

# Local Government Amendment Regulation 2022

Explanatory notes for SL 2022 No. 10

made under the

*Local Government Act 2009*

## General Outline

### Short title

*Local Government Amendment Regulation 2022*

### Authorising law

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

### Policy objectives and the reasons for them

The policy objective of the *Local Government Amendment Regulation 2022* (the Regulation) is to amend the *Local Government Regulation 2012* (LGR) to implement an external boundary change recommendation of the Local Government Change Commission.

Chapter 2, part 3 of the *Local Government Act 2009* (LGA) governs the process for making a local government change, including changes to boundaries, divisions and the number of councillors of a local government. The Local Government Change Commission (the Commission), established under section 22 of the LGA, is responsible for assessing whether a proposed local government change is in the public interest.

On 20 November 2019, the then Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs referred a local government change application received from the Western Downs Regional Council to the Commission for assessment. The application sought to correct minor boundary anomalies identified by the former Department of Natural Resources and Mines by placing two lots of land, each dissected by the common boundary, wholly into one local government area:

- Lot 75 on AG613 to be wholly incorporated in the Toowoomba Regional Council; and
- Lot 3 on RP24469 to be wholly incorporated in the Western Downs Regional Council.

On 29 September 2021, the Commission provided its final determination report ‘External Boundary Review – 2021 Final Determination – Toowoomba Regional Council and Western Downs Regional Council’ to the Deputy Premier and then Minister for State Development, Infrastructure, Local Government and Planning. The Commission recommended that:

- the portion of Lot 3 on RP24469 currently located within the Western Downs Regional Council be transferred so the entire property is in the Toowoomba Regional Council; and
- the portion of Lot 75 on AG613 currently located within the Western Downs Regional Council be transferred so the entire property is in the Toowoomba Regional Council.

The Commission’s recommendation in relation to Lot 3 on RP24469 differs to the proposal contained in the local government change application. In this regard, the Commission’s final determination report notes:

- the landholder’s preference for the lot to be united within the Toowoomba Regional Council (rather than the Western Downs Regional Council) in order to keep Lots 1, 2 and 3 on RP24469 within the same local government area;
- the support of the Toowoomba Regional Council for the landholder’s preferred placement of the lot;
- the maintained preference of the Western Downs Regional Council for the lot to be united within its own boundaries;
- the Department of Resources’ support for the landholder’s views; and
- the alternative placement of the lot to be in the public interest.

The Commission assessed the proposed local government change to be consistent with the LGA and recommended the Governor in Council implement its final decision.

Section 20 of the LGA provides that the Governor in Council may implement the Commission’s recommendation under a regulation.

## **Achievement of policy objectives**

The policy objective is achieved by amending the LGR.

Section 6(1) of the LGR provides that 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.

Section 13B of the LGR provides that schedule 3, part 1 implements the local government changes mentioned in it, and schedule 3, part 2 makes provision for facilitating the implementation of each local government change mentioned in schedule 3, part 1.

The Regulation amends:

- schedule 1, column 3 of the LGR to update the area map titles for the Toowoomba Regional Council and the Western Downs Regional Council; and
- schedule 3, part 1 of the LGR to detail the local government change to implement the boundary changes as well as make available to the Toowoomba Regional Council and the Western Downs Regional Council the implementation matters ancillary to boundary changes listed in schedule 3, part 2 of the LGR.

## **Consistency with policy objectives of authorising law**

The Regulation is consistent with the purposes of the LGA which include providing for the nature and extent of a local government's responsibilities and powers and a system of local government that is accountable, effective, efficient and sustainable (section 3).

## **Inconsistency with policy objectives of other legislation**

The Regulation is not inconsistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

The benefits of the Regulation are to implement the recommendation of the Commission, noting the Commission assessed the proposed local government change to be consistent with the LGA and submitted that uniting the two lots in question within the Toowoomba Regional Council will help to reduce the administrative burden of the landholders holding property interests within two local governments.

Any costs to Government of implementing the Regulation will be met through normal budgetary processes.

## **Consistency with fundamental legislative principles**

The Regulation is consistent with the fundamental legislative principles set out in the *Legislative Standards Act 1992*.

## **Consultation**

The Commission's assessment of the proposed local government change included consultation with the affected landholders, however, the Commission's numerous attempts to consult the landholder of Lot 75 on AG613 were unsuccessful.

The Commission gave public notice of the results of its external boundary review assessment in the Queensland Government Gazette and on the Electoral Commission of Queensland's website, [www.ecq.qld.gov.au](http://www.ecq.qld.gov.au).

Consultation was not undertaken with the Office of Productivity and Red Tape Reduction as the Department of State Development, Infrastructure, Local Government and Planning determined that the Regulation was excluded from further regulatory impact analysis under the *Queensland Government Guide to Better Regulation* exclusion category (g) 'regulatory proposals that are of a machinery nature'.