

**Executive Meeting No. 9 of 2009/2010
5 - 6 May 2010 at Umuwa
Minutes**

Present:

Chairperson	Bernard Singer
Amata	
Anilayla	Kawaki Thompson
Indulkana	Ronnie Brumby
Kaltjiti	
Mimili	
Murputja	Anton Baker
Pukatja	Jamie Nyangu
Kalka/Pipalyatjara	Mrs Paddy
Watarru	Charlie Anytjipalya
APY	Rex Tjami, Ken Newman, Rodney Edwards (for LM matters)

Visitors: Grace Portolesi, SA Minister for Aboriginal Affairs and Reconciliation
John Virtue, Manager NRM Bio-security DWLBC, Eleanor Dennis Ninti One, Phil Gee, DWLBC, David Leek, DWLBC re: Camels
Grant Jaine, Bush Bee
Chairpersons of APY Communities
R Stevens and J Tregenza, Mai Wiru
Phillip Toyne

Day 1 – 5 May 2010

1. Welcome

The meeting commenced with a prayer by Bernard Singer at 10:35 am. He advised there were a number of visitors to the meeting today. He also said the new Minister was here to meet with the Executive Board and she expects a permit by-law to be passed today.

2. SA Minister for Aboriginal Affairs

Grace Portolesi was introduced to the Executive Board. Also with here were Lynda Forrest, Nerida Saunders, Kim Petersen and Adrienne Gillam (FaHCSIA).

The Minister thanked the Executive Board for having her on the Lands and said she wants to work with the Federal Government and with APY.

Bernard Singer said the Executive will be dealing with the permit by-law today and that Phillip Toyne will assist APY in understanding the by-law and that a resolution may be made later today.

The Minister said there were concerns about community support and the State/Federal governments have funded six (6) positions on the APY Lands for 12 months @ 30 hours per week (Amata, Mimili, Indulkana, Fregon, Pukatja and Pipalyatjara). Bernard said it was the first he had heard of this and communities have been asking for information about community support as the RAS contract expires on 30 June 2010.

The Minister advised they have only secured the funding and that is why it is a surprise announcement.

Bernard Singer spoke about problems communities were having in relation to community support and as a result, Community Chairs have been invited to meet today with the Minister.

Robert Stevens (Fregon), David Miller (Kanpi), Owen Burton (Amata), Gary Lewis (Pukatja vice-Chairperson 11:15 am) and Donald Fraser (Kenmore 11:40 am) attended the meeting to meet with the Minister.

Mr Stevens, as spokesperson for the other Community Chairs, provided the Minister with a report from their meeting held on 19 April 2010.

The Minister agreed with the suggestions presented in that report.

Adrienne Gillam said these are new positions in addition to Government Business Managers and the Service Coordinators. On closer questioning, it appears these are the same positions that RAS are currently funded to provide.

Charlie Anytjipalya said we need these positions across the Lands, not just in some places. David Miller said he is from not just one small community but a larger one, Murputja, and they should be looked at as well.

Kawaki Thompson said the Government finds money easy for government ie. For Police stations and police but not for Anangu. He asked the new Minister to help Anangu. There is always money for non-Anangu on the Lands.

Gary Lewis said there have been struggles with funding from the Government for a number of years. There have been problems where funds have not been going into communities, like in the NT, and things are not going well.

There was discussion about Wiru Palyantjaku and TKP and their merits.

The General Manager asked for clarification and it was confirmed these six positions will replace the community support workers that are currently funded through RAS. They are not an additional six positions to what is currently there.

Rex Tjami asked if the six positions would be paid directly by the Government. Yes was the answer. Rex said then control will be taken away from incorporated communities and being done from Adelaide. The positions will be public servants or contracted employees.

Donald Fraser said it was good the new Minister wanted to come to the Lands to learn before Parliament sits later this week. Because of corruption and people who have done the wrong thing, the Government took away the funding from communities with almost no notice. Now, he suggests letting the Government try their ideas and see if things improve.

Bernard Singer said that after hearing from Minister Weatherill, Anangu have reunited and are now working together to make the Lands better.

Gary Lewis said there are already Government Business Managers at Amata and Mimili and Anangu do not want more government people running communities. The funds should be directed through APY to liaise with communities and determine their needs of a support worker. It needs to be an independent organisation, like APY, not the Government.

Owen Burton spoke about Anangu needing to work together and the Government should give Anangu one more chance.

Bernard Singer said governance is still an issue for some communities on the Lands.

The Minister said she would ask Anangu to give her a chance and that we can all learn from past mistakes. She said she is hopeful and serious about working with Anangu.

Robert Stevens said he was concerned that the Government always say communities misuse funds. He said this is not true and he would like to see the Audits from each community. Most communities were under-funded by the State and did not receive help in office areas.

Bernard Singer thanked the Minister for attending this meeting and invited them to stay for lunch. The Minister again thanked APY for the invitation to come and meet people and see a few communities.

There was a lunch break from 12:35 pm and the meeting re-convened at 1:35 pm

3. DASSA Amata

Vanessa Taylor, Manager of the Misuse Facility attended the meeting and introduced herself. She explained about the facility and talked about staffing issues and the current recruitment taking place.

The facility has never been used, nor will be, as a residential rehabilitation centre because it is unsafe to offer rehab of this nature in a remote location. However, a lot of outreach work is done across the Lands.

4. Camel Management

John Virtue, Eleanor Dennis, David Leek and Phil Gee attended the meeting.

John presented a slide show and explained how the State is working, as part of a national project, to reduce by 30 June 2010, 7000 camels across the State.

Phil Gee said people have been waiting a long time but "help is on the way." There is money available to reduce the number of wild camels. Camel management on the APY Lands is determined by the APY Executive Board.

Eleanor Dennis advised the national contract was signed off on 1 February 2010. There are 3 trials this financial year – Pilbara (finished), APY Lands (almost finished) and the Simpson Desert. Bernard Singer and Troy Coe are the APY representatives on the national steering committee. APY will be reimbursed to some level for the work done since last July, some from the National project and some from the State.

There was extensive discussion about various "camel businesses" on the Lands and the payment proposal. The rules being applied for the \$40 per head payment was explained clearly to the Executive Board.

The visitors sought some ideas and answers to a few questions and APY will write to them in response.

Action: APYLM to write to DWLBC in relation to these matters

5. Permit By-law

The General Manager explained the background of the permit by-law as a way of not having to amend the *APY Land Rights Act*. The by-law was supposed to be dealt with at the March meeting but was deferred.

The new Minister expects the by-law to be approved today but the Chairperson advised that the APY Legal Officer was going to go through the details today but Peter Huntington is no longer on the Lands. However, Phillip Toyne, a past AP Legal Officer who is attending the meeting for other purposes (See item 6) agreed to review the by-law and advise the Executive Board and explain it to the members.

Rex Tjami interpreted for Phillip Toyne who went through each clause of the proposed by-law.

At the end, Phillip said APY could revoke the agreement after 12 months and start again with the SA Government, if there are problems. He recommends APY sign the agreement. He also advised the by-law would not fix the problems APY has with some agencies but would enable them to come onto the Lands without a permit.

Resolution

The APY Executive Board approves the permit by-law that regulates access to the Lands in relation to Government parties, their contractors and journalists, as presented to the meeting.

Moved: Charlie Anytjipalya
Second: Ronnie Brumby
Carried: All

6. Royalty Distribution Model Consultancy

The General Manager gave a background on why Phillip Toyne is here today to see if he is able and willing to assist APY in developing a royalty distribution model accepted by Anangu across the Lands.

Phillip advised that it is important that Anangu sort this out before any royalties come in or there can be big problems like in the NT.

He said he is very busy, but that he knows people here and thinks he could do the consultations over about 10 days, maybe in July. He would need to read the earlier work and also give some of his own ideas based on his experience.

The General Manager advised that Ahava Energy will be funding the consultations as part of the existing agreement APY has with them.

Resolution

The APY Executive Board approves retaining Phillip Toyne to undertake royalty distribution model consultations across the Lands and report back to a future Executive Board meeting. An Anangu malpa is also to be retained to assist Mr Toyne.

Moved: Jamie Nyangu
Second: Charlie Anytjipalya
Carried: All

7. Bush Bee

Grant Jaine attended the meeting to advise his existing contract runs out at the end of July and he is seeking a renewal for three (3) years. He is also requesting approval to reduce the mid-week run between Indulkana and Fregon until the road is repaired due to his high maintenance costs and lack of patronage from Indulkana clinic.

He also asked for approval to increase the fares for non-concessional passengers to \$150.

Action: All three requests were approved

Resolution

The APY Executive Board approves Bush Bee commencing a twelve (12) month trial to the western communities on the APY Lands. Mr Jaine will provide a proposed schedule and fare structure to a future Executive Board meeting.

Moved: Anton Baker
Second: Mrs Paddy
Carried: All

Grant also offered to have a Bush Bee coach based at Umuwa that could be chartered for funerals, etc. The bus could be hired for \$3/km and \$100 administration fee. He would like to employ an Anangu driver who has an H endorsement and also make regular plans for servicing the vehicle.

Action: APY administration to look at the logistics for secure garaging, etc.

8. Mai Wiru Update

John Tregenza and Robert Stevens attended and advised that on 29 April 2010, a new incorporated association called "Mai Wiru Regional Stores Council" was established. Each store has a committee and one representative is put on the Board of Directors of the new Council.

APY, Nganampa Health and NPYWC are being invited to be non-voting members of the Board of Directors. JT outlined the structure of the new Council and how it would all come together.

9. Environmental Health

Stephan Rainow said there is a link between kid's skin infections and kidney failure in later years. This is why UPK argued for washing machines to be put into each house. They are seeking clarification from Housing SA as to whether new Speed Queen washing machines, capable of washing blankets, are installed in each of the new houses being built. It is also requested an audit of existing houses take place to see how many have washing machines.

Action: APY to follow up with Housing SA

10. Land Management Matters

Rodney Edwards presented a Land Management report for all Executive Board members that including briefings on the IPAs, new staff in Land Management, Camels, Warru, AW NRM and Working on Country matters. The following resolutions and heritage clearance were approved.

Warru Reintroduction Fence

Resolution

The APY Executive, based on consultations with the appropriate Traditional Owners and advice from Land Management Officers, approves the clearance of the fenceline and construction of the predator proof fence for warru reintroduction near Donald's Well.

Moved: Jamie Nyangu
Second: Bernard Singer
Carried: All

Tomkinson range aerial survey report

Resolution

The APY Executive, based on consultations with the appropriate Traditional Owners and advice from APY Anthropologists, approves the DEH Aerial Warru Survey in the Tomkinson Ranges, subject to the conditions described in the anthropologist's report.

Moved: Anton Baker
Second: Jamie Nyangu
Carried: All

State NRM Community Grants

Although not provided detail of the projects and without any of the applicants attending the meeting, the Executive Board approved in-principle the three projects.

Action: APYLM advise DWLBC and seek information on monitoring, etc.

11. Letter of Resignation from the General Manager

The letter from the General Manager was tabled and he was excused from the meeting while discussion took place.

Day 1 of the meeting ended at approximately 7:00 pm

Day 2 – 6 May 2010

The meeting commenced at 11:00 am with the same members attending. However, Bernard Singer participated by telephone from Marla.

The General Manager was excused from the meeting while discussion continued. Susan Weatherill was later requested to enter the following resolution in the Minutes.

Resolution

The Executive Board resolved that Ken Newman continue to be retained as the General Manager until 28 March 2011 and work for APY administration from Alice Springs.

Moved: Jamie Nyangu
Second: Anton Baker
Carried: All

Bernard Singer than left the meeting via telephone link.

The General Manager was invited back into the meeting where the above resolution was read. Discussion took place and it was agreed to proceed with this proposed arrangement. The General Manager made it very clear that it was not his lobbying to come up with this arrangement as APY has been proud of the fact that its staff all reside on the Lands but because of personal circumstances, it is necessary to move back to an urban area. He said this could be a transitional arrangement until recruitment of a new General Manager takes place.

A further resolution was presented that followed from the Executive Board discussions while the General Manager was excused from the meeting.

Resolution

The APY Executive Board approves employing an Executive Officer, subject to funding, to be employed on the APY Lands to assist with Executive Board administration and report to the Director of Administration.

Moved: Anton Baker
Second: Ronnie Brumby
Carried: All

12. Anthropology Matters

The General Manager read through the report provided by ACHM. A cultural clearance was approved for SA Water for a number of bores near Pipalyatjara.

Resolution

The APY Executive, based on consultations with the appropriate Traditional Owners and advice from APY Anthropologists, approves the work program clearance regarding bore locations in the Pipalyatjara area.

Moved: Anton Baker
Second: Jamie Nyangu
Carried: All

13. Legal Report

A legal report was provided to members prepared by Peter Huntington. The permit by-law was approved earlier in this meeting. A stores by-law has been deferred to a future meeting for further discussion, as has a proposed by-law in relation to housing rent collection and occupation.

Royalty/Trust distribution model consultations were also dealt with earlier in this meeting.

Other matters in the report were not considered at this time. Following discussion in relation to the departure of Peter Huntington, the Executive Board made the following resolution.

Resolution

The Executive Board approves APY Administration employing/retaining a new Legal Officer to replace Mr Huntington as soon as possible and terminate the current retainer between APY and Mr Huntington.

Moved: Jamie Nyangu
Second: Anton Baker
Carried: All

14. Development and Planning Matters

Mary Anderson provided a report for all members and the following resolutions were made in relation to various applications.

- a. DA10-005 Bungala shade structure over tyre changing facility (Indulkana)

Resolution

The Executive Board approves the application from Bungala for the development of a shelter over a tyre changing facility which they are going to build.

Moved: Ronnie Brumby
Second: Jamie Nyangu
Carried: All

- b. DA10-006 Bungala CDEP ablutions block and staff accommodation (Indulkana)

Resolution

The Executive Board approves the application from Bungala for development of an ablutions block and visiting staff accommodation.

Moved: Ronnie Brumby
Second: Anton Baker
Carried: All

- c. DA10-007 APY Trade/Training Centre, DECS (Umuwa)

Resolution

The Executive Board gives in-principle approval to the application from DECS for development of the APY Trade/Training Centre but more detailed site information is to be provided.

Moved: Jamie Nyangu
Second: Charlie Anytjipalya
Carried: All

- d. DA10-008 ERN 221 Training Project, Remote Construction and Housing SA (Pukatja)

Resolution

The Executive Board approves the application from Housing SA and Remote Construction for development of one house in Pukatja using local and secondary students for training purposes.

Moved: Jamie Nyangu
Second: Charlie Anytjipalya
Carried: All

- e. Bungala request to place Caravans on the Land for CDEP workers

The APY Executive Board has deferred this application and invites Bungala to the next Executive Board meeting to discuss this matter.

f. SA Government Application for GBM sites in Amata and Mimili

Resolution

The Executive Board approves the application from Dept. Premier and Cabinet for development of a duplex house for the GBM/IEO in Amata adjacent to AMA422.

Moved: Anton Baker
Second: Mrs Paddy
Carried: All

15. Mining Tenement Report

Gary McWilliams provided a report to all members and spoke about the meetings held and progress made on various matters.

Clearance Certificates were approved for drill sites in PEL138 for Ahava Energy. Area 11 (Michael Hills) and Area 12 (Claude Hills) were also provided clearances.

16. Correspondence In/Out**In**

10/3/2010	FaHCSIA	Permit By law
23/3/2010	DWLBC	Community Grant project funding - noted
24/3/2010	DFC	Accommodation for Housing SA staff at Umuwa – noted,
	respond	
26/3/2010	DPC-AARD	Damage to Water infrastructure at Mimili, Indulkana and Fregon – noted and Executive agreed matters should be referred to Police
31/3/2010	RAS	Reinstatement of permit for L Cameron - approved
19/4/2010	Indulkana	Request for store licence and lease under APY by law - noted
	NPYWC	Liquor Licensing – noted, respond with letter of support
20/4/2010	Bush Bee	Service and fares to APY Lands – noted in Minutes
22/4/2010	FaHCSIA	Permit By law request for Commonwealth funded service providers to be included – noted and actioned
	Minister	Invitation to attend Executive Board meeting
23/4/2010	R Stevens	Community Offices and Chairpersons meeting
	General Manager	Resignation – noted and discussed in meeting at Item 11
28/4/2010	T Adamson	Country Music Festival
	G Pearce	Request for support for Violent Indigenous Women’s program – letter of support to be provided by APY
28/4/2010	DWLBC	Land Management project at Aparawilintja (Crombie) - approved
29/4/2010	Pauline Peel	Acceptance to attend Executive Board
30/4/2010	Mai Wiru	Request to attend the Executive Board
4/5/2010	L Rosenberg	Regional Plan – discussed in LM report, APY to respond directly to Minister
14/4/10	D Colson	SM, employee of Ceduna Bulk and Haulage – Letter to DETI and CBH
4/5/2010	NPYWC	30 th Celebrations September 2010
4/5/2010	SA Att Gen	Deed between APY and AP Services & Housing SA consent

Out

9/3/2010	Mai Wiru	Stores
17/3/2010	FaHCSIA	Permit By law
20/4/2010	Indulkana Store	Licence and Lease request refer to Executive Board

17. Budget 2010/2011

The General Manager advised APY has not yet received notice of its allocation for the next financial year. Discussions with SA Government representatives earlier this week suggested APY put in the same budget as this current year and it can be adjusted when final figures are known following the SA Government budget.

Resolution

The APY Executive Board approves the 2010/2011 Land Rights Administration budget being submitted to the SA Government, based on the allocation of 2009/2010. This can be modified when the actual figures are known later in the year.

Moved: Jamie Nyangu
Second: Mrs Paddy
Carried: All

18. Previous Minutes of Meeting No. 8 – 3 March 2010

The General Manager read and summarized the Minutes of Meeting No. 8 held on 3 March 2010 which were accepted without alteration.

Moved: Ronnie Brumby
Second: Anton Baker
Carried: All

19. Date of Next Meeting

The next Executive Board meeting will be held on Wednesday 2 June 2010 at Umuwa.

Day 2 of the meeting closed with a prayer by Kawaki Thompson at 4:00 pm.

Minutes by Ken Newman