

Minutes for the Leards Forest Environmental Trust Inc. Meeting

Meeting Held: 16 May 2019 at 12:30pm

Venue: Boggabri Golf Club

Present: Cath Collyer (CC), Cr Robert Kneale (RK), Daniel Martin (DM), Darren Swain (DS), John Hamson (JH), Julie Heiler (JH), Clr Lloyd Finlay (LF), Ros Druce (RD), Sebastian Moreno (SM),

Independent Chair: David Ross (DR)

Independent Secretary: Debbie Corlet (DC)

Apologies: Ros Solamon (RS)

1. Welcome & apologies

DR welcomed everyone to the meeting, advising that RK would like to attend as an observer.

2. Declaration of pecuniary or non-pecuniary interests

DR asked the members if they were okay to bring up any pecuniary interests if there was an issue with respect to the funding applications. Members accepted this.

3. Business Arising and Previous Minutes

The minutes from November 2018 Trust meeting were endorsed by members.

All actions from the previous meeting have now been completed. There was agreement from the Trust on the draft constitution and that it can now be finalised.

DR – To finalise Constitution and send out to the Trust within 4 weeks.

4. Review and consideration of applications

Requirements for quotes - 1 quote = if under \$10,000, 2 quotes = if under \$50,000 and 3 quotes = if over \$50,000.

- **Fairfax Public School** – Request to install an irrigation system for \$22,500.63.
- **Men's Shed** – Request to power shed extension for \$1,100.
- **Keeping It Cool Project** – Revised request to apply solar paint for \$4,220.

Fairfax Public School

JH – It meets all the requirements.

LF – Amount requested was about \$500 more than the quote. What was the quote for? What happens with the GST?

DR – I have spoken to the Principal; the amount sought is \$22,500.63. With respect to GST, we will be guided by the successful quote attached to the application.

Unanimous approval.

Men's Shed

DR reminded the members that the Trust had approved funding of \$9,950 for the Shed to have solar panels installed. However, there has been confusion with the applicant seeking an additional \$1,100 for power and lighting for the Shed's extension. This hadn't been clearly noted in the November 2018 application. CC – They need to put another application in for the \$1,100.

DS – to Julie – it is for connection not for an electrician for lights etc?

DR – Given the funding for the panels – another \$1,100 for extra lights or panels. Community needs a new application.

It was agreed by the Trust that another application must be submitted, itemising what is required. The Trust could then approve it electronically, provided that the necessary information is submitted. As the quote is under \$10,000, just the one quote is required.

It was also noted that Fairfax Public School, in compliance with the Trust's requirements, will need to obtain and submit an additional quote, appreciative of the difficulty of getting tradesmen who are available.

RD – Further away means more expensive trades people.

DR – 1 more quote for the irrigation system. Once received, we can discuss electronically. In principle we support that application – but to be formerly approved we need one more invoice.

Keeping It Cool Project

Sorted further information from Sally Bates after our November meeting to clarify what is proposed. Quote is for \$4,220.00 - \$1,720 – solid coat primer / freight included - \$2,500 for roof tech/ roof painters to apply the material.

JH – Pitch of the roof (comes to a point) so quote includes a cherry picker. No local blokes can do it – so they are coming from Newcastle. They have good reviews. If it works – then they'll potentially get lots of other work in the Boggabri area.

DR – Decision – unanimously agreed to by Trust.

Narrabri Shire Council Discussion

For the past 18 months, there have been ongoing discussions with Stewart Todd of NSC around the governance of the Committee – members of the Trust met with Stewart this week (14 May 2019) to clarify his decision for Councillors to now make the final decision on which applications receive funding. Stewart has made these changes under Section 356 of the Local Government Act. DR noted that the Trust needs to discuss the “where to from here”. He noted that three options have been identified; namely:

1. leave things as is with Councillors as are the final decision maker body.
2. Trust in its existing form gets disbanded. The community members on the Trust could be transferred over to a Council Advisory Committee. Counsellors would still be the final decision makers.
3. Seek legal advice that the monies be taken off Council and we (the Trust) manage the funds ourselves.

CC – Under Section 356 – the Council are legislatively required to ensure monies are distributed fairly. It is Council funds – these funds are not council funds; they are the Environmental Trust funds. They are not for rates or VPA.

DM – Councillors to vote – what happens if they don't agree on something we've already voted and recommended?

LF – They can do that of course.

DM – If it's not broken yet, why challenge the system?

CC – I don't believe we should have had it taken away – the system has worked well for the last few years. The viewpoint of Section 356 of the Act by the General Manager (this GM). He has a different interpretation than previous the GM. I'm quite happy to contact the Local Government and get them to send clarification of where we stand on that Section of 356. Some Counsellors may decide they don't support an application.

LF – It's a numbers game. I must walk out because of my pecuniary interest and the Major gets to make the final decision. It depends on how they view something.

DM – That's what could happen. If it comes from the legal that our interpretation is right – the GM will still veto.

RK – If the Trust was to be shifted to a Council Committee, then members would have the protection of Narrabri Shire Council. Funds from the VPAs remain in a separate account – revenue is identifiable – and release the funds after the council meeting and a vote has been taken. This would meet the requirements of the Auditor – as it has been currently been handled. Assume the whole responsibility – applications go to you as the Trust – you have the money in your bank account – that is something that is entirely up to you. If you want to take the responsibility on – end responsibility is with council but under those circumstances the Trust has the full protection of NSC. You have received applications for funds for various organisations – speaking on my behalf – I would understand as a counsellor that this committee is making the right decision. I would never vote against a committee like this. I would find it very difficult that the council decision wouldn't marry in with this Committee Trust.

RD – For us to take on administration of the account, as a group – it would be a lot of work and leave us open to a lot of things.

LF – Tuesday talk about costings – GM – legal advice if we went out by ourselves - \$4,000 upwards.

DR – And I have concerns about whether we would have the capability as well to manage this.

DM – I understand the risk.

JH – Doesn't our Constitution protect us?

CC – John wrote it up and he's well informed and educated man.

JH – How does the Shire protect us when the Constitution protects us.

DS – The Council is audited. If any funds come out of an account – it needs council motion.

RK – We haven't discussed the 3rd option. The middle ground – the Trust becomes a committee of council.

DR – What is the benefit?

RK – It changes in a sense – you become a committee of council – umbrella of council – we get reports and we then decide and that then goes to the next council meeting, but you still have the local input.

LF – Current committee just slides sideways over to the council.

DR – Possible benefits – no more incorporation. Efficient as possible as a committee – wouldn't have to go through the financial statements that get charged back to the trust.

JH – The community reps – so that means they have no say in it – we are working together – why disband that. They should have a decision.

RK – They would still be on the committee.

DS – How are those committees – are they chaired by a counsellor?

RK – Sometimes the counsellor is the chairperson.

CC – It could be the answer and they run very well.

DR – Everyone here could still be involved.

CC – I'd like clarification. A rep from each of the three mines, a councillor and community reps. I'd like to make sure the format is the same.

DR – Deb and I wouldn't be involved. You'd come under a Terms of Reference.

DR – Advising the Trust to explore what is the least worst of the three options.

CC – To go to the Office of Local Government. Action

RK and LF – Get a copy of the Terms of Reference to find out what it entails. Action

DR – Not an electronic conversation as it is too important. November discussion. Process remains as is until next November meeting.

General Business

Keeping in mind the Constitution we now have in place – all members of the Trust are all involved in the decision making. Are you comfortable with the current number of community members we have in place or do we need to try and find a replacement for Caz?

JH – What about Lindy?

DR – We need to have at least 3 community members involved. Cath will have a chat to her first.

DR – on Tuesday, at the meeting with Stewart Todd, we got an answer to our question about whether NSC has made its contribution in line with its requirement under the Maules Creek VPA. While we have been unable to obtain an answer for a few years – it has been confirmed that NSC had made that payment – in October last year and is covered in the Trust's Financial Statement. Revenue Contributions to the tune of \$3000 and something last financial year and \$8,000 and something (off the top off my head), the year prior.

DS – They played catch up which is why it was a bigger figure the year prior.

DR closed the meeting at 1:41pm.

Date for next Meeting

Next meeting – early November, 2019.

Action List

Action Owner	Action to be completed
DR	Photos for the Fact Sheet to be provided to RS (ongoing).
RS	RS and DR to coordinate the Fact Sheet and then pass to the CCC to consider.
DR	Claire from \$26,000 hadn't been spent by them. Back to the trust within 2 weeks from today.
DR	Finalise constitution and forward to the CCC within four weeks.
CC	Cath to go to the Local Government re Section 3.56 of the Act.
RK & LF	Get a copy of the Terms of Reference to find out what it entails.