

**Proposal by
Armidale Regional Council
to the Minister for Local Government
to dissolve the
New England Tablelands (Noxious Plants)
County Council**

**Made pursuant to Section 383 (1) of the
*Local Government Act 1993***

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PROPOSAL BY ARMIDALE REGIONAL COUNCIL

The Armidale Regional Council on behalf of and with Glen Innes Severn Shire, Uralla Shire and Walcha Councils submits this proposal under Section 383(1) of the *Local Government Act*, to dissolve the New England County Council. Upon the dissolution of the County Council each of the constituent Councils automatically becomes the local control authority for its own local government area.

EXECUTIVE SUMMARY

New England Weeds Authority (NEWA), is the registered trading name of the New England County Council (NECC).

NEWA is a single purpose Council which is a Local Control Authority for priority and invasive weeds under the *NSW Biosecurity Act, 2015*, which in 2018 replaced the *Noxious Weeds Act 1993*.

The area of operation of NECC is the local government areas of Armidale Regional, Walcha, Uralla Shire, and Glen Innes Severn. These Councils are located in the Northern Tablelands region of New South Wales.

The County Council's governance is in accordance with *the Local Government Act 1993* with the County Council first proclaimed in 1947.

By Government Gazette on 17 May 2024 the Minister for Local Government suspended the Board of the NECC for a period of three months from the date of the gazettal. The same Government Gazette Notice appointed John Rayner as Interim Administrator for the period during which the Council is suspended by the Order. The suspension was then extended to 17 November 2024.

It is now proposed to dissolve the NECC and transfer the responsibilities under the *Biosecurity Act* to the constituent Councils.

The suspension of NECC followed serious governance and financial management failures.

The Councillors on the Board at that time retained their positions with the constituent Councils.

The appointment meant that the Interim Administrator took on the role of the Chairperson and Councillors, not the General Manager.

The day-to-day operations of the New England Weeds Authority, required under the *Biodiversity Act*, have continued; staff operations are not directly impacted by the Suspension Orders.

Those operations are now substantially financed by the constituent Councils.

Due to the state of the 2022/23 NECC Financial Statements it could not be concluded that the Council had the ability to continue as a going concern. The constituent Councils are continuing their additional financial commitment to NECC so that it has the ability to continue as a going concern.

Decisions of the Constituent Councils

Through July 2024 each of the constituent Councils resolved unanimously that the NECC be dissolved.

In October 2024 each Council resolved to submit a proposal under Sec 383 (1) of the *Local Government Act* to the Minister for Local Government to dissolve the NECC and transfer the responsibilities under the *NSW Biosecurity Act* to the constituent Councils. The decisions taken by each Council was unanimous.

Review of Current Service and Future Delivery Options

A consultant was engaged by the NECC and the constituent Councils to inform the Councils on current operations and recommend future service delivery options.

The review made a number of recommendations to best meet Council obligations under the *NSW Biosecurity Act* across the NECC region, including:

- Walcha Shire and Uralla Shire Council's coordinate the completion of biosecurity management services as a joint venture;
- Armidale Regional Council complete biosecurity management services for its region; and
- Glen Innes Severn Council complete biosecurity management services for its region, with a view to establishing a joint venture with Tenterfield Shire Council in completing biosecurity management services.

However, for the purposes of the proposal to the Minister each Council would undertake biosecurity responsibilities in their own area and future joint arrangements would be explored over time.

Employees

The *Local Government Act* specifies arrangements for Council staff affected by the constitution, amalgamation or alteration of Council areas.

Following negotiations with staff and the United Services Union, arrangements for staff of the NECC to be transferred to the constituent Councils have been agreed.

As required by Section 354 of the *Local Government Act*, employees will be transferred with:

- employment conditions being on the same terms and conditions that applied to the staff member immediately before the transfer day,
- accrued rights of staff member such as leave, and superannuation are not affected by the transfer,
- no forced redundancy of a transferred staff member for three years and
- no forced relocation for staff.

Transferred staff will take with them vehicles and equipment necessary for them to undertake their functions.

The United Services Union has advised:

“The United Services Union after much consultation, with the four Constituent Council General Managers and t Staff at New England County Council, support the proposal to move into a new service delivery model being developed at the following Councils Armidale Regional Council, Glen Innes Severn, Uralla Shire Council and Walcha Council.”

Benefits of Proposal

Having observed behaviours and recent performance; considered information from a range of sources including Audit Office NSW and considering the NECC size in terms of staff and budget, the Interim Administrator, and constituent Councils do not believe such a small Council can meet its legal, governance and financial management requirements and obligations.

On the other hand, the constituent Councils have advantages to ensure success after the transfer:

- Councils will have greater oversight of the activities and outcomes of biosecurity management in their respective areas.
- Councils will have experienced biosecurity staff to meet their obligations.
- The constituent Councils can meet governance and financial management requirements.
- Each Council has physical resources plus systems and support services such as strength of governance and compliance, risk management, training, and financial management.

DESCRIPTION OF THE AUTHORITY

Proclamation

The Proclamation for the creation of the NECC was published in the Government Gazette on 9 May 1947.

The proposal was for the constitution of a New England Tablelands (Noxious Plants) County District, consisting of the Shires of Dumaresq, Gostwyck and Guyra, and the delegation to the council of such County District of the powers of the *Local Government Act* with regard to the eradication of noxious plants.

The number of delegates was six, comprising two delegates from each of the constituent councils.

Copies of the Proclamations from the New South Wales Government Gazette are included as **Attachment 1**.

Operations

The NECC provides the following services:

1. Property inspections

NECC Biosecurity Officers carry out private property inspections for the presence of weeds and assist landowners with plant identification and to prepare control programs for priority and invasive plants on their property.

2. Issue Weed Control Notices (WCN)

NECC inspectors issue a WCN under *the Biosecurity Act 2015*, where an occupier/owner does not comply with the request of an inspector.

3. Roadside weed management

The NECC provides roadside weed management services to the local road authorities.

4. Contract spraying service

The NECC provides a contract weed spraying service for private owners and public authorities.

Membership of the Governing Body

The Board of the NECC prior to its suspension on 17 May 2024 was as follows:

Chairperson: Cr Dorothy Robinson (Armidale Regional Council)

Deputy Chairperson: Cr Tim Bower (Uralla Shire Council)

Member: Cr Margaret O'Connor (Armidale Regional Council)

Member: Cr Paul Packham (Armidale Regional Council)

Member: Cr Scott Kermode (Walcha Council)

Member: Cr Troy Arandale (Glen Innes Severn Council)

General Manager: Mr Tim Weeks

Chief Financial Officer: Mr Laurie Knight (Contractor)

Auditors: Audit Office NSW and Forsyths

The NECC describes its role as follows:

The core role of the County Council is the enforcement of General Biosecurity Duty of land occupiers in the County Council's area of operation and the control of priority and invasive plants on Council lands.

The County Council is fundamentally responsible for weed control of gazetted or priority weeds including:

- ensuring landholders/occupiers of private land fulfil their obligations under the *Biosecurity Act 2015*.
- inspection of land within their area for priority and invasive weeds;
- enforcing the control of priority weeds as per the legislative requirements;
- weed management on land occupied by the council and on roads in their area;
- publicity about weeds declared in the area;
- proposing changes to priority weed declarations;
- developing, implementing and co-ordinating local strategies and policies;
- providing on-going approved training and professional development for weed staff and
- providing adequate resources to implement priority and invasive weed programs.

On the dissolution of the NECC, Armidale Regional, Walcha, Uralla Shire, and Glen Innes Severn Councils are to each undertake priority weeds control for their local government areas.

DECISIONS TO DISSOLVE THE AUTHORITY

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 each **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.*”

Attachment 2 includes the July 2024 and October 2024 decisions of the constituent Councils.

REASONS BEHIND THE PROPOSAL TO DISSOLVE NEW ENGLAND COUNTY COUNCIL

The Minister's concerns with NECC were outlined in the April 2024 Notice of Intention:

- *“OLG’s preliminary enquiries have found there is significant concern about the operations of NEWA, based on its current practices, governance, operational plans, budgets, resources, staffing and financial position.”*
- *“OLG has raised a number of concerns which appear to show that NEWA has failed to meet its statutory responsibilities and to maintain appropriate governance, financial and accounting standards”.*

The New England Weeds Authority (NEWA) brand has been severely damaged through poor governance and its financial position resulting in:

- Department Primary Industries and Local Land Services not releasing the whole of the anticipated Weeds Action Program (WAP) grant
- local and other creditors not being paid;
- employee's superannuation and tax payments not being paid as legally required; and
- member Councils not being made fully aware the true financial position.

Attachment 3 includes an extract from the Report on the Conduct of the Audit for the year ended 30 June 2023.

On top of the many other serious failures in governance and financial management, it was the pursuit of the \$2 million Office/Depot project that led to the financial collapse of NECC.

The project was commenced:

- without undertaking and lodging a Capex review as per the Office of Local Government's capital expenditure guidelines,
- with a healthy unrestricted cash position, and
- without having secured a loan for the balance required to fund the project.

The financial position of NECC was exacerbated through the delay in the payment of the Weeds Action Program (WAP) grant.

The NECC Chairperson referred to the main problem stemming from NEWA's *“inability to access a loan from the CBA with security guarantees for the full loan amount from 3 of its 4 member councils because the CBA now also wants evidence of the OLG's approval for the loan, something that they do not normally provide.”*

It has become evident that NECC management failed to recognise, segregate and properly allocate expenditure against specific grant projects. Grants received were used to maintain a cash flow with examples of grant funds being absorbed into revenue but required works not undertaken.

In recent months the governance of NECC has significantly improved, including the following.

- There is now probity around the approval and verification of and controls over expenditure and where practical the recommendations contained in the Management Letter from the Audit Office of NSW are being implemented.
- Independent Members of the Audit Risk and Improvement Committee have provided invaluable advice and guidance to the Acting General Manager.
- Long outstanding creditors have been paid.

The NECC financial situation continues to be dire and apart from receiving income from a small grant and limited work on private land it is reliant on financial support beyond the annual contributions from the constituent Councils.

To date the four constituent Councils have provided \$1.6 million in additional financial contributions (i.e. above the annual contributions) which should provide a cash flow to keep NECC liquid until February 2025.

The reliance on financial contributions from the constituent Councils highlights the need to dissolve the County Council at the earliest possible time.

FUTURE OPERATING OPTIONS CONSIDERED

The independent review considered various operational models to meet future local government and biosecurity obligations, particularly as the constituent Councils had each unanimously resolved that the New England County Council be dissolved.

To inform the Councils, the following models were considered.

- Authority Model – continual operations under the current NECC structure.
- Lead Council Model – one stakeholder Council taking the lead in the provision of the required services.
- Own Council Model – each Council assuming their own responsibilities under the *Biosecurity Act*.
- Variations of Models – variations of the Lead Council and own Council models, including considering Tenterfield and Inverell Shire Councils in the short to medium term.

The review considered the following:

- framework in which the models would operate;
- advantages and disadvantages of each model; and
- potential costs, and impacts on revenue streams, under each model.

Based upon the initial assessment, the consultant proposed the following structures may be best in the administration of the *NSW Biosecurity Act* across the NECC regions:

- Walcha Shire and Uralla Shire Council's coordinate the completion of biosecurity management services as a joint venture;
- Armidale Regional Council complete biosecurity management services for its region; and
- Glen Ines Severn Council complete biosecurity management services for its region, with a view to establishing a joint venture with Tenterfield Shire Council in completing biosecurity management services.

To avoid confusion the constituent Councils are proposing to manage their own biodiversity responsibilities and pursue other opportunities as they may arise in the future.

Attachment 4 includes an extract from the Operation Review Report.

EMPLOYEES

The New England County Council employs:

- Manager Finance and Administration (currently Acting General Manager until dissolution)
- Biosecurity Officers (5)
- Permanent Weed Sprayers (2)
- Casual Weed Sprayer (1)

Negotiations have been held with the United Services Union to ensure staff are transferred from NECC to the constituent Councils as required under Sec 354 of the *Local Government Act 1993*.

County Council employees impacted by the proposal:

- Employee A Biosecurity Team Leader to be transferred to Glen Innes Severn
- Employee B Biosecurity Officer to be transferred to Walcha
- Employee C Biosecurity Officer to be transferred to Armidale
- Employee D Biosecurity Officer to be transferred to Armidale
- Employee E Biosecurity Officer to be transferred to Uralla
- Employee F Weed Sprayer Team Leader to be transferred to be transferred to Armidale
- Employee G Weed Sprayer to be transferred to Uralla
- Employee H Manager Finance and Administration to be transferred to Armidale
- Employee I Weed Sprayer Casual available for Armidale and Uralla

The United Services Union has confirmed its support for the proposed transfers. A letter from the United Services Union is included at **Attachment 5**, and the content of the letter is also shown below.

“The United Services Union writes to you on behalf of our members currently employed by the New England Weeds Authority (New England County Council, N.E.C.C.).

It is the Understanding of the United Service Union that the New England County Council may be dissolved and that the current employees will be employed directly by the four Constituent Councils.

The Union has had consultation with staff and will continue consultations regarding their future employment and advise that staff are happy to move across into the Council that would be the best fit for them.

The Union also understands that the staff will transfer to their new employment with all their current entitlements transferring with them as per the Local Government Act 1993 specifies arrangements for Council staff affected by the constitution, amalgamation or alteration of Council area.

- *Employment conditions on the same terms and conditions that applied to the staff member immediately before the transfer day.*
- *Accrued rights of staff member such as leave, and superannuation are not affected by the transfer.*
- *There can be no forced redundancy of a transferred staff member for three years.*
- *And no forced relocation for staff.*

The United Services Union after much consultation, with the four Constituent Council General Managers and t Staff at New England County Council, support the proposal to move into a new service delivery model being developed at the following Councils Armidale Regional Council, Glen Innes Severn, Uralla Shire Council and Walcha Council.”

The staff to be transferred will take with them equipment necessary to perform their functions, including vehicles with spray unit, drones, trailers, spot trackers, inverters, laptops and phones.

Employee entitlements will transfer with the employees.

ASSETS AND EQUIPMENT

The unaudited Financial Statement for NECC at 30th June 2024 lists the value of Current and Fixed Assets at \$2.603m including the property at 21 Waller Avenue, Armidale with a book value of \$1.724m.

Plant and equipment required by staff transferred to constituent Councils, to enable them to undertake their functions, will go with the employees.

The remaining assets will be sold and where appropriate may be offered to volunteer community organisations.

Proceeds from sales will be distributed to constituent Councils in accordance with their financial contribution percentage:

- Glen Innes Severn Council - 22%
- Armidale Regional Council – 42%
- Uralla Shire Council – 18%
- Walcha Council – 18%

Attachment 6 lists NECC assets. At this time the list has not been reconciled against the unaudited 2023/24 Financial Statements.

Other Assets

The major asset of the NECC is the depot/office facility at 21 Waller Avenue Armidale. This building has not been occupied and has been listed for sale since 21st October 2024.

Proceeds from the sale will be distributed to constituent Councils in accordance with their financial contribution percentage.

LIABILITIES

The NECC has limited liabilities.

The unaudited 2023/24 Financial Statements includes liabilities (payments to creditors and a contractor which have since been settled.

The remaining liability is employee entitlements which will transfer to constituent Councils with employees.

POSITION OF DEPARTMENT OF PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT

An approach was made to the Department of Primary Industries on 3 November 2024, seeking the Department's endorsement of the proposal to dissolve NECC with biosecurity responsibilities to be undertaken by the constituent Councils.

The submission is included in **Attachment 7**.

On 20 November 2024, Mr Scott Charlton, Chief Invasive Species Officer/ Director Invasive Species Biosecurity responded as follows.

"Thank you for your email seeking NSW Department of Primary Industries and Regional Development endorsement of the proposal to dissolve the New England County Council and transfer its responsibilities under the Biosecurity Act 2015 to the four constituent Councils.

The department is unable to provide a formal endorsement prior to the proposal being submitted to the Minister for Local Government. However, in principle there is no technical reason that the constituent councils could resume their separate control authority roles subject to further investigation. I expect that the specific capacity and appropriateness of each Council will have to be assessed separately as part of a formal process.

Should the Minister for Local Government approach the Minister for Agriculture about the proposal, and the Minister for Agriculture seek the advice of departmental staff, we will be happy to provide a considered response at that stage".

This was corrected by Mr Charlton by email on 4th December 2024, *"it should state there is no technical reason that the Councils couldn't continue as individual LCAs"*

PROVISION OF WEED SERVICES

All weed services will be undertaken by each individual Council. The Councils will maintain the required standard of weed services and meet their legal obligations. This will be enabled through the transfer of assets and staff from the NECC on dissolution. The service delivery should be continuous and each council will be equipped to provide the service. The aim is to

deliver the most efficient weed services possible and to facilitate the transfer of operations and provide continuity of service to ratepayers.

The Operational Review Report prepared concluded that each constituent Council “*could establish the required governance, resources, facilities, and administration support to assume the responsibilities under the Biosecurity Act.*”

DELIVERY OR RETENTION OF RECORDS

All records in the custody of the New England County Council are to be placed in the custody of Armidale Regional Council and will be managed through the Council’s records system.

All records of the NECC will be transferred and stored in facilities under the control of Armidale Regional Council and managed within the Council’s records system. This will include:

1. all private and personnel information and records of operation kept in accordance with the *Privacy and Personal Information Protection Act 1998*;
2. information under the *Privacy Act 2002* and *Government Information Public Access (GIPA) Act 2009*;
3. any protections under Section 731 of the *Local Government Act 1993* and Section 70 of the *Noxious Weeds Act 1993* will remain.

All notices, instruments and contracts with landowners and the NECC will become notices, instruments and contracts with Armidale Regional Council, Uralla Shire, Walcha Shire & Glen Innes Severn Shire Councils.

Attachment 8 lists the Records Transfer Plan for the various record types.

OUTSTANDING ADMINISTRATIVE REQUIREMENTS AFTER DISSOLUTION

The Manager Finance and Administration will be transferred to the Armidale Regional Council and will continue to deal with administrative and financial matters not concluded at the time of the NECC is dissolved. This will include preparation of final Financial Statements.

The Manager will also be available to assist all constituent Councils gain an understanding of past, current and future biodiversity matters.

FACTORS OF CONSIDERATION UNDER SECTION 263 OF LOCAL GOVERNMENT ACT 1993

Under Section 263 of the *Local Government Act 1993*, the Boundaries Commission is required to have regard to the following factors, (a) through (e).

(a) Financial Advantages and Disadvantages

The significant reasons for the collapse of NECC can be found:

- in its reckless spending on a new depot
- its inability to pay creditors, employees' superannuation and tax obligations
- poor financial record keeping leading to the Auditor identifying a number of high-risk situations and practices.

Due to the uncertainty, timing and competitive arrangements with the Weeds Action Program grants the NECC will be unable to maintain liquidity whilst awaiting the 2024/25 grant.

Due to the poor image of the County Council, it may lose its ability to attract grants. The NECC is only able to maintain its liquidity through the additional contributions from constituent Councils (\$1.6 million to cover expenditure to February 2025). Those Councils have also committed to continue that financial support through decisions:

"Advises the Audit Office NSW of Council's commitment to continue to provide financial assistance to ensure the financial sustainability of the New England County Council until it is dissolved."

Savings after dissolving NECC will be generated through:

- Salaries (no longer employing a General Manager).
- Councillor and Meeting Expenses
- Insurance, technology, administrative and other expenses which will be incorporated within existing Council budgets.

The constituent Councils will have direct control over how their biosecurity allocations are spent. At present the contribution arrangements to the County Council are not subject to performance requirements or an ability for contributing Councils to know whether they are receiving value for money.

(b) Community of Interest and Geographic Cohesion

The Glen Innes Severn, Armidale Regional, Uralla Shire and Walch Councils are located within the Northern Tablelands Local Land Services Region. All Councils will be part of the Region's Strategic Weed Management Plan and will participate in programs.

Each council will ultimately have responsibility for its own response to invasive weed problems.

(c) Existing historical and traditional values in the existing areas and the impact of change

The region is predominately rural/farm land and agriculture is vitally important to the area. The long-term land use will not evolve significantly from current patterns. The State priority weed issues will remain the same. Inspections and weed control programs will need to continue to ensure there is not a detrimental effect to the existing agriculture industry.

The proposal will have no impact on the existing and traditional values in the region.

(d) Attitude of Residents and Ratepayers

There has not been any community engagement on the proposal. This will occur as part of the Minister's requirement to consult under Section 384 of the *Local Government Act*.

(e) Elected representation for residents and ratepayers at the local level

The proposal will give direct access to elected representatives and in fact increases the number of Councillors involved from six to thirty-six.

The customer request systems in place at each of the Councils streamlines the response to resident's concerns.

(e1) The impact on the ability of the councils to provide adequate, equitable and appropriate services and facilities

There will be no impact on the ability of Councils to provide services and facilities. The scale of the weeds operations is minor in relation to the many other services provided by the councils.

Improved support will be provided to biosecurity operations through economies of scale that the proposal will deliver.

(e2) Impact on the employment of the staff

The employees will be transferred directly to the individual councils without any loss of entitlements and conditions as required under the *Local Government Act*.

(e3) Impact on rural communities

The impact on rural communities will be positive. Services will be decentralised with decision making and supervision provided at the local level. A benefit will be that the purchase of some materials will be localised.

**Attachments to Proposal by
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to dissolve the
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*Local Government Act 1993***

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Attachment 1. Gazette Notices

1. Proclamation, Government Gazette 56 of 9th May 1947



[Published in Government Gazette No. 56 of 9th
May, 1947.]

LOCAL GOVERNMENT ACT, 1919.—PROCLAMATION.

(L.S.) J. NORTHCOTT, Governor.

7th May, 1947.

ON the application of the Councils of the Shires of Dumaresq, Gostwyck and Guyra, I, Lieutenant-General JOHN NORTHCOTT, Governor of the State of New South Wales, with the advice of the Executive Council, in pursuance of the Local Government Act, 1919, do hereby constitute the whole of the Shires of Dumaresq, Gostwyck and Guyra, as a County District for local government purposes under the name of New England Tablelands (Noxious Plants) County District, and I do with like advice hereby delegate to the Council of the County District hereby constituted the power to exercise or perform for the benefit of the County District the following powers or duties:—

- (a) All the powers or duties under sections 468, 469, 471 to 475c, both inclusive, 475f, 475g and 475h of the aforesaid Act, relating to the eradication of noxious plants;
- (b) the power to borrow by way of limited overdraft under section 174 of the aforesaid Act any moneys from time to time for the purpose of any work or service or any object which the Council of the said County District is authorised by law to construct, carry on, or effect; and
- (c) the power under and subject to the provisions of section 188 of the aforesaid Act, to issue mortgage deeds or bonds for securing the repayment of the principal and interest of any moneys so borrowed.

For the purpose only of the Council of the said County District exercising the powers or performing the duties hereinbefore delegated to it, I do, with the like advice, hereby further delegate to the Council of the said County District the power to exercise or perform for the benefit of the said County District (but subject to the operation of the provisions contained in Part XXIX of the aforesaid Act) the powers or duties contained in the following sections of the aforesaid Act, which by law the constituent Councils or any one of them may exercise or perform, that is to say, - sections 173 to 200, both inclusive (loans), section 482 (buildings for public purposes), sections 516, 517 and 517A (contracts), sections 518 to 520, both inclusive (sale and lease of property), section 524 (entry and other powers), section 525 (powers in relation to works and undertakings), section 528 (power to insure), section 529 (power to do necessary acts), sections 531 to 536, both inclusive (acquisition of land), sections 586 to 595, both inclusive (legal and other proceedings), and section 615 (recovery of debts): Provided that this delegation shall not prevent the Councils concerned in the said County District from exercising the same powers in relation to any Shire functions other than those specifically delegated to the Council of the said County District in paragraph (a). above.

I do hereby specify that the time within which the first general election of delegates to the Council of the said County District hereby constituted shall be held shall be a period of fourteen (14) days from the date of issue of this Proclamation. (S. 47-2,253)

By His Excellency's Command, J. J. CAHILL.
(4749) GOD SAVE THE KING!

Sydney: Thomas Henry Tennant, Government Printer—1947.

2. Gazette No 382 18th December 2020

LOCAL GOVERNMENT ACT 1993 – PROCLAMATION

I, the Honourable Margaret Beasley AC QC, Governor of New South Wales, with the advice of the Executive Council, and in pursuance of sections 397(1) and (2) of the *Local Government Act 1993*, do hereby declare that on and from the beginning of 1 January 2021 the Proclamations in force constituting or varying the constitution of New England Tablelands (Noxious Plants) County Council are amended in the manner described in Schedule A below and in line with the provisions in Schedule B below.

Signed and sealed at Sydney, this 16th day of December 2020.

By Her Excellency's Command, Shelley Hancock MP

Minister for Local Government

GOD SAVE THE QUEEN!

SCHEDULE A

Amendments to the constitution of New England Tablelands (Noxious Plants)

County Council

The constitution is amended by:

- (a) changing the name of the County Council to New England County Council; and
- (b) varying the County Council's area of operations by increasing that area to include the whole of the local government area of Glen Innes Severn Shire; and
- (c) varying the number of persons who comprise the County Council's governing body by adding thereto one person to be elected from among the councillors of Glen Innes Severn Shire Council.

[n2020-4813] NSW Government Gazette 18 December 2020

16th December

SCHEDULE B

Facilitating provisions

1. First election

Glen Innes Severn Shire Council shall hold its first election to elect its member of the New England County Council's governing body within two months after this Proclamation comes into force.

2. Activities of Glen Innes Severn Shire Council in relation to weeds

(1) Anything done or omitted to be done by Glen Innes Severn Shire Council in exercising its functions as local control authority for weeds under the *Biosecurity Act 2015* and having any

force or effect immediately before the date this Proclamation comes into force, continues to have effect as if it had been done or omitted to be done by the New England County Council.

(2) Without limiting subclause (1):

(a) any approval order or notice given or made by Glen Innes Severn Shire Council in exercising its functions as local control authority for weeds under the *Biosecurity Act 2015*, and that had effect immediately before this Proclamation comes into force, continues to have effect as if had been given or made by the New England County Council, and

(b) anything commenced but not completed by Glen Innes Severn Shire Council in exercising its functions as local control authority for weeds under the *Biosecurity Act 2015* may be completed or discontinued by the New England County Council.

NSW Government Gazette 18 December 2020

3. Proclamation Government Gazette No 103 17th September 1971

02/12/2024, 11:54

17 Sep 1971 - LOCAL GOVERNMENT ACT, 1919.—PROCLAMATION

Government Gazette of the State of New South Wales (Sydney, NSW : 1901 - 2001), Friday 17 September 1971 (No.103), page 3602

LOCAL GOVERNMENT ACT, 1919—PROCLAMATION

(L.s.) K. W. STREET, by Deputation from His Excellency

the Governor.

8th September, 1971.

I, Sir Arthur Roden Cutler, Governor of the State of New South Wales, with the advice of the Executive Council, in pursuance of the Local Government Act, 1919, do hereby—

(1) alter the boundaries of the New England Tablelands

(Noxious Plants) County District, as constituted by Proclamation in Government Gazette No. 56 of 9th May, 1947, and altered by Proclamations in Government Gazettes No. 139 of 5th December, 1947, and No. 27 of 16th March, 1956, by adding thereto the whole of the Shire of Walcha;

(2) direct that the Shire of Walcha shall be a county

electorate; and

(3) specify that the time within which the first election

of delegates to the Council of the said New England Tablelands (Noxious Plants) County District shall

be held by the Council of the Shire of Walcha, shall be a period of two months from the issue of this

Proclamation. (S. 71-221)

By His Excellency's Command,

P. H. MORTON.

(9870) GOD SAVE THE QUEEN!



OF WALCHA

The land hereunder described as is Crown appropriated and so much thereof as is private resumed under the provisions of the Public Works Act, 1912, for the purposes of the Main Roads Act, 1924, the land hereunder described is hereby vested in the Commissioner for Main Roads and I hereby further declare the land hereunder described to be a public road and, with a recommendation of The Commissioner for Main Roads, the said land is hereby placed under the control of the Council of the Shire of Walcha.

Signed and sealed at Sydney, this 1st day of September, 1971.

By His Excellency's Command,
P. H. MORTON, Minister for Highways.
GOD SAVE THE QUEEN!

DESCRIPTION OF THE LAND REFERRED TO

All those pieces or parcels of land situate in the Shire of Walcha, Parish of Lidsdale, County of Cook and State of New South Wales, being the whole of lots 5 and 6 in Deposited Plan 549780, being also shown on a plan registered at the Department of Main Roads, Sydney, and numbered 55.S.171, having a total area of 2 acres 0 roods 54 perches or thereabouts and said to be in the possession of T. and O. T. O'Brien and the Electricity Commission of New South Wales. (D.M.R. Papers 42-1266) (150)

be held by the Council of the Shire of Walcha, shall be a period of two months from the issue of this Proclamation.

(S. 71-221)
By His Excellency's Command,
P. H. MORTON.
(9870) GOD SAVE THE QUEEN!

LOCAL GOVERNMENT ACT, 1919.—PROCLAMATION
(L.S.) K. W. STREET, by Deputation from His Excellency the Governor.

8th September, 1971.

I, Sir ARTHUR RODEN CUTLER, Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the provisions of section 314A of the Local Government Act, 1919, do, by this my Proclamation, (1) apply the provisions of the said section 314A to that part of the Municipality of Burwood which is within the boundaries defined in Schedule "A" hereto; and (2) prescribe that the requirements set out in Schedule "B" hereto shall apply in relation to the erection on any land within the boundaries defined in the said Schedule "A" of the residential flat buildings referred to in clause 2 of the said Schedule "B". (M. 71-770)

By His Excellency's Command,
P. H. MORTON.
GOD SAVE THE QUEEN!

TRANSPORT (DIVISION OF FUNCTIONS) ACT, 1932.—
MAIN ROADS ACT, 1924.—PROCLAMATION

(L.S.) A. R. CUTLER, Governor.

I, Sir ARTHUR RODEN CUTLER, Governor of the State of New South Wales, with the advice of the Executive Council and on the application of The Commissioner for Main Roads and by virtue of the provisions of the Transport (Division of Functions) Act, 1932, and in pursuance of the provisions of the Main Roads Act, 1924, do, by this my Proclamation, declare that so much of the land hereunder described as is Crown land is hereby appropriated and so much thereof as is private property is hereby resumed under the provisions of the Public Works Act, 1912, for the purposes of the Main Roads Act, 1924, and that the land hereunder described is hereby vested in The Commissioner for Main Roads and I hereby further declare the land hereunder described to be a public road and, in accordance with a recommendation of The Commissioner for Main Roads, the said land is hereby placed under the control of the Council of the Municipality of Hurstville.

Signed and sealed at Sydney, this 25th day of August, 1971.

By His Excellency's Command,
P. H. MORTON, Minister for Highways.
GOD SAVE THE QUEEN!

DESCRIPTION OF THE LAND REFERRED TO

All that piece or parcel of land situate in the Municipality of Hurstville, Parish of St George, County of Cumberland and State of New South Wales, being that part of lot 48, Deposited Plan 15624, required for road widening delineated on a plan catalogued 1951 M. 5551 at the Registrar General's Department, being also shown on a plan registered at the Department of Main Roads, Sydney, and numbered 168.S.189, having an area of 2½ perches or thereabouts and said to be in the possession of R. H. Saint. (D.M.R. Papers 204.1307) (120)

LOCAL GOVERNMENT ACT, 1919.—PROCLAMATION
(L.S.) K. W. STREET, by Deputation from His Excellency the Governor.

8th September, 1971.

I, Sir ARTHUR RODEN CUTLER, Governor of the State of New South Wales, with the advice of the Executive Council, in pursuance of the Local Government Act, 1919, do hereby—

- (1) alter the boundaries of the New England Tablelands (Noxious Plants) County District, as constituted by Proclamation in Government Gazette No. 56 of 9th May, 1947, and altered by Proclamations in Government Gazettes No. 139 of 5th December, 1947, and No. 27 of 16th March, 1956, by adding thereto the whole of the Shire of Walcha;
- (2) direct that the Shire of Walcha shall be a county electorate; and
- (3) specify that the time within which the first election of delegates to the Council of the said New England Tablelands (Noxious Plants) County District shall

SCHEDULE "A"

Commencing at the intersection of Burwood Road and Woodside Avenue East; and bounded thence by the said Woodside Avenue East westerly to the southeastern corner of lot A, Filed Plan 386846; by the eastern boundary of that lot northerly; by part of the southern, the western and part of the northern boundary of the 1 rood, 24 perches parcel of land comprised in Filed Plan 88576 westerly, northerly and easterly to the southwestern corner of lot 7, Deposited Plan 43545; by the western boundary of that lot northerly; by Livingstone Street easterly to the said Burwood Road; and by that road southerly to the point of commencement.

SCHEDULE "B"

1. For the purposes of this Schedule—

- "Floor plan" means a horizontal-section drawing showing the thickness of walls and partitions, arrangement of passages, rooms, and openings at any storey.
- "Floor plan area" of any storey means the area contained within the extreme external boundaries of such storey as shown on the floor plan.
- "Shops" include rooms which are to be used or which are so constructed or designed as to be capable of being used for the purpose of any trade, industry, manufacture, business, avocation, or calling.
- "Storey" has the meaning ascribed to it in section 304 of the Act and in addition includes any floor or part of a floor occupied or used or so constructed, designed, or adapted as to be capable of being occupied or used for the accommodation of motor vehicles.
- "The Act" means the Local Government Act, 1919.
- "Total floor plan area" means the sum of the floor plan areas of the various storeys exclusive of—
 - (a) the area of motor vehicle accommodation provided within the building to meet the minimum requirements of the Council but not the area of any such accommodation in excess of those minimum requirements;
 - (b) the area of private balconies and verandahs not enclosed above a height of four feet on any external side or sides except for dividing walls separating abutting balconies or verandahs; and
 - (c) the area occupied by lift, motor or mechanical plant rooms.

2. Where a residential flat building is so constructed as to contain shops or space for the accommodation of motor vehicles and no residential flat is erected at or below the floor level or levels on which such shops or spaces for the accommodation of motor vehicles are erected—

- (a) the residential flat building shall not be required to conform to any of the standards prescribed for residential flat buildings in Schedule Seven to the Act;
- (b) the Council may require that the residential flat building or any portion thereof shall be set back from the boundaries of the allotment to the extent specified by the Council and that the residential flat

A
D

Attachment 2. Council Decisions

The decisions of each Council in July 2024 follow.

Glen Innes Severn Council, 25th July 2024

4.07/24

RESOLUTION THAT Council:

1. Endorses the winding up of the New England Weeds Authority (NEWA).
2. Requests the Minister for Local Government to extend the period of administration for a further three months.
3. Supports the General Managers of the member Councils developing future service delivery models noting the importance of maintaining necessary service levels into the future.

Carried unanimously.

Armidale Regional Council 24th July 2024

128/24

RESOLVED

That Council:

- a) notes the attached report of 8 July 2024 from the New England Weeds
- b) Authority (NEWA) Interim Administrator Mr John Rayner
- c) confirms agreement that the New England Weeds Authority (NEWA) be dissolved, with a target date of November 2024
- d) authorises the General Manager to develop a working agreement and arrangement for future service delivery which includes consideration of a new entity via a Lead Council Model
- e) notes that an Interim Administrator's Report will be provided to the Minister for Local Government and a decision will be made about whether the Board will be suspended for a further three months from 17 August 2024; and
- f) supports the extension of the Interim Administrator for a further three months beyond 17 August 2024.

Carried unanimously.

Uralla Shire Council 23rd July 2024

Resolution 43.07/24

That Council:

1. Notes the attached report of 8 July 2024 from the New England Weeds Authority (NEWA) Interim Administrator Mr John Rayner.

2. Agrees that the New England Weeds Authority (NEWA) be dissolved, with a target date of November 2024.
3. Authorises the General Manager to develop a working agreement and arrangement for future service delivery in consultation with the other member Councils, including consideration of a new entity via a Lead Council Model.
4. Notes that an Interim Administrator's Report will be provided to the Minister for Local Government on 17 August 2024 and a decision made about whether the Board will be suspended for a further three months.
5. Supports the extension of the Interim Administrator for a further period of three months from 17th August 2024.

Carried Unanimously.

Walcha Shire Council 31st July 2024

Resolution:

That Council:

1. NOTES the attached report of 8 July 2024 from the New England Weeds Authority Interim Administrator, John Rayner;
2. SUPPORTS that the New England Weeds Authority be DISSOLVED with a target date of November 2024;
3. AUTHORISES the General Manager to liaise with other members of the New England Weeds Authority General Managers to develop an agreement and arrange for future service delivery which includes consideration of a new operating model.
4. NOTES that an Interim Administrator's Report will be provided to the Minister for Local Government and a decision will be made whether the Board will be suspended for a further three months from 17 August 2024;
5. 5 SUPPORTS the extension of the Interim Administrator for a further period of three months from 17th August 2024.

Carried Unanimously.

In October 2024 the Councils further resolved as follows.

Glen Innes Severn Council 24th October 2024, Unanimous decision

6. That the report be received and noted.
7. That, in conjunction with the Armidale Regional Council, Uralla Shire Council, and Walcha Council, Council prepares a joint Proposal to the Minister for Local Government to dissolve the New England County Council.
8. That the Proposal include the transfer of responsibilities under the Biosecurity Act from the New England County Council to the four constituent Councils.
9. That Council works with the other constituent Councils, New England County Council and the Office of Local Government to achieve the earliest possible date for the transfer of Biodiversity Act Responsibilities.

10. That Council advises the Audit Office NSW of its commitment to provide financial assistance to ensure the financial sustainability of the New England County Council until it is dissolved.

Armidale Regional Council 23rd October 2024, Unanimous decision

That Council:

1. Receives and notes the report.
2. In conjunction with the other constituent Councils (namely Walcha, Uralla and Glen Innes), a joint Proposal be prepared to the Minister for Local Government to dissolve the New England County Council which includes the requirements of the Office of Local Government (OLG).
3. Includes in the proposal in (2) above, the transfer of responsibilities under the Biosecurity Act from the New England County Council to the four constituent Councils.
4. Authorises the 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.
5. Endorses the proposal for Armidale Regional Council to resume standalone biosecurity services with the potential for an MOU with Uralla Shire Council and other Councils, to be reviewed by the General Manager.
6. Advises the Audit Office NSW of Council's commitment to continue to provide financial assistance to ensure the financial sustainability of the New England County Council until it is dissolved.

Uralla Shire Council 22nd October 2024, Unanimous decision

That Council:

1. Receives and notes the report.
2. In conjunction with the other constituent Councils (namely Walcha, Armidale and Glen Innes), prepares a joint proposal to the Minister for Local Government to dissolve the New England County Council and include the requirements of the Office of Local Government (OLG).
3. Includes in the proposal in (2) above, the transfer of responsibilities under the Biosecurity Act from the New England County Council to the four constituent Councils.
4. Authorises the 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.
5. Endorses the proposal for Uralla Council to resume standalone biosecurity services with the potential for an MOU with Walcha Council and other Councils to be reviewed by the General Manager.

6. Advises the Audit Office NSW of Council's commitment to continue to provide financial assistance to ensure the financial sustainability of the New England County Council until it is dissolved.
7. Notes a further report will be provided if additional financial assistance is required pending the Minister's determination.

Walcha Council 30th October 2024, Unanimous decision

1. In conjunction with the other constituent Councils, Uralla Shire, Armidale Regional & Glen Innes Severn, prepares a joint proposal to the Minister for Local Government to dissolve the New England (Noxious Plants) County Council and include:
 - a) The requirements of the Office of Local Government;
 - b) The transfer of responsibilities under the Biosecurity Act from the New England (Noxious Plants) County Council to the four constituent Councils;
2. Authorises the General Manager to work with the other constituent Councils, the New England (Noxious Plants) 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.
3. Endorses the proposal for Walcha Council to resume a standalone biosecurity service with the potential for a MOU with Uralla Shire Council and other Councils to be reviewed by the General Manager.
4. Advises the Audit Office NSW of Council's commitment to continue to provide financial assistance to ensure the financial sustainability of the New England (Noxious Plants) County Council until it is dissolved.
5. NOTE a further report will be provided if additional financial assistance is required pending the Minister's determination.

Attachment 3. Report on the Conduct of the Audit for the year ended 30 June 2023 (Report dated 16 April 2024)

“The councillors and management declared, in the statement required by councillors and management (the Statement) under section 413(2)(c) of the Local Government Act 1993, that they are unable to certify as to the completeness and reliability of the financial statements taken as a whole for the year ended 30 June 2023, because the Council has not maintained adequate internal controls or books and records across the reporting period.

The deficiencies in books and records, which have been acknowledged by councillors and management in their statement, mean I have been unable to obtain sufficient appropriate audit evidence or perform alternative testing procedures to enable me to conclude:

- on the completeness and accuracy of the balances and related notes in the council's financial statements*
- on the appropriateness of management's use of the going concern basis of accounting in the preparation of the financial statements, or whether a material uncertainty exists related to events or conditions that, individually or collectively, may cast significant doubt on the council's ability to continue as a going concern.*

Accordingly, I have been unable to determine whether adjustments have been necessary in respect of balances and amounts reported in the financial statements. The pervasiveness of these issues means I cannot express an opinion on the financial statements for the year ended 30 June 2023.”

Attachment 4. Operation Review Report extract

“A key aspect of the review was to consider the future direction of NEWA, consider if the County Council model is the most appropriate method of meeting the requirements of the *Biosecurity Act* by the constituent Councils, or if an alternate model is best suited to the Councils. Under the scope, the following models were to be considered:

- Authority Model – continual operations under the current NEWA structure;
- Lead Council Model – one stakeholder Council taking the lead in the provision of the required services;
- Own Council Model – each Council assuming their own responsibilities under the Biosecurity Act; or
- Variations of Models – variations of the Lead Council and own Council models, including considering Tenterfield and Inverell Shire Councils in the short to medium term.

4.1 New England Weeds Authority

Through our analysis of the operations of NEWA, the following advantages and disadvantages were identified:

Advantages

- Ability to easily deploy resources across alternate shires and to required areas should critical prevention or eradication work be required, without the need for time consuming approvals or compensation between Council's; and
- Ability to share experiences and provide on the job training amongst a larger team environment, across multiple Biosecurity Officers and Spraying Operators.

Disadvantage

- High level of governance requirements to meet the Local Government Act and other key laws and regulations. This includes, but is not limited to: Audit, Risk and Improvement Committee;
- Work Health and Safety;
- Risk Management;
- Annual financial statements and associated audits; and
- Internal audits
- Additional management and administration resources, including General Manager and/or finance officer;
- Distance required to be travelled by Biosecurity Officers and Spray Operators to complete required duties across all Shires areas;
- With the depot and operations being based out of Armidale, including most employees commencing their work day from Armidale, there is a sense that the organisations is Armidale Regional Council focused;
- Greater risk for DPI and LLS, with a large amount of a Local Land Service and Weeds Committee being assumed by 1 entity. If this entity fails, then a large area, and achievement of outcomes, could be jeopardised; and
- Constituent Councils expecting greater outputs from the County Council, in excess of the cost of delivering the services when compared to the contribution. The absence of clearly defined service level agreements, and cost allocations for this work has resulted in this expectation gap.

With NEWA currently completing the duties under *the Biosecurity Act* on behalf of the constituent Council's, the entity has the experienced and skilled personnel, and resources, to continue to completed the duties.

4.2 Lead Council Model

The lead Council model considered as part of the review assessed the ability for one of the constituent Councils to take the lead in management and completion of the duties under the Biosecurity Act on behalf of the other constituent Councils.

Through our analysis, the following advantages and disadvantages were identified:

Advantage:

- Ability to deploy resources across alternate Shires where critical prevention and eradication work is required, without time consuming approvals and potential compensation between Council's;
- Significant training and knowledge sharing opportunities between Biosecurity Officers and/or Spray Operators on a day-to-day basis;
- Reduction in the level of overhead costs and requirements, with the Lead Council incorporating the work, health and safety, financial management, compliance, and governance requirements without the need for additional resources as roles assumed with current Council resources; and
- A large amount of Biosecurity and spraying duties are completed across boundaries, and works are completed on a joint basis already

Disadvantages:

- Given the locality of each Council, no matter the lead Council, there is always going to be an issue with regards to distance. While Uralla and Armidale are in closest proximity, outside of these two Councils, all other Council have a significant distance between locations and outer shire boundaries.

Discussions amongst the constituent Councils identified that no Council was willing to assume the role as lead Council. While some Councils remained positive towards a "joint operations" basis, some Councils were less optimistic that a lead council mode would deliver better outcomes than what NEWA has. All Councils noted that if there was no other Council willing to assume the lead role, then the preference would be to assume the responsibilities individually. As such, no further consideration given to the practical operations under this model.

4.3 Own Council Model

The own Council model assumes each Council completes its own Biosecurity Act responsibilities. Through our analysis, the following advantages and disadvantages were identified:

Advantage:

- Council has greater oversight of the activities and outcomes of biosecurity management across Council;
- Resources can be directed to areas where resident feedback and complaints are realised; and
- If supported by management, can be an effective operation with reduced costs and greater output.

Disadvantages:

- Loss of resourcing pooling, and ability to easily deploy additional resources;
- Potential absence of skills and experience within Council regarding the Biosecurity Act, which may then require additional resources to ensure Council is meeting responsibilities; and
- Key person dependency, with often one Biosecurity Officer.

The ability for each Council assuming the completion of their own Biosecurity Act responsibilities was completed as part of interviews.

These discussions focused upon the current skills and experience within Council, resourcing requirement, governance and oversight, and physical premises required. The outcomes from the discussion noted the following:

4.3.1 Glen Innes Severn Shire Council

Governance and Management	Council representatives identified that they recently employed a Waste and Environmental Management Officer who has experience with the Biosecurity Act. Additionally, the Council already has compliance-based activities and resources, and as such has the ability to establish the required compliance frameworks for the enforcement of the Biosecurity Act.
Resources	The Council does not have any dedicated resources, and would be required to consider current NEWA resources should an own Council model occur. This would include, at a minimum, a Biosecurity Officer and associated vehicle.
Facilities	At present, NEWA is utilising an old Council depot in Deepwater for use by a Biosecurity Officer, who has largely completed activities within the Shire already. As such, the Council has facilities to completed the required duties.
Training, financial, and risk management	The Council doesn't have any Biosecurity Act specific training, however would look to utilise training provided through current NEWA providers. Additionally, leverage off LLS and DPI for ongoing training. Financial management would be assumed within Council's current finance function, with no expectation of additional resources. Risk management activities would be assumed by current Council resources, with the Council's ARIC assuming ultimate oversight.

4.3 Own Council Model (Cont'd)

4.3.2 Uralla Shire Council

Governance and Management	Council representatives identified that should the Biosecurity Act responsibilities be brought back within Council, the role would report directly through the Environmental Officer. Additionally, the Council already has compliance based activities and resources, and as such has the ability to
---------------------------	---

establish the required compliance frameworks for the enforcement of the Biosecurity Act.

Resources	The Council does not have any dedicated resources, and would be required to consider current NEWA resources should an own Council model occur. This would include, at a minimum, a Biosecurity Officer and associated vehicle. Additionally, there could be capacity within the Parks and Gardens team to assume some spraying responsibilities.
Facilities	Council representatives noted that the Biosecurity Officer could be located at the Council's Depot. While at present the facilities may not be tailored to meet Biosecurity Act operations, they would be sufficient. Additionally, the Council has flagged the completion of a full masterplan for the Depot, which would incorporate any additional needs for the Biosecurity Officer and operations.
Training, financial, and risk management	The Council doesn't have any Biosecurity Act specific training, however would look to utilise training provided through current NEWA providers. Additionally, leverage off LLS and DPI for ongoing training.
4.3.3 Walcha Shire Council (Cont'd) Area	Details
Training, financial, and risk management	The Council doesn't have any Biosecurity Act specific training, however would look to utilise training provided through current NEWA providers. Additionally, leverage off LLS and DPI for ongoing training. Financial management would be assumed within Council's current finance function, with no expectation of additional resources. Risk management activities would be assumed by current Council resources, with the Council's ARIC assuming ultimate oversight.
Armidale Regional Council Governance and Management	Council representatives identified that should the Biosecurity Act responsibilities be brought back within Council, the area would be formed back within the Council's current compliance team. This team is established for administering compliance based activities, and as such has the ability to incorporate the required compliance frameworks for the enforcement of the Biosecurity Act.
Resources	The Council does not have any dedicated resources, and would be required to consider current NEWA resources should an own Council model occur. This would include, at a minimum, a Biosecurity Officer and associated vehicle. There could also be a need for spray operators, with the Council already utilising NEWA for private spraying works.

Attachment 5. Letter from United Services Union

Our Ref.091224.CP.CC

9 December 2024

Ms. Renee Irvine
The Acting General Manager
New England Weeds Authority
P.O. Box 881
ARMIDALE NSW 2350

By your side



Email: newa@newa.nsw.gov.au

Dear Renee,

The United Services Union writes to you on behalf of our members currently employed by the New England Weeds Authority (New England County Council, N.E.C.C.).

It is the Understanding of the United Service Union that the New England County Council may be dissolved and that the current employees will be employed directly by the four Constituent Councils.

The Union has had consultation with staff and will continue consultations regarding their future employment and advise that staff are happy to move across into the Council that would be the best fit for them.

The Union also understands that the staff will transfer to their new employment with all their current entitlements transferring with them as per the Local Government Act 1993 specifies arrangements for Council staff affected by the constitution, amalgamation or alteration of Council area.

- Employment conditions on the same terms and conditions that applied to the staff member immediately before the transfer day.
- Accrued rights of staff member such as leave, and superannuation are not affected by the transfer.
- There can be no forced redundancy of a transferred staff member for three years.
- And no forced relocation for staff.

The United Services Union after much consultation, with the four Constituent Council General Managers and Staff at New England County Council, support the proposal to move into a new service delivery model being developed at the following Councils Armidale Regional Council, Glen Innes Severn, Uralla Shire Council and Walcha Council.

If you require further information, please contact United Services Union Official Mr Chris Preston on 0429 457 180 or via email cpreston@usu.or.au

Yours faithfully

A handwritten signature in black ink, appearing to read "Graeme Kelly", enclosed in a yellow rectangular box.

Graeme Kelly OAM
General Secretary

Per: CP

UNITED SERVICES UNION

**NSW LOCAL GOVERNMENT, CLERICAL,
ADMINISTRATIVE, ENERGY, AIRLINES
AND UTILITIES UNION**

T 1300 136 604
E united@usu.org.au
www.usu.org.au
ABN 95 571 805 442

Sydney Head Office
Level 7, 321 Pitt St
Sydney NSW 2000
Regional Offices
Newcastle (Rutherford),
Wollongong

Satellite Offices
Bathurst, Canberra, Dubbo,
Grafton, Hay, Port Macquarie,
Tamworth, Wagga Wagga

Attachment 6. NECC Assets

EDP EQUIPMENT

- * Zip Drive
- * GPS Licence
- * GPS Guyra
- * Computer Office
- * CD Rom MWC
- * Computer Walcha
- * Inverter Guyra
- * Modem Internal
- laptop and camera
- * Tel/Answering Mach

OFFICE EQUIPMENT

- Computer - MWC
- Printer - Office
- Computer JG
- DJI Phantom 4 Drone
- DJI Phantom 4 Drone
- Drone - DJI Mavic 2
- Apple IPAD - GM
- Mac Logic Pro X with bag and adaptor
- Printer - 2 BJ 200
- Table & Chairs
- Canon EOS 5D Camera, lenses and accessories
- Monitors (4)
- Ipad
- TV
- Office Furniture
- 6 updated desks and filing cabinets and pictures
- 6 Hp Tablets and 1 HP thin client
- Dell Latitude E6530
- Dell 17" Alienware Laptop
- Dell Laptop and Monitor
- Macbook Pro 15" Laptop
- Filing Cabinet
- Dell latitude e6410 laptop
- Konica Photocopier
- Bizhub C284e Photocopier
- Computer
- Cordless Mice
- Manager Chair & Filing Cabinet
- Photocopier BIZHUB C250i
- 7 x Dell Laptops and bags
- XPS 13 Dell Laptop Admin Office
- HNI5410N Inspiron Laptop Dell

Microsoft Yealink MP56 IP Phone x 2
Jabra Evolve Wireless Bluetooth Headset x 7
Docking Stations for laptop x 7
HP Bus ProDesk 600 G6 Desktop Mini & Accessories
Logitech Conferecne Cam Videoconferencing Camera
Wifi Modem Wireless Router, switches and Instal
Charge Station GM Laptop
Printer GM
5TB Hardrive - Weeds Supervisor
IT System Upgrade and Network Equipment Instal
Telstra Comms Equipment Instal
NIKON SMZ800N Stereo Zoom Microscope Bundle (Herbarium Project)
Saxon RST Researcher Stereo 10x-40x Microscope (Herbarium Project)
Dell 27 Moniotors x 9
Dell Inspiron 2 in 1 Laptop deviceas & Kits
319 L Chest Freezer (Herbarium Project)
Heavy Duty Shelving Unit (Herbarium Project)
NEWA Salto Software and Commissioning. Supply and Install Salto software and associated door licences. Commissioning and testing of Salto System including fobs
Jabra PanaCast 50 Video Equipment - 3840 x 1080 - 4K UHD - 30fps and other associated equipment
HP Pro-Mini 400 G9 Slimline Computer - Intel Core I5 with support and extended warranty
800016 Humidity & Temperature Monitor
Fellows A3 Laminator
Badgy 200 Card Printer for creation of staff ID and Authorisation badges.
Haicom HI-206 USB GPS Receiver
Dell EMC PowerEdge R350 (1U) Rack Server
Dell DRMK-77 for Dell 185FPM and DKMMLED 185 LED KMM Console
Dell LED KMM 18.5"Internation English Keyboard
Desks and office furniture for new Building

NOXIOUS PLANTS EQUIPMENT

Quik Spray 9TBE Serial Number 36812 and extras
Single Reel Quick Spray unit (QS2)
Quick Spray - Serial Number 49231
Quik Spray 9TBE Serial number 36811 and extras
Quik Spray 9TBE Serial number 36811 and extras
Purchase of single reel smart spray 100m hose, 300L tank
Buddy Auto Reel 50m
Remote controlled 12 volt reel with 50m of 10mm ID nylon hose, 250 watt brusless DC motor, wiring harness
Casotti Spray unit
Roller Door Shed @ARC Depot
Chemical Spill Kit
Kayak and accessories
2 Tonne Tandem axle trailer - BRG CMA Extension trailer
Quick Spray - Unit 2R200
Chemical Storage Cabinet

Attachments to Proposal for Dissolution of New England Tablelands (Noxious Plants) County Council
December 2024 (AINT/2024/60174; Note related record: AINT/2024/60173)

PA 530 Dia Pump
DJI Mavic 3 Fly More Combo Drones
PA530-VC Pump Unit
ATV Quick Spray Unit
BBQ and storage
Gun Jet Spray Gum
Petrol Pressure Washer
ATCUFTK - Universal Flow Tracker Kit and IOT Device
Time Clock - ATS Face Scan reader
New Bertolini Pump
Makita- DLM464PT3 460mm Lawn Mower
Tuff Terrain Deluxe Recovery kits 9k deluxe kit
PLANT
Isuzu D Max 4X4 My15 Crew Cab/Chassis CJ36ES
Wolverine 4x4 2017
Isuzu D Max Cab/Chassis
Isuzu D Max 4X4 My15 Spacce Cab/Chassis
Isuzu D Max Cab/Chassis
4.5L Land Cruiser CI-07-FM
Isuzu D Max 4X4 My19 Auto CU 33 CS
Isuzu D Max 4X4 My19 Auto CU 32 CS
Purchase of Isuzu Dmax 4x4 Crew Cab Utility SX Manual
4.5L Land Cruiser 17 Model
Navman Vehicle Tracking system for all fleet
7X5 trailer for Honda TRX quad Bike
Yamaha Quad Bike
Purchase of Workmate cruiser Rego CR50EC
2017 Yamaha Wolverine YXE700
Heavy duty dual axle trailer to carry ATV
Honda TRX 500 Quad
Isuzu Dmax 4X4 My15 Space cab (Glen Innes) CF37ES
Kubota RTV 25 HP Diesel ROPS Utility Vehicle
Radio Equipment
Radio Equipment
2022 Aurora 950 SXR 8x8 Tundra ATV
Tor2016 D-Max 2022 4x4 Crew Cab Mineral White
Tray body Fabrication for D-Max Dual Cab
Kubota RTV X1120DW2 2 seat 25 HP
Trailer
22 D-Max 4x4 Bull Bar and fittment
SP Tools SP50176 407 piece Metric & SAE and 14 drawer roller cabinet

Attachment 7. Submission to Department of Primary Industries

Dear Mr Charlton,

Purpose

The purpose of this submission is to seek the Department of Primary Industries endorsement of a proposal to dissolve the New England County Council and transfer its responsibilities under the Biodiversity Act 2016 to the constituent Councils. Those Councils being Glen Innes Severn Council, Armidale Regional Council, Uralla Shire Council and Walcha Council.

The formal proposal will be submitted to The Minister for Local Government in accordance within section 383(1) of the Local Government Act.

Background

The New England County Council (NECC), trading as New England Weeds Authority, is a Local Control Authority for priority and invasive weeds under the NSW Biosecurity Act, 2016. It provides the service for the local government areas of Armidale Regional, Walcha, Uralla Shire, and Glen Innes Severn Councils.

By Government Gazette on 17th May 2024 the Minister for Local Government suspended the Board of the New England County Council (NECC) for a period of three months from the date of the gazettal.

The same Government Gazette Notice appointed John Rayner PSM as Interim Administrator for the period during which the Council is suspended by the Order.

The suspension followed serious governance and financial management failures.

The Councillors on the Board at that time retained their positions with the constituent Councils.

The appointment meant that the Interim Administrator took on the role of the Chairperson and Councillors, not the General Manager.

On 16th August 2024 the Minister for Local government extended the period of suspension of New England County Council and extended the term of appointment of the Interim Administrator to 17th November 2024. The Minister has yet to decide on whether the suspension will continue beyond 17th November, however the constituent Councils prefer that scenario.

The day-to-day operations of the New England Weeds Authority, required under the Biodiversity Act, have continued; staff operations are not directly impacted by the Suspension Orders.

Those operations are substantially financed by the constituent Councils.

Due to the state of the 2022/23 NECC Financial Statements presented for audit the Audit Office's delegate was unable to conclude on the Council's ability to continue as a going concern. It appears that if the constituent Councils continue their additional financial commitment to NECC the delegate may be able to conclude that the NECC has the ability to continue as a going concern.

It is planned that the financial contributions from the constituent Councils will be reimbursed following the sale of the new and unoccupied NECC depot/office which has been listed for sale.

The financial backing of the constituent Councils cannot continue for ever. To date these financial contributions, which are additional the normal annual contribution, total \$1.2m and should finance NECC to the end of December 2024.

Decisions of the Constituent Councils

Through July 2024 each of the constituent Councils resolved unanimously that the NECC be dissolved.

In October 2024 each Council considered a recommendation to submit a proposal under Sec 383 (1) of the Local Government Act to the Minister for Local Government to dissolve the NECC.

The decisions taken by the Councils follow.

Glen Innes Severn Council 24th October 2024, Unanimous decision

1 That the report be received and noted.

2 That, in conjunction with the Armidale Regional Council, Uralla Shire Council, and Walcha Council, Council prepares a joint Proposal to the Minister for Local Government to dissolve the New England County Council.

3 That the Proposal include the transfer of responsibilities under the Biosecurity Act from the New England County Council to the four constituent Councils.

4 That Council works with the other constituent Councils, New England County Council and the Office of Local Government to achieve the earliest possible date for the transfer of Biodiversity Act Responsibilities.

5 That Council advises the Audit Office NSW of its commitment to provide financial assistance to provide a commitment to the financial sustainability of the New England County Council until it is dissolved.

Armidale Regional Council 23rd October 2024, Unanimous decision

That Council:

1. Receives and notes the report.

2. In conjunction with the other constituent Councils (namely Walcha, Uralla and Glen Innes), a joint Proposal be prepared to the Minister for Local Government to dissolve the New England County Council which includes the requirements of the Office of Local Government (OLG).

3. Includes in the proposal in (2) above, the transfer of responsibilities under the Biosecurity Act from the New England County Council to the four constituent Councils.

4. Authorises the 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.

5. Endorses the proposal for Armidale Regional Council to resume standalone biosecurity services with the potential for an MOU with Uralla Shire Council and other Councils, to be reviewed by the General Manager.

6. Advises the Audit Office NSW of Council's commitment to continue to provide financial assistance to ensure the financial sustainability of the New England County Council until it is dissolved.

Uralla Shire Council 22nd October 2024, Unanimous decision

That Council:

1 Receives and notes the report.

2. In conjunction with the other constituent Councils (namely Walcha, Armidale and Glen Innes), prepares a joint proposal to the Minister for Local Government to dissolve the New England County Council and include the requirements of the Office of Local Government (OLG).

3. Includes in the proposal in (2) above, the transfer of responsibilities under the Biosecurity Act from the New England County Council to the four constituent Councils.

4. Authorises the 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.

5 Endorses the proposal for Uralla Council to resume standalone biosecurity services with the potential for an MOU with Walcha Council and other Councils to be reviewed by the General Manager.

6 Advises the Audit Office NSW of Council's commitment to continue to provide financial assistance to ensure the financial sustainability of the New England County Council until it is dissolved.

7. Notes a further report will be provided if additional financial assistance is required pending the Minister's determination

Walch Council 30th October 2024, Unanimous decision

That Council:

1 In conjunction with the other constituent Councils, Uralla Shire, Armidale Regional & Glen Innes Severn, prepares a joint proposal to the Minister for Local Government to dissolve the New England (Noxious Plants) County Council and include:

c) The requirements of the Office of Local Government;

d) The transfer of responsibilities under the Biosecurity Act from the New England (Noxious Plants) County Council to the four constituent Councils;

2. Authorises the General Manager to work with the other constituent Councils, the New England (Noxious Plants) 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.

3. Endorses the proposal for Walcha Council to resume a standalone biosecurity services with the potential for a MOU with Uralla Shire Council and other Councils to be reviewed by the General Manager.

4. Advises the Audit Office NSW of Council's commitment to continue to provide financial assistance to ensure the financial sustainability of the New England (Noxious Plants) County Council until it is dissolved.

5 NOTE a further report will be provided if additional financial assistance is required pending the Minister's determination.

Review of Current Service and Future delivery options

A consultant was engaged by the NECC and the constituent Councils to inform the Councils on current operations and recommend future service delivery options.

The review is of value in understanding the current operation of NECC, where efficiencies can be achieved and how these can be transferred to a future operating model.

The review focused on

- identifying desired outcomes and whether they are currently being met or not.
- the value and return provided by each classification of employee
- whether the staff numbers in the streams of biosecurity and weed spraying are appropriate
- whether the current zones to which the biosecurity officers are attached are satisfactory
- comparing in-house costs, and benefits/disadvantages for weed spraying against contract spraying

The review made a number of recommendations to best meet Council obligations under the NSW Biosecurity Act across the New England County Council region, including:

- Walcha Shire and Uralla Shire Council's coordinate the completion of biosecurity management services as a joint venture;
- Armidale Regional Council complete biosecurity management services for its region; and
- Glen Ines Severn Council complete biosecurity management services for its region, with a view to establishing a joint venture with Tenterfield Shire Council in completing biosecurity management services.

However, for the purposes of the proposal to the Minister each Council would undertake biosecurity responsibilities in their own area and future joint arrangements would be explored over time.

Legal Obligations - Employees

The Local Government Act specifies arrangements for council staff affected by the constitution, amalgamation or alteration of Council areas.

Generally, the Act provides:

- There can be no forced redundancy of affected staff members during the proposal period
- If a staff transfer occurs employment continues on the same terms and conditions that applied to the staff member immediately before the transfer day
- Accrued rights of a staff member such as leave and superannuation are not affected by the transfer
- There can be no forced redundancy of a transferred staff member for three years.

Benefits of Proposal

Having,

- observed behaviours and recent performance,
- considered information from a range of sources including Audit Office NSW and
- taking into account the NECC size in terms of staff and budget,

as Interim Administrator, I do not believe such a small Council can meet its legal, governance and financial management requirements and obligations.

On the other hand, the constituent Councils have advantages to ensure success after the transfer

- Councils will have greater oversight of the activities and outcomes of biosecurity management in their respective areas.
- Councils will have experienced biosecurity staff to meet their obligations.
- The constituent Councils are able to meet governance and financial management requirements.
- Each Council has physical resources plus systems and support services such as strength of governance and compliance, risk management, training, and financial management

In particular each Council can respond to the transfer as follows.

Glen Innes Severn Council

Governance and Management

Council representatives identified that they recently employed a Waste and Environmental Management Officer who has experience with the Biosecurity Act. Additionally, the Council already has compliance-based activities and resources, and as such has the ability to establish the required compliance frameworks for the enforcement of the Biosecurity Act.

Resources

The Council does not have any dedicated resources, and would be required to consider current NEWA resources should an own Council model occur. This would include, at a minimum, a Biosecurity Officer and associated vehicle.

Facilities	At present, NEWA is utilising an old Council depot in Deepwater for use by a Biosecurity Officer, who has largely completed activities within the Shire already. As such, the Council has facilities to completed the required duties.
Training, financial, and risk management	The Council doesn't have any Biosecurity Act specific training, however would look to utilise training provided through current NEWA providers. Additionally, leverage off LLS and DPI for ongoing training. Financial management would be assumed within Council's current finance function, with no expectation of additional resources. Risk management activities would be assumed by current Council resources, with the Council's ARI Assuming ultimate oversight

Armidale Regional Council

Area	Details
Governance and Management	Council representatives identified that should the Biosecurity Act responsibilities be brought back within Council, the area would be formed back within the Council's current compliance team. This team is established for administering compliance-based activities, and as such has the ability to incorporate the required compliance frameworks for the enforcement of the Biosecurity Act.
Resources	The Council does not have any dedicated resources, and would be required to consider current NEWA resources should an own Council model occur. This would include, at a minimum, a Biosecurity Officer and associated vehicle. There could also be a need for spray operators, with the Council already utilising NEWA for private spraying
Facilities	The operations of NEWA are already established within the Council's depot, and as such the Council has the facilities.
Training, financial, and risk management	The Council doesn't have any Biosecurity Act specific training, however would look to utilise training provided through current NEWA providers. Additionally, leverage off LLS and DPI for ongoing training. Financial management would be assumed within Council's current finance function, with no expectation of additional resources. Risk management activities would be assumed by current Council resources, with the Council's ARIC assuming ultimate oversight.

Uralla Shire Council

Area	Details
Governance and Management	<p>Council representatives identified that should the Biosecurity Act responsibilities be brought back within Council, the role would report directly through the Environmental Officer.</p> <p>Additionally, the Council already has compliance-based activities and resources, and as such has the ability to establish the required compliance frameworks for the enforcement of the Biosecurity Act.</p>
Resources	<p>The Council does not have any dedicated resources, and would be required to consider current NEWA resources should an own Council model occur. This would include, at a minimum, a Biosecurity Officer and associated vehicle.</p> <p>Additionally, there could be capacity within the Parks and Gardens team to assume some spraying responsibilities.</p>
Facilities	<p>Council representatives noted that the Biosecurity Officer could be located at the Council's Depot. While at present the facilities may not be tailored to meet Biosecurity Act operations, they would be sufficient. Additionally, the Council has flagged the completion of a full masterplan for the Depot, which would incorporate any additional needs for the Biosecurity Officer and operations.</p>
Training, financial, and risk management	<p>The Council doesn't have any Biosecurity Act specific training, however would look to utilise training provided through current NEWA providers. Additionally, leverage off LLS and DPI for ongoing training.</p> <p>Financial management would be assumed within Council's current finance function, with no expectation of additional resources.</p> <p>Risk management activities would be assumed by current Council resources, with the Council's ARIC assuming ultimate oversight.</p>

Walcha Council

Area	Details
Governance and Management	<p>Council representatives identified that should the Biosecurity Act responsibilities be brought back within Council, the area would be formed back within the Council's structure.</p> <p>Additionally, the Council already has compliance-based activities and resources, and as such has the ability to establish the required compliance frameworks for the enforcement of the Biosecurity Act.</p>
Resources	<p>The Council does not have any dedicated resources, and would be required to consider current NEWA resources should an own Council model occur. This would include, at a minimum, a Biosecurity Officer and associated vehicle.</p> <p>Additionally, there could be capacity within the Parks and Gardens team to assume some spraying responsibilities.</p>
Facilities	<p>Council representatives noted that the Biosecurity Officer could be located at the Council's Depot. There is current excess office space at the depot, and wash bay facilities for equipment maintenance and cleaning. Additionally, the Council has flagged the completion of a full masterplan for the Depot, which would incorporate any additional needs for the Biosecurity Officer and operations.</p>
Training, financial, and risk management	<p>The Council doesn't have any Biosecurity Act specific training, however would look to utilise training provided through current NEWA providers. Additionally, leverage off LLS and DPI for ongoing training.</p> <p>Financial management would be assumed within Council's current finance function, with no expectation of additional resources.</p> <p>Risk management activities would be assumed by current Council resources, with the Council's ARIC assuming ultimate oversight.</p>

Conclusion

Due to previous governance and financial management failures and with little potential to meet contemporary requirements, the Interim Administrator and the constituent Councils strongly believe the New England County Council should be dissolved. The constituent Councils believe they will be better served by assuming Biosecurity Act responsibilities for their own local government areas.

Support from the Department of Primary Industries will strengthen the proposal from the region to improve biosecurity services.

The Department's formal endorsement of the proposal is sought. This endorsement will form part of the submission to the Minister for local Government

John Rayner
Interim Administrator
New England County Council
0414193744

Attachment 8. Records Transfer Plan

Electronic Records

Record Type	Location / Software	Transfer Plan
Biosecurity Inspections	Chartis Technology	Can be split by Chartis so each Council holds their own biosecurity data
Copies of financial documents, staff files, Minutes from 2015 onwards and other NEWA records	Sharepoint	To be Transferred to other Council's sharepoint – Liaise with Roberts and Morrow
Current Financial records	Xero	To be Transferred to other Council – Liaise with Roberts and Morrow
Previous years financial records	MYOB	To be Transferred to other Council – Liaise with Roberts and Morrow
Pre starts and Incident reports	Statecover Portal /Don Safe	To be Transferred to other Council – Liaise Statecover
Emails	Outlook	To be transferred – Liaise with Roberts and Morrow

Hard Copy Records

Record Type	Location	Transfer Plan
NEWA Minute Books from 1947 -2015	NEWA store room	Transfer to state Archives
Gazettal Notices	NEWA store room	Transfer to state Archives
Register of Disclosures	NEWA store room	Transfer to state Archives
Vehicle Rego papers and CTP	GM's office	To be passed on to Council that will hold the asset
Spray books	NEWA Depot	To be archived in accordance with GA39 General Retention and Disposal Authority – Local Government Records
Staff files (old not current staff)	NEWA File cabinet in meeting room	To be archived in accordance with GA39 General Retention and Disposal Authority – Local Government Records

Record Type	Location	Transfer Plan
Bank reconciliation, Payroll, Super and accounts payable 2017 -2 021	NEWA store room	To be archived in accordance with GA39 General Retention and Disposal Authority – Local Government Records
Project files / Grants Folders	NEWA store room	To be archived in accordance with GA39 General Retention and Disposal Authority – Local Government Records
Weeds Actions Plans 2014 -2020	NEWA store room	To be archived in accordance with GA39 General Retention and Disposal Authority – Local Government Records
Maps / Map rolls	NEWA store room	To be archived in accordance with GA39 General Retention and Disposal Authority – Local Government Records
Work Diaries	NEWA store room	To be archived in accordance with GA39 General Retention and Disposal Authority – Local Government Records
Weed Spraying Register	NEWA store room	To be archived in accordance with GA39 General Retention and Disposal Authority – Local Government Records
General Penalty Notice Books	NEWA store room	To be archived in accordance with GA39 General Retention and Disposal Authority – Local Government Records
Newspaper Clippings	NEWA store room	To be archived in accordance with GA39 General Retention and Disposal Authority – Local Government Records
Old Laptops and Hard drives	NEWA store room	To be archived in accordance with GA39 General Retention and Disposal Authority – Local Government Records
Vehicle, plant and equipment Quotes and tenders	NEWA store room	To be archived in accordance with GA39 General Retention and Disposal Authority – Local Government Records