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SPECIAL SUPPLEMENT

LOCAL GOVERNMENT ACT 1993 – PROCLAMATION

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of Part 1, Chapter 9 and sections 736 and 737 of the Local Government Act 1993, do, by this Proclamation, declare that the Proclamation published in the Special Supplement of the Government Gazette No 32 of 11 February 2004, amalgamating the former Areas of Cooma-Monaro, Crookwell, the City of Goulburn, Gunning, Mulwaree, the City of Queanbeyan, Tallaganda, Tumut, Yarrowlunla and Yass so as to constitute the new Areas of Cooma-Monaro, Eastern Capital City Regional, Greater Argyle, Greater Queanbeyan City, Tumut, Upper Lachlan and Yass Valley, is amended as follows:

- (a) Omit clause 2 (1) from Schedules A to G in said Proclamation and insert instead:
 - (1) The date for the first election of the Councillors of the new Council is 26 June 2004.
- (b) Insert new clauses 3 (1A) and 3 (1B) after clause 3(1) in Schedules A to G in said Proclamation:
 - (1A) 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.
 - (1B) The Administrator is to complete and lodge with the Acting General Manager by 8 April 2004, 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.
- (c) Omit clause 4 from Schedule A in said Proclamation and insert instead:

4 Appointment of Acting General Manager

- (1) The Acting General Manager of the new Area shall be Mr Neil Watt (former General Manager of the former Cooma-Monaro Shire Council) until the first meeting of the new Council held after 6 October 2004.

- (2) The Acting General Manager of the new Council can be confirmed as the General Manager of the new Council at the first meeting of the new Council held after 6 October 2004, 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.

(d) Omit clause 4 from Schedule B in said Proclamation and insert instead:

4 Appointment of Acting General Manager

- (1) The Acting General Manager of the new Area shall be Mr Robert Morgan (former General Manager of the former Yarrowlumla Shire Council) until the first meeting of the new Council held after 6 October 2004.
- (2) The Acting General Manager of the new Council can be confirmed as the General Manager of the new Council at the first meeting of the new Council held after 6 October 2004, 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.

(e) Omit clause 4 from Schedule C in said Proclamation and insert instead:

4 Appointment of Acting General Manager

- (1) The Acting General Manager of the new Area shall be Mr Don Cooper (former General Manager of the former Goulburn City Council) until the first meeting of the new Council held after 6 October 2004.
- (2) The Acting General Manager of the new Council can be confirmed as the General Manager of the new Council at the first meeting of the new Council held after 6 October 2004, 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.

(f) Omit clause 4 from Schedule D in said Proclamation and insert instead:

4 Appointment of Acting General Manager

- (1) The Acting General Manager of the new Area shall be Mr Hugh Percy (former General Manager of the former Queanbeyan City Council) until the first meeting of the new Council held after 6 October 2004.
- (2) The Acting General Manager of the new Council can be confirmed as the General Manager of the new Council at the first meeting of the new Council held after 6 October 2004, 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.

(g) Omit clause 4 from Schedule E in said Proclamation and insert instead:

4 Appointment of Acting General Manager

- (1) The Acting General Manager of the new Area shall be Mr Chris Adams (former General Manager of the former Tumut Shire Council) until the first meeting of the new Council held after 6 October 2004.
- (2) The Acting General Manager of the new Council can be confirmed as the General Manager of the new Council at the first meeting of the new Council held after 6 October 2004, 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.

(h) Omit clause 4 from Schedule F in said Proclamation and insert instead:

4 Appointment of Acting General Manager

- (1) The Acting General Manager of the new Area shall be Mr Phillip Harvey (former General Manager of the former Crookwell Shire Council) until the first meeting of the new Council held after 6 October 2004.
- (2) The Acting General Manager of the new Council can be confirmed as the General Manager of the new Council at the first meeting of the new Council held after 6 October 2004, 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.

(i) Omit clause 4 from Schedule G in said Proclamation and insert instead:

4 Appointment of Acting General Manager

- (1) The Acting General Manager of the new Area shall be Mr Greg Smith (former General Manager of the former Yass Shire Council) until the first meeting of the new Council held after 6 October 2004.
- (2) The Acting General Manager of the new Council can be confirmed as the General Manager of the new Council at the first meeting of the new Council held after 6 October 2004, 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.

(j) Insert new clause 14A after clause 14 in Schedules A to G in said Proclamation:

14A Appointment of Senior Staff

A senior staff member of a former Council can be confirmed in a senior staff position of 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 clause 14 (3), or otherwise recruitment processes commenced.

(k) Insert new Clause 20A after Clause 20 in Schedules A to G in said Proclamation:

20A Council Records and Reports

- (1) 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.
 - (2) 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.
- (l) Omit from Line 2, Clause 5 (1) of Schedule E in said Proclamation, "seven (9)" and insert instead "seven (7)".

Signed and sealed at Sydney, this 17th day of March 2004.

By Her Excellency's Command

ANTHONY KELLY, M.L.C.,
Minister for Local Government

GOD SAVE THE QUEEN!

LOCAL GOVERNMENT ACT 1993 – PROCLAMATION

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of Part 1, Chapter 9 and Part 5, Chapter 12 of the Local Government Act 1993, do, by this my Proclamation declare that, on 17 March 2004:

- (a) the Areas of Barraba, Bingara, Manilla, Murrurundi, Nundle, Parry, Quirindi, Scone, Tamworth City, and Yallaroi are amalgamated so as to constitute new Areas having the names of Gwydir, Liverpool Plains, Peel Regional and Upper Hunter as described in Schedules A to D hereto;
- (b) the land described in Schedule E hereto is taken from the Area of Gunnedah, as last described by Proclamation in Government Gazette No.125 of 16 October 1992, and transferred to the Areas of Liverpool Plains and Peel Regional, as described in Schedules B and C hereto;
- (c) the land described in Schedule F hereto is taken from the former Area of Parry, as last described by Proclamation in Government Gazette No. 64 of 3 April 1998, and transferred to the Area of Gunnedah, as described in Schedule G hereto;
- (d) the resulting boundaries of the Area of Gunnedah (after adding thereto the land described in Schedule F hereto and taking therefrom the land described in Schedule E hereto) shall be as described in Schedule G hereto;
- (e) the Central Northern County Council is dissolved with its operations subsumed into the new Areas of Liverpool Plains, Peel Regional and Upper Hunter as agreed between the new councils of these Areas in line with provisions set out in Schedules B, C and D hereto;
- (f) the North West Weeds County Council is dissolved with its operations subsumed into the new Areas of Gwydir, Peel Regional and the Area of Inverell as agreed between the Councils of these Areas in line with provisions set out in Schedules A and C hereto;
- (g) the Proclamations in force constituting or varying the constitution of the Upper Hunter County Council are amended by:
 - (i) excluding the former Scone Shire Council as a constituent Council of the County Council and by including the Upper Hunter Shire Council as a constituent Council of the County Council; and
 - (ii) providing that two persons are to be elected as members by the Upper Hunter Shire Council to the County Council's governing body.
- (h) the provisions set out in Schedules A, B, C and D hereto apply (unless another date is stated), to the new Areas effected by this Proclamation and the Areas of Gunnedah and Inverell, where applicable; and
- (i) the Orders published in Government Gazette No.1 of 2 January 2004 postponing the elections for the former Areas of Bingara, Manilla, Nundle, Parry, Tamworth City and Yallaroi are revoked.

Signed and sealed at Sydney, this 17th day of March 2004.

By Her Excellency's Command,

ANTHONY KELLY, M.L.C.,
Minister for Local Government

GOD SAVE THE QUEEN!

Schedule A**Land included in the Gwydir Local Government Area**

Area about 9,121.70 square kilometres. Commencing at the intersection at the southern prolongation of the western boundary of Portion 58, Parish of Yagobe, County of Burnett and Gwydir River: and bounded thence by that prolongation, boundary and its prolongation northerly to a point 1,750 metres north of the northwestern corner of the lastmentioned portion; by a line easterly to the southern prolongation of the western boundary of Portion 13, Parish of Bogamildi; by that prolongation northerly to the generally western boundary of Lot 2, DP 787422; by that boundary generally northerly to the generally western boundary of the County of Burnett; by part of that boundary generally northerly to the southeastern prolongation of the road forming the southwestern boundaries of Portions 7, Parish of Holmes, County of Stapleton, 41, Parish of Toongooma, 31, 28, 29, 19, Parish of Currumbah, 23, 10 and 9; by that prolongation and road northwesterly and Newell Highway northeasterly to the southwestern boundary of Portion 31, Parish of Coolanga; by part of that boundary southeasterly, part of the northwestern boundary of Portion 24, parish of Currumbah and the northwestern boundaries of Portions 18 and 32, a line, and the northwesternmost northwestern boundary of Lot 1, D.P. 596588 and its prolongation northeasterly to the generally northwestern boundary of the Parish of Mungle; by part of that boundary generally northeasterly to the northwestern boundary of Portion 8, Parish of Mobbindry; by that boundary, a line, the generally northwestern boundary of Portion 28, Parish of Whalan, a line, the northwestern boundary of Portion 88, a line, and the southeastern boundary of Portion 9, Parish of Merriwa and its prolongation generally northeasterly and part of the southeastern boundary of Portion 25 and its prolongation northeasterly to Macintyre River; by that river upwards to the northern prolongation of the western boundary of Portion 33, Parish of Tucka Tucka; by that prolongation, boundary, a line and the western boundary of Portion 17 southerly to Ottleys Creek; by that creek upwards to the north-western prolongation of the north-eastern boundary of Portion 50, Parish of Ottley, County of Burnett; by that prolongation, boundary, the north-eastern boundary of Portion 49 south-easterly, the western and generally southern boundaries of Portion 40 southerly and generally easterly, the southern boundaries of Portions 43 and 42, Parish of Russell, County of Arrawatha easterly, the western and southern boundaries of Portion 108 southerly and easterly and the southern boundary of Portion 107 and its prolongation easterly to the eastern boundary of Portion 106; by part of that boundary and part of the southern boundary of that portion southerly and easterly, the western boundary of Portion 58, Parish of Redbank, a line, and the eastern boundary of Portion 50, Parish of Gullungutta, County Burnett southerly, the southernmost northern boundary of Portion 10 and the northern and western (and its prolongation) boundaries of Portion 9 westerly and southerly to a point 575 metres south of the northernmost northern boundary of Portion 90; by a line easterly 625 metres and a line southerly to the northern boundary of Portion 108; by part of that boundary westerly to a point north of the southwestern corner of that portion; by a line south to that corner and its continuation southerly for a distance of 180 metres; by a line easterly 320 metres and a line southerly to Boundary Road; by that road generally southwesterly to the eastern boundary of Portion 124, Parish of Gragin; by the former original position of the last mentioned road generally southwesterly to Black Creek; by that creek and Warialds Creek downwards to the western boundary of the Parish of Gunnee; by that boundary and its prolongation southerly to the Moree-Inverell Railway; by that railway generally easterly to the northern prolongation of the eastern boundary of Portion 22, Parish of Balfour, County of Murchison; by that prolongation, boundary and its prolongation southerly to Reserve Creek; by that creek and Sheep Station Creek downwards and by Myall Creek and Sandy Creek upwards to the northern boundary of Portion 2, Parish of Dingo; by part of the generally north eastern boundary of that parish generally south easterly to the northernmost corner of Lot 5, DP 249163; by the western boundary of that lot and the western and southwestern boundaries of Lot 6, southerly and southeasterly to the southernmost corner of the said Lot 6; again, by that generally northeastern boundary of that parish generally southeasterly to the westernmost corner of Lot 1, Plan catalogued Ms 3059 Ae R; by the generally southwestern boundary of that lot, generally southeasterly to the southernmost corner of that lot; again, by the generally northeastern boundary of that parish, generally southeasterly to the westernmost corner of Lot 3; by the southwestern boundaries of that lot southeasterly to the southernmost corner of that lot; again, by that generally northeastern boundary of that parish, generally southeasterly to the westernmost corner of Lot 5; by the southwestern and southeastern boundaries of that lot southeasterly and northeasterly to the easternmost corner of that lot; again, by the generally northeastern boundary of that parish generally southeasterly to the said Gwydir River: thence by that river upwards to its intersection with a line along the southern boundary of portion 58, Parish of Cooper, County of Hardinge; by that line westerly to the generally western boundary of the said Parish of Cooper; by part of that boundary generally southeasterly to the northwestern corner of portion 134; by the generally northern and the generally eastern boundaries of that portion, the generally eastern boundaries of portions 125 and 126 and part of the said generally western boundary of the parish generally easterly and generally southerly to the Nandewar Range; by that range generally south-westerly and generally north-westerly, the range forming the generally southwestern and western watersheds of Rocky Creek and the western watershed of Horton River generally northwesterly and northerly to the Slaughterhouse Pinnacle; part of the generally western boundaries of the

County of Burnett generally northwesterly and generally northerly to Gwydir River, aforesaid and by that river 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 Barraba which, by this Proclamation, is constituted as the Gwydir Shire Council
- that part of the former Area of Bingara which, by this Proclamation, is constituted as the Gwydir Shire Council
- that part of the former Area of Yallaroi which, by this Proclamation, is constituted as the Gwydir Shire Council

former Council means any of the former Councils of Barraba Shire, Bingara Shire or Yallaroi Shire.

former County Council means the former North West Weeds County Council.

Minister means the Minister for Local Government.

new Area means the Area of Gwydir.

new Council means the Gwydir Shire Council.

proclamation date means 17 March 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 26 June 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 17 March 2004 and the declaration of the first election, one Administrator is appointed and is Mr David Rose to direct and control the affairs of the new Council.

- (2) If Mr David Rose 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 Max Eastcott (former General Manager of the former Bingara Shire Council) commencing on 17 March 2004 for a period of six months.
- (2) The Acting General Manager of the new Council may be confirmed at a meeting of the new Council in the month prior to the expiration of the six month period, 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 former County Council or the new Council and a senior staff member (including a General Manager).

9 Activities of former Councils and former County Councils

- (1) Anything that was done or omitted to be done by a former Council or former County 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 or former County 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 or former County 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 or former County 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 policy 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 and former County Council:
 - (a) local policies for approvals and orders (Part 3 of Chapter 7),
 - (b) management plan (Part 2 of Chapter 13).
- (2) Each of the following codes, policies and plans of the former Bingara 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).
- (3) Subclauses (1) & (2) 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 and former County Council.

14 Transfer of Senior Staff

- (1) Any position that, immediately before the proclamation date, was a senior staff position of:
 - (a) the former Bingara Shire Council is transferred to the Council of the Area of Gwydir.
 - (b) the former Yallaroi Shire Council is transferred to the Council of the Area of Gwydir.
 - (c) the former Barraba Shire Council is transferred to a Council of the Areas of Gwydir or Peel Regional as determined by agreement between the new Councils of the Areas of Gwydir and Peel Regional.
 - (d) the former North West Weeds County Council is transferred to a Council of the Areas of Gwydir, Inverell or Peel Regional as determined by agreement between the Councils of the Areas of Gwydir, Inverell and Peel Regional.
- (2) The senior staff of each former Council and former County Council are taken to be the senior staff of the new Councils, Inverell Shire Council or Peel 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 1 of Chapter 11 of the Act.
- (4) A senior staff member of a former Council or former County 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 Bingara Shire Council (a transferred staff member) is transferred to the Council of the Area of Gwydir.
 - (b) Each member of staff of the former Yallaroi Shire Council (a transferred staff member) is transferred to the Council of the Area of Gwydir.
 - (c) Each member of staff of the former Barraba Shire Council (a transferred staff member) is transferred to the Council of the Areas of Gwydir or Peel Regional as determined by agreement between the Councils of the Areas of Gwydir and Peel Regional.
 - (d) Each member of staff of the former North West Weeds County Council (a transferred staff member) is transferred to the Council of the Areas of Gwydir, Inverell or Peel Regional as determined by agreement between the Councils of the Areas of Gwydir, Inverell and Peel Regional.
- (2) Part 6 of Chapter 11 of the Act (employment protection) applies to the employment of a transferred staff member.

16 Additional employment protection

- (1) For the period between 17 March 2004 and the election of the new Council staff employed under an award or other industrial instrument approved by the Industrial Relations Commission may not be unreasonably based outside the general locality in which they were based immediately before the transfer without their approval.

- (2) For the period between 17 March 2004 and the election of the new Council no staff employed under an award or other industrial instrument approved by the Industrial Relations Commission are to be made redundant without their approval.

17 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 and former County Council 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 Bingara Shire Council and former Yallaroi Shire Council are transferred to the Council of the Area of Gwydir.
 - (b) The assets, rights and liabilities of the former Barraba Shire Council are transferred to the Councils of the Areas of Gwydir and Peel Regional as determined by agreement between the new Councils of the Areas of Gwydir and Peel Regional.
 - (c) The assets, rights and liabilities of the former North West Weeds County Council are transferred to the Councils of the Areas of Gwydir, Inverell and Peel Regional as determined by agreement between the Councils of the Areas of Gwydir, Inverell and Peel 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 and former County Council 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 and former County Council 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 former County Council or a predecessor of any of the former Councils and former County Council, 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 former County Council or a predecessor of any of the former Councils or former County Council is (to the extent to which that act, matter or thing has any force or effect) 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 or former County 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 or former County 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 or former County Council, and that had effect immediately before the proclamation date, or that was commenced by a former Council or former County 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 or former County 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 or former County 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).

18 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.

19 Effect of transfer on third party rights

- (1) The operation of clause 17 (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 or former County Council is required in relation to a transfer affected by clause 17.
- (3) No compensation is payable to any person or body in connection with a transfer affected by clause 17.
- (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 or former County Council and that person or body.

20 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 or former County Council 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 former County Council 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 and County Council for the whole of that year.

21 Auditor

The Auditor, Cummins & Wallace 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.

22 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 former County Council, or to a predecessor of any of the former Councils or former County Council, is to be taken as a reference to the new Council and is to be read as a reference to the new Council.

23 North West Weeds County Council

The North West Weeds County Council is dissolved with its operations subsumed into the Councils of the Areas of Gwydir, Inverell or Peel Regional as determined by agreement between the Councils of the Areas of Gwydir, Inverell and Peel Regional.

24 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 term of the new Council.

25 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, Inverell Shire Council or Peel 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, Inverell Shire Council or Peel Regional Council or if the Minister is not satisfied with any agreement reached between the aforementioned new Council, Inverell Shire Council or Peel Regional Council, including in relation to subclauses (2) and (4) herein.
- (4) A matter to be determined by the Minister shall 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, Inverell Shire Council or Peel 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.

26 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 Gwydir, Inverell and Peel 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.

Schedule B**Land included in the Liverpool Plains Local Government Area**

Area about 5,121.79 square kilometres. Commencing at the junction of the Liverpool Range and the generally south-western boundary of the County of Buckland, near Omaleah Cliffs: and bounded thence by that range generally easterly to the generally south-eastern boundary of the County of Buckland, aforesaid; by that boundary generally north-easterly to the generally southern boundary of Lot 2, DP 732462; by that boundary and the generally eastern boundary of that lot generally easterly and northerly, part of the generally south-western, the generally south-western, the generally south-eastern and the generally north-eastern boundaries of Lot 1, DP 732462, generally south-easterly, generally north-easterly and generally north-westerly and part of the generally western boundary of Lot 222, DP 750952, generally northerly and westerly to the Great Dividing Range; by that range generally north-westerly to the generally north-eastern boundary of the Parish of Parnell, County of Buckland; by part of that boundary, generally north-westerly to the north-western corner of Portion 172; by the range forming the north-western watershed of Wiles Gully, generally north-westerly to the northern boundary of Portion 146; by that boundary, westerly and part of the eastern boundary of Portion 112, northerly, to the range forming the north-western watershed of Wiles Gully, aforesaid; by that range, generally north-westerly to the generally north-eastern boundary of Portion 181, Parish of Evan; by that boundary, generally north-westerly and the northern boundary of Portion 193, westerly to the range forming the watershed dividing Spring and Sugar Loaf Creeks; by that range generally north-westerly to the New England Highway; by that highway generally northerly, the southern side of Bartons Lane, (near Goonoo Goonoo Homestead) westerly to the eastern boundary of the Parish of Turi; by that boundary southerly to Boiling Down Creek; by that creek upwards to the southern prolongation of eastern boundary of Lot 95, DP 755344; by that prolongation and boundary, northerly to the southern side of Bartons Lane, aforesaid; by that side of that lane, westerly and the south-eastern side of Lees Road, south-westerly to Currabubula Creek; by creek downwards to the southern prolongation of the eastern boundary of Lot 84, DP 751011; by that prolongation, boundary and the northern boundary of that lot, northerly and westerly, the generally north-eastern boundary of Lot 1, DP 748602, generally north-westerly, the eastern boundary of Lot 1, DP 728396 and a line, northerly, part of the southern, western and northern boundaries of Lot 109, DP 751011, westerly, northerly and easterly, part of the generally south-western boundary of the County of Parry, generally northerly, to the south-western corner of Lot 30, DP 755344; by a line westerly to the generally south-eastern boundary of Lot 267, DP 751011; by part of that boundary and the southern boundary of that lot, generally south-westerly and westerly, the generally southern and western boundaries of Lot 197, DP 751011, generally westerly and northerly, the western boundary of Lot 266, DP 751011, northerly, again, part of the generally south-western boundary of the County of Parry, generally north-westerly to the generally eastern boundary of the Parish of Babbinboon, County of Buckland; by that boundary and part of the generally eastern boundary of the parish of Denver, generally southerly, part of the north-eastern, the south-eastern and part of the south-western boundaries of Lot 152, DP 751012, south-easterly, south-westerly and north-westerly, again, the generally eastern boundary of the Parish of Denver, generally southerly, part of the northern and part of the eastern boundaries of the Parish of Mooki, easterly and southerly, the generally northern, the generally western and the generally south-eastern boundaries of Lot 7, DP 182211, generally westerly, generally southerly and generally north-easterly, again, the eastern and part of the southern boundaries of the Parish of Mooki, southerly and westerly to the north-western corner of Portion 213, Parish of Clift; by the western boundary of that portion and its prolongation southerly, the eastern prolongation of the northern boundary of Portion 208 easterly to the generally eastern boundary of the Parish of Ferrier; by that boundary and southern boundaries of the Parish of Ferrier, generally southerly and westerly to the northeastern corner of portion 108, Parish of Wallala; by a line along the eastern boundary of the said portion 108 southerly, the south-eastern boundaries of Lots 3, 2 and 1, DP 1045187, south-westerly, the eastern and northern boundaries of Lot 105, DP 751032, northerly and westerly, a line westerly, part of the eastern, northern and western boundaries of Lot 91, DP 751032, northerly, westerly and southerly, the eastern prolongation of the southern boundary of Lot 101, DP 751032 and that boundary, westerly, the southern and western boundaries of Lot 100, DP 751032, westerly and northerly, the northern boundary of Lot 68, DP 751032 and its prolongation, westerly, the northern boundary of Lot 71, DP 751032 and its prolongation, westerly to Mooki River; by that river upwards to the eastern prolongation of the northern boundary of Lot 214, DP 755494; by that prolongation, boundary and the western boundary of that lot, westerly and southerly to the generally southern boundary of the Parish of Doone, County of Pottinger; by the generally southern boundary of that parish and the generally southern boundary and part of the western boundary of the Parish of Brothers generally westerly and northerly to the northwestern corner of portion 137, of the latter parish; by a line north to the southern boundary of portion 25, Parish of Brown; by part of the southern boundary of the said portion 25 westerly to the southwestern corner of that portion; by part of the generally eastern boundary and the northern boundary of the Parish of Howes Hill generally northerly and westerly to the north-western corner of portion 12; by the generally eastern boundary and part of the generally southern boundary of the parish of Calala, generally southerly and westerly to a point

about 166 chains west of the western boundary of portion 116; by a line southerly to the northern boundary of Lot 67, DP 755521; by part of that boundary, the north-western and the generally south-western boundaries of that lot, westerly, south-westerly and generally south-easterly, a line southerly, the western and part of the generally south-western boundaries of Lot 2, DP 819370, southerly and generally south-easterly to again the linesoutherly from a point 166 chains west of the western boundary of portion 116, aforesaid; by that line southerly to a point about 13 chains south of the westerly prolongation of the northern boundary of portion 74, Parish of Trinkey; by a line east to the western boundary of that portion; by a line along that boundary of that portion southerly to the northern boundary of portion 118, Parish of Lawson; by part of the northern and eastern boundaries of the said portion 118, easterly and southerly to the road from Breeza to Binnaway; by that road south-westerly and westerly to the northernmost corner of portion 114, Parish of Bomera; by a line along an eastern boundary of that portion southerly to a point about 13 chains south of its intersection with the northern boundary of portion 119; by a line east to the easternmost boundary of portion 119; by part of that boundary of that portion and the southern and easternmost boundaries of portion 78, northerly, easterly and again northerly to the southern boundary of portion 5, parish of Clarke; by boundaries of the said portion 5, westerly, northerly and easterly to Cox's or Bone Creek; by that creek upwards to the generally southern boundary of the Parish of Clarke; by that boundary generally westerly to the Warrumbungle Range and by that range and the Liverpool Range, aforesaid, generally south-easterly and generally easterly 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 Murrurundi which, by this Proclamation, is constituted as the Liverpool Plains Shire Council
- that part of the former Area of Nundle which, by this Proclamation, is constituted as the Liverpool Plains Shire Council
- that part of the former Area of Parry which, by this Proclamation, is constituted as the Liverpool Plains Shire Council
- that part of the former Area of Quirindi which, by this Proclamation, is constituted as the Liverpool Plains Shire Council

former Council means any of the former Councils of Murrurundi Shire, Nundle Shire, Parry Shire or Quirindi Shire.

former County Council means the former Central Northern County Council.

Minister means the Minister for Local Government.

new Area means the Area of Liverpool Plains.

new Council means the Liverpool Plains Shire Council.

proclamation date means 17 March 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 26 June 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 17 March 2004 and the declaration of the first election, one Administrator is appointed and is Mr Paul Nankivell (former Mayor of the former Quirindi Shire Council) to direct and control the affairs of the new Council.
- (2) If Mr Paul Nankivell declines to be appointed as the Administrator, then the Minister may appoint an alternate person as the Administrator.
- (3) The Administrator will be paid \$48,000 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 Robert Hunt (former General Manager of the former Quirindi Shire Council) commencing on 17 March 2004 for a period of six months.
- (2) The Acting General Manager of the new Council may be confirmed at a meeting of the new Council in the month prior to the expiration of the six month period, 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 seven (7).
- (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 former County Council or the new Council and a senior staff member (including a General Manager).

9 Activities of former Councils and former County Councils

- (1) Anything that was done or omitted to be done by a former Council or former County 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 or former County 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 or former County 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 or former County 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 policy 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 and former County Council:
 - (a) local policies for approvals and orders (Part 3 of Chapter 7),
 - (b) management plan (Part 2 of Chapter 13).
- (2) Each of the following codes, policies and plans of the former Quirindi 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).

(3) Subclauses (1) & (2) 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 and former County Council.

14 Transfer of Senior Staff

- (1) Any position that, immediately before the proclamation date, was a senior staff position of:
 - (a) the former Quirindi Shire Council is transferred to the Council of the Area of Liverpool Plains.
 - (b) the former Murrurundi Shire Council is transferred to a Council of the Areas of Liverpool Plains or Upper Hunter as determined by agreement between the new Councils of the Areas of Liverpool Plains and Upper Hunter.
 - (c) the former Nundle Shire Council is transferred to a Council of the Areas of Liverpool Plains or Peel Regional as determined by agreement between the new Councils of the Areas of Liverpool Plains or Peel Regional.
 - (d) the former Parry Shire Council is transferred to a Council of the Areas of Liverpool Plains or Peel Regional as determined by agreement between the Councils of the Areas of Liverpool Plains and Peel Regional.
 - (e) the former Central Northern County Council is transferred to a Council of the Areas of Liverpool Plains, Peel Regional or Upper Hunter as determined by agreement between the Councils of the Areas of Liverpool Plains, Peel Regional and Upper Hunter.
- (2) The senior staff of each former Council and former County Council are taken to be the senior staff of the new Councils 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 1 of Chapter 11 of the Act.
- (4) A senior staff member of a former Council or former County 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 Quirindi Shire Council (a transferred staff member) is transferred to the Council of the Area of Liverpool Plains.
 - (b) Each member of staff of the former Murrurundi Shire Council (a transferred staff member) is transferred to the Council of the Areas of Liverpool Plains or Upper Hunter as determined by agreement between the Councils of the Areas of Liverpool Plains and Upper Hunter.
 - (c) Each member of staff of the former Nundle Shire Council (a transferred staff member) is transferred to the Council of the Areas of Liverpool Plains or Peel Regional as determined by agreement between the Councils of the Areas of Liverpool Plains and Peel Regional.
 - (d) Each member of staff of the former Parry Shire Council (a transferred staff member) is transferred to the Council of the Areas of Liverpool Plains or Peel Regional as determined by agreement between the Councils of the Areas of Liverpool Plains and Peel Regional.
 - (e) Each member of staff of the former Central Northern County Council (a transferred staff member) is transferred to the Council of the Areas of Liverpool Plains, Peel Regional or Upper Hunter as determined by agreement between the Councils of the Areas of Liverpool Plains, Peel Regional and Upper Hunter.
- (2) Part 6 of Chapter 11 of the Act (employment protection) applies to the employment of a transferred staff member.

16 Additional employment protection

- (1) For the period between 17 March 2004 and the election of the new Council staff employed under an award or other industrial instrument approved by the Industrial Relations Commission may not be unreasonably based outside the general locality in which they were based immediately before the transfer without their approval.
- (2) For the period between 17 March 2004 and the election of the new Council no staff employed under an award or other industrial instrument approved by the Industrial Relations Commission are to be made redundant without their approval.

17 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 and former County Council 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 Quirindi Shire Council are transferred to the Council of the Area of Liverpool Plains.
 - (b) The assets, rights and liabilities of the former Murrurundi Shire Council are transferred to the Councils of the Areas of Liverpool Plains or Upper Hunter as determined by agreement between the new Councils of the Areas of Liverpool Plains and Upper Hunter.
 - (c) The assets, rights and liabilities of the former Nundle Shire Council are transferred to the Councils of the Areas of Liverpool Plains or Peel Regional as determined by agreement between the new Councils of the Areas of Liverpool Plains and Peel Regional.
 - (d) The assets, rights and liabilities of the former Parry Shire Council are transferred to the Councils of the Areas of Liverpool Plains or Peel Regional as determined by agreement between the new Councils of the Areas of Liverpool Plains and Peel Regional.

- (e) The assets, rights and liabilities of the former Central Northern County Council are transferred to the Councils of the Areas of Liverpool Plains, Peel Regional or Upper Hunter as determined by agreement between the Councils of the Areas of Liverpool Plains, Peel Regional and Upper Hunter.
- (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 and former County Council 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 and former County Council 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 former County Council or a predecessor of any of the former Councils and former County Council, 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 former County Council or a predecessor of any of the former Councils or former County Council is (to the extent to which that act, matter or thing has any force or effect) 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 or former County 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 or former County 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 or former County Council, and that had effect immediately before the proclamation date, or that was commenced by a former Council or former County 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 or former County 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 or former County 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).

18 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.

19 Effect of transfer on third party rights

- (1) The operation of clause 17 (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 or former County Council is required in relation to a transfer affected by clause 17.
- (3) No compensation is payable to any person or body in connection with a transfer affected by clause 17.
- (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 or former County Council and that person or body.

20 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 or former County Council 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 former County Council 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 and County Council for the whole of that year.

21 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.

22 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 former County Council, or to a predecessor of any of the former Councils or former County Council, is to be taken as a reference to the new Council and is to be read as a reference to the new Council.

23 Central Northern County Council

The Central Northern County Council is dissolved with its operations subsumed into the Council of the Areas of Liverpool Plains, Peel Regional or Upper Hunter as determined by agreement between the Councils of the Areas of Liverpool Plains, Peel Regional and Upper Hunter.

24 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 term of the new Council.

25 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, Peel Regional Council or Upper Hunter 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, Peel Regional Council or Upper Hunter Shire Council or if the Minister is not satisfied with any agreement reached between the aforementioned new Council, Peel Regional Council or Upper Hunter Shire Council, including in relation to subclauses (2) and (4) herein.
- (4) A matter to be determined by the Minister shall 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, Peel Regional Council or Upper Hunter Shire 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.

26 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 Liverpool Plains, Peel Regional and Upper Hunter 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.

27 Transitional electoral matters – transferred areas

- (1) Any person enrolled to vote in those parts of the Area of Gunnedah transferred to the Area of Liverpool Plains is not eligible to vote in the election for the Area of Gunnedah to be conducted on 27 March 2004.
- (2) Where any person enrolled to vote in those parts of the Area of Gunnedah transferred to the Area of Liverpool Plains was qualified for a postal vote, whether as a general postal voter or otherwise, within the provisions contained in Division 1 of Part 7 of the Local Government (Elections) Regulation 1998, and has made a postal vote prior to the date of this proclamation, they are deemed not to be on the roll and deemed not to be entitled to vote and the returning officer for the election must place the envelope containing the vote to one side unopened.
- (3) Where any person enrolled to vote in that part of the Area of Gunnedah transferred to the Area of Liverpool Plains was qualified for a pre-poll vote within the provisions contained in Division 2 of Part 7 of the Local Government (Elections) Regulation 1998, and has made a pre-poll vote prior to the date of this proclamation, they are deemed not to be on the roll and deemed not to be entitled to vote and the returning officer for the election must place the envelope containing the vote to one side unopened.
- (4) Any person from those parts of the Area of Gunnedah transferred to the Area of Liverpool Plains who had nominated for election as a councillor for the Area of Gunnedah is not eligible for election as a councillor for that Area.

Schedule C**Land included in the Peel Regional Local Government Area**

Area about 9458.01 square kilometres. Commencing at the intersection of the generally northern boundary of the County of Brisbane and the Great Dividing Range: and bounded thence by that boundary, generally easterly to the north-western corner of Portion 113, Parish of Ellerston, County of Brisbane; by part of the generally south-western boundary of the Parish of Yeerawun, County of Hawes generally south-easterly to the southernmost corner of Portion 34; by part of the generally western boundary of the Parish of Barry generally northerly to the north-western corner of Portion 13; by the northern boundary of that portion easterly to Ben Halls Creek; by that creek downwards to the western boundary of Portion 10; by a line along that boundary northerly to Barnard River; by that river downwards to the south-western corner of Portion 7, Parish of Hall; by the southernmost western, the northern and the northernmost western boundaries of that portion, northerly, easterly and again northerly to Tuggolo Creek; by that creek upwards to the eastern prolongation of the northern boundary of Portion 4, Parish of Parkes; by that prolongation and boundary westerly to the range dividing the waters of Tuggolo Creek from those of Barnard River; by that range generally north-westerly to the generally southern boundary of Portion 8, Parish of Coolcumber; by part of that boundary and part of the generally western boundary of that portion westerly and generally northerly, the southern and part of the generally western boundaries of Portion 48 westerly and generally northerly to the range dividing the waters of Tuggolo Creek from those of Barnard River, aforesaid; by that range generally westerly and Great Dividing Range generally north-easterly to the northern boundary of Lot 8, D.P. 846906; by that boundary westerly to again the Great Dividing Range; by that range generally north-easterly and Moonbie range generally north-westerly to the south-western boundary of Portion 11, Parish of Walcha, County of Parry; by part of that boundary and its prolongation north-westerly, part of the generally eastern, the northern and the western boundaries of Portion 44 and the western boundaries of Portions 49, 50, 51, 52 and 53 northerly, generally westerly and southerly, and the southern boundaries of Portions 4 and 46 (and its prolongation) westerly to Mulla Mulla Creek; by that creek downwards to the southern prolongation of the eastern boundary of Portion 1; by that prolongation and boundary and the eastern boundary of Portion 2, a line, and part of the eastern boundary of Portion 43 northerly, the southern and easternmost eastern boundaries of Portion 102, Parish of Ainsley and the eastern and generally northern boundaries of Portion 122 easterly, northerly and generally westerly, the north-eastern, generally south-eastern, generally southern and western (and its prolongation) boundaries of Portion 72 south-easterly, generally south-westerly, generally westerly and northerly, part of the generally southern boundary of Portion 145 and the generally southern boundary of Portion 2 generally westerly to Larrys Range; by that range generally north-westerly to the westernmost boundary of Portion 36; by that boundary and the western boundaries of Portion 34 and 10 (and its prolongation) northerly to Shearins Creek; by that creek upwards to the southern prolongation of the eastern boundary of Portion 34, Parish of Vernon; by that prolongation, boundary and its prolongation, boundary and its prolongation northerly to Fairy Ground Creek; by that creek downwards to the southern prolongation of the western boundary of Portion 27; by that prolongation and boundary northerly, part of the southern boundary of Portion 29, the southern and generally western boundaries of Portion 40 and the western boundaries of Portions 28 and 26 (and its prolongation) westerly and generally northerly to Cauborn Creek; by that creek upwards to the western prolongation of the northern boundary of Portion 23; by that prolongation and part of that boundary easterly and the western boundary of Portion 76 northerly to the generally southern boundary of the Parish of Scott, County of Inglis; by part of that boundary westerly and the generally south-western boundary of that parish generally north-westerly to the Main Northern railway; by that railway generally north-easterly to MacDonal River; by that river downwards and Congi Creek upwards to the generally eastern boundary of the Parish of Tara; by that boundary and the generally eastern boundary of the Parish of Looanga, generally northerly to the northmost corner of Portion 92; by the Nandewar Range, generally westerly to the eastern boundary of Portion 18, Parish of Roumalla, County of Hardinge; by part of that boundary, the southern and the western boundaries of that portion, southerly, westerly and northerly, the southern, the north-eastern and the northern boundaries of Portion 40, Parish of Winton, County of Inglis, easterly, north-westerly and westerly to the Nandewar Range, aforesaid; by that range, generally north-westerly to the south-western corner of Portion 67, Parish of Roumalla, County of Hardinge; by the road from Bundarra to Bendemeer, north-westerly to the northern boundary of Portion 14, Parish of Retreat; by that boundary, westerly, the generally north-eastern boundary of Portion 20, generally north-westerly, the eastern boundaries of Portions 2 and 19, northerly and part of the northern boundary of Portion 19, westerly to the Nandewar Range, aforesaid; by that range generally north-westerly to the eastmost corner of Portion 42; by part of the generally north-eastern boundary of the Parish of Retreat, generally north-westerly to again, the Nandewar Range at the northmost corner of Portion 12; by that range generally northerly, generally south-westerly and generally north-westerly to the generally north-western boundary of Portion 20, Parish of Rusden, County of Nandewar; by that boundary, generally south-westerly, the generally western boundaries of that portion and Portion 21, generally southerly, the generally south-western and generally south-eastern boundaries of Lot 1, DP 592877, generally south-easterly and generally north-easterly, the generally southern boundary of Lot 2, DP 592877, generally easterly, part of the generally south-western boundary of the Parish of Lindesay, generally south-easterly, the generally southern boundary of Lot 52, DP 704695, generally easterly, the

generally eastern boundary of Portion 42, generally northerly, part of the generally north-eastern boundary of the Parish of Lindsay, generally south-easterly, the generally western boundary of Portion 43, generally southerly, the generally western and generally southern boundaries of Portion 45, generally southerly and generally easterly and part of the generally south-eastern boundary of Portion 19, generally south-westerly to Coxs Creek; by that creek, Gap Creek and Maules Creek, downwards to the northern prolongation of the western boundary of Portion 21, parish of Connor; by that prolongation, boundary and part of the southern boundary of the portion, southerly and easterly, the eastern and the southmost southern boundaries of Portion 27, southerly and westerly, part of the eastern boundary of Portion 23, southerly, the southern boundary of Portion 39, easterly, part of the western and the southern boundaries of Portion 9, southerly and easterly, the southern boundary of Portion 7, easterly, part of the generally eastern and part of the generally southern boundaries of the Parish of Connor, generally southerly and generally westerly, the generally south-western boundaries of Portions 35 and 36, Parish of Mihi, generally south-easterly, the generally south-western and the generally south-eastern boundaries of Portion 33, generally south-easterly and generally north-easterly, a line, part of the western and the generally southern boundaries of Portion 20, southerly and generally easterly, part of the generally north-western boundary of the Parish of Rangira, generally south-westerly, the south-western boundary of Portion 14, Parish of Mihi, south-easterly, part of the generally eastern boundary of the Parish of Mihi, generally southerly to Barneys Spring Creek; by that creek, downwards to the generally northern boundary of the Parish of Willuri; by part of that boundary and part of the generally western boundary of that parish, generally westerly and generally southerly to the southern side of the road from Boggabri to Manilla; by that side of that road, generally easterly to the generally south-eastern boundary of the Parish of Rangira; by part of that boundary generally southerly, the generally eastern boundary of the Parish of Willuri and part of the generally eastern boundary of the Parish of Tulcumba, generally south-easterly, south-westerly and southerly to the north-western corner of Portion 74, Parish of Namoi, County of Darling; by the northern and eastern boundaries of that portion and part of the eastern boundary of Portion 56, easterly and southerly to a point west of the south-western corner of Portion 82, Parish of Dowe; by a line east to a point south of the southmost south-eastern corner of Portion 68; by a line north to that corner; by a line east to the Namoi River; by that river upwards to the western prolongation of the northern boundary of Portion 246, Parish of Keepit; by that prolongation, boundary and part of the eastern boundary of that portion, easterly and southerly to the intersection of the latter boundary with the western prolongation of the northern boundary of Portion 119; by that prolongation, boundary and part of the eastern boundary of that portion and the northern, eastern and a line along the southern boundary of Portion 118, generally easterly, southerly and westerly to the eastern boundary of Portion 58; by part of that boundary and a line along the southern boundary of that portion and Portions 59 and 60, southerly and westerly to the eastern boundary of Portion 22; by a line along that boundary and the eastern boundary of Portions 63 and 69, southerly to the south-eastern corner of the said Portion 69; by the southern boundary of that portion, the southern boundary and a line along the south-western boundary of Portion 64, westerly and north-westerly to the north-eastern corner of Portion 250; by the north-eastern and south-eastern boundaries of that portion, south-easterly and south-westerly, part of the north-eastern boundary of Portion 41 and the north-eastern boundaries of Portions 185, 186, 187, 224, 188, 161 and 227, south-easterly, by a southern, an eastern, again a southern, a western, again a southern and an eastern boundary of the said Portion 227, westerly, southerly, again westerly, northerly, again westerly and southerly to the eastmost north-eastern corner of Portion 226; by an eastern, a southern, again an eastern, again a southern and again an eastern boundary of that portion, southerly, westerly, again southerly, again westerly and again southerly to the Namoi River, aforesaid; by that river downwards and the Peel River upwards to the northern prolongation of the eastern boundary of portion 44, Parish of Moorowara, County of Parry; by that prolongation, boundary and part of the southern boundary of that portion, southerly and westerly, the westmost western boundary of Portion 97 and its prolongation, southerly to the generally south-western boundary of the County of Parry; by part of that boundary, generally south-easterly, the western boundary of Lot 266, DP 751011, southerly, the western and generally southern boundaries of Lot 197, DP 751011, southerly and generally easterly, the southern and part of the south-eastern boundaries of Lot 267, DP 751011, easterly and north-easterly, a line westerly to the south-western corner of Lot 30, DP 755344, part of the generally south-western boundary of the County of Parry, aforesaid, generally southerly, the northern, the western and part of the southern boundaries of Lot 109, DP 751011, easterly, southerly and westerly, a line and the eastern boundary of Lot 1, DP 728396, southerly, the generally north-eastern boundary of Lot 1, DP 748602, generally south-easterly, the northern prolongation of the eastern boundary of Lot 84, DP 751011, that boundary and its southern prolongation, southerly to Currabubula Creek; by that creek, upwards to the south-eastern side of Lees Road; by that side of that road, north-easterly and the southern side of Bartons Lane, easterly to the eastern boundary of Lot 95, DP 755344; by that boundary and its prolongation southerly to Boiling Down Creek; by that creek, downwards to the eastern boundary of the Parish of Turi; by part of that boundary, northerly to again the southern side of Bartons Lane; by that side of that lane, generally easterly, New England Highway, generally southerly to the range forming the watershed dividing Spring and Sugarloaf Creeks; by that range south-easterly to the northernmost north-western corner of Portion 193, Parish of Evan, County of Buckland; by part of the generally northern boundary of that portion and the generally north-eastern boundary of Portion 181, generally easterly and generally south-easterly to the range forming the north-western watershed of Wiles Gully, by that range

generally south-easterly to the eastern boundary of Portion 112, Parish of Parnell, by part of that boundary southerly to the north-western corner of Portion 146; by the northern boundary of that portion westerly to the said range forming the north-western watershed of Wiles Gully; by that range generally south-easterly to the north-western corner of Portion 172; by part of the generally north-eastern boundary of the said Parish of Parnell generally south-easterly to the generally northern boundary of the County of Brisbane, aforesaid and by part of that boundary generally easterly 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 Barraba which, by this Proclamation, is constituted as the Peel Regional Council
- that part of the former Area of Manilla which, by this Proclamation, is constituted as the Peel Regional Council
- that part of the former Area of Nundle which, by this Proclamation, is constituted as the Peel Regional Council
- that part of the former Area of Parry which, by this Proclamation, is constituted as the Peel Regional Council
- that part of the former Area of Tamworth City which, by this Proclamation, is constituted as the Peel Regional Council

former Council means any of the former Councils of Barraba Shire, Manilla Shire, Nundle Shire, Parry Shire or Tamworth City.

former County Councils means the former Central Northern County Council and former North West Weeds County Council.

Minister means the Minister for Local Government.

new Area means the Area of Peel Regional.

new Council means the Peel Regional Council.

proclamation date means 17 March 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 26 June 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 17 March 2004 and the declaration of the first election, one Administrator is appointed and is Mr James Treloar (former Mayor of the former Tamworth City Council) to direct and control the affairs of the new Council.
- (2) If Mr James Treloar declines to be appointed as the Administrator, then the Minister may appoint an alternate person as the Administrator.
- (3) The Administrator will be paid \$80,000 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 Philip Lyon (former General Manager of the former Tamworth City Council) commencing on 17 March 2004 for a period of six months.
- (2) The Acting General Manager of the new Council may be confirmed at a meeting of the new Council in the month prior to expiration of the six month period, 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 former County Council or the new Council and a senior staff member (including a General Manager).

9 Activities of former Councils and former County Councils

- (1) Anything that was done or omitted to be done by a former Council or former County 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 or former County 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 or former County 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 or former County 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 policy 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 and former County Councils:
 - (a) local policies for approvals and orders (Part 3 of Chapter 7),
 - (b) management plan (Part 2 of Chapter 13).
- (2) Each of the following codes, policies and plans of the former Tamworth City 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).
- (3) Subclauses (1) & (2) 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 and former County Councils.

14 Transfer of Senior Staff

- (1) Any position that, immediately before the proclamation date, was a senior staff position of:
 - (a) the former Manilla Shire Council is transferred to the Council of the Area of Peel Regional.
 - (b) the former Tamworth City Council is transferred to the Council of the Area of Peel Regional.
 - (c) the former Barraba Shire Council is transferred to a Council of the Areas of Gwydir or Peel Regional as determined by agreement between the new Councils of the Areas of Gwydir and Peel Regional.
 - (c) the former Nundle Shire Council is transferred to a Council of the Areas of Liverpool Plains or Peel Regional as determined by agreement between the new Councils of the Areas of Liverpool Plains or Peel Regional.
 - (d) the former Parry Shire Council is transferred to a Council of the Areas of Liverpool Plains or Peel Regional as determined by agreement between the Councils of the Areas of Liverpool Plains and Peel Regional.
 - (e) the former North West Weeds County Council is transferred to a Council of the Areas of Gwydir, Inverell or Peel Regional as determined by agreement between the Councils of the Areas of Gwydir, Inverell and Peel Regional.
 - (f) the former Central Northern County Council is transferred to a Council of the Areas of Liverpool Plains, Peel Regional or Upper Hunter as determined by agreement between the Councils of the Areas of Liverpool Plains, Peel Regional and Upper Hunter.
- (2) The senior staff of each former Council and former County Council are taken to be the senior staff of the new Councils or Inverell Shire 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 1 of Chapter 11 of the Act.
- (4) A senior staff member of a former Council or former County 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 Manilla Shire Council (a transferred staff member) is transferred to the Council of the Area of Peel Regional.
 - (b) Each member of staff of the former Tamworth City Council (a transferred staff member) is transferred to the Council of the Area of Peel Regional.

- (c) Each member of staff of the former Barraba Shire Council (a transferred staff member) is transferred to the Council of the Areas of Gwydir or Peel Regional as determined by agreement between the Councils of the Areas of Gwydir and Peel Regional.
 - (d) Each member of staff of the former Nundle Shire Council (a transferred staff member) is transferred to the Council of the Areas of Liverpool Plains or Peel Regional as determined by agreement between the Councils of the Areas of Liverpool Plains and Peel Regional.
 - (e) Each member of staff of the former Parry Shire Council (a transferred staff member) is transferred to the Council of the Areas of Liverpool Plains or Peel Regional as determined by agreement between the Councils of the Areas of Liverpool Plains and Peel Regional.
 - (f) Each member of staff of the former North West Weeds County Council (a transferred staff member) is transferred to the Council of the Areas of Gwydir, Inverell or Peel Regional as determined by agreement between the Councils of the Areas of Gwydir, Inverell and Peel Regional.
 - (g) Each member of staff of the former Central Northern County Council (a transferred staff member) is transferred to the Council of the Areas of Liverpool Plains, Peel Regional or Upper Hunter as determined by agreement between the Councils of the Areas of Liverpool Plains, Peel Regional and Upper Hunter.
- (2) Part 6 of Chapter 11 of the Act (employment protection) applies to the employment of a transferred staff member.

16 Additional employment protection

- (1) For the period between 17 March 2004 and the election of the new Council staff employed under an award or other industrial instrument approved by the Industrial Relations Commission may not be unreasonably based outside the general locality in which they were based immediately before the transfer without their approval.
- (2) For the period between 17 March 2004 and the election of the new Council no staff employed under an award or other industrial instrument approved by the Industrial Relations Commission are to be made redundant without their approval.

17 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 and former County 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 Manilla Shire Council are transferred to the Council of the Area of Peel Regional.
 - (c) The assets, rights and liabilities of the former Tamworth City Council are transferred to the Council of the Area of Peel Regional.
 - (c) The assets, rights and liabilities of the former Barraba Shire Council are transferred to the Councils of the Areas of Gwydir or Peel Regional as determined by agreement between the new Councils of the Areas of Gwydir and Peel Regional.
 - (d) The assets, rights and liabilities of the former Nundle Shire Council are transferred to the Councils of the Areas of Liverpool Plains or Peel Regional as determined by agreement between the new Councils of the Areas of Liverpool Plains and Peel Regional.
 - (e) The assets, rights and liabilities of the former Parry Shire Council are transferred to the Councils of the Areas of Liverpool Plains or Peel Regional as determined by agreement between the new Councils of the Areas of Liverpool Plains and Peel Regional.

- (f) The assets, rights and liabilities of the former North West Weeds County Council are transferred to the Councils of the Areas of Gwydir, Inverell or Peel Regional as determined by agreement between the Councils of the Areas of Gwydir, Inverell and Peel Regional.
 - (g) The assets, rights and liabilities of the former Central Northern County Council are transferred to the Councils of the Areas of Liverpool Plains, Peel Regional or Upper Hunter as determined by agreement between the Councils of the Areas of Liverpool Plains, Peel Regional and Upper Hunter.
- (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 and former County 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 and former County 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 former County Councils or a predecessor of any of the former Councils and former County 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 former County Councils or a predecessor of any of the former Councils or former County Councils is (to the extent to which that act, matter or thing has any force or effect) 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 or former County 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 or former County 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 or former County Council, and that had effect immediately before the proclamation date, or that was commenced by a former Council or former County 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 or former County 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 or former County 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).

18 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.

19 Effect of transfer on third party rights

- (1) The operation of clause 17 (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 or former County Council is required in relation to a transfer affected by clause 17.
- (3) No compensation is payable to any person or body in connection with a transfer affected by clause 17.
- (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 or former County Council and that person or body.

20 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 or former County Council 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 former County Council 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 and County Council for the whole of that year.

21 Auditor

The Auditor, Price Waterhouse Coopers 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.

22 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 former County Council, or to a predecessor of any of the former Councils or former County Council, is to be taken as a reference to the new Council and is to be read as a reference to the new Council.

23 Central Northern County Council

The Central Northern County Council is dissolved with its operations subsumed into the Council of the Areas of Liverpool Plains, Peel Regional or Upper Hunter as determined by agreement between the Councils of the Areas of Liverpool Plains, Peel Regional and Upper Hunter.

24 North West Weeds County Council

The North West Weeds County Council is dissolved with its operations subsumed into the Councils of the Areas of Gwydir, Inverell or Peel Regional as determined by agreement between the Councils of the Areas of Gwydir, Inverell and Peel Regional.

25 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 term of the new Council.

26 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, Gwydir Shire Council and Liverpool Plains Shire 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, Gwydir Shire Council or Liverpool Plains Shire Council or if the Minister is not satisfied with any agreement reached between the aforementioned new Council, Gwydir Shire Council or Liverpool Plains Shire Council, including in relation to subclauses (2) and (4) herein.
- (4) A matter to be determined by the Minister shall 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, Gwydir Shire Council or Liverpool Plains Shire 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.

27 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 Gwydir, Liverpool Plains and Peel 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.

28 Transitional electoral matters – transferred area

- (1) Any person enrolled to vote in that part of the Area of Gunnedah transferred to the Area of Peel Regional is not eligible to vote in the election for the Area of Gunnedah to be conducted on 27 March 2004.
- (2) Where any person enrolled to vote in that part of the Area of Gunnedah transferred to the Area of Peel Regional was qualified for a postal vote, whether as a general postal voter or otherwise, within the provisions contained in Division 1 of Part 7 of the Local Government (Elections) Regulation 1998 and has made a postal vote prior to the date of this proclamation, they are deemed not to be on the roll and deemed not to be entitled to vote and the returning officer for the election must place the envelope containing the vote to one side unopened.
- (3) Where any person enrolled to vote in that part of the Area of Gunnedah transferred to the Area of Peel Regional was qualified for a pre-poll vote within the provisions contained in Division 2 of Part 7 of the Local Government (Elections) Regulation 1998 and has made a pre-poll vote prior to the date of this proclamation, they are deemed not to be on the roll and deemed not to be entitled to vote and the returning officer for the election must place the envelope containing the vote to one side unopened.
- (4) Any person from that part of the Area of Gunnedah transferred to the Area of Peel Regional who had nominated for election as a councillor for the Area of Gunnedah is not eligible for election as a councillor for that Area.

Schedule D**Land included in the Upper Hunter Local Government Area**

Area about 4914.58 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 last-mentioned 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 Lot1, DP 732462, generally south-easterly, generally south-westerly and generally north-westerly, the generally eastern and the generally southern boundaries of Lot 2, DP732462, generally southerly and generally westerly to the generally northern boundary of the County of Brisbane, aforesaid; by that boundary generally westerly to the northernmost corner of portion 204, parish of Terell; by the range forming the north-western watershed of Goodworths and Beals Creeks and the western watershed of Cungal or Halls Creek, south-westerly and southerly to the northern boundary of portion 12 of the said parish of Terell; by part of that boundary easterly to Cungal or Halls Creek; by that creek downwards 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 Murrurundi which, by this Proclamation, is constituted as the Upper Hunter Shire Council
- that part of the former Area of Scone which, by this Proclamation, is constituted as the Upper Hunter Shire Council

former Council means any of the former Councils of Murrurundi Shire and Scone Shire.

Minister means the Minister for Local Government.

new Area means the Area of Upper Hunter.

new Council means the Upper Hunter Shire Council.

proclamation date means 17 March 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 17 March 2004 and the declaration of the first election, one Administrator is appointed and is The Hon Mr John Jobling to direct and control the affairs of the new Council.

- (2) If The Hon Mr 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 General Manager of the former Scone Shire Council) commencing on 17 March 2004 for a period of nine months.
- (2) The Acting General Manager of the new Council may be confirmed at a meeting of the new Council in the month prior to expiration of the nine month period, 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 former County Council or the new Council and a senior staff member (including a General Manager).

9 Activities of former Councils and former County Councils

- (1) Anything that was done or omitted to be done by a former Council or former County 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 or former County 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 or former County 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 or former County 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 policy 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 and former County Councils:
 - (a) local policies for approvals and orders (Part 3 of Chapter 7),
 - (b) management plan (Part 2 of Chapter 13).
- (2) Each of the following codes, policies and plans of the former Scone 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).
- (3) Subclauses (1) & (2) 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 and former County Council.

14 Transfer of Senior Staff

- (1) Any position that, immediately before the proclamation date, was a senior staff position of:
 - (a) the former Scone Shire Council is transferred to the Council of the Area of Upper Hunter.
 - (b) the former Murrurundi Shire Council is transferred to a Council of the Areas of Liverpool Plains or Upper Hunter as determined by agreement between the new Councils of the Areas of Liverpool Plains or Upper Hunter.
 - (c) the former Central Northern County Council is transferred to a Council of the Areas of Liverpool Plains, Peel Regional or Upper Hunter as determined by agreement between the Councils of the Areas of Liverpool Plains, Peel Regional and Upper Hunter.
- (2) The senior staff of each former Council and former County Council are taken to be the senior staff of the new Councils 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 1 of Chapter 11 of the Act.
- (4) A senior staff member of a former Council or former County 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 Scone Shire Council (a transferred staff member) is transferred to the Council of the Area of Upper Hunter.
 - (b) Each member of staff of the former Murrurundi Shire Council (a transferred staff member) is transferred to the Council of the Areas of Liverpool Plains or Upper Hunter as determined by agreement between the Councils of the Areas of Liverpool Plains and Upper Hunter.
 - (c) Each member of staff of the former Central Northern County Council (a transferred staff member) is transferred to the Council of the Areas of Liverpool Plains, Peel Regional or Upper Hunter as determined by agreement between the Councils of the Areas of Liverpool Plains, Peel Regional and Upper Hunter.
- (2) Part 6 of Chapter 11 of the Act (employment protection) applies to the employment of a transferred staff member.

16 Additional employment protection

- (1) For the period between 17 March 2004 and the election of the new Council staff employed under an award or other industrial instrument approved by the Industrial Relations Commission may not be unreasonably based outside the general locality in which they were based immediately before the transfer without their approval.
- (2) For the period between 17 March 2004 and the election of the new Council no staff employed under an award or other industrial instrument approved by the Industrial Relations Commission are to be made redundant without their approval.

17 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 and former County Council 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 Scone Shire Council are transferred to the Council of the Area of Upper Hunter.
- (b) The assets, rights and liabilities of the former Murrurundi Shire Council are transferred to the Councils of the Areas of Liverpool Plains or Upper Hunter as determined by agreement between the new Councils of the Areas of Liverpool Plains and Upper Hunter.
- (c) The assets, rights and liabilities of the former Central Northern County Council are transferred to the Councils of the Areas of Liverpool Plains, Peel Regional or Upper Hunter as determined by agreement between the Councils of the Areas of Liverpool Plains, Peel Regional and Upper Hunter.

(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 and former County Council 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 and former County Council 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 former County Council or a predecessor of any of the former Councils and former County Council, 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 former County Council or a predecessor of any of the former Councils or former County Council is (to the extent to which that act, matter or thing has any force or effect) 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 or former County 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 or former County 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.
- (h) Anything that was done by a former Council or former County Council, and that had effect immediately before the proclamation date, or that was commenced by a former Council or former County 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.
- (i) Without limiting subclause (2)(g) any approval, order or notice that was given or made by a former Council or former County 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.
- (j) Any decision of the Land and Environment Court in an appeal from a decision of a former Council or former County 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).

18 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.

19 Effect of transfer on third party rights

- (1) The operation of clause 17 (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 or former County Council is required in relation to a transfer affected by clause 17.
- (3) No compensation is payable to any person or body in connection with a transfer affected by clause 17.
- (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 or former County Council and that person or body.

20 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 or former County Council 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 former County Council 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 and County Council for the whole of that year.

21 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.

22 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 former County Council, or to a predecessor of any of the former Councils or former County Council, is to be taken as a reference to the new Council and is to be read as a reference to the new Council.

23 Central Northern County Council

The Central Northern County Council is dissolved with its operations subsumed into the Council of the Areas of Liverpool Plains, Peel Regional or Upper Hunter as determined by agreement between the Councils of the Areas of Liverpool Plains, Peel Regional and Upper Hunter.

24 Upper Hunter County Council

- (1) The former Scone Shire Council is excluded as a constituent Council of the Upper Hunter County Council and the new Council is included as a constituent Council of the County Council.
- (2) The County Council's area of operations increases to include those parts of the former Area of Murrurundi that is included in the new Council as described in this Schedule.
- (3) Two persons are to be elected by the new Council to the County Council's governing body.

25 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 term of the new Council.

26 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, Liverpool Plains Shire Council or Peel 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, Liverpool Plains Shire Council or Peel Regional Council or if the Minister is not satisfied with any agreement reached between the aforementioned new Council, Liverpool Plains Shire Council and Peel Regional Council, including in relation to subclauses (2) and (4) herein.

- (4) A matter to be determined by the Minister shall 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, Liverpool Plains Shire Council or Peel 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.

27 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 Liverpool Plains, Peel Regional and Upper Hunter 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.

Schedule E**Land to be transferred from the Gunnedah Local Government Area****Area 1 - (Gunnedah to Liverpool Plains)**

Area about 1.82 square kilometres. Commencing at the intersection of the eastern prolongation of the northern boundary of Lot 214, DP 755494 and the generally northern boundary of Quirindi Shire: and bounded thence by that prolongation, boundary, the western boundary of that lot and its prolongation, westerly and southerly, part of the northern boundary of Lot 1, DP 614451 westerly, a line westerly, part of the eastern and part of the northern boundaries of Lot 97, DP 755529, northerly and westerly to the generally northern boundary of Quirindi Shire, aforesaid and by that boundary, southerly, easterly and generally northerly to the point of commencement.

Area 2 - (Gunnedah to Liverpool Plains)

Area about 20.69 square kilometres. Commencing at the junction of the generally northern boundary of Quirindi Shire and the south-eastern boundary of Lot 3, DP1045187: and bounded thence by that boundary and the south-eastern boundaries of Lots 2 and 1, DP1045187, south-westerly, the eastern and northern boundaries of Lot 105, DP 751032, northerly and westerly, a line westerly, part of the eastern, northern and western boundaries of Lot 91, DP 751032, northerly, westerly and southerly, the eastern prolongation of the southern boundary of Lot 101, DP 751032 and that boundary, westerly, the southern and western boundaries of Lot 100, DP 751032, westerly and northerly, the northern boundary of Lot 68, DP 751032 and it's prolongation, westerly, the northern boundary of Lot 71, DP 751032 and it's prolongation, westerly to Mooki River; by that river upwards to the generally northern boundary of Quirindi Shire, aforesaid and by that boundary generally easterly to the point of commencement.

Area 3 - (Gunnedah to Liverpool Plains)

Area about 2.93 square kilometres. Those areas of Lot 67, DP 755521 and Lot 2, DP819370 that lay in Gunnedah Shire.

Area 4 - (Gunnedah to Liverpool Plains)

Area about 1.78 square kilometres. The area lying in Lot 7, DP 182211.

Area 5 – (Gunnedah to Peel Regional)

Area about 98.02 square kilometres. Commencing at the intersection of the road from Boggabri to Manilla and the generally western Boundary of the Parish of Willuri, County of Nandewar: and bounded thence by that side of that road generally easterly to the generally south-eastern boundary of the Parish of Rangira: by that boundary, the generally north-eastern boundary and the generally north-western boundary of the Parish of Rangira, generally south-westerly, the south-western boundary of Portion 14, Parish of Mihi, south-easterly, part of the generally eastern boundary of the Parish of Mihi, generally southerly to Barneys Spring Creek; by that creek, downwards to the northern boundary of the Parish of Willuri; by part of that boundary and part of the generally western boundary of that parish, aforesaid, generally easterly and generally southerly to the point of commencement.

Schedule F

Land to be transferred to Gunnedah Local Government Area

Area about 1.10 hectares. The area of Lot 152, DP 751012 that lay in Parry Shire.

Schedule G

Land included in Gunnedah Local Government Area (as altered)

Area about 4786.94 square kilometres: Commencing at the confluence of Bomera and Coxs Creeks; and bounded thence by Bomera Creek upwards to the north-eastern corner of Portion 42, Parish of Tambar, County of Pottinger; by the northern and part of the western boundary of that portion westerly and southerly to the north-eastern corner of Portion 46; by the northern boundary of that portion and Portion 9, a line, the northernmost boundary of Portion 33, Parish of Wilson, and the generally northern boundary of Portion 18, generally westerly to the north-western corner of the said Portion 18; by a line north to the southern boundary of Portion 63, Parish of Urangeria; by part of that boundary, the generally southern boundary of Portion 43, the generally western boundary of the said Portion 43 and Portions 24, 54 and 44 of that parish and Portion 15, Parish of Nombi, generally westerly and northerly to the north-western corner of the said Portion 15; by the northern boundary of that portion and Portion 9 and part of the northern boundary of Portion 29, Parish of Bingle, easterly to the south-western corner of Portion 25; by the western boundary of that portion and the westernmost and part of the westernmost northern boundary of Portion 100, northerly and easterly to the south-western corner of Portion 33; by a line along the western boundary of that portion and Portion 34, northerly to the southern boundary of Portion 87; by part of that boundary and the eastern boundary of that portion; easterly and northerly; by a line along the generally northernmost northern boundary of Portion 101 and the northern boundary of Portion 105 and its prolongation generally easterly to Coxs Creek, aforesaid; by that creek downwards to the generally southern boundary of the Parish of Coogal; by that boundary generally westerly and part of the generally western boundary of that parish northerly to the south-western boundary of Lot 2, D.P. 251701; by that boundary and the south-western boundary of Portion 195 south-easterly, the south-eastern and north-eastern boundaries of that portion and the north-eastern boundary of Lot 1, D.P. 254370 north-easterly and north-westerly to the generally western boundary of the Parish of Coogal; again by part of that boundary generally northerly to the northernmost southern boundary of Portion 191; by that boundary and its prolongation easterly to the southern prolongation of the westernmost western boundary of Portion 54; by that prolongation and boundary and the western boundaries of Portion 53, a line, Lot 6 D.P. 700969, Portions 50, a line, 194, 49 and the westernmost western boundary of Portion 46 and its prolongation northerly to the southern side of the road from Derwentville Homestead to Oak Vale Homestead; by that side of that road westerly to the southern prolongation of the eastern boundary of Portion 85, Parish of Denison; by that prolongation and boundary and the northern and the western (and its prolongation) boundaries of that portion, northerly, westerly and southerly to the generally northern boundary of the Parish of Brigalow; by part of that boundary generally westerly to Kerringle Creek; by that creek upwards to a point about 221.3 metres east of the south-western corner of Portion 7, Parish of Denison West; by a line south to a point east of the south-eastern corner of Portion 2; by a line west to that corner; by the generally southern boundary of that portion and the southern and western boundaries of Portion 157, generally westerly and northerly to Kerringle Creek, aforesaid; by that creek upwards to the northernmost corner of Portion 78, Parish of Brigalow; by part of the generally southern and north-western boundaries of the Parish of Denison West generally westerly and north-easterly to its intersection with a line along the northern boundary of Portion 11; by that line and the northern boundary of Portions 11, 12 and 10, easterly to the western boundary of Portion 17; by a line along that boundary northerly to the southern boundary of Portion 16; by a line along that boundary and a line along the western boundary of Portions 25, 26 and 3, easterly and northerly to the southern boundary of Portion 55, Parish of Walla Walla West; by part of that boundary, the generally southern boundary of Portion 45 and a line along the eastern boundary of that portion and Portion 33 generally easterly and northerly to the south-eastern corner of Portion 48; by boundaries of that portion westerly, northerly and easterly to a line along the eastern boundary of Portion 38; by that line northerly to the southern boundary of Portion 15, by part of that boundary, the eastern and part of the northern boundary of that portion, easterly, northerly and westerly to the westernmost south-western corner of Portion 47; by the westernmost boundary of that portion and a line, northerly to the southernmost south-western corner of Portion 20; by a line along the southernmost boundary of that portion and the southern boundary of Portions 12 and 56, easterly to the westernmost south-western corner of Portion 50, Parish of Walla Walla; by boundaries of that portion, a line along the northern boundary of Portion 38 and the generally northern boundary of Portion 27, northerly, easterly, southerly and generally easterly to the north-western corner of Portion 53; by the northernmost northern boundary of that portion, the northern boundaries of Portions 86 and 54, a line and the northern boundary of Portion

17, generally easterly to Coxs Creek, aforesaid; by that creek downwards to the northern boundary of Portion 39, Parish of Gulligal; by that boundary, the generally western and a line along the southern boundary of Portion 198, easterly, generally southerly and again easterly to the western boundary of Portion 173; by part of the western and southern boundaries of that portion southerly and easterly to the centreline of the North Western Railway lands; by that centreline south-easterly to the generally southern boundary of the said Parish of Gulligal; by part of that boundary generally easterly to the western boundary of Portion 35; by a line along that boundary and the western boundary of Portion 34 northerly to the Namoi River; by that river downwards to the southernmost corner of Portion 141, Parish of Boggabri, County of Nandewar; by part of the generally northern boundary of the Parish of Brently generally easterly to the north-western corner of Portion 27; by the northern boundary of that portion and a line easterly to the western boundary of Portion 31, Parish of Tulcumba; by part of the generally western boundary of that parish, the generally western and part of the generally northern boundary of Parish of Willuri generally northerly to the generally southern side of the road from Boggabri to Manilla; by that side of that road, generally easterly to the south-eastern boundary of the Parish of Rangira; by part of that boundary, generally south-easterly, the generally eastern boundary of the Parish of Willuri and part of the generally eastern boundary of the Parish of Tulcumba, generally southerly to the north-western corner of Portion 74, Parish of Namoi, County of Darling; by the northern and eastern boundaries of that portion and part of the eastern boundary of Portion 56, easterly and southerly to a point west of the south-western corner of Portion 82, Parish of Dowe; by a line east to a point south of the southernmost south-eastern corner of Portion 68; by a line north to that corner; by a line east to Namoi River, aforesaid; by that river upwards to the northern boundary of Portion 246, Parish of Keepit; by that boundary and part of the eastern boundary of that portion easterly and southerly to the intersection of the latter boundary with a line along the northern boundary of Portion 119; by that line, that boundary, part of the eastern boundary of that portion and the northern, eastern and a line along the southern boundary of Portion 118, generally easterly, southerly and westerly to the eastern boundary of Portion 58; by part of that boundary and a line along the southern boundary of that portion and Portions 59 and 60 southerly and westerly to the eastern boundary of Portion 22; by a line along that boundary and the eastern boundary of Portions 63 and 69 southerly to the south-eastern corner of the said Portion 69; by the southern boundary of that portion, the southern boundary and a line along the south-western boundary of Portion 64 westerly and north-westerly to the north-eastern corner of Portion 250, by the north-eastern and south-eastern boundaries of that portion south-easterly and south-westerly; by part of the north-eastern boundary of Portion 41 and the north-eastern boundaries of Portions 185, 186, 187, 224, 188, 161 and 227 south-easterly; by a southern, an eastern, again a southern, a western and again a southern boundary of the said Portion 227 westerly, southerly, again westerly, northerly and again westerly to the northernmost north-western corner of Portion 252; by a western, a northern and again part of a western boundary of the said Portion 252, southerly, westerly and again southerly to the north-eastern corner of Portion 228; by the northern and western boundaries of the said Portion 228 westerly and southerly to Namoi River, aforesaid; by that river downwards to its confluence with Peel River; by Peel River upwards to the north-western corner of Portion 15, Parish of Moorowara, County of Parry; by the western boundary of that portion, a western, the westernmost northern and the westernmost boundaries of Portion 97, southerly, westerly and again southerly to the south-western corner of the said Portion 97; by a line south to the north-western boundary of Portion 153, Parish of Carroll, County of Buckland; by part of that boundary, the eastern boundary of that portion and Portion 154 and the north-eastern boundary of Portion 152, north-easterly, southerly and south-easterly to the easternmost corner of the said Portion 152; by the range through Portions 115 and 116, Parish of Noorowara, County of Parry, south-easterly to the westernmost corner of Portion 110; by the generally north-eastern boundary of the Parish of Babbinboon, County of Buckland, generally south-easterly; by the generally eastern boundary of that parish and part of the generally eastern boundary of the Parish of Denver generally southerly to the south-western corner of Portion 48, Parish of Piallaway; by the southerly prolongation of the western boundary of that portion southerly for a distance of 1,905 metres; by a line due east for a distance of 880.5 metres; by a line due south for a distance of 686.2 metres; by a line due west for a distance of 746.1 metres; by a line due south for a distance of 113.7 metres; by a line due west for a distance of 134.2 metres; by a line due south to the north-eastern boundary of Lot 152, DP 751012; by part of that boundary, the south-eastern and part of the south-western boundaries of that lot, south-easterly, south-westerly and north-westerly to a point along the previous due south line; by that line, southerly to Currabubula Creek; by that creek upwards to the northerly prolongation of the westernmost western boundary of Portion 225, Parish of Clift; by that prolongation, that boundary and the generally western boundary of Portion 226 generally southerly, the northern and eastern boundaries of Portion 227, easterly and southerly, the generally northern, the generally western and south-eastern boundaries of Lot 7, DP 182211, generally westerly, generally southerly and north-westerly, part of the generally western boundary of the Parish of Clift, southerly to the north-eastern corner of Portion 209; by the northern boundary of Portions 209 and 213, the western boundary of the said Portion 213 and its southerly prolongation, westerly and southerly to its intersection with the westerly prolongation of the northern boundary of Portion 208; by that prolongation easterly to the generally eastern boundary of the Parish of Ferrier; by part of that boundary and part of the generally southern boundary of that parish generally southerly, westerly and southerly, the south-eastern boundary of Lot 3, DP 1045187; and bounded thence by that boundary and the south-eastern boundaries of Lots 2 and 1, DP 1045187, south-westerly, the eastern and northern boundaries of Lot 105, DP 751032, northerly and westerly, a line westerly, part of the eastern, northern and western boundaries of Lot 91, DP 751032, northerly, westerly and southerly, the eastern prolongation of the southern boundary of Lot 101, DP 751032 and that boundary, westerly, the southern and

western boundaries of Lot 100, DP 751032, westerly and northerly, the northern boundary of Lot 68, DP 751032 and its prolongation, westerly, the northern boundary of Lot 71, DP 751032 and its prolongation, westerly to Mooki River; by that river upwards to the eastern prolongation of the northern boundary of Lot 214, DP 755494; by that prolongation, boundary, the western boundary of that lot and its prolongation, westerly and southerly, part of the northern boundary of Lot 1, DP 614451 westerly, a line westerly, part of the eastern and part of the northern boundaries of Lot 97, DP 755529, northerly and westerly, part of the generally southern boundary of the Parish of Doona and the generally southern boundary and part of the western boundary of the Parish of Brothers generally westerly and northerly to the northwestern corner of portion 137, of the latter Parish; by a line north to the southern boundary of portion 25, Parish of Brown; by part of the southern boundary of the said portion 25 westerly to the southwestern corner of that portion; by part of the generally eastern boundary and the northern boundary of the Parish of Howes Hill generally northerly and westerly to the north-western corner of portion 12; by the generally eastern boundary and part of the generally southern boundary of the Parish of Calala, generally southerly and westerly to a point about 166 chains west of the western boundary of portion 116; by a line southerly to the northern boundary of Lot 67, DP 755521; by part of that boundary, the north-western and the generally south-western boundaries of that lot, westerly, south-westerly and generally south-easterly, a line southerly, the western and part of the generally south-western boundaries of Lot 2, DP 819370, southerly and generally south-easterly to again the line southerly from a point 166 chains west of the western boundary of portion 116, aforesaid; by that line southerly to a point about 13 chains south of the westerly prolongation of the northern boundary of portion 74, parish of Trinkey; by a line east to the western boundary of that portion; by a line along that boundary of that portion southerly to the northern boundary of portion 118, Parish of Lawson, by part of the northern and eastern boundaries of the said portion 118, easterly and southerly to the road from Breeza to Binnaway; by that road generally westerly to Coxs Creek, aforesaid and by that creek downwards to the point of commencement.

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