

**Executive Meeting No. 2 of 2009/2010
4 -5 August 2009 at Umuwa
Minutes – Day 1**

Present:

Chairperson	Bernard Singer
Amata	
Anilayla	Kawaki Thompson
Indulkana	Ronnie Brumby
Kaltjiti	
Mimili	
Murputja	
Pukatja	Jamie Nyangu (by telephone from Roxby Downs)
Kalka/Pipalyatjara	Milyika Paddy
Watarru	Charlie Anytjipalya
APY	Rex Tjami, Ken Newman, Peter Huntington

Apologies:

Visitors: Ron Merkel, QC, Beth Merkel

1. Welcome

The meeting opened at 12:00 pm with a prayer by Kawaki Thompson. Ronnie Brumby welcomed members and introduced Ron Merkel, QC to the Executive Board.

2. Previous Minutes of Meeting No. 11 – 10 - 11 June 2009 and Extraordinary Executive Board Meeting 13 July 2009

- a. The General Manager read through the Minutes of 10 -11 June 2009 which were accepted without alteration.

Moved: Bernard Singer
Second: Ronnie Brumby
Carried: All

- b. The General Manager read through the Minutes of Extraordinary Executive Board meeting held 13 July 2009 which were accepted without alteration.

Moved: Jamie Nyangu
Second: Charlie Anytjipalya
Carried: All

Business Arising from the Minutes

3. Public Transportation

The General Manager advised that Bush Bee commenced a twice weekly service to the eastern communities on the APY Lands on 15 July 2009.

New Business

4. Casual Vacancy on the Executive Board

Mr Burton has missed the past four consecutive Board meetings and Mr George has now missed the last three consecutive meetings. A resolution is required if the Executive Board wants to declare casual vacancies and then hold by-elections.

Peter Huntington advised that under the APY Land Rights Act, members can be removed if they miss three consecutive meetings. There are also matters of misconduct in relation to making press releases in breach of the Code of Conduct.

Following discussion, it was decided to write a letter to each of the two Executive Board members as per the following resolution.

Resolution

That APY ask Leonard Burton and Murray George to show cause, within 14 days from being asked, why they should not be removed from the Executive Board for failure to attend meetings and misconduct by making a press release without the approval of the Executive Board in breach of the Code of Conduct.

Moved: Bernard Singer
Second: Ronnie Brumby
Carried: All

5. Legal Report

Peter Huntington provided a report to all members

a. AWNRM Board

Peter Huntington advised that the AW NRM Board all have permits. The AW NRM has funded the four projects directly, although not approved by Executive Board. The AW NRM General Manager has still not responded to the General Manager's correspondence.

Resolution

That APY request the Ombudsman to undertake an administrative audit of the activities of the AW NRM Board in relation to the events from 1 January 2008 to date particularly as they relate to the use of public resources.

Moved: Charlie Anytjipalya
Second: Ronnie Brumby
Carried: All

Peter Huntington explained the role of an Ombudsman and how they look into matters conducted by the Government in an independent manner.

b. Umuwa Police/Courts Administration complex

Peter advised the SA Government have not yet lodged a development application with DAC.

Resolution

That APY refer to Traditional Owners any development application lodged with DAC for this complex for consideration together with the land tenure application lodged for this complex.

Moved: Bernard Singer
Second: Jamie Nyangu
Carried: All

Resolution

That APY cease dealing with Minister Weatherill and his Agencies in relation to planning and development matters, other than those in respect of which the Minister or his Agency is the applicant.

Moved: Bernard Singer
Second: Kawaki Thompson
Carried: All

c. Ahava Energy

The conjunctive land access agreement was signed in Adelaide on 14 July 2009 in the presence of Minister Holloway.

The Executive Board meeting adjourned at 1:25 pm so the Tjilpi Pampa meeting could commence.

**Day 2 – Executive Board Meeting
Wednesday 5 August 2009**

Present:	Chairperson	Bernard Singer
	Amata	
	Anilayla	Kawaki Thompson
	Indulkana	Ronnie Brumby
	Kaltjiti	Murray George
	Mimili	Tony Campbell
	Murputja	
	Pukatja	
	Kalka/Pipalyatjara	Milyika Paddy
	Watarru	Charlie Anytjipalya
	APY	Rex Tjami, Ken Newman, Peter Huntington

Apologies:

Visitors: Ron Merkel, QC, Beth Merkel
Red Cross: Olga Havnen, Head of Indigenous Strategy; Helen Farinola, SA General Manager, Services; Maria Anderson, SA Community Development Officer
DFC – Kym Freer, David Caspar
Minister – Jay Weatherill

The meeting commenced at 12:45 with a prayer by Mrs Paddy. Ronnie Brumby chaired the meeting.

6. Red Cross

A handout was provided to all members. The Executive Board members introduced themselves to the Olga, Helen, Maria and Steve of Red Cross. Olga is the National Head of Indigenous Strategy for the Red Cross and talked about what Red Cross do. Robert Tickner, the former Federal Minister for Aboriginal Affairs, heads up the Red Cross in Australia.

Helen talked about the things they do on the APY Lands. They also want to employ more Anangu and they have money to do this for Red Cross programs. They want to do this as long as they are wanted and do not duplicate what is already there.

Maria also said they have been doing First Aid courses and they will be conducting one at Umuwa for Land Management in a couple of weeks.

The Executive supported the Red Cross programs on the APY Lands.

7. Minister Weatherill

Jay Weatherill wanted to advise the Executive that he had some good discussions today with Bernard, Rex and others. He wants to have a positive future and wants the fighting to stop between the State, Commonwealth and APY and between APY and AP Services and work towards a better future.

Ron Merkel recommended to him a Memorandum of Understanding (MOU) between the State and APY in relation to a regional authority; how we would work through permits and work through these issues together.

The Minister said APY would deal later today with staff housing, Courts complex, the AW NRM issue and permits for people coming onto the APY Lands.

Kawaki Thompson asked the Minister about support for the homelands – they have no budget, no plan, no hope. The Minister said there is a problem with providing the same level of services to homelands. The focus will be on Amata and Mimili and Pukatja and that will use the resources and they cannot afford to provide the same to homelands.

The Minister talked about Remote Infrastructure Development, Commonwealth funding, that is required to improve the services in communities.

The Minister thanked the Executive for having him along and hopes the AW NRM matter will be sorted out today. Ron Merkel asked the Minister about incorporating land management issues into the MOU. The Minister said he had the power to provide for APY to undertake the NRM matters for the APY Lands.

The Minister also asked the Executive to try and resolve the matters in relation to Mr George and Mr Burton.

8. Housing Matters (incorporating Planning and Development)

Kym Freer and David Caspar attended the meeting and provided a range of documents for Executive consideration.

a. Mimili

There is uncertainty if Housing SA has community approval for housing at Mimili. A meeting is to be organised for the week commencing 17 August 2009. This will also include the Builders Temporary Accommodation. With the staff duplex, the lot number may be different from the application.

The State is ready to let the building contracts for the 3 and 4 bedroom homes at Mimili and Amata. The 2nd lot of 1 and 2 bedroom houses is the next tranche. Red Ochre Construction has been selected for Amata and Pimba has been selected for Mimili.

b. Fregon – 7 CHP houses approved

c. Builders Temporary Accommodation, Amata – Approved

d. Builders Temporary Accommodation, Pipalyatjara – Approved

e. Amata – 17 houses – Approved

f. Shade Structure, Kalka – Approved

g. Shade Structure, Indulkana – Approved

h. Shade Structure, Kalka – Approved

i. House, Shirley Well - Approved

9. Police Matters

Assistant Commissioner Graeme Barton and Inspector Mark Syrus attended the meeting. Graeme advised that Amata and Mimili Police Stations should be ready by 21 December 2009 and Pukatja by the end of February 2010. SAPOL are still recruiting Officers and are doing psychological testing for applicants and increasing cultural awareness. Each Station will have 1 Sergeant and 3 Constables. When this occurs, the Specialist Police at Marla will move to Umuwa. There will be 19 Police on the APY Lands, including the specialist Officers. Each station will also have a court complex and holding cells. Some of the communities may have 2 Aboriginal Community Constables. There are currently 4 with six vacancies.

Bernard Singer asked about Mintabie. Graeme said there will be a chance to focus more on Mintabie once the Police are on the Lands. Graeme also said the Police have been effective at stopping grog coming from Coober Pedy to the Lands.

Road safety matters were also discussed and the need for education in any blitzes. Accommodation for community constables was also raised as well as Anangu malpas working in the proposed Police/Courts complex at Umuwa.

In the future, Umuwa will have the OIC, a Detective and 2 Child Protection Officers.

Mr George talked about the importance of traditional and conventional laws working together, particularly at cultural ceremonies time of the year when many people may be travelling with bald tyres, etc.

There was discussion about the need to have another Tjilpi Pampa meeting to talk about law and order issues. The Police would be invited to run a workshop at that meeting about driving and vehicle safety.

Kawaki Thompson said there was a need to get information into “sorry” camps about the Coroner’s report. People need to know what happens.

10. Legal Report (continued) – Peter Huntington

a. PepinNini

Gary McWilliams gave the background to this item and explained it was approved in 2005. It is now proposed to assign the Deed from Rio Tinto to PepinNini.

Resolution

That APY assign a Deed of Assumption from Delta Gold/Rio Tinto to PepinNini for EL3931 on terms that are acceptable to the Chairperson, Director and General Manager and on terms that PepinNini pay APY’s costs.

Moved: Murray George
Second: Kawaki Thompson
Carried: All

11. Ron Merkel, QC

Ron was invited to attend the Executive Board meeting by the Chairperson following our meeting with him in Adelaide last month. It was considered important that Tjilpi Pampa had an opportunity to hear from him yesterday.

Peter Huntington explained about our various meetings this morning before the Executive Board met. The main item referred to the need for unity amongst Anangu if we can progress matters.

Ron Merkel said he had a good talk with the Minister and told the Minister that he (Minister) had been receiving wrong advice that APY had limited powers. He told the Minister the APY Land Rights Act is the best in the country. The Traditional Owners elect the Executive Board to represent them and that is the best model. The Minister was told that if there were problems with decisions made by APY, then we should work together to resolve those, rather than talk about creating another body.

The Minister told Ron that if Anangu were united, he would be prepared to work with that organisation in all areas. He said if there was unity, he would make APY the central body on the APY Lands.

The Chairperson was asked to solve the unity issue in an Anangu way and the Minister would not interfere.

The Minister told Ron he would negotiate:

- Who would deliver services on the APY Lands: APY or another service provider
- If APY had to pass by-laws on permits, he would agree to work with APY on this rather than amend the Act to deal with permits
- He has to power to enable APY to manage the NRM money, if APY was united

- He would negotiate and cooperate with APY rather than forcing things on communities like the Commonwealth. He does not want to end up in Court
- The Minister agreed to have an MOU to put an agreed solution in place rather than have disagreements and fighting

Ron told the Minister that 1981 gave Anangu good rights and if the Minister wanted to change that, he would have a legal fight.

The Minister is concerned that if he puts money into APY, he wants to be sure it is handled in the proper way. It was suggested there may be a place for independent Government observers.

The Minister said the current Executive Board is the best there has ever been. With independent observers, if there is a change in staff or Board, there are checks in place.

It was agreed that if the Executive agreed, we would have a working party and work towards mutual solutions and have an agreement working in cooperation.

Ron said that if Anangu want to keep control of their Lands, this is a good way to test the sincerity of the Minister.

Anangu have a good Act, good administration and a good Executive Board so we need to work within this framework to develop a good future. Anangu have a good strong Act, and although they don't want to go to Court, they will do so in their Act is under threat. The Minister wanted to talk about the agreement, not fighting in Court.

Bernard Singer said as an Executive Board, and to show our young people, we need to put the problems of the past behind us and move forward.

Murray George said he agreed with what Ron Merkel said and he apologised to all Executive Board members, Peter Huntington and the General Manager. He said APY is working for Anangu and he said sorry for what he did with AP Services. He was misled by others about AP Services. He said he has missed a lot of meetings with the Executive Board and he knew some Executive were not happy with him. He is finished with trouble and wants to work together.

Ron Merkel said this is a big step forward and will open the door for working with the Minister. After discussion, the following resolution was made.

Resolution

The APY Executive Board resolves

1. *that APY will achieve unity and overcome existing community differences "Anangu way" as requested by the Minister;*
2. *and MOU with all important issues be agreed with the Minister and a Working Party established to review Constitutional by-laws and other vehicles for producing good governance for the APY Lands;*
3. *the Working Party be the Chairperson, Director, General Manager, Principal Legal Officer, Gary Lewis, Owen Burton (on the basis they are willing to cooperate) with power to add additional members as the need arises;*
4. *a cooperative and negotiated relationship with the Minister is to be prioritised while the MOU is operative; and,*
5. *The Minister is informed forthwith of these resolutions.*

Moved: Murray George
Second: Kawaki Thompson
Carried: All

Mr George was asked if he wished to be part of the Working Party but he said he did not as he will support the Executive Board.

Ron Merkel congratulated the Executive Board on the decisions made today.

12. Roger Kayipipi

Kayipipi said he is building a yard for camels at Tjilpil and he is getting people to come over to help him. He wants to know what is going on at West Bore as people are mustering camels there using yards that he had constructed before. Apparently, Land Management had promised to help him rebuild the yards at Tjilpil a year or so ago.

Action: Rodney Edwards to report back to next Executive Board.

13. Legal Report (continued) – Peter Huntington

a. Housing

Peter explained the housing MOU with Housing SA has been negotiated and is ready for signing. It is a commitment for the SA Government to work with us and manage the Anangu housing, employment, etc.

Resolution

That APY sign the MOU with the Minister for Housing in the form presented to the Executive Board.

Moved: Ronnie Brumby
Second: Mrs Paddy
Carried: All

Resolution

That APY sign a third variation to the housing ground lease to deal with construction of new and upgraded housing at Amata and Mimili subject to the conditions and lot numbers being acceptable to the General Manager and Director.

Moved: Bernard Singer
Second: Tony Campbell
Carried: All

b. Permits

The recent Special General Meeting did not object to the resolution in June granting a blanket permit to State Public servants or the granting of blanket permits for contractors.

Resolution

That a permit be granted (on the attached conditions) to members of the Commonwealth Public Service and State and Federal government contractors (until 30 June in the year of issue or the following year, which ever occurs first) where the responsible Minister or Agency:
(a) advises APY in writing of the name, job description, purpose of entry and communities required to be visited and, in the case of contractors, the service or services funded; and,
(b) pays the required permit fee.

Moved: Kawaki Thompson
Second: Bernard Singer
Carried: All

Resolution

That APY prepare a codification of matters relating to permits for consideration at a Special General Meeting.

Moved: Bernard Singer
Second: Ronnie Brumby
Carried: All

c. Courts/Police Centre Umuwa

The General Manager showed a map of Umuwa and the proposed site for the complex. Following an informal meeting this morning and based on advice from Tony Davies, it was considered the proposed site was inappropriate and should be reconsidered. An alternative site was proposed.

Resolution

The Executive Board resolves:

1. *that the site adjacent to and south of the Land Management office at Umuwa is, in its view, a suitable site for a development of this kind;*
2. *that as long as the State Government gives an amended lease application to APY by the end of August 2009, traditional owner consultation on the application will take place in time for the Executive Board to determine the application at its October 2009 meeting.*

Moved: Tony Campbell
Second: Ronnie Brumby
Carried: All

d. SA Government Staff Duplexes

The SA Government has constructed 7 staff duplexes that are for the APY Lands but only has one development approval (Amata.) The other community consultations and Traditional Owner consent for 50 year leases have not yet taken place. The SAG is seeking a resolution from APY to provide them with some "comfort" in relation to tenure.

This matter was discussed extensively and it is only a few weeks until the Development and Planning team commences as well as anthropologist visits for traditional owner consent. The Executive considered it would not be prudent to adopt the resolution without community acceptance in the first instance.

There was concern that if non-Anangu houses suddenly appeared in communities without appropriate consultations, there could be great anger and unforeseen problems. It was thought this consideration outweighed any delay which might be caused.

It was noted these staff houses were included in the tender for the three Police Stations and that consultations for these houses could have been done at the same time as consultations for the Police Stations themselves late last year. Accordingly, it is not APY's fault that the houses were left out and have to be consulted on now for the first time.

Action: Write letter to DPC-AARD

14. Anthropology Report

The General Manager advised there is an anthropology report prepared for Executive Board members in their folders.

15. Land Management Matters

Rodney Edwards presented a report to the Executive Board and he wanted to talk about 2 letters received.

- a. Letter from M Williams, DEH re: Watarru

Action: Rodney to meet with Mike Williams and invite him to next Executive Board meeting

- b. Letter from Minister re: AW NRM

Action: Rodney and Legal Officer to prepare response to Minister

16. Correspondence In/Out

In

26/05/09	GHD	Water Management Plan for AW NRM
28/05/09	Korda Mentha	Invitation to attend
09/06/09	Minister Holloway	Mithril ELAs
11/06/09	PYEC	Trade Training Centre - Umuwa

15/06/09	Minister Weatherill	Letters to individual Exec Board Members
18/06/09	Minister Weatherill	Leases for Government buildings
18/06/09	Minister Weatherill	Rejection of Stores By-law
19/06/09	Community Benefit SA	APY Ambulance
22/06/09	Nerida Saunders DPC-AARD	Heritage Act review, anthros and M George
22/06/09	Electoral Commission SA	Casual Vacancy Amata
24/06/09	Minister Weatherill to Finlaysons	Meetings with Anangu
25/06/09	Nerida Saunders DPC-AARD	Heritage Act review – community consultations
25/06/09	Don Dunstan Foundation	Co-host next Workshop
25/06/09	Adrienne Gillam – FaHCSIA	AACAP project at Pukatja
26/06/09	Minister for Local Government	09/10 Funding
29/06/09	Minister Holloway	Letter of Comfort re: Royalties
08/07/09	DoHA	Business Development Consultant for PYKU
12/07/09	Minister Holloway	Revised Letter of Comfort re: Royalties
16/07/09	Housing SA	Housing R&M monies
16/07/09	DPC	Local Government Records
21/07/09	Parliamentary Standing Cttee	Access to APY Lands (Permits)
28/07/09	Gary Lewis	Municipal Services
20/07/09	DEH	Watarru Project
24/07/09	Minister Holloway's office	MOU
20/07/09	Kim Peterson DPC-AARD	Children on the APY Lands
21/07/08	Ahava Energy	Seismic Survey Plan – discuss on site with

Anangu during clearances

Out

11/06/09	PYEC	Trade Training Centre
16/06/09	Minister Rankine	Housing on the APY Lands
18/06/09	Finlaysons to Minister	Letters to Exec Board members
18/06/09	State Electoral Commissioner	Casual Vacancy Amata
29/06/09	Yami Lester	ABC Radio Comments
29/06/09	Minister Weatherill	Staff Duplexes and Courts Complex
29/06/09	Premier Rann	Appointment of Minister assisting
29/06/09	FaHCSIA	Municipal Services on the APY Lands
02/07/09	Nganampa	Gift of Ex-ambulance
22/07/09	CEO, AP Services	Permits for AP Services staff
23/07/09	Communities	Services on the APY Lands

17. Date of Next Executive Board Meeting

The next Executive Board meeting will be on Wednesday 2 September 2009 at Umuwa.

The meeting ended at 7:35 pm with a closing prayer by Roger Kayipipi.

Minutes by Ken Newman

**Executive Meeting No. 2 of 2009/2010
Tuesday - Wednesday 4 - 5 August 2009 – Umuwa
Draft Agenda**

Visitors –

Ron Merkel, QC

Red Cross: Olga Havnen, Head of Indigenous Strategy; Helen Farinola, SA General Manager, Services; Rachael Schmerl, SA Manager, Aboriginal Community Development Programs; Maria Anderson, SA Community Development Officer

DFC – Kym Freer, David Caspar

Minister's Office – Jay Weatherill, Simon Blewitt, Roz Daniell

DPC – Nerida Saunders, Kim Petersen, Tay Parker, Rob Foster

Welcome

Business Arising from the Minutes

Previous Minutes of Meeting No. 11 – 10-11 June 2009 and Extraordinary Executive Board meeting held 13 July 2009.

New Business

Casual Vacancy on the Executive Board

Legal Report – P Huntington

Planning and Development Matters

South Australian State Government Matters

- Remote Services Delivery
- Courts Administration Centre, Umuwa
- Staff Housing
- Housing Matters
- Caring For Country Projects by AW NRM on the APY Lands
- Heritage Act Review

Red Cross

Land Management Matters

Anthropology Report -

Other Business

Correspondence In/Out

Date of Next Meeting –