

**Executive Meeting No. 1 of 2008/2009  
2 July 2008 at Umuwa  
Minutes**

<b>Present:</b>	Railway Bore	Bernard Singer
	Amata	Leonard Burton (arrived at 12:25 pm)
	Anilayla	Kawaki Thompson
	Indulkana	Apologies – proxy to Leonard Burton
	Kaltjiti	
	Mimili	Tony Campbell (by telephone from Alice Springs)
	Murputja	Anton Baker
	Pukatja	Gary Lewis
	Kalka/Pipalyatjara	Sean Williamson
	Watarru	Charlie Anytjipalya

APY Staff - Ken Newman, Rex Tjami, Peter Huntington

Visitors - John Thurtell

**1. Welcome**

The meeting opened at 11:00 am. Bernard Singer welcomed everyone to the meeting and said that at the meeting held on 19 May 2008, Sean Williamson was approved to be the Acting Chairperson and that today's meeting will be chaired by Sean.

Sean Williamson chaired the meeting and invited Kawaki Thompson to open the meeting with a prayer.

**Business Arising from the Minutes**

**2. Previous Minutes of Meeting No.10 - 7/8 May 2008 and Extraordinary Executive Board Meeting held 19 May 2008.**

- a. The Minutes of Meeting No. 10 of 7-8 May 2008 were accepted without alteration

Moved: Kawaki Thompson

Second: Anton Baker

Carried: All

- b. The Minutes of Meeting No. 11 of 19 May 2008 were accepted without alteration.

Moved: Bernard Singer

Second: Anton Baker

Carried: All

**3. Review of 2005 Amendments to APY Land Rights Act**

John Thurtell, Mary Anderson and Mark Jackman attended the meeting.

John Thurtell (JT) explained that he, Mary and Gary Lewis started their consultations at Indulkana and Mimili yesterday and will continue tomorrow at Kaltjiti and Pukatja.

JT said he was here today to meet with the Executive Board and also invite submissions from APY on those amendments. They are also talking to the Electoral office and the SA Government. The Parliamentary Standing Committee was invited to contribute to the review but they have declined to participate.

When the Review is presented to the Minister, it must be tabled in Parliament by the end of October 2008. JT went outside to see if Mr Lewis was going to participate. Sean Williamson advised that if Mr Lewis does not want to participate, APY Executive can nominate someone else to be on the Review.

Peter Huntington, Legal Officer provided a brief summary of the submission that APY will be developing. All members were provided a copy of the draft submission which he then went through in detail.

(Mr Campbell had to leave the telephone conference at 12:10 pm during the Nganampa lunch break. Mr Burton arrived at 12:25 pm.)

A final submission will have to come back to the Executive Board for endorsement prior to acceptance at a Special General Meeting. The submission may be forwarded to communities for comment.

JT also raised the issue of Mintabie and Division 4 of the Act. Peter Huntington advised there have already been several draft Bills discussed about Mintabie which is a separate matter to the Review. JT would be happy to return to a general meeting to discuss this further.

The meeting adjourned for lunch at 1:15 pm and resumed at 2:05 pm. (Tony Campbell was present by conference telephone from the Nganampa Health offices in Alice Springs.)

### **New Business**

#### **4. Kangaroo Shooting on De Rose Station**

Peter DeRose spoke to the Executive Board and said a kangaroo shooter came through the Lands and they shot our kangaroo. They are shooting around De Rose Hill station. Peter said that on the other side of Kenmore, but still on the Lands, they are finding skinned kangaroo, some with no tails and others with their throats cut.

Following discussion, the Executive Board made the following resolution:

#### **Resolution**

*That APY investigate the unauthorised shooting of kangaroos on the APY Lands and report back to a future Executive Board meeting.*

Moved: Bernard Singer  
Second: Tony Campbell  
Carried: All

#### **5. Director of Administration - Renewal of Contract**

The General Manager advised Rex Tjami's contract expired on 30 June 2008. He is employed by the Executive Board, as is the General Manager. The Director has expressed a desire to stay on but the Executive Board needs to make a decision on this matter. The Director and General Manager are on the same contracts.

Rex Tjami addressed the meeting and was then asked to leave the room while the Executive Board discussed his re-appointment.

There was extensive discussion with Mr Lewis and Mr Burton not wanting to renew the contract. However, the other members said the Director has done a good job, discussing matters with Executive. He has made better arrangements for tjilpi vehicles, when before they were trashed. Rex Tjami works very hard and complies with the Code of Conduct. Before, APY went through Directors, General Managers and lawyers. The current Director was supported to stay on as he is young and committed.

**Resolution**

*That Rex Tjami be re-appointed as the Director of Administration for a further three years on terms and conditions the same as the General Manager.*

Moved: Bernard Singer  
Second: Tony Campbell  
Carried: 6 for, 3 against

**Other Business****6. Planning and Development Matters****a. SAPOL Police Station, Court and Accommodation Complex**

- Amata community has approved an amendment to allow an additional duplex on the complex. Approval has been sent to DTEI
- Mimili Community has approved the police complex in community. Approval has been sent to DTEI.
- The Planning Officer is waiting to attend meeting in Pukatja in order to obtain community approval.

Informal advice suggests the works should be completed within 12 months. Indication has been given to APY that SAPOL wish to locate temporary accommodation in Umuwa to provide extra police on the Lands until the new complexes are complete. However, as yet APY has received no formal request for these temporary units.

**b. PY Ku Short term accommodation**

- Kaltjiti is waiting for decisions from Office for Aboriginal Housing in regard to previous housing discussions before considering application from PY Ku.
- Pipalyatjara community has been consulted and given in-principle approval. Planning Officer will be meeting with the community on 9 July 2008 to obtain final approval
- Amata community has given in-principle approval and indicated a preferred site. Planning Officer will visit the community on 8 or 10 July 2008 to obtain final approval
- Mimili community has given approval for development and a proposed site.

***Action: This item is deferred to the next meeting. The Planning Officer was asked to bring evidence of community support for the proposals and to invite PY Media/PY KU to attend the next Executive Board meeting.***

**c. Community Structure Plans**

Planning Officer is in the process of obtaining signatures for the Plans for Yunyarinyi, Mimili and Indulkana.

**d. Pipalyatjara and Mimili Outdoor Learning centre.**

- The Mimili community has given approval for this development.
- Pipalyatjara Community will discuss this at the meeting on 9 July 2008.

**Resolution**

*That the Executive Board grants approval to the Outdoor Learning Centres at Mimili and Pipalyatjara, depending upon Pipalyatjara community approval.*

Moved: Bernard Singer  
Second: Anton Baker  
Carried: All

**e. Bungala Works.**

Bungala has proposed the following works in communities. All works are of a minor scale.

- Pipalyatjara Shade Sail – Community approval will be sought on 9 July 2008

- Kanpi Shade Sail – Has already received Community approval
- Fregon Shade Sail - Has already received Community approval

#### **Resolution**

*That the Executive Board approve the three shade sail structures for Bungala at Fregon, Kanpi and Pipalyatjara (dependant on community approval from Pipalyatjara.)*

Moved: Bernard Singer  
Second: Kawaki Thompson  
Carried: All

#### **f. Nyapari church**

The Planning Officer has already been given community approval for this work however there appears some discontent with the community about the reallocation of the Youth Centre to a Bungala Work Shed. This will be followed up with the community further and confirm conditions are satisfactory.

**Action: This item is deferred to the next meeting following more community discussion**

#### **g. Mimili Single Men's Quarters (Tarawa) University of South Australia (Uni SA).**

Uni SA has consulted extensively in regards to this project and the APY Executive Board have already provided in-principle approval to this project.

#### **Resolution**

*That the Executive Board formally approve the Single Men's quarters at Mimili.*

Moved: Tony Campbell  
Second: Sean Williamson  
Carried: All

#### **Additional matters**

**Pukatja Church Restoration-** The Planning Officer has been informed that the ICC will be informing APY of their decision in regards to funding this important work in early July 2008.

**Building Site Safety-** The Planning Officer has requested Aboriginal Asset Services take greater concern for construction site safety in communities.

**Disused Buildings-** The Planning Officer is in the process of seeking funding to dispose of a number of transportable buildings that are in a state of disrepair and builders' waste on the Lands.

#### **7. Anthropology Matters**

A report was provided to all Members. The following are the resolutions as approved.

#### **Resolution**

*The APY Executive Board approves the commencement of works associated with the USOSAT telephone connection in Umpukulu, subject to the conditions outlined in the Work Area Clearance certificate.*

Moved: Bernard Singer  
Second: Anton Baker  
Carried: All

**Resolution**

*The APY Executive approves the commencement of works associated with the SA Water bores and pipeline between Young's Well and Pukatja, subject to the conditions outlined in the Work Area Clearance certificate.*

Moved: Tony Campbell  
Second: Bernard Singer  
Carried: All

**Resolution**

*The APY Executive approves the construction of Land Management fences in the Umuwa/Pukatja area, subject to the conditions outlined in the Work Area Clearance certificate.*

Moved: Bernard Singer  
Second: Tony Campbell  
Carried: All

**8. Legal Matters**

A Legal Report was provided to all members and the following are matters resulting in resolutions.

**a. APY 2008/2009 Budget**

The General Manager provided a draft Land Rights Administration budget for Members to consider for approval prior to forwarding to the Minister.

**Resolution**

*Pursuant to S13A(2) of the APY Land Rights Act, the Executive Board approves the draft budget for 2008-2009 as submitted by the General Manager and that it be submitted to the Minister.*

Moved: Kawaki Thompson  
Second: Anton Baker  
Carried: All

**b. Code of Conduct Investigation****Resolution**

*That an Investigator be appointed as an Investigator under the Code of Conduct to investigate such matters as are determined by Administration and on terms approved by Administration and to present a report for the August meeting of the Executive Board. In addition, the Executive Board grants a permit to Mr Eager until 30 June 2009.*

Moved: Sean Williamson  
Second: Anton Baker  
Carried: All

**Resolution**

*That the government be requested to defer further action in relation to the removal of the Chairperson as a member of the Executive Board until after the Executive Board has received and considered the Investigator's report in accordance with the above resolution at the August meeting of the Executive Board.*

Moved: Sean Williamson  
Second: Tony Campbell  
Carried: All

Mr Burton began to make threats of violence at the next general meeting. He departed the meeting at 5:05 pm.

### c. Contracts with NGOs and Financial Audits (from SGM 28-29 May 2008)

#### Resolution

*Contracts between NGOs and APY be entered into forthwith to regulate the conduct of NGOs on the Lands on such terms as are acceptable to Administration. The terms are to be submitted to the next meeting of the Executive Board and to be implemented forthwith by Administration unless disapproved of by resolution of the Executive Board.*

Moved: Bernard Singer  
Second: Charlie Anytjipalya  
Carried: All

#### Resolution

*That Administration prepares a proposal for carrying out the financial audits required by the above resolution and submit that proposal to the next meeting of the Executive Board. Unless disapproved, the proposal is to be implemented by administration.*

Moved: Bernard Singer  
Second: Anton Baker  
Carried: All

### d. General Manager's contract

#### Resolution

*That the resolution of 6 February 2008 is confirmed and that the General Manager is re-appointed for three years commencing on 28 March 2008 on terms of the contract signed by APY and previously submitted to the Minister.*

Moved: Bernard Singer  
Second: Charlie Anytjipalya  
Carried: All

#### Draft Resolution

*That Mal Brough be retained as a consultant on such terms as administration determines.*

Moved: Kawaki Thompson  
Second: Sean Williamson  
Carried: All

Mr Lewis departed the meeting at 5:25 pm. There were six remaining members of the Executive Board at the meeting.

### d. Housing

#### Resolution

*That subject to the approval of a Special General Meeting APY enter into a Heads of Agreement ("HOA") with the parties to the MOU approved in October 2007, on terms acceptable to Administration to govern new housing and upgrades using the proposed \$25 M offer, further upgrades of existing houses and new houses in addition to those to be provided with the \$25M offer.*

Moved: Bernard Singer  
Second: Sean Williamson  
Carried: All

**Resolution**

*That subject to consultation with, and the approval of Traditional owners, the HOA provide for step-in rights acceptable to administration in favour of the State government to guarantee APY's performance of its obligations under the HOA and further investment in social housing to be provided by the State and Commonwealth governments.*

Moved: Kawaki Thompson  
Second: Anton Baker  
Carried: All

**Resolution**

*That subject to consultation with, and the approval of traditional owners, the step-in rights be secured by an agreement to grant a lease ("agreement to lease") on terms acceptable to administration, the agreement to provide for the matters set out in the schedule below*  
**SCHEDULE**

- (i) *A form of head lease ("draft lease") to the State for 50 years*
- (ii) *The draft lease to be over the sites for new houses paid for out of the \$25 million offer*
- (iii) *The draft lease to also be over the sites of existing house which are upgraded*
- (iv) *The draft lease is also to be over the sites of additional houses from money in addition to the \$25 million offer*
- (v) *The agreement to lease to provide for the transfer of existing houses into step-in rights in proportion of value of existing houses on the one hand and the amount of money provided by the government for new house and upgrades acceptable to administration*
- (vi) *The agreement to lease and draft lease to provide for Anangu to be able to purchase their homes by sub lease from the state with a certificate of title on terms acceptable to administration*

Moved: Kawaki Thompson  
Second: Charlie Anytjipalya  
Carried: All

**Resolution**

*That APY sign a lease to the State government on terms of the draft lease ("head lease") to be held, but not used until circumstances arise under the HOA and/or agreement, to lease which entitles the State Government to call for the registration of the head lease.*

Moved: Bernard Singer  
Second: Tony Campbell  
Carried: All

**Resolution**

*That Administration writes to the Minister indicating the need for consultation with traditional owners and a Special General Meeting before leases can be granted.*

Moved: Bernard Singer  
Second: Sean Williamson  
Carried: All

**e. Welfare Reform**

Nothing has been received from the government about APY's request for information about welfare reform apart from suggesting the matter be raised at TKP.

**Action: That following from an earlier resolution in relation to welfare reform, APY Administration is to negotiate with government about providing information to Anangu about welfare reform and how this can help improve Anangu lives and social conditions; and, about the government consulting with Anangu on Welfare reform.**

**f. Police****Resolution**

*That subject to clarification of the shipping container matter, APY grants the State two year leases for temporary police accommodation at Umuwa on sites to be determined.*

Moved: Kawaki Thompson  
Second: Bernard Singer  
Carried: All

**Resolution**

*That the Minister be requested to provide demountable police stations and accommodation in the three communities of Mimili, Amata and Pukatja as a matter of urgency.*

Moved: Bernard Singer  
Second: Kawaki Thompson  
Carried: All

**Resolution**

*Subject to the consent of traditional owners and a Special General Meeting, APY grants to the State Government 50 year leases for Police Stations on approved sites at Amata, Mimili and Pukatja.*

Moved: Bernard Singer  
Second: Tony Campbell  
Carried: All

**g. Bungala****Resolution**

*That APY be instructed to investigate the cutting down of the tree and, if appropriate, APY is to commence proceedings (including criminal proceedings) under the Summary Offences Act, Native Vegetation Act, Crimes Act, Aboriginal Heritage Act and APY Land Rights Act or at law in relation to the cutting down of the tree and transporting the houses without permits.*

Moved: Sean Williamson  
Second: Anton Baker  
Carried: All

**h. AP Services****Resolution**

*That administration be authorised and instructed to take all steps, including the engagement of Solicitors as necessary, and commence proceedings to eject AP Services from the Lands, including the recovery of possession of all buildings and premises and the cancellation of all permits unless within 60 days from the date of this meeting, or such longer period as determined by APY Administration, AP Services holds its Annual General Meeting for the financial year ending 30 June 2008 ("the meeting") and that;*

- (a) the meeting is held at Umuwa with proper notice to Anangu;*
- (b) all Anangu who have applied for membership are admitted to membership to enable them to vote at the meeting;*
- (c) that any Anangu who wish to apply for membership are able to do so on the day of the meeting so as to vote on all business at the meeting;*
- (d) that the meeting be supervised by ORATSIC if they are willing to do so;*
- (e) that AP Services pay the costs of the meeting including fuel, accommodation and meals;*
- (f) that the Minutes of the meeting be taken by a person acceptable to APY and a copy of those Minutes be provided to APY.*

Moved: Bernard Singer  
Second: Kawaki Thompson  
Carried: All



**Resolution**

*That Administration write to AP Services and communities to advise that any proposals for entry, occupation or use of the Lands require the consent of traditional owners and should be the subject of an application to APY.*

Moved: Sean Williamson  
Second: Tony Campbell  
Carried: All

**Resolution**

*That Administration write to AP Services rejecting the request for office and accommodation and all AP Services permits be varied to exclude access to the housing office area and the accommodation used by the Housing Officer.*

Moved: Bernard Singer  
Second: Kawaki Thompson  
Carried: All

**Resolution**

*That no permit be granted to Mr Hunter and that he is asked to provide his CV outlining his experience in dealing with remote area service delivery and with aboriginal people, including training of Aboriginal people.*

Moved: Tony Campbell  
Second: Kawaki Thompson  
Carried: All

**Resolution**

*That Administration negotiates with government about ways to improve competition on the Lands for the benefit of Anangu and report back to a future Executive Board meeting.*

Moved: Anton Baker  
Second: Charlie Anytjipalya  
Carried: All

**9. Conflict of Interest**

Mr Burton, Mr Lewis and Mr George have not resigned from their claimed positions on the Governing Committee of AP Services. The resolution made at the 7-8 May 2008 meeting was invalid for lack of quorum.

The Executive Board Members discussed the matter and Sean Williamson, A/Chairperson declared the positions of Executive Board members from Amata, Fregon and Pukatja to be vacant.

**Resolution**

*That the Executive Board ratifies and approves the Chairperson's declaration that the offices of Mr Burton, Lewis and George as members of the Executive Board are vacant.*

Moved: All sitting members  
Second: All sitting members  
Carried: All

**10. Special General Meeting**

***Action: An SGM was tentatively set for Wednesday/Thursday 20-21 August 2008.***

**11. Correspondence In/Out**

**In**

7/4/08

Minister Weatherill

Noting letter about GM Contract

1/5/08	Minister Weatherill	Noting letter about Housing consultations
7/5/08	Minister Weatherill	Adelaide meeting, Social reform & Housing
12/5/08	A/Minister Gago	Calling a meeting to appoint an A/Chairperson
13/5/08	Leonard Burton	Notice of Exec Board meeting for 19/5/08
14/5/08	Minister Weatherill	Noting Media and Parliamentary statement
15/5/08	Nganampa Health	25 year celebration 2-4 September
<b>Action: APY Exec on Tuesday 2 September in order to participate in Nganampa celebrations</b>		
16/5/08	Minister Weatherill	Noting APY Executive Board
22/5/08	A/Minister Caica	Housing Consultations and private meetings
2/6/08	Minister Weatherill	Proposed visit on 10-11 June
5/6/08	Minister Weatherill	Chairperson and funding
8/6/08	Minister Weatherill	GM Contract
13/6/08	Attorney General	Consideration to remove Chairperson – <b>reply 8b above</b>
13/6/08	PS Commissioner	Conduct Complaint about J Mazel
19/6/08	Minister Weatherill	Police Infrastructure and Leases – <b>reply 8f above</b>
19/6/08	Mimili Community	Lease for community store house MM255 – <b>PO to report</b>
25/6/08	NRM Council	Invitation to Caring For Country Forum 25-26/9/08
25/6/08	Mimili Elders	Tree cutting at Indulkana – <b>See 8g above</b>
27/6/08	Indulkana	Damage of Significant Tree – <b>See 8g above</b>

**Out**

13/5/08	Leonard Burton	Unauthorised meeting called for 19/5/08
13/5/08	A/Minister Gago	APY Chairperson and leave of absence
13/5/08	Executive Board	Matters including police clearances, code of conduct
15/5/08	A/Minister Gago	APY Executive Board
2/6/08	Executive Board	Resolutions of meeting held 19/5/08
3/6/08	Minister Macklin	Commonwealth Housing Offer
3/6/08	Minister Weatherill	Commonwealth Housing Offer
4/6/08	Minister Weatherill	Ministerial visit 10-1 June 2008
12/6/08	Minister Weatherill	Chairperson APY
19/6/08	Minister Weatherill	Request for Leases for Police Infrastructure
19/6/08	Minister Macklin	Invitation to attend an Executive Board meeting
19/6/08	Minister Weatherill	Invitation to attend an Executive Board meeting
25/6/08	Attorney General	Chairperson

**12. Land Management matters (late correspondence)****a. Warru Recovery Aerial Survey**

Without much discussion, the Executive Board approved this project dependent upon all appropriate approvals are in place with traditional owners.

**b. Athel Pine Removal**

APY had been advised the AW NRM Board was planning an athel pine removal program at Kenmore, but involving an outside contractor to come in and train people. APYLM has just successfully run a program at Pukatja with TAFE and CDEP. The AW NRM were asked to provide information about the project proposal but the information forwarded provided no information at all about Kenmore, the hiring of contractors, etc.

**Action: This matter has been deferred to the next meeting and further information is to be sought.**

**13. Appointment of Sub-Committee members**

This matter is deferred to next meeting but Executive Board members were asked to consider which Committees they wish to belong.

**14. Date of Next Meeting**

The next meeting of the Executive Board is to be held on Wednesday 6 August 2008 at Umuwa. However, there is the possibility the Minister may attend. If so, the meeting may be two days.

**15. Adelaide Meetings 17-18 July 2008**

The General Manager advised there are meetings with the State and Commonwealth Governments in Adelaide. A few Executive Board members are invited to attend and a decision will be made next week on who will be travelling.

Sean Williamson closed the meeting with a prayer at 6:15 pm.

Minutes by Ken Newman

**Executive Meeting No. 1 of 2008/2009**  
**2 July 2008 – Umuwa**  
**Agenda** (prepared 1/7/08 at 12:45 pm)

Visitors - John Thurtell, Review of the 2005 Amendments to the *APY Land Rights Act*

1. Welcome

**Business Arising from the Minutes**

2. Previous Minutes of Meeting No.10 - 7/8 May 2008 and Extraordinary Executive Board Meeting held 19 May 2008.
3. Review of 2005 Amendments to *APY Land Rights Act* – J Thurtell

**New Business**

4. Kangaroo Shooting on De Rose Station
5. Director of Administration - Renewal of Contract

**Other Business**

**6. Planning and Development Matters**

**7. Anthropology Matters**

8. Land Management

**9. Legal Matters**

- a. APY 2008/2009 Budget
- b. Code of Conduct Investigation
- c. Contracts with NGOs and Financial Audits (from SGM 28-29 May 2008)
- d. General Manager's contract
- d. Housing
- e. Police
- f. Bungala
- g. AP Services

10. Conflict of Interest

11. Correspondence In/Out

**In**

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15/5/08	Nganampa Health	25 year celebration 2-4 September (request APY Exec on Tuesday 2 September so there can be an evening BBQ and Exec can attend seminar on Wed)

16/5/08	Minister Weatherill	Noting APY Executive Board
22/5/08	A/Minister Caica	Housing Consultations and private meetings
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5/6/08	Minister Weatherill	Chairperson and funding
8/6/08	Minister Weatherill	GM Contract
13/6/08	Attorney General	Consideration to remove Chairperson
13/6/08	Commissioner Conduct	Complaint about J Mazel
19/6/08	Minister Weatherill	Police Infrastructure and Leases
19/6/08	Mimili Community	Lease for community store house MM255
25/6/08	NRM Council	Invitation to Caring For Country Forum 25-26/9/08
<b>25/6/08</b>	<b>Mimili Elders</b>	<b>Tree cutting at Indulkana</b>
<b>27/6/08</b>	<b>Indulkana</b>	<b>Damage of Significant Tree</b>

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25/6/08	Attorney General	Chairperson

12. Appointment of Sub-Committee members

13. Date of Next Meeting