

Question on Notice
No. 958
Asked on Tuesday 31 August 2004

MRS SULLIVAN asked the Minister for Environment, Local Government, Planning and Women (MS DESLEY BOYLE)–

QUESTION:

With reference to decisions made by Local Government which adversely affect ratepayers–
What authority does the State Government have to review or overturn those decisions?

ANSWER:

The *Local Government Act 1993* (the Act) gives local governments considerable autonomy to make decisions on behalf of their communities. They are responsible to their communities for the decisions they take with the ultimate test of support for those decisions being the ballot box.

The Act includes certain reserve powers allowing the State to intervene in council affairs in extraordinary circumstances. The intervention powers generally require the State to consult with the affected council and relate to–

- the revocation or suspension of a council resolution;
- the dissolution of a local government if the Council has acted unlawfully or corruptly, has put at risk its capacity to properly exercise its jurisdiction, or is incompetent or cannot properly exercise its jurisdiction.

These powers are used very rarely as the State does not lightly overturn the decision of an elected local government.

People dissatisfied with a Council decision or action, may have the matter reviewed by the Ombudsman (a free service), the Crime and Misconduct Commission and/or the Courts.