

24 July 2025

Hon. Dr Tony Buti MLA  
Attorney General  
11<sup>th</sup> Floor, Dumas House  
2 Havelock Street  
WEST PERTH WA 6005

By email: [Minister.Buti@dpc.wa.gov.au](mailto:Minister.Buti@dpc.wa.gov.au)

Dear Attorney General

**LOCAL GOVERNMENT ACT 1995 (LGA) REFORM COURT OF DISPUTED RETURNS**

I write on the recommendation of the Law Society's Courts Committee to invite the State Government to consider minor improvements to processes for the Court of Disputed Returns, ahead of the upcoming Local Government elections in October 2025.

The *Local Government Act 1995* (WA) provides that a Magistrate shall constitute the Court of Disputed Returns for disputes in relation to Local Government elections. The Society has been informed by the Magistrates Court that since 1 January 2019, a total of 12 applications have been lodged in the Court of Disputed Returns, with six of them lodged in Perth. One application was lodged in November 2019, seven in October/November 2021 and four in November 2023. These matters have the potential to put the limited resources of the Magistrates Court under strain over a short period of time.

The Society recommends that Magistrates are empowered to appoint Counsel Assisting for applications in the Court of Disputed Returns. The Society understands that the State Solicitors Office (SSO) typically acts for the Electoral Commission in these proceedings. When complaints are made about the Electoral Commission, it would be preferable for independent Counsel to assist the Court with marshalling evidence, rather than legal representatives from the State Solicitors Office. The appointment of Counsel Assisting may expedite the passage of the electoral disputes through the Court.

With fresh Local Government elections being held in October 2025, the Society urges the Government to allocate funding for the provision of these additional resources to assist the Magistrates Court in anticipation of the increased workload resulting from the Court of Disputed Returns.

If you have any queries, please contact Susie Moir, Director Advocacy and Professional Development by email to [smoir@lawsocietywa.asn.au](mailto:smoir@lawsocietywa.asn.au) or by telephone on 9324 8600.

Yours sincerely



Gary Mack  
**President**