



LOCAL GOVERNMENT ACT 1993 - SECT 218CA

Maintenance of staff numbers in rural centres

218CA Maintenance of staff numbers in rural centres

(1) This section applies to a council (the **"transferee council"**)--

(a) that is constituted as a result of the amalgamation of two or more areas, where the council of one of those areas (the **"previous council"**) employed [regular staff](#) at a [rural centre](#) in the area of the transferee council immediately before the amalgamation took effect, or

(b) whose geographical area is increased as a result of the alteration of the boundaries of two or more areas, where a council (the **"previous council"**) whose geographical area is reduced as a result of the alteration employed [regular staff](#) at a [rural centre](#) in the area of the transferee council immediately before the alteration took effect.

(2) The transferee council must ensure that the number of [regular staff](#) of the council employed at the [rural centre](#) is, as far as is reasonably practicable, maintained at not less than the same level of [regular staff](#) as were employed by the previous council at the centre immediately before the amalgamation or alteration of boundaries took effect.

(3) Subsection (2) does not have effect, or ceases to have effect, in such circumstances (if any) as are prescribed by the regulations.

(4) In this section--

"regular staff" of a council means--

(a) staff appointed to a position within the organisational structure of the council, otherwise than on a temporary basis, and

(b) casual staff who are engaged by the council on a regular and systematic basis for a sequence of periods of employment during a period of at least 6 months and who have a reasonable expectation of continuing employment with the council,

but does not include the general manager.

"rural centre" has the meaning given by [section 354B](#).

Staff numbers in rural centres

Section 218CA of the Act requires new councils to ensure that the number of 'regular staff' of the council employed at a 'rural centre' is, *as far as is reasonably practicable*, maintained at the same level as were employed by the previous council at the centre immediately before the amalgamation or alteration of boundaries took effect. This provision applies beyond the Establishment and Protection Phase and impacts the ongoing operations of the amalgamated or new council.

A **rural centre** is defined as a centre of population of 5,000 people or fewer. It may also include a geographical area that is prescribed, or is of a kind prescribed, by regulation as being a rural centre, but at present no such regulation is in force. Lack of a more precise definition of 'rural centre' can create problems (see section 3.3 below).

The **regular staff** of the council includes all appointments made within the organisational structure of the council, as well as casual staff who are engaged by the council on a regular and systematic basis for a sequence of periods of employment during a period of at least 6 months, and who have a reasonable expectation of continuing employment with the council. It does not include temporary appointments or senior staff (see section 3.3 below).

SCHEDULE E

Land to be included in the Upper Hunter Shire Local Government Area

Area about 7349.32 square kilometres: Commencing at the junction of Dart Brook with the Hunter River; and bounded thence by that river upwards to the north-western corner of portion 123, Parish of Russell, county of Durham; by a line along the northern boundary of that portion and the northern boundary of portion 122 easterly to a point about 15 chains east of the south-western corner of portion 128; by a line north-easterly to the southernmost corner of portion 131; by the generally south-eastern boundary of that portion and portion 132 generally north-easterly to the easternmost south-eastern corner of the latter portion; by a line easterly to the northern-most corner of portion 82; by part of the generally southern boundary of 135 generally easterly to the south-eastern corner of that portion; by the southernmost boundary and the generally south-eastern boundary of portion 120 and the generally south-eastern boundary of portion 83 easterly and generally north-easterly to the southern boundary of portion 44; by part of the southern boundary of that portion, the southern boundary of portion 42, the southern boundary and part of the eastern boundary of portion 41 and the southern boundary of portion 7, easterly, northerly and again easterly to the western boundary of portion 150, Parish of St. Aubins; by part of that boundary and the southern boundary of that portion and the southern boundary of portion 149, southerly and easterly to the south-eastern corner of the latter portion; by the generally southern boundary of portion 164, the south-western and south-eastern boundaries of portion 26 and the generally northern boundary of portion 146, generally easterly to the western boundary of portion 12; by part of that boundary, the northern boundary of that portion and a line along the northern boundary of portions 13 and 14, northerly and easterly to the western boundary of portion 266, Parish of Tudor; by part of that boundary and a line along the southern boundary of that portion southerly and easterly to the south-western boundary of portion 268; by a line along the south-western boundary of portions 268, 271 and 272 and the southern boundary of the lastmentioned portion, south-easterly and easterly to the south-eastern corner of the said portion 272; by part of the eastern boundary of that portion and a line along the southern boundary of portions 276, 280 and 283, northerly and easterly to the north-western corner of portion 287; by a line along the western, southern and eastern boundaries of portion 287, southerly, easterly and northerly to the north-western corner of portion 295; by a line along the northern and eastern boundaries of that portion easterly and southerly to the northern boundary of portion 298; by a line along that boundary easterly to the western boundary of portion 319; by part of that boundary and the western boundary of portion 320 southerly to the south-western corner of the latter portion; by the southern boundary of that portion easterly; by the westernmost, the northern and north-eastern boundaries of 302, Parish of Foy and the north-eastern boundaries of portions 301, 300 and 299, northerly and generally south-easterly to the westernmost boundary of portion 80, Parish of Rosamond; by the range dividing the waters of Fal Brook and Davis Creek through portion 80 generally north-easterly to the easternmost boundary of that portion; again by that range forming the south-eastern boundary of the said Parish of Rosamond generally north-easterly to the Mount Royal Range; by that range generally northerly to the source of the Manning River; by that river downwards to its confluence with Kangaroo Creek; by that creek upwards to the south-western corner of portion 113, Parish of Myra, county of Hawes; by a line along the western boundary of that portion and portions 107 and 10 northerly to Pigna Barney River; by that river upwards to the south-western corner of portion 28, Parish of Curricabark; by a line along the western boundary of that portion, the westernmost boundary of portions 29 and 19 and the western boundary of portion 37 of the said Parish of Curricabark, the westernmost boundary of portion 37, Parish of Mernot, and the western boundary of portion 36 northerly to McKenzies Creek; by that creek downwards to its confluence with the Barnard River at the north-western corner to portion 23; by a line north-easterly to the south-western corner of portion 8, Parish of Hall; by a line along the western boundary of that portion northerly to Tuggolo or Lawsons Creek; by that creek upwards to the northernmost corner of portion 7 of the said Parish of Hall; by a western, a northern and the westernmost boundary of that portion, southerly, westerly and again southerly to the Barnard River; by that river upwards to the north-western corner of portion 10, Parish of Barry; by a line along the western boundary of that portion southerly to Ben Halls Creek; by that creek upwards to the northern boundary of portion 13; by part of that boundary westerly to the north-western corner of the said portion 13; by part of the western boundary of the said Parish of Barry generally southerly to the southernmost corner of portion 34, Parish of Yeerawun; by part of the generally northern boundary of the County of Brisbane, generally westerly, part of the generally western boundary of Lot 222, DP 750952, generally easterly and generally southerly, the generally north-eastern, the generally south-eastern and part of the generally south-western boundaries of Lot 1, DP 732462, generally south-easterly, generally south-westerly and generally north-westerly, the generally eastern and the generally southern boundaries of Lot 2, DP 732462, generally southerly and generally westerly to the generally northern boundary of the County of Brisbane, aforesaid; by that boundary and the generally northern boundary of the County of Bligh generally westerly to the generally north-western boundary of Portion 26, Parish of Moan, County of Bligh; by that boundary, the western and the southmost southern boundaries of that portion and its prolongation, generally south-westerly, southerly and easterly to the Munmurra River; by that river, downwards to the western prolongation of the northern boundary of Lot 1, DP 779029, by that prolongation, boundary and the generally north-eastern and part of the southern boundaries of that lot, easterly, generally south-westerly and westerly, the generally eastern boundary of Lot 3, DP 184405, generally southerly, and the generally south-eastern boundaries of Lot 1, DP 384909, Lots 33 and 34, DP 131506, generally south-westerly, by a line, south-easterly to the south-eastern side of the road running through Lot 1, DP 381806; by that side of that road, generally south-westerly to the western boundary of Lot 1, DP 381806; by part of that boundary and the western boundary of Lot 1, DP 131801, southerly, the western and part of the southern boundaries of Portion 88, Parish of Nagora, southerly and westerly to the north-eastern prolongation of the south-eastern side of the road running through Portion 113; by that prolongation and side of road, generally south-westerly to the south-western corner of Portion 219, Parish of Bellaleppa; by a line south-westerly to the north-eastern corner of Lot 3, DP 232743; by the generally northern boundary of that lot, generally westerly, part of the generally eastern boundary of the Parish of Borambil, generally southerly to the generally north-eastern side of the Golden Highway; by that side of that highway, generally north-easterly to Borambil Creek; by that creek, Munmurra

River, aforesaid, and Goulburn River downwards to the north-western corner of portion 25, Parish of Dangar, county of Brisbane; by a line along the northern boundary of portions 25 and 26 and the western boundary of portion 29, easterly and northerly to the range forming the generally eastern watershed of Smith's Rivulet of Merriwa Creek; by that range generally north-easterly to the range forming the generally south-western watershed of Worondi Rivulet; by the latter range generally south-easterly to the northernmost corner of portion 93; by the generally north-eastern boundary of that portion and part of the northern boundary of portion 88 generally south-easterly and easterly to the western boundary of portion 38, Parish of Wickham; by part of the western, the northern and part of the eastern boundary of that portion northerly, easterly and southerly to the north-western corner of portion 50; by the northern boundary of that portion, part of the western boundary and the northern boundary of portion 305, easterly, northerly and again easterly to the western boundary of portion 61; by a line along that boundary northerly to the southern boundary of portion 353; by part of that boundary and the southernmost boundary of portion 235 westerly to the south-western corner of the lastmentioned portion; by the generally western and northern boundaries of the said portion 235, generally northerly and easterly to the western boundary of portion 354; by part of that boundary and a line along the northern boundary of portion 354; northerly and easterly to the western boundary of portion 32; by part of that boundary northerly to the south-eastern corner of portion 249; by boundaries of that portion generally westerly, northerly and easterly to the western boundary of portion 126; by a line along the western boundary of that portion northerly to the southern boundary of portion 131; by part of the southern boundary and the western boundary of that portion westerly and northerly; by a line along the northern boundary of portions 131, 47 and 33 easterly to the south-western corner of portion 312; by the western boundary of that portion northerly to the southern boundary of portion 222; by boundaries of that portion westerly, northerly and easterly to the south-western corner of portion 213; by boundaries of portion 213 northerly and easterly to the western boundary of portion 185; by part of that boundary and a line along the western and northern boundaries of portion 184, northerly and easterly to a point south of the south-eastern corner of portion 138; by a line along the eastern boundary of portion 138 northerly to Gungal or Halls Creek; by that creek upwards to the south-western corner of portion 9, Parish of Myrabluan; by the southern boundary of that Parish generally easterly to Wybong Creek; by that creek downwards to the south-western corner of portion 4 Rem, Parish of Guan Gua; by a line along the southernmost boundary of that portion easterly to the south-western corner of portion 1, Parish of Halscot; by the southern boundary of that Parish and the Parish of Strathearn generally easterly to Dart Brook; and by that brook downwards to the point of commencement.

1 Definitions

In this Schedule:

clause means a clause in this schedule.

Director General means the Director General of the Department of Local Government.

former Area means any or all of the following:

- that part of the former Area of Upper Hunter Shire which, by this Proclamation, is constituted as the Upper Hunter Shire Council
- that part of the former Area of Merriwa which, by this Proclamation, is constituted as the Upper Hunter Shire Council

former Council means any of the former Councils of the Upper Hunter Shire or Merriwa Shire.

Minister means the Minister for Local Government.

new Area means the Area of Upper Hunter Shire.

new Council means the Upper Hunter Shire Council.

proclamation date means 26 May 2004.

the Act means the Local Government Act 1993.

2 First election

- (1) The date of the first election of the Councillors of the new Council is 25 September 2004.
- (2) Unless otherwise required by the Act or the context, the provisions relating to ordinary elections shall be taken to apply to the first election of the Councillors.
- (3) For the purposes of:
 - (a) the entitlements of persons to be enrolled as electors for the new Area and to vote at the election, and
 - (b) the entitlements of persons to be nominated for election as Councillors for the new Area at the election, and
 - (c) the conduct of the election by the State Electoral Commissioner, and
 - (d) any other matter relating to the election,the new Area is taken to have been constituted on the date of publication of this proclamation.

3 Administration of new Council for interim period

- (1) For the interim period between 26 May 2004 and the declaration of the first election, one Administrator is appointed and is the Honourable John Jobling to direct and control the affairs of the new Council.
- (2) If the Honourable John Jobling declines to be appointed as the Administrator, then the Minister may appoint an alternate person as the Administrator.
- (3) The Administrator will be paid \$34,000 per annum on a pro-rata basis for the interim period.
- (4) Any matters before the new Council with respect to the local development process or any other matter in which the Administrator has a pecuniary interest within the meaning of the Local Government Act 1993 is to be determined by a substitute Administrator appointed by the Minister for that limited purpose.
- (5) The Administrator is to complete and lodge with the Acting General Manager within 21 days, a disclosure of interests written return in accordance with Chapter 14, Part 2, Division 2 of the Act in the form prescribed by the regulations.
- (6) For the purposes of the Local Government Act 1993, the Administrator does not hold an office or a position of profit under the new Council.

4 Appointment of Acting General Manager

- (1) The Acting General Manager of the new Area shall be Mr Daryl Dutton (former Acting General Manager of the former Upper Hunter Shire Council) commencing on 26 May 2004 until the first meeting of the new Council held after the first election.
- (2) The Acting General Manager of the new Council may be confirmed as the General Manager at the first meeting following the first election, or otherwise recruitment processes commenced.
- (3) If the new Council resolves to commence recruitment processes for a General Manager, the term of the Acting General Manager named in subclause (1) is extended until the General Manager commences with the new Council.

5 Number of Councillors

- (1) The number of Councillors to be elected to the new Council at its first election is nine (9).
- (2) Subclause (1) does not limit the power of the new Council to re-determine, after the first election the number of its Councillors under section 224 of the Act.

6 Ward Structure

- (1) The new Council shall not be divided into wards for the first election.
- (2) Nothing in subclause (1) limits the power of the new Council following the first election to hold a constitutional referendum to obtain approval to divide its Area into wards in accordance with Division 1 of Part 1 of Chapter 9 of the Act.

7 Election of Mayor following the first election

- (1) The Mayor of the new Council is to be elected by the Councillors as referred to in sections 227(a), 282 and 290 (1) (c) of the Act at the new Council's first meeting following the first election.
- (2) Nothing in subclause (1) limits the power of the new Council following the first election to hold a constitutional referendum to determine the basis on which the Mayor attains office in accordance with Division 2 of Part 2 of Chapter 9 of the Act.

8 Appointment of the General Manager and other senior staff

The operation of this clause and clause 4 is not to be regarded as a breach of contract between a former Council or the new Council and a senior staff member (including a General Manager).

9 Activities of former Councils

- (1) Anything that was done or omitted to be done by a former Council and that had effect immediately before the proclamation date continues to have effect as if it had been done or omitted to be done by the new Council.
- (2) Anything that was commenced by a former Council may be completed by the new Council as if it had been commenced by the new Council.
- (3) Without limiting subclause (1) any approval, order or notice that was given or made by a former Council, and that had effect immediately before the proclamation date, continues to have effect as if it had been done or made by the new Council.

10 Delegations

- (1) Any delegation from a former Council that was in force immediately before the proclamation date is taken to be a delegation from the new Council and may be revoked or amended accordingly.
- (2) Subclause (1) ceases to have effect when the new Council adopts new delegations under the relevant provisions of the Act.

11 Codes, policies and plans

- (1) The following policies and plan of the new Council are, as far as practicable, to be a composite of the corresponding policies and plans of each of the former Councils:
 - (a) local policies for approvals and orders (Part 3 of Chapter 7),
 - (b) management plan (Part 2 of Chapter 13).
 - (c) social or community plan (clause 30 of the Local Government (General) Regulation 1999).
- (2) Where the former councils do not have a current social or community plan as referred to in subclause (1)(c), the new Council shall adopt a new plan in accordance with the Guidelines, within a reasonable period determined by the Director General.
- (3) Each of the following codes, policies and plans of the former Upper Hunter Shire Council apply, as far as practicable, to the new Council:
 - (a) code of conduct (section 440),
 - (b) code of meeting practice (Division 1 of Part 2 of Chapter 12),
 - (c) expenses and facilities policy (Division 5 of Part 2 of Chapter 9),
 - (d) EEO management plan (Part 4 of Chapter 11).
- (4) Subclauses (1) & (3) cease to have effect in relation to a code, policy or plan of the new Council when the new Council adopts a new code, policy or plan under the relevant provisions of the Act.

12 Fees

- (1) The annual fee paid to each Councillor of the new Council and the annual fee paid to the Mayor of the new Council is to be equal to the highest of the corresponding fees paid by the former Councils.
- (2) Subclause (1) ceases to have effect in relation to an annual fee when the new Council fixes the annual fee in accordance with the appropriate determination of the Local Government Remuneration Tribunal.

13 Organisation Structure

The initial organisation structure of the new Council is, as far as practicable, to be a composite of the organisation structures of each of the former Councils.

14 Transfer of Senior Staff

- (1) Any position that, immediately before the proclamation date, was a senior staff position of:
 - (a) the former Upper Hunter Shire Council is transferred to the Council of the Area of Upper Hunter Shire.
 - (b) the former Merriwa Shire Council is transferred to a Council of the Areas of the Upper Hunter Shire or Mid-Western Regional as determined by agreement between the new Councils of the Areas of the Upper Hunter Shire or Mid-Western Regional.
- (2) The senior staff of each former Council are taken to be the senior staff of the new Council or Mid-Western Regional Council as determined with reference to subclause (1).
- (3) This clause ceases to have effect when a new organisation structure is determined by the new Council under Part I, Chapter 11 of the Act.
- (4) A senior staff member of a former Council can be confirmed in a senior staff position in the new Council, that has an equivalent level of responsibility and remuneration, when the organisation structure is determined by the new Council in accordance with subclause (3), or otherwise recruitment processes commenced.

15 Transfer of other staff

- (1) It is intended that the making of any determinations as to the transfer of staff (other than senior staff) by virtue of the constitution of the new Areas made in this proclamation is to be in accordance with this clause:
 - (a) Each member of staff of the former Upper Hunter Shire Council (a transferred staff member) is transferred to the Council of the Area of Upper Hunter Shire.

- (b) Each member of staff of the former Merriwa Shire Council (a transferred staff member) is transferred to the Council of the Areas of Upper Hunter Shire or Mid-Western Regional as determined by agreement between the Councils of the Areas of Upper Hunter Shire or Mid-Western Regional.
- (2) Section 218CA (maintenance of staff numbers in rural centres) and Part 6, Chapter 11 of the Act (employment protection) applies to the employment of a transferred staff member.

16 Transfer of assets, rights and liabilities

- (1) It is intended that the making of any determinations as to the transfer of assets, rights and liabilities of the former Councils by virtue of the constitution of the new Area made in this proclamation is to be in accordance with this clause:
 - (a) The assets, rights and liabilities of the former Upper Hunter Shire Council are transferred to the Council of the Area of Upper Hunter Shire.
 - (b) The assets, rights and liabilities of the former Merriwa Shire Council are transferred to the Councils of the Areas of Upper Hunter Shire or Mid-Western Regional as determined by agreement between the new Councils of the Areas of Upper Hunter Shire or Mid-Western Regional.
- (2) The following provisions have effect in relation to any assets, rights or liabilities that are transferred by operation of subclause (1):
 - (a) The assets of the former Councils vest in the new Council by virtue of this clause and without the need for any further conveyance, transfer, assignment or assurance.
 - (b) The rights or liabilities of the former Councils become, by virtue of this clause, the rights and liabilities of the new Council.
 - (c) All proceedings relating to the assets, rights or liabilities commenced before the transfer by or against the former Councils or a predecessor of any of the former Councils, and pending immediately before the transfer, are taken to be proceedings pending by or against the new Council.
 - (d) Any act, matter or thing done or omitted to be done in relation to the assets, rights or liabilities before the transfer by, to or in respect of the former Councils or a predecessor of any of the former Councils (to the extent to which that act, matter or thing has any force or effect) is taken to have been done or omitted by, to or in respect of the new Council.
 - (e) Anything that was commenced by a former Council and uncompleted at the proclamation date may be completed by the new Council as if it had been commenced by the new Council. This includes but is not limited to any application for approval or consent under the Act or any other Act.
 - (f) In so doing, the new Council must make any determinations required to be made in accordance with any relevant code, policy or plan of the relevant former Council, until such time as the new Council makes a new code, policy or plan in relation to that matter in accordance with the Act or any other Act.
 - (g) Anything that was done by a former Council, and that had effect immediately before the proclamation date, or that was commenced by a former Council and completed by the new Council as a result of this proclamation, continues to have effect and may be enforced by the new Council as if it had been done by the new Council.
 - (h) Without limiting subclause (2)(g) any approval, order or notice that was given or made by a former Council, and that had effect immediately before the proclamation date, continues to have effect and for all the purposes of the Act or any other Act shall be deemed to have been given or made by the new Council.
 - (i) Any decision of the Land and Environment Court in an appeal from a decision of a former Council, determined by the Court after the proclamation date, shall be deemed to be a decision of the new Council.
- (3) In this clause:

Assets means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description (including money), and includes securities, streams of income, choses in action and documents.

Liabilities means any liabilities, debts or obligations (whether present or future and whether vested or contingent) and includes liabilities relating to criminal acts.

Rights means any rights, powers, privileges or immunities (whether present or future and whether vested or contingent).

17 General provisions with respect to transfers

- (1) A transfer affected by this Schedule takes effect on the proclamation date.
- (2) The Minister may, by notice in writing, confirm a transfer affected by this Schedule.
- (3) Such a notice is conclusive evidence of the transfer.

18 Effect of transfer on third party rights

- (1) The operation of clause 16 (Transfer of assets, rights and liabilities) is not to be regarded:
 - (a) as an event of default under any contract or other instrument, or
 - (b) as a breach of contract or confidence or otherwise as a civil wrong, or
 - (c) as a breach of contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or
 - (d) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability.
- (2) No attornment to the new Council by a lessee from a former Council is required in relation to a transfer affected by clause 16.
- (3) No compensation is payable to any person or body in connection with a transfer affected by clause 16.
- (4) Subclause (3) does not affect the rights of any person or body in connection with the early termination of a contract between a former Council and that person or body.

19 Reports and reviews of the new Council

- (1) A duty of the new Council under any Act, including a duty to report or review, which relates to a period before the proclamation date, is to be performed by reference to the former Areas and the former Councils as appropriate.
- (2) Until 30 June 2004 the records and statutory reporting of the new Council are to be kept as a continuation of the records and statutory reports of each of the former Councils and the new Council's financial transactions are to be apportioned between the various accounting records in such a manner as the new Council determines.
- (3) The new Council's financial and statutory reports for the year ended 30 June 2004 are to be prepared in the form of separate reports for each set of records of the former Councils for the whole of that year.

20 Auditor

The Auditor, Stockfords will be the Auditor of the new Council unless the new Council appoints another Auditor in accordance with Division 3 of Part 3 of Chapter 13 of the Act.

21 References to former Areas and Councils

In any Act, in any instrument made under any Act or in any document of any kind:

- (1) A reference to any of the former Areas, or to a predecessor of any of the former Areas, is taken to include a reference to the new Area and is to be read as a reference to the new Area, and
- (2) A reference to any of the former Councils, or to a predecessor of any of the former Councils, is to be taken as a reference to the new Council and is to be read as a reference to the new Council.

22 Rating Structures

- (1) The new Council's maximum general income for 2004/05 is to be determined by estimating the proportionate amount of general income for 2003/04 from land in the former Areas included in the new Area.
- (2) The new Council is to determine its rating structure taking into consideration subclause (1).
- (3) The rating structure is to be reviewed within the first year of the new Council.

23 Upper Hunter County Council

For the interim period between 26 May 2004 and the election of members of the County Council by the Upper Hunter Shire Council following the declaration of the first election, the Administrator of the new Council is entitled to two votes at meetings of the County Council.

24 Matters to be determined by Minister

- (1) In order to give effect to this proclamation, the Minister may determine from time to time any matter or thing, including, without limitation, the content of the matters set out in clause 11.
- (2) In pursuance of this clause, any matter or thing requiring determination may be referred to the Minister by the new Council or Mid-Western Regional Council.

- (3) The Minister may also determine any matter or thing that has not been referred to him by the new Council if the Minister concludes that the matter or thing cannot be determined by agreement between the new Council and Mid-Western Regional Council or if the Minister is not satisfied with any agreement reached between the aforementioned new Council and Mid-Western Regional Council, including in relation to subclauses (2) and (4) herein.
- (4) A matter to be determined by the Minister may be referred to the Director General, and/or another person or persons nominated by the Minister, for advice and recommendation, as appropriate.
- (5) The Director General and/or another person or persons nominated by the Minister, shall, if required by the Minister, convene a meeting between the new Council and Mid-Western Regional Council to assist in the determination of the matter.
- (6) The Director General and/or any person or persons nominated by the Minister under this clause, shall have regard to the Statement of Intent herein and any other principles or guidelines considered appropriate in the circumstances.

25 Statement of Intent

- (1) The Minister will consider an application made by the new Council for a Special Variation to increase its General Income.
- (2) There will be meaningful cooperation between the Councils of the Areas of Upper Hunter Shire and Mid-Western Regional in the sharing of information and agreement of all matters necessary to facilitate the provisions of this proclamation.
- (3) The Councillors of the new Council are to exercise community leadership for the whole local government area as set out in the Act.

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