

ELECTORAL AFFAIRS — LOCAL GOVERNMENT ELECTIONS

584. Hon Dr Brian Walker to the parliamentary secretary representing the Minister for Electoral Affairs:
- (1) How many local government elections did the Western Australian Electoral Commission (WAEC) conduct in 2021, ordinary local government elections and for which local governments?
  - (2) How much income, net and gross, did the WAEC receive from local government 2021 elections and how much from each local government?
  - (3) How many complaints against electoral offences were made in relation to the 2021 local government elections conducted by the WAEC?
  - (4) How many complaints against electoral offences were prosecuted in relation to the 2021 local government elections conducted by the WAEC?
  - (5) How many Local Government Court of Disputed Returns complaints were made against elections conducted by WAEC during the 2021 ordinary election cycle?
  - (6) How many Local Government Court of Disputed Returns complaints were finalised by a finding by the Court of Disputed Returns (again, for the 2021 ordinary election cycle)?
  - (7) What were the reasons given by complainants for withdrawing their complaints in the Local Government Court of Disputed Returns before there was a decision given by the Court (again, for the 2021 ordinary election cycle)?
  - (8) Did the Magistrates Court wrongly list the WAEC as a respondent in Court of Disputed Returns proceedings (in the 2021 ordinary election cycle)?
  - (9) What is the nature of parties in Court of Disputed Returns inquiry proceedings (i.e. were they witnesses, respondents, complainants, defendants)?
  - (10) Does the Court of Disputed Returns have any specific procedure guidelines for complainants?
  - (11) If yes to (10), what are they?
  - (12) If no to (10), why not?
  - (13) Are there any plans to provide a Court of Disputed Returns (CDR) Practice and Procedure Benchbook and/or Guide prior to the next local government ordinary election, to assist magistrates and complainants in understanding CDR proceedings and what is required of complainants, given that many complainants are in-person litigants and, if not, why not?

**Hon Matthew Swinbourn replied:**

- (1) 98 ordinary local government elections for: City of Albany, City of Armadale, Shire of Ashburton, Shire of Augusta–Margaret River, Town of Bassendean, City of Bayswater, City of Belmont, Shire of Boddington, Shire of Bridgetown–Greenbushes, Shire of Brookton, Shire of Broome, Shire of Broomehill–Tambellup, Shire of Bruce Rock, City of Bunbury, City of Busselton, Town of Cambridge, City of Canning, Shire of Capel, Shire of Carnarvon, Shire of Chapman Valley, Shire of Chittering, Town of Claremont, City of Cockburn, Shire of Cocos (Keeling) Islands, Shire of Collie, Shire of Coolgardie, Shire of Coorow, Town of Cottesloe, Shire of Cue, Shire of Dandaragan, Shire of Dardanup, Shire of Denmark, Shire of Derby–West Kimberley, Shire of Donnybrook–Balingup, Shire of Dowerin, Shire of Dundas, Town of East Fremantle, Shire of East Pilbara, Shire of Esperance, Shire of Exmouth, City of Fremantle, Shire of Gingin, Shire of Gnowangerup, City of Gosnells, City of Greater Geraldton, Shire of Halls Creek, Shire of Harvey, Shire of Irwin, Shire of Jerramungup, City of Joondalup, City of Kalamunda, City of Kalgoorlie–Boulder, City of Karratha, Shire of Katanning, Shire of Kent, City of Kwinana, Shire of Lake Grace, City of Mandurah, Shire of Manjimup, City of Melville, Shire of Menzies, Shire of Merredin, Shire of Moora, Town of Mosman Park, Shire of Mt Marshall, Shire of Mundaring, Shire of Murray, Shire of Narrogin, City of Nedlands, Shire of Northam, Shire of Peppermint Grove, Shire of Perenjori, City of Perth, Shire of Plantagenet, Town of Port Hedland, Shire of Ravensthorpe, City of Rockingham, Shire of Serpentine–Jarrahdale, Shire of Shark Bay, City of South Perth, City of Stirling, City of Subiaco, City of Swan, Shire of Tammin, Shire of Three Springs, Shire of Toodyay, Shire of Upper Gascoyne, Town of Victoria Park, Shire of Victoria Plains, City of Vincent, City of Wanneroo, Shire of Waroona, Shire of Wiluna, Shire of Wongan–Ballidu, Shire of Wyndham East Kimberley, Shire of Yalgoo, Shire of Yilgarn, and Shire of York.
- (2) Gross income was \$7,795,167.34. There was no net income, as local government elections are conducted on a 100% cost recovery basis.

- (3) The Commission received 400 queries and complaints during the 2021 local government election period. The Commission's complaints system does not enable identification of complaints that specifically reference offences under the *Local Government Act 1995*.
- (4) The WAEC has not yet initiated any prosecutions under the *Local Government Act 1995* in relation to the 2021 Local Government Elections.
- (5) Complaints made under section 4.81 of the *Local Government Act 1995* are lodged directly with the Court, not the WAEC. This question should be directed to the Court of Disputed Returns.
- (6) Complaints made under section 4.81 of the *Local Government Act 1995* are lodged directly with the Court, not the WAEC. This question should be directed to the Court of Disputed Returns.
- (7) The WAEC was not a party to all Court of Disputed Returns matters from the 2021 Local Government Elections. This question should be directed to the Court of Disputed Returns.
- (8) The WAEC is aware of one instance where this occurred due to an administrative error, however, the error was rectified before proceedings were finalised.
- (9) Court of Disputed Returns matters are civil law proceedings and follow the relevant Court procedures. This question should be directed to the Court of Disputed Returns.
- (10) This question should be directed to the Court of Disputed Returns.
- (11) N/A.
- (12) N/A.
- (13) This question should be directed to the Court of Disputed Returns.