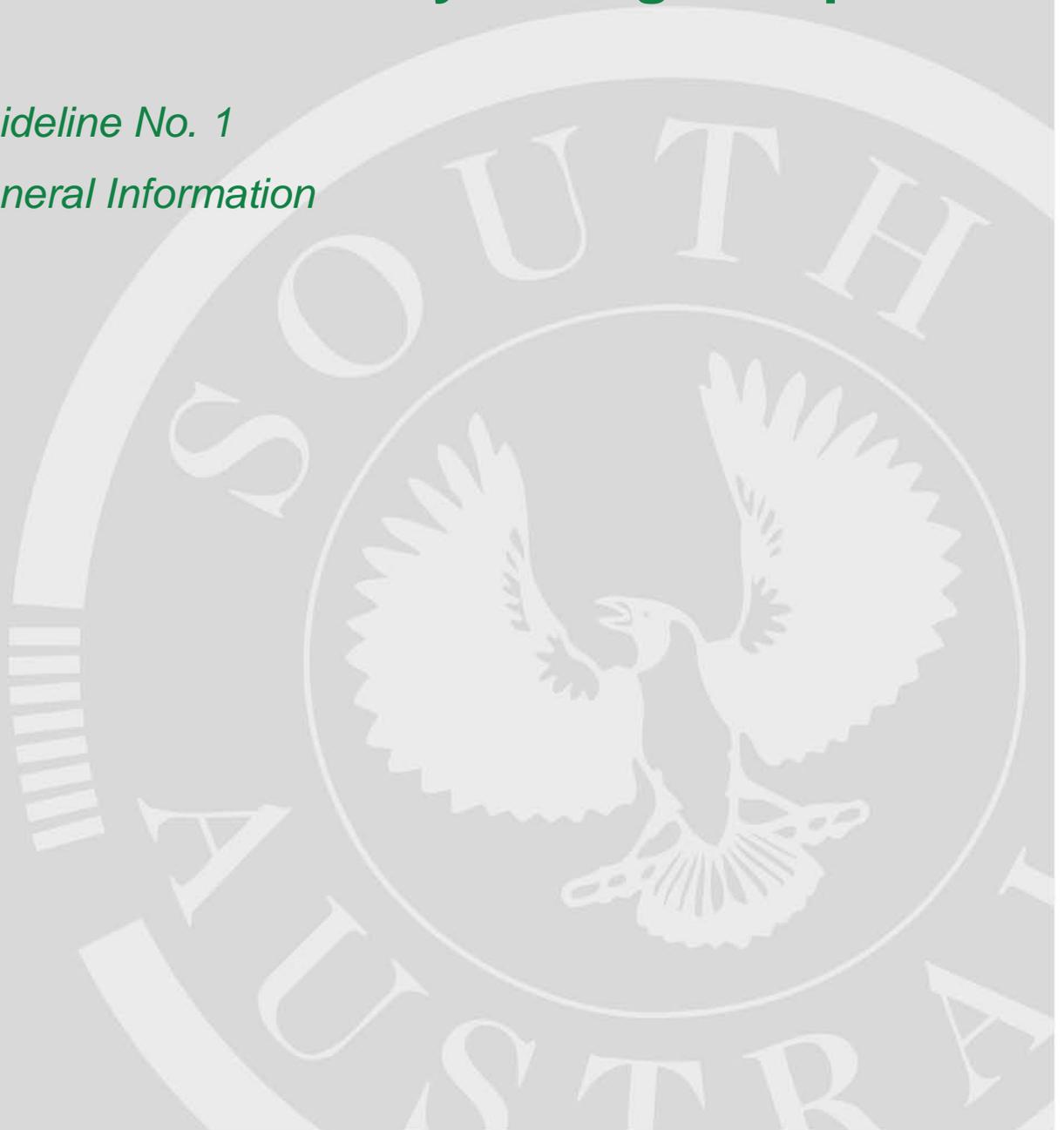


Council Boundary Change Proposals

Guideline No. 1

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—

- 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.

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.

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

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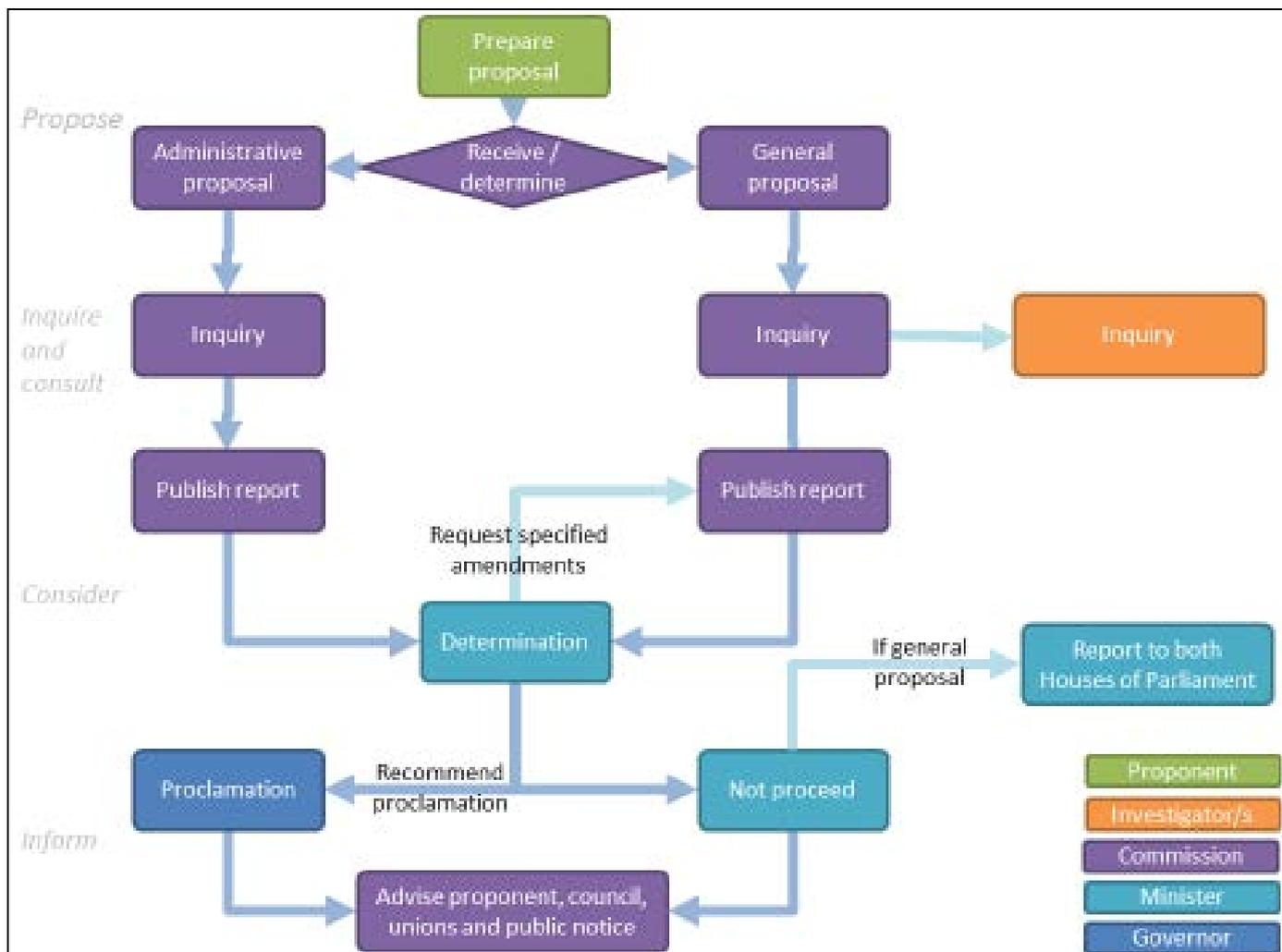
Phone: (08) 7109 7145

Email: boundaries.commission@sa.gov.au

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

ATTACHMENT 1

Flowchart—Boundary change proposals



ATTACHMENT 2**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?
 - 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.
 - Is there a sense of belonging or stronger community connection with the area which can be clearly defined?
 - Identify common interests that would be likely to benefit from the proposal, such as economic, social, heritage, cultural and recreational.
 - 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?