

# General Information

May 2003



## Public initiated submission

Local Government  
Act 1999  
Chapter 3, s.28 (4)(c)  
and s.28 (9)(c)

This sheet has been prepared by the Boundary Adjustment Facilitation Panel to assist community members wishing to prepare a public initiated submission to alter the external boundaries of a council or its composition or representative structure under section 28 of the Local Government Act 1999 ("the Act"). The contents of this sheet are offered as suggestions - they have no legal status.

It is important that you also read the relevant Panel's guidelines before you commence preparation of the submission. You should take care to address all of the matters required by the guidelines and the Act. If a submission fails to meet the guidelines and comply with the Act it cannot be considered by the council or the Panel.

### Legislation

You should acquaint yourself with the Local Government Act 1999, and in particular Chapter 3. The process for lodgement and assessment of a public initiated submission is governed by section 28 of the Act.

A copy of the Act may be downloaded through the Office of Local Government website [[www.localgovt.sa.gov.au](http://www.localgovt.sa.gov.au)] or enquire at your council office or local library whether a copy is available for inspection. Copies of the Act may also be purchased from Service SA Government Information Centre, 77 Grenfell Street Adelaide. Telephone 13 23 24.

### Relations with the council

Before preparing a submission, you are urged to approach the council in a spirit of partnership and respect. Where there are perceived dissatisfactions with a council's performance [for example, rating policy, range of services provided, quality of service delivery, responsiveness to community attitudes and wishes] the Panel suggests that genuine effort be made to negotiate improved outcomes with the council. This may require perseverance, patience and tolerance, but is seen as the preferred path to resolving any areas of concern.

The Panel prefers that submissions be written using respectful and courteous language. It is desirable that the submission be founded on positive themes, such as close commonality of interests, or more efficient service delivery, or greater strength of local government. Such submissions are likely to attract more lasting support from the community than submissions arising from complaints and perceived dissatisfactions.

### Record keeping

Detailed and accurate records of actions and decisions of the group should be kept. Requests for information should be made in writing and the written responses kept, meeting notes should be taken and any decisions recorded.

### Quality of printed materials

A submission need not be of a commercial standard but should be neatly presented and easy to read. For example, hand drawn maps are acceptable provided they clearly convey the intended information, a type written submission is preferred but not essential.

### Boundary Adjustment Facilitation Panel

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# Local Government

## Boundary Adjustment Facilitation Panel

### **Council consideration of your submission**

Within ten weeks after receipt of your submission, the affected council(s) must give the eligible electors and the Panel written notice of its decision whether or not it is willing to conduct a representation review or formulate (or participate in the formulation of) a structural reform proposal.

A council may, up to five weeks after receiving a submission, apply to the Panel seeking an extension of time for it to consider the matter, on the grounds of the complexity of the proposal. The Panel may grant an extension of time beyond the ten weeks for the council to reach and notify its decision.

Upon making the application the council must immediately provide written notification to the five persons nominated in the submission that an application for an extension has been made.

### **Notification of the council's decision**

The Panel requires that the council's notification of its decision contain the following information:

- where the council resolves that it is not prepared to conduct a review or formulate a proposal - an explanation of the reasons for so resolving, in reasonable detail
- the text of the resolution by which council took the decision and the date of such resolution
- any errors of fact, or misleading statements and/or implications, it believes the public initiated submission contains, together with a statement of what council considers the correct fact or situation in each case.
- any other matters which the council considers relevant, and/or which might promote in the community and the Panel an awareness of its decision, and an understanding of the reasons for such decision.

### **What if the council supports my submission?**

If the council supports a submission to alter its composition or representative structure, the council will conduct a formal review in accordance with section 12 of the Act. Public notice of undertaking a review must be given, and there must be ample opportunity for the public to participate in the review. The Panel will not be involved in this process.

If all affected councils support a public initiated submission to alter an external boundary (for example, by taking an area from one council and adding it to another), a submission will be formulated jointly by the councils and submitted to the Panel for its consideration in accordance with section 27 of the Act.

### **What can I do if a council doesn't support my submission?**

If the eligible electors are dissatisfied with the decision of an affected council about a submission lodged under section 28, or any aspect of the review or proposal that the council has undertaken in response to it, they may lodge their submission (or a submission in substantially the same terms) with the Panel [s28(8) of the Act].

The Panel will then examine the submission, consider any relevant issues, and then decide whether it will proceed with a proposal itself on the basis of the submission. These processes are set out in section 28(10) to (25) inclusive.