

Local Government (Boundary Changes) Amendment Regulation 2023

Explanatory Notes for SL 2023 No.189

made under the

Local Government Act 2009

General Outline

Short title

Local Government (Boundary Changes) Amendment Regulation 2023

Authorising law

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

Policy objectives and the reasons for them

The policy objectives of the *Local Government (Boundary Changes) Amendment Regulation 2023* (Amendment Regulation) are to amend the *Local Government Regulation 2012* (the Regulation) to implement recommendations of the Local Government Change Commission (the Commission) to alter:

- the divisional boundaries within Bundaberg Regional Council, Fraser Coast Regional Council and Isaac Regional Council; and
- the external boundaries affecting South Burnett Regional Council and Gympie Regional Council; and Lockyer Valley Regional Council, Toowoomba Regional Council and Ipswich City Council.

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

Chapter 2, part 3 of the Act governs the process for making a local government change. Section 18 of the Act provides that only the Minister for Local Government may propose a local government change to the Commission. Section 19 of the Act provides that the Commission is responsible for

assessing whether a local government change is in the public interest. In doing so, the Commission must consider matters prescribed under a regulation. Section 9 of the Regulation provides that the external boundaries of a local government area should be drawn in a way that has regard to communities of interest, including that the local government area should generally have external boundaries that:

- do not divide local neighbourhoods or adjacent rural and urban areas with common interests or interdependencies, including, for example, economic, cultural and ethnic interests or interdependencies (section 9(1)(d)(i)); and
- do not dissect properties (section 9(1)(d)(iii)).

Section 15 of the Act provides that each division of a local government area must have a 'reasonable proportion of electors', also known as a quota, for each councillor elected or to be elected for the division. A 'reasonable proportion of electors' means the total number of electors in the local government area divided by the total number of councillors (other than the mayor) currently elected, or to be elected, plus or minus 10 per cent for local governments with more than 10,000 electors, or plus or minus 20 per cent for all other local governments.

Under section 16 of the Act, no later than 1 March in the year before the quadrennial elections, local governments are required to review whether each of their divisions has a reasonable proportion of electors and give written notice of the results of the review to the Minister and the electoral commissioner.

The local government quadrennial elections will next be held on 16 March 2024.

Divisional boundary reviews – Bundaberg Regional Council, Fraser Coast Regional Council and Isaac Regional Council

In March and April 2023, the Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympic and Paralympic Games Infrastructure (the Deputy Premier) referred to the Commission for assessment submissions from Bundaberg Regional Council, Fraser Coast Regional Council and Isaac Regional Council proposing divisional boundary changes. The submissions identified divisions out of quota according to the definition of reasonable proportion of electors in section 15 of the Act.

On 23 October 2023, the Commission wrote to the Deputy Premier enclosing its final determination reports:

- 'Review of Divisional Boundaries - 2023 Final Report - Bundaberg Regional Council',
- 'Review of Divisional Boundaries - 2023 Final Report - Fraser Coast Regional Council',
- 'Review of Divisional Boundaries - 2023 Final Report - Isaac Regional Council'.

The Commission recommended that, for the purpose of the 2024 local government quadrennial elections:

- Bundaberg Regional Council be redivided into 10 divisions (with changes to Divisions 1 to 8 and 10) as shown in the maps at Appendix 1 to its report;

- Fraser Coast Regional Council be redivided into 10 divisions (with changes to Divisions 1, 3, 4, 6, 7, 9 and 10) as shown in the maps at Appendix 1 to its report; and
- Isaac Regional Council be redivided into eight divisions (with changes to Divisions 1,2, 7 and 8) as shown in the maps at Appendix 1 to its report.

External boundary review – South Burnett Regional Council and Gympie Regional Council

In October 2022, the Deputy Premier referred to the Commission for assessment a submission regarding an external boundary change proposal to transfer Lot 66 on RP825862 from the South Burnett Regional Council local government area to the Gympie Regional Council local government area.

On 31 May 2023, the Commission wrote to the Deputy Premier enclosing its final determination report ‘External Boundary Review - May 2023 - South Burnett Regional Council - Gympie Regional Council’.

The Commission recommended the proposed external boundary change to transfer Lot 66 on RP825862 from the South Burnett Regional Council to Gympie Regional Council proceed.

The Commission found the proposed change to be in the public interest and stated the transfer would ensure the external boundaries of the two local government areas no longer divide economic interests, which is consistent with section 9(1)(d)(i) of the LGR. The Commission also noted both councils and the landholder agreed on the proposed change.

External boundary review – Lockyer Valley Regional Council and Toowoomba Regional Council

In April 2023, the Deputy Premier referred to the Commission for assessment submissions from Lockyer Valley Regional Council and Toowoomba Regional for external boundaries changes.

On 10 and 14 November 2023, the Commission wrote to the Deputy Premier enclosing its final determination report, and a subsequent amended version, ‘External Boundary Review – November 2023 – Lockyer Valley Regional Council and Toowoomba Regional Council’.

The Commission recommended that Lots 5 and 6 on SP264451 and Lot 7 on SP288601, including the road reserve area of Mount Neale Road, be united in the Toowoomba Regional Council, transferring those portions currently located in the Lockyer Valley Regional Council.

Given there was unanimous support from both councils and the three landholders, and noting that the external boundary of both councils would no longer dissect these properties or divide adjacent areas with common interests, the Commission found the proposed change to be in the public interest.

External boundary review – Lockyer Valley Regional Council, Toowoomba Regional Council and Ipswich Regional Council

In July 2023, the Deputy Premier referred to the Commission for assessment submissions from Lockyer Valley Regional Council, Toowoomba Regional Council and Ipswich City Council for external boundaries changes.

On 10 November 2023, the Commission wrote to the Deputy Premier enclosing its final determination report ‘External Boundary Review – November 2023 – Lockyer Valley Regional Council – Ipswich City Council – Toowoomba Regional Council’. The Commission recommended:

- the portion of Lot 84 on CP CC389 currently located in the Lockyer Valley Regional Council be transferred so the entire lot is in the Ipswich City Council;
- the portions of Lot 14 and Lot 16 on SP 200498 currently located within the Ipswich City Council and the area of Coynes Road adjoining Lot 14 on SP 200498, be transferred so they are entirely within the Lockyer Valley Regional Council; and
- the portion of Lot 355 on CP CH312304 currently located in the Toowoomba Regional Council be transferred so the entire lot is within the Lockyer Valley Regional Council.

Given there was unanimous support from the three councils and the landholders and noting that the external boundary of the three councils would no longer dissect these properties or divide adjacent areas with common interests, the Commission found the proposed change to be in the public interest.

Section 20 of the Act provides that the Governor in Council may implement the Commission’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. Section 270 of the Act provides that the Governor in Council may make regulations.

Achievement of policy objectives

Section 6(1) of the Regulation 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 Regulation 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 Amendment Regulation achieves the policy objectives by amending the Regulation to implement the recommendations of the Commission, to take effect for the purpose of the 2024 quadrennial local government election on notification of the Amendment Regulation. Transitional provisions provide that for all purposes other than the 2024 quadrennial election, the current Schedule 1 continues to state the prescribed information for local governments. The amendments take effect for all purposes on 16 March 2024, with a temporary continuation of Schedule 1 as in force immediately before 16 March 2024 until the conclusion of the election for the local

government. The ‘conclusion’ of the election is defined in section 7 of the *Local Government Electoral Act 2011*.

The Amendment Regulation amends Schedule 1, column 3 of the Regulation to update the area map titles for all affected councils to be:

- Gympie Regional Council – ‘LGB 32 edition 5’;
- South Burnett Regional Council – ‘LGB 61 edition 3’;
- Bundaberg Regional Council – ‘LGB 11 edition 4’;
- Fraser Coast Regional Council – ‘LGB 28 edition 6’;
- Isaac Regional Council – ‘LGB 36 edition 5’;
- Lockyer Valley Regional Council – ‘LGB 39 edition 2’;
- Toowoomba Regional Council – ‘LGB 65 edition 5’; and
- Ipswich City Council – ‘LGB 35 edition 6’.

The Amendment Regulation also amends Schedule 3, part 1 of the Regulation to implement the external boundary changes recommended in the reports affecting:

- South Burnett Regional Council and Gympie Regional Council;
- Lockyer Valley Regional Council and Toowoomba Regional Council; and
- Lockyer Valley Regional Council, Toowoomba Regional Council and Ipswich City Council

The Amendment Regulation also makes available to these councils the implementation matters ancillary to boundary changes, listed in Schedule 3, part 2 of the Regulation.

The Amendment Regulation provides for:

- the entire Lot 66 on RP825862 currently located within the South Burnett Regional Council to be included in the Gympie Regional Council;
- Lots 5 and 6 on SP264451 and Lot 7 on SP288601, including the road reserve area of Mount Neale Road, to be united in the Toowoomba Regional Council, transferring those portions currently located in the Lockyer Valley Regional Council; and
- the part of Lot 84 on CP CC389 currently located in the Lockyer Valley Regional Council to be transferred so the entire lot is in the Ipswich City Council; the parts of Lot 14 and Lot 16 on SP 200498 currently located within the Ipswich City Council and the area of Coynes Road adjoining Lot 14 on SP 200498, to be transferred so they are entirely within the Lockyer Valley Regional Council; and the part of Lot 355 on CP CH312304 currently located in the Toowoomba Regional Council be transferred so the entire lot is within the Lockyer Valley Regional Council.

The Amendment Regulation also makes minor technical amendments to renumber Chapter 22 (second occurring) and section 366 (second occurring) of the Regulation to address duplication in numbering.

Consistency with policy objectives of authorising laws

The Amendment Regulation is consistent with the purpose of the Act which includes 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 of the Act).

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

The benefits of the amendments are to implement the recommendations of the Commission to:

- ensure the external boundaries of local government areas do not dissect properties or divide adjacent areas with common interests, consistent with section 9(1)(d)(i) and (iii) of the Regulation; and
- ensure that local governments have an equitable number of voters in each division, consistent with Chapter 2, part 2 of the Act.

Any costs to Government of implementing these amendments will be met through standard budgetary processes.

Consistency with fundamental legislative principles

The Amendment Regulation has been drafted with regard to the fundamental legislative principles set out in the *Legislative Standards Act 1992* and is consistent with these principles.

Consultation

The Commission undertook consultation with the landholders and councils and considered submissions received from the public on the proposed external and divisional boundary changes before making final determinations.

The results of the consultation undertaken by the Commission are detailed in the Commission's review reports for each proposed local government change. The Commission gave public notice of the results of its reviews in the Queensland Government Gazette and on the Electoral Commission of Queensland's (ECQ) website.

The ECQ was consulted and supports the Amendment Regulation.