

Workshop Program

Tuesday 10 July 2018 commencing at 6.30pm

Prospect Town Hall, 126 Prospect Road, Prospect

Workshop Chair: Cate Hart, Chief Executive Officer

Workshop Opening

- Apologies
- On Leave

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Meeting Close

Workshop Guidelines

The following details provide an overview of the procedures to be observed:

1. The Workshop will be held on the first and second Tuesday of each month, other than January of each year, between the hours of 6.15pm and 9.30pm (commencing with a light meal for elected members and staff), for the term of the Council or until the Council determines to discontinue the Workshop structure.
2. The need for extraordinary Workshops will be assessed and determined by the CEO.
3. The Workshops will be held in the Reception Room, Civic Centre, 128 Prospect Road, Prospect SA 5082.
4. The time, date and location may be subject to change by the CEO where necessary.
5. The Workshops will be open to the public and media. Notice of a Workshop and the program for a Workshop is to be placed on the Council's website.
6. A confidentiality declaration may be determined by either the Council or CEO in accordance with Council's Informal Gatherings Policy.
7. No decisions will be made at the Workshops. There will be the opportunity for discussion and questions and answers only, and the provision of guidance to the Administration.
8. The CEO or proxy will convene and chair the Workshop to ensure the smooth running of the meeting. The proxy will be determined by the CEO on a needs basis.
9. All Elected Members will be encouraged to attend.
10. The CEO will ensure the Program and papers for the Workshop, which will include Agenda items for the following Council Meeting, will be provided to members by the Friday preceding the Workshop to allow time for members to read the reports and prepare their questions prior to the Workshop.
11. Notes will be made of the general issues and items covered by the Workshop, given that no decisions can be made, and distributed to Elected Members for information.
12. The format for the Workshop may vary on a meeting by meeting basis and could include training, planning, presentations, and discussions.
13. The format for the Workshop will be determined by the CEO.
14. External parties may make Presentations/deputations to the Workshop, subject to prior agreement by the CEO.
15. Elected Members, employees and consultants will be required to disclose any financial and/or conflicts of interest in matters to be discussed. The disclosure of such interest and participation in the Workshop will need to be made as if the matter was considered in accordance with the Local Government Act 1999. A record of the disclosures of interest will be made and maintained by the CEO.

Workshop Protocol

The protocols are a set of guiding principles that aim to achieving enhanced, meaningful engagement of members and to facilitate an equal and equitable participation of all members.

The individual members commitment to active listening and disciplined talking, displaying both courtesy and respect to other members is paramount.

1. The Chair ensures that every members' input is heard and not overlooked or lost, and will enforce a limit on speakers' time when it is best required.
2. No rank and/or officer position of administrative or governance authority recognised within the workshop (except for the Chair), and protocols are enforced when deemed necessary.
3. Members and staff are to be addressed by their first name and not by their title of office they hold.
4. Discussion must be focussed on the issues and matters being the subject of discussion.
5. One member speaking at a time is a right, and must be enjoyed by all members.
6. Interrupting another member speaking is not desired and members are encouraged to exercise restraint for the benefit of all concerned. Equally, there should be no dialogue between members and person(s) in the gallery that interrupts the workshop discussion.
7. No ridicule, blame or shame to be expressed and/or exchanged during the workshop and care should always be taken with the words used in debate.
8. Problems and solution expressed by members are a healthy part of the discussion and may lead to positive outcomes, and should not be frowned upon but rather encouraged.
9. Although it is not a decision-making forum, it is an important part of ensuring a well-informed and enhanced decision-making process for Council.
10. The imperatives for a successful conduct of these workshops are that all members need to work together, displaying courtesy and respect to each other.

It is important that all members recognise the above list of protocols is not about rules; protocols are a set of guiding principles that are agreed on and committed to by all participating members.

Notes from previous workshop

Notes from Workshop 03/07/2018

- Chair:** Ginny Moon, Director Corporate Services
- Present:** D O'Loughlin, K Barnett, T Evans, A De Backer, M Standen, M Lee, M Groote, M Larwood
- Apologies:** A Harris.

Notes from previous workshop held on 05 June 2018

- Taken as read.

1. Website and Extranet Presentation

Chris Hannaford introduced Julie Wrobel and Jason Saville from Algo Mas who are currently undertaking the City of Prospect website revitalisation project. Algo Mas provided an update on the project, along with a presentation on the newest version of the website and extranet. Questions from the previous Workshop were also addressed in terms of user functionality and future upgrades.

Comments and Questions from Elected Members

- It was requested that Directors be responsible for information within that area – *Each Director/ Directorate will be responsible for their information and a best practice guide will be implemented for staff, along with scheduled training*
- With the expiry of information, is there is a notification warning before content expires? *Yes*
- If information is deleted is it permanent? *No, Council has software to store all information*
- How are analytics influenced? *The report would have to be reviewed to obtain the results*
- The word 'Live' presents confusion, could another word be used in its place? *'Live' is quite common amongst other councils, however we will review and research other councils*
- Have the community been consulted on the project? *Analytics from the community are used to collect the data. Business and community engagement has also been done, however the participation rate was low and feedback was minimal*
- Location of information was discussed
- In terms of Google Maps integration, will it be able to locate parks and shared spaces? *Currently the website does not have this functionality, however a 'Parks and Gardens Directory' can be added to feature the information. Alternatively, we may be able to look into this feature, however there would likely be further associated costs.*
- Can the Community Portal be highlighted? *There will be numerous links which will feature the portal, analytics of this area can be reviewed to determine the best location*
- Can an immediate search area be created, as opposed to two-step search? *A user friendly and prominent search function will be needed for the website. This can be changed as the design isn't yet finalized – we will explore*
- Can live chat be added? *This can be looked in to – live chat numbers to be provided*
- There seems to be a lot of focus on analytics which rely on 'clicks'. What happens if a user can't find their area and the 'click' isn't therefore logged? *We have search engines for immediate results and links between pages*
- There was interest to link Strategic Plan
- There is desire to keep topics relatively consistent and keep the framework simple
- The comparison of other council websites was discussed
- Can HP Content Manager and Unity be linked? *Not at this stage, however it can be suggested to the LGA as a change during the next upgrade of Unity 7*
- How is the Network Prospect website progressing? *Currently it is in Wordpress and will be linked into the new website; it will additionally be upgraded over time*
- There are language differences within the titles of the site, can there be more consistency? *This is being reviewed on an ongoing basis during meetings with communications champions*

- The concept of heat mapping could be introduced as a feature eg. Crazy Egg. *Noted*
- At the bottom of the page of the draft website, can logos be added eg. To advertise Network Prospect. The social media icons featured at the bottom of the page all look the same. *The social media icons point to different accounts, too many icons/logos will look messy*
- Overall, what are the benefits for the new website? *Updated and accurate information, searchability functions*
- When can the operational aspects be presented? *This can be brought back to a future Council Meeting*
- Can add 'report a problem' on a page be added? *This will be looked in to*

Next Steps:

- Title language can be reconsidered if necessary
- Algo Mas will be working with the Communication Champions in order to finalise the copywriting process, progress the content migration and launch the new website in September 2018

2. Smart Cities – Presentation from Adelaide University

Chris Hannaford provided a general update on the current concepts, projects and investments within the Smart City prospectus and confirmed the collaboration with the University of Adelaide to submit a Smart Cities application for the 'Libraries of the Future' grant under the Smart Cities and Suburbs Program Stage 2. Nick Faulker, Director of the Smart Cities Consortium from the University of Adelaide further presented on the Smart Cities achievements focusing on new developments and updates on Smart City initiatives.

Comments and Questions from Elected Members

- Have Elected Members seen the data? *Yes, there has been a 115% increase in the number of people in the last 18 months, largely due to the cinema opening. Views are also up 200% with stats provided by Kiana (software). There is intention to provide a trend report to retailers, Elected Members and others*
- The facilities booking system was discussed. *Information regarding the system can be brought back to a Council report Meeting on the pilot project for the Facilities Booking System.*
- Has the video shown in tonight's presentation been distributed? *Yes it has been circulated via Facebook one month ago and via channel 44. It hasn't been promoted via Instagram, however the campaign will be evaluated and brought back to the Village Heart Marketing Fund Committee.*
- Does LoRaWAN pick up traffic movement? *Yes, but there's already tracking software that does this*
- Does this application have drone tracking? *Yes .*
- What is the status of the sensors in Memorial Gardens? *Deputy Mayor attended the launch of Smart Cities Consortium at Adelaide University on 27 July 2018. Council was notified in late November 2017 that it was successful with the Smart Cities and Suburbs grant. The grant agreement was executed in the 7 February. The project brief was then developed with the other 4 Councils. EOI will be assessed on 5 July 2018.*
- What is the usage of sensorised movement detection technology? *Algorithms are used to evaluate the data which can be used in the new CLIC building if required*
- How will everyday lives be made better through Smart Cities? *It's about discovering what is important to people and finding improvements together, then implementing those solutions*

Next Steps:

- A report will be presented to Council on the Facilities Booking System
- A copy of the new Investment Prospectus to be circulated
- Staff to lodge application for an award with Intelligent Communities Forum.

3. South Australia's Planning and Design Code Discussion Paper

Nathan Cunningham introduced Darren Starr and Rick Chenoweth to give a two-part presentation on the Planning and Design Code (P&D Code) discussion paper provided by the State Government and an update on the early stages and scope of the Housing Diversity & Desirable Neighbourhood study (the Study). Darren provided an overview of the Development Assessment Process under the new (P&D Code) structure and Rick presented strategic and trend analysis through population and housing discussions as part of the Study.

Comments and Questions from Elected Members

- Does the code mean that all Councils will have one development plan? *Yes essentially, but it will be known as a centralized Code*
- Original intention of reform process to achieve better design outcomes does not appear to remain an area of such a strong focus, which is of concern, Councils need to be careful how to incorporate the language and get better design outcomes from this new instrument.
- Why isn't the design applied in residential areas? *Housing Diversity and Better Neighbourhoods Study is being undertaken to ensure Council has a strong and evidence based position from which to advocate for the right policy outcomes throughout our residential areas in the new Planning and Design Code. Developments in residential areas are assessed against all relevant provisions of the current Development Plan which includes design based principles (amongst others).*
- The new PDI Act 2016 was intended to promote better design outcomes; however Councils don't have access to the same design assessment process that applies for buildings 5 levels and over where the State can utilize the Government Architect for Design Review. *Noted*
- The urban corridor zone has been reviewed, but residential streets haven't in recent years; how can the current areas be protected, what is the current process Council is undertaking? *This is the purpose of the Housing Diversity and Desirable Neighbourhoods Study, which was originally intended to be a DPA but is now intended to inform the new policy that will apply under the Planning and Design Code*
- Council's position to the government should demonstrate core values, the more descriptive the better. *This can be added into the report submission*
- Will there be designer and architect input? *Yes, looking to have local industry bodies to input to the study*
- Where do the design outcomes sit? *In the design section and in the general modules. Please note concern that the word 'design' does not appear anywhere in the framework contained within the discussion paper*
- Guidelines and public perception of the words 'rules' 'code' as opposed to 'guide' were discussed as a concern. Indicated that clarity and consistency of language was of great importance in having a transparent planning system. *Noted.*
- Housing style within Inner Metropolitan Adelaide is very distinctive in consistency and character in some areas, Council needs to push in this space. *Noted*
- The new system is intended to achieve greater transparency by making it much easier to understand what someone can do on their block of land and provide access to information easier.
- How does Council get the opportunity to influence local variations? Are we working with other Councils on this? *The ERA group of Councils has a Policy Planners Group whereby various issues are discussed and this has commenced*
- Discussed fast/automatic approvals, in terms of the Code for 'Exempt' and 'Deemed to Satisfy'. These approval processes do not include design criteria. *This has been flagged as a risk*
- Merit was discussed as a subjective term. When does council have the opportunity to object? *Council staff and the CAP are trained, qualified, delegated (and experienced) to undertake a full and balanced assessment against the current development plan. This process involves professional judgements that are open to criticism. Council's role is to ensure that the assessment criteria provide the correct framework for achieving desired outcomes.*
- How do you have a tick box approach in relation to more complex streetscapes requiring nuanced design assessment? *It is important that assessment criteria are set correctly, or undertake such assessment through a performance assessed process instead. This will make it important to have the correct zones and/or sub-zones applying in the right areas.*
- The community need to know what they can and can't do and Council needs to have the authority to decline objectionable developments. *Council staff and its CAP can and do refuse unacceptable development. Recent refusal example of the demolition and replacement of a*

character home within a character zone was discussed, highlighting how the strength of policy in a character area is different to those in the general residential zone which actively promote some redevelopment and infill.

- Can photos / images be included for a better visual? *This can be done in the Study but wouldn't be included in the code*
- What is the role of private assessors in relation to the new Code/ system? *Appears likely that they will be able to assess deemed to satisfy developments only. Council should express expectation that certifiers should not be allowed to undertake performance based assessments. Noted for inclusion in submission*
- What is the status with the conservation zones? These are being transferring over; this work has already been done previously (they'll likely flip straight over) Submission should reinforce that Council expects this to occur. *Noted*
- Interestingly, in the 1950s Council's peak population at 24,000 people had already achieved the State Government's current density targets of 3000 persons per square kilometre. We are now at 2632 persons per square kilometre and still one of the highest density local government areas in Adelaide and experiencing a gradually increasing population. This supports Council's strategic growth direction with focus on corridors and minor sensitive infill development in residential areas.
- What small household sizes are applicable to Prospect? - *28% one person and 31% two person households in City of Prospect.*
- What criteria have been used to assess the character of streetscapes? *The methodology and process of the analysis undertaken to this point will be presented in greater detail to SPDPC*
- Study areas and sparsity of analysis in some parts of Prospect was questioned – *Random sampling of street assessment (14 streets and 691 properties) across the Council area that provided a relatively even distribution within each residential policy area and Council Ward. This study can be extended upon further consideration by SPDPC recognizing time implications of broader scope*
- Can the interpretation of the word 'character' be defined to/ by the committee? *The SPDPC report will look to touch on this as it relates to 'streetscape character'*
- Can a new system be set to advocate for no more sub-divisions in this area? *Unclear. Need greater understanding of what local variations State Government will allow. Analysis shows that frontage width is the key determining factor in whether a property can be subdivided, could seek policy outcome with larger frontage widths. Acknowledged that this is not strictly a policy outcome that prevents subdivision.*
- Have other councils put in submissions in relation to the Code discussion paper? *Yes Port Adelaide Enfield are known to be working on one. Norwood on the other hand are awaiting further detail on the Code*
- While laneway housing potentially has demand, it is tricky to achieve good design outcomes. Should model design outcomes before Council considers encouraging this through policy. *Noted*

Next steps

- The findings from the housing diversity study will inform Council's position over the next 6 – 12 months.
- A Council Report will be provided at the July meeting on the draft response to DPTI about the Planning & Design Code submission

Workshop closed at 10.13pm

1. CLIC Chamber Event Space Fitout

Responsible Director: Nathan Cunningham

Expected Duration: 60 minutes

Presented by: JPE Design Studio

Council endorsed the 100% Design Development Plans for the new Community Hub, Library and Innovation Centre (CLIC) at its meeting of 24 April 2018, subject to a number of design elements that were identified for further review and refinement. Many of these elements were subsequently resolved at the next Council meeting of 22 May 2018, following review and recommendation by the CLIC Project Executive Group. The plans endorsed by Council at that meeting remain available for viewing on the Council website at <https://bit.ly/2kP1hLb>.

In endorsing the May 2018 Design Development Plans, Council noted the following components remained outstanding for further design development and review at workshop before being returned to Council for endorsement:

- a) Internal light fittings
- b) Level 1 Chamber / Event space furniture, layout and lighting preferences
- c) Town Hall internal lighting
- d) External lighting to Town Hall (for further design development)

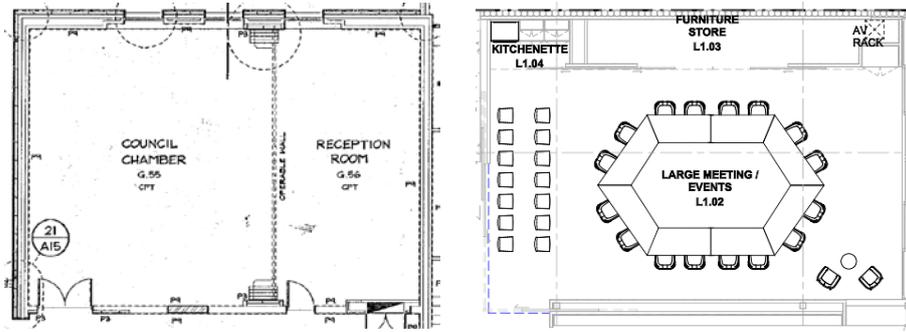
It is noted that some of these matters have been discussed and progressed with the PEG and the Project Team and consideration was given as part of determining certain items as 'below the line' through the June Council report.

The purpose of the workshop session is to discuss the options available in relation to the Level 1 Chamber / Event space, in particular the furniture, layout and lighting preferences. The internal light fittings, Town Hall internal lighting will have a brief overview and external lighting to the Town Hall will form part of the Vine Plaza Integration Plan.

Chamber / Event Space Comparison

For comparison, the former Council Chamber and Reception Room (combined) measured 13m by 8.8m (115m²). The endorsed Chamber / Event space measures 13.4m by 7.5m (100m²), plus a 1.5m deep area running the length of the room for furniture storage, AV and a kitchenette (20m²). In effect, the new Chamber / Events Space is slightly longer (400mm) and wider (200mm) than the previous Chamber / Reception Room, and has the added benefit of a balcony and adjacent gathering/ lobby area.

An illustration of how the size areas compare (indicatively) is provided below:



Furniture Options Discussion

The Chamber / Event space is intended to function as a multi-purpose space, with the ability for the room to be used on a recurring basis for Council Meetings and Elected Member workshops, as well as being available at other times for a variety of users in support of a range of uses. For example, the space could also be used by community groups for meetings or presentations, by the local business community for events or meetings, or by Council staff in the provision of services and functions to the community.

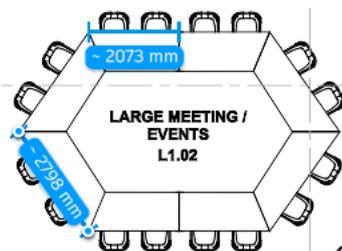
This presents a unique design challenge, where the furniture, layout and lighting needs to be flexible to suit a range of uses/users, yet have a sense of gravitas suited to the nature of decisions made by Council on behalf of the community, and a level of comfort suitable for the duration of Council meetings. The furniture would therefore need to be:

- a) Easily movable (to allow for ease of rearrangement or storage)
- b) Suitable for storage within the adjacent furniture store (to clear the space)
- c) Able to be rearranged to suit a variety of activities (for flexibility of use)
- d) Be appropriately formal (to suit Council meetings)

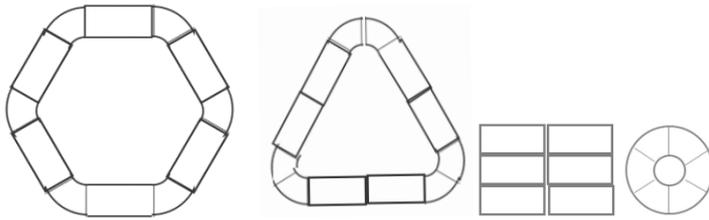
The chairs currently used for Council meetings are easily movable and are appropriately formal, but not ideal for storage or for casual users. The tables currently used for Council meetings are appropriately formal, but are also not easily movable or able to be rearranged for a variety of activities, nor are they space efficient when stored. The tables used for Council workshops are easily movable, able to be rearranged to suit a variety of layouts/activities, and are suitable for storage, but might not be considered appropriate for the formality of Council meetings.

In relation to the size of desk/table spaces, the current Council chamber desk arrangement is comprised of 17 individual desks, each of which are 895mm wide at the outside edge, 1000mm deep and narrowing to 530mm at the inside edge. When set up, the diameter of the round table is approximately 4.98m. As such, while they are not the most efficient or flexible, the existing tables and chairs would be able to be accommodated in the new building.

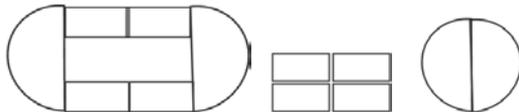
One option prepared by the design team shows desks of 2.1m and 2.8m length seating two people each, for a total of 16 places (which is slightly less than the required number). The longer of the desks as shown could potentially accommodate three people each, increasing the seated capacity to 20 people.



An alternative option, using 1800mm long desks and a series of corner desks (with 60 degree angles) has also been prepared, and would allow for configuration in a hexagonal and/or triangular arrangement for Council / board meetings. These could also be rearranged into a rectangular configuration with a circular table arrangement also able to be configured (as below). It is noted that this is a more complicated design solution and would likely have a resultant budget impact (the event space table budget allocation within the cost plan is \$14,000, with \$10,500 allocated for chairs).



Another option for consideration uses four 1800mm long desks (seating two each), with two semi-circular tables of approximately 1400mm radius (seating five each), which could be rearranged into a rectangular configuration with a circular table arrangement also able to be configured (as below).



Options such as these above will be prepared by JPE and presented/ discussed in the Workshop.

Attachments:

Nil

2. Local Government (Boundary Adjustment) Amendment Act 2017 - Boundaries Commission Draft Guidelines

Responsible Director: Ginny Moon

Expected Duration: 60 minutes

Presented by: Jo-Ann Tanti, Manager Governance & Administration

Background

In June 2016 the Local Government Association released a Discussion Paper outlining the implementation of Local Government Boundary Changes. In August 2016 the *Local Government (Boundary Adjustment) Amendment Bill 2016*, accompanied by an explanatory paper, outlined the proposal to amend boundary adjustment provisions as set out in the *Local Government Act 1999*.

The *Local Government (Boundary Adjustment) Amendment Act 2017* will commence on 1 January 2019. The Local Government Grants Commission (LGGC) will take on the role of Boundaries Commissioner, as an independent body, to provide an analysis of significant boundary change or amalgamation proposals by investigators with relevant expertise.

The LGGC have written to each Council seeking comment on the draft guidelines, detailing the process by which it will receive, assess and progress council boundary change proposals. Council Members are provided the LGGC – Boundaries Commission Draft Guidelines, accompanied by the Boundary Reform Explanatory Paper (Attached).

Council Officers will highlight key points identified within the draft guidelines, including how they may be utilised to facilitate a boundary adjustment, during the evening's workshop session, seeking feedback to be included in a response for Council decision in July, to the LGGC and LGA.

Attachments:

- LGGC - Boundaries Commission Draft Guidelines
- Boundary Reform Explanatory Paper

Future Workshop and Council Agenda Items

Members may seek advice as to the purpose, or intended resolutions planned for the next Council meeting. These items are subject to change.

Council Workshop 17/07/2018

- Depot relocation
- Urban Street Tree Guide
- Caretaker Period and Impending Policy Review

Council Meeting 24/07/2018

- Borrowings and Financial Arrangements Report
- Investment Report
- Review of outstanding Council Resolutions
- Strategic Plan to 2020 Information Report
- Depot Relocation Feasibility Study
- North Park Lands Upgrade Update
- Angwin Avenue Petition
- Rose Street/Myrtle Street Carpark and Events Traffic Support
- Boundary Adjustment Reform Legislation - Feedback to Local Government Grants Commission (LGGC)
- Mayoral Monthly Report
- Local History Digitisation Project Summary
- Planning and Design Code
- Azalea Street Public Realm Upgrade
- Community Consultation for Road Naming – Prospect 1838 Development Stage 1
- Rose Street/Myrtle Street Carpark and Events Traffic Support

Council Boundary Change Proposals

General Information

This Guideline should be read in conjunction with the procedures for boundary change proposals which are set out in Chapter 3, Part 2 of the *Local Government Act 1999* (the Act). The Act is accessible via the [South Australian Legislation website](#). A flowchart providing an overview of the process is included in Attachment 1.

Role of the Boundaries Commission

The Boundaries Commission (the Commission) is the body established to undertake the initial assessment of reform proposals, oversee investigations, and make recommendations to the Minister responsible for the Act (the Minister). This role is undertaken by the Local Government Grants Commission.

What is a 'boundary change proposal'?

Boundary change proposals are proposals that change the area of a council. This could mean a proposal to—

- (a) constitute a council; or
- (b) amalgamate two or more councils; or
- (c) abolish a council and incorporate its area into the areas of two or more councils; or
- (d) alter the boundaries of a council area.

The Commission can also consider proposals for changing the composition or representative structure of a council, that is, the number of elected members and wards that comprise a council.

Who can submit a boundary change proposal?

Proposals may be referred to the Commission—

- o by resolution of either House of Parliament;
- o by the Minister;
- o by a council or councils; or
- o by the prescribed percentage or number of eligible electors.

Proposals must set out in general terms the nature of the proposal and comply with any requirements of the proposal guidelines.

How can a member of the public make a submission to the Commission?

Members of the public can submit a proposal to the Commission to consider boundary alterations, changes in the composition of a council or its representative structure, or the inclusion of unincorporated land into a council. Members of the public, cannot, however, initiate a council amalgamation or the creation of a new council.

The Act provides that a public initiated submission may be referred to the Commission by a prescribed percentage or number of eligible electors. An elector is a person, body corporate or group of persons enrolled on the voters roll for a council.

In the case of a proposal to alter the boundaries of two or more councils, eligible electors are electors in the area proposed to be moved or in the council that would receive the area.

Further information on the process for public initiated submissions is contained within Guideline 6.

What happens following a submission to the Commission?

The Commission will assess the proposal in accordance with the requirements of the Act and proposal guidelines. The Commission may refuse to inquire into a proposal if it is considered to be vexatious, frivolous or trivial; or if it is not considered to be in the public interest; or if it is the same or substantially similar to a proposal already inquired into; or if there is some other good reason to refuse to enquire into a proposal.

For example, dissatisfaction with the services provided by a council, or with particular elected members, is not sufficient reason for members of the public to make a submission to the Commission. These are issues that should be decided between councils and their ratepayers.

The Act gives the Commission flexibility to deal with proposals to ensure that the most effective inquiry into an identified issue is undertaken. For example, the Commission may deal with similar or competing proposals that are referred to it.

If the Commission determines to inquire into a proposal, there are separate processes for administrative proposals and general proposals.

Administrative proposals are those that are made to correct historical anomalies in council boundaries, to allow for development that is approved elsewhere, or for other, largely administrative reasons. The process for conducting an inquiry into these proposals is therefore streamlined. Section 30 of the Act sets out the requirements for administrative proposals. Further information is contained within Guideline 2.

The Act also provides for more significant proposals to be considered. Section 31 of the Act sets out the requirements for **general proposals** and provides for an independent analysis of significant boundary change or amalgamation proposals (general proposals), with expertise relevant to each proposal. Further information on general proposals is contained within Guidelines 3 and 4.

When considering any boundary change proposal the Commission must refer to the objects of the Act as a whole, and in particular, the Principles contained within section 26 of the Act. The Commission is obliged to take these principles into consideration when making recommendations about boundary changes.

The Principles outline factors that must be taken into account when considering what form a council should take. They cover issues such as the ability of a council to fulfil its functions from the resource base available to it, and the reflection of a 'community of interest' in the area and structure of a council. The principles are included in Attachment 2 of this Guideline. Attachment 3 contains a more detailed discussion about the principles.

Section 32A of the Act sets out the powers of the Commission or an investigator when conducting an inquiry.

At the conclusion of an inquiry, the Commission must prepare and publish on a website a report that includes the Commission's recommendations and provide a copy of the report to the Minister.

What is the Minister's role in boundary change proposals?

Following receipt of a report from the Commission, the Minister may then determine whether a proposal recommended by the Commission should proceed. While the Minister can propose changes to the Commission's reports or recommendations relating to general proposals, the Commission is not bound to comply with the Minister's views.

Further Information

Guideline 2: Administrative Proposals

Guideline 3: Submitting a General Proposal to the Commission

Guideline 4: Investigation of General Proposals Initiated by Councils

Guideline 5: Appointment of Investigators for General Proposals

Guideline 6: Proposals Initiated by Members of the Public

Guideline 7: Proposals initiated by Members of the Public for Changes in a Council's Composition or Representative Structure

Guideline 8: Costs for General Proposals Initiated by Councils

Guideline 9: Engagement and Consultation Guideline

Contact Details:

Boundaries Commission

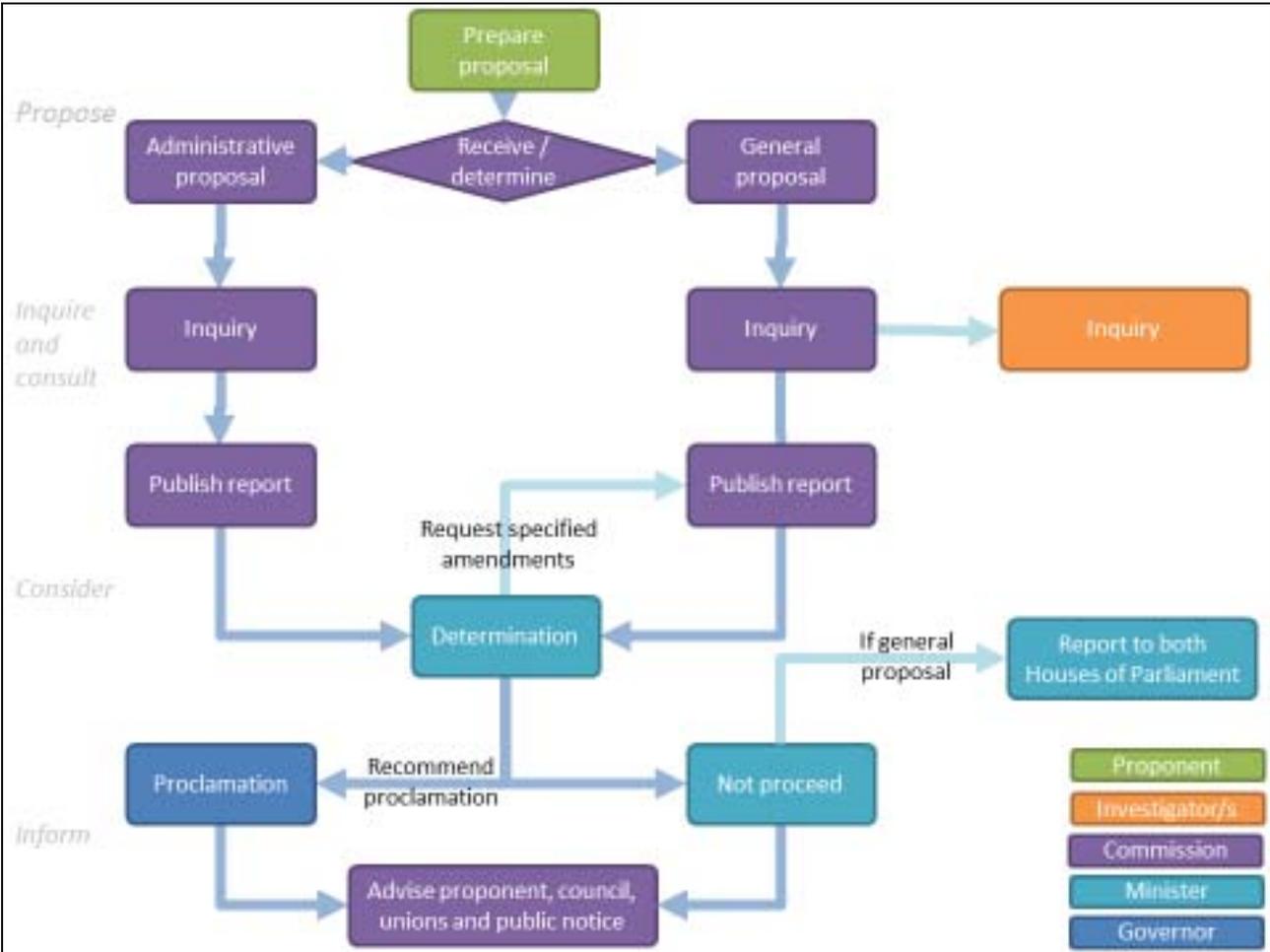
GPO Box 2329 Adelaide SA 5001

Phone: (08) 7109 7145

Email: boundaries.commission@sa.gov.au (proposed)

Website: http://www.dpti.sa.gov.au/local_govt/boundary_changes

Flowchart—Boundary change proposals



26—Principles

- (1) The Commission should have regard to—
- The objects of the Act
 - The roles, functions and objectives of councils under this Act; and
 - The following principles:
 - The resources available to local communities should be used as economically as possible while recognising the desirability of avoiding significant divisions within a community;
 - Proposed changes should, wherever practicable, benefit ratepayers;
 - A council should have a sufficient resource base to fulfil its functions fairly, effectively and efficiently;
 - A council should offer its community a reasonable range of services delivered on an efficient, flexible, equitable and responsive basis;
 - A council should facilitate effective planning and development within an area, and be constituted with respect to an area that can be promoted on a coherent basis;
 - A council should be in a position to facilitate sustainable development, the protection of the environment and the integration of land use schemes
 - A council should reflect communities of interest of an economic, recreational, social, regional or other kind, and be consistent with community structures, values, expectations and aspirations
 - A council area should incorporate or promote an accessible centre (or centres) for local administration and services
 - The importance within the scheme of local government to ensure that local communities within large council areas can participate effectively in decisions about local matters
 - Residents should receive adequate and fair representation within the local government system, while over-representation in comparison with councils of a similar size and type should be avoided (at least in the longer term)
 - A scheme that provides for the performance of functions and delivery of services in relation to 2 or more councils (for example, a scheme for regional governance) may improve councils' capacity to deliver services on a regional basis and therefore offer a viable and appropriate alternative to structural change
 - The extent and frequency of previous changes affecting the council or councils under this Chapter or the repealed Act.
 - The Commission should, so far as is relevant, give preference to structural changes that enhance the capacity of local government to play a significant role in the future of an area or region from a strategic perspective.

ATTACHMENT 3

The principles guide the Commission in balancing various council and community interests. While general in nature, they address a range of considerations, including communities of interest, effective governance, operational capacity, delivery of services, effective planning and development, accessibility, and adequate and fair representation. Consideration will also be given to regional activities that may offer a viable and appropriate alternative to boundary change.

The principles emphasise the importance of ensuring that boundary changes enhance the capacity of local government within the area to continue to deliver results to local communities in a more strategic and effective way.

Below are some questions you may wish to consider when formulating a proposal—

- How will the proposal align resources to where they are most needed and provide value to ratepayers?
- How will the proposal increase the council's ability to improve operational capacity and financial sustainability?
- What impact will the proposal have on the resource base of affected councils?
- How will the proposal enhance the capacity of the council to deliver better services to the community?
- How does the proposal support communities of interest?
 - o Similar interests are important for groups that have been represented together because of their close geography or social and economic interests. Factors contributing to a sense of community included shared interests and shared use of community facilities.
 - o Is there a sense of belonging or stronger community connection with the area which can be clearly defined?
 - o Identify common interests that would be likely to benefit from the proposal, such as economic, social, heritage, cultural and recreational.
 - o Consider the functional relationships and whether the proposal meets the community's needs, for example, use of services, road and transport links, shopping etc.
- How will the proposal improve representation?
- Has consideration been given to delivering services on a regional basis as an alternative to boundary change?

Council Boundary Change Proposals

Administrative Proposals

This Guideline should be read in conjunction with the procedures for boundary change proposals which are set out in Chapter 3, Part 2 of the *Local Government Act 1999* (the Act). The Act is accessible via the [South Australian Legislation website](#).

The Boundaries Commission (the Commission) is the body established to undertake the initial assessment of proposals, oversee investigations, and make recommendations to the Minister responsible for the Act (the Minister). This role is undertaken by the Local Government Grants Commission.

This Guideline has been issued by the Commission to provide information on administrative proposals, including the steps that need to be taken to prepare a submission, and how a submission is considered and progressed by the Commission.

What is an administrative proposal?

Section 30 of the Act includes a simplified pathway for consideration of boundary change proposals that are minor administrative matters, including—

- to facilitate a development that has been granted an authorisation under the *Planning, Development and Infrastructure Act 2016*;
- to correct an anomaly that is, in the opinion of the Commission, generally recognised e.g. where the boundary intercepts one or more privately owned properties;
- where the common boundary of two or more councils requires adjustment following the physical realignment of a common road;
- a proposal to incorporate vacant unincorporated land into a council area; or
- any other matter prescribed in regulation.

With regard to the first matter, the Commission has no involvement in planning legislation processes. Development applications and authorisations are separate matters under the relevant planning legislation. In order for a proposal to be treated as an administrative proposal, it would need to be referred to the Commission following the conclusion of the development approval process.

Who can submit an administrative proposal?

Proposals may be referred to the Commission—

- by resolution of either House of Parliament; or
- by the Minister; or
- by a council or councils; or
- by the prescribed percentage or number of eligible electors.

An **elector** is a person, body corporate or group of persons enrolled on the voters roll for a council (this means people who can vote in a council election because they live or own property in that council).

Eligible electors are defined in section 27(1) of the Act, however, in general terms, they are—

- In the case of a proposal to move an area of one council to another council: electors either in the area proposed to be moved or in the council that would receive the area.
- In the case of a proposal to move an area of the State not within a council area to a council area: an elector who would, if the proposal were to proceed, be an elector within the newly incorporated area.

Further information on the process for public initiated submissions is contained within Guideline 6.

How to prepare a submission to the Commission

Proposals must set out in general terms the nature of the proposal and comply with the requirements of the proposal guidelines.

The following matters must be included in a submission:

1. An outline of the submission

Provide a brief explanation of the submission

2. A map

Include a suitable map, showing the area in question.

3. Grounds for making the submission

A submission must set out in detail the grounds on which the submission is made and the issues that you think should be considered in an assessment of the change to boundaries.

4. Any other relevant information

This could include details on consultation undertaken on the proposal, or links to related processes (such as a development assessment process).

What happens following a submission to the Commission?

The Commission will assess the proposal and determine whether it meets the requirements of the Act and guidelines.

The Commission may refuse to inquire into a proposal if the Commission considers that—

- The proposal is vexatious, frivolous or trivial; or
- If it is not in the public interest to inquire into the proposal; or
- The proposal is the same as or substantially similar to a proposal that has already been inquired into; or
- There is some other good reason to refuse to inquire into a proposal.

If the Commission determines to inquire into an administrative proposal, the Commission will conduct an inquiry as the Commission thinks fit, provided that a reasonable amount of consultation is conducted in accordance with any guidelines published by the Commission.

Due to the nature of administrative proposals and their likely impact on a relatively small number of ratepayers, the consultation requirements are not as detailed as those for more significant (general) proposals. The level of consultation undertaken by the Commission will

depend on the nature of the proposal, the number and location of affected properties, and whether there has been previous consultation. The Commission will advise the initiator of the proposal of the process to be undertaken.

For example, if there is a very minor proposal, the Commission may decide not to consult with the community. This may involve proposals involving small numbers of ratepayers or where they have been consulted in other ways, or even referred the proposal themselves. Guideline 9 sets out the engagement and consultation requirements for boundary change proposals.

When considering any boundary change proposal the Commission must refer to the objects of the Act as a whole, and in particular, the Principles contained within section 26 of the Act (Attachment 1). The Commission is obliged to take these principles into consideration when making recommendations about boundary changes.

After conducting an inquiry into an administrative proposal, the Commission must consult with the Minister (including on any recommendations that the Commission proposes to make in relation to the proposal).

The Commission will then prepare and publish a report on the inquiry that includes the Commission's recommendations and provide a report to the Minister. If the Commission determines to recommend an administrative proposal, the proposal may involve such variations as the Commission thinks fit.

The Minister will then determine whether the proposal should proceed or not. If the Minister determines that the proposal proceed, it will be forwarded to the Governor with a recommendation that a proclamation be made. If the Minister determines that a proposal not proceed, the Minister must prepare a report for both Houses of Parliament.

Following completion of an inquiry, the Commission must give public notice of the Minister's determination. The Commission must also notify the person or body who referred the proposal to the Commission, any council affected by the proposal, and any registered industrial association that represents the interests of employees of councils.

Contact Details:

Boundaries Commission
GPO Box 2329 Adelaide SA 5001
Phone: (08) 7109 7145
Email: boundaries.commission@sa.gov.au (proposed)
Website http://www.dpti.sa.gov.au/local_govt/boundary_changes

26—Principles

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- The roles, functions and objectives of councils under this Act; and
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 - Proposed changes should, wherever practicable, benefit ratepayers;
 - A council should have a sufficient resource base to fulfil its functions fairly, effectively and efficiently;
 - A council should offer its community a reasonable range of services delivered on an efficient, flexible, equitable and responsive basis;
 - A council should facilitate effective planning and development within an area, and be constituted with respect to an area that can be promoted on a coherent basis;
 - A council should be in a position to facilitate sustainable development, the protection of the environment and the integration of land use schemes
 - A council should reflect communities of interest of an economic, recreational, social, regional or other kind, and be consistent with community structures, values, expectations and aspirations
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 - A scheme that provides for the performance of functions and delivery of services in relation to 2 or more councils (for example, a scheme for regional governance) may improve councils' capacity to deliver services on a regional basis and therefore offer a viable and appropriate alternative to structural change
- The extent and frequency of previous changes affecting the council or councils under this Chapter or the repealed Act.
- The Commission should, so far as is relevant, give preference to structural changes that enhance the capacity of local government to play a significant role in the future of an area or region from a strategic perspective.

Council Boundary Change Proposals

Submitting a General Proposal to the Commission

This Guideline should be read in conjunction with the procedures for boundary change proposals which are set out in Chapter 3, Part 2 of the *Local Government Act 1999* (the Act). The Act is accessible via the [South Australian Legislation website](#).

The Boundaries Commission (the Commission) is the body established to undertake the initial assessment of proposals, oversee investigations, and make recommendations to the Minister responsible for the Act (the Minister). This role is undertaken by the Local Government Grants Commission.

This Guideline has been issued by the Commission to provide information on general proposals, including the steps that need to be taken to prepare a submission. This Guideline specifies the requirements for council initiated proposals. Guideline 6 details the process for submissions initiated by members of the public who are eligible electors as defined in section 27(1) of the Act.

What is a general proposal?

A general proposal is a proposal that is not defined as an 'administrative proposal' within section 30(7) of the *Local Government Act 1999* (for example, general proposals may include a significant boundary change or amalgamation). Further information on administrative proposals is contained within Guideline 2.

Who can submit a general proposal?

Proposals may be referred to the Commission—

- by resolution of either House of Parliament;
- by the Minister;
- by a council or councils; or
- by the prescribed percentage or number of eligible electors.

Members of the public can submit a proposal to the Commission to consider boundary alterations, changes in the composition of a council or its representative structure, or the inclusion of unincorporated land into a council. Members of the public, cannot, however, initiate a council amalgamation or the creation of a new council. Further information on the process for public initiated submissions is contained within Guideline 6.

How to prepare a submission to the Commission

Proposals must set out in general terms the nature of the proposal and comply with the requirements of the proposal guidelines.

A single council, or councils in agreement with each other, may submit a boundary change proposal to the Commission.

When considering any boundary change proposal the Commission must refer to the objects of the Act as a whole, and in particular, the principles contained within section 26 of the Act (Attachment 1). Attachment 2 contains a more detailed discussion about the principles.

Prior to submitting a proposal to the Commission, councils should consider the principles contained in Attachment 1 and described in Attachment 2 and determine whether a submission for boundary change is the best way to proceed. Councils are encouraged to contact the Commission at this point to discuss the process.

The Commission requests councils to make a general proposal in two stages to enable the Commission to provide early feedback on a potential proposal. This will assist councils to determine at the outset whether a proposal is likely to proceed prior to undertaking extensive work on a potential proposal.

Stage 1 – Initial Consideration of a Potential Proposal

Write to the Commission outlining the nature of the potential proposal and the reasons why the council(s) consider boundary change as the best option, with reference to the section 26 principles.

At this point, the Commission will consider the correspondence and provide advice to the council(s), including whether a general proposal can be referred for consideration, if more work is recommended to be undertaken or further information is sought by the Commission.

Councils should note that advice from the Commission that a general proposal can be submitted does not guarantee that the proposal will be formally accepted.

Stage 2 – Referral of a General Proposal to the Commission

Prepare a submission to the Commission that sets out in detail the grounds on which the proposal is made and the issues that should be considered in an assessment of the change to boundaries. The Commission requires the matters listed below to be included in your proposal, noting that the Commission expects a proposal to cover these matters as far as the initiating council can be reasonably aware of them.

Given that the Commission is obliged to take the section 26 principles into consideration when making recommendations about boundary changes, initiating council(s) are required to detail how their proposal fits with these principles when referring a proposal.

Description of the proposal

- Provide a detailed description of the proposal
- Clearly identify all councils involved

Section 26 principles

- Describe the proposal with reference to the principles set out in section 26 of the Act and contained and described in Attachment 1 and 2.
- Prior to accepting a proposal, the Commission may request information from other affected councils in relation to their view of how the proposal will address the principles.

Community of interest

- Discuss various components (cultural, heritage, shopping, community services, road and other transport links, sporting, etc.) of the social fabric of the area which is the subject of the proposal. Identify common interests that would be likely to benefit from the proposal.

- Identify any individual large community or business assets, or significant geographical features in the area of the proposal that you consider affect the community of interest.

Consultation with the community and key agencies

- Provide evidence that appropriate consultation has taken place with the community.
- Where appropriate, provide numbers of letters received supporting and opposing the proposal, details of public meetings held to discuss the proposal, and estimates of numbers attending. Provide copies of news articles, letters to the editor and public notices in newspapers.
- Identify concerns that were raised during consultation, the degree of support shown for and against them, and how they were addressed by all affected councils.

Advantages and Disadvantages

- Provide a balanced representation of the advantages and disadvantages of the proposal.
- Identify stakeholder groups, providing details of the interests and identity of each. Discuss impacts of the proposal on each group.
- Record any significant opposition known to the applicant council or councils and the basis of this.

Calendar of events

- List in sequence dates of key council decisions, announcements, notices, public and other meetings, actions by stakeholder groups, press articles etc.

Any other relevant information

- Information the council considers relevant for matters the Commission must consider under section 31(3)(b).

Administrative matters

- Maps should be supplied which depict in sufficient detail the area the subject of, and surrounding area of the proposal (where relevant).
- Name and contact details of the officer(s) of the proponent council(s) to whom the Commission should direct its questions and correspondence.

This information will enable the Commission to make a decision whether to accept the referral. If accepted, the Commission will request further information as part of its investigation of the proposal. Further details are contained within Guideline 4.

What happens following a submission to the Commission?

The Commission will assess the proposal in accordance with the guidelines and determine whether to inquire into the proposal or refuse to inquire into the proposal.

The Commission may refuse to inquire into a proposal if the Commission considers that—

- The proposal is vexatious, frivolous or trivial; or
- If it is not in the public interest to inquire into the proposal; or

- The proposal is the same as or substantially similar to a proposal that has already been inquired into; or
- There is some other good reason to refuse to inquire into a proposal.

The Act gives the Commission flexibility to deal with proposals to ensure that the most effective inquiry into an identified issue is undertaken. For example, the Commission may deal with similar or competing proposals that are referred to it.

If the Commission determines to inquire into a general proposal, section 31 of the Act sets out the process for these inquiries. Guideline 4 provides information on inquiries into general proposals, including how a submission is progressed by the Commission.

Contact Details:

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26—Principles

- (1) The Commission should have regard to—
- The objects of the Act
 - The roles, functions and objectives of councils under this Act; and
 - The following principles:
 - The resources available to local communities should be used as economically as possible while recognising the desirability of avoiding significant divisions within a community;
 - Proposed changes should, wherever practicable, benefit ratepayers;
 - A council should have a sufficient resource base to fulfil its functions fairly, effectively and efficiently;
 - A council should offer its community a reasonable range of services delivered on an efficient, flexible, equitable and responsive basis;
 - A council should facilitate effective planning and development within an area, and be constituted with respect to an area that can be promoted on a coherent basis;
 - A council should be in a position to facilitate sustainable development, the protection of the environment and the integration of land use schemes
 - A council should reflect communities of interest of an economic, recreational, social, regional or other kind, and be consistent with community structures, values, expectations and aspirations
 - A council area should incorporate or promote an accessible centre (or centres) for local administration and services
 - The importance within the scheme of local government to ensure that local communities within large council areas can participate effectively in decisions about local matters
 - Residents should receive adequate and fair representation within the local government system, while over-representation in comparison with councils of a similar size and type should be avoided (at least in the longer term)
 - A scheme that provides for the performance of functions and delivery of services in relation to 2 or more councils (for example, a scheme for regional governance) may improve councils' capacity to deliver services on a regional basis and therefore offer a viable and appropriate alternative to structural change
 - The extent and frequency of previous changes affecting the council or councils under this Chapter or the repealed Act.
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ATTACHMENT 2

The principles guide the Commission in balancing various council and community interests. While general in nature, they address a range of considerations, including communities of interest, effective governance, operational capacity, delivery of services, effective planning and development, accessibility, and adequate and fair representation. Consideration will also be given to regional activities that may offer a viable and appropriate alternative to boundary change.

The principles emphasise the importance of ensuring that boundary changes enhance the capacity of local government within the area to continue to deliver results to local communities in a more strategic and effective way.

Below are some questions you may wish to consider when formulating a proposal:

- How will the proposal align resources to where they are most needed and provide value to ratepayers?
- How will the proposal increase the council's ability to improve operational capacity and financial sustainability?
- What impact will the proposal have on the resource base of affected councils?
- How will the proposal enhance the capacity of the council to deliver better services to the community?
- How does the proposal support communities of interest?
 - o Similar interests are important for groups that have been represented together because of their close geography or social and economic interests. Factors contributing to a sense of community included shared interests and shared use of community facilities.
 - o Is there a sense of belonging or stronger community connection with the area which can be clearly defined?
 - o Identify common interests that would be likely to benefit from the proposal, such as economic, social, heritage, cultural and recreational.
 - o Consider the functional relationships and whether the proposal meets the community's needs, for example, use of services, road and transport links, shopping etc.
- How will the proposal improve representation?
- Has consideration been given to delivering services on a regional basis as an alternative to boundary change?

Council Boundary Change Proposals

Investigation of General Proposals Initiated by Councils

This Guideline should be read in conjunction with the procedures for boundary change proposals which are set out in Chapter 3, Part 2 of the *Local Government Act 1999* (the Act). The Act is accessible via the [South Australian Legislation website](#).

The Boundaries Commission (the Commission) is the body established to undertake the initial assessment of proposals, oversee investigations, and make recommendations to the Minister responsible for the Act (the Minister). This role is undertaken by the Local Government Grants Commission.

This Guideline has been issued by the Commission to provide information on the investigation of general proposals, including how a submission is considered and progressed by the Commission. This Guideline specifies the requirements for council initiated proposals. Guideline 6 details the process for submissions initiated by members of the public who are eligible electors.

Section 31 of the Act sets out the process for inquiries into general proposals. The Act provides for an independent analysis of major proposals by one or more investigators consisting of expertise that is determined to be necessary for each proposal.

The Commission can appoint one or more investigators to undertake a detailed inquiry into the proposal. However, the Commission must appoint investigators when a general proposal is referred to them by either the Minister or by resolution of either House of Parliament. Further information on the appointment of investigators is contained within Guideline 5.

When considering any boundary change proposal the Commission must refer to the objects of the Act as a whole, and in particular, the Principles contained within section 26 of the Act (Attachment 1). The Commission is obliged to take these principles into consideration when making recommendations on boundary changes.

In addition to these principles, an inquiry must consider the matters in section 31(3)(b)—

- The financial implications and impact on resources that the proposal is likely to have on any council affected by the general proposal; and
- The extent of support for the general proposal and boundary reform in the area within the community affected by the general proposal; and
- The extent of support for the general proposal of any council affected by the general proposal; and
- The impact of the various rights and interests of any council employees affected by the general proposal; and
- Any other principles prescribed by regulations.

Other matters an inquiry may consider include—

- Division of assets and liabilities – including land and buildings, plant and equipment, cash, investments, interests in and business activities, debtors, debt, overdraft, staff entitlements;

- Impact of any significant contracts;
- Ability of communities to access council services and relevant communication issues between councils and communities;
- Assessment of any significant differences in rating policies of the councils involved, the impacts on ratepayers and how these are to be addressed in both the short and longer term;
- Potential conflicts that may arise from existing patterns of land use if the proposal was implemented, for example, predominantly residential areas being aligned with intensive agricultural lands.
- Assessment of any significant differences in fees and charges of the councils involved;
- Material impact of legal orders and proceedings;
- Assessment of any significant differences in service levels provided by the councils involved; and
- Implications for council employees, including any proposed transfer of staff and conditions of employment.

Provision of Information

Section 32A of the Act provides powers for the Commission or an investigator to obtain information in connection with an inquiry. The Commission or its investigators may seek relevant information from affected councils to inform consideration of the above matters, including—

Statistical and social data

- Number of residents affected.
- Number of properties affected, separated into residential, primary production, commercial and industrial and compare these to the total number of properties in the area of the council(s).
- Social profile of the community – for example, age distribution, ethnicity, income levels, employment patterns.
- Social and economic history of the area.

Financial information

- Details of rate and grant revenues that will be affected by the proposal.
- Identify real property and other significant council assets affected by the proposal.

Council representation arrangements

- Explain how the proposal will impact on ward quotas (if any) and the representation available to residents, owners and occupiers of property.
- Give details of interim representation arrangements that are proposed in the short term, or as a transitional measure, and their suggested duration.
- Outline the arrangements proposed in relation to any changes to office holders or elected members. If proclamations will be required, the matters to be covered should be set out clearly.

As part of its assessment of a general proposal the Commission is required to consult widely with councils and the public. Guideline 9 details how the Commission and its investigators will undertake engagement and consultation on boundary change proposals. The Commission will design an engagement plan for each general proposal.

Finalisation of an Inquiry

At the conclusion of an inquiry, the Commission must prepare and publish on a website a report that includes the Commission's recommendations and provide a report to the Minister. If the Commission determines to recommend a general proposal, the proposal may involve such variations as the Commission thinks fit.

The Commission may include in a report recommendations relating to the delivery of services on a regional basis by councils as an alternative to boundary change, or any other recommendation the Commission considers appropriate.

The Minister may send the report back to the Commission for reconsideration in accordance with any suggestions by the Minister. However, if this does occur, the Commission must then publish an amended report and provide a copy of the amended report to the Minister. The Minister may then determine whether a proposal recommended by the Commission should proceed.

If the Minister determines that the proposal proceed, it will be forwarded to the Governor with a recommendation that a proclamation be made.

The Minister may, in the case of a general proposal referred to the Commission by a council that the Commission has recommended in the report not proceed—at the request of 1 or more councils, consult with the relevant councils about the matter. After consultation, if the Minister determines that it is appropriate to make a recommendation to the Governor in the circumstances of the particular case, forward the general proposal to the Governor with a recommendation that a proclamation be made.

If the Minister determines that a proposal not proceed, the Minister must prepare a report for both Houses of Parliament.

Following completion of an inquiry, the Commission must give public notice of the Minister's determination. The Commission must also notify the person or body who referred the proposal to the Commission, any council affected by the proposal, and any registered industrial association that represents the interests of employees of councils.

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 - The Commission should, so far as is relevant, give preference to structural changes that enhance the capacity of local government to play a significant role in the future of an area or region from a strategic perspective.

Council Boundary Change Proposals

Appointment of Investigators for General Proposals

This Guideline should be read in conjunction with the procedures for boundary change proposals which are set out in Chapter 3, Part 2 of the *Local Government Act 1999* (the Act). The Act is accessible via the [South Australian Legislation website](#).

The Boundaries Commission (the Commission) is the body established to undertake the initial assessment of reform proposals, oversee investigations, and make recommendations to the Minister responsible for the Act (the Minister). This role is undertaken by the Local Government Grants Commission.

The Act provides for an independent analysis of major proposals by one or more investigators consisting of expertise that is determined to be necessary for each proposal. This Guideline has been issued by the Commission to provide information on the appointment of investigators for general proposals.

When will the Commission appoint investigators?

The Commission can appoint one or more investigators to undertake a detailed inquiry into a general proposal. However, the Commission must appoint investigators when a general proposal is referred to them by either the Minister or by resolution of either House of Parliament.

The Act provides appropriate flexibility in appointing investigators—more significant proposals will require a number of investigators, whereas relatively straightforward proposals may be completed ‘in house’ (for council initiated proposals), or may only require a single investigator.

How will the Commission appoint investigators?

The Commission must seek to ensure, as far as is reasonably practicable that the qualifications, knowledge expertise and experience of a particular investigator are relevant to each inquiry.

The Commission must also consult with affected councils when appointing the investigator(s).

To assist with this process, the Commission will maintain a register of potential investigators that will work within a defined fee structure.

What powers will investigators have?

Section 32A of the Act sets out the powers of the Commission or an investigator when conducting an inquiry. These powers enable information to be obtained that is determined to be relevant to an inquiry.

The Commission or an investigator conducting an inquiry may—

- a) by summons signed by the Commission or investigator (as the case requires), require a person's attendance; and

- b) require a person to answer, orally or in writing, questions to the best of his or her knowledge, information and belief; and
- c) require a person to verify an answer under paragraph (b) by declaration; and
- d) require a council or person to produce any relevant documents or other records; and
- e) retain documents or other records produced under paragraph (d) for reasonable periods and make copies of them or their contents; and
- f) call for or receive submissions or representations.

Will the investigators be independent?

An investigator appointed to conduct an inquiry must comply with any directions or requirements of the Commission relating to the inquiry, and, at the conclusion of the inquiry, provide a report on the inquiry to the Commission

The Act ensures that investigators appointed by the Commission are not subject to Ministerial direction in relation to an inquiry or a recommendation or report.

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Council Boundary Change Proposals

Proposals Initiated by Members of the Public

This Guideline should be read in conjunction with the procedures for boundary change proposals which are set out in Chapter 3, Part 2 of the *Local Government Act 1999* (the Act). The Act is accessible via the [South Australian Legislation website](#).

The Boundaries Commission (the Commission) is the body established to undertake the initial assessment of reform proposals, oversee investigations, and make recommendations to the Minister responsible for the Act (the Minister). This role is undertaken by the Local Government Grants Commission.

This Guideline has been issued by the Commission to assist members of the public wishing to prepare a public initiated proposal to alter the external boundary of a council.

Public initiated proposals are submitted to the Commission by members of the public for consideration of council boundary alterations, changes in ward or representation structures, or the inclusion of land not within a council area into a council. Members of the public cannot initiate a council amalgamation or the creation of a new council.

It's important to note at the outset that dissatisfaction with the services provided by a council is not sufficient reason to make a proposal to the Commission. For example, you may be unhappy with the rates that your council imposes. This is not a reason for changing council area but is something that you should discuss and resolve with your council.

This Guideline explains the steps that need to be taken to prepare a proposal to alter the external boundary of a council, and how a proposal is considered and progressed by the Commission. Information on the process for alterations to the composition or representative structure of a council is contained within Guideline 7.

Public initiated proposals requesting consideration of changes to external council boundaries cannot be made until two years after other significant boundary changes to that area. If you are not certain whether this would preclude a proposal you are considering, contact the Boundaries Commission to discuss this.

Who can make a public initiated proposal?

A public initiated proposal may be referred to the Commission by a prescribed percentage or number of eligible electors. The prescribed percentage is 10 percent. For proposals affecting less than 10 electors, the prescribed number is 1.

An **elector** is a person, body corporate or group of persons enrolled on the voters roll for a council - this means people who can vote in a council election because they live or own property in that council.

Eligible electors are defined in section 27(1) of the Act, however, in general terms, they are—

- in the case of a proposal to move an area of one council to another council; electors in the area proposed to be moved or in the council that would receive the area; or,

- in the case of a proposal to move an area of the State not within a council area to a council area: an elector who would, if the proposal were to proceed, be an elector within the newly incorporated council area.

The following steps set out the process that must be followed by eligible electors and the Commission in regards to a public initiated proposal. You are encouraged to follow this step by step guide if you are considering making a proposal to the Commission.

Stage 1 – Initial Consideration of a Potential Proposal

1. Determine whether a proposal is the best way to proceed.

This is the first step in the process. Discuss your concerns with as many people as possible within your community to determine whether there is sufficient support for a proposal to proceed.

You are encouraged to contact your council to discuss the reasons why you feel making a proposal is necessary. As previously stated, making a proposal for boundary change to the Commission is not an avenue to express dissatisfaction with the services or representation your council provides. Talking to your council in the first instance may resolve any issues you have.

It is important to keep accurate records of any consultation and/or correspondence relating to your proposal. It is suggested that copies are kept of all correspondence, and minutes recorded at meetings held. This will help you when you come to prepare your proposal.

If you feel that making a proposal to the Commission is the best way forward, it's a good idea to contact the Commission at this point to talk through what needs to be included in the proposal, and the following process.

2. Collect signatures of eligible electors

As discussed above, proposals need to be made by at least 10 percent of eligible electors. Complete Form 1 which is attached at the end of this Guideline. Each eligible elector must complete and sign the declaration form attached at the end of this Guideline. The form may be photocopied as long as the details displayed at the top of the page are completed for every copy.

At this point, you should contact the relevant councils to verify the eligibility of each elector making the proposal. Certification from the Council Chief Executive Officer must be included in the proposal to the Commission.

Although it is not necessary for more than 10% of eligible electors to make the proposal it is expected that a proposal would have wider support within the community. You may wish to include some evidence in the proposal that indicates the level of support for the proposal, for example a petition or letter of support that was available for signing.

3. Write to the Commission

Write to the Commission outlining the nature of the potential proposal and the reasons why you consider boundary change as the best option, including consideration of the section 26 principles as described in Attachment 1.

At this point, the Commission will consider the correspondence and advise whether a detailed proposal can be referred for consideration. Advice from the Commission that a proposal can be submitted does not guarantee that the proposal will be formally accepted.

Stage 2 – Referral of a Proposal to the Commission

Prepare a submission to the Commission that sets out in detail the grounds on which the proposal is made. The following points are the Commission's guidelines on the content of a proposal. If you are having trouble obtaining this information, contact the Commission for assistance (see below for contact information). There's no set format for providing this information – including it all in a letter addressed to the Commission is acceptable.

Points 1, 2, 3, 4 and 5 **MUST** be included in your proposal – point 6 refers to supporting information that you **MAY** wish to include.

1. An outline of the proposal

Provide a brief explanation of the proposal – for example; “it is proposed that the area known as Jones Park West be removed from Council X and be included in Council Y”.

2. A map

Include a suitable map (where relevant), showing the area in.

3. Grounds for making the proposal

A proposal needs to set out in detail the grounds on which the proposal is made and the issues that you think should be considered in an assessment of the change to the boundaries. The section 26 principles will assist you to prepare this (see Attachment 1 and Attachment 2).

When considering proposals for boundary changes, the Commission must pay attention to these principles. The principles outline factors that should be taken into account when considering what form a council should take. They cover issues such as the ability of a council to fulfil its functions from the resource base available to it, and the reflection of a 'community of interest' in the area and structure of a council. It is suggested you read through them and use as a basis for your proposal.

4. Outcome of any prior discussion with the relevant councils

The Commission encourages people thinking of making a proposal to contact their council to discuss the reasons why they feel this is necessary. In your proposal, give information about when this took place and the results of these discussions.

The proposal must also include advice from the relevant council Chief Executive Officer certifying the eligibility of electors.

5. Outcome of any public consultation

You are not required to undertake broad public consultation on your proposal other than the work you will need to do to gain the support of the required number of eligible electors. However, if you have consulted with your community more broadly, you may wish to include a description and results of that consultation in your proposal.

Remember, although it is not necessary for more than the prescribed percentage of eligible electors to make a proposal it is expected that the proposal has wider support within the community. Include some evidence in the proposal that indicates the level of support for the proposal, for example a petition or letter of support that was available for signing.

6. Anything else you feel is relevant

Feel free to include information on any other issue or point you feel supports, or is relevant to your proposal. This may include such material as:

- The history of the area, and how this impacts on your proposal;
- Predominant land uses of the area;

- A community profile – who lives in the area, the approximate population, and the main industries, commercial centres and employers for the area;
- Any areas of social, cultural, or environmental significance.

Consideration of the proposal by the Commission

On receipt of the proposal, the Commission will assess the proposal and determine whether it meets the requirements of the Act and guidelines.

The Commission may refuse to inquire into a proposal if the Commission considers that—

- the proposal is vexatious, frivolous or trivial; or
- if it is not in the public interest to inquire into the proposal; or
- the proposal is the same as or substantially similar to a proposal that has already been inquired into; or
- there is some other good reason to refuse to inquire into a proposal.

The Act gives the Commission flexibility to deal with proposals to ensure that the most effective inquiry into an identified issue is undertaken. For example, the Commission may deal with similar or competing proposals that are referred to it.

If the Commission determines to inquire into a proposal, there are separate processes for administrative proposals and general proposals.

Administrative proposals are those that are made to correct historical anomalies in council boundaries, to allow for development that is approved elsewhere, or for other, largely administrative reasons. The process for conducting an inquiry into these proposals is therefore streamlined. Section 30 of the Act sets out the requirements for administrative proposals. Further information is contained within Guideline 2.

The Act also provides for more significant proposals to be considered. Section 31 of the Act sets out the requirements for general proposals and provides for an independent analysis of significant boundary change or amalgamation proposals (general proposals), with expertise relevant to each proposal. Further information on general proposals is contained within Guideline 3.

Administrative Proposals

As administrative proposals only impact a small number of ratepayers the consultation requirements are not as onerous as those for significant proposals. The level of consultation undertaken by the Commission will depend on the nature of the proposal, the number and location of affected properties, and whether there has been previous consultation. The Commission will advise the initiator of the proposal of the process to be undertaken.

For example, if there is a very minor proposal, the Commission may decide not to consult with the community. This may involve proposals involving small numbers of ratepayers or where they have been consulted in other ways, or even referred the proposal themselves. Guideline 9 sets out the engagement and consultation requirements for boundary change proposals.

When considering any boundary change proposal the Commission must refer to the objects of the Act as a whole, and in particular, the Principles contained within section 26 of the Act (Attachment 1). The Commission is obliged to take these principles into consideration when making recommendations about boundary changes.

After conducting an inquiry into an administrative proposal, the Commission must consult with the Minister (including on any recommendations that the Commission proposes to make in relation to the proposal).

The Commission will then prepare and publish a report on the inquiry that includes the Commission's recommendations and provide a report to the Minister. If the Commission determines to recommend an administrative proposal, the proposal may involve such variations as the Commission thinks fit.

The Minister will then determine whether the proposal should proceed or not. If the Minister determines that the proposal proceed, it will be forwarded to the Governor with a recommendation that a proclamation be made. If the Minister determines that a proposal not proceed, the Minister must prepare a report for both Houses of Parliament.

Following completion of an inquiry, the Commission must give public notice of the Minister's determination. The Commission must also notify the person or body who referred the proposal to the Commission, any council affected by the proposal, and any registered industrial association that represents the interests of employees of councils.

General Proposals

The Act provides for an independent analysis of major proposals by one or more investigators consisting of expertise that is determined to be necessary for each proposal. Further information on the appointment of investigators is contained within Guideline 4.

The Commission can appoint one or more investigators to undertake a detailed inquiry into the proposal.

When considering any boundary change proposal the Commission must refer to the objects of the Act as a whole, and in particular, the Principles contained within section 26 of the Act (Attachment 1). The Commission is obliged to take these principles into consideration when making recommendations about boundary reform. In addition to these principles, an inquiry must consider—

- The financial implications and impact on resources that the proposal is likely to have on any council affected by the general proposal; and
- The extent of support for the general proposal and boundary reform in the area within the community affected by the general proposal; and
- The extent of support for the general proposal of any council affected by the general proposal; and
- The impact of the various rights and interests of any council employees affected by the general proposal; and
- Any other principles prescribed by regulations.

As part of its assessment of a general proposal the Commission will undertake consultation. Guideline 9 sets out the consultation and engagement requirements for boundary change proposals.

At the conclusion of an inquiry, the Commission must prepare and publish on a website a report that includes the Commission's recommendations and provide a report to the Minister. If the Commission determines to recommend a general proposal, the proposal may involve such variations as the Commission thinks fit.

The Commission may include in a report recommendations relating to the delivery of services on a regional basis by councils as an alternative to boundary change, or any other recommendation the Commission considers appropriate.

The Minister may send the report back to the Commission for reconsideration in accordance with any suggestions by the Minister. However, if this does occur, the Commission must then publish an amended report and provide a copy of the amended report to the Minister. The Minister may then determine whether a proposal recommended by the Commission should proceed.

If the Minister determines that the proposal proceed, it will be forwarded to the Governor with a recommendation that a proclamation be made. If the Minister determines that a proposal not proceed, the Minister must prepare a report for both Houses of Parliament.

Following completion of an inquiry, the Commission must give public notice of the Minister's determination. The Commission will also notify you (as the referrer of the proposal), any council affected by the proposal, and any registered industrial association that represents the interests of employees of councils.

Contact Details:

Boundaries Commission
GPO Box 2329 Adelaide SA 5001
Phone: (08) 7109 7145
Email: boundaries.commission@sa.gov.au (proposed)
Website: http://www.dpti.sa.gov.au/local_govt/boundary_changes

26—Principles

- (1) The Commission should have regard to—
- The objects of the Act
 - The roles, functions and objectives of councils under this Act; and
 - The following principles:
 - The resources available to local communities should be used as economically as possible while recognising the desirability of avoiding significant divisions within a community;
 - Proposed changes should, wherever practicable, benefit ratepayers;
 - A council should have a sufficient resource base to fulfil its functions fairly, effectively and efficiently;
 - A council should offer its community a reasonable range of services delivered on an efficient, flexible, equitable and responsive basis;
 - A council should facilitate effective planning and development within an area, and be constituted with respect to an area that can be promoted on a coherent basis;
 - A council should be in a position to facilitate sustainable development, the protection of the environment and the integration of land use schemes
 - A council should reflect communities of interest of an economic, recreational, social, regional or other kind, and be consistent with community structures, values, expectations and aspirations
 - A council area should incorporate or promote an accessible centre (or centres) for local administration and services
 - The importance within the scheme of local government to ensure that local communities within large council areas can participate effectively in decisions about local matters
 - Residents should receive adequate and fair representation within the local government system, while over-representation in comparison with councils of a similar size and type should be avoided (at least in the longer term)
 - A scheme that provides for the performance of functions and delivery of services in relation to 2 or more councils (for example, a scheme for regional governance) may improve councils' capacity to deliver services on a regional basis and therefore offer a viable and appropriate alternative to structural change
 - The extent and frequency of previous changes affecting the council or councils under this Chapter or the repealed Act.
 - The Commission should, so far as is relevant, give preference to structural changes that enhance the capacity of local government to play a significant role in the future of an area or region from a strategic perspective.

ATTACHMENT 2

The principles guide the Commission in balancing various council and community interests. While general in nature, they address a range of considerations, including communities of interest, effective governance, operational capacity, delivery of services, effective planning and development, accessibility, and adequate and fair representation. Consideration will also be given to regional activities that may offer a viable and appropriate alternative to boundary change.

The principles emphasise the importance of ensuring that boundary changes enhance the capacity of local government within the area to continue to deliver results to local communities in a more strategic and effective way.

Below are some questions you may wish to consider when formulating a proposal:

- How will the proposal align resources to where they are most needed and provide value to ratepayers?
- How will the proposal increase the council's ability to improve operational capacity and financial sustainability?
- What impact will the proposal have on the resource base of affected councils?
- How will the proposal enhance the capacity of the council to deliver better services to the community?
- How does the proposal support communities of interest?
 - o Similar interests are important for groups that have been represented together because of their close geography or social and economic interests. Factors contributing to a sense of community included shared interests and shared use of community facilities.
 - o Is there a sense of belonging or stronger community connection with the area which can be clearly defined?
 - o Identify common interests that would be likely to benefit from the proposal, such as economic, social, heritage, cultural and recreational.
 - o Consider the functional relationships and whether the proposal meets the community's needs, for example, use of services, road and transport links, shopping etc.
- How will the proposal improve representation?
- Has consideration been given to delivering services on a regional basis as an alternative to boundary change?

FORM 1 – TO BE PROVIDED

DRAFT

Council Boundary Change Proposals

Public Initiated Proposals for Changes in a Council's Composition or Representative Structure

This Guideline should be read in conjunction with the procedures for boundary change proposals which are set out in Chapter 3, Part 2 of the *Local Government Act 1999* (the Act). The Act is accessible via the [South Australian Legislation website](#).

The Boundaries Commission (the Commission) is the body established to undertake the initial assessment of reform proposals, oversee investigations, and make recommendations to the Minister responsible for the Act (the Minister). This role is undertaken by the Local Government Grants Commission.

This Guideline has been issued by the Commission to assist members of the public wishing to prepare a public initiated proposal requesting consideration of changes to the composition or the representative structure of a council. This includes changes such as:

- Changing ward boundaries;
- Establishing or abolishing wards;
- Changing the composition of the elected member body (changing the number of elected members or changing from a directly elected mayor to a chairperson elected by the council or vice versa).

Councils are required to undertake representation reviews periodically. A review must comprehensively examine all aspects of the composition of the council and its internal structure. Councils must follow the process for these reviews that is prescribed in section 12 of the *Local Government Act 1999*, and satisfy the Electoral Commissioner that the process of their review has complied with these statutory requirements.

The Act provides a method by which members of the public can make proposals to the Minister requesting consideration of changes to the composition or the representative structure of a council.

Dissatisfaction with an elected member/s is not in itself a reason for making a proposal to the Commission. This is a matter for you to pursue with the elected member/s in question. A proposal must focus on the benefits that changing the internal structure of a council would provide for the community.

Note that public initiated proposals requesting consideration of changes to external council boundaries cannot be made less than two years after the council has completed a representation review or two years prior to the date a council is required to undertake a representation review. If you are not certain whether this would preclude a proposal you are considering, contact the Commission to discuss this.

The Commission may also decide to defer consideration of a proposal if it is received close to Local Government elections.

Who can make a public initiated proposal?

A public initiated proposal may be referred to the Commission by a prescribed percentage or number of eligible electors. The prescribed percentage is 10 percent. For proposals affecting less than 10 electors, the prescribed number is 1.

An **elector** is a person, body corporate or group of persons enrolled on the voters roll for a council - this means people who can vote in a council election because they live or own property in that council).

In the case of a proposal to alter the composition of a council or the issue of wards within a council, **eligible electors** are electors who are within the area of the affected council.

When considering proposals for structural reform the Commission must pay attention to what are known as the 'section 26 principles'. The principles outline factors that are taken into account when considering what form a council should take. The principles are included as an attachment to this sheet. It is important that you read them and use them as a basis for your proposal.

The following steps set out the process that must be followed by eligible electors and the Commission in regards to a public initiated proposal relating to the composition of a council or the issue of wards within a council. You are encouraged to follow this step by step guide if you are considering making a proposal to the Commission.

Stage 1 – Initial Consideration of a Potential Proposal

1. Determine whether a proposal is the best way to proceed.

This is the first step in the process. Discuss your concerns with as many people as possible within your community to determine whether there is sufficient support for a proposal to proceed.

As previously stated, making a proposal to the Commission is not an avenue to express dissatisfaction with the services or representation your council provides. Talking to your council in the first instance may resolve any issues you have.

Prior to initiating a proposal with the Commission, you must ascertain the views of the Council. It is important to keep accurate records of any consultation and/or correspondence relating to your proposal. It is suggested that copies are kept of all correspondence, and minutes recorded at meetings held. This will help you when you come to prepare your proposal.

If you feel that making a proposal to the Commission is the best way forward, it's a good idea to contact the Commission at this point to talk through what needs to be included in the proposal, and the following process.

2. Collect signatures of eligible electors

As discussed above, proposals need to be made by at least 10 percent of eligible electors. Complete Form 1 which is attached at the end of this Guideline. Each eligible elector must complete and sign the declaration form attached at the end of this Guideline. The form may be photocopied as long as the details displayed at the top of the page are completed for every copy.

At this point, you should contact the relevant council to verify the eligibility of each elector making the proposal. Certification from the Council Chief Executive Officer must be included in the proposal to the Commission.

Although it is not necessary for more than 10% of eligible electors to make the proposal it is expected that the proposal will have wider support within the community. You may wish to include some evidence in the proposal that indicates the level of support for the proposal, for example a petition or letter of support that was available for signing.

3. Write to the Commission

Write to the Commission outlining the nature of the potential proposal and the reasons why you consider changes to the composition or representative structure of the council is the best option, including consideration of the section 26 principles in Attachment 1.

At this point, the Commission will consider the correspondence and advise whether a detailed proposal can be referred for consideration. Advice from the Commission that a proposal can be submitted does not guarantee that the proposal will be formally accepted.

Stage 2 – Referral of a Proposal to the Commission

Prepare a submission to the Commission that sets out in detail the grounds on which the proposal is made. The following information will assist you to provide the type of information that the Commission requires to make an informed decision. If you are having trouble obtaining this information, contact the Commission for assistance. There's no set format for providing this information – including it all in a letter addressed to the Commission is acceptable.

1. An outline of the proposal

Provide a brief explanation of the proposal – for example; “it is proposed that the number of wards in Council X be changed from Y to Z”.

2. A map

Include a suitable map, showing the area in question. If your proposal is based on changes to a whole council area, or to the elected member body, include a map of the council area (that includes ward boundaries if existent).

3. Grounds for making the proposal

A proposal needs to set out in detail the grounds on which the proposal is made, and the issues that you think should be considered in an assessment of the change to the boundaries.

For example, the proposal could outline how a change to the ward structure would be desirable in order to draw together communities with common economic, social or regional issues. Alternatively, it may outline how population changes in the area impact on the composition of the elected member body, or how the suggested changes will improve communication between elected members and the community. The section 26 principles in Attachment 1 may assist you to prepare this.

4. Outcome of any prior discussion with the relevant council

The Commission encourages people thinking of making a proposal to contact their council to discuss the reasons why they feel a proposal is necessary. In your proposal, outline the content and the results of these discussions.

5. Description of any public consultation

You are not required to undertake broad public consultation on your proposal, other than the work you will need to do to gain the support of the required number of eligible electors. However, if you have consulted with your community more broadly you may wish to include a description and results of that consultation in your proposal.

6. Results of the most recent representation review undertaken by the Council

Councils are required to comprehensively review their composition and ward structure periodically. This has traditionally been at least once in every eight years. You may wish to include comments on this review and a copy of the report produced by your Council, particularly if dissatisfaction with this process is the impetus for your proposal to the Commission.

7. Anything else you feel is relevant

Feel free to include information on any other issue or point that supports or is relevant to your proposal.

Consideration of the proposal by the Commission

On receipt of the proposal, the Commission will assess it and determine whether it meets the requirements of the Act and guidelines.

The Commission may refuse to inquire into a proposal if the Commission considers that—

- the proposal is vexatious, frivolous or trivial; or
- if it is not in the public interest to inquire into the proposal; or
- the proposal is the same as or substantially similar to a proposal that has already been inquired into; or
- there is some other good reason to refuse to inquire into a proposal.

As part of its assessment of a proposal the Commission will undertake consultation, including with the Electoral Commission of South Australia (ECSA). Guideline 9 sets out the engagement and consultation requirements for proposals.

At the conclusion of an inquiry, the Commission must prepare and publish on a website a report that includes the Commission's recommendations and provide a report to the Minister. If the Commission determines to recommend a general proposal, the proposal may involve such variations as the Commission thinks fit.

The Minister may send the report back to the Commission for reconsideration in accordance with any suggestions by the Minister. However, if this does occur, the Commission must then publish an amended report and provide a copy of the amended report to the Minister. The Minister may then determine whether a proposal recommended by the Commission should proceed.

If the Minister determines that the proposal proceed, it will be forwarded to the Governor with a recommendation that a proclamation be made. If the Minister determines that a proposal not proceed, the Minister must prepare a report for both Houses of Parliament.

Following completion of an inquiry, the Commission must give public notice of the Minister's determination. The Commission will also notify you (as the referrer of the proposal), the council affected by the proposal, and any registered industrial association that represents the interests of employees of councils.

Contact Details:

Boundaries Commission
GPO Box 2329 Adelaide SA 5001
Phone: (08) 7109 7145
Email: boundaries.commission@sa.gov.au (proposed)
Website: http://www.dpti.sa.gov.au/local_govt/boundary_changes

26—Principles

- (1) The Commission should have regard to—
- The objects of the Act
 - The roles, functions and objectives of councils under this Act; and
 - The following principles:
 - The resources available to local communities should be used as economically as possible while recognising the desirability of avoiding significant divisions within a community;
 - Proposed changes should, wherever practicable, benefit ratepayers;
 - A council should have a sufficient resource base to fulfil its functions fairly, effectively and efficiently;
 - A council should offer its community a reasonable range of services delivered on an efficient, flexible, equitable and responsive basis;
 - A council should facilitate effective planning and development within an area, and be constituted with respect to an area that can be promoted on a coherent basis;
 - A council should be in a position to facilitate sustainable development, the protection of the environment and the integration of land use schemes
 - A council should reflect communities of interest of an economic, recreational, social, regional or other kind, and be consistent with community structures, values, expectations and aspirations
 - A council area should incorporate or promote an accessible centre (or centres) for local administration and services
 - The importance within the scheme of local government to ensure that local communities within large council areas can participate effectively in decisions about local matters
 - Residents should receive adequate and fair representation within the local government system, while over-representation in comparison with councils of a similar size and type should be avoided (at least in the longer term)
 - A scheme that provides for the performance of functions and delivery of services in relation to 2 or more councils (for example, a scheme for regional governance) may improve councils' capacity to deliver services on a regional basis and therefore offer a viable and appropriate alternative to structural change
 - The extent and frequency of previous changes affecting the council or councils under this Chapter or the repealed Act.
 - The Commission should, so far as is relevant, give preference to structural changes that enhance the capacity of local government to play a significant role in the future of an area or region from a strategic perspective.

FORM 1 – TO BE PROVIDED

DRAFT

Council Boundary Change Proposals

Costs for General Proposals Initiated by a Council or Councils

This Guideline should be read in conjunction with the procedures for boundary change proposals which are set out in Chapter 3, Part 2 of the *Local Government Act 1999* (the Act). The Act is accessible via the [South Australian Legislation website](#).

The Boundaries Commission (the Commission) is the body established to undertake the initial assessment of reform proposals, oversee investigations, and make recommendations to the Minister responsible for the Act (the Minister). This role is undertaken by the Local Government Grants Commission.

Section 32B of the Act provides for the Commission to recover reasonable costs of an inquiry in relation to a **general proposal** referred to the Commission by a council or councils. Further information on general proposals is contained within Guidelines 3 and 4.

This Guideline has been issued by the Commission to detail the process the Commission will use to determine the cost of an investigation. A council or councils will only incur costs for the general proposals that they refer themselves.

Following receipt of a submission from a council, the Commission will determine whether it meets the requirements of the Act and guidelines. If the proposal is a general proposal, the Commission will determine the level of investigation necessary to inquire into the proposal.

Costs will vary depending on the complexity of the proposal submitted to the Commission. The Commission can appoint one or more investigators to undertake a detailed inquiry into the proposal. Guideline 5 provides further information on the Commission's process for appointing investigators. Expected costs will be based on the investigation process and the associated public consultation that occurs during the investigation process.

A proposal will not proceed to an investigation without the Commission consulting with the initiating council on expected costs and any alterations to a proposal (if relevant). The Commission will advise of expected costs and it will then be up to the council to determine whether to proceed with the proposal.

If a council, or a number of councils feel that a proposal they are considering is of value to the State more widely, they can request the Minister to progress the proposal on their behalf. Costs related to work on proposals initiated by the Minister will be the responsibility of the State Government.

Contact details:

Boundaries Commission
GPO Box 2329 Adelaide SA 5001
Phone: (08) 7109 7145
Email: boundaries.commission@sa.gov.au (proposed)
Website: http://www.dpti.sa.gov.au/local_govt/boundary_changes

Council Boundary Change Proposals Engagement and Consultation Guideline

This Guideline should be read in conjunction with the procedures for boundary change proposals which are set out in Chapter 3, Part 2 of the *Local Government Act 1999* (the Act). The Act is accessible via the [South Australian Legislation website](#).

The Boundaries Commission (the Commission) is the body established to undertake the initial assessment of proposals, oversee investigations, and make recommendations to the Minister responsible for the Act (the Minister). This role is undertaken by the Local Government Grants Commission.

The Act requires the Commission to have a consultation guideline and also to consult with councils affected by boundary change proposals, their communities and entities that represent the interests of council employees affected by proposals. This Guideline shows how the Commission is meeting this requirement.

This Guideline specifies the requirements that the Commission has determined should be in place to undertake required engagement and consultation. It does not set prescriptive, 'one size fits all' approaches to engagement and consultation. Instead, the approach will be tailored for each proposal, with a flexible framework that enables fit-for-purpose engagement and consultation, rather than prescriptive minimum standards, and that considers any previous engagement and consultation that has occurred.

Engagement Principles

The Commission has determined five key principles that will form the basis for any engagement and consultation it undertakes on boundary change proposals—

Engagement is fit for purpose

- The engagement and consultation process matches the significance of the boundary change proposal. It is targeted, flexible, timely and considers any previous engagement and consultation.

Engagement is tailored for general proposals

- The Commission will design an engagement plan for every general proposal that reflects the nature and specific needs of each proposal

Engagement is genuine

- The Commission will make every effort to ensure that councils and communities can participate in boundary change proposals and understand the range of views on boundary change proposals.

Engagement is inclusive and respectful

- Councils and the community affected by a boundary change proposal will have the opportunity to participate and be heard.

Engagement is informed and transparent

- The Commission will ensure that councils and the community have access to all relevant information on boundary change proposals. When making recommendations, the Commission will explain the reasons behind them.

Mandatory Requirements

The Act makes a distinction between consultation requirements for administrative proposals (refer Guideline 2) and general proposals (refer Guidelines 3 and 4). The table below sets out the Commission's engagement and consultation requirements for council boundary change proposals.

PROPOSAL	BACKGROUND	MANDATORY REQUIREMENT
ADMINISTRATIVE PROPOSALS	Refer Guideline 2 for information on Administrative Proposals.	<p>The Commission will conduct an inquiry into administrative proposals, as the Commission thinks fit, provided that a reasonable amount of consultation is conducted (section 30(1)).</p> <p>The Commission will directly notify the initiator of the proposal of the process to be undertaken.</p> <p>Due to the nature of administrative proposals and their likely impact on a relatively small number of ratepayers, the consultation requirements are not as detailed as those for more significant (general) proposals. The level of engagement undertaken by the Commission will depend on the nature of the proposal, the number and location of affected properties, and whether there has been previous consultation.</p> <p>The Commission may determine not to conduct community consultation if the Commission considers it unnecessary to do so (section 30(2)). For example, if there is a very minor proposal, the Commission may decide not to undertake engagement with the community. This may involve proposals involving small numbers of ratepayers or where they have been consulted in other ways, or even referred the proposal themselves.</p> <p>After conducting an inquiry into an administrative proposal, the Commission must consult with the Minister on the matter (section 30(3)).</p>
GENERAL PROPOSALS		
<i>Initial Consideration of a Potential Proposal</i>	Refer Guideline 3 for proposals initiated by councils and Guideline 6 for proposals initiated by members of the public.	The Commission will receive the correspondence and advise the initiator of the proposal whether a detailed proposal can be referred for consideration.
<i>Referral of a Proposal to the Commission</i>	Refer Guideline 3 for proposals initiated by councils and Guideline 6 for proposals initiated by members of the public.	The Commission will assess the proposal in accordance with the guidelines and determine whether to inquire into the proposal or refuse to inquire into the proposal. The Commission may seek additional information to assist with its decision, and will directly notify the initiator of its decision.

PROPOSAL	BACKGROUND	MANDATORY REQUIREMENT
<i>Inquiry into a General proposal – Appointment of Investigators</i>	Refer Guideline 5 for information on the appointment of investigators.	<p>The Commission can appoint one or more investigators to undertake a detailed inquiry into a general proposal (section 31(1)(b)). However, the Commission <u>must</u> appoint investigators when a general proposal is referred to them by either the Minister or by resolution of either House of Parliament (section 31(1)(b)).</p> <p>The Commission will consult directly with affected councils on the proposed appointment of investigator(s) (section 31(2)(b)).</p>
<i>Inquiry into a General proposal – Costs</i>	Refer Guideline 8 for information on costs for general proposals initiated by a council or councils.	Section 32B of the Act provides for the Commission to recover reasonable costs of an inquiry in relation to a general proposal referred to the Commission by a council or councils. The Commission will consult with the initiating council on expected costs and any alterations to a proposal (if relevant).
<i>Inquiry into a General Proposal</i>	Refer Guideline 4 for proposals initiated by councils and Guideline 6 for proposals initiated by members of the public.	<p>Amongst other matters outlined in section 31(3)(b), an inquiry must consider—</p> <ul style="list-style-type: none"> - The extent of support for the general proposal within the affected community; - The extent of support for the general proposal of any council affected by the general proposal; and - The impact on the various rights and interests of any council employees affected by the general proposal. <p>The Commission will directly notify affected councils, the community and entities that represent the interests of affected council employees, of the boundary change proposal. The Commission may also request further information as part of its inquiry into the proposal.</p> <p><u>Engagement Plan</u></p> <p>An engagement plan will be designed for each proposal to ensure a flexible and tailored engagement approach. The following information will be included in engagement plans—</p> <ul style="list-style-type: none"> - Background information on the boundary change proposal; - Purpose of the engagement; - Engagement objectives; - Scope of influence – aspects of the proposal which are negotiable and non-negotiable - Analysis of key stakeholders;

PROPOSAL	BACKGROUND	MANDATORY REQUIREMENT
		<ul style="list-style-type: none"> - Engagement approach, for example, activities and timing; - How the engagement activities address the engagement principles; and - Reporting on the outcome and how input has been used to inform the Commission's recommendations.
<i>Notification of Outcome of an Inquiry</i>	Refer Guideline 4 for proposals initiated by councils and Guideline 6 for proposals initiated by members of the public.	Following completion of an inquiry, the Commission must give public notice of, and notify the person or body who referred the proposal; any council affected by the proposal; and any registered industrial association that represents the interests of council employees, of the Minister's determination (section 32(1)).

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DRAFT

Explanatory Paper

Local Government (Boundary Adjustment) Amendment Act 2017

March 2018



Government of South Australia

Department of Planning,
Transport and Infrastructure

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INTRODUCTION

The *Local Government (Boundary Adjustment) Amendment Act 2017* (the Amendment Act) reforms the legislative provisions that govern how council boundaries can be changed under the *Local Government Act 1999* (the Act).

Legislative framework

The legislative framework that underpinned the Amendment Act was based on review work undertaken by the Office of Local Government (OLG) and the Local Government Association (LGA), as overseen by the Premier’s State/Local Government Forum. The Act therefore reflects the principles and processes for local government boundary adjustments and reform that were endorsed by the LGA Board and the Premier’s State/Local Government Forum.

To give effect to the framework, the Amendment Act amends Chapter Three, Part Two of the Act to allow for a more efficient process to progress minor boundary changes, and to enable freer debate and discussion on more significant boundary change proposals. The legislation will commence on 1 January 2019.

Key elements of the Amendment Act

The Amendment Act removes the limitations and inefficiencies in the current boundary change processes contained within the Act. Some of these include current restrictions on who can initiate reform proposals, burdensome procedural requirements and the necessity for two or more councils to agree with reform proposals from members of the public.

The key elements of the Amendment Act are—

- a simpler and broader initiation process, allowing proposals to be initiated by a single council or the Minister for Local Government;
- the introduction of a simplified pathway for administrative (minor) proposals;
- establishing the Local Government Grants Commission (the Commission) as an independent Commission to undertake the initial assessment of proposals, oversee investigations, and make recommendations to the Minister; and
- independent analysis of general proposals—significant boundary changes, amalgamations or significant structural reform—by one or more investigators with the relevant expertise for each proposal.
- an independent analysis of significant boundary change or amalgamation proposals, by investigators with expertise relevant to each proposal.

A simplified flowchart outlining the Amendment Act’s procedures for boundary change proposals is included in Attachment 1.

THE PROVISIONS OF THE AMENDMENT ACT

Part 1 – Preliminary

Part 1 of the Amendment Act contains preliminary information about the short title of the Amendment Act, commencement (the Act will come into operation on a day to be fixed by proclamation – 1 January 2019) and amendment provisions.

Part 2 – Amendment of *Local Government Act 1999*

Part 2 of the Amendment Act contains provisions to amend the *Local Government Act 1999* (the Act).

4—Amendment of section 4—Interpretation

The Amendment Act provides for the establishment of the Local Government Grants Commission as the independent Commission (the Commission) to oversee the investigation of proposed boundary changes.

The Commission’s chief role will be to—

- assess proposals to determine their validity and significance;
- oversee a simple, essentially administrative process for the assessment of minor administrative proposals;
- appoint one or more investigators to undertake detailed work on major proposals; and
- provide recommendations to the Minister for Local Government at the completion of these processes.

5—Amendment of section 8—Principles to be observed by a council

The LGA requested additional amendments to the Act to support the development of effective regional governance models in local government. The Amendment Act therefore includes an additional principle to be observed by councils relating to regional collaboration.

6—Amendment of section 26—Principles

Section 26 of the Act contains principles that must be considered when decisions about boundary changes are made. This section emphasises the importance of ensuring that boundary changes enhance the capacity of local government to deliver results to local communities in a more strategic and effective way.

The Amendment Act removes the provision that it is advantageous (but not essential) to amalgamate whole areas of councils (with associated boundary changes, if necessary), and to avoid significant dislocations within the community. The Amendment Act also includes a new principle for boundary change, where consideration will be given to regional activities that may offer a viable and appropriate alternative to boundary change.

Division 4—Procedures for proposals

27—Preliminary

This section includes definitions under this Division, including new definitions for administrative proposals, general proposals, proposals and proposal guidelines. The definition of eligible electors is also included, however, this is the same definition as the current Act.

An elector is a person, body corporate or group of persons enrolled on the voters roll for a council. In the case of a proposal to alter the boundaries of two or more councils, eligible electors are those whose place of residence or rateable property is either within the area of the receiving council or the affected area.

The Amendment Act provides for the Commission to prepare and publish on a website guidelines that will set out procedures for inquiries. Guidelines will also be prepared that will specify consultation requirements and detail the process by which the Commission will determine the cost of an investigation that is undertaken as required by section 32B. Section 32B requires councils to resource the investigation of proposals that they initiate.

The guidelines may provide for any other matter the Commission thinks appropriate.

28—Commission to receive proposals

This section relates to the referral of proposals to the Commission.

The initiation of council boundary change proposals is currently restricted to two or more councils in agreement with each other, both Houses of Parliament, or members of the public. South Australia is the only State which does not allow the Minister to initiate proposals. It is also the only jurisdiction where council-led proposals must be agreed to by all councils involved before there can be any wider debate or discussion on these proposals.

The Amendment Act therefore provides for a broader range of initiation powers by allowing proposals to be submitted to the Commission by—

Resolution of either House of Parliament

The Amendment Act provides for one or both Houses of Parliament to submit a proposal to the Commission (as is currently the case).

The Minister for Local Government

Allowing the Minister to make an application for boundary change aligns the initiation process in South Australia with other jurisdictions. It also has the potential to allow consideration of a wider range of potential options and ideas.

Council(s) or members of the public may also ask the Minister to initiate a proposal on their behalf.

Councils (including single councils)

The Act allows a boundary change proposal to be made by a single council. This may also increase the accessibility of boundary reform processes to members of the public as each affected council would not be required to agree to a public initiated proposal for it to be submitted to the Commission.

Members of the Public

The provisions relating to the types of proposals referred by eligible electors are consistent with the current Act. Members of the public can submit a proposal to the Commission to consider boundary alterations, changes in the composition of a council or its representative structure, or the inclusion of unincorporated land into a council, however they cannot initiate a council amalgamation or the creation of a new council.

The Amendment Act provides that a public initiated proposal may be referred to the Commission by a prescribed percentage or number of eligible electors. It is expected that the prescribed percentage would be 10 percent. This figure was supported during consultation on the draft Bill. The inclusion of a prescribed percentage ensures that a representative sample can initiate a proposal.

The Amendment Act also replaces the currently separated public and council initiated processes with a single application process, irrespective of the initiator of the proposal.

Proposals must set out in general terms the nature of the proposal and comply with any requirements published by the Commission.

29—Commission to deal with proposals

These provisions set the framework by which the Commission receives and assesses a proposal, in order to determine whether to proceed or not. They also provide the direction for the Commission to undertake an investigation as the legislation requires.

The Amendment Act enables the Commission to refuse to inquire into a proposal if it is considered to be vexatious, frivolous or trivial; or if it is not considered to be in the public interest; or if it is the same or substantially similar to a proposal already inquired into; or if there is some other good reason to refuse to inquire into the proposal. For example, a proposal should not be used to express dissatisfaction with the services a council provides.

The Amendment Act also gives the Commission flexibility to deal with proposals. For example, the Commission may deal with similar or competing proposals that are referred to it.

30—Inquiries—administrative proposals

The Amendment Act introduces a simplified pathway for minor administrative proposals, including—

- to facilitate a development that has been granted an authorisation under the *Planning, Development and Infrastructure Act 2016*¹;
- to correct an anomaly that is, in the opinion of the Commission, generally recognised e.g. where the boundary intercepts one or more privately owned properties;
- where the common boundary of two or more councils requires adjustment following the physical realignment of a common road;
- a proposal to incorporate vacant unincorporated land into a council area;
- any other matter prescribed in regulation.

For proposals of this nature, the Commission would conduct an inquiry, provided that a reasonable amount of consultation is conducted in accordance with any guidelines published by the Commission. As the process for administrative proposals is more streamlined, the Amendment Act recognises that there will be communication between the Commission and the Minister on these proposals.

The Commission would then prepare and publish a report on the inquiry that includes the Commission's recommendations and provide a report to the Minister. The Minister may then determine whether the proposal should proceed or not.

31—Inquiries—general proposals

The Amendment Act provides for an independent analysis of major proposals (for example, significant boundary changes or amalgamations) by one or more investigators consisting of expertise that is determined to be necessary for each proposal.

For these general proposals, the Commission can appoint one or more investigators to undertake a detailed inquiry into the proposal. However, the Commission must appoint investigators when a general proposal is referred to them by either the Minister or by resolution of either House of Parliament.

The Amendment Act also provides appropriate flexibility in appointing investigators—more significant proposals will require a number of investigators, whereas relatively straightforward proposals may be completed 'in house' (for council initiated proposals), or may only require a single investigator.

¹ Note: The Commission will not be involved in legislative planning processes. Development applications and authorisations are separate matters under the relevant planning legislation. In order for a proposal to be treated as an administrative proposal, it would need to be referred to the Commission following the conclusion of the development approval process.

The Commission must seek to ensure, as far as is reasonably practicable that the qualifications, knowledge, expertise and experience of a particular investigator are relevant to each inquiry. The Commission must also consult with affected councils when appointing the investigator(s).

In addition to the principles set out in section 26 of the Act, an inquiry must consider—

- the financial implications and impact on resources that the proposal is likely to have on any council affected by the general proposal; and
- the extent of support for the general proposal and boundary reform in the area within the community affected by the general proposal; and
- the extent of support for the general proposal of any council affected by the general proposal; and
- the impact of the various rights and interests of any council employees affected by the general proposal; and
- any other principles prescribed by regulations.

At the conclusion of an inquiry, the Commission must prepare and publish on a website a report that includes the Commission's recommendations. The requirement for the Commission to publish the report ensures that the Commission's advice to the Minister, and the decision making that then follows, is fully transparent.

The Amendment Act provides for the Minister to send the report back to the Commission for reconsideration in accordance with any suggestions by the Minister. However, if this does occur, the Commission must then publish an amended report and provide a copy of the amended report to the Minister. The Minister may then determine whether a proposal recommended by the Commission should proceed.

32—Notification of outcome of inquiries

Following the completion of an inquiry, the Commission must give public notice of the Minister's determination. The Commission must also notify the person or body who referred the proposal to the Commission, any council affected by the proposal, and any registered industrial association that represents the interest of employees of councils.

If a general proposal recommended by the Commission does not proceed to a proclamation after completion of all relevant procedures, the Minister must to prepare a report on the matter and cause copies of that report to be laid before both Houses of Parliament. This is consistent with the current Act.

32A—Powers relating to inquiries

The Amendment Act sets out the powers of the Commission or an investigator when conducting an inquiry. These powers enable the Commission or an investigator to obtain information determined to be relevant to an inquiry.

As the content of proposals could be very serious, the powers available to the Commission parallel this seriousness. Without such powers, the information used to develop the Commission's recommendations and the Minister's consideration of those recommendations could be seriously impacted. These common powers are similar to other investigation panels.

32B—Costs

The Amendment Act provides for the Commission to recover reasonable costs of an inquiry in relation to a general proposal referred to the Commission by a council or councils as a debt due from the council or councils.

A council or councils will only incur costs for the general proposals that they refer themselves. If a council, or a number of councils feel that a proposal they are considering is of value to the State more widely, then they can request the Minister to progress it on their behalf.

If a proposal is referred to the Commission by the Minister, costs related to work needed on proposals initiated by the Minister will be the responsibility of the State Government.

All costs associated with the investigation of administrative proposals will be borne by the State Government.

The Amendment Act requires guidelines that will detail the process the Commission will use to determine the cost of an investigation that is undertaken. The Commission will advise of expected costs and any alterations to a proposal prior to commencing an investigation.

This provision facilitates the sending of an invoice and the usual enforcement mechanisms. It provides the Commission with a mechanism to ensure that a council will pay any invoice for costs. This is a common legislative provision that is already included within the *Local Government Act 1999*.

32C—Inquiries—*independence of Commission etc*

The Amendment Act ensures that the Commission or an investigator appointed by the Commission is not subject to Ministerial direction in relation to an inquiry or a recommendation or report.

The independence of the Commission is a key element of the Amendment Act and the Minister cannot direct the Commission to come to a conclusion on a proposal. The Amendment Act does allow the Minister to propose amendment to the Commission's final report, however, the Commission is not required to make these amendments. If the Commission does incorporate any amendments proposed by the Minister, the Commission must then publish the amended report.

Support for regional governance models

The Amendment Act supports the development of effective regional governance models in local government. It does this in three key ways:

1. By amending section 8 of the Act – Principles to be observed by a council – to include a specific principle based on collaboration and partnerships with other councils and regional bodies
2. By enabling the Commission to make a recommendation that a regional governance or service delivery mechanism be put in place as an alternative to boundary change

3. By amending section 122(1) of the Act to include a requirement for councils or other regional bodies to demonstrate that the potential benefits of regionalisation have been assessed as part of long-term planning.

FLOWCHART—BOUNDARY REFORM PROPOSALS

