



# SERIOUS BREACH

## List of common Serious Breaches

### LIST OF SERIOUS BREACHES UNDER THE *LOCAL GOVERNMENT ACT 1995*

This is a list of 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.

Further information about lodging a Serious Breach complaint can be found on the [‘Making a Serious Breach Complaint’](#) page on the Department of Local Government, Sport and Cultural Industries website.

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. 5.69A; 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 in the manner required by the Act	s. 5.87A
Providing false, misleading, or likely deceptive information in a written or oral form in relation to a disclosure (under 5.65, 5.70, 5.71, 5.71A, 5.87B, 5.75 or 5.76)	s. 5.89
Publishing information or comments about information derived from a register of financial interests in a way that is not fair, accurate or done in good faith	s. 5.90
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
Disclosing confidential details of a complaint.	s. 5.123
Giving false or misleading information.	s. 5.124