

Item 14.5 - Governance Rules (Incorporating the Election Period Policy) - Adoption of Drafts for Consultation

Question from Cr Bond

In regards to part 4.4.4.B 'False or misleading information or particulars' can officers clarify that false or misleading information with penalties is only in relation to Voter enrollers and not campaigners. And those penalties only apply to Voter enrolment and not general campaigner materials?

Response

The Local Government Act 2020 (the Act) includes the following offence (which expands on the wording under the previous Local Government Act 1989).

293 False or misleading information or particulars

(1) A person must not make a statement knowing that it is false or misleading in a material particular in any information provided orally or in writing in relation to voter enrolment ***or in any declaration or application in relation to an election under this Act or the regulations.***

The Victorian Local Government Inspectorate is the integrity agency who receives, assesses and investigates matters and offences related to electoral provisions of the Act.

On the face of it, the legislation appears to apply to declarations and applications beyond those relating to voter enrolment, however, given that Council has no role in the regulation of electoral offences, it is difficult for officers to advise the Inspectorate's interpretation of the above clause.

The VEC's Election Manager will conduct an information session for prospective candidates and provide an Information Kit for candidates and their scrutineers. This information will provide greater clarity around electoral offences to assist candidates in ensuring they understand and can comply with their obligations under the Act.

Additionally, the VEC has a Candidate Services Team who can be contacted on 131 832 for further information.

**Please note: answers to any questions in Public Question Time which were answered at the meeting are included in the minutes of that meeting.*