

Council Boundary Change Proposals

Guideline No. 5

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) for proposals referred by a Council or Councils, and
- affected councils and the State Government when appointing the investigator(s) for a proposal referred by either the Minister or by resolution of both Houses Parliament.

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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