visit Amata and tour the Substance Misuse Facility, the Executive Board chose to hold its meetings at Umuwa.

The meeting closed at 7:50 pm.

Minutes by Ken Newman with assistance of Peter Huntington