

House of Assembly—No 38

As laid on the table and read a first time, 5 April 2012

South Australia

**Local Government (Boundary Reform)
Amendment Bill 2012**

A BILL FOR

An Act to amend the *Local Government Act 1999*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Local Government (Boundary Reform) Amendment Act 2012*.

5 2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Local Government Act 1999*

3—Amendment of section 11—General provisions relating to proclamations

10 Section 11(1)—after "paragraph (c)" insert:

- (d) in pursuance of a proposal recommended by the Minister following a report by the Metropolitan Councils Boundaries Reform Commission under Schedule 1AA.

4—Insertion of Schedule 1AA

After Schedule 1 insert:

Schedule 1AA—Metropolitan Councils Boundaries Reform Commission

1—Interpretation

In this Schedule—

Metropolitan Adelaide has the same meaning as in the *Development Act 1993*;

metropolitan council means a council whose area is wholly or partly within Metropolitan Adelaide.

2—Establishment of Commission

- (1) A Commission of Inquiry to be known as the Metropolitan Councils Boundaries Reform Commission is established.
- (2) The Commission consists of a former Judge of the Supreme Court appointed by the Governor on the recommendation of the House of Assembly by resolution made for the purposes of this clause, not later than 14 sitting days after the commencement of this Act.

3—Commission's terms of reference

The Metropolitan Councils Boundaries Reform Commission must—

- (a) inquire into and report on the appropriate number and configuration of metropolitan councils taking into account—
 - (i) the size and area of Metropolitan Adelaide; and
 - (ii) the desirability of the efficient administration of councils; and
 - (iii) other matters that the Commissioner considers relevant; and
- (b) not later than 30 June 2013, cause copies of the report to be laid before both Houses of Parliament—
 - (i) setting out the findings of the Commission's inquiry; and
 - (ii) making such recommendations as the Commission thinks fit as to the appropriate number and configuration of metropolitan councils.

4—Commission to have powers of, and be taken to be, Royal Commission

- (1) The Metropolitan Councils Boundaries Reform Commission has the powers of a Royal Commission.

- (2) The provisions of the *Royal Commissions Act 1917*, apply to and in relation to the Commission as if it were a Royal Commission (and the Commission will, for the purposes of the law of the State, be taken to be a Royal Commission).

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5—Response to recommendations by Minister

- (1) On a report being presented by the Metropolitan Councils Boundaries Reform Commission to both Houses of Parliament, the report is referred by force of this section to the Minister for the Minister's response.

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- (2) The Minister must, by 31 December 2013 respond to the report and include in the response statements as to—

(a) which (if any) recommendations of the Commission will be carried out and the manner in which they will be carried out; and

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(b) which (if any) recommendations will not be carried out and the reasons for not carrying them out.