



**BOUNDARY ADJUSTMENT FACILITATION  
PANEL**

**ANNUAL REPORT**

**2013-2014**

**HOUSE OF ASSEMBLY  
LAID ON THE TABLE**

16 Sep 2014

# Boundary Adjustment Facilitation Panel



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**Government of South Australia**

ABN: 88 326 594 169

Hon Geoff Brock MP  
Minister for Local Government  
GPO Box 2557  
ADELAIDE SA 5001

Dear Minister Brock

I have pleasure in presenting to you the Boundary Adjustment Facilitation Panel's Annual Report for 2013-2014 as required by section 14 of the *Local Government Act 1999*.

Yours sincerely

A handwritten signature in cursive script that reads "Margaret Wagstaff".

Margaret Wagstaff  
**CHAIR**

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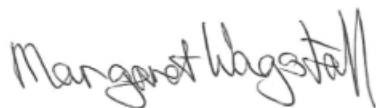
## **CHAIR'S INTRODUCTION**

The Boundary Adjustment Facilitation Panel (the Panel) is an independent representative body established under section 14 of the *Local Government Act 1999* to investigate and make recommendations to the Minister for Local Government on proposals for structural change to council external or internal boundaries.

The Panel met formally on two occasions during 2013-2014 to consider a public initiated submission to transfer the area containing the Hundreds of Mangalo and Heggaton from the District Council of Franklin Harbour to the District Council of Cleve.

In December 2013, the boundary change between the District Council of Franklin Harbour and the District Council of Cleve was approved by the Minister. It is the first time under the Act that a public initiated submission has proceeded to Proclamation. The boundary change took effect on 1 July 2014.

I would like to take the opportunity to thank the other Panel Members and the Executive Officer for their ongoing support and contributions.



Margaret Wagstaff  
**CHAIR**

15 August 2014

# BOUNDARY ADJUSTMENT FACILITATION PANEL

## ROLE AND STRUCTURE

### ROLE

The Boundary Adjustment Facilitation Panel (the Panel) is an independent representative body established under section 14 of the *Local Government Act 1999*<sup>1</sup> (the Act) to:

- consider proposals for the making of proclamations submitted by councils and members of the public and to make recommendations to the Minister for Local Government on the basis of those proposals;
- assist councils and members of the public in the development, formulation and implementation of proposals and submissions;
- conduct inquiries on matters referred to the Panel by electors (or potential electors) and, if appropriate, to formulate proposals for the making of proclamations for structural change;
- prepare and publish guidelines, consistent with the provisions and the objects of the Act, relevant to the formulation, development or implementation of structural change proposals; and
- provide advice on matters referred to the Panel by the Minister.

### MEMBERSHIP

Membership of the Panel for the period comprised:

- Ms Margaret Wagstaff (Chair)
- Mr Mark Braes
- Mayor James Maitland, Wakefield Regional Council
- Mayor Gillian Aldridge, City of Salisbury

Current members were appointed for a term commencing on 17 January 2013 and expiring on 31 December 2014.

A profile of each member is contained in Appendix A.

### MEETINGS

Meetings of the Panel are held in the Office of Local Government, Department of Planning, Transport and Infrastructure, Level 7, Roma Mitchell House, 136 North Terrace, Adelaide.

The Panel held two formal meetings during the 2013-14 financial year. Panel meetings are open to the public.

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<sup>1</sup> the *Local Government Act 1999* is committed to the Minister for Local Government

### **STAFFING ARRANGEMENTS**

In accordance with section 21 of the Act, the Panel, by arrangement with the Director, Office of Local Government, Department of Planning, Transport and Infrastructure, made use of the services, facilities and staff of the Office of Local Government.

Executive and project support was provided by –

- Ms Lynne Flavel, Senior Policy Officer (Executive Officer to the Panel) – to November 2013.
- Ms Louise Jacka, Senior Policy Officer (Executive Officer to the Panel) – November 2013 onwards.

### **FINANCIAL**

In accordance with the Department of the Premier and Cabinet Circular No 16, members are entitled to the following remuneration for their membership of the Panel:

- Chairperson: \$258 per four hour session (or part thereof)
- Members: \$206 per four hour session (or part thereof)

Mayor Maitland was also entitled to reimbursement of travel costs incurred.

During 2013-14, no agents, consultants or contractors were engaged by the Panel.

Payment of member sitting fees, travel costs, executive and project support and operational expenses are met from the Office of Local Government's budget allocations.

There was no overseas travel undertaken by any of the Panel Members or Staff.

## **ACTIVITIES AND INITIATIVES**

### **COUNCIL INITIATED PROPOSALS MADE PURSUANT TO SECTION 27 OF THE ACT**

Section 27 of the Act enables councils to submit proposals to the Panel for consideration of structural changes that include the alteration of their external boundaries.

There were no Council initiated proposals considered by the Panel in 2013-14.

### **PUBLIC INITIATED SUBMISSIONS MADE PURSUANT TO SECTION 28 OF THE ACT**

Section 28 of the Act enables a group of 20 or more eligible electors to submit for council consideration a proposal to alter the external boundaries of the council or its composition or representative structure. If the group is dissatisfied with the response from a council they can then make the same submission, or a submission in substantially the same terms, to the Panel.

#### **District Council of Franklin Harbour and District Council of Cleve**

In May 2011 the Panel received a submission from a group of eligible electors from the District Council of Franklin Harbour seeking to have the boundary adjusted between the District Council of Franklin Harbour and the District Council of Cleve. The submission proposed that the Hundreds of Mangalo and Heggaton that currently fall within the District Council of Franklin Harbour be incorporated into the District Council of Cleve.

The submission was made on the basis of geographical issues that include a perceived boundary anomaly, a shift in the community of interest in the Affected Area, inequality in the levels of service provided, and social and commercial considerations.

The Panel determined that the submission met the requirements of the Act and the Panel's guidelines and formally accepted it at its meeting on 26 May 2011.

Throughout 2013-14, the Panel continued with the process set out in the Act for consideration of public initiated submissions. A final proposal for boundary change was forwarded to both councils to ascertain whether the affected councils accepted or rejected the terms of the proposal.

While the District Council of Franklin Harbour expressed concern with some aspects of the proposal, the Council considered that its position was well presented and could not add any further information that would change the proposal. Accordingly, the District Council of Franklin Harbour reluctantly accepted the proposal. The District Council of Cleve responded expressing sympathy for the residents in the affected areas. The District Council of Cleve advised that it could not support the proposal without a suitable level of compensation to assist with the remediation of the sealed road between Mangalo and Cleve.



The Panel undertook considerable consultation throughout the process, including two rounds of public consultation, meetings with the Councils, the group of eligible electors and members of the community.

The Panel met in July 2014 to consider the responses from the Councils, consultant reports and the results of the public consultation and determined to proceed with the proposal.

In accordance with section 28(21) of the Act, the Panel then placed a public notice in newspapers circulating in the area advising that eligible electors could call for a poll on the matter. Under section 28(22) of the Act, if:

- 10% or more of electors in the relinquishing council; or
- 10% or more of electors in the receiving council; or
- 10% or more of electors in the affected area

notify the Panel that they desire a poll, the proposal cannot proceed until such a poll is held.

The Electoral Commission of South Australia assessed the registrations and agreed that there were insufficient registrations to trigger a poll.

The Panel completed the process set out in section 228 of the Act for a boundary change in response to a public initiated submission. A report to the Minister was prepared recommending that His Excellency the Governor in Executive Council issue a proclamation pursuant to sections 9 and 11 of the Act to alter and adjust the boundaries of the District Council of Franklin Harbour and the District Council of Cleve so that the whole of the Hundreds of Mangalo and Heggaton is located wholly within the District Council of Cleve.

The Minister for Local Government approved the boundary change and the proclamation was published in the *South Australian Government Gazette* on 12 December 2013. The boundary change took effect on 1 July 2014.

**MEMBER PROFILES**

(as at 30 June 2014)

**Minister for Local Government's nominees**

**Mrs Margaret Wagstaff** has held a range of senior public service roles in South Australia and Victoria in both metropolitan and regional areas. Since leaving the fulltime work force, she has held board positions in the health, child protection and community education fields and has worked as a consultant in these areas as well as Aboriginal human services, local government and education.

Ms Wagstaff was appointed to the Boundary Adjustment Facilitation Panel in November 2007.

**Mr Mark Braes** graduated from the University of Adelaide with a Bachelor of Laws LLB in 1979, then undertook the Graduate Diploma of Legal Practice at the then South Australian Institute of Technology in 1980 and was admitted as a Barrister and Solicitor of the Supreme Court of South Australia in December 1980. Mr Braes worked as Lawyer in private practice between 1981 and 2001.

He then worked as a Family Dispute Resolution Practitioner with Centacare based in Mount Gambier between August 2001 and September 2012 and has worked as a Conciliation Officer with the Workers Compensation Tribunal since September 2012.

Mr Braes was a Councillor with Wattle Range Council between 1999 and 2006, Deputy Mayor between 2003 and 2006 and Mayor between 2006 and 2010. He was also a delegate to the South East LGA between 2000 and 2010 and Vice President between 2006 and 2010.

He was appointed to the Boundary Adjustment Facilitation Panel in January 2013.

## **Local Government Association nominees**

**Mayor James Maitland, Wakefield Regional Council** was elected as Mayor, Wakefield Regional Council in 1997 to the present. Mayor Maitland has been an elected member since 1985 representing the pre-amalgamated councils of District Council of Blyth and the District Council of Blyth-Snowtown. He was also Deputy Chairman in the latter Council for the period 1987 to 1989.

Mayor Maitland has served as a Local Government Executive Member, Mid North Local Government Region (1988 to 1989), and on the Central Local Government Region of SA both as Deputy Chairman (1999-2002) and Chairman (2002 to present). He is currently the Central Zone Delegate on the LGA State Executive and is a Country Vice-President of the LGA.

Mayor Maitland was Acting President of the Local Government Association during the election process that was finalised on 30 June 2011.

Mayor Maitland was appointed to the Boundary Adjustment Facilitation Panel in August 2006.

**Mayor Gillian Aldridge, City of Salisbury** is in her fourth year as Mayor, City of Salisbury, as part of 26 years as an elected member in various roles.

Mayor Aldridge was elected as Councillor to the Para Ward in October 1988, and has been Mayor since 2008. Since 1988 she has represented the Para Ward on Salisbury Council. In November 2000 until March 2007 she was the Deputy Mayor of Salisbury.

She has been the Deputy Chairman of Council's Chairman's Committee and has previously been Chairman of Council's Finance Committee and Works Committee.


She is the Adelaide Metropolitan representative of the State Executive Committee of the Local Government Association.

A successful business owner, Mayor Aldridge has an interest in building the economic, social and environmental assets of the City of Salisbury. Mayor Aldridge has lived in Salisbury for over 40 years.

She was appointed to the Boundary Adjustment Facilitation Panel on 1 January 2011.


**BOUNDARY ADJUSTMENT FACILITATION PANEL DETAILS**

**OUR LOCATION IS –**

 Level 7  
Roma Mitchell House  
136 North Terrace  
Adelaide 5000

**THE PANEL CAN BE CONTACTED BY -**

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**A LINK TO OUR WEB PAGE CAN BE FOUND AT –**

 [http://www.localgovt.sa.gov.au/about\\_us/boundary\\_adjustment\\_facilitation\\_panel](http://www.localgovt.sa.gov.au/about_us/boundary_adjustment_facilitation_panel)