

**Executive Meeting No. 10 of 2008/2009
6-7 May 2009 at Umuwa
Minutes**

Present:	Chairperson	Bernard Singer
	Amata	
	Anilayla	Kawaki Thompson
	Indulkana	Ronnie Brumby
	Kaltjiti	
	Mimili	Tony Campbell
	Murputja	Anton Baker
	Pukatja	Jamie Nyangu
	Kalka/Pipalyatjara	Milyika Paddy (2:00 pm)
	Wataru	Charlie Anytjipalya
	APY	Rex Tjami, Ken Newman, Peter Huntington

Apologies:

Visitors: Colin Koch, John Tregenza

1. Welcome

Bernard Singer opened the meeting at 11.55am with a prayer by Ronnie Brumby. Bernard Singer advised we have two visitors today to talk about tourism. He also said Mrs Paddy is the new Member for Pipalyatjara/Kalka and will be here after lunch.

Bernard Singer asked what the status was in relation to two of our Board Members. Peter Huntington, Legal Officer advised that the Special Administrators for Anangu Pitjantjatjara Services are investigating loans to Directors. The APY Chairperson wrote to the two members about standing down during the investigations. There has been no reply from Mr Burton and Mr George sent a letter saying he would not stand down. Anangu Pitjantjatjara Yankunytjatjara wrote back to Mr George and subsequently received a letter saying he would be going on extensive personal leave for medical reasons. He did not appoint a proxy.

The Executive Board will need to decide how to proceed with this matter and either give Mr George leave now or at a later meeting. The matter of leave for both members was discussed.

Action: The Board does not grant leave but the Chairperson has asked the two members to stand down pending the investigations.

2. Previous Minutes of Meeting No. 9 – 7 April 2009

The General Manager read through the Minutes of 7 April 2009 which were accepted without alteration.

Moved: Jamie Nyangu
Second: Anton Baker
Carried: All

2. Public Transportation

Jamie Nyangu had asked for this matter to be placed on the agenda. The General Manager also reported Anangu Pitjantjatjara Yankunytjatjara received a letter from Bush Bee to operate a public transportation service to the eastern side of the Lands, including Indulkana, Mimili, Fregon, Umuwa and Ernabella. Their business plan was discussed extensively and Jamie Nyangu said that if the Executive Board supported the proposal, Anangu-tjuta and Nganampa Health would be happy as it would help with patient transfers.

Following extensive discussion, it was agreed to let Bush Bee operate on a 12 month trial basis, on terms of the NGO contract acceptable to administration.

Action: Write to Bush Bee

4. Sponsorship – T Adamson

This matter has come back to the Executive Board as Trevor Adamson is awaiting a decision on whether his request for \$3000 to assist him with his trip to Tamworth last January is supported. There was discussion about the whereabouts of the music equipment supplied via DFC for band equipment that Mr Adamson was to be the caretaker. It was explained to Trevor Adamson that if Anangu Pitjantjatjara Yankunytjatjara assisted with sponsorship, then Trevor Adamson needs to give back to the Anangu Pitjantjatjara Yankunytjatjara young people.

Action: Anangu Pitjantjatjara Yankunytjatjara approves \$3000 sponsorship to be paid to Lindsay Butler Studios upon receipt of Tax Invoice.

5. Stores By-law

Peter Huntington gave an update on this matter. John Tregenza attended from Mai Wiru who don't have a problem with the by-law but would prefer Mai Wiru to be written into the By-law. This will be further discussed in the legal section tomorrow.

6. Tourism Development – C Koch and J Tregenza

A draft report was provided to Anangu Pitjantjatjara Yankunytjatjara and John Tregenza spoke to the recommendations. It was recommended that Anangu Pitjantjatjara Yankunytjatjara start to develop a tourism venture by creating the position now and work towards 2011 as the "focus year" to start. Following the presentation and discussion the consultants were authorised to take the Board's comments and advice and incorporate them into the final report to be presented at a future Executive Board meeting.

7. Palya Fund – C Koch and P McCusker

Colin Koch gave a background update on how the Palya fund started in finding wealthy people who give money to charitable things. They look at helping the arts business in areas where the government will not fund.

8. Planning Officer Vacant Position

Peter Huntington explained that APY is currently recruiting to the vacant position. However, Anangu Pitjantjatjara Yankunytjatjara is also exploring an alternative arrangement with Salisbury Council to provide us with a planning function. We are considering inviting them up next week to come and have a look and meet with us at the same time as the proposed housing site visits to the Lands.

9. Don Dunstan Foundation

Peter Huntington reported that he met with some people from the Foundation on Monday 4 May in Adelaide. The Foundation looks at social justice and carries on the work and vision of Don Dunstan. They have indicated a desire to see if they can help Anangu to make a better future. Their membership includes former Ministers and Senior Public Servants who might be able to act as an honest broker which enjoys the confidence of both Anangu and the current State Government. It is proposed that Anangu Pitjantjatjara Yankunytjatjara write to the Don Dunstan Foundation and ask them to meet with us and perhaps joint sponsor a future workshop with Anangu Pitjantjatjara Yankunytjatjara, following from our successful "Challenge of Change" workshop held in March.

Day 2 – 7 May 2009

Present: Bernard Singer, Ronnie Brumby, Kawaki Thompson, Tony Campbell, Charlie Anytjipalya, Jamie Nyaningu, Milyika Paddy, Anton Baker

The meeting opened at 11:10 am.

10. Anthropology Matters

The General Manager provided the supplied Anthropology report that was for information purposes only.

11. Planning and Development Matters

The General Manager presented a planning report to the Executive Board with files left by the Planning Officer. The following matters were attended to and resulted in actions.

a. Amata – DFC Duplex (Planning File No. PA09-011)

Resolution

The APY Executive Board grants planning approval for the construction of a DFC Duplex at Amata as per the plans and application dated 27 March 2009.

Moved: Bernard Singer
Second: Tony Campbell
Carried: All

b. Amata – DFC Temporary Housing (Planning File No. PA09-005)

Resolution

The APY Executive Board grants planning approval for the construction of two REHNE style transportable houses Amata Community as per the plans and application dated 12 March 2009.

Moved: Jamie Nyangu
Second: Charlie Anytjipalya
Carried: All

c. Kalka – Bungala Shade Sail (Planning File No. PA09-003)

Resolution

The APY Executive Board grants planning approval for the construction a shade sail at Kalka Community as per the planning application received on 13 March 2009.

Moved: Jamie Nyangu
Second: Ronnie Brumby
Carried: All

d. Creation of Bounded communities in the APY Lands (Planning File No. PA09-006)

These plans were shown and discussed by the Executive Board and it was requested that the Planners be invited to the next Executive Board meeting to explain these further to the Board.

Action: Invite to next Executive Board meeting

e. Far North Regional Landuse Framework

The Planning people are also to be invited to attend the next Executive Board to discuss this document further.

Action: Invite to next Executive Board meeting

Other planning matters were deferred to a future meeting as there had not been community consultations carried out at this time or there had been concern about the meeting held. These relate to Mimili (Planning Files PA09-010 and PA-09-006), Pukatja (Planning File No. PA09-013) and Pipalyatjara (Planning File No. PA09-012.) Another matter in relation to Umuwa was not considered as no resolution had been proposed (Planning File No. PA09-014.)

Community Housing at Mimili, Amata and Fregon (Planning File Nos. PA09-007, 008, 009) were acknowledged but no action was requested.

11. Land Management Matters

Frank Young, Sam Mathews, Thalie Partridge and Troy Coe attended from APY Land Management and presented a report which updated members on a number of matters including Indigenous Land Management, Caring for Country Applications, New Waru Rangers, Feral Horse control for Anilalya Homelands, Working with Horse Training, Working on Country Ranger Program, IPA Planning and Caring for Country with Fire in the Musgrave and Mann Ranges Fire regions.

In addition, the following AW NRM Projects were discussed.

AW NRM has requested that 4 projects be considered for approval by the Executive Board: Walalkara, Cave Hill, Kenmore and Sandy Bore. The Walalkara, Kenmore and Sandy Bore projects are about monitoring plants and animals, patch burning, rockhole monitoring and maintenance and training. The Cave Hill project also has a focus on tourism management activities.

These projects rely on the support of Project Officers and their vehicles that AW have proposed to employ in this region. It is not clear where these people would be based and how they might work with APY and the Land Management Unit. There is overlap between these projects and current APY Land Management projects, primarily at Sandy Bore and Walalkara.

The budget schedules for each project was analysed and it appeared there were considerable funds allocated for each project that supported the AW NRM Board directly or indirectly. Discussion by the Board members indicated these funds should be directed to APY.

Resolution

The APY Executive Board gives the General Manager authority to approve commencement of the 4 projects put forward by the AW NRM Board on condition that the projects are delivered by APY and that sufficient funds as identified in the 4 schedules for wages, vehicles, admin, tools and meetings is provided to APY (approximately \$183,000).

Moved: Ronnie Brumby
Second: Jamie Nyangu
Carried: All

12. Land Rover 4WD Club, Victoria

Frank Young discussed this matter and is asking permission from the Executive Board for this 16 vehicle tour that he would supervise while they are on the APY Lands. The Executive Board will discuss and advise.

13. Website Management

The General Manager outlined the proposal for creating our own website, similar to that done by Nganampa Health, NPY Women's Council and others. He was seeking approval to do so and allocate funds for this purpose.

Action: Approved

14. Deputy Chairperson

Ronnie Brumby was asking about the remuneration for the Deputy Chairperson. Rex Tjami explained that APY budgets \$10,000 for the Deputy Chairperson to be paid each financial year. Funds are not available until 1 July 2009.

Action: The Executive Board authorizes from 1 July 2009 the remuneration for the Deputy Chairperson.

15. Legal Matters

Peter Huntington provided a legal report to all members. The following are resolutions from that report.

a. Housing

Housing tenders have gone out with site inspections by interested tenders next week.

b. AP Services

APY is now on the DETI tender selection panel for roads. The AP Services' CEO and Administrator were unable to accept our invitation to today's meeting but the Administrator could be available by phone.

c. Permits

To assist housing and other contracting it is proposed that a revised permit system be put in place for relevant public servants.

Action: That APY develop a revised permit system for relevant public servants and contractors to be discussed at the June Executive Board meeting

d. Stores By-Law

The Legal Officer went through the proposed Stores By-law that was discussed yesterday while J Tregenza was present from Mai Wiru. Following clarification of some of the matters the following resolutions and actions were made in relation to the Stores By-law.

Resolution

That APY pass a by-law to regulate community stores on the APY Lands as presented to the Executive Board.

Moved: Tony Campbell
Second: Jamie Nyangu
Carried: All

Resolution

That APY Executive Board adopt the Mai Wiru food policy as the community stores policy of APY.

Moved: Bernard Singer
Second: Charlie Anytjipalya
Carried: All

Action: That APY establish a stores Advisory Committee under S12A of the APY Land Rights Act, the details of which are to be discussed at the June Executive Board meeting

e. Health leases and purposes deed

This matter relates initially to the Mental Health house at Umuwa but the entire Nganampa Health estate across the APY Lands. The following resolutions were made.

Resolution

That APY enter into a purposes deed with the Commonwealth on terms of the draft deed submitted by the Commonwealth in relation to the funding of the Nganampa Health Council mental health house at Umuwa for a term of ten (10) years.

Moved: Bernard Singer
Second: Anton Baker
Carried: All

Resolution

That APY enter into a lease of the health estate to Nganampa Health Council (NHC) for twenty-five (25) years or until NHC ceases to provide health services to Anangu, whichever occurs first, on terms that a head lease may be granted to the State provided that the State grants a sub-lease to NHC for the balance of the term of the initial lease.

Moved: Bernard Singer
Second: Tony Campbell
Carried: All

f. Independence group**Resolution**

That APY sign a deed of assumption from Independence group to Goldsearch and BHP for ELA3954 and ELA 3955 on terms that Independence pay APY's costs.

Moved: Jamie Nyangu
Second: Ronnie Brumby
Carried: All

g. PepinNini

Deferred to next meeting

h. Chamber of Mines**Resolution**

That APY negotiate a conjunctive mining land access agreement in draft form to be considered at a future Executive Board Meeting on terms that the Chamber pays APY's costs of that negotiation.

Moved: Jamie Nyangu
Second: Tony Campbell
Carried: All

i. Code of Conduct

Action: That APY prepare an amendment to its Code of Conduct to incorporate a child protection protocol for presentation at a future Executive Board and General meeting.

j. Constitution

Action: That APY prepare amendments to its Constitution to respond to the Legalities' review discussed with the State Government and other matters for presentation at a future Executive Board, Tjilpi/Pampa and General meeting.

k. TKP

There was discussion relating to a resolution made in 2005 making TKP the peak body on the Lands to represent Anangu with Government for delivery of services onto the Lands. Things have changed over the past four years and Anangu need to remain in control of matters affecting their Lands.

Resolution

That APY recommend to a General meeting that the previous General meeting resolution in relation to TKP being the peak body on the Lands be reversed..

Moved: Ronnie Brumby
Second: Tony Campbell
Carried: All

I. Ahava

Observers were asked to leave the room while commercial discussions took place. Members were briefed on the continued negotiations with Ahava Energy in relation to petroleum exploration and the compensation matters. Traditional owners were consulted about the matter at a meeting at Indulkana and this week heritage clearances are taking place on PEL 138. Peter Huntington and Bernard Singer went through the proposed compensation package that has to be approved initially by the APY Executive Board and the Ahava Energy Board of Directors.

Resolution

The APY Executive Board approves in-principle, the compensation package offered by Ahava Energy, annexed to this report, and to enter into a Conjunctive Land Access agreement with Ahava Energy on terms acceptable to the Chairperson, Director and General Manager.

Moved: Ronnie Brumby

Second: Anton Baker

Carried: All

16. Correspondence In/Out In

03/03/09	Minister Weatherill	Staff Housing on the APY Lands - noted
30/03/09	email from J Robin	Kuka Kanyini Walalkara - wait on response from
Minister's office		
01/04/09	Doug Turner	Bargarla Native Title Group - Director to contact
05/04/09	Minister Weatherill	Governance Training - Noted and responded
07/04/09	State Electoral Commission	By-election for Pipalyatjara/Kalka - noted
14/04/09	AW NRM	APY Minutes – draft response from GM
15/04/09	Minister's Office	AW NRM MoU - noted
15/04/09	Minister's Office	09/10 Budget - noted
17/04/09	M George	Executive Board membership - noted
Undated	DPC-AARD	Mullighan meetings - noted
29/4/09	Vicky Toovey	Watarru Legal Case - noted
29/4/09	Phil Fagan-Schmidt	Housing on the APY Lands – response required
30/4/09	Grant Jaime	Bush Bee Bus Service to the Lands – dealt with
1/5/09	Stephen Duncan	Special Administrator not coming to meeting - noted
5/5/09	Adrienne Gillam	Community Baseline Profiles – response required,
invite to June meeting		
7/5/09	Katie Curley	Use of Centre Bore by APYLM – approved
7/5/09	Jeremy Moore	Guardianship Board – Visit approved

Out

08/04/09	Special Administrator	Invite to May Exec Board meeting
08/04/09	M George	Executive Board membership
08/04/09	L Burton	Executive Board membership
08/04/09	Minister Weatherill	AW NRM MoU
08/04/09	DPC-AARD	Mullighan Inquiry Meetings
08/04/09	DPC-AARD	Heritage Act Community Meetings
15/04/09	Exec Director Housing	Housing on the APY Lands
15/04/09	DTEI	Management of Roads Network in the APY Lands
16/04/09	DPC-AARD	Staff Housing on the APY Lands
17/04/09	M George, L Burton	Executive Board membership
20/04/09	Vicky Toovey	Watarru Legal matter
20/04/09	DPC-AARD & FaHCSIA	Lease of Contracting Infrastructure
23/04/09	M George, L Burton	Traditional Owners Veto APY Administration
27/04/09	Minister Weatherill	Governance Training
	Chairperson, Pukatja	Housing at Pukatja
	Murray George	Absence from Executive Board meetings and Proxy

27/4/09	Minister Weatherill	AW NRM MoU
28/4/09	Minister Weatherill	Mintabie Lease

17. Date of Next Executive Board Meeting

The next Executive Board meeting will be on Wednesday 3 June 2009 at Umuwa.

18. Special General Meeting

There will be a two (2) day Special General Meeting to be held on Wednesday/Thursday 17-18 June 2009.

The meeting ended with a prayer by Kawaki Thompson at 5:25 pm.

Minutes by Ken Newman

**Executive Meeting No. 10 of 2008/2009
Wednesday 6 May – Thursday 7 May 2009 – Umuwa
Draft Agenda**

Visitors – Colin Koch, John Tregenza (Tourism);

Welcome, including new Executive Board member for Pipalyatjara/Kalka

Business Arising from the Minutes

Previous Minutes of Meeting No. 9 – 7 April 2009

Stores – Draft By-law (to be dealt with in Legal Report)

New Business

Public Transportation on the APY Lands – J Nyangu
Bush Bee Bus Proposal (to be discussed at the same time)

Palya Fund – Trustees C Koch and P

Tourism Development on the APY Lands – C Koch and J Tregenza

Anthropology Matters

Planning and Development Matters

Land Management Matters

Website Management – General Manager

Legal Matters – P Huntington

Other Business

Correspondence In/Out

Date of Next Meeting – Wednesday 3 June 2009

Day 2

Petroleum and Mineral Exploration Matters

Ahava Energy