

**Executive Meeting No. 7 of 2008/2009
4 February 2009 at Indulkana
Minutes**

| | | |
|-----------------|--------------------|---|
| Present: | Railway Bore | Bernard Singer |
| | Amata | Leonard Burton (arrived 10:25 am) |
| | Anilayla | Kawaki Thompson |
| | Indulkana | Ronnie Brumby |
| | Kalka/Pipalyatjara | Sean Williamson (arrived 10:40 am) |
| | Kaltjiti | Murray George (arrived 11:05 am) |
| | Mimili | Tony Campbell |
| | Murputja | Anton Baker |
| | Pukatja | Jamie Nyangu |
| | Watarru | Charlie Anytjipalya |
| | APY Staff - | Ken Newman, Peter Huntington Rodney Edwards |

The meeting opened at 10:10 am with a prayer by Kawaki Thompson.

1. Welcome

Bernard Singer welcomed Executive Board members and the following visitors: Sgt Ray Sparrow, SAPOL; Mel Dunn and Danielle Martin, Coffey International Development; Adrienne Gillam and Mari McComb, FaHCSIA; and, Paul Reardon, Mary Anderson, Bob Smith, Mark Jackman, DPC. Welcome to Coffey staff.

The General Manager explained the current situation in relation to the Executive Board member from Pipalyatjara/Kalka and as it appears he has been imprisoned, he will need to be removed from the Board and a by-election will need to be held. Sean Williamson was invited to attend this meeting to provide representation from the electorate.

New Business

2. Coffey International Development

The General Manager advised that a general meeting and an Executive Board meeting asked us to open the door with discussions with Coffey International Development. Peter Huntington further explained that part of the reason for inviting Coffey is because Ahava Energy have applied to do oil exploration and require a "conjunctive agreement." This is a very large task and APY requires assistance from an organisation with experience in this area. Coffey were recommended by PIRSA and APY made contact with them,

Mel Dunn introduced himself and gave his background information to the Executive Board. He explained that Coffey International work in partnership with a long term sustainability focus. Mel advised they are here to listen today and meet with the Executive Board as well as learn more about the APY Lands.

Danielle Martin represents Coffey Natural Systems and explained how they work with exploration companies in determining social and environmental impacts. They work within Australia and overseas and have worked in over 150 projects.

Business Arising from the Minutes

3. Previous Minutes of Meeting No. 6 – 10 December 2008

The General Manager read through the Minutes of Meeting No. 5. Following questions about Mintabie, they were accepted without alteration.

Moved: Kawaki Thompson
Second: Anton Baker
Carried: All

4. Land Management Matters

Rodney Edwards provided a report to all Members and then gave an overview of all land management projects.

a. Indigenous Protected Areas

- (a) IPA Planning - Sam Matthews is working through the issues with Traditional Owners for creating new IPA's near Pipalyatjara, Sandy Bore and Aparar. This is funded to July 2009. Applications for on-going funding will be submitted March.
- (b) Walalkara IPA – the funding Agreement for this financial year has not been signed and is waiting on the negotiations around the MOU with the AW NRM Board.
- (c) Watarru IPA - the Agreement has been signed for 5 years. This provides a long term funding commitment by the government. Casual wages are available. Charlie Anytjipalya raised concerns about the IPA and APY interfering with DEH. There was a desire to have Government provide money directly to Anangu to look after their land. The General Manager explained that most funding comes with strings attached – it is to be used for particular purposes.

b. Working on Country Project - Warru Recovery Project

Funding has approved for continuation and extension of the Warru Project for 4-5yrs. Anika Dent will continue to project manage the new project which will operate with 4 (half time) Anangu Rangers from Kalka and 4 (4 half time) Anangu Rangers from Pukatja. The Rangers will increase the level of population monitoring, habitat management (buffel grass control, rabbit control, fox control), capacity building through the Recovery Team activities and TAFE program. The contract will be ready for signing in February 2009.

c. Working on Country Project – Land Management Rangers

This project supports the IPA projects by providing wages for 8 half time Rangers and for the Regional Ranger. This funding will continue for another 4 years. Rangers still need to be recruited for Pipalyatjara and Watarru.

d. Caring for Our Country Project – Fire Management

Funding has been approved for a 6 month project to develop operational management plans for two fire management regions (Mann Ranges region and Musgraves region). After the plan is written, the Traditional Owners will be recruited to conduct the burns. A funding application will also be prepared to extend this project to other regions over the next 4-5 years.

e. Indigenous Land Corporation Project - Threatened Species Management

This project will continue until September. This is an important project providing many casual jobs - last quarter there were 28 casual employees doing work on warru, nganamara and field surveys/monitoring. This year work on some other plants and animals will start including the orange snouted toadlet. Training will continue in using the new hand held computers for field work.

f. Pastoral Program

There is no external funding for this program. The Livestock Officer is operating on funds he can recover from local contracts for fencing, mustering, sale of horses/camels and any other work.

g. DPC-AARD Project – Coordination of Land Management

Up to now, management and coordination of the Land Management Unit has been funded through untied funds from APY. Regular funding applications to State agencies have been rejected. DPC-AARD has agreed in principle to fund this project. A contract is being drafted for 2008/2009 with the expectation that it will be on-going as the State government contributes no other money to the Unit.

h. DPC-AARD Project – Grids for protection of communities and homelands.

Funds were received last year to place grids that would protect 5 homelands around Umuwa from donkeys. The grids are ready to be installed and AP Services is assisting. Questions were asked about the horses/donkeys also taking over Pukatja and it was explained the Pukatja Chairperson would not allow the project to take place in that area.

Action: GM to write to all communities, including Pukatja

i. Nursery

This is a small project in Umuwa. Seeds collected locally are sent to Murray Bridge for growing and return to the Lands. The seedlings are sold at cost. It is topped up by Anangu Pitjantjatjara Yankunytjatjara when needed but tries to be self funding through the sale of plants and irrigation equipment.

j. Indigenous Land Corporation - Database Project

This project will end in October 2009. It has provided funding for the development of the photo library and general land management database. This is an electronic system of keeping all the information collected during projects in one place. It needs more development to keep up with the new projects such as the Warru Project and the Administration files. It could be expanded to include other information such for the mining and planning sectors. Applications with on-going funding will be sought this year.

k. AW NRM Project – Water Bore monitoring

The only Project funded by the AW NRM Board has been completed. It was intended for 2007/2008 however AW received the funding late and they were extended into 2008/2009. The field work was completed in January and final report will be produced in February. This is an important project for maintaining baseline information about the ground water. The program has been reduced to fit the available funding. Applications will be developed for an expanded program over a longer timeframe. There are no other projects funded by AW NRM for 2008/2009.

l. DEH Projects - Feral Carnivore control and Warru Recovery Projects

These two projects were implemented by LM for the Warru Recovery Team and are now complete with the final report being drafted in February. The projects have confirmed there are very few foxes around the New Well colony but the number of warru continues to decline despite high adult survival. This suggests that maybe cats are taking the young ones. This project is now being continued through the Working on Country - Warru project.

m. Proposed Projects:

i) DEH Warru Surveys 2009

The aerial surveys in 2008 looking for warru were a great success. They found a new colony west of Alaka, inaccessible by foot. At least 6 young Anangu were casually employed in the searches. DEH wish to extend the searches west of the known locations in the Musgraves. The same method will be used as before. They have identified a need for consultation with Traditional Owners of these areas to avoid special places but have not specified funding. They do have funding for casual wages for up to 6 Anangu (as before). They would like to do the surveys in late-May early June. DEH would like approval to commence the project.

Resolution

APY support the DEH project "Warru Surveys 2009" subject to DEH funding anthropological consultations with Traditional Owners for approved flight paths and survey areas.

Moved: Anton Baker
Second: Jamie Nyangu
Carried: All

ii) AW NRM Projects

The December meeting of the AW NRM Board decided that if 4 of the projects they have approved for Anangu Pitjantjatjara Yankunytjatjara are not signed by APY, the funds will be transferred to the region water program. They have also allocated direct funds to APY but this has not yet been put formally to Anangu Pitjantjatjara Yankunytjatjara. We still do not have full details of these 4 projects.

There is a 2-day planning meeting for AW NRM projects for 2009/2010 to be held 10/11 February. LM will provide a report on all projects it has been implementing in the last 2 years.

There was a short break at 11:50 am and the meeting resumed at 12:05 pm.

Land Management (cont'd)

n. Walalkara – Tjilpi Robin, Jeannie Robin, Joyce Robin, Munti Robin, Antjela Robin
Rodney Edwards explained about the problems at Walalkara with LM staff not being able to gain access to Walalkara. There is the Working on Country Ranger project and the Walalkara IPA project managed by LM and the Kuka Kanyini project operated by the AW NRM Board. LM has had to stop both projects until we work out what is wrong.

Tjilpi and Jeannie came to Umuwa before Christmas and met with the Director, Rex Tjami who said they should come to this meeting. LM meetings with Working on Country funders said the funding should be suspended while it is worked out. Rodney said many of the programs are linked together ie. IPA; Working on Country; and, Caring for Country. Because the funds come from one source, they are all concerned and are willing to have a big meeting but they would prefer Anangu and APY to sort it locally. The Kuka Kanyini project (through AW NRM) is also funded from the same source. The funding was suspended on 26 January 2009. The funding body wants all the projects to work closely together because they provide work for people in that area.

The discussion then revolved around the permit refusal in November 2008 for a person for Walalkara. The discussion was deferred until later in the meeting.

The General Manager reported to the Executive Board the issue of permits and that only straight forward ones are processed by Administration. Any "tricky" ones are referred to the Executive Board. If the Executive Board says 'no' to a permit then the Executive Board should support its staff when criticised about permits.

5. MOU between APY and the AW NRM

Peter Huntington gave a summary of the background issues and meetings between the two Boards. He explained that APY has gone through the draft MOU and made some adjustments. The Service Coordinators are returning to Umuwa after this meeting to continue the MOU and get it ready for signing.

6. Planning and Development Matters

David Caspar prepared a report for each member.

a. Kanpi 1 House

Aboriginal Asset Services have submitted a development application for the construction of one house in Kanpi Community. This has received Kanpi Community Council Approval

Resolution

That APY Executive Board grant planning approval for the construction of one house at Kanpi Community as per the plans and application dated 28 November 2008.

Moved: Kawaki Thompson
Second: Charlie Anytjipalya
Carried: All

b. Amata 2 Houses

Aboriginal Asset Services have submitted a development application for the construction of two houses in Amata Community. This has received Amata Community Council Approval

Resolution

That APY Executive Board grant planning approval for the construction of two houses at Amata Community as per the plans and application dated 28 November 2008.

Moved: Leonard Burton
Second: Kawaki Thompson
Carried: All

c. Pipalyatjara 7 Houses

Aboriginal Asset Services (AAS) have submitted a Planning Application to construct seven houses at Pipalyatjara Community. AAS consulted with the community on two separate occasions, once in April 2008 and once in November 2008. At these meeting a number of Community Council members signed agreement to the proposed plans. On neither of these occasions was the APY Planning Officer in attendance.

The APY Planning Officer then sought Community Council approval in mid-December. At this meeting significant concerns were raised about the designs, particularly the breezeway in one of the designs. The concerns were in regard to heat and dust in the breezeway and that the bedrooms were separate to the living spaces. An additional meeting was held in Adelaide mid-January with APY Planning Officer; DPC Mark Jackman, Bob Smith, Inna Scales; and, AAS representatives in attendance. It was resolved to have a meeting in Pipalyatjara late January to try to resolve the issues with an interpreter in attendance.

The meeting in Pipalyatjara was attended by the APY Planning Officer, Mark Jackman, two AAS representatives, Sean Williamson as interpreter and approximately 25 community members. The proposed designs were discussed and people had the opportunity to view drawings and models of the houses.

There was agreement on the proposed sites (as per previous consultations) and designs for the seven lots were selected. The AAS representatives gave the option of the new type of design and the design recently completed in Pukatja (this was not originally an option). The community selected the Pukatja style of design for four of the sites and the new design for three of the sites.

This consultation was well attended and many people had the opportunity to have their say. Unfortunately there was few Community Council Members in attendance and those in attendance were not willing to sign approval for the designs. I understand that Pipalyatjara Council members have been changing regularly and it is difficult to get a full meeting.

There have been requests by AAS to have this approved as soon as possible to enable the houses to go to tender and get the building constructed quickly. I request the APY Executive consider signing approval for this development with the understanding that the APY Planning and Development Officer will gain Council approval before development approval is granted. I have requested Sean Williamson attend the APY Executive meeting to speak for the community.

This process has raised a number of issues in particular

- Consultation should be done with an APY representative and interpreter in attendance
- Designs need to take into account peoples preferred housing type
- Housing consultation needs to include all the community not just council members

Resolution

That APY Executive Board grants planning approval for the construction of seven houses at Pipalyatjara Community as per the plans and application dated 28 November 2008 pending Pipalyatjara Community Council approval.

Moved: Anton Baker
Second: Ronnie Brumby
Carried: All

d. New Houses in Indulkana

David presented some plans of the houses being constructed at Indulkana and Executive Board members were invited to inspect the designs as most of the houses are nearly finished. (Due to late completion of the meeting, members were unable to carry out the viewing.)

7. Housing Workshop and Forum

Jude Allen said there are plans to have a two day workshop at Umuwa to discuss designs and concerns about housing as there will be about 100 homes constructed on the APY Lands in the next 5-10 years. The workshop will also talk about the Anangu housing model, tenancy agreements, etc. The workshop dates will be selected after discussions with stakeholders.

8. Legal Matters

Peter Huntington provided a legal report to all members and the following matters were discussed.

a. Housing

The MOU for the Anangu housing model has been re-drafted and a housing workshop is being planned for Umuwa to finalise the MOU. Given the Minister's commitment to maintaining an OAH presence on the lands and difficulty experienced in housing consultations last year these matters should be taken further with the Minister.

Action: That APY seek confirmation from the Housing Minister that OAH presence will be maintained through 2009.

b. NRM

The NRM MOU has been redrafted and submitted to the AW NRM Board for their consideration and approval.

c. Mintabie

A meeting took place yesterday with members of the Mintabie Miners' Progress Association, a verbal report of which will be given at this meeting.

Resolution

That APY continue to negotiate the terms of the draft amendment bill, township agreement and lease and that the existing lease be extended until 30 June 2009.

Moved: Ronnie Brumby
Second: Jamie Nyangu
Carried: All

d. Permits

The terms and fees for permits require revision.

Resolutions

That the Minister be asked to approve new permit fees as determined by the General Manager (including special fees for NGOs) subject to consultation with and approval of the Chairperson as to those fees.

That permit conditions be varied as determined by the General Manager in consultation with and subject to the approval of the Chairperson and Director.

Moved: Jamie Nyangu
Second: Tony Campbell
Carried: All

Resolution

That consideration of further permit applications from AP Services be deferred until the Chairperson, Director and General Manager have met with the new CEO of AP Services and AP Services has been given a further opportunity to respond to outstanding correspondence.

Moved: Ronnie Brumby
Second: Tony Campbell
Carried: All

e. Private Property

The APY Lands are private property and so apart from permits, the provisions of the *Summary Offences Act* and *Crimes Act* apply to entry to the Lands without the approval of APY.

Resolution

That APY investigate having signs prepared to notify people of the need for permission to enter the Lands by non-Anangu, setting out the applicability of the Summary Offences Act and The Crimes Act and the applicability of standard permit conditions and NGO contract terms to those who enter, even if consent is not first obtained.

Moved: Anton Baker
Second: Ronnie Brumby
Carried: All

f. Bungala

Bungala has prepared a MALPA model to make CDEP available to Executive Board members, members of Advisory Committees and other MALPAS.

Resolution

That APY adopt the MALPA model when fully negotiated between APY and Bungala.

Moved: Kawaki Thompson
Second: Anton Baker
Carried: All

g. APY Land Rights Act

The review of the 2005 amendments by an independent panel remains outstanding and the recent review of the *APY Land Rights Act* was not the subject of either mandate or consultation. That review adopts submissions that would destroy Anangu rights of self-governance and reduce the lands to little more than a national park on which Anangu are permitted to live, hunt and gather, subject to direction by the State on the smallest matter.

Resolution

That APY place both the State and Federal Governments and the Section 32 Review Team on notice of the concerns of APY regarding the report tabled in the SA Parliament on 30 October 2008 and seek appropriate withdrawals and undertakings.

Moved: Ronnie Brumby
Second: Jamie Nyangu
Carried: All

h. AP Services

(For the discussion of this item, Mr Burton and Mr George were asked to leave the room because of outstanding litigation involving them.)

Resolution

That the General Manager take such action as he deems appropriate in the best interests of APY in relation to the future conduct of the court proceedings brought against APY by Burton and others and the issues raised in the outstanding correspondence with AP Services (including the AP Services letter of 12 January 2009), subject to consultation with and the approval of the Chairperson and Director.

That the General Manager take such action as he deems appropriate to remove from the Lands vehicles belonging to, or hired by, NGOs subject to consultation with and the approval of the Chairperson and Director.

That APY supports the appointment of a Special Administrator for AP Services to confirm the independence of the new CEO, allow a meeting of Directors to be convened and conducted without inappropriate influence and to permit an investigation of waste and payments to consultants.

Moved: Ronnie Brumby
Second: Jamie Nyangu
Carried: All

The meeting adjourned at 3:45 pm for members to get fuel for their vehicles and resumed at 4:05 pm with a continuation of the Walalkara Land Management matter.

Walalkara (continued)

Jeannie Robin said that Walalkara want to go their separate way. She knows the job and knows the places. There are significant areas and they want to stay on. They will continue with the Kuka Kanyini project and Land Management can come in to support the Ranger program. They want us all to be one and not get de-railed. She asked the Executive Board to listen to Walalkara in relation to permits. She also wants a permit approved for Kerryne Liddle, the mentor for Jeannie.

9. Commonwealth Government matters - Adrienne Gillam and Marie McColm

- a. Governance training going well at Indulkana and then to Mimili
- b. Army have offered to come to the Lands to do something, perhaps at Pukatja to fix a building, etc. ***The Executive Board fully supported the proposal and the Army will write to Pukatja.***
- c. Senate Select Committee are visiting next month.
- d. Community Profiles database for the APY Lands – ***APY to consider letter and reply to AG***
- e. Mental Health Services- handout provided

10. State Government Matters

Paul Reardon spoke about 2 briefings provided to Executive Board members

- a. Mullighan Inquiry – 7 community meetings commencing late April to follow up on the report and provide feedback to Anangu
- b. Administration Centre, Umuwa – ***this matter is to be placed on the agenda for the next general meeting.***

11. Anthropology Matters

A report provided by ACHM was provided to all members.

Other Business

12. Mai Wiru

John Tregenza wants the Executive Board to know that when there is talk about the future of stores, about \$12 Million is spent on the Lands and about \$4 Million at Mintabie. If funding stops for Mai Wiru on 30 June 2009 (currently \$400,000 per year to support four positions), then there needs to be serious thought about it. There has been only one problem for Mai Wiru, Mimili store but that was caused by a non-Anangu from the Council. He said that since 2001, the Government was asked to put into place a by-law in the APY Land Rights Act. As the Act is being looked at by the Government, Mai Wiru would like the by-law enacted to put in some protection.

There is a stores reform meeting in Alice Springs on 24 February 2009.

Action: Mai Wiru to be placed on the agenda for the next General Meeting.

13. SA AFL – APY Lands – Alec Henry and Kumanara Nuugati

Alec Henry presented the draw for this year for the APY Lands football and softball. They also provided a brief powerpoint presentation.

Nuugati has applied for a place to live at Nyapari for he and his family to work the western side of the lands.

14. Trevor Adamson – Request for Sponsorship

Trevor Adamson had been asked to come to this Executive Board meeting to discuss his request. He is requesting \$3000 support from APY. The General Manager said there were some funds allocated for sponsorship ie. Finke Desert Race, Trevor Adamson previously to go to Tamworth. Bernard Singer asked about the musical equipment that FaCS bought for the APY Lands, through Trevor Adamson. The equipment is in Alice Springs, requires repairs and FaCS have been advised and are awaiting a quote to repair/replace the items.

The Executive Board will consider the request and advise Trevor in due course.

15. PY KU – Donald Fraser, Lois Fraser

Donald Fraser provided a cash flow graph for PY Ku which shows they will be out of funds by the end of June. There is concern about what will happen to the PY Ku centres after June 2009.

Action: This matter will be placed on the agenda for the next general meeting.

16. Funeral Vehicle

Jamie Nyangu asked about APY having a hearse for use on the Lands and for collecting bodies for funerals. Currently Nganampa ambulances are used but if there is a medical need, the ambulances are not available. Following discussion, all Executive Members supported the idea. The General Manager said that if the Executive Board considers this desirable, that APY could put it in our budget for next year and explore other funding.

Action: Discuss details and plan to include in 2009/2010 budget.

17. Correspondence In/Out

In

| | | |
|----------|-------------------|---|
| 17/12/08 | Betterman | Men's Gathering – <i>not approved</i> |
| 18/12/08 | ICC | APY lands Cultural Induction Package |
| 24/12/08 | Minister | AW NRM Regional Plan |
| | Minister | Remuneration for APY Executive Board |
| 30/12/08 | Minister's office | TKP Meetings |
| 05/01/09 | DEH (SA) | Warru Surveys 2009 |
| | Minister's office | Local Government and Development on the APY Lands |
| 08/01/09 | Red Cross | Initiatives on the APY Lands |
| 12/01/09 | Finance APS | Reconciliation of Accounts between APY and APS |
| 22/01/09 | Cross Border | Schedule for Family Violence Programs for 2009 |

22/01/09 ICC Community Stores Inquiry - Remote Indigenous Communities

Out

| | | |
|----------|---------------------|---|
| 15/12/08 | Minister | Remuneration of Executive Board members |
| 16/12/08 | Minister | Local Government and Development on the APY Lands |
| 17/12/08 | Minister Weatherill | TKP Meetings |
| | Minister Macklin | TKP Meetings |
| 19/12/08 | Thurtell Consulting | Section 32 Review of the 2005 Amendments |
| | Minister | Thurtell Report on Section 32 Review |
| 15/01/09 | Finance, APS | Reconciliation of Accounts between APY and APS |
| | Chairperson, APS | Joint Meeting |

18. Date of Next Meeting

The General Manager reported the Senate Select Committee into Indigenous Remote Communities and petrol sniffing are visiting the Lands on 2-3 March 2009 and would like to meet with the Executive Board. It is proposed to hold the meeting on Tuesday 3 March 2009 at Umuwa. Everyone agreed to have the meeting on the first Tuesday in March.

19. Annual General Meeting

The General Manager advised that APY usually holds its AGM in March and as some of the dates are already filling up for other meetings, it is proposed to hold a two day Annual General Meeting on Wednesday – Thursday 4-5 March 2009 at Umuwa. Accepted.

Action: AGM Notices to all communities for 4-5 March 2009.

20. Executive Board remuneration

The GM reported APY has received advice from the Minister approving the remuneration and allowances as discussed at the December 2008 meeting.

Members were reminded that remuneration is for attending and participating on the Executive Board at meetings; remuneration will only be paid at the end of a meeting; any members who leave a meeting early without approval from the other members will not receive remuneration; and, there will be no advances on remuneration as this is not the right way for APY to properly use its funding

The meeting ended at 7:20 pm with a closing prayer by Kawaki Thompson.

Minutes by Ken Newman

**Executive Meeting No. 7 of 2008/2009
Wednesday 4 February 2009 – Indulkana
Draft Agenda**

Visitors – Coffey International, State Gov't, Commonwealth Gov't, J Tregenza, A Henry

1. Welcome

2. Introduction of Coffey International Development – Mel Dunn, GM Development; Danielle Martin, Principal Coffey Natural Systems

Business Arising from the Minutes

3. Previous Minutes of Meeting No. 6 – 10 December 2008

4. Executive Board remuneration – General Manager

New Business

5. Land Management Matters – Rodney Edwards, Frank Young

6. Memorandum of Understanding between AW NRM and APY – Peter Huntington

7. Planning and Development Matters – David Caspar

8. Housing Forum and Workshop – Jude Allen

9. Legal Matters - Peter Huntington

10. Commonwealth Government Matters

11. State Government Matters – Paul Reardon

12. Anthropology Matters – Report only

13. Correspondence In/Out

Other Business

14. John Tregenza

15. Trevor Adamson – Request for Sponsorship

16. Alec Henry – SAAFL Update

17. Donald Fraser – PY KU

18. Annual General Meeting

19. Date of Next Meeting – Tuesday 3 March 2009 at Umuwa (to have a meeting with the Senate Committee about remote communities and petrol sniffing)