

**Executive Meeting No. 11 of 2008/2009**  
**10 - 11 June 2009 at Umuwa**  
**Minutes**

<b>Present:</b>	Chairperson	Bernard Singer
	Amata	
	Anilayla	Kawaki Thompson
	Indulkana	Ronnie Brumby
	Kaltjiti	
	Mimili	Tony Campbell (12:30 pm)
	Murputja	Anton Baker
	Pukatja	Jamie Nyangu
	Kalka/Pipalyatjara	Milyika Paddy
	Watarru	
	APY	Rex Tjami, Ken Newman, Peter Huntington

**Apologies:**

**Visitors:** (Wednesday) Jennifer Rankine, Minister for Families and Communities  
(Thursday) Jay Weatherill, Minister for Aboriginal Affairs

**1. Welcome**

The meeting opened at 12:00 pm with a prayer by Mrs Paddy. Bernard Singer welcomed all members for attending.

**2. Previous Minutes of Meeting No. 10 – 6 - 7 May 2009**

The General Manager read through the Minutes of 6 - 7 May 2009 which were accepted without alteration.

Moved: Jamie Nyangu  
Second: Anton Baker  
Carried: All

**Business Arising from the Minutes**

**3. Public Transportation - Update**

The General Manager provided an update on discussions with Bush Bee, who have now entered into an acceptable NGO contract with APY to operate a public transport system to the eastern side of the Lands. Bush Bee have complied with all requirements and have applied to SA for a licence to operate in South Australia. Bush Bee is waiting approval and then the service can commence. Their fares are fair and do not require a subsidy to commence the service. APY is trying to find out if the SA Government can make the subsidy available to employ Anangu.

The Legal Officer also advised that Bush Bee operated a charter for Mr Lewis and Pukatja to attend Lajamanu, NT. There are now problems with their account not being paid by Pukatja.

**4. Pukatja Situation**

The Legal Officer provided the Executive Board with an update on the matter of the Anilalya house at Hidden Valley, Pukatja and the Ernabella Arts Centre, that had an agreement to use the house. Mr Lewis apparently changed the locks on the house and moved the MSO, Pukatja into the house.

There was extensive discussion amongst members about this matter and Pukatja's non-compliance with the APY request about rent collection in that community.

A lunch break was held at 1:20 pm and the meeting resumed at 2:00 pm.

## 5. Legal Report

Peter Huntington provided a report to all members

### a. Housing

APY is awaiting the Minister's response to our request that APY have a seat at the table in the housing tender selection.

It is proposed to proceed with TO consultations regarding the leasing of CHIP houses and planning and TO consultations in relation to the 8 duplexes which DETI wants to build. After the 8 duplex consultations, the Executive Board will have to decide if it is going to proceed with the CHIP and/or duplex leases, given the slow progress on the Anangu social houses.

***Action: APY pursue outstanding planning approvals and traditional owner consent for the CHIP housing, service yards and facilities, 8 x DETI duplexes (at the cost of the Government parties) and that the Government be notified of this. When the matter is brought back to the Executive Board, there will be consideration of progress in constructing Anangu housing, the MOU and participation in the tender selection process.***

### b. AW NRM

The AW NRM Board has not responded to the general advice that the four projects could proceed subject to a financial arrangement being put in place. This matter will be updated at the next meeting.

***Action: Land Management to determine what has occurred with these projects***

### c. AP Services

Further to Item 4 above, Mr Lewis changed the locks on a house at Pukatja, the subject of an agreement between Anilalya Traditional Owners and the Ernabella Arts Centre so as to evict the ceramics worker and give possession to the AP Services MSO/police put in place a holding agreement where the house was to be vacant however this appears to have been broken.

#### Resolution

*That APY recover possession of the Pukatja house occupied by the Ernabella Arts Centre and that the permit for the Pukatja MSO not be renewed until possession is restored to the Arts Centre.*

Moved: Tony Campbell  
Second: Mrs Paddy  
Carried: All

#### Resolution

*That APY proceed to obtain an accounting of rent from Mr Lewis and the Pukatja community.*

Moved: Kawaki Thompson  
Second: Ronnie Brumby  
Carried: All

#### Resolution

*That APY be authorised to take further action in accordance of the resolution of 19 May 2008 should Pukatja not open its books to audit.*

Moved: Jamie Nyangu  
Second: Anton Baker  
Carried: All

**Resolution**

*That in the event a new Pukatja entity is incorporated under the CATSI Act (with governance acceptable to APY) to represent the people of Pukatja, APY give possession of the community buildings presently occupied by Pukatja Community Council to that new entity.*

Moved: Ronnie Brumby  
Second: Kawaki Thompson  
Carried: All

**d. Permits**

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

**Resolution**

*That a permit be granted (on normal permit conditions) to members of the South Australian Public Service (until the 30<sup>th</sup> of June in the year of issue or the following year, which ever occurs first) where the responsible State Minister or Agency:*

- (a) advises APY in writing of the name, job description, purpose of entry and communities required to be visited; and,*
- (b) pays the required permit fee.*

Moved: Jamie Nyangu  
Second: Mrs Paddy  
Carried: All

**e. Pepinini** – Defer to next meeting

**f. General Manager and Director Contracts****Resolution**

*That the employment contracts for the General Manager and Director be varied to include an annual CPI review commencing on the expiration of 12 months from the date of each renewed contract.*

Moved: Jamie Nyangu  
Second: Mrs Paddy  
Carried: All

**g. Ahava Petroleum Exploration Agreement**

Peter Huntington gave an update on this matter, including approval for the compensation package as discussed.

**Resolution**

*That APY approve that the Ahava compensation package be varied so as to provide a 1% royalty from Ahava on 0 – 5000 barrels of oil per day.*

Moved: Tony Campbell  
Second: Mrs Paddy  
Carried: All

**h. Visitors to APY Executive Board**

Peter Huntington suggested that with the number of visitors wishing to attend an Executive Board meeting, a protocol should be adopted where visitors have to provide an abstract at least 3 working days prior to the meeting.

**Resolution**

*That visitors wishing to brief or discuss matters with the Executive Board will provide an abstract and supporting documentation to APY no less than 3 business days prior to the Executive Board meeting, otherwise they may be removed from the agenda at the Chairperson's discretion.*

Moved: Jamie Nyangu

Second: Anton Baker

Carried: All

**6. Mr Fraser****a. Lease of Pukatja Garage**

Mr Fraser tabled a letter asking APY to seek traditional owner approval for him to lease the Pukatja garage.

**b. AP Service Assets**

Mr Fraser expressed concern that without knowing the future of AP Services, he is worried about what may happen to the plant and equipment. He wants to make sure the graders, etc. remain on the APY Lands.

**7. Land Management Matters**

Rodney Edwards presented a report to the Executive Board.

**a. Working on Country Ranger Program**

A new draft contract has been sent through from WOC for the project to continue through to 2013. However some of the modifications that were discussed last Executive Board meeting were omitted by Canberra, so they are now writing another draft contract to send through.

Works have been continuing with the Sandy Bore and Walalkara Rangers, including training and use in the Cybertracker program and the installation of a shed tank 40km SE of Sandy Bore Homeland.

**b. AW NRM Board Projects**

Despite APY's resolution at last month's Executive meeting, APYLM has been told by the Dodd Family that the Sandy Bore Kuka Kanyini project has begun. Workers are being paid and a vehicle, presumably funded by AW is being sourced for Sandy Bore. In addition, Sandy Bore and Walalkara are travelling to Port Augusta for training funded by AW NRM.

There has been no official notification in regards to the status of these projects.

APY has been contacted by GHD and ACHM who has been funded by AW to implement the AW NRM region Future Water Management and Allocation Planning Project.

GHD and ACHM would like guidance on how to best proceed with the project as they are aware of the continuing issues between APY and AW NRM. They would like to visit Umuwa to meet with APY Executive and/or key staff to discuss the project and if not would appreciate some feedback to incorporate into their report on the project.

**Action: Invite them to Umuwa to meet with Administration and LM with project documents.**

**c. IPA Planning**

Planning meetings have been undertaken at Pipalyatjara. A further meeting to clarify a list of Traditional Owners for Kalka/Pipalyatjara area is being organised with ACHM anthropologists to be held later this month.

#### **d. Caring for Country with Fire in the Musgrave and Mann Ranges Fire Regions**

A draft fire plan has been received from the Fire consultants. It is available for anyone to read and comment on. Trial burning was planned for last week at Angatja but had to be cancelled due to rain. Due to the large areas of spinifex around the hills at Angatja and the presence of significant amounts of unburnt vegetation, this area should be a focus of intensive fire management. Trial burning will be undertaken in the Eastern Musgrave Ranges over the next two weeks. Recommendations from Anangu will be incorporated into the plan. The plan will guide burning activities next year if funding applications are successful.

#### **e. Warru Recovery Project**

Three iti Warru have now been born at Monarto Zoo. It is not known whether these young will form part of the breeding program or return to the APY lands. We would not commence introduction until approximately 30 young are available for release and they would probably need to be 6-12 months old. However, with help from SA DEH and Monarto Zoo we are trying to source funds for the reintroduction program which would include the installation of a training fence.

Helicopter surveys were carried out last week over the central Musgrave Ranges and this week near Amata. New scats were found in the hills near Ngarutjara which would mean an extension of the known population.

#### **f. Cybertracker Workshop**

The Threatened Species Officer and two Threatened Species Malpas attended the Cybertracker workshop in Alice Springs. Support staff and Indigenous Rangers from across Central Australia attended the workshop. Outcomes of the meeting include:

- Recognition that Central Australian Indigenous Land Management groups need more training for rangers in the use of Cybertracker;
- Recognition that Central Australian Indigenous Land Management groups need more training for support staff in the development and maintenance of Cybertracker units/sequences, particularly when there are staff turnovers;
- The workshop proposed a Central Australian Coordination Centre to provide this support and training to all groups. Support/training may not be limited to Cybertracker. A document is being drafted regarding the form of this coordination centre but it is likely that it will be managed through a board represented by Central Australian IPA/Land Management staff (Indigenous and non-Indigenous); and,
- Agreement between APY, CLC, Kanyirninpa Jukurrpa (Martu) and Ngaanyatjarra to work with ecological consultants, Joe Benshemesh and Rick Southgate, to produce a medium-sized animal tracking sequence. This will be used to collect presence/absence information on medium-sized animals and will produce better data on the status of medium-sized animals in the sandy regions of Australia than is currently able to be collected. It will also enable us to assist Senior Indigenous people to train younger users in tracking identification and techniques and enable those skills to be retained.

#### **8. PYEC – Trade Training Centre**

Martyn Burne and Makinti Minutjukur of PYEC attended and reported on a plan for a training centre at Umuwa. There is money available for trade training centres. There are schools on the Lands, Wiltja in Adelaide and other schools. But, there is a need for other options for kids who don't go on to complete Year 12. PYEC has made a submission to the federal Government for a trades training centre on the APY Lands at Umuwa. It would be for students Monday – Friday and students would go home on weekends. There would be a need for staff at the facility as well as a teacher and AEW to accompany either boys or girls at separate times. Umuwa is considered the place as it has many organisations based at Umuwa which could provide employment and training opportunities. PYEC will write to the Executive Board and ask for a letter of support.

***Action: Executive Board approves letter to support the submission***

The meeting ended at 5:10 pm which was followed by an early evening bbq with the SA Minister for Housing, Jennifer Rankine and her staff.

Day 2 – 11 June 2009

Present: Seven members as per Day 1.

The meeting opened at 10:35 am.

#### 9. Anthropology Report

The General Manager read through the anthropology report as prepared for Executive Board members.

### A. Land Management

#### A.1 Indigenous Protection Area, Consultation Meeting (follow-up), Mimili

On Tuesday 28<sup>th</sup> April 2009 Traditional Owners for the country near Mimili that has been proposed for an IPA met with APY Land Management staff Sam Matthews and Frank Young and APY Anthropologists Andrew Morley and Leda Sivak. Traditional Owners present at the meeting approved the use of land for an Indigenous Protection Area (IPA) and will be involved in developing a more detailed plan for the IPA in the coming months. A report is attached.

#### A.2 Indigenous Protection Area, Consultation Meeting, Amata

On Wednesday 29<sup>th</sup> April 2009 Traditional Owners for the country near Amata that has been proposed for an IPA met with APY Land Management staff Sam Matthews and Frank Young and APY Anthropologists Andrew Morley and Leda Sivak. Traditional Owners who were present at the meeting defined the boundaries of the IPA and approved the use of land for an Indigenous Protection Area (IPA). Traditional Owners will be involved in developing a detailed plan for the IPA in the coming months. A report is attached.

#### A.3 DEH Aerial Warru Survey, Musgrave Ranges, Consultation Meetings, Pukatja, Amata

Department for Environment and Heritage (DEH) staff member Amber Clarke came to Umuwa, Amata and Pukatja on Friday 24<sup>th</sup> and Saturday 25<sup>th</sup> of April 2009 to consult with Traditional Owners for the Musgrave Ranges area regarding an Aerial survey of Warru. APY Anthropologists Andrew Morley and Leda Sivak conducted further consultation with Traditional Owners for the Musgrave Ranges at Ngarutjara on Monday 26<sup>th</sup> April, Amata on Wednesday 29<sup>th</sup> April and Pukatja on Thursday 30<sup>th</sup> April. A report is attached.

### Resolution

*The APY Executive Board, based on consultations with the appropriate Traditional Owners and advice from APY Anthropologists, approves aerial surveys and ground surveys for the Warru Recovery Project, to begin in June 2009.*

Moved: Anton Baker  
Second: Jamie Nyangu  
Carried: All

### B. Planning and Development

#### B.1 Desktop Clearances

Desktop clearance for Bungala Aboriginal Corporation Shade Sail and plants, Watinuma (27/06/2009)

### C. Petroleum Exploration

#### C.1 Work Program Clearance re: AHAVA Energy seismic program, PELA 138 -

On Tuesday 5<sup>th</sup> May and Wednesday 6<sup>th</sup> May 2009, Traditional Owners for AHAVA Energy PELA 138 met with APY Anthropologists Nadia Butler and Jim Birkhead and Archaeologist Steven Damhuis, and Mining Tenement Officer Gary McWilliams to conduct a Work Program Clearance of

the initial seismic program of AHAVA Petroleum Exploration Licence Application 138. A report has been prepared.

After receiving this report, AHAVA requested that they be allowed to detour their seismic lines around exclusion zones. The relevant correspondence and a revised map including an acceptable detour have been forwarded to APY.

As part of the report, a recommendation was made to AHAVA that a more thorough archaeological investigation be carried out within the survey area. This is because the survey did not allow enough time for a complete archaeological survey, and traditional owners present on the survey stated that they know there are widespread archaeological artefacts throughout the area. A more thorough survey would aim to ensure that no archaeological sites are damaged during seismic testing and that AHAVA do not breach Section 23 of the *SA Aboriginal Heritage Act 1988*. It is proposed that one archaeologist, the APY Mining Tenement Officer (if available) and one or two traditional owners drive along the seismic lines slowly, stop to investigate areas of archaeological interest by foot, and record anything of archaeological significance.

If a further archaeological survey does not take place, we recommend that Anangu monitors should be employed to accompany the AHAVA personnel during seismic work, so that they can assist AHAVA in avoiding important tjukurpa and archaeological sites. One or two monitors elected by the traditional owners of the area would travel with AHAVA staff and advise them on where they can drive their trucks and conduct seismic work. They would be paid the usual daily rate for this work.

#### Resolution

*The APY Executive Board, based on advice from APY Anthropologists and Archaeologists, considers that Anangu monitors should be employed to accompany AHAVA Energy personnel during seismic work within PELA 138, and advise them on where they are permitted to drive trucks and conduct work in order to avoid a breach to Section 23 of the SA Aboriginal Heritage Act 1988.*

Moved: Bernard Singer

Second: Anton Baker

Carried: All

#### 10. Planning and Development Matters

- a. **Kalka** - PA09-003 - Bungala Shade Sail structure at Kalka Community - **approved**
- b. **Pukatja** - PA008-004 - Pukatja Church upgrade by the Uniting Church - **approved**
- c. **Umuwa** - PA09-016 – APY - Umuwa Community Recreation Shed - **approved**
- d. **Watinuma** - PA09-015 – Watinuma Shade Sail Structure - **approved**
- e. **Government duplexes** – dealt with in 5a above – **advise DETI**
- f. **Mimili - Temporary Housing for Anangu** – **community meetings required**

There was significant and extensive discussion about the proposed Government duplexes. Those developments cannot occur without proper planning consultations and traditional owner consultations as detailed in 5a above.

#### 11. Correspondence In/Out

##### In

05/05/09	Minister Weatherill's office	AW NRM
12/05/09	Chris Darby	Stores Lease
13/05/09	DPC-AARD	Mullighan Report meetings
14/05/09	Attorney General's Dep't	Australian Crime Commission
14/05/09	Minister Holloway's office	Development MOU
14/05/09	Jay Weatherill	TKP
15/05/09	Salisbury Council	Planning Functions
19/05/09	Minister Holloway's office	Development and Planning

19/05/09	Housing SA	Permit application for David Caspar
21/05/09	Black White Cockatoo	Filming a documentary
26/05/09	GHD	AW NRM Water Management
01/06/09	FaHCSIA	AACAP Pukatja Funding
4/6/09	Minister Weatherill	Budget approval

**Out**

11/05/09	GM, AW NRM	Minutes of APY Meetings
11/05/09	GM, AW NRM	Four Project Proposals
11/05/09	Minister Weatherill	AW NRM MOU
15/05/09	Exec Director, Housing	Housing on the APY Lands
15/05/09	Don Dunstan Foundation	Challenge of Change on the APY Lands
15/05/09	Minister Holloway	MOU with APY in relation to Development
15/05/09	Minister Holloway	Development and Planning Funding
18/05/09	Minister Weatherill	Stores By-law
20/05/09	Stephan Duncan	Invite to Executive Board meeting
04/06/09	Leonie Cameron	Housing at Hidden Valley, Pukatja

**12. Permit Applications**

- a. D Caspar – ***granted to attend the next Executive Board meeting to discuss his role***
- b. D Armstrong – ***approved***
- c. R Gosford – ***not approved***

There was a lunch break at 1 pm.

**13. Special General Meeting**

The members were reminded there is a two (2) day Special General Meeting to be held on Wednesday/Thursday 17-18 June 2009 at Umuwa.

**14. Date of Next Executive Board Meeting**

The next Executive Board meeting will be on Wednesday 5 August 2009 at Umuwa.

**15. Governance Training**

The General Manager reported that governance training needs to be on-going for Executive Board members. New members, like Mrs Paddy, need to commence governance training within 3 months of being elected.

The slideshow for members was shown to all members with each slide opening up discussion on the topic. Rex Tjami, Director provided clarification on any questions. Kawaki Thompson read through the Pitjantjatjara text to the slides.

The Executive Board recessed during the visit by Minister Jay Weatherill who arrived at 3:00 pm.

**16. Minister Weatherill visit**

Bernard Singer welcomed the Minister and his party to Umuwa to meet with the Executive Board. He introduced each Executive Board member and staff member.

The Minister said he wanted to talk about a few things, including the positives that have been happening.

Bernard Singer said he would like the Principal Legal Officer to go through the agenda for the SGM next week. This was done. A comment in permits was deferred to the Minister's agenda.

The Minister also had the following matters on his agenda.

- APY Budget Approval – *noted and approved*
- Aboriginal Affairs Global Budget – *does not reflect a cut in the APY budget, but is related to capital items*
- AW NRM and Caring for Country projects – The Minister said that he accepted that APY incurred a cost in complying with the proposed MOU and so the AW NRM Board would provide a staff member on secondment to assist in compliance work. He said that the four projects not being approved made him look bad and asked if they could be approved. APY had delegated approval to the General Manager who was awaiting a response from the AW NRM Board to a letter regarding the projects, following disclosure of the financial information for the first time. APY would seek information from the AW NRM Board as to what was proposed in relation to the secondment proposed by the Minister.
- Leases for Staff Housing – APY advised the Minister that Executive had resolved that APY can progress community and Traditional owner consultations on a cost recovery basis. Any tenure will be subject to those consultations and development approval. The Minister asked if he could put buildings on the ground to avoid storage costs of \$2000 per week. The Minister was advised yes subject to development approval but at his risk as to tenure.
- Mintabie – *amendments are supported by the Minister*
- Community Stores – The Minister advised the Commonwealth want a national approach to stores. Crown Law has advised him that parts of the proposed by-law are unlawful. The State will not support the by-law.
- Permit arrangements – The Principal Legal Officer advised of the Executive’s resolution to grant blanket permits as a first step pending discussion of that resolution at the forthcoming Special General Meeting and discussion also at that meeting of a further resolution for blanket permits for government contractors. The Minister said he wanted something to cover all persons who were working for the benefit of Anangu. The Principal Legal Officer advised the Executive was open to change and considering further more substantial changes but it was a step by step process. The Minister then became very angry. He said he had defended the permit system in the past but would change it now because it had been abused. He went on to accuse the General Manager and Lawyer of:
  - Abusing the permit system by blocking a visit by Mrs Macklin and himself in mid 2008;
  - Stopping us getting in and making a difference;
  - Delaying new housing by suggesting tenure including step-in rights and otherwise;
  - Putting too many clauses in the housing ground lease; and,
  - Giving law tutorials.

The Principal Legal Officer indicated that neither of the Ministers or any person assisting them required a permit and that APY did not block their visit. APY had done nothing to block government access and that unlike other aboriginal groups Anangu had for some time been desperate for change and had done many things to fight corruption and open the lands up. Anangu gave full management of all housing to the State in late-2007 without being asked to do so and in addition to offering leases over CHIP houses and other assets not asked for. Step-in rights were suggested by the Attorney General’s Solicitors for the PY Ku centres and that it was a way of giving immediate secure tenure in the absence of development application and subdivision.

*The Minister continued his attack and said he was going to name the General Manager and Principal Legal Officer in Parliament and that there were many examples of abuse of the permit system. When asked, the Minister refused to provide details. The Minister said that “we” had a good relationship with the General Manager until the lawyer came along. The Principal Legal Officer said that he would be happy to accept an unreserved apology that afternoon as an end of the matter. The Minister refused and said “Go your hardest. We all know you are a good lawyer, Peter.”*

- APY Regional Authority – The Minister said he proposed that Chairpersons of communities be the Councillors in a new Regional Authority for the Lands.
- AHAVA Letter of comfort—The Principal Legal Officer asked if the Minister had brought the letter of comfort about the Ahava matter as APY could not progress the land access agreement

without this. The Minister said that he had not brought the letter and was not in a position to discuss the matter.

Bernard Singer said it was most unfortunate the Minister behaved in such a disrespectful way about APY senior staff in front of Executive Board members.

The Minister's party left at 4:55 pm.

The Executive Board re-convened to discuss the Minister's comments in relation to permits. The Minister disparaged the General Manager and Principal Legal Officer in front of the Executive Board in an attempt to discredit these two APY employees. This was condemned by the executive members some of which were visibly affected by what had happened.

Executive Board members were concerned the Minister was only happy if the Executive Board approved everything the Government wanted.

Discussions continued between Executive Board members.

The meeting ended at 5:30 pm with a closing prayer by Kawaki Thompson.

Minutes by Ken Newman

**Executive Meeting No. 11 of 2008/2009  
Wednesday 10 June 2009  
Thursday 11 June 2009 – Umuwa  
Draft Agenda**

**Visitors**      **Jennifer Rankine, SA Minister for Housing  
Jay Weatherill, SA Minister for Aboriginal Affairs**

**Welcome**

**Business Arising from the Minutes**

Previous Minutes of Meeting No. 10 – 6 - 7 May 2009

Ahava Petroleum Exploration Agreement

**New Business**

Legal Report – P Huntington

Anthropology Report

Planning and Development Report

Land Management Report

Pukatja Situation – Discussion with Traditional Owners

**Other Business**

Governance Issues

Correspondence In/Out

Special General Meeting - 17-18 June 2009

Date of Next Meeting –