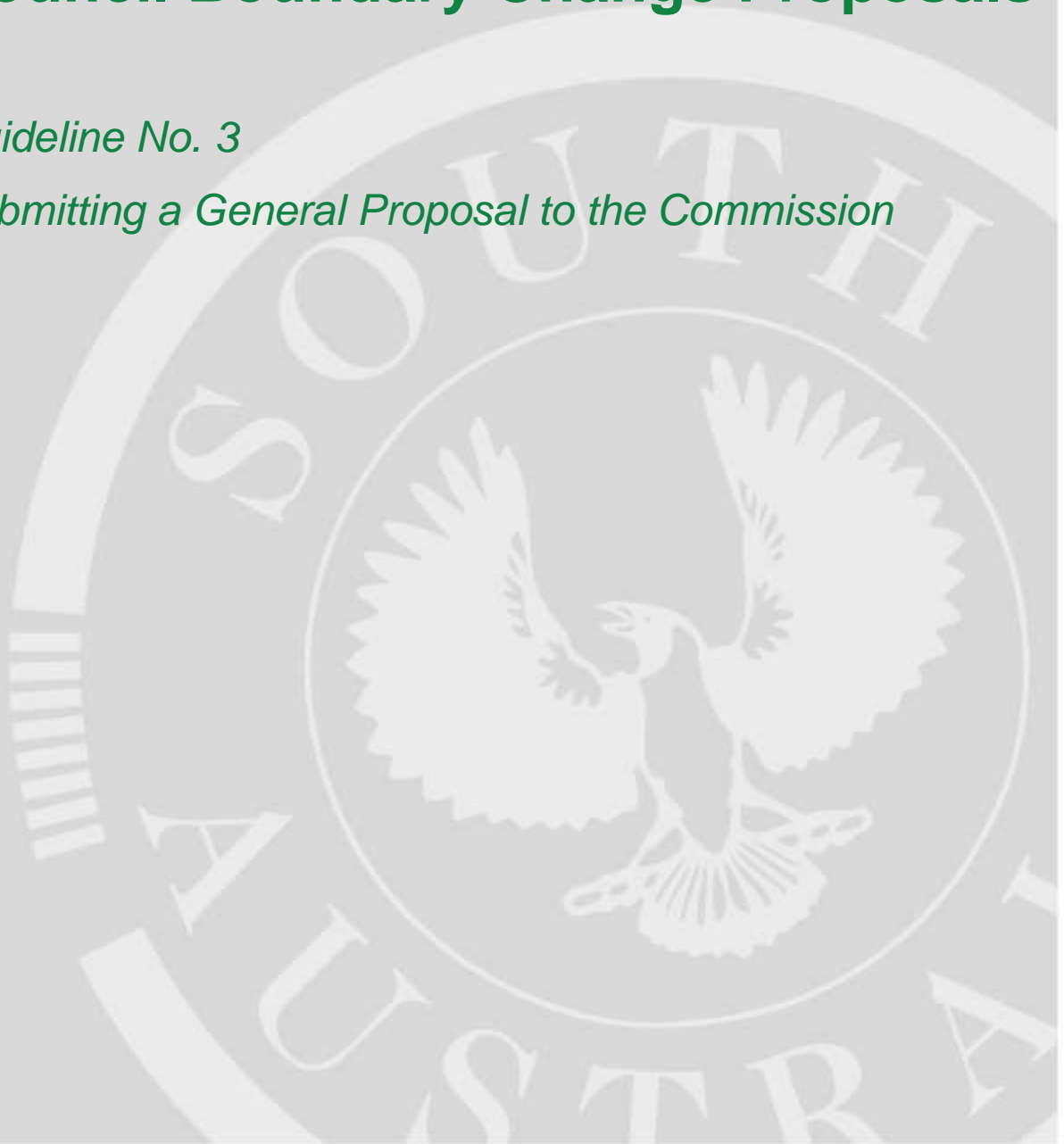


Council Boundary Change Proposals

Guideline No. 3

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, including a brief outline of how the proposal addresses the section 26 principles, particularly in regard to the identified community of interest, social fabric and common interests of the area and how service provision would be improved as a result of the proposal.

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.

The Commission may advise the council(s) that a Stage 2 proposal must be referred to the Commission by a date set by the Commission.

The Commission may also defer the provision of advice to a council if the Commission is of the view that the proposal cannot be finalised and gazetted within a reasonable time before a periodic council election.

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.

If in its Stage 1 advice, the Commission has established a date by which a Stage 2 proposal must be made, the Commission may refuse to inquire into the proposal, if the Stage 2 proposal is not referred by this date.

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

The purpose of consultation at this stage of the process in submitting a proposal is to demonstrate that an initiating council has undertaken the consultation that is necessary to determine that it should submit a general proposal to the Commission for consideration (noting that it is the Commission's role to consult with all affected communities on the impact of all proposals that it investigates— refer Guideline 9).

Information provided when a general proposal is submitted must therefore include any details of the consultation a council has undertaken to form its view that it should submit a proposal. This may include:

- a list in sequence dates of key council decisions, announcements, notices, public and other meetings, actions by stakeholder groups, press articles etc.
- 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.
- the degree of support shown for and against the submittal of the proposal, any concerns that were raised during the consultation, and how these have been addressed by the council

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.

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 the referral of a submission to the Commission?

The Commission will assess the proposal in accordance with the Act and 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, for example, the issues raised in the inquiry were dealt with through a previous representation review in line with Section 12 of the Act.

The Commission may also decide to defer consideration of a proposal if it is of the view that the proposal cannot be finalised and gazetted within a reasonable time before a periodic council election.

The Commission may also refuse to inquire into a proposal if the proposal has not been referred to the Commission by a date established by the Commission in advice provided in Stage 1.

The Commission may seek additional information to assist with its decision and will directly notify the initiator of its decision. If additional information is sought, the Commission may also establish a date by which this information must be provided. If the initiating council does not provide the requested information by this date, the Commission may refuse to inquire into the 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.

In line with the Commissions 'Publication Policy' the Commission will, upon receipt of all proposals, make the proposal publicly available on its website.

Contact Details:

Boundaries Commission

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Email: boundaries.commission@sa.gov.au

Website: <https://www.agd.sa.gov.au/local-government/boundaries-commission>

Guideline Versions – Guideline 3		
Version	Comments	Date
1.0	Version 1 Published	01/01/2019
2.0	Version 2 Published	23/12/2022
3.0	Version 3 Published	01/06/2022

ATTACHMENT 1**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?
 - 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?