

10 December 2021

Mr Bim Lange  
Mayor  
The Barossa Council  
PO Box 867  
NURIOOTPA SA 5355

Dear Mayor Lange

### **Town of Gawler Boundary Change General Proposal**

Thank you for your Council's response to the Boundaries Commission's (the Commission) letter of 10 November 2021 regarding the Town of Gawler's (ToG) Stage 2 Boundary Change General Proposal (the Proposal) and the matters identified by the Commission that will be included in an inquiry into the Proposal should it proceed.

The Commission received feedback from all of the affected councils and discussed this correspondence at its meeting on 1 December 2021.

#### Commission's response to feedback

Please find attached a summary of the feedback provided by the affected councils and a comment from the Commission on the matters raised.

You will note that some concerns or suggestions were made by multiple or all affected Councils and these matters have been addressed below.

#### Timing of Inquiry

The Commission appreciates the concerns raised by the affected councils regarding the timing of an inquiry. The Commission has advised the ToG of its view that an inquiry into the Proposal would not be able to be completed prior to the 2022 local government periodic elections, and that the Commission's view that an inquiry, if it does proceed, would therefore not commence until January 2023.

Noting this, the Commission has also sought direction from the ToG as to whether it wishes to receive a cost estimate for the inquiry in early 2022 or whether the ToG wishes the Commission to postpone any further action to progress the Proposal until the 2022 periodic local government elections are complete.

#### Recovery of costs for affected Councils

As outlined in section 32B of the *Local Government Act 1999* (the Act), the Commission may recover reasonable costs of an inquiry into a General Proposal, from the initiating council. If an inquiry into this Proposal proceeds, the Commission will therefore recover costs from the ToG associated with the inquiry.

However, while the Commission may recover reasonable costs incurred in respect of an inquiry, there is no similar legislative mechanism that allows affected councils to recover costs from an initiating council. .

### Suitably Qualified Investigators

The Commission appreciates the input provided on this matter and notes the view from the affected Councils that specialised investigators be appointed rather than one consultancy to cover all aspects of an inquiry.

As section 31(2) of the Act makes clear, 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 the inquiry for which the investigator is being appointed.

It has also been suggested that all councils are involved in the engagement of consultants and their management through a consultative group. As you may be aware, the Commission has a specific obligation to consult with affected councils on the proposed appointments of investigators, and will do so if the Proposal proceeds to this step.

The Commission will also engage closely with all affected councils throughout the inquiry process, if it proceeds. However, as the independent body for considering boundary change proposals under the Act, the Commission will be primarily responsible for overseeing the inquiry and the activities of any investigators appointed.

### Summary of Commission's Determinations

The Commission received a request for further information on the process undertaken to determine that the Proposal may progress to an inquiry.

To clarify, the Commission undertook detailed analysis of the Proposal as submitted by the ToG against the requirements of both the Act and the Commission's Guidelines. As the Commission's determination indicates, the Commission was of the view that the Proposal satisfactorily addressed the requirements as far as the ToG could be reasonably aware of them, as required by Guideline 3.

However, to ensure that Commission's decision making process in relation to this Proposal is transparent, the Commission has placed all documentation relating to this determination on its webpage — [www.agd.sa.gov.au/tog](http://www.agd.sa.gov.au/tog).

I also emphasise again that the Commission's determination to inquire into the proposal does not mean that the proposal has been recommended to proceed. A recommendation to the Minister regarding a General Proposal can only be made once the Commission has conducted and considered the findings of an inquiry

If you have further questions, please contact the Commission on 7109 7164 or [boundaries.commission@sa.gov.au](mailto:boundaries.commission@sa.gov.au).

Yours sincerely



Bruce Green

**CHAIR**

**SOUTH AUSTRALIAN LOCAL GOVERNMENT GRANTS COMMISSION**

Attachments

1. Commission's response to feedback