

Boundary Reform

Parts of Light Regional Council are the subject of a boundary reform proposal by the Town of Gawler. Council considered that providing this information sheet will assist its community with better understanding the processes that may be involved with such proposals.

Background

The boundary reform process, within the *Local Government Act 1999* (the Act), has been restructured with the commencement of the *Local Government (Boundary Adjustment) Amendment Act 2017* on 1 January 2019. The South Australian Local Government Boundaries Commission (the Commission) was formed as an independent body, tasked with several functions under the Act.

General information about the Commission is available [here](#)

The Commission's functions include assessing and investigating proposals (both 'administrative' and 'general') referred to it for boundary changes, in accordance with the Act, and Guidelines prepared by the Commission.

Councils are among those that may refer boundary change proposals to the Commission.

Proposals

An 'administrative' proposal may be made for minor changes, such as allowing small anomalies to be corrected or minor adjustments to be made, such as where a single property might be in two council areas for instance.

A 'general' proposal requires that a council (or councils) initially refers a proposed concept to the Commission for review and feedback, including whether a general proposal can be submitted. If the Commission determines that a proposal can progress and a submission be made, the Guidelines require the 'initiating council' to set out key information in detail, including (amongst others):

- the grounds for the proposal and the issues to be considered in an assessment of the proposed boundary change,
- how the proposal addresses the principles (section 26),
- the 'Community of Interest',
- identified 'common interests'; and
- the consultation it has undertaken to determine that it should submit a general proposal to the Commission for consideration.

Recent changes to Guideline #3 (2 July 2020) clarify that an initiating council only needs to demonstrate that it has undertaken the consultation necessary (such as with its own community) to determine that it should submit a general proposal to the Commission. This is an important step as the costs attached to an Inquiry can be considerable and are funded by the initiating council (or councils).

Further, in making this change the Commission recognises that an initiating council would have difficulties:

- undertaking extensive consultation with communities that are not within its area; and
- consulting on a proposal that has not yet been investigated, such as being able to answer questions about the impacts of the proposed change/s on those affected.

An Inquiry by the Commission

Following consultation with its own community, an initiating council may then choose to submit a 'general' proposal.

The Commission will assess the proposal and then determine whether to inquire into the proposal. If the Commission decides to inquire into a proposal, per the Act, the Commission will then determine:

- the level of investigation necessary to inquire into the proposal; and
- whether to appoint one or more investigators (after consulting with affected councils on the appointments) to undertake the investigation.

The Commission advises the initiating council/s on the expected costs of the investigation process (and any alterations, if relevant). The initiating council/s then decide whether to proceed with the proposal, based upon an acceptance of these costs.

As noted, the costs attached to an Inquiry can be considerable.

If an Inquiry proceeds, the investigation considers the items in section 31 of the Act, including financial implications, extent of support for the proposal and boundary reform within the community affected, extent of support of any affected council and a range of related matters. Investigators are required to comply with any directions or requirements from the Commission and empowered by law to obtain the information that they need in connection with an Inquiry.

In this, the Commission's Inquiry includes its own consultation process with the affected communities.

At the conclusion of the Inquiry, the investigator/s must provide a report to the Commission. The Commission then must prepare and publish a report on its website including its recommendations and provide the report to the Minister. The Guidelines note that the Commission may also include recommendations in a report relating to the delivery of services on a regional basis as an alternative to boundary changes, or any other recommendations as the Commission considers appropriate.

The Minister may request reconsideration based on any suggestions made by the Minister and there is a process for this. Ultimately if the Minister determines that the proposal proceeds, it is forwarded to the Governor with a recommendation that a proclamation be made. If the Minister recommends that it does not proceed, the Minister must prepare a report for both Houses of Parliament.

Town of Gawler Proposal

Our community may be aware that the Town of Gawler has submitted a potential proposal to the Commission for the following Light Regional Council areas to be included within the Town of Gawler:

- Hewett;
- Gawler Belt (part of); and
- Reid (part of).

The Commission has considered the general proposal, referred by the Town of Gawler, and advised that an inquiry into the proposal may proceed, subject to the Town of Gawler agreeing to the cost of an inquiry. The Commission will now undertake a process to estimate the cost of an inquiry, this is expected to take 6-8 weeks. An inquiry will proceed once the Town of Gawler has been provided with the estimated cost and has given clear direction to the Commission to proceed.

Further information

South Australian Local Government Boundaries Commission: <https://www.agd.sa.gov.au/lgbc>

The Town of Gawler proposal can be found at: www.gawler.sa.gov.au/your-council/boundary-reform.

If you have any questions regarding Boundary Reform, please don't hesitate to contact your local Elected Member or Council on 8525 3200.