

**Executive Meeting No. 9 of 2008/2009
7 April 2009 at Umuwa
Minutes**

Present:	Chairperson	Bernard Singer
	Amata	
	Anilayla	Kawaki Thompson
	Indulkana	Ronnie Brumby
	Kaltjiti	Murray George (11:20 am)
	Mimili	Tony Campbell
	Murputja	Anton Baker
	Pukatja	Jamie Nyangu
	Kalka/Pipalyatjara	Sean Williamson (representing community)
	Watarru	Charlie Anytjipalya
	APY	Rex Tjami, Ken Newman, Peter Huntington

Apologies:

Visitors: Djonny Suwanto, Agus Syraief, Ewan Vickery

1. Welcome

Bernard Singer opened the meeting at 11:10 am with a prayer by Ronnie Brumby.

The General Manager advised that Sean Williamson and Mrs Paddy have nominated for the vacant position at Pipalyatjara/Kalka. The by-election is to be held on Thursday 30 April 2009.

2. Previous Minutes of Meeting No. 8 – 3 March 2009

The General Manager read through the Minutes of 3 March 2009 which were accepted without alteration.

Moved: Ronnie Brumby
Second: Tony Campbell
Carried: All

There was discussion from the member of Watarru about a letter from F Young. This led to further discussion about a legal case between a former MSO and the community. The Legal Officer was requested to provide an update on the legal case. There was extensive discussion on how these issues can cause big problems in communities. Bernard Singer said we would defer the discussions on Watarru.

New Business

3. 2009/2010 Budget

The General Manager provided graphs of the proposed budget for 2009/2010, the next financial year. The Executive Board need to approve the Land Rights Administration budget before it is forwarded to the Minister for approval.

Kawaki Thompson asked for assistance from APY to develop a business at Blackhill. Rex Tjami explained that private business may need to receive support from elsewhere.

The proposed APY budget as presented for 2009/2010 was approved.

Moved: Jamie Nyangu
Second: Anton Baker
Carried: All

Action: Forward budget to Minister for approval

The meeting adjourned at 12:40 pm for lunch and re-convened at 1:20 pm.

4. Legal Report

Peter Huntington provided a legal report for all members. The following actions resulted from discussions.

a. Mintabie Draft Bill

Action:

a. That APY advise that it does not support those parts of the new Bill which provide for the granting of occupation licences to a class of person deemed appropriate by the Minister, new licences without the approval of APY or, by implication, that Anangu might have to apply for licences.

b. The final Bill is not to be presented to Parliament before a Special General Meeting is held on the Lands explaining the Bill clearly to Anangu.

g. Stores By-Law

Peter Huntington provided a proposed draft by-law for stores.

Mai Wiru personnel were invited into the meeting to provide some comment on the draft proposed by-law. John Tregenza had questions about criteria for establishing stores in the first instance. He thought that Mai Wiru should be inside the by-law.

Action: Mai Wiru will provide feedback on the by-law and detail conditions for consideration at the next Executive Board meeting.

Stephan Rainow also advised they have received verbal approval for all the Mai Wiru stores to receive a Grocery Manager system that includes computers, scanners, training, etc. He is also confident that Nganampa will receive funding to continue the Mai Wiru team for a further 12 months.

h. Legal Matters affecting APY and Communities

The meeting was advised that litigation brought against APY by Burton, Lewis and George had been dismissed by the Supreme Court with a costs order for part of the case in favour of APY and against Burton, Lewis and George. In another matter, the Lloyds had succeeded in having struck out a large part of the claim brought against them by Watarru community with an order for costs against the community.

During the Legal Report, Mr George said that others had put his name on the litigation brought against APY and that he did not understand because he was Aboriginal.

5. Ahava Energy

Bernard Singer welcomed Djonny Suwanto and Agus Syraief from Ahava Energy and Ewan Vickery of MinterEllison to the meeting. He then introduced each Executive Board member.

Peter Huntington provided an update for members that Ahava Energy made an application to APY in November 2008 to explore for oil. Gary McWilliams, Mining Tenement Officer, showed the location of the PELAs on the map.

Peter Huntington explained what seismic work would look like. Slides were shown of the Terrex seismic trucks and the proposed grid lines. Djonny Suwanto and Agus Syraief explained the proposed work program on PELA 138.

There was extensive discussion about the exploration proposal and the discussions continued through to the end of the meeting. Due to the commercial confidence of these discussions, the publicly available Minutes reflect only the general nature of those discussions.

The Ahava Group left the meeting and the Executive Board discussed the proposed compensation package in private session.

There were six areas in relation to compensation that were discussed in private session. These include: ground disturbance; % of exploration expense; roads/airstrips; administration; water; and, royalties from oil. Pursuant to the *Petroleum Act*, when production commences, a Company has to pay 10% to the Government. Under Section 22 of the *APY Land Rights Act*, 1/3 of those royalties paid to the Government are to be paid to APY, to a prescribed limit. The Government has never prescribed a limit so at the moment, this capped amount is zero. The % figures which the Executive Board thought appropriate for the compensation package as set out above were recorded on the whiteboard for later presentation to the Ahava Group.

(During breaks, the following matters were also dealt with by the Executive Board.)

6. Anthropology Report

The General Manager provided a report to all members prepared by ACHM. There was only one heritage clearance that required approval.

Resolution

The APY Executive, based on consultations with the appropriate Traditional Owners and advice from APY Anthropologists, approves the use of land for two DEH rockhole covers at Watarru.

Moved: Jamie Nyangu

Second: Anton Baker

Carried: All

7. Commonwealth Government

Adrienne Gillam attended the meeting briefly and provided members with a COAG Reforms Information Summary. She provided a very brief overview on initiatives that included housing and remote service delivery.

8. Land Management Report

A report was prepared for each member but due to time constraints, none of the matters were discussed and have been deferred to the next meeting.

9. Planning and Development Report

A report was prepared for each member but due to time constraints, none of the matters were discussed and have been deferred to the next meeting.

10. Ahava Energy (cont'd)

The Ahava Group returned and the Executive Board revealed the compensation package which it thought appropriate. The Ahava Group said that it thought the package proposed was too high but would obtain instructions at their Executive meeting scheduled for 17 April 2009 in Adelaide.

Other Business

11. Correspondence In/Out In

31/10/08	Amata Safety Group	Men's business - noted
13/2/09	Walalkara	Permits for AW NRM Staff – defer to May meeting
28/2/09	Frank Young	Racist Remarks Allegation - discussed
5/3/09	Gary Lewis	Rental Accounting at Pukatja - noted
7/3/09	Minister Weatherill	Housing Advisory Committee - noted
10/3/09	Conciliator	Permit Matter - noted
11/3/09	Minister Weatherill	SA Aboriginal Advisory Committee - noted
12/3/09	ALRM	Restorative Justice Project - noted
16/3/09	Heritage Committee	Use of term "kulintja kuranyurinytjikitja" – ok to use
	NT Police	Changes to Criminal History Checks - noted

17/3/09	Peter Short	Management of Road Network – <i>noted, refer to APS</i>
	DEWHA	APY Ranger Program - <i>noted</i>
18/3/09	Administrator APS	Permits – <i>invite SA and GM to next Exec</i>
19/3/09	Dept Planning	Far North Regional Land Use Framework - <i>noted</i>
	Tony Davies	Waste Management Trials - <i>noted</i>
20/3/09	ORIC	Stores By-law - <i>noted</i>
27/3/09	TKP	Key priorities – <i>noted, APY Minutes are posted</i>
	Kim Petersen	Staff Housing on the APY Lands - <i>noted</i>
28/3/09	Minister Weatherill	AW NRM MOU – <i>already subject of a resolution</i>
30/3/09	Rowan Ramsey MP	PY KU Centres - <i>noted</i>
3/4/09	Kim Petersen	Review of Heritage Act - <i>noted</i>
Out		
12/3/09	Conciliator	Permit Matter
	Frank Young	Watarru Legal Case
	Frank Young	Racist Remarks Allegation
13/3/09	Community Chairpersons	Stores By-Law

11. Date of Next Executive Board Meeting

The next Executive Board meeting will be a two day meeting on Wednesday 6 May and Thursday 7 May 2009 at Umuwa. Jamie Nyangu requested that public transportation be placed on the agenda for the May meeting.

Bernard Singer closed the meeting at 8:25 pm with a prayer by Djonny Suwanto of Ahava Energy.

Minutes by Ken Newman

**Executive Meeting No. 9 of 2008/2009
Tuesday 7 April 2009 – Umuwa
Draft Agenda**

Visitors: Djonny Suwanto, Agus Surayef, Ewan Vickery

Welcome

Business Arising from the Minutes

Previous Minutes of Meeting No. 8 – 3 March 2009

New Business

2009/2010 Budget

Anthropology Report

Land Management Report

Planning and Development Report

Legal Report

Ahava Energy

Other Business

Correspondence In/Out

Date of Next Meeting – Wednesday 6 May 2009