

**Executive Meeting No. 5 of 2008/2009
21 November 2008 at Umuwa
Minutes**

Present: Railway Bore Bernard Singer
Amata Freddie Ken
Anilayla Kawaki Thompson
Mimili Tony Campbell
Murputja Anton Baker
Kalka/Pipalyatjara Sean Williamson
Watarru Charlie Anytjipalya (by phone from Nganampa Health)
There was no representation from Indulkana, Kaltjiti or Pukatja

APY Staff - Ken Newman, Rex Tjami, Peter Huntington

1. Welcome

Bernard Singer welcomed everyone and said that at the last meeting on 5 November 2008, Mr Freddie Ken was appointed to replace Mr Leonard Burton who chose not to comply with the directions of the Conciliator. He welcomed Mr Ken to the Executive Board.

Business Arising

2. Previous Minutes of 5 November 2008

Bernard Singer commenced reading through the Minutes of Meeting No. 4 and the General Manager continued to read through them. ***They were accepted without alteration.***

Moved: Sean Williamson
Second: Tony Campbell
Carried: All

3. Planning and Development Matters – David Caspar

a) Traditional Owner Consultation for 50 year lease for the Pukatja Police Station

A report was read to the Executive Board on this matter. Following discussion, the Executive Board were satisfied that adequate consultation has taken place with traditional owners.

Resolution

That APY sign a 50 year lease to the State over the agreed site for the Police complex at Pukatja.

Moved: Bernard Singer
Second: Sean Williamson
Carried: All

b) Shed at Watarru School – ***Approved and signed by the Chairperson***

4. Legal Matters – Peter Huntington

Peter Huntington prepared a legal report for all members and the following matters were discussed.

a. Housing MOU

Resolution

That APY sign the redrafted Housing MOU with OAH/DFC and the applicable Ministers if any, subject to such changes to better protect the interests of Anangu as negotiated by the General Manager.

Moved: Tony Campbell
Second: Anton Baker
Carried: All

b. Additions to Housing Ground Lease**Resolution**

That subject to the consent of Traditional Owners, APY sign any necessary agreement to lease, variations to the housing ground lease and Real Property Act lease forms to provide 50 year leases to the State for new houses or major upgrades at Amata (in addition to the 11 sites already approved at the 3 October 2008 meeting), Mimili and Pukatja on sites identified in plans provided by the State government on 14 November 2008 and tabled by the Chairperson on 21 November 2008 and signed by the Chairperson at that time.

Moved: Sean Williamson
Second: Charlie Anytjipalya
Carried: All

c. Housing assets at Umuwa**Resolution**

That APY grants a 2 year lease to DFC of the office space and accommodation currently used by OAH at Umuwa on terms usually applicable to such leases by APY as negotiated, if necessary, to better protect Anangu interests by APY through the General Manager.

Moved: Tony Campbell
Second: Bernard Singer
Carried: All

d. AW NRM Memorandum of Understanding (MOU)**Resolution**

That APY sign the re-drafted NRM MOU with the AW NRM Board and the applicable Minister, subject to such changes to better protect the interests of Anangu as negotiated by the General Manager.

Moved: Sean Williamson
Second: Kawaki Thompson
Carried: All

e. Advisory Committees to the Executive Board**Resolution**

That Anangu be asked to nominate for Advisory Committees established under Section 12A of the APY Land Rights Act by the resolution of 5 November 2008, starting with the Housing Advisory Committee.

Moved: Anton Baker
Second: Bernard Singer
Carried: All

f. Local Government**Resolution**

That APY write to the Minister with proposals for improving service delivery and developing a culturally acceptable service delivery governance model.

Moved: Sean Williamson
Second: Kawaki Thompson
Carried: All

Resolution

That APY retain Coffey International Development and/or Coffey Natural Systems to provide consultancy advice on the implications of Mining and Petroleum Exploration, problems with service delivery, the proposed regional local government model and as to how Anangu capacity can be built on the APY Lands over a period of time.

Moved: Sean Williamson
Second: Bernard Singer
Carried: All

g. Contracting Assets**Resolution**

That subject to obtaining Traditional Owner consents and government approval of the APY NGO contract, that APY identify publicly funded buildings and yards necessary for service delivery contractors to operate and lease those to either the State or Federal government (depending on which government funded the asset as determined by APY) or agreement between the two governments and APY for 5 years on terms no less favourable to APY than the Housing Ground lease and otherwise to be negotiated by the APY through the General Manager, so as to promote competition between service delivery contractors who tender for work on the Lands.

Moved: Anton Baker
Second: Charlie Anytjipalya
Carried: All

h. ALRM Memorandum of Understanding (MOU) Re: Restorative Justice**Resolution**

That APY sign a MOU with ALRM to deal with restorative justice on the APY Lands on terms no less favourable than the draft MOU submitted by ALRM as negotiated by APY through the General Manager.

Moved: Tony Campbell
Second: Bernard Singer
Carried: All

i. Police Clearances**Resolution**

That all service providers and contractors be required to obtain current criminal history checks for all employees (Anangu and non-Anangu) and to remove any employee or contractor who has a criminal history which would make them ineligible for a permit, or is unacceptable to APY, or who fails to provide a police clearance within the time specified by APY.

Moved: Anton Baker
Second: Charlie Anytjipalya
Carried: All

j. Defamation**Resolution**

That APY indemnify the General Manager in respect of the defamation claim of AP Services.

Moved: Bernard Singer
Second: Kawaki Thompson
Carried: All

Draft Resolution

That APY make a claim against AP Services for an account of rental.

Moved: Bernard Singer
Second: Anton Baker
Carried: All

k. Mining Matters**Resolution**

Assumption of Deeds of Exploration dated 1 February 2006 (EL391/96 and 3 December 1998 (EL277/82) by Rio Tinto to Delta Gold Limited and Delta Gold Exploration Limited approved on terms acceptable to the General Manager and APY is to execute a deed of assumption upon negotiation of satisfactory terms.

Moved: Tony Campbell
Second: Charlie Anytjipalya
Carried: All

Resolution

APY to sign a deed of variation of Mithril tenements on terms negotiated by the General Manager subject to further variation to provide for cost recovery of Land Management participation in processes under the deeds of Exploration.

Moved: Sean Williamson
Second: Anton Baker
Carried: All

Other Business**5. Audit Report**

The General Manager reported on the Audit Report, received this week. The books are in good order with a healthy bank balance. The report is to be provided to the Minister. All members received a copy of the Audit to take with them.

The Audit Report was accepted by the Executive Board.

Moved: Sean Williamson
Second: Charlie Anytjipalya
Carried: All

6. Anangu Ku Arts and Culture Aboriginal Corporation

The General Manager read a report from the General Manager of Anangu Ku Arts. Five (5) year leases are being sought for all of the arts centres and staff housing on the APY Lands. The Executive Board fully supports the proposal and the following resolution was made:

Resolution

That the APY Executive Board grant five (5) year leases over each art centre and staff house on terms acceptable to traditional Owners and APY for the following-

- *ERN316 Ernabella - Art Centre House*
- *ERN341 Ernabella - Art centre staff house*
- *ERN343 Ernabella - Art Centre Manager's house*
- *FRE213A Kaltjiti - Art Centre*
- *FRE431 Kaltjiti - Art Centre Manager's house*
- *IND105 Iwantja - Art Centre Manager's house*
- *IND324A Iwantja - Art Centre*
- *KLK204A Kalka - Art Centre (mud brick)*
- *NYA101A Nyapari - Tjungu Palya Art Centre*
- *NYA135A Nyapari - Art Centre manager's house*
- *MIM124A Mimili - Art Centre*
- *PIP221A Pipalyatjara - Art Centre manager's house*

Moved: Bernard Singer
Second: Anton Baker
Carried: All

Other Business**7. Special General Meeting**

Due to the weather, the SGM planned for earlier this week had to be cancelled. It was determined to hold the SGM on Monday 1 December 2008 at Umuwa.

Action: Notice of SGM to go to all communities

Bernard Singer said he had enjoyed working with this Executive Board during the past 3 years and he wished those who nominated everyone success in the upcoming election. He said this Executive has moved many things forward on the APY Lands and hopes this will continue.

The General Manager said that although this year had been a bit turbulent, the Executive Board and the APY Administration have been operating as a good team for the past three years. He

thanked those Executive Board members, who have chosen not to nominate for the upcoming election, for their commitment over their term on the Board. He wished the others good luck in the coming election on 3 December 2008.

The Chairperson explained to the members that he needed to take defamation proceedings against newspapers to clear his name and he had Solicitors and a QC who were helping him. He will incur legal costs in doing this and has incurred other costs all because of his role as Chairperson. He asked if APY could assist him by making a payment of \$13,000 from untied funds to contribute to these costs.

8. Legal Assistance to Chairperson

The Chairperson was asked to leave the room while Members discussed this matter. There was discussion amongst Board members in relation to assisting the Chairperson with his legal expenses and relocation costs that resulted from criminal matters earlier this year. Untied funds could be used for this purpose. The following resolution was made:

Resolution

Subject to confirmation of the appropriateness, the APY Executive Board approves the payment of \$13,000 to the Chairperson to assist in his legal costs for defamation and for relocation costs.

Moved: Tony Campbell
Second: Charlie Anytjipalya
Carried: All

9. Date of Next Meeting

The next meeting of the new Executive Board will be held on Wednesday 10 December 2008 at Umuwa.

Outgoing Executive Board members were provided with a small pre-Christmas gift from APY for their work this year.

The meeting ended at 4:45 with a prayer by Kawaki Thompson.

Minutes by Ken Newman