

**ORDINARY MEETING OF NEW ENGLAND COUNTY COUNCIL HELD IN
COUNCIL'S RUSDEN STREET OFFICE ON 15th AUGUST 2024**



NEW ENGLAND COUNTY COUNCIL
ABN 35 514 070 354

**MINUTES OF THE
ORDINARY COUNCIL MEETING**

An Ordinary Meeting of the New England County Council, is to be held in the offices of the New England Weeds Authority, 1/129 Rusden Street, Armidale NSW 2350 on:

Monday 10th February 2025 at 10 am

The meeting Agenda and Business Paper are attached.

Please notify the General Manager of any apology.

Yours sincerely

Renee Irvine
ACTING GENERAL MANAGER

**ORDINARY MEETING OF NEW ENGLAND COUNTY COUNCIL HELD IN
COUNCIL'S RUSDEN STREET OFFICE ON 10th FEBRUARY 2025**

ORDINARY MEETING OF COUNCIL

PRESENT: Interim Administrator – John Rayner
Renee Irvine – Acting General Manager

APOLOGIES: None

DECLARATION OF INTEREST: None

MATTERS OF URGENCY: None

**MINUTES OF THE EXTRAORDINARY MEETING OF THE NEW ENGLAND
COUNTY COUNCIL HELD ON FRIDAY 31 MAY 2024**

RESOLVED 31/24

The minutes of the Extraordinary Meeting of the New England County Council held on the 31st May 2024 are taken as a true and accurate report.

Moved – Interim Administrator John Rayner

Carried

**MATTERS ARISING FROM THE MINUTES OF THE EXTRAORDINARY MEETING OF THE
NEW ENGLAND COUNTY COUNCIL HELD ON 31 MAY 2024**

None

**MINUTES OF THE ORDINARY MEETING OF THE NEW ENGLAND COUNTY COUNCIL
HELD ON TUESDAY 21 JUNE 2024**

RESOLVED 32/24

The minutes of the Ordinary Meeting of the New England County Council held on the 21 June 2024 are taken as a true and accurate record.

Moved – Interim Administrator John Rayner

Carried

**ORDINARY MEETING OF NEW ENGLAND COUNTY COUNCIL HELD IN
COUNCIL'S RUSDEN STREET OFFICE ON 15th AUGUST 2024**

**MATTERS ARISING FROM THE MINUTES OF THE ORDINARY MEETING OF THE NEW
ENGLAND COUNTY COUNCIL HELD ON 21 JUNE 2024**

None

**MINUTES OF THE EXTRAORDINARY MEETING OF THE NEW ENGLAND
COUNTY COUNCIL HELD ON TUESDAY, 25 JULY 2024**

RESOLVED 33/24

The minutes of the Ordinary Meeting of the New England County Council held on the 25 July 2024 are taken as a true and accurate record.

Moved – Interim Administrator John Rayner

Carried

**MATTERS ARISING FROM THE MINUTES OF THE EXTRAORDINARY MEETING OF THE
NEW ENGLAND COUNTY COUNCIL HELD ON 25 JULY 2024**

None

**MINUTES OF THE ORDINARY MEETING OF THE NEW ENGLAND
COUNTY COUNCIL HELD ON TUESDAY, 15th AUGUST 2024**

RESOLVED 35/24

The minutes of the Ordinary Meeting of the New England County Council held on 15TH August 2024 are taken as a true and accurate record.

Moved – Interim Administrator John Rayner

Carried

**MATTERS ARISING FROM THE MINUTES OF THE ORDINARY MEETING OF THE NEW
ENGLAND COUNTY COUNCIL HELD ON 15TH AUGUST 2025.**

None

**ORDINARY MEETING OF NEW ENGLAND COUNTY COUNCIL HELD IN
COUNCIL'S RUSDEN STREET OFFICE ON 10th FEBRUARY 2025**

**MINUTES OF THE EXTRAORDINARY MEETING OF THE NEW ENGLAND
COUNTY COUNCIL HELD ON TUESDAY 26 SEPTEMBER 2024**

RESOLVED 36/24

The minutes of the Extraordinary Meeting of the New England County Council held on the 25th of September are taken as a true and accurate record.

Moved – Interim Administrator John Rayner

Carried

**MATTERS ARISING FROM THE MINUTES OF THE EXTRAORDINARY MEETING OF THE
NEW ENGLAND COUNTY COUNCIL HELD ON 26th SEPTEMBER 2024**

None

INTERIM ADMINISTRATORS MINUTE – FEBRUARY 2025

Administrator's Minute 10th February 2025

Abandoned Council Meeting

The previous Suspension of the New England County Council expired on 16th November 2024, and in expectation that there would be a seamless transition to the next suspension period a Council Meeting was called for Wednesday 4th December 2024.

Just prior to the Meeting the Office of Local Government, following legal advice advised the General Manager and Interim Administrator that “it’s inadvisable for a board meeting to go ahead today. As you say, there’s no arrangements in place with the Administrator”

The next suspension period commenced on 17th December 2024.

Whilst there was technically no Council or Interim Administrator in place the work of the Interim Administrator continued with no remuneration.

RESOLVED 1/25

- 1. That the minute be received and noted**

Moved – Interim Administrator John Rayner

Carried

**ORDINARY MEETING OF NEW ENGLAND COUNTY COUNCIL HELD IN
COUNCIL'S RUSDEN STREET OFFICE ON 15th AUGUST 2024**

Notice of Intention to Suspend

By correspondence dated 14th November 2024 the Minister for Local Government issued the following Notice of Intention to Suspend

Pursuant to section 438K of the *Local Government Act 1993* (the Act) I hereby give notice of my intention to issue a suspension order under section 438I of the Act to temporarily suspend the Board of the New England Weeds Authority (NEWA) for a further term of three months and to appoint an interim administrator for that further period under section 438M of the Act. It is proposed that the further suspension would take effect after the expiry of the current term of suspension of the County Council on 17 November 2024.

The current order temporarily suspending NEWA was issued on the grounds that:

- the Office of Local Government (OLG) had received information from a number of sources (including the NSW Audit Office and the ICAC) alleging serious financial mismanagement and potential corrupt conduct at NEWA
- there was evidence that NEWA's financial situation had deteriorated to the point where it may be unable to meet its normal operating expenses and was on the verge of being declared insolvent. It was also facing legal action for \$440,000 in unpaid fees associated with the construction of a new depot, for which it had not secured finance.

I acknowledge the substantial work done to date during the current term of suspension to address the serious financial and organisational issues which led to the making of the current suspension order. However, there is still significant work to be done to restore the proper or effective functioning of NEWA and to determine its long-term future. To restore the proper or effective functioning of NEWA, I believe that the following work remains outstanding:

ORDINARY MEETING OF NEW ENGLAND COUNTY COUNCIL HELD IN COUNCIL'S RUSDEN STREET OFFICE ON 10th FEBRUARY 2025

- continuing the restructure of NEWA to prepare it for a future potential dissolution
- continuing the restoration of appropriate administrative and managerial processes to enable a clear assessment of NEWA's ongoing financial sustainability
- providing support to Local Land Services audit of operations and reporting
- providing access and support to the OLG's investigation team to undertake an investigation under section 430 of the Act
- working with NEWA's constituent councils to develop a process to identify a preferred way forward for NEWA.

In accordance with section 413E of the Local Government (General) Regulation 2021 (Regulation), I have considered the criteria listed therein before issuing this notice of intention. Having regard to the criteria, I have formed the preliminary opinion that the further suspension of NEWA and the continued appointment of an interim administrator may be necessary to restore the proper or effective functioning of NEWA for the reasons set out above.

I hereby invite you, as the current interim administrator acting as the Board of NEWA, to make submissions to me regarding the intention to issue a further suspension order no later than 7 days from the date upon which this notice is served on NEWA.

I will consider all submissions made to me by NEWA during this period before deciding whether to proceed with the suspension order.

On behalf of the Council, I responded

"As Interim Administrator acting as the Board of NEWA the intention to suspend the Board for a further term is supported.

This support is provided acknowledging the constituent Councils have unanimously resolved in July 2024 and October 2024 to dissolve the County Council. The latter decisions also included commitments to provide further financial support to NECC and to pursue a transfer of responsibilities under the Biosecurity Act to each Council.

Preparation of a proposal to dissolve the County Council is underway.

The list of work outstanding is understood and will be pursued with support provided to government departments as required."

It was not until the Gazette Notice on 16th December 2024 that the Minister suspended the Council for a further three months and appointed John Rayner as Interim Administrator of the Council for the period during which the Council is suspended.

RESOLVED 2/25

1. That the report be received and noted
2. the actions of the Interim Administrator be endorsed.

ORDINARY MEETING OF NEW ENGLAND COUNTY COUNCIL HELD IN COUNCIL'S RUSDEN STREET OFFICE ON 15th AUGUST 2024

Moved – Interim Administrator John Rayner

Carried

Dissolving New England County Council

In July 2024 all Councils resolved unanimously to dissolve the New England County Council. Liquidity of the Council is only maintained through the additional financial contributions from the constituent Councils which unanimously resolved in October 2024 that

- NECC be dissolved
- A proposal be submitted to the Minister under Section 383(1) of the Local Government Act to dissolve NECC and transfer responsibilities under the Biodiversity Act to the individual Councils
- Financial support will be provided to New England County Council to ensure the financial sustainability of the New England County Council until it is dissolved.

The constituent Councils also authorised their “General Manager to work with the other constituent Councils, the New England County Council, and the Office of Local Government to achieve the earliest possible date for the transfer of Biodiversity Act Responsibilities; and to develop and implement all necessary administrative arrangements.”

The Office of Local Government (OLG) requires the final ‘Proposal to the Minister’ be submitted following it being considered at a Council meeting. This occurred at the Armidale Regional Council Meeting on 11th December 2024, when the Council resolved:

“That Council:

- a) Receives and notes the report.
- b) Notes the constituent Councils, Glen Innes Severn, Armidale Regional, Uralla Shire and Walcha have each unanimously resolved that the New England County Council be dissolved.
- c) Pursuant to Section 383 (1) of the Local Government Act, submit the Proposal, detailed in the report, to the Minister for Local Government to dissolve the New England County Council.
- d) Request the Office of Local Government and the Minister for Local Government to process the proposal as quickly as possible as the constituent Councils continue to finance the New England County Council.
- e) Notes the proposed transfer of four (4) positions from the New England Weeds Authority to Armidale Regional Council to conduct biosecurity and weed control responsibilities.
- f) Writes to the NSW Minister for Primary Industries and Agriculture urging a review of the current Weed Action Program (WAP) funding process and timeline to provide greater certainty for Councils and earlier allocation of essential funds in the applicable financial year.

The Motion on being put to the vote was CARRIED unanimously”.

ORDINARY MEETING OF NEW ENGLAND COUNTY COUNCIL HELD IN COUNCIL'S RUSDEN STREET OFFICE ON 10th FEBRUARY 2025

Noting that all decisions by Councils around dissolving NECC have been unanimous, the Office of Local Government was requested to consider whether the 'Proposal' could be advertised for 28 days, as is legally required, immediately following the Armidale Regional Council Meeting rather than in early 2025.

At the time of preparing this Minute there has been no advice on the Minister's decision to progress the proposal.

RESOLVED 3/25

1. That the report be received and noted and that Council work with the constituent Councils and the Office of Local Government to achieve the earliest possible date to dissolve the New England County Council.

Moved – Interim Administrator John Rayner

Carried

Financial Contributions from Constituent Councils

At their October Meetings the constituent Councils unanimously resolved that financial support will be provided to New England County Council to ensure the financial sustainability of the New England County Council until it is dissolved.

This may enable the Auditor to conclude the NECC has the ability to continue as a going concern until it is dissolved.

A further \$400,000 has been contributed by constituent Councils. Based on cash flow predictions this should provide funds to maintain operations to March 2025. This takes the additional contributions by the four Councils to \$1.6m.

The new and unoccupied Depot/Office facility at 21 Waller Avenue Armidale remains on the market. Proceeds from the sale of this property will be used to reimburse the contributions from constituent Councils.

Expenditure is being closely examined and the potential of selling assets is also being considered to boost cash available.

RESOLVED 4/25

1. That the report be received and noted.

Moved – Interim Administrator John Rayner

Carried

ORDINARY MEETING OF NEW ENGLAND COUNTY COUNCIL HELD IN COUNCIL'S RUSDEN STREET OFFICE ON 15th AUGUST 2024

2024/2025 Budget

At the Council Meeting held on 21st June 2024 it was resolved:

1 That the Annual Operational Plan be adopted other than the Annual Budget and 10-year Long Term Financial Plan (LTFP).

2 That the Budget and the 10-year Long Term Financial Plan (LTFP) be updated to take account of NEWA's current financial circumstances and the early payment of the annual contributions for 2024-2025 by ARC.

Further consideration of the draft Budget was to occur at the Meeting scheduled for 4th December 2024, however that Meeting was abandoned as explained earlier in this Minute. The Minister for Local government has before him a proposal to dissolve the NECC. If the Proposal is supported through the statutory process the NECC could be dissolved by April 2025.

Council's operations are almost full funded by the constituent Councils. Calculation of contributions is based on regular cash flow projections.

Considering the following circumstances, it is proposed that Council defer consideration of the 2024/25 Budget and 10 Year Long Term Financial Plan.

- It is possible that NECC will be dissolved by April 2025
- Whilst Council is meeting its obligations under the NSW Biosecurity Act, there is no certainty as to the amount and timing of the announcement of the Weeds Action Program Grant (in 2024 this grant was announced in June).
- Whilst expenditure may be estimated, there is no certainty that the constituent Councils will continue their voluntary funding.
- The constituent Councils resolved in October 2024 to continue providing financial support until NECC is dissolved, however the decisions could be rescinded.
- NECC is almost fully reliant on voluntary financial contributions from constituent Councils.

RESOLVED 5/25

1. That taking into account the time elapsed in the financial year and the circumstances listed above, Council defer consideration of the 2024/25 Budget and 10 Year Financial Plan but continue to prepare regular cash flow predictions.

Moved – Interim Administrator John Rayner

Carried

**ORDINARY MEETING OF NEW ENGLAND COUNTY COUNCIL HELD IN
COUNCIL'S RUSDEN STREET OFFICE ON 10th FEBRUARY 2025**

Investigation under Section 430 of the Local Government Act

The Office of Local Government has advised that an investigation under Section 430 of the Local Government Act is necessary to report on whether a former employee of the Council was at all times paid in accordance with the employee's employment contract with NECC.

The findings of the investigation will be reported to the Minister for Local Government and a copy of the report will be provided to the Council.

John Rayner,
Interim Administrator.
9th February 2025

RESOLVED 6/25

1. That the report be received and noted.

Moved – Interim Administrator John Rayner

Carried

SUSPENSION OF COUNCIL EXTENDED.

Council has been extended to the 17th March as per Government Gazette.

RESOLVED 7/25

1. Noted that the Minister has extended the extension until the 17th March 2025

Moved – Interim Administrator John Rayner

Carried

ORDINARY MEETING OF NEW ENGLAND COUNTY COUNCIL HELD IN COUNCIL'S RUSDEN STREET OFFICE ON 15th AUGUST 2024

FINANCIAL STATEMENTS – DRAFT

RECOMMENDATION

[NEWA Annual Financial Statements - Draft](#)

It is anticipated that the following disclaimer will be attached to the 2023/2024 Financial Statements.

“During preparation of the 2022-23 financial statements, issues were identified within Council’s internal control environment and its maintenance of appropriate books and records. These issues persisted into the 2023-24 year. The reinstatement of controls commenced following the appointment of the Manager Finance and Administration in January 2024. Although Council prepared the 2023-24 financial statements based on the underlying books and records, the internal control failures and deficiencies in maintaining proper books and records for a significant portion of the financial year means the Administrator and management are unable to warrant the completeness and reliability of the financial statements taken as a whole. Management does want to acknowledge the work undertaken by the Manager Finance and Administration during the second half of the financial year to rectify the significant and systemic control breakdowns and to improve the quality and reliability of the underlying financial information. As a result, we are unable to certify that the attached general purpose financial statements have been prepared in accordance with: ·

- The Local Government Act 1993 and the regulations made thereunder, ·
- The Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board ·
- The Local Government Code of Accounting Practice and Financial Reporting.

RESOLVED 8/25

1. That Council note the completion of the Draft Annual Financial Statements for the year ending 30 June 2024 and the details contained in this report.
2. That the Interim Administrator and Acting General Manager be authorised to sign the Councillor and Management Statement.
3. That it be noted a disclaimer will be included in the Councillor and Management Statement as outlined to the meeting.
4. That the Draft Financial Statements be referred for audit in accordance with Section 413 and 416 of the Local Government Act 1993.

Moved – Interim Administrator John Rayner

Carried

**ORDINARY MEETING OF NEW ENGLAND COUNTY COUNCIL HELD IN
COUNCIL'S RUSDEN STREET OFFICE ON 10th FEBRUARY 2025**

BUDGET 2023/2024

Recommendation:

1. That Council review and adopt the 2024/2025 Budget.

[NEWA - 2024-2025 Annual Budget - 1 year](#)

RESOLVED 9/25

1. Refer to the minutes from the Interim Administrator.

WEED ACTION PLAN REPORT

The [Weeds Action Plan Report](#), to 30th January 2025, is set out in the attached document, titled Weed Action Program (WAP).

RESOLVED 10/25

1. The Weeds Action Plan (WAP) Report, summarising activities and outcomes to date, including the 2023-2024 Weeds Action Program, be received and noted.

Moved – Interim Administrator John Rayner

Carried

NEXT MEETING – TBA

MEETING CLOSE: 10:15am