



Complaint of Serious Breach

This form is used to lodge a Complaint of Serious Breach under section 5.114(1) and (2) of the *Local Government Act 1995 (Act)*.

Completed forms can be submitted to the Department of Local Government, Sport and Cultural Industries at regulation@dlgsc.wa.gov.au

Important

Under section 5.123 of the Act, the complaint and its details must be kept confidential until the State Administrative Tribunal has made an order under section 5.117(1) or for the purpose of dealing with the complaint (for example, seeking legal advice) (maximum penalty: \$5,000).

Under section 5.124 of the Act, a person who includes information in a complaint knowing it to be false or misleading in a material particular commits an offence (maximum penalty: \$5,000).

Complainant details

Title: Specify other:

Given name:

Family name:

Street address

Phone (business hours):

Residential (or postal) address:

Email address:

Preferred method of communication:

Details of alleged breach

Name of the local government concerned:

Name of council member alleged to have committed breach:

Select the relevant section/s alleged to have been breached (list available on last page):

Date of alleged breach:

What are the details of the alleged breach:

Please attach any documents relevant to your complaint and list anything you have attached here.

Signature

Date

Serious Breaches

This is a list of the more common serious Breaches that can be committed by council members under the *Local Government Act 1995*. It is **not** a comprehensive list of all possible offences which could give rise to a Serious Breach.

Offence	Relevant Section
Failure to vote during a council or committee meeting.	s. 5.21
Failure of person presiding at a council or committee meeting to cast a second vote where votes are equally divided.	s. 5.21
Failure to disclose nature of financial interest or proximity interest in a matter to be discussed at a council or committee meeting.	s. 5.65
Participating in a council or committee meeting after disclosing an interest.	s. 5.67
Failure to comply with Minister's condition(s) allowing participation in a council or committee meeting after disclosing an interest or exempting committee members from disclosure requirements.	s. 5.69
Failure to lodge a primary return in the prescribed format within three months of commencing office.	s. 5.75
Failure to lodge an annual return by 31 August each year in the prescribed format.	s. 5.76
Failure to disclose details in a primary or annual return as required by the Act (under s. 5.79, 5.80, 5.81, 5.84, 5.85, or 5.86)	s. 5.78
Failure to disclose gifts or travel contributions in the manner required by the Act.	s. 5.87A
Making improper use of information acquired in the performance of the council member's functions to gain an advantage for a person or to cause detriment to the local government or any other person	s. 5.93