

Serious Breach Complaints

If you have reason to believe that a council member has committed a serious breach, you may make a complaint to the Department, in accordance with section 5.114 of the Act. Below is a list of serious breach offences the Department can investigate.

Schedule of serious breach offences

Section	Description	Penalty
2.27(9)	Person acting as a member of a council while disqualified commits an offence	\$5000 or imprisonment for one year
2.29(4)	Acting in office without first having made oath or affirmation of allegiance and declaration	\$5000 or imprisonment for one year
5.21(5)	Failure to comply with s5.21(2) [i.e. subject to s. 5.67, council member present at a meeting of the council or a committee fails to vote]	[s.9.14] \$5000
5.21(5)	Failure to comply with s5.21(3) [i.e. If the votes of members present at a council or a committee meeting are equally divided, the person presiding fails to cast a second vote]	[s.9.14] \$5000
5.65(1)	Failure to disclose nature of financial interest or proximity interest in matters to be discussed at a council or committee meeting will be attended by the member	\$10,000 or imprisonment for 2 years
5.67	Disclosing members not to participate in meetings unless, and to the extent that, the disclosing member is allowed to do so under s5.68 or s5.69	\$10,000 or imprisonment for 2 years
5.69(4)	Contravention of Minister's condition of allowing a member disclosing interests to participate etc. in meetings	\$10,000 or imprisonment for 2 years
5.75(1)	A relevant person who has not lodged an annual return within the previous year, and has not within 3 months of the start day ceased to be a relevant person, fails to lodge with the CEO a primary return in the prescribed form within 3 months of the start day.	\$10,000 or imprisonment for 2 years
5.76(1)	A relevant person fails to lodge with the CEO an annual return in the prescribed form by 31 August of each year.	\$10,000 or imprisonment for 2 years
5.78(1)	Excluding any information which has been disclosed by an elected member in a previous return, and the actual value, amount or extent of any asset, income, interest, gift, contribution, debt or disposition, the member fails to comply with the requirements of sections s5.79, s5.80, s5.81, s5.82, s5.83, s5.84, s5.85 and s5.86 in relation to the disclosure of information in a return	\$10,000 or imprisonment for 2 years

Section	Description	Penalty
5.89	The member, in relation to a disclosure under s5.65, s5.70 or s5.71 or a return lodged under s5.75 or s5.76, provides information in written or oral form that the member knows to be: (a) false or misleading in a material particular; or (b) likely to deceive in a material way	\$10,000 or imprisonment for 2 years
5.90(1)	The member publishes: (a) any information derived from a register of financial interests without that information constituting a fair or accurate report or summary of information contained in the register and without it being published in good faith; or (b) any comment on the facts set forth in a register of financial interests without that comment being fair and published in good faith.	\$5000 or imprisonment for one year
5.93	The member makes improper use of any information acquired in the performance of any of his or her functions under this Act or any other written law: (a) to gain directly or indirectly an advantage for the person or any other person; or (b) to cause detriment to the local government or any other person.	\$10,000 or imprisonment for 2 years

How to make a serious breach complaint

A complaint of a serious breach must be made in writing and in the prescribed form and must give clear details of the following:

- Who is making the complaint
- Who is alleged to have committed the breach
- The offence that is alleged to have resulted in the breach
- Any other information that the regulations require

The prescribed [Complaints of Serious Breach Form](#) may be printed and submitted to the department by post or email. Please note the Department does not accept hand-delivered complaint submissions.

Email

Email the Complaints of Serious Breach Form to regulation@dlgsc.wa.gov.au

Post

Director General
 Department of Local Government, Sport and Cultural Industries
 PO Box PO Box 8349, Perth Business Centre WA 6849