



Queensland

Local Government Amendment Regulation (No. 1) 2013

Explanatory Notes for SL 2013 No. 86

made under the

Local Government Act 2009

General outline

Short title

Local Government Amendment Regulation (No. 1) 2013.

Authorising law

Sections 20 and 270 of the *Local Government Act 2009*.

Policy objectives and the reasons for them

Under the *Local Government Act 2009* (LGA), the Local Government Change Commission (LGCC) has jurisdiction to assess and make recommendations in relation to applications for local government changes. Under section 17, local government changes are changes to a local government's boundaries, divisions (other than the City of Brisbane), number of councillors, name and classification.

The LGA section 18 provides that only the Minister for Local Government may apply to the LGCC to assess whether to alter a local government change that was made under the 2007 reform process.

On 27 March 2013, the Minister for Local Government referred to the LGCC for assessment an application and supporting documentation from Ipswich City Council (supported by Somerset Regional Council) requesting a review of their common boundary. The application proposes to realign the common boundary between Ipswich City Council and Somerset Regional Council by incorporating a single Lot, that is, Lot 2 on Registered Plan 164048, County of Churchill, Parish of Walloon within Ipswich City Council.

In April 2013, the LGCC recommended that the common boundary between Ipswich City Council and Somerset Regional Council be realigned.

Section 20 of the LGA provides that Governor in Council may implement the LGCC's recommendation under a regulation and that the regulation may provide for anything that is necessary or convenient to facilitate the implementation of the local government change.

The main objectives of the amendment regulation are to implement the LGCC's recommendation to alter the common boundary between Ipswich City Council and Somerset Regional Council, and to make provision for those matters considered necessary to facilitate the implementation of boundary changes.

Achievement of policy objectives

The amendment regulation achieves the policy objectives by implementing the LGCC's recommendation to realign the common boundary between Ipswich City Council and Somerset Regional Council by incorporating Lot 2 on Registered Plan 164048, County of Churchill, Parish of Walloon within Ipswich City Council.

Section 6(1) of the *Local Government Regulation 2012* states the boundaries of each local government area, and any divisions of the area, are shown on its area map mentioned in schedule 1, column 3. An amendment to schedule 1 of the regulation reflects the updated local government area maps - Ipswich City Council (LGB 35 edition 3) and Somerset Regional Council (LGB 60 edition 2).

Updated local government area maps will be provided to both councils following Governor in Council consideration.

As the amendment regulation proposes the first boundary change made under the new *Local Government Regulation 2012*, the amendment

regulation also includes new provisions to facilitate the implementation of the proposed boundary change (refer new sections 13A, 13B and new schedule 3, parts 1 and 2). These implementation provisions merely replicate the repealed *Local Government (Operations) Regulation 2010* implementation provisions (sections 14A, 14B and schedule 3).

New section 13B of the *Local Government Regulation 2012* states that schedule 3, part 1 implements the local government changes mentioned in it and that schedule 3, part 2 makes provision for facilitating the implementation of each local government change mentioned in schedule 3, part 1.

Accordingly, schedule 3, part 1 of the regulation details the changes in the external boundary for Ipswich City Council and Somerset Regional Council and prescribes 31 May 2013 as the day that the local government change takes effect. The inclusion of these details in schedule 3, part 1 of the regulation also enable the matters listed in schedule 3, part 2 of the regulation to facilitate the implementation of the local government change.

As a consequence of inserting new schedule 3, existing schedules 3 to 7 have been renumbered and several internal cross-references updated accordingly.

In addition, clause 7 of the amendment regulation replaces several references to 'rates notice' in section 132 of the regulation with 'rate notice'. These minor amendments ensure consistency with the defined term in the regulation, that is, 'rate notice'.

Consistency with policy objectives of authorising law

Section 270 of the LGA is the general regulation-making power and chapter 2, part 3 of the LGA is about making a local government change.

Section 20 of the LGA provides for a regulation to implement the LGCC's recommendation in relation to a local government change application.

The amendment regulation is consistent with the objectives of the LGA which allow for the assessment and implementation of local government changes.

Inconsistency with policy objectives of other legislation

The amendment regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The costs to government as a result of the proposed amendments are negligible.

Consistency with fundamental legislative principles

The proposed amendments are considered to be consistent with the fundamental legislative principles.

Consultation

Under section 19 of the LGA, the LGCC determined that the holding of a public hearing in relation to the proposed boundary change for Ipswich City Council and Somerset Regional Council was unnecessary.

In making its assessment, the LGCC noted:

- the agreement to the proposed boundary change by both councils and by the landholders;
- no significant issues impact on either council in connection with their financial arrangements or provision of services and infrastructure; and
- that the proposed changes are assessed as being consistent with the LGA.

A copy of the LGCC's assessment report 'Report on a change to the external boundaries of the Ipswich City Council and Somerset Regional Council - April 2013' was provided to the Minister for Local Government.

The report was made publicly available on the Electoral Commission of Queensland's website, www.ecq.qld.gov.au.

The LGCC gave public notice of its recommendation in the Queensland Government Gazette on 12 April 2013 and in *The Queensland Times* on 13 April 2013.

The Spatial Information Unit of the Department of Natural Resources and Mines was consulted regarding the preparation of updated local

government area maps. Updated local government area maps will be provided to both councils following Governor in Council consideration.

The Office of Best Practice Regulation, Queensland Competition Authority was consulted in relation to the proposed amendments and confirmed that a Regulatory Impact Statement was not required.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Local Government, Community Recovery and Resilience.

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