

**Executive Meeting No. 4 of 2008/2009
5 November 2008 at Umuwa
Minutes**

Present:	Railway Bore	Bernard Singer
	Amata	
	Anilayla	Kawaki Thompson
	Indulkana	
	Kaltjiti	
	Mimili	Tony Campbell
	Murputja	Anton Baker
	Pukatja	
	Kalka/Pipalyatjara	Sean Williamson (by telephone from Nganampa Health office, Alice Springs)
	Watarru	Charlie Anytjipalya
	Also attending	Gary Lewis, Murray George, Leonard Burton
	APY Staff -	Ken Newman, Rex Tjami, Peter Huntington

Visitors

Janet Skewes, Bob Burton, Neville Duhring, Ian Proctor - TAFE staff
Tony Davies – Waste Management
Geoff Iversen – STF Associates

1. Welcome

The meeting opened at 12:48 pm. Bernard Singer welcomed everyone to the last meeting of the current Executive Board. He asked Kawaki Thompson to open the meeting with a prayer.

2. Conciliator's Report in relation to Executive Board members

All members were provided with a copy of the Conciliator's report, provided by Chris Vass. The Legal Officer read the letter from the Conciliator. Following this, a draft resolution complying with the direction of the Conciliator was made.

Resolution

That the members for Pukatja, Fregon and Amata are required to give the following undertakings to the Executive Board in accordance with the directions of Mr Vass, Conciliator, made on 24 October 2008.

- a. to attend Executive Board meetings unless given leave by the Executive Board;*
- b. abide by rulings of the Chairperson; and,*
- c. comply with the code of conduct*

Moved: Tony Campbell
Second: Sean Williamson
Carried: All

Mr Lewis read a prepared statement on behalf of all three members.

1. We will attend the Executive Board meetings unless given leave by the Board.
2. We will abide by the rulings of the Chairman.
3. We will comply with the Code of Conduct.

When asked, Mr. Lewis agreed to the above statement.

When asked, Mr George agreed to the above statement.

When asked, Mr Burton did not agree to the above statement and would not give the undertaking.

Neither of the three members would agree to sign the undertaking. This was not a pre-requisite but would ensure there was complete understanding.

The Chairperson took the meeting folder from Mr Burton who then left the meeting.

As two of the members agreed to the Conciliator's direction, the following resolution was made.

Resolution

Subject to complying with the previous resolution, the Executive Board revokes the resolution made on 6 February 2008 with respect to members from Pukatja and Fregon pursuant to Section 12 D (7) of the APY Land Rights Act. The Executive Board re-instates and confirms the membership of the Executive Board of Messrs Murray George and Gary Lewis.

Moved: Anton Baker
Second: Charlie Anytjipalya
Carried: All

New Business

3. Community Governance – Geoff Iversen, STF Consultants

Bernard Singer introduced Geoff to the meeting and following introductions, Geoff advised STF have been funded by the Commonwealth Government to provide a number of outcomes in communities in relation to governance. He discussed how STF have worked in Yalata. They will commence at Indulkana next week with the idea of helping make communities strong.

4. TAFE – Bob Burton, Janet Skewes, Neville Duhring and Ian Proctor

Bob Burton said he was here to start talking about mining and job opportunities on the Lands for Anangu that may result. He gave an example of a life cycle of a mine and talked about jobs available at the construction and operation phase of the cycle. At the moment, jobs may be 12 hour shifts with a roster of 2 weeks on and 2 weeks off.

The opportunity is at the negotiation stage with the company so Anangu could work up to 12 hour shifts ie. 6 hrs to start.

Mr Lewis said the Government and TAFE should give money to APY and work with APY to really create jobs for Anangu. He said TAFE have not been training Anangu for real jobs. Neville said they had 70 Anangu traineeships and 20 got jobs on the Lands. Janet said there are TAFE trainers at many of the main communities. TAFE provides training, not jobs. Employers give jobs, such as Nganampa. Other employers are PY KU, and some Anangu are training in business. Others are working with DFC and subsidized by CDEP.

There was a lot of discussion about training not leading to jobs outcomes on the Lands. There is a large gap and a lack of capacity-building to ensure local ownership.

Anton was concerned there were not TAFE trainers and Kanpi/Nyapari and Janet explained the lack of facilities at these places makes it difficult to have a lecturer there and there are very limited employers. Janet said that both Nganampa and DECS have a good career path for Anangu.

5. Waste Management – Tony Davies

Tony provided a handout to all members and provided an update on the Waste Management plan for the APY Lands. He spoke about having a regional plan, capacity building for Anangu, training and employment in the industry.

6. Mai Wiru – John Tregenza and Robert Stevens

- a. Shopping Basket – Mimili was the best store on the Lands
- b. Store AGMs – There are a number over the next week. ORAC has been working with Robert Stevens on translating the constitutions. As a result the Kaltjiti AGM will be deferred until this has been completed.

Most stores are doing OK but there are still problems with the rebate, which is to be used for the benefit of all members of the community.

The Mimili Store Manager has resigned over a number of issues at Mimili. They were the best store managers on the Lands. Problems at Mimili surround a non-Anangu on the community. When he was MSO, he wrote over \$100,000 in purchase orders for the store, without the funds to pay. The store stopped taking orders but the community kept writing orders and told the store they had to hand over money. The community council and store are separately incorporated. The Council cannot tell the store what to do. However, threats have been made. Mai Wiru is asking for support from APY as that store may go broke as a result of what is happening.

Following discussions, Bernard Singer said it was important for APY Executive Board members and all communities to support Mai Wiru.

John Tregenza also said Mai Wiru has applied for people to have smart cards and new cash registers in shops. In this way, people's cards can be linked and money can be put aside for food, etc. – this is voluntary income quarantine.

Kawaki Thompson asked about establishing a shop for the Anilayla homelands at Umuwa. John said the if Anilayla wants a store, Mai Wiru would support the store.

Sean Williamson advised he had to leave the Nganampa office at 5 pm and he provided a written proxy for Anton Baker. Sean Williamson left the meeting at 5:00 pm.

7. Planning and Development Matters

David Caspar provided a report for all members.

- a. State projects – **discuss at TKP and invite the State to a future meeting of the Executive Board in early 2009**
- b. **Far North Regional Framework** – It is intended to be a broad plan for the area. **Write to Planning SA with comments on the report**
- c. **Indulkana Housing** – SAG are tendering for 48 houses in February 2009. Exec Board members invited to visit Indulkana to inspect the houses being built
- d. **Lease applications – i) PY KU and PY Media** – 2 resolutions approved for 5 year leases

Resolution

That Executive Board grant 5 year leases to PY Ku for Lots UMU325, AMA402A, PIP402A and Mimili, as per attached plan, for the purpose of Short term staff accommodation.

Moved: Tony Campbell
Second: Bernard Singer
Carried: All

Resolution

That Executive Board grant 5 year leases to PY Media for lots UMU305 and UMU306 for the purpose of formalising existing arrangements.

Moved: Gary Lewis
Second: Kawaki Thompson
Carried: All

- ii) **50 year leases for Police complexes.** The Anthropologists took part in these discussions as they were involved in the Traditional Owner meetings. The Traditional owners have approved the Mimili and Amata police complexes but there were issues about Pukatja.
- e. **Lease application Process** – David discussed a process for providing information to applicants in a systematic way that makes it clear to everyone how the process will operate. He will continue to work on this for implementation.

Mr George left the meeting without notice at 5:30 pm after being told by Mr Lewis "Let's go".

8. Anthropology Matters – Nadia Butler, Jim Birkhead, Leda Sivak

A report was provided for all members.

However, when discussions commenced about Pukatja traditional owner approval for 50 year leases for housing at Pukatja, Mr Lewis became argumentative. Mr Lewis departed the meeting at 5:45 pm, although he was advised he would be in breach of the agreement made earlier and that he would be leaving the meeting without a quorum.

Bernard Singer adjourned the meeting at 5:45 pm until 9:00 am on 6 November 2008.

Moved: Tony Campbell
Second: Charlie Anytjipalya
Carried: All

The adjourned meeting re-commenced at 10:25 am on Thursday 6 November 2008.

Present: Bernard Singer
Anton Baker
Kawaki Thompson
Charlie Anytjipalya
Tony Campbell
Sean Williamson (by telephone from Nganampa Health office, Alice Springs)

APY – Rex Tjami, Ken Newman, Peter Huntington

Observers – David Pearson, Donald Fraser

9. Permit Requests

a. AP Services – Consultants Hunter, Schumann, Nolan, Fittock, Passmore have requested permits. The matter was not dealt with at the last meeting because of time constraints. Following discussion, the Executive Board said AP Services have been failing to provide its funded services properly. AP Services has disrupted and corrupted governance on the Lands and made many incorrect statements to Anangu about matters. ***Permits are not to be issued to Hunter, Schumann, Nolan, Fittock and Passmore.***

b. Mintabie Car Dealer – Mr Sheddon has requested approval to enter the Lands to find Anangu who owe him money from car sales. There are over 120 Anangu supposedly owing him over \$80,000. The Executive Board said that Mr Sheddon should write individually to each person he alleges owes him money and provide them with a tax invoice with details of the the vehicle purchased. ***A permit is not to be issued.***

c. VS – Contractor for Walalkara. This was an application for a 15 month permit for a contractor to assist with the Kuka Kanyini project at Walalkara. There was extensive discussion about employment opportunities for Anangu, not just outside contractors doing work that Anangu could perform ***As a result, no permit is to issue.***

d. Mimili employee – AM

There was a resolution at a general meeting in 2005, about tightening up on permits for people with convictions of either substance abuse; sexual offences; or, offences of dishonesty. As a result of this resolution, and his criminal history, AM is not to be issued a permit. The temporary permit is to be revoked and AM, as well as SAPOL are to advised of this decision he is not eligible for a permit.

e. Global 4WD Tours – This company is to be advised to liaise in the first instance with the Watarru and Pipalyatjara communities as there is no Anangu involvement in their request yet they wish to visit these two places. ***Action: GM to write to them***

8. Anthropology – (continued from 5/1//08)

A. AP Services

A.1 AP Services borrow pit for airstrip, near Kaltjiti/ Fregon

Resolution

The APY Executive Board, based on consultations with the appropriate Traditional Owners and advice from APY Anthropologists and Archaeologist, approves the use of land near Kaltjiti/Fregon for an AP Services borrow pit.

Moved: Tony Campbell
Second: Charlie Anytjipalya
Carried: All

A.2 AP Services roadworks, Pukatja area – defer to December meeting

B. Mineral Exploration – Updates were provided on the following:

B.1 Independence EL 3954 (Block 7) and EL 3955 (Block 8)

B.2 PepinNini EL 4048 (Northern Half)

B.3 Mithril EL 3940

C. Land Management

C.1 Borrow Pit Clearance, North of Shirley Well to Double Tank Road – defer to future meeting and involve Charlie Anytjipalya in the clearance.

D. Department of Families and Communities, Housing

D.1 Department for Families and Communities, Housing Construction, Shirley Well

Resolution

The APY Executive, based on consultations with the appropriate Traditional Owners and advice from APY Anthropologists, approves the construction of a house at Shirley Well.

Moved: Anton Baker
Second: Charlie Anytjipalya
Carried: All

D.2 DFC \$25M Housing Offer Consultation Meetings, Pukatja

Three consultation meetings were held in August and September with Traditional Owners and community of Pukatja, APY anthropologists, APY Planning Officer and DFC Housing Officer to discuss the State Government's \$25M housing offer and the 50 year leases associated with it. A report about the meetings was presented to the October Executive Board meeting. A list of those Traditional Owners who have agreed to the proposal and those who have not has also been prepared.

It is our belief that the majority of Traditional Owners for Pukatja have been consulted about this proposal and have given their agreement, although we were not present at the meeting at which agreement was given. The matter of whether enough consultation has taken place and enough Traditional Owners have agreed to this proposal for it to go ahead, rests with the APY Executive Board and Traditional Owners.

Resolution

The APY Executive, having considered the level of consultation that has occurred and the list of names of individuals who have agreed to the Government's \$25M housing proposal for Pukatja and the matter of the 50 year leases associated with it, considers that adequate consultation has taken place with Traditional Owners on this matter, and approves that the housing plan go ahead.

Moved: Sean Williamson
Second: Bernard Singer
Carried: All

D.3 Police Complex Consultation Meeting, Pukatja

Following discussion, the anthropologists were provided with some advice on holding a TO meeting at Pukatja. Mr Fraser offered assistance as well.

D.4 DFC \$25M Housing Offer and Single Men's Housing Consultation Meeting, Mimili

A meeting was held in Mimili on Wednesday 29th October with Traditional Owners of Mimili, APY Planning Officer, DFC Housing Officer and APY anthropologists to discuss the Government's \$25M housing offer and single men's housing, and the 50 year leases associated with them. A report has been prepared.

Traditional Owners present at the meeting requested that we return next month to hold another meeting on the matter, and that this time the whole community be encouraged to attend the meeting, to share their views and to take part in the decision-making process. We request approval from the Executive Board to hold a community meeting in Mimili, with the APY Planning Officer and DFC Housing Officer, and ask whether it is appropriate to seek Traditional Owner approval on this matter at a community meeting, rather than at a smaller Traditional Owner meeting.

Action: APY Planning Officer, DFC Housing Officer and APY anthropologists call a whole community meeting in Mimili to discuss the matter of the 50 year leases associated with the Government's \$25M housing plan and single men's housing and agrees that it is acceptable for a decision to be made on the matter by the Traditional Owners of Mimili at this meeting.

D.5 Police Complex Consultation Meeting, Mimili

A report has been prepared. As all the Traditional Owners present approved the granting of a 50 year lease for the purpose of a new Police Complex being built in Mimili, we request approval from the Executive Board for the proposal to go ahead.

Resolution

The APY Executive, based on consultations with the appropriate Traditional Owners and advice from APY Anthropologists, approves the granting of a 50 year lease to the Government on land in Mimili for the purpose of construction of a new Police Complex.

Moved: Tony Campbell
Second: Charlie Anytjipalya
Carried: All

10. Annual Report and Audit Report

Members were provided with a copy of the 2007/2008 Annual Report but advised the Audit report has not yet been received. Once accepted by the Board, the report will be forwarded to the Minister. The Audit report will be tabled at the next meeting.

Resolution

The APY Executive Board accepts and approves the 2007-2008 Annual Report as presented.

Moved: Sean Williamson
Second: Anton Baker
Carried: All

11. APY Election Schedule

The General Manager advised that nominations for the APY Executive Board opened yesterday on 4 November 2008 and close on 11 November. Forms were provided for all members, if they choose to re-nominate for the Board. The election is being held on Wednesday 3 December 2008 and the first Executive Board meeting of the new Board will be held on 10 December 2008.

12. Legal Matters

Peter Huntington provided a report for all members. The following is a summary of that report.

a. Housing

APY is awaiting a draft MOU from OAH in preparation for a workshop in Adelaide next week with OAH to develop the MOU. It is proposed there be a housing advisory committee under the MOU with paid CDEP positions.

b. NGO Contracts

NGO contracts have been issued to Bungala and AP Services. There will be a deemed contract on those terms if either NGO remains on the lands. APY is currently awaiting FaHCSIA comment. It is proposed there will be CDEP, services and Municipal services Advisory Committees with paid CDEP positions.

c. NRM

APY is awaiting a draft MOU with AW Board in anticipation of a workshop on Thursday of next week in Adelaide with the AW Board to settle the draft.

Resolution

It is resolved that Advisory Committees be formed under the APY Land Rights Act with a representative from each of the 10 communities for: Housing, CDEP, Services and NRM in accordance with the applicable MOU or NGO contract with nominations to be called from communities. Each Advisory Committee is to be made up of the community nominees and the Chairperson of APY and payment of members to be by way of CDEP, and the Advisory Committees are to report quarterly to the Executive Board.

Moved: Kawaki Thompson
Second: Anton Baker
Carried: All

d. Royalty Distribution

The prescribed limit for mining royalties needs to be addressed as well as a royalty distribution model.

Resolution

That administration negotiate with SA Government about the prescribed limit for royalty payments under Section 22 (4) of the APY Land Rights Act and report back to the next Executive Board meeting.

Moved: Bernard Singer
Second: Anton Baker
Carried: All

e. Local Government Proposal and Review of 2005 Amendments

The Scoping Study and Land Rights Review panel report are superficial and go well beyond what was authorised by the 2005 amendment (review report) and dealt with matters about which Anangu were not aware.

Resolution

- a) *That APY write to the Minister with proposals for improving service delivery and developing a culturally acceptable service delivery governance model;*
- b) *That APY obtain independent advice about local government options and Anangu capacity building in relation to Local Government and service delivery;*
- c) *That APY arrange consultations with communities about Local Governance, housing and home ownership, service delivery, stores and welfare reform and for a report to be prepared for the Executive Board and Anangu; and,*
- d) *That APY respond to the Scoping Study and Review reports.*

Moved: Kawaki Thompson
Second: Anton Baker
Carried: All

13. Previous Minutes of Meeting No. 3 – 3 October 2008

The Minutes, prepared by Rodney Edwards, were accepted without alteration.

Moved: Anton Baker
Second: Tony Campbell
Carried: All

14. Local Government Budget – 2008/2009

The General Manager presented a draft budget for the local government funding. Kawaki Thompson had a number of questions about proposed expenditure and about the cash reserves of APY.

Resolution

The Executive Board approve the proposed expenditure plan for the Local Government tied and untied funds.

Moved: Kawaki Thompson
Second: Charlie Anytjipalya
Carried: All

15. Correspondence In/Out

In

19/9/08	Variety Bash	Request to travel through Lands on 19/8/09
Approved – write to them		
8/10/08	Jenny Macklin, Federal Minister	Housing Agreement letter of thanks
22/10/08	Global 4WD Training and Tours	Request to enter Lands 3-5/7/09
3/11/08	Thurtell Report on Review of the 2005 amendments to the APY Land Rights Act	
3/11/08	Implementation Statement by SAG to Mullighan Report	

Other Business

16. Sponsorship for Trevor Adamson

A letter was received from Trevor Adamson seeking support for a trip to Tamworth to record some music. Following discussion, it was requested that APY write to T Adamson and invite him to the next Executive Board meeting to discuss this matter.

17. Publicly Funded Assets

The legal Officer sought permission to discuss leases with the Government over yards and houses for use by service providers to encourage competition for service contracts. The Executive Board agreed.

Action: Correspond with Ministers

18. Executive Board Membership

The Legal Officer reported on yesterday's events in relation to the Conciliator's report and resolutions made yesterday. Following Mr George and Mr Lewis leaving the meeting, Finlaysons were instructed to write to their lawyer advising the APY Executive Board would take whatever action is appropriate. By a second letter, Finlaysons requested an explanation by 2:00 pm for why Mr George and Mr Lewis left the meeting. No response was received by 2:00 pm or at all.

At approximately 3:00 pm, Noting that the undertakings given on 5 November 2008 by Mr George and Mr Lewis were a pre-requisite to re-admission on the Executive Board, and that the immediate breach of those undertakings by Mr George and Mr Lewis demonstrated bad faith, the following resolution was made.

Resolution

The APY Executive Board rescinds the resolution made on 5 November 2008 confirming the membership of Mr George and Mr Lewis on the Board.

Moved: Bernard Singer
Second: Kawaki Thompson
Carried: All

Further action: APY Administration is to review whether any matters need to be referred to SA Police Anti-corruption concerning Mr George, Mr Lewis, Mr Burton and the AP Services Consultants and make such reports as necessary.

19. General Meeting

Rex Tjami, Director reported that Anangu have been asking for a general meeting prior to the APY election. Following discussion, it was decided to call an SGM for Wednesday 19 November 2008.

Action: Put out notices to all communities of SGM

20. Appointment of Vacant Position – Amata

Following Mr Burton's refusal to give an undertaking on 5 November 2008, as per the direction of the Conciliator, discussion took place about a replacement member for Amata/Tjurma. Freddie Ken was nominated and appointed by the Executive Board.

Moved: Sean Williamson
Second: Anton Baker
Carried: All

21. Land Management

Rodney Edwards prepared a report for all members which was included in their folders.

22. Date of Next Meeting

The next Executive Board meeting will be held on Tuesday 18 November 2008 members.

The meeting closed with a prayer by Tony Campbell at 3:30 pm.

Minutes by Ken Newman