Making a submission for a district boundary change

Local Government Advisory Board

October 2017

**Background**

The Local Government Advisory Board (the Board) is the body established by the Local Government Act 1995 (the Act) to assess proposals for changes to local government district boundaries.

This document provides information on how the Board receives and assesses proposals for district boundary changes. It is recommended that proponents also check the requirements which are included in Schedule 2.1 of the Act.

**Who can make a proposal?**

The Board can accept proposals for change from the Minister for Local Government, local governments, or from electors.

**Relevant information**

The following information will help with formulating and submitting proposals:

* Schedule 2.1 of the Local Government Act 1995.
* Guiding Principles (background paper from the Local Government Advisory Board).
* Form 1 – List of Affected Electors (format for a petition from electors to initiate a boundary proposal).

**What happens to a proposal?**

Valid proposals (those that meet the requirements of the Local Government Act 1995) can either be:

Formally assessed

Informally assessed

The Board may reject a proposal if it is deemed to be similar to a proposal that they have assessed in the preceding two years. The Board may also reject a proposal if it considers that it is frivolous or otherwise not in the interests of good government.

All valid proposals must be considered by the Board**.**

**For advice and assistance**

You can contact the Local Government Advisory Board to discuss any aspects of your proposal.

Phone: 08 6552 1733

Email: advisoryboard@dlgsc.wa.gov.au

**What happens when the Local Government Advisory Board receives a proposal?**

Proposals can come from the Minister, local governments or electors.

Valid proposals

For a proposal to be assessed as valid it must:

1. Set out the nature of the proposal and its effects on local government

2. Have a plan showing the proposal and its relation to existing boundaries

3. Comply with any regulations (Form 1).

If the proposal comes from electors it must have the correct number of petitioners, that is, affected electors who are:

* at least 250 in number or
* at least 10% of the total number of affected electors.

The Board can decide to undertake a formal or informal assessment of the proposal or reject it if it is deemed to be similar to a proposal that the Board has assessed within the last two years. The Board may also reject a proposal if it considers that it is frivolous or otherwise not in the interests of good government.

Each proposal will be considered on an individual basis.

If the proposal is assessed as valid then a recommendation is presented to the Board on the nature of the assessment. The Board can either:

* Reject the proposal (unanimous decision required)
* Undertake an informal assessment (unanimous decision required)
* Undertake a formal assessment

In each case, the proponents and affected local governments should be notified of the decision as well as indicating a notional time frame.

Invalid proposals

If the proposal is assessed as not valid then the proponent is advised of that decision in writing.

Some factors which may render a proposal invalid could include, but are not limited to:

* Insufficient information included in the proposal
* Not adequately addressing the eight guiding principles
* Unclear maps or plans which do not plainly show the affected area
* Insufficient numbers of petitioners included in the Form 1 accompanying the submission

**Notes for Local Governments Considering Submitting a Proposal**

The Board has developed eight guiding principles for the prescribed matters to be considered in its assessment of any proposal. Each of these principles should be appropriately addressed in the proposal.

If a formal assessment is undertaken, the Board will invite written submissions from the affected local governments. These submissions should be based around the prescribed matters.

Where local governments are seeking minor amendments to boundaries, the Board requests that they attempt to reach agreement with the other affected local government(s) and submit a joint proposal to the Board. This will assist in the assessment process, and may help to reduce the overall time taken.

All proposals should be signed by the Mayor or President and the Chief Executive Officer.

The Board will inform affected local governments of proposals which impact them when it has made a decision on the level of assessment. It is also recommended that proponents inform their neighbours of any proposals for boundary change.

After it has been determined that a formal assessment is appropriate, the Board will advise affected local governments of the following before the commencement of the inquiry:

* that there will be a formal inquiry and
* the scope of the inquiry.

**Consultation**

The minimum public submission period is six weeks. The Board will advertise the proposal and invite public submissions in the relevant community newspapers. The affected local governments can also be asked to advertise on their websites, social media pages, and at public buildings etc.

Dates and times for public meetings and forums will be advertised in community newspapers and on public notice boards. Local governments will be advised of these times.

Key stakeholders and members of the public should be invited to attend any public meetings or forums and also to make written submissions to the Board.

Key stakeholders can include but are not restricted to:

* affected local governments
* members of the public
* rate payer and progress associations
* local business and service groups
* elected members
* government agencies.

The Board will meet with the councillors and senior officers of the affected local governments. Where there are specific issues or regional offices, the Board will arrange to meet with relevant officers.

**Assessing the proposal**

The Board will assess the merits of the proposal against the eight prescribed matters:

a) community of interest

b) physical and topographical features

c) demographic trends

d) economic factors

e) the history of the area

f) transport and communication

g) matters affecting the viability of local governments, and

h) the effective delivery of government services.

This does not limit the factors which can be taken into consideration. For example, the Board will also consider the impact of the proposal on wards and representation.

**Making a recommendation**

At the completion of its assessment the Board will complete a comprehensive formal report which is forwarded to the Minister. The report may recommend that the Minister:

* accept the proposal and make orders in accordance with the proposal
* reject the proposal
* make some other order which is not significantly different from the original proposal.

An absolute majority is required to support the Board’s recommendation.

The Minister can either:

* Accept the Board’s recommendation
* Reject the Board’s recommendation

The Minister will also request the Board to give notice of its recommendation(s).

The Minister then advises the Department of Local Government, Sport and Cultural Industries and the affected local governments of the decision.

**Requesting a poll**

Where the Board recommends to the Minister the making of an order to abolish two or more districts and to amalgamate them into one or more new districts, affected electors may request a poll.

The Board will then give notice of its recommendation and the right of electors to request a poll, and is also required to advise the following groups:

* affected local governments
* affected electors
* other electors directly affected by the Board’s recommendation.

A poll request must be made within one month of notice of the Board’s recommendation.

It must be signed by at least 10% or 250 affected electors of one of the affected districts.

The Minister may also request a poll of electors affected by any Board recommendation.

If the Minister receives a request for a poll, then the Board determines the question(s) to be asked and prepares a summary of the cases for and against.

The Minister directs the local government:

* to make the summary of the cases available to electors and
* to hold a poll and return the results to the Minister.

The Minister is to reject the recommendation where:

* at least 50% of eligible voters vote and
* a majority of voters reject the recommendation.

If there is no request for a poll, the Minister will accept the Board’s original recommendation.

The Minister then advises the affected local governments and the Department of Local Government, Sport and Cultural Industries of the decision.

**Proposals of a minor nature**

If there is no request for a poll and the Board determines that an informal assessment is appropriate, the criteria for making this determination include:

* the proposal is considered to be of a minor nature and
* not one that requires public submissions.

Examples of minor proposals may include:

* transfer of individual lots or leases
* realignment of boundaries to correspond with changes in road alignments
* transfer of part lots to one local government
* historic anomalies.

While some proposals appear to be minor in nature, their impact may be such that the Board would choose to undertake a formal assessment in the interests of public involvement.

The views of affected local governments and land owners are important in the Board’s consideration of the proposal.

The process is assisted if affected local governments are in agreement about the proposal.

After contacting affected local governments and land owners to request their views on the proposed change, the proposal is then assessed by the Board.

The Board then presents a report with a recommendation that the Minister either:

* accept the proposal and make orders in accordance with the proposal
* reject the proposal.

The Board advises the proponents and the affected local governments of the Minister’s decision.

A copy of the Board’s report will be made available on the Board’s website at:

<https://www.dlgc.wa.gov.au/AboutUs/Pages/LGAB.aspx>