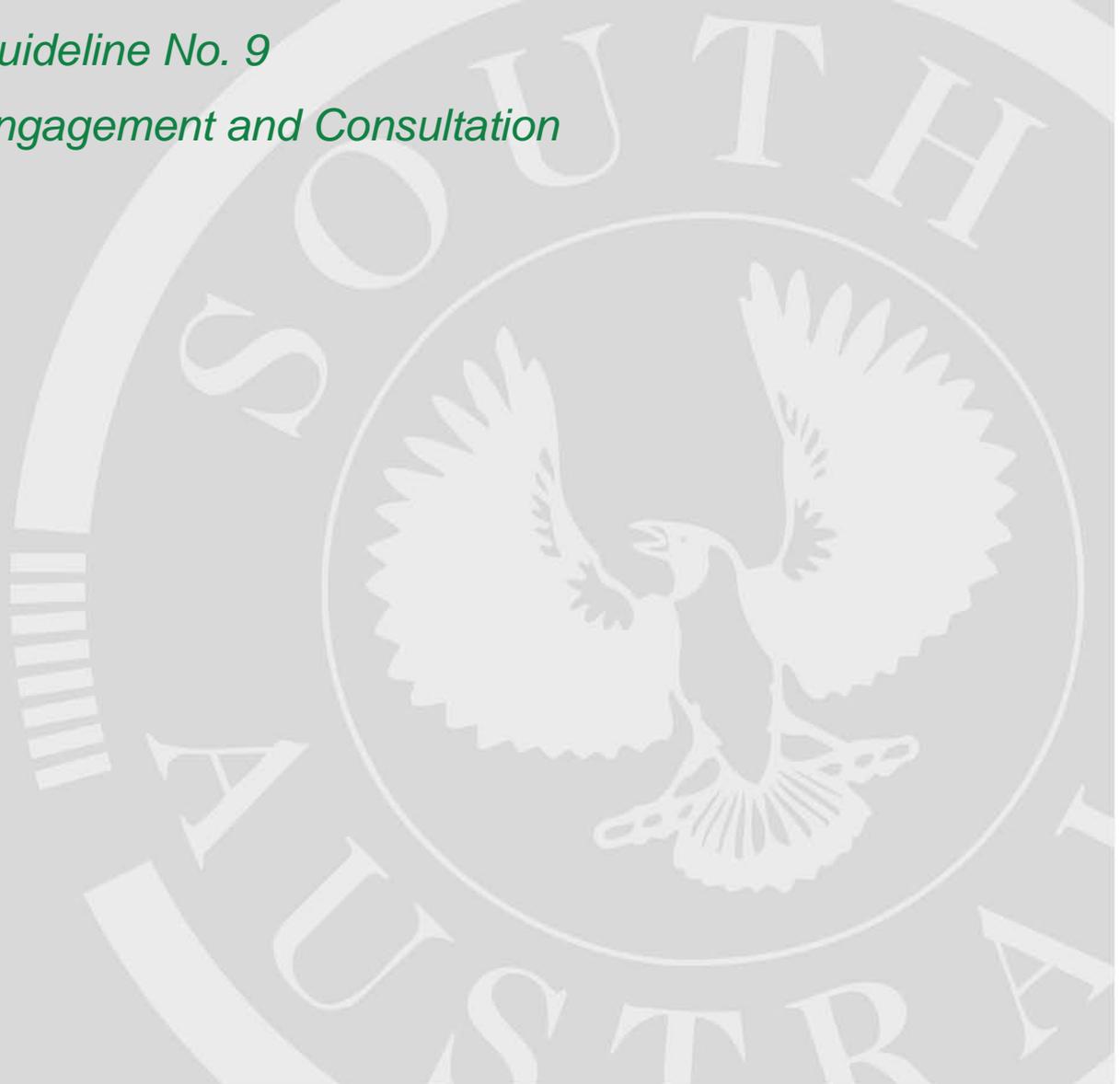


Council Boundary Change Proposals

Guideline No. 9

Engagement and Consultation



Government
of South Australia



South Australian Local Government
Boundaries 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.

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 four 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 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.

Application of Engagement Principles

Administrative proposals—the Commission will consider appropriate consultation on administrative proposals in the context of the four principles.

General proposals—the Commission will design a specific engagement plan in consultation with affected councils for every general proposal based on the four principles.

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. The Commission will notify affected councils at this stage.
<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>The Commission will consult with the Electoral Commission of South Australia (ECSA) on proposals for changes in a council's composition or representative structure.</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

PROPOSAL	BACKGROUND	MANDATORY REQUIREMENT
		<ul style="list-style-type: none"> • Analysis of key stakeholders; • 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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