

LOCAL GOVERNMENT AND PLANNING – March 2014 Examination

Examiner's Comments

Out of 13 candidates, 8 (61.53%) achieved a pass, 1 (7.70%) a pass with merit, and 4 (30.77) a pass with distinction, including 2 with high distinction. There were no failures.

Students generally managed the available time well in addressing the required number of questions.

Two scripts were difficult to read and there were unfortunate losses of marks caused by failure to thoroughly read questions.

I noted that:

- Every student attempted question 1. However, 9 out of 13 students failed the question badly. They did not recognise that the White Cliffs Chamber of Commerce had a pecuniary interest in the matter before the council and that Cr Springsteen by virtue of his association as chairperson of that body had a pecuniary interest in the matter: see ss 442(1) and 448(e). They also failed to recognise that the White Cliffs Chronicle arguably would have been likely to benefit from paid press advertising and media activity and, accordingly, had a pecuniary interest in the matter. It followed that Cr Fairfax by virtue of his association as its employee had a pecuniary interest in the matter: see s 442(1) and 443(1)(b). Students could have presented an argument that, on the facts of the question, the newspaper did not have a pecuniary interest and that Cr Fairfax, accordingly, did not have a pecuniary interest. The serious errors deprived a number of students of a pass with merit in the examination.
- Question 2 was generally well answered.
- Question 3 was also generally well answered. However, some students concentrated too heavily on existing uses.
- Some students did not adequately distinguish the facts of question 4(a) from the facts in *Goulburn City Council v Haines* (1992) 78 LGERA 281. Question 4(b) was very well answered.
- Question 5 was generally well answered but some students did not properly explain the grounds of a challenge and the risks involved.

I was disappointed that so many students failed question 1 with the consequence of not achieving a pass with merit but warmly congratulate the candidates who achieved distinction and high distinction.

Bill Henningham
Examiner

