

A person wearing a blue button-down shirt is seated at a table, looking at a map. They are holding a magnifying glass in their right hand and a pen in their left hand, pointing it at the map. The map is spread out on the table, and a ruler is visible. The background is slightly blurred, showing a window with a view of a building.

Response to the Review into the Local Government Boundaries Commission Discussion Paper

16 December 2022

NEXUS POLYTECH

This document has undergone a rigorous quality assurance process where the document is assessed to ensure it satisfactorily meets our standards for quality, accuracy, and completeness. Whilst all care has been taken to ensure the accuracy of the contents within this document, it is possible that there may still be errors. If the reader becomes aware of an error or inaccuracy within this document, they should email details of the error to documentservices@nexuspoly.tech.

The contents of this document are the intellectual property of Nexus Polytech and may not be reproduced or distributed without prior consent. Any references or citations to this document should include the date of publication and the full name of the publishing entity.

www.nexuspoly.tech | contact@nexuspoly.tech | GPO Box 1231 SYDNEY NSW 2001

Copyright © Nexus Polytech Pty Limited. 2022

Nexus Polytech acknowledges the Traditional Custodians of country throughout Australia and their connections to land, sea and community. We pay our respect to their Elders past, present and emerging, and extend that respect to all Aboriginal and Torres Strait Islander peoples.



Table of Contents

Introduction _____ 4

Executive Summary _____ 5

Question 1 _____ 7

Question 2 _____ 11

Question 3 _____ 15

Question 4 _____ 19

Question 5 _____ 21

Question 6 _____ 22

Question 7 _____ 24

Question 8 _____ 25

Question 9 _____ 27

Question 10 _____ 29

Question 11 _____ 30

Other Feedback _____ 33

Introduction

This is a submission by Nexus Polytech Pty Limited in response to the discussion paper published by the Office of Local Government titled *Review into the Local Government Boundaries Commission* on November 2022.

Within this submission, we refer to the Local Government Act 1993 (NSW) and the Local Government (General) Regulation 2021 (NSW) collectively as ‘the Act’, the Local Government Boundaries Commission as ‘the Commission’, the Office of Local Government and the Department of Planning and Environment collectively as ‘the Department’, and the Minister responsible for Local Government as ‘the Minister’.

Nexus Polytech is a solutions architecture and management consulting service provider with numerous current and past clients involved with processes defined in the Act or subject to requirements stipulated in the Act. This work has allowed us to develop a deep understanding of the practical implementation of the Act and the workings of Local Government.

An underlying theme in the answers provided within this submission is the evolving role of Local Governments and the contemporary shift in societal views of Local Government and its place as a level of government within Australian society.

Executive Summary

Composition of the Commission

Commissioners with experience outside of the Local Government industry are as necessary as Commissioners with Local Government experience. An equal number of both would allow the Commission to draw from a vast range of professional experiences and make the most considered decisions on matters. Individuals who would be qualified to consider the challenges faced in the implementation of a boundary change, amalgamation, or de-amalgamation include people with professional experience in relevant areas of law, technological systems, mergers and acquisitions, and administration. In order to source the most suitable candidates, an expression of interest for appointment would have to be sought from the public. This is common with other committees or boards in NSW.

Removing the potential or indirect or direct conflicts of interest is paramount to ensure the integrity of the Commission. The nature of the matters before the Commission and their wide-ranging impacts makes it prohibitive to create comprehensive guidelines on when a conflict does or does not exist. It is more feasible to prohibit current Councillors and current Council staff from serving on the Commission in the first instance.

Appropriate representation for regional and rural areas is a desirable outcome that is more complex than one may realise. The issues that need to be considered and addressed to ensure any minimum representation are numerous and comprehensive, and the risk of diverting resources from the primary purpose of the Commission is very real and would need to be constantly managed.

Dealing with Matters

Consideration must be given to the practical implementation of the matters being determined by the Commission. The requirement for proposals to include an audited implementation plan those details costings and timeline would allow the Commission to take into consideration the likelihood of successful implementation. Discretion should be provided to the Commissioners to give weighting to the matters that they deem appropriate for the situation. Defining weighted values for matters is likely to result in unintended consequences and doesn't allow for the consideration of unique factors that are present in every matter.

Similarly, the use of target timeframes strikes the appropriate balance between accountability and flexibility. Timeframes are likely to change as unforeseen delays transpire. Publishing the data about delays, new timeframes, and overall adherence to timeframes would assist in preserving a high degree of public confidence in the capability of the Commission.

It is not uncommon in Government and political decision-making bodies that different voting thresholds are used for different types of matters. Matters that are more significant or have a greater impact on their subject are likely to require a higher voting threshold to indicate a larger degree of support by and agreement amongst the decision makers.

Changes that would have the greatest degree of impact on Councils and residents, such as a de-amalgamation, could require 75% of the Commissioners to be in agreement to pass, thus ensuring that only the most well-considered and feasible approaches are implemented.

Regular reviews of boundaries

In the State of New South Wales, there are legislative requirements that Federal and State electoral boundaries are regularly reviewed to respond to demographic changes. Despite there being no legislative requirement for regular reviews of Local Government Area boundaries, historically, reviews have occurred on a somewhat regular basis nonetheless.

Implementing regular reviews of Local Government Area boundaries would provide for the ability to plan and budget for eventual changes. This planning and budgeting would result in less uncertainty and more efficient implementation of changes, resulting in cost savings for the ratepayer. Changes to Local Government Area boundaries that occur outside of this regular review process would need to be funded by the Council(s) that lodged the proposal.

Public participation

The use of technology, particularly online technology, will assist the Commission in performing its duties, particularly in regard to gathering public feedback through inquiries, polls, and opinion surveys. Online channels bring numerous advantages that other channels do not, such as increased accessibility, increased cost-effectiveness, and in some cases, potentially reduced environmental impact. Guidelines should be developed on how the Commission will use online technologies to collect public feedback, which should be subject to regular review to ensure that evolutions in technology and societal values are captured.

It is important to seek public feedback from both electors and non-electors alike. Non-electors such as businesses, land owners, and employees contribute to the economic output of the area, and their feedback would assist in ensuring a matter has been considered as best as it can. This extends to ensuring participation from entities that are not natural persons, such as companies.

There are more advantages than there are disadvantages in allowing participants to use representatives, for a fee or otherwise, in public inquiries held by the Commission. Public feedback is just one factor the Commission will take into account when considering a matter. Given that the nature of matters before the Commission are not adversarial, other participants are not disadvantaged by the use of a representative.

Participants may, however, be disadvantaged if they are prevented from using a representative. Whilst a qualified lawyer is one type of representative, there are other types of representatives that can be used by a person, such as advocates and translators. The use of these types of representatives may mean the difference between the person's ability to provide feedback and not.

Question 1

Do you think the criteria currently being applied ensure that the commissioners have the skills and experience needed to appropriately undertake their role? If not, what skills or experience do you suggest should form part of the eligibility criteria?

Response: Change.

As noted in the discussion paper, there are currently no explicit criteria currently being applied for the determination of commissioners. There may be merit in amending the criteria to ensure two things.

The first is the prohibition of people currently elected to or employed by a council from being eligible for appointment to the Commission in an effort to reduce the potential for conflicts of interest.

The second is an equal balance of Commissioners with backgrounds in Local Government and outside of Local Government in an effort to ensure the Commission has the experience to consider the implementation and outcome of matters before it.

Reducing the potential for conflicts of interest

The Act disqualifies a commissioner who is also a Councillor from participating or voting on a matter relating to the boundaries of the council area for which the Commissioner is a councillor for. This is intended to remove any conflict of interest. The Act is, however, inconsistent as far as no such restriction is placed on any council staff that may be a Commissioner. If Councillors remain eligible to be appointed to the Commission, there is merit to restricting a Commissioner who is employed by a council from participating or voting on a matter relating to the boundaries of the council area for which they are employed.

Further, a potential conflict of interest can arise beyond the boundaries of the Council that a Councillor or council staff is associated with. It is common for Councillors and council staff to be elected to or be employed by another Council, usually but not always, in the same region. This presents a very real possibility that the decision of a Commissioner who is elected to or employed by a Council could potentially benefit them at a future point in time.

The Act stipulates that the Councillors, which are elected representatives, comprise the governing body of the Council. This means that whilst the majority of the responsibilities and roles of a Council are non-political, it is likely that there will be members of the governing body who approach the decision-making process from only a political perspective. It is common for Councillors to make decisions for the Council which are politically advantageous and which may not be objectively the best course of action.

When a matter is referred to the Commission, the Commission has to undertake the important process of filtering political factors from proposals to ensure that they are not considered in the decision-making process and that matters are determined based on their merit. This task is made more difficult as the type of matters that are referred to the Commission have a considerable impact on political factors due to the very nature of Local Government.

For instance, an amalgamation, de-amalgamation, or change to area boundaries could impact the composition of and, by extension, the governing body of a Regional Organisation of Councils (ROC), a Joint Organisation (JO), or a County Council.

LGA boundaries impact on State and Federal Electoral boundaries

In the report *Redistribution of electoral districts 2021* released by the Electoral Districts Redistribution Panel (“the Redistribution Panel”) on 20 August 2021, the Redistribution Panel noted that Local Government Area boundaries could be equated to a community of interest.¹

Given that the Redistribution Panel factors communities of interest in their determination of State electoral district boundaries, the boundaries of a Local Government Area have an impact on the composition of State seats. This, in turn, has an impact on the demographics and the voting intentions of that seat.

The report continues by noting that in the previous redistributions, there has been particular consideration for aligning State district boundaries with local government boundaries when possible. The Redistribution Panel went on to explicitly state in their report:

“...in applying the community of interest criterion, the Redistribution Panel considered that giving particular consideration to local government boundaries in rural and regional NSW was a desirable approach.”

Local Government Area boundaries are also a factor in consideration of Federal Division boundaries. In the report *Redistribution of Western Australia into electoral divisions* released by the Australian Electoral Commission (“AEC”) on August 2021, the Redistribution Committee considered a proposed redistribution that *“kept together or improved existing communities of interest, in some cases represented by local government areas, suburbs and localities, where possible”*.²

While it may appear that the consideration of Local Government Area boundaries is less significant of a factor in Federal redistributions than in State redistributions, the AEC’s report goes on to identify eight instances where the AEC amended the Redistribution Panels proposal.³ Of these eight instances, four were adjustments of Division boundaries to align with Local Government Area boundaries.

It is clear that Local Government Area boundaries play a significant role in determining the boundaries for both State and Federal electoral boundaries, as they are a practical way to determine communities of interest and to align electoral boundaries between the different levels of government.

The fact that changes to Local Government Area boundaries can create a reasonable argument for and/or potentially result in changes to State and Federal electoral boundaries means that there is always a potential political advantage to be gained from a determination of the Commission.

Whilst redistribution processes are entirely out of the hands of the Commission, it is apparent that outputs from the Commission's review process if implemented, are likely to serve as inputs

¹ Page 9, *Redistribution Panel determination of electoral districts 2021*, 20 August 2021

² Paragraph 95, *Redistribution of Western Australia into electoral divisions*, August 2021

³ Paragraph 96, *Redistribution of Western Australia into electoral divisions*, August 2021

for the redistribution process. It is difficult to legislate a criterion to prevent conflicts of interest in these cases, as the benefit may not be immediate or apparent and may not even be for that Commissioner (in the case of a Councillor).

The prohibition of political actors, in this case, elected representatives, from being on the Commission is likely the most practical way to reduce the potential for such conflicts of interest, and to minimise the consideration of political factors when determining matters before the Commission.

In the *Final Report of the NSW Independent Local Government Review Panel* released in October 2013, it was recommended that the Boundaries Commission comprise of members, of which none were current Councillors. It is our view that there was merit in this recommendation at the time, and there remains merit in the recommendation at present.

Ensuring a balance of Local Government and non-Local Government experience

To determine the desirable skills and experience for a Commissioner, it is helpful to view the determination of a matter by the Commission as a practical assessment of two things:

1. The feasibility of implementing the change (*i.e.*, *an amalgamation or de-amalgamation*); and
2. The feasibility of the resulting Council(s).

The Local Government industry is a unique industry not like any other. The combination of the responsibilities and restrictions that are placed on a Council result in unique challenges and the need for staff with very specific Local Government experience.

A Council must operate within and be subject to the Act, whilst being unable to change the Act. Some of the responsibilities given to Councils by the Act include:

- **infrastructure**- maintaining roads, footpaths, storm water infrastructure
- **customer service**- council administration centres, call centres, and online help
- **community facilities**- swimming pools, community halls, and libraries
- **financial management**- levying rates, issuing penalties, and receiving contributions
- **environmental**- maintaining parks/ovals, cutting trees, managing waterways
- **planning**- assessing Development Applications, implementing planning instruments, and enforcing orders
- **governance**- developing policies, managing assets,

The scale and diversity of Council's responsibilities are on par with other levels of Government, yet with restrictions and oversight that are not placed on any other level of Government. Whereas a State or Federal Government can create through legislation new revenue streams to pay for their expenses, Councils are required to collect revenue through stipulated means such as:

- Levying rates (including SVR's);
- Developer contributions (including VPA's);
- Issuing penalties;
- Grants from State and Federal Government;
- Dividends, interest, or profits from investments (including proceeds from the rental or sale of Council owned assets); and
- Providing business services

With such a broad range of specific experience necessary to make a determination on the feasibility of a Council that may result from the determination of a matter, Commissioners with Local Government experience are necessary and serve a purpose that cannot be fulfilled with Commissioners that have non-Local Government experience.

There may be similarities in experience from experts who have worked in other industries or other levels of Government. However, only Commissioners with experience in Local Government are best suited to make an expert judgement on the question of the overall holistic feasibility of the resulting Council.

Elected Councillors and council staff are actively engaged within the Local Government industry and deal with matters on a day-to-day basis. This makes individuals who have been in these roles the most suitable individuals to provide relevant Local Government experience that would best serve the Commission. This includes former:

- Mayors & Councillors;
- General managers & senior staff; and
- Office of Local Government staff

Similarly, Commissioners who have experience in areas outside Local Government are best suited to draw from their experience to make an expert judgement on the question of the feasibility of implementing the change (amalgamation, de-amalgamation, or boundary change).

The types of experts and non-Local Government industry backgrounds that would best serve the Commission in determining implementing the change will be explored in the next question.

Question 2

Should the criteria for individual commissioner appointments be varied to ensure a complementary and wider range of skills and experience on the Boundaries Commission? If so, what balance of skills and experience need to be represented?

Response: Change.

As stated in the comments to Question 1 in this submission, it would be desirable for the Commission to have an equal balance of Commissioners who come from Local Government backgrounds and non-Local Government backgrounds.

The Commission needs to consider not only if the resulting Council is feasible but if the process to implement the change is also feasible. Qualified persons with experiences in relevant areas of law, technological systems, mergers and acquisitions, and administration will provide expert judgement that would be difficult to source from the Local Government sector.

Seeking expressions of interest for appointment to the Commission from members of the public would assist the Minister in sourcing such qualified persons and would increase the likelihood of the most suitable candidate being selected. Other benefits of seeking expressions are increasing confidence in the Commission due to the additional transparency and accountability.

Ensuring desirable skills and experience while having the best candidates

The implementation of criteria to ensure adequate representation of appropriate skills and experiences on the Commission is important, but it would be undesirable to introduce rigidity into the process that would prevent the appointment of the best candidate for the role.

It may be more appropriate to create a criterion of desirable skills and experience for the Commission as a whole rather than for individual commissioner appointments. This would help guide the appointment of Commissioners to the most desirable composition and ensure the ability to appoint the most suitable candidate.

As noted earlier in this submission, it is helpful to view the determination of a matter by the Commission as a practical assessment of two things:

1. The feasibility in implementing the change (*i.e., an amalgamation or de-amalgamation*); and
2. The feasibility of the resulting Council(s).

In practice, there are rarely ever simple matters referred to the Commission. Minor boundary changes that are consented to by all affected Councils are referred to the Department and Minister. It is contested boundary changes and all amalgamations and de-amalgamations (referenced as “change” in this section) that are referred to the Commission.

As such, any decision on a matter before the Commission is likely to involve significant changes to information systems, transfer of assets, changes to the employment of staff,

termination of contracts, renegotiation of agreements, transferring data to new systems, and the creation of new planning instruments, amongst many other things.

Whilst Commissioners with Local Government backgrounds may have had some experience with these types of matters; perhaps in the form of earlier amalgamations/de-amalgamations or Council projects, it is unlikely that any Council could have undertaken enough projects or changes that would result in greater experience than experts in the private sector.

Whilst the Commission always has the option available to it of obtaining external expert advice when required, Commissioners with experience in the following areas would greatly assist in determining the feasibility of implementing a change:

Mergers & acquisitions

Useful to assess how the council(s) will separate/combine their organisational structure, staff, property, and assets, liabilities, income, and expenses.

Planning & property law

Useful to assess how the council(s) will separate/combine land holdings that are owned by council, planning instruments such as LEPs and DCPs, and the assessment of development applications currently in progress.

Contract law

Useful to assess the exposure the council(s) has/have due to any contractual obligations or breaches, and assess the strategy to minimise damages, litigation, and renegotiations for contracts that cannot be transferred to the new council(s).

Information systems & technology

Useful to assess how the council(s) will separate/combine systems that handle HR/staffing, correspondence, development application tracking, geospatial information, and asset tracking/management systems.

Voluntary administrator

Useful to assess how the likely the current council(s) will be able to meet its/their operational obligations in a fiscally responsible way and fund the process to separate/combine.

Increasing the size of the Commission to have a greater representation of skills

Given the complexity of the matters the Commission reviews and the additional complexity introduced by suggestions that are going to be made later in this submission, it is likely that the Commission is not fit for purpose at its current size.

At the moment, the Commission has a total of four Commissioners that are appointed, a Chairperson nominated by the Minister, a person employed by the Department nominated by the Chief Executive of the Department, and two Councillors nominated by Local Government NSW.

With three Commissioners having experience in Local Government, one in a professional capacity and two in a political capacity, it leaves only one Commissioner to bring non-Local Government experience to the Commission. Given that Council is not a full-time job for a

Councillor unless they are also a Mayor, it is possible that the two Councillors may bring other the skills and experiences of their full-time employment (if any) to the Commission. There is no guarantee that this is the case.

We will not make any remarks in this submission as to the likelihood of a Councillor bringing non-Local Government skills to the Commission, as the relevant data to draw any conclusions is not readily available. We will, however, make two observations:

1. Local Government NSW is a political organisation, and nominations made by Local Government NSW are likely to be political in nature, putting forward candidates with an extensive background in Local Government politics; and
2. There is currently only one Councillor on the Commission (the other Councillor position is vacant), and that Commissioner is a Mayor.

To bring a balance of skills and backgrounds to the Commission, the number of Commissioners should be increased to at least seven, including one Chairperson. In principle, it is ideal to have an odd number of Commissioners to minimise the likelihood of tied votes and the use of a casting vote.

At the moment, the two Councillors on the Commission receive an annual remuneration of \$25,000, the Chairperson receives an annual remuneration of \$50,000, and the Departmental member receives no annual remuneration so as to comply with Chapter 4 of the NSW Public Service Commission's *Appointment Standards for NSW Boards and Committees* in the NSW Public Sector. The total sum of the remuneration for the Commission as of 2022 is \$100,000.

The remuneration for the Commissioners who are Councillors is just shy of the equivalent median allowance for a Councillor of a Large Metropolitan Council for the 2022/2023 financial year⁴ for a role that has no minimum meetings or workload. Similarly, the remuneration for the Chairperson is just shy of the equivalent median allowance for a Mayor of a Medium Metropolitan Council for the 2022/2023 financial year.

By bringing the remuneration of the Commissioners and Chairperson in line with the minimum allowance for Councillors and Mayor of a Medium Metropolitan Council, the addition of three non-departmental non-Local Government Commissioners would only result in a 2.45% (\$2,450) increase in the total remuneration for members of the Commission.

In our view, the value added to the Commission and the State of New South Wales by increasing the number of Commissioners to accommodate for a broader representation of skills and experience far exceeds the cost of the additional remuneration. Alternatively, the remuneration could be kept at its current rate.

Increasing alignment with Appointment Standards

Appointments to Government Boards and Committees in NSW, such as the Commission, are subject to appointment standards authored by the Public Service Commission. More could be done to bring the current process of appointment of a Commissioner in line with the Appointment Standards, particularly the general principle of Fairness.

⁴ Page 11, *Local Government Remuneration Tribunal Annual Report and Determination*, 20 April 2022

At present, there is no requirement to seek interest or call for expressions for people who are interested in seeking an appointment to the Commission. This reduces the potential number of candidates that can be considered and reduces the likelihood of finding the best candidate for the role.

There may be merit in opening the appointment process of Commissioners to include seeking expressions of interest from qualified persons who are interested, particularly from the private sector.

An additional benefit in providing the ability for an interested person to make an expression of interest to seek an appointment to the Commission is the increase in accountability and transparency. Public appointments, particularly bodies such as the Commission, which impact Government and electoral boundaries, garner an increased level of scrutiny. The perception of a closed process may undermine public confidence in the Commission and, by extension, the decisions of the Commission.

Opening the nomination process will undoubtedly require additional resources to be used for advertising for nominations, collecting submissions, scrutinising and reviewing the applications, and assess the applicants to make a determination. It should not be difficult to determine costings for this process, as data is available from other boards and committees which do seek expressions of interest for appointments.

It is difficult to do a financial cost-benefit analysis as there is no readily available monetary value for outcomes such as the increase in transparency, confidence, and accountability. As such, it may be more appropriate to consider the governance benefits that result from this, as opposed to the financial.

Question 3

Do you think there should be a requirement that both metropolitan and regional or rural councillors should be represented? If so, should there be a minimum number of regional or rural councillors?

Response: No change.

Ensuring a minimum degree of representation for regional and rural interests has been and remains still a constant question in Australian politics and government. The fact that there are numerous approaches that have been tried over time and the question remains unanswered demonstrates the difficulty in ensuring adequate representation for regional and rural constituencies in a practical way.

Determining if an area is Metropolitan, Regional, or Rural

The Australian Bureau of Statistics (ABS) first published in September 1994 a framework to classify and categorise similar Local Government Areas into groups based off population, population density, and the proportion of the population that is classified as urban. This framework, intuitively named the Australian Classification of Local Governments (ACLG), fits a Council into one of 22 categories.

In the State of New South Wales, the Office of Local Government (OLG) has developed a system which builds on the ACLG framework. The OLG categorises Councils into OLG Groups, identified by a unique OLG Group number. The NSW systems condenses the 22 ACLG classifications into 11 OLG Groups.

OLG Groups are used to classify Local Government Areas into the following types:

- Large Rural
- Metropolitan
- Metropolitan Fringe
- Regional Town/City
- Rural

If there was to be a minimum, the most equitable approach would be attempting to ensure that the proportion of regional Commissioners and rural Commissioners on the Commission match the proportion of the population that live in regional and rural Local Government Areas respectively.

We can determine the breakdown of the NSW population by using the population statistics as at the last Census in 2021, and the classification of Local Government Areas by their OLG Group number as at 2022.

Table 1.1

Breakdown of NSW Population by classification of Local Government Area

Classification	Population	%
Metropolitan	5,231,052	64.89%
<i>Metropolitan</i>	3,827,972	47.49%
<i>Metropolitan Fringe</i>	1,403,080	17.41%
Regional Town/City	2,348,868	29.14%
Rural	479,864	5.95%
<i>Rural</i>	44,102	0.55%
<i>Large Rural</i>	435,762	5.41%
Unincorporated	1,016	0.013%
<i>Lord Howe Island</i>	445	0.006%
<i>Far West NSW</i>	571	0.007%
Total	8,060,800	

Note: 11,363 people who do not have a permanent principal place of residence have been excluded from the above table. This results in 99.9% of people in NSW being represented in the above numbers.

After analysing the data in Table 1.1, it becomes apparent that a Commission whose composition accurately reflects the breakdown of the NSW population is unfeasible. It would require a 17-member Commission just to ensure a singular Commissioner from a Rural area.

A solution to this may be to combine Rural and Regional classifications into a singular classification. The use of a singular classification is a common solution used by Government and political participants throughout New South Wales.

Due to the wide spread use of this approach, we have more data to draw on the effectiveness on this approach. A significant issue when using a singular classification is the inevitable underrepresentation or overrepresentation within the classification between Regional and Rural.

An alternative approach is to use a different classification framework instead of the OLG's. Given that the Commissions functions exist within the remit of the Local Government Act, it may on the surface seem intuitive to use a classification system relevant to Local Government, there may be merit in using alternative classification systems.

Looking to other approaches used in NSW, the *20-Year Economic Vision for Regional NSW* released in February 2021 uses the classification system devised by the NSW Centre for Economic and Regional Development (CERD) which was publicly released in their 2017 report *Regional Economic Growth Enablers*.

CERD divided non-metropolitan NSW into classifications that aimed to reflect the economic circumstances of the area as opposed to its population density. These classifications aimed

to group areas by similarity of economic activity, business, employment opportunities, and median income.

The geographic location of a Local Government Area has a significant impact on its economic circumstances, which in turn impacts population, median income, property values, and other factors that are significant to a Councils economic feasibility. Councils with similar geographic and economic situations are likely to have greater commonality with each other and are likely to share similar challenges.

Councils in Regional areas are likely to share common experiences, issues, and challenges with one another, as are Councils in Rural areas with one another. There is no guarantee that there will be a meaningful degree of shared experiences between Rural and Regional Councils, that isn't shared between Rural, Regional, and Metropolitan Councils.

If the Commission were to have a minimum number of Commissioners from Rural and/or Regional areas, a thorough investigation and comparison of the possible classification frameworks would need to be undertaken, likely in addition to consultation with Councils, to determine framework that most suitably classifies Councils.

The classification framework would need to be regularly reviewed and classifications of Local Government Areas would need to have to be regularly reevaluated to ensure the representation remains accurate, proportionate, and fit for purpose. It is likely that at each review of the classification framework, the question of minimum representation on the Commission will need to be reconsidered and reviewed.

Changes in populations & the need for constant revaluation

According to latest release of the Australian Bureau of Statistics' *Regional population* statistics (released 26/07/2022), for the period between 2011 and 2021, the population of Metropolitan Sydney increased by 14%, whereas the population of the rest of NSW (a combination of both Regional and Rural) increased by 8.6%⁵. Data from the NSW Government shows that the population in remote areas of the State are declining at a rate of 0.7% per annum⁶.

Given the trend of population decline in Rural areas, the proportion of people living in Local Government Areas classified as Rural will only continue to get smaller. The question of proportional representation for Rural areas will become more difficult to answer with small or medium sized bodies such as the Commission.

Whilst the trends indicate that the population in Regional areas are increasing over time, it is increasing at slower rate compared to the population growth in Metropolitan areas. Left unchanged, these trends will result in a reduced percentage of the population for Regional areas and an increased percentage for Metropolitan areas.

With changes to population and developments in Local Government Areas, population densities in those areas are subject to change. As a result, the ACLG classifications of Councils are subject to change and need to be reevaluated at appropriate intervals.

⁵ Australian Bureau of Statistics. (2021). Regional population. ABS.

<https://www.abs.gov.au/statistics/people/population/regional-population/latest-release>.

⁶ Page 28, *20-Year Economic Vision for Regional NSW, 2021*

If an approach was taken to ensure proportionate representation on the Commission by the introduction of minimum representation for Rural and Regional areas, then the proportion of Rural and Regional Commissioners is subject to change as the populations and classifications change.

Discussion surrounding the representation of Rural and Regional population is often subject to political influence in Australian politics. Care must be taken to ensure that time and resources are dedicated to ensuring the Commission as able to fulfill its purpose as best as it can, and not focused on matters that may serve a purpose politicising the Commission, or the outcomes of the Commission.

The classification of Commissioners that are not Councillors

Whilst it may be easy to determine if a Commissioner who is also a Councillor belongs to a Regional or Rural area, it is somewhat more complicated to make an accurate determination for a Commissioner that is not a Councillor.

On first instance, it may appear that the simplest approach is using the classification of the Local Government Area the Commissioner is currently enrolled to vote in. This however ignores a number of critical factors.

An individual may have a lifetime of experience with a certain urbanity that is different from the one they are currently residing in. For instance, an individual may spend their working life living in a Metropolitan area and move to a Rural area for retirement. It could be argued that the individual who is now classified as a Rural Commissioner does not have the experience to adequately qualify as a Rural representative.

Similarly, an individual may live in a Regional area for most of their life and move to a Metropolitan area for the purposes of their employment. This individual would then be prevented from being appointed as a Regional Commissioner, despite having experience and credentials that could enable them to serve as a Regional Commissioner.

The question of minimum number of Commissioners from Regional and/or Rural areas is vastly more complicated than it appears at first glance. The primary focus when appointing Commissioners should be to ensure that the best individual for the job is selected. The introduction of minimum representation could present an obstacle to that focus, and hinder or prevent the selection of the most suitable candidate.

Question 4

Do you have any suggested changes or improvements to who can make a boundary alteration, amalgamation or de-amalgamation proposal? If so, please explain your suggestion.

Response: Change.

In the State of New South Wales, there are legislative requirements that Federal and State electoral boundaries are regularly reviewed to respond to demographic changes. Despite there being no legislative requirement for regular reviews of Local Government Area boundaries, historically, reviews have occurred on a somewhat regular basis nonetheless.

Implementing regular reviews of Local Government Area boundaries would provide for the ability to plan and budget for any eventual changes. This planning and budgeting would result in less uncertainty and more efficient implementation of changes, resulting in cost savings for the ratepayer and reduced downtime.

Regular reviews of Local Government Area boundaries

In the State of New South Wales, Local Government is the only level of Government where electoral boundaries are not automatically regularly reviewed.

Section 27 of the Constitution Act 1902 (NSW) stipulates that a redistribution of electoral boundaries must be carried out after two State General Elections have been conducted using the same electoral boundaries. The Constitution Act also sets limits on the duration of the Legislative Assembly that was elected to four years from the return of the writs, thereby ensuring a State General Election at least four years apart.

Section 59 of the Commonwealth Electoral Act 1918 (Cth) sets a number of conditions that when met will trigger a redistribution of Federal electoral boundaries within a State. The conditions ensure that a redistribution will occur no later than a period of seven years after the day on which the State was last distributed into Electoral Divisions.

In contrast to State and Federal electoral boundaries, Local Government Boundaries are only reviewed when an action is taken to do so, such as an amalgamation, de-amalgamation, or boundary change. There are conditions set out in the Act to trigger an automatic review and adjustment of internal boundaries for a Local Government Area that is divided into wards, but there are no automatic triggers for the Local Government Area boundaries.

Local Government Areas are subject to demographic, economic, and environmental change. Development and migration drive

Despite there being no automatic trigger, historically NSW Governments have reviewed Local Government Area boundaries on a somewhat regular basis. Significant changes to Local Government Areas in NSW, such as amalgamations and de-amalgamations occurred in the periods of:

- 2016: *Proclamations made under the Local Government Act 1993 (NSW)*

- 1999-2000: *Local Government Amendment (Amalgamations and Boundary Changes) Act 1999 (NSW)*
- 1980-1981: *Local Government Areas Amalgamation Act 1980 (NSW)*
- 1958-1960: *Proclamations made under the Local Government Act 1919 (NSW)*
- 1948: *Proclamations made under the Local Government Act 1919 (NSW)*

It appears that reviews of Local Government which result in significant boundary changes to Local Government Areas occur roughly after four terms (assuming a four-year term). This trend appears to remain roughly constant despite the political association of the relevant Minister comes from, or the area the relevant Minister comes from. Given this fact, there may be merit in legislating automatic regular Local Government Area boundary reviews after a number of elections.

One significant advantage of this would be the budgeting and saving of funds for boundary changes over the period of time. In most cases, the NSW Government has funded the changes for Councils when boundary changes have occurred. Usually, the funds for these changes have been budgeted over a short period of time. A regular boundary review process would allow the budgeting of funds into a special purpose fund that would be used to pay for amalgamations, de-amalgamations, and boundary changes when occur after a Local Government Redistribution.

Under this model, any changes that occur outside of a regular review would need to be funded by alternative means.

Another advantage of regular reviews would be the ability for Councils to plan for changes occurring. This could take many forms, such as ensuring contracts expire around the time of redistributions, thus minimising contract termination fees and the need for additional renegotiations, or in the implementation of plans to allow easy migration of data and systems.

Regular review of the Local Government Area boundaries also presents the opportunity to consider if the current composition of the elected body remains adequate and fit for purpose. Reviews into the number of Councillors on that council, the method of election for Mayor, and the number of wards, if divided by wards, would help improve representation for the residents and ratepayers of that area by taking new factors and community attitudes into consideration.

Suburbs within Local Government Areas change as demographics change, development sees increased densities, and economic circumstances evolve. NSW residents can often create communities of interest that span over Local Government Area boundaries. Regular reviews enable Local Government Area boundaries to be realigned with evolving communities, and help ensure adequate representation.

Question 5

Do you have any views on the minimum number of electors which should be required to make a proposal? If so, please explain the reasons for your views.

Response: No comment.

We have no views on this matter.

Question 6

Do you suggest any changes to the 11 matters the Boundaries Commission is required to consider? If so, what changes would you recommend and why?

Response: Change.

The 11 matters the Commission is required to consider cover a range of dimensions of the current and proposed Council(s) on both a micro and macro level. We feel that there may be merit in adding an additional matter that specifically considers the implementation of any change being proposed by requiring all proposals to include an audited implementation plan those details costings and timeline.

Implementation plan with timelines and costings

Given that de-amalgamations and amalgamations are an expensive and time intensive undertaking, it is imperative that taxpayer and ratepayer money is spent in such a way that ensures the greatest value for residents.

At the moment, any Council making an application to the Commission for de-amalgamation is required to provide a business case to the Minister that sets out their proposal to de-amalgamate. We note that no business case is required for a boundary change or an amalgamation.

A business case is one instrument that can be used to assess the viability of a new Council or Councils, but there can be no guarantee that the business case provided is accurate, robust, or useful. There appear to be no standards for the business case, at least not stipulated within the act, and no guide as to the contents or format required.

Given that each Council is unique and each proposal put forward by a Council is unique, it stands to reason that each businesses cases would be unique and would focus on the elements that the proposing Council feels are most relevant to their proposal. However, a degree of standardisation is necessary to allow for evidenced based assessment and comparisons of proposals.

If businesses cases continue to be required for de-amalgamation, or any change for that matter, there would be merit in implementing a standard for all business cases which outlines required contents and formats.

Further to the point, there may be instruments that are more specific to Local Government that would allow the Commission to make the most appropriate determination.

Typically, businesses cases tend to focus on the viability of the proposed Council(s). Consideration must also be given to the implementation of the change, particularly as regards to timelines, costings, funding, and capability.

We suggest that there may be merit in requiring all proposals to include an implementation plan which details the processes and tasks that would need to be undertaken to successfully implement the change if it were approved.

As described earlier, Councils are comprehensive entities that have a vast range of requirements and responsibilities, this translates to a vast number of legal instruments, systems (digital and otherwise), workflows, and organisational units.

A de-amalgamation, amalgamation, or boundary change would impact ratepayers, households, and businesses within the affected Council(s) or area. The extent of the impact should be known before hand, as well as the plans to mitigate downtime, delays, and uncertainties.

The use of an implementation plan which outlines what works the Council(s) intend to undertake to achieve the desired change would assist the Commission in determining the merits of the proposal. A few of the elements that should be detailed in the plan include:

- The creation or modification of new planning instruments such as LEPs, and DCPs;
- The impact on DA's, enforcement orders, and other development related activities currently in progress;
- The transfer/sale of land holdings and other assets;
- The agreements that would need to be cancelled and/or renegotiated;
- Waste management policy and processes, such as bins and waste collection services;
- The calculation and levying of rates, including the transfer of properties to new rate structures;
- The transfer of data from systems that handle communication, correspondence, rates, emails, documents, files, 149 certificates, and
- Number of Councillors, method of electing the Mayor, if the area is divided or not, and organisational structure;
- Staffing and employment matters;
- Integrations with other systems or services that would need to be modified or established; and
- Other tasks that would need to be undertaken for the change to be successfully implemented.

Each task and process in the implementation plan should be fully costed or have justified estimates, and have a time frame for the completion of tasks with any likely delays that should be expected.

Earlier in this submission we proposed that Council initiated changes be funded by the Council(s) as opposed to the State Government. In line with that proposal, all implementation plans should include details on how the Council(s) intends to fund the implementation, including plans on repaying any borrowed funds.

It would be necessary for implementation plans, and for completeness the business case, to be independently audited by an external qualified third-party in order to identify any potential short comings or biases that may have unintentionally influenced the plan. The outcome of these audits should be provided to the Commission before any consideration on the matter.

Question 7

In your view, should the Boundaries Commission be required to give any of the 11 matters (or any other matters you think it should be required to consider) any particular weighting or preference? If so, what matters should be given more weight or preference and why?

Response: No Change.

Our comment on this question is general in nature. As stated earlier in this submission, it is our view that the 11 matters are suitable and appropriate. It may be more suitable that different matters have different weighting and priority based on the proposal, surrounding circumstances, and Council(s) making the proposal.

There could be unintended and unforeseen consequences if specific weighting is applied to any matter, or if a quantitative approach, such as scoring, was used to evaluate proposals. The Commission should have full discretion in the consideration of a proposal, and should exercise their expert judgement to determine the weighting to apply to each factor.

In general, there is likely to be more merit in giving greater consideration to economic matters where the impact can be quantified and accurately calculated, as opposed to matters that cannot be quantified and are subjective.

Question 8

Do you think timeframes should be set for the Boundaries Commission examination and reporting process? If so, what timeframe do you suggest for boundary alteration proposals, for amalgamation proposals and for de-amalgamation proposals? Why do you suggest these timeframes?

Response: Change.

It is important that the public maintain a high degree of confidence in the Commission and its workings. Timeframes can serve as a useful mechanism to demonstrate a degree of accountability and transparency on the workings of the Commission. It is imperative that the focus of the Commission remains at all times on ensuring the most considered response, which may not necessarily be the fastest response.

Target timeframes strike the balance needed to ensure the Commission has enough time to adequately consider matters, and impose a structure that provides the public with expectations and finality.

The Commission should publicly report its rate of adherence to timeframes, the reason for any deviation from the target timeframes, and the rationale used to determine new timeframes for a matter. Reporting should occur at the same time as adoption when it relates to timeframes for consideration of a matter, and annually when it relates to the overall adherence to timeframes by the Commission.

Ensuring a balance of flexibility and accountability

Any timeframes imposed on the consideration of matters by the Commission needs to ensure a balance of flexibility so the Commission may adequately consider the matter, and a high degree of accountability to the public.

There may be merit in implementing target timeframes for different types of matters the Commission is considering, with expected dates for key milestones and outputs. Different timeframes would need to be considered for different types of matters and would need to factor the size and scale of the area of change.

For instance, a boundary change that amends area boundaries for several thousand lots has fewer factors that need to be considered and a smaller impact, whereas an amalgamation or a de-amalgamation has far more factors and the impact is significant. Similarly, the de-amalgamation of a council with 400,000 electors may require more consideration than a de-amalgamation of a council with 40,000 electors.

There may be merit in creating different target timeframes that take into consideration a number of factors surrounding a matter, such as the type of change (amalgamation, de-amalgamation, etc), the number of people affected, and the size of the area affected.

When considering a matter, the Commission may choose to seek input from external independent professionals by way of reports, audits, or other deliverables. The use of external parties introduces uncertainties in any timeframes, as there can be no guarantee to when an external provider is able to provide the final output.

Similarly, seeking feedback from the public by way of inquiries, surveys, and polls may result in increased delays as new factors are brought to light and result in additional research being needed. As such, it is imperative that there are mechanisms to adjust timeframes on a case-by-case basis as to ensure the robustness of the process.

When a timeframe for the consideration of a matter by the Commission needs to be adjusted, the new timeframe should consider the current rate of progress and factor that into determining the new timeframe.

There must also be a high degree of accountability to the public. There may be merit in making public the reasons for a timeframe requiring change, and the rationale behind the new timeframes. The new timeframe and accompanying explanation should be published online at the same time as it is adopted by the Commission.

It is important to maintain a high level of confidence in the Commission and the work conducted. Increased accountability and transparency play a significant role in maintain high confidence. There may be merit in the Commission publishing an annual report on the matters it has considered and is currently considering, and an analysis on the target timeframe when Consideration commenced and what the actual timeframe when the matter was finalised. This will enable regular review and adjustment of target timeframes to make them more accurate.

Question 9

Do you have any views on who should be approached to complete postal surveys and opinion polls when public feedback is sought about a proposal? Please explain the basis for your views.

Response: Change.

It is important to seek public feedback from all electors in a Local Government Area. Just as important as certain types of non-electors that are primarily responsible for the economic output of the area, such as businesses, workers, and landlords. Responses must cater for responses from entities that are not natural persons in order to adequately capture feedback from the local economic actors.

The use of technology, particularly online technology, will assist the Commission in performing its duties, particularly in regards to gather public feedback through inquiries, polls, and opinion surveys. Online channels bring numerous advantages that other channels do not, such as increased accessibility, increase cost effectiveness, and in some cases potentially reduced environmental impact.

Feedback from non-electors

When seeking feedback in regards to changes to a boundary that is used for election purposes (either exclusively or otherwise), it is common to consider input from electors- these are typically owner occupiers, tenants, and residents. This is the case with Council polls conducted at the same time as a Local Government Election. However, non-electors also play an important role in a Local Government area and are also significantly impacted by changes to a Council.

Council's have purview over a considerable range of matters that affect non-electors as much as they impact electors. Feedback from non-electors is as valuable as feedback from electors, and helps paint a more complete picture. There will be insights provided by non-electors that may not be provided by electors, such as regular community to the Local Government Area. Some types of non-electors which should be included in any survey or poll include:

Land owners not occupying their property/lot

Land owners are subject to rates for their lots and will be subject to planning controls through instruments such as LEPs and DCPs. These are very important matters which could impact their financial situation and the capability of their land.

Businesses which operate in the area

Businesses are crucial to the feasibility of a Council in a Local Government Area. They are the largest contributor to the local economy, creating employment, purchasing supplies, providing goods and services, and attracting customers. Council has responsibilities over approvals for business use, operation hours, and other factors critical to the success of a business.

People employed by businesses in the area

Employees of businesses in the Local Government Area have different needs for the infrastructure capability of a Council. These employees would not live in the area as they are non-electors, which means they are commuting to and from the area on a

daily or frequent basis. Their infrastructure needs such as parking and roads differ from local residents. Taking into consideration the needs of employees of local businesses makes employment in the area more desirable and increases the businesses likelihood to hire and retain staff, heavily impacting on its likelihood and success and the local economy.

As a general principle, feedback should also be sought from entities other than natural persons. Corporations, associations, trusts, and other entities should be able to provide feedback and participate in polls in the same way as a natural person would.

Technology is able to bring significant accessibility, cost, and environmental advantages to the public data collection process by leveraging online technologies. The Act in its current form permits the Commission to conduct surveys or polls online, and believe there is a lot of merit in using feedback collection through online channels as the primary approach.

Online surveys as the primary data collection tool

The Act permits the Commission, or any entity working on their behalf, to conduct an opinion survey or poll of the residents and ratepayers. The Act permits the commission to conduct said survey or poll in any such manner as the Commission thinks fit.

This gives the Commission a large degree of flexibility in the way they gather feedback, allowing them to take into consideration factors unique to the current circumstances and Local Government Area.

There is merit in using online technologies to conduct surveys or polls and gather feedback from people. Technology brings numerous benefits:

- **Increased accessibility-** physical barriers like long distances or mobility issues are overcome. Translations could also be easily and cost effectively provided to assist participants who are not proficient in English.
- **Reduced environmental impact-** technology may reduce the overall environmental impact of the poll by minimising the amount of paper used and wasted, and reducing carbon emissions caused by transporting post.
- **Cost effectiveness-** using technology to collect feedback through polls and surveys is most likely to be cheaper per response than the combined cost of producing paper surveys, transporting them, processing them, and then destroying them.

The Act in its current form permits the Commission to use online technologies as the manner for collecting public feedback through opinion surveys and polls. There may be merit in transitioning to a primarily online based collection approach, with a small amount of non-online collection methods, such as paper and post, as a backup for those who are unable or unwilling to participate online.

Question 10

Do you think that guidelines should be developed to determine the mechanisms and processes for ensuring that community and stakeholder views are represented? If so, what mechanisms and processes would you suggest and why?

Response: Change.

As explained earlier in this submission, technology provides significant advantages to the Commission to increase its ability to gather data, increase transparency, and do so in alignment with modern responsible ESG practices.

There may be in merit in developing guidelines that outline how the Commission will conduct collection of public feedback through the use of inquiries, opinion surveys, and polls, using online technologies. These guidelines should include the services and platforms that may be used, quality assurance practices to prevent spam and ensure legitimate submissions, and the that people can make a submission.

Any such guideline must be reviewed regularly to ensure that it remains fit for purpose, and to include new platforms and services that become available and may be suitable.

Question 11

Do you have any views about restricting representation of persons by a lawyer or person acting for fee or reward at public inquiries? If so, please explain the basis for your views.

Response: Change.

The most important consideration in public enquiries is ensuring the greatest degree of participation by those who may be impacted. This enables decision makers to obtain the most accurate view of participants, and make a decision that most is most in line.

There are numerous obstacles and barriers that make it difficult or prevent an individual from participating in a public inquiry. Representation by other people is one means that enable people to overcome obstacles, and as a result participate when they otherwise would not have been able to. Allowing representation by other people, including those acting for fee or reward, allows the greatest degree of participation and should be permitted.

Other types of representation that occur for a fee, whether Government funded or funded by the participant, such as disability advocacy, translators, and support people may be captured by restriction on using representatives. Care must be taken to ensure that definitions and restriction do not accidentally reduce accessibility by people with disadvantages.

Representation as a fundamental principle

Representation key to the very nature of Local Government and forms a fundamental component of its principles and processes. Local Government Areas have elections to determine the representatives of its governing body, the Minister is an elected representative which oversees Local Government, and the Parliament which consists of elected representatives make laws that govern Local Government.

Modern day societal values have shifted and representation is deemed a fundamental principle to good governance. People expect the ability to be represented on matters before Government or matters pertaining to the administration of Government.

Public inquiries held by the Commission in the process of determining a matter before the Commission is very much relevant to the administration of Government. Local Government Area boundaries, and amalgamations or de-amalgamations are likely to alter the representation of people on their Council's governing body, or the services provided by and the responsibilities discharged by their Council.

Often when representation by another is prohibited in a process, it is to prevent the ability of more resourced or more connected participant from gaining an advantage over other participants, such as by using a very expensive senior barrister their representative. However, the nature of a public inquiry held by the Commission is not adversarial like it would be for a Court or a Tribunal. There is no advantage gained by using a more experienced representative as participants are not competing against one another, nor is anyone competing at all.

The purpose of a public inquiry is to gather the views of the people impacted by the matter being considered. The views of the people are a singular factor which will be used by the Commissioners in making a determination, and not the primary basis of their decision.

Permitting people to use representatives at a public inquiry held by the Commission does not advantage any party or disadvantage any other party. Whereas restricting people from using representatives at a public inquiry is likely to prevent a number of people from being able to participate at all, thereby significantly disadvantaging them.

'Person acting for fee or reward' may capture unintended targets

The prevention of a person using a representative in proceedings before the Commission is stipulated in section 264 of the Act. The Act states that person is not entitled to be represented by an Australian lawyer or by a person qualified for admission as an Australian lawyer, or by any person acting for a fee or reward.

The Act then proceeds to qualify that it does not prevent a lawyer (or person qualified for admission) from preparing any documents or submissions. It is clear that in the context of this section of the Act that the intention is to prevent the use of legal representation in proceedings. However, the wording used in section 264(1)(b) is very broad and may unintentionally capture other types of representatives.

For instance, disability advocates assist people living with disabilities in a range of matters, such as tribunals or proceedings like public inquiries. Disability can be physical or mental and can impact a person directly or indirectly in a range of ways. Some disabilities may be obvious in how they prevent a person from participation, such as deafness or mutism, but other disabilities may prevent a person from participating by impacting their confidence or giving them feelings of anxiety.

Translators or people providing translation may also be unintentionally captured by the restriction on using representatives that act for a fee. Data collected at the 2021 Census found that 4.48% of New South Wales residents speak English not well or not at all- almost 1 in 22 people. It is also important to note that the population of non-English speakers is not equal dispersed across the state. The collected data shows that 22.93% of people in the Local Government Area of Fairfield speak English not well or not at all. In contrast, only 0.4% of people in the Local Government Area of Yass Valley speak English not well or at all.

The vast difference in English speaking capabilities across Local Government Areas means that preventing representation by people providing translation doesn't mean that only 4.48% of people may be prevented, but rather, it may be up to as much as 22.93% of people being prevented for participating in the public enquiry. These numbers are more than statistically significant and demonstrate the need to permit representation by translators or people providing translation, either for fee or otherwise.

Increasing efficiency by allowing group representation

It is common for community or activist groups to form around issues relating to amalgamations or de-amalgamations of a Council. Often these groups form around the outcome they are seeking, usually supporting or opposing a change.

Residents who participate in these groups do so to make their voice heard and assist in organising to demonstrate their view to the relevant decision makers. As such, these citizens agree in whole or in large part with the view put by the group and would lodge submissions starting so.

By allowing a group of people to be represented by a singular individual or a small group of individuals, it will create efficiency in public inquiry process by reducing the likelihood of repeat arguments and saving time without minimising the extent of support for an argument or point.

In contrast, preventing representation or group submissions in these instances would force all residents with shared views to individually re-state their views in a public inquiry. It is questionable if the same arguments and points being made by different residents to the Commission is an effective use of public resources and of the Commissions time, and of the residents' time.

Other Feedback

Different voting thresholds

It is not uncommon in Government and Politics that different matters have different voting thresholds that are required for a matter to be resolved in the affirmative. Within voting bodies such as the Commission matters that are more significant or have a greater impact on their subject are likely to require more than the majority of decision makers to agree.

A higher voting threshold indicates a larger degree of support by and agreement amongst the decision makers. This typically means the decision makers, who have different experiences, qualifications, and judgements, are satisfied that the proposed course of action is the most suitable course of action.

There may be merit in implementing different voting thresholds for matters the Commission considers. Matters that tend to have the greatest degree of impact on Councils and residents, such as a de-amalgamation, could require 75% of the Commissioners to be in agreement to pass, as opposed to simple majority.

Removal of time limit to de-amalgamate

The Act imposes a time limit by which a Council may be allowed to put forward a proposal to de-amalgamate. This limit is 10 years from the constitution of the Local Government Area. The situation and circumstances of a Council and Local Government Area change over time. There is always a risk when imposing a restriction on the time permitted to lodge a proposal that a proposal becomes viable or worthwhile after the time permitted.

Allowing Councils and local communities the greatest number of options will enable them the greatest degree of choice when deciding on the course of action best suited and most helpful to them.

There may be merit in removing the 10-year time limit imposed by the Act. In our submission we have made a number of suggestions that we are confident if implemented will strengthen the process of considering and evaluating proposals, and assist in returning recommendations which benefit local areas and the people of New South Wales.