

## **Future Melbourne Committee**

**Agenda item 7.1**

**1 March 2022**

### **Notice of Motion, Cr Leppert: City of Melbourne electoral review**

#### **Motion**

1. That the Future Melbourne Committee:
  - 1.1. Notes the statement by the Local Government Inspectorate of 22 February 2022 (attachment 1), disclosing that 5 warnings were issued to persons following the 2018 by-election, and 20 warnings were issued to real estate agents following the 2020 general election, for completing ballot papers on behalf of voters, and that the persons in question were found to have misunderstood the electoral laws.
  - 1.2. Notes that parts of the electoral system unique to the City of Melbourne have not been comprehensively reviewed since the commencement of the City of Melbourne Act 2001 and, while no systemic or intentional ballot fraud has been found to date, reasserts that the real and perceived integrity of the electoral system is essential, both in its own right and in order to avoid mistrust in the democratic process and governments elected under that process.
  - 1.3. Notes the resolution of Melbourne City Council of 27 July 2021 (attachment 2), requesting of the Minister for Local Government that he “commence [a review of the City of Melbourne electoral system] in 2022 in order to ensure that reforms are able to be legislated by well in advance of the 2024 Council General elections.”
  - 1.4. Urges the Local Government Minister to respond to this request.

**Mover: Cr Rohan Leppert**

**Seconder: Cr Dr Olivia Ball**

#### **Attachments:**

1. Media release from Local Government Inspectorate, 22 February 2022 (Page 2 of 5)
2. Excerpt of minutes of 27 July 2021 Council meeting (Page 4 of 5)

## Attachment 1

Media release from Local Government Inspectorate, 22 February 2022



## Real estate agents warned after Melbourne election investigation

Twenty real estate agents have been warned after a Local Government Inspectorate investigation into alleged improper submission of ballot papers during the 2020 Melbourne City Council election.

The investigation looked at 216 ballot papers completed by representatives from 21 real estate agencies.

The ballot papers under investigation were detected by Victorian Electoral Commission (VEC) processes and excluded from the ballot count, meaning they did not affect the outcome of an election in which more than 91,000 votes were cast.

Real estate agencies are authorised to manage properties for their owners; however, property owners cannot authorise agents to vote for them under Victorian electoral laws.

Under the Local Government Act, it is an offence to:

- vote in the name of another person
- vote more than once
- interfere with material being sent to a voter by the VEC at an election.

During our investigation, 20 agents from 18 of the agencies admitted completing the ballot papers on behalf of landlords whose properties they manage.

The agencies reported that the property owners generally lived overseas, usually permanently and most commonly in China; had limited English; were not interested in the election and communicated with their agents in Chinese through WeChat. Some owners had authorised their agent verbally or in writing to vote on their behalf.

The agents were unaware that voters absent from Victoria during the 15 days prior to the close of voting are excused from voting.

We could not determine who completed the ballot papers sent to two agencies and a further real estate agent could not be located.

Our 2021 investigation follows our previous investigation of 43 ballot papers submitted by eight real estate agencies in the Melbourne Lord Mayor by-election in 2018 which resulted in five people being given formal warnings.

Chief Municipal Inspector Michael Stefanovic AM said: “Prior to the 2020 elections, the Inspectorate worked with Melbourne City Council to contact real estate agencies and inform them that they could not vote on behalf of an owner.”

“Our investigation did not uncover any systemic or intentional ballot fraud. The issues mainly arose due to these real estate agents not understanding our electoral laws and communication issues with owners that were exacerbated by pandemic restrictions.”

While a prima facie breach of the electoral provisions of the Act was substantiated for 20 individuals, we opted not to pursue prosecution but issued formal warnings.

“The Inspectorate will continue to work with the VEC to communicate to real estate agents about how Victoria’s electoral laws impact them and their clients,” Mr Stefanovic said.

**Media enquiries:**

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For more information on the Local Government Inspectorate and our work, [visit our website](#)

Attachment 2

Excerpt of minutes of 27 July 2021 Council meeting

**6.1 2020 Melbourne City Council Elections: Election Report from VEC**

The purpose of this report was to submit to Council the Election Report (refer Attachment 2) prepared by the Victorian Electoral Commission (VEC), on the October 2020 Melbourne City Council (MCC) Elections.

Cr Louey entered the meeting at 5.54pm.

Moved: Cr Leppert

1. *That Council:*

- 1.1 *Notes the Election Report provided by the Victorian Electoral Commission dated 19 April 2021 for the October 2020 Melbourne City Council Elections.*
- 1.2 *Notes the letter from the Hon Shaun Leane MP, Minister for Local Government, dated 16 September 2020, and the letter from the Hon Gabrielle Williams MP, Minister for Aboriginal Affairs, dated 13 November 2020, and directs that these letters be appended to the minutes of this meeting.*
- 1.3 *Requests the Lord Mayor to write to the Minister for Local Government to thank him for his letter and his consideration of a future program of legislative reform that encompasses donation reform across the whole local government sector as well as a review of the City of Melbourne Act, and to request that reviews on both commence in 2022 to ensure that reforms are able to be legislated by well in advance of the 2024 Council General elections.*

Seconded: Deputy Lord Mayor, Nicholas Reece

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Sally Capp, Deputy Lord Mayor, Nicholas Reece and Councillors Dr Ball, Campbell, Chang, Doidge, Griffiths, Hakim, Le Liu, Leppert and Louey.

(Minister Leane letter dated 16 September 2020 overleaf)



The Hon Shaun Leane MP

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Minister for Suburban Development  
Minister for Veterans

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The Rt Hon Sally Capp  
Lord Mayor  
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Dear Lord Mayor

I refer to your letter of 10 August 2020 regarding the motion, passed by the Council in July, seeking review of the *City of Melbourne Act 2001*.

The review of the City of Melbourne Act is a matter I am considering with regard to a future program of legislative reform. This includes consideration of reforms to address donation reforms in a whole of local government context.

Donation reforms were flagged in the development of the *Local Government Act 2020*. However, the emerging issues highlighted by the IBAC inquiry into allegations of serious corrupt conduct in relation to planning and property development decisions at the City of Casey council (Operation Sandon) meant it was necessary to delay these reforms pending the outcome of this investigation.

In relation to extending the franchise in the City of Melbourne Act to Traditional Custodians, I advise that the Victorian Government is committed to self-determination as the guiding principle in Aboriginal affairs, as set out in the Victorian Aboriginal Affairs Framework 2018-2023. This work will be considered in the development of all future legislation.

I trust this information is of assistance and thank you for taking the time to write to me about this important matter.

Yours sincerely

The Hon Shaun Leane MP  
Minister for Local Government  
Minister for Suburban Development  
Minister for Veterans

Date: 16 / 09 / 2020

