

**Executive Meeting No. 3 of 2006/2007
4 October 2006 at Umuwa
Minutes**

Present:	Chairperson	Bernard Singer
	Amata	Owen Burton (proxy member)
	Anilayla	Kawaki Thompson
	Kaltjiti	Murray George
	Mimili	
	Murputja	Mike Williams (12:00 pm)
	Pukatja	Gary Lewis
	Kalka/Pipalyatjara	Sean Williamson (proxy member)
	Watarru	Charlie Anytjipalya
	General Manager	Ken Newman
	Director	Rex Tjami

Bernard Singer opened the meeting at 11.40am with a prayer by Kawaki Thompson

1. Welcome

Bernard Singer welcomed back the General Manger from holidays and also Owen Burton who is representing Amata due to Leonard Burton being away in Alice Springs.

Observers: Trevor Adamson, Ginger Mick, Willy Martin, Sammy Lyons and Amanda Dent

2. Previous Minutes of Meeting No. 2 6/7 September 06

The General Manager read the Minutes as prepared. Mr Lewis raised the matter of the meeting about APY Services and the need for an independent review of APY Service. The Minutes were accepted without alteration.

Moved: Mike Williams

Second: Max Kenny

Carried: All

3. Public Transportation – Paul Reardon & Bob Smith

Paul spoke about the proposal for a public transportation service through the APY Lands. The proposal was based on a safe transportation proposal to be contracted by the SA Government that could start by February 2007. There was discussion about the need for Anangu enterprises on the APY Lands and how it is very hard for Anangu to win tenders. If the Government tendered out for a limited service, it could be in place by February. However, a fully operational Anangu business could take much longer to establish. A compromise could be for contractual arrangement to be put in place with Anangu controlling the contract, rather than the Government. Contractual management agreements could be worked out.

Action: General Manager to write a briefing for TKP about an Anangu controlled public transportation service on the APY Lands

The meeting adjourned for lunch and resumed at 1.45pm

4. Nyapari Arts – Sammy Lyons and Amanda Dent

Sammy Lyons was invited to attend the meeting to discuss the permit application on behalf of Nicolas Rothwell of *The Australian*. This meeting is to ask the Executive to reconsider their decision and let Nicolas Rothwell come onto the lands to do a good news story about the artists and art centres of Tjungu Palya. Following extensive discussion the Director and Chairperson of APY are to meet with Nyapari/Kanpi and Watarru communities to discuss this permit issue. The matter about Watarru being represented on Tjungu Palya needs to be discussed and resolved by them.

Action: Director and Chairperson to meet with the three western communities

5. Anthropology - Dr Michael O’Kane and Linda Williams

a) Cattle

a.1. APY Anthropologists have mapped some culturally significant sites in the Kenmore cattle area. We have also consulted some more of the Traditional Owners about this area. This work is ongoing.

b) Mineral Exploration

b.1 PepinNini

Traditional Owner consultation for PepinNini 117/96 is continuing. Traditional Owner consultation regarding PepinNini EL 3368 is also continuing and a further trip to the area of PepinNini’s requested drill hole will be conducted in the next field trip.

b.2 Goldsearch

Consultations regarding ELA 343/96 were begun by APY Anthropologists Dr Michael O’Kane and Linda Williams on 18/08/06 and will continue in the next trip.

b.3 PIRSA

APY anthropologists have provided a list of the current status of all existing ELs and ELAs to PIRSA, APY lawyers and APY Mining Tenement Officer.

c) APY Services

Traditional Owner consultation and cultural heritage clearances for road works between Amata and the WA border are continuing. APY Executive asked the anthropologists to send a letter explaining the delay to road works to all affected communities and ABC Transport, Alice Springs. This is being done. Consultations regarding the road clearances will continue on the next trip.

To this end, APY Anthropologist Dr Michael O’Kane has organised with AP Service’s Russell Williams to travel the road with the senior men for the respective estates through which it runs in order to identify and clarify any remaining issues. This will be followed soon after by another trip with the senior women in the company of Fiona Sutherland to complete consultations regarding women’s business. The APY Anthropologists will make this one of their priorities.

d) AARD (formerly DAARE)

APY Anthropologists Dr Neale Draper, Dr Michael O’Kane and Linda Williams had a meeting in Adelaide with representatives of AARD, DAIS and ETSA on 12/09/06. This meeting concerned the misplacement of some 15 power poles along the chalky hill just north of Fregon. When clearance was given by TOs and approved by the Executive Board,

ETSA were asked to keep away from the hill but despite this they placed the power poles at the foot of the hill. TOs have advised the APY Anthropologists that the site does not contain tjukurpa but Dr Neale Draper advised that it is significant because it contains many artefacts from when it was used as a quarry by the old Anangu. Ric Darley and Garry Ellis of ETSA expressed their regret at failing to follow the guidelines of the WAC and asked what they could do to fix the problem. Neale advised that moving the poles now would only cause further damage to the site and that the best thing ETSA could do would be to work more closely with the APY Anthropologists in the future. The meeting agreed to a suggestion made by APY Anthropologist Dr Michael O'Kane and Ingrid Kerkhoven of DAIS (Project Manager) that, in the future, no works shall be approved until all parties are supplied with an accurate digital map containing GPS points and a topographical background. This will ensure that no more mistakes or excuses can be made. Additionally, Lee Morgan and Peter McGrath of AARD promised that AARD would supervise infrastructure installations more closely in the future and have supplied APY with a flier containing the correct procedure for infrastructure construction which they wish to give to all parties involved in providing infrastructure services on the APY Lands.

The APY Anthropologists are confident that there will not be a repeat of this situation as long as the above guidelines are followed. They recommend that the power poles be left where they are and that both AARD and ETSA follow the new procedure.

There was discussion about the power-line project and the disturbance of the land around the chalky hill north of Fregon. It will be necessary for the Anthropologists, Lawyers and Traditional Owners to meet to discuss possible compensation. The Anthropologists and Lawyers are to prepare a report for the next meeting of the Executive.

Action: Report for the next Executive meeting by legal and anthropology

e) Community Clearances

APY Anthropologists have consulted with TOs over community clearances for Indulkana, Mimili, Kanpi and Nyapari, Kaltjiti, Umuwa, Yunyarinyi and Watinuma. Dr Michael O'Kane and Linda Williams have conducted consultations for Watarru, Pipalyatjara, Kalka and Amata during this trip. This will complete consultations for community clearances apart from Pukatja, which will be completed later in the year. As soon as possible after completing the clearances we will provide maps to APY showing community boundaries, cleared areas within communities and cleared areas to 500 metres outside the community boundaries.

f) Amata Rehabilitation Centre

APY Anthropologists Dr Michael O'Kane and Linda Williams completed consultations with Traditional Owners regarding the proposed rehabilitation facility at Amata. No issues regarding sacred sites or tjukurpa were identified by the Traditional Owners in the subject area. The APY Anthropologists recommend that clearance be granted for construction of the facility in this area.

g) Tourism

Fiona Pemberton, Community Development Officer with ACHM, is preparing an APY Tourism Policy Development Report, for presentation to the APY Executive Board at the next meeting.

h) Tindale Archives

ACHM Archaeologist Phil Czerwinski has drafted a letter that gives permission to ACHM and the APY from the APY Executive Board to access material in Norman Tindale's notes

relating to the APY lands. This material is held in the archives of the Library of South Australia. The ACHM and APY Anthropologists want to look at it so they can use it to help them carry out their research on the APY Lands. **Approved**

i) APY Anthropology

The four anthropologists now working for APY are Fiona Sutherland, Dr Michael O'Kane, Linda Williams and Andrew Morley. The dates for the next field trips are:

Mick and Fiona: 25th October - 2nd November

Andrew and Fiona: 20th November - 1st December

6. APY Development Applications – Meg Bartholomew

a) Substance Misuse Facility at Amata

The Site allocation and development application was approved pending community approval and anthropological clearance.

b) Woomera Demountables

Executive needs more information on the type of building and for what purpose they are proposed.

c) Septic Pump-out Pump Truck Operator

The septic pump truck is without a full time operator. This is a job that requires a good, thorough operator. The Department of Environmental Health only approves 3000 Litre tanks on the condition that they are pumped every year. There are septic tanks that have not been pumped since 2004. Without a full time operator APS cannot regularly schedule pump outs. APS funds the regular maintenance and operation of the plant equipment and is seeking funding to upgrade the truck. However we are struggling to find funding for an operator. Can APY fund the salary for a pump truck operator out of local government funds? It costs approximately \$120K - \$160K per year.

Action: Administration to discuss with Government and funding schedule.

d) APY Consultation Requirements

Now is the time to make strong consultation requirements. Need the beginning of a plan to take to TKP. Following on from June introduction. APS can provide a brief of research into best practice consultation to guide the development of protocols. Should APS talk to communities to find out their way/needs? Discuss prepared examples for protocols

Action: To be discussed by the Development Sub-Committee

7. Nganampa Manta – Inawintja Wilson, Colin Koch and Deb Myers

Colin Koch advised the budget raised to date is \$182,000.00 for the festival and they are working on the money story. Plan is for Anangu performers / workers will be paid. Festival will be on Inma grounds outside of Land Management. There will be a big stage, good lights and sound, plenty of toilets, etc. Accounts will be done properly using purchase orders etc. A Legal agreement is being worked out. Approx 100 non-Anangu, mainly politicians, ex-employees, public servants, etc. opportunity for them to see Anangu celebration. It is planned that on Saturday, meals will be provided to Anangu.

Draft program

Friday night - Tjilpi/Pampa, Inma, Choir, etc.

Inawintja is organising this evening

- Saturday – big day for everyone
 Community bands, Trevor Adamson organising
 Traditional skills – Hector Burton organising
 Displays, Art Centre
 Paintings – Hector Burton
 Cinema – Ushma Scales
- Sunday – Church
 Gospel
 Honorary of Elders

Following discussion Executive endorsed Ku Arts to continue to work with Umuwa staff and Chairperson. Posters were distributed to all Executive Board Members for display in their communities.

8. PY Air – Ruth Morley

Ms Morley provided a full briefing of the current situation with the airline services to the APY lands. Currently there is an application to DOTARS for a fully subsidised weekly airline service with a bigger plane. The advice to Executive was that Pitjantjatjara Council as the Trustee were responsible for letting PY Air fall over. A meeting is planned for 11 October in ASP by Pitjantjatjara Council to discuss the matter. APY communities who have an interest should attend and listen carefully to what is proposed.

9. Legal Report – Nicola Thompson

a) Substance Misuse Facility

We will prepare a lease as anthropological clearance has been provided if APY Executive so instruct us. **Approved**

b) Housing Repairs & Maintenance Service Agreement

Draft agreement back from AP Services with comments. **APY Principal Legal Officer to settle.**

c) Land Management

Letter drafted to Minister for Environment and Heritage to be settled and sent regarding performance of AW NRM Board in relation to funding for feral herbivore control. (\$570K given to Desert Knowledge in the NT to administer the program on the APY Lands).

The lease for cattle business is being drafted after the Executive approved its structure; Troy is getting Anangu ready for leases. We have also been talking to ILC for assistance to get Anangu ready for leases.

d) ALRM – Civil Legal Service for Anangu Tjuta

ALRM have undertaken to improve legal services for Anangu-tjuta for APY Lands so civil matters will be referred by APY to ALRM.

e) Leases for Police & Service Coordinators

Draft leases will be provided to DAIS by the Principal Legal Officer. Through the RTC process, a good template has now been developed for leasing on the APY Lands.

f) Camels

We have been working with Troy to assist with establishing camel businesses on the Lands and to ensure that Anangu get good prices for the camels and receive their money before the camels are taken off the Lands.

g) Court of Disputed Returns

Dennis Colson has made a complaint about the election of the Member for Anilalya Homelands. We are acting in the interests of APY before the Court. In our view, the complaint is mischievous and the response of the Electoral Commission shows that a very small mistake was made that was fixed up immediately. Mr Colson seeks a remedy for a new election but we do not think that he will be successful.

h) Electricity Distribution Corridor

This corridor has gone ahead having anthropological clearance. We are working with the SA government to make legal arrangements for the use of the land for that electricity corridor.

i) Swimming Pools

We have been working with the SA Attorney General's Department to make legal arrangements for the use of the land for the swimming pools at Amata, Mimili & Pipalyatjara.

j) Power Station Lease

Pitjantjatjara Council & APY made an agreement for the SA Government to use the land for the sun farm and they say that it is also for the use of the power station. We do not agree and we are talking to the SA Government to make proper legal arrangements for the use of the land for the power station.

k) Planning & Development on the APY Lands

We are working with AP Services, SA Planning & Office of Aboriginal Housing to make good plans for development and building on the APY Lands. We meet regularly with SA Planning and AP Services and this work is progressing well, AP Services are giving a full report on this work.

l) RTC Leases

These have been prepared by APY and are now done. We are waiting on a Special Purposes Deed which APY must enter into with PY Media and the Commonwealth Government. This deed makes sure that the money and the buildings are used only for RTC centres for the life of the lease. We have not received that document yet.

m) Mintabie

We have asked PIRSA to organise the meeting of the Mintabie Working Group. PIRSA advises they still want Yankunytjatjara Council to be part of the agreement. In the past this has meant receiving part of the camping fees. We were told by Anangu-tjuta at the Special General Meeting at Indulkana in May 2006 that APY was to work with the State Government and Traditional owners on the draft documents.

We have written to PIRSA asking them why they still want Yankunytjatjara Council to represent traditional owners but we have not had a reply. You should remember that the current arrangement for Mintabie only lasts until the end of the year and we need traditional owners to come together to agree on the changes to Mintabie that were identified at the Special General Meeting. This was supposed to happen through the working group.

We advise that the Executive should write a letter to PIRSA through their lawyer advising on the outcomes of the Special General Meeting and changes to the lease document that were required by Anangu Tjuta at the Special General Meeting. This is instead of waiting for the Working Group to be brought together.

Resolution:

That the Executive authorise the Legal Officer to write a letter to PIRSA advising on the outcomes of the Special General Meeting about Mintabie and changes to the lease document that were required by Anangu Tjuta at the Special General Meeting.

Moved: Mike Williams

Second: Gary Lewis

Carried: All

10. Visits to Premier and Minister Mal Brough

The General Manager advised the Premier will be coming to the APY Lands on 21/22 October (weekend).

11. PY Media

A letter was tabled that Owen Burton brought. PY Media are locating most of their staff back to Umuwa and require additional office accommodation. They would like either the training centre or the old Nganampa training room.

Action: APY administration to discuss with PY Media and Nganampa Health

12. SGM

A SGM is to be held at Umuwa on Thursday 19 October 2006 at Umuwa commencing at 10am. Agenda items are to include APY Services

Action: Notice of meeting to go out to all communities on 5 October 2006.

13. Annual Report

The General Manager advised he is preparing a draft report which will be tabled next meeting

14. Next Meeting

Due to the Nganampa Manta Festival, the next Executive meeting is to be held on Wednesday 8 November 2006.

The meeting was closed at 7.10pm with a closing prayer by Mike Williams

Minutes by Ken Newman