

LOCAL GOVERNMENT — ELECTORAL OFFENCES

1504. Hon Dr Brian Walker to the Leader of the House representing the Minister for Local Government:

- (1) Can a complaint about a local government electoral offense be made to a Local Government Council?
- (2) Does a Local Government Council have the power to direct its CEO to prosecute a local government electoral offense?
- (3) Does a Local Government Council have the power to prosecute a local government electoral offense through an agent appointed under *Local Government Act 1995* s.5.45(2)(a) to use Council's powers under *Local Government Act 1995* s.9.24(1)(c)?
- (4) Does the Department of Local Government Sport and Cultural Industries have the power to determine/decide a *Local Government Act 1995* s.105(3) serious breach complaint made against an elected Member?
- (5) In what circumstances is the Minister prepared to exercise his *Local Government Act 1995* s.9.13A power?
- (6) How many times and in what circumstances has any Local Government Minister exercised the *Local Government Act 1995* s.9.13A power in the last three years?
- (7) Has the *Local Government Act 1995* s.9.13A ministerial power been delegated and, if so, to whom?

Hon Sue Ellery replied:

- (1)–(3) The provisions of various Acts may apply to conduct in elections.
Complaints of alleged electoral offences are best directed to the Returning Officer or to the Western Australian Electoral Commission. Depending on the type of alleged offense, a person may also make a report to the Western Australia Police Force.
- (4) Section 5.116 of the *Local Government Act 1995* relevantly provides for how a complaint of an alleged serious breach is to be handled once received by the Departmental CEO. An allegation of a serious breach may then be progressed to the State Administrative Tribunal.
- (5) Section 9.13A limits the circumstances in which a notice can be issued. This power only applies to continuing contravention (which is not an offence), not individual instances of non-compliance, or offences.
The State Government is continuing to deliver the largest reforms to the system of local government in more than 25 years. As part of the reforms, the State Government is working to establish new early intervention powers and mechanisms, such as Local Government Monitors, for responding to issues that emerge within local governments.
- (6) Nil.
- (7) No.