



By-election fact sheet:

Local Government Inspectorate's role in by-elections

The Local Government Inspectorate is the leading integrity agency for Victorian councils.

The Inspectorate's role in by-elections

The Inspectorate works in partnership with other government agencies to ensure a fair and democratic election process.

Our responsibilities prior to and during the election period include:

- Monitoring candidate eligibility
- Providing advice to and monitoring the conduct of councils and candidates
- Receiving and assessing allegations
- Conducting investigations into potential offences under the *Local Government Act 2020*
- Investigating public interest complaints relating to the conduct of Councillors and senior Council officers

The election complaints process

How we receive and assess complaints

When the Inspectorate first receives a complaint, a preliminary assessment is conducted to determine if and when the Inspectorate can deal with it under Division 4 of Part 7 of the Act.

The Inspectorate receives complaints through its online complaints form on its website, via email, post and telephone. The Inspectorate can also be referred complaints from other government bodies or agencies.

The Inspectorate can also start an 'own motion' investigation where it hears about a potential

breach of the Act and investigates without a formal complaint into the specific allegation.

Complaints that the Inspectorate accepts are then assessed to determine the appropriate course of action. The complaint can be investigated, closed or reviewed to see if more work is needed to properly assess it.

Complaint referrals between agencies

The Inspectorate works with other integrity agencies to monitor local government elections and is able to receive or refer complaints to other agencies, including the VEC, the Victorian Ombudsman and IBAC.

If the Inspectorate refers a matter, this is because it falls within the remit of another agency and is more appropriately handled by that body.

Some examples of these matters can be found on the Inspectorate's [Election FAQs website](#).

Public interest disclosures

Public interest disclosures are vital to ensure integrity of the Victorian public service, including councils and fight corruption.

If a complaint shows or tends to show that a councillor or member of council staff has engaged or proposes to engage in improper conduct, this could constitute a public interest disclosure.

The [Public Disclosures Act 2012](#) (PID Act) sets out what a public interest disclosure is, how it must be handled and what protections you have if you report improper conduct and corruption.

More information can be found on the Inspectorate's [public interest disclosures fact sheet](#).

Campaign donation returns

Local government election candidates must provide a record of whether they did or didn't receive any donations, gifts or in-kind support for their election campaign.

The Inspectorate monitors the submission of campaign donation returns (CDR) by candidates in council elections and may prosecute any candidate who fails to comply with the Act.

The Inspectorate cannot receive returns directly from candidates or forward to councils on their behalf.

Under the Act, all candidates in Victorian council elections must submit a return within 40 days of election day.

Candidates must submit this [Election Campaign Donation Return form](#).

Failure to submit a CDR, or providing false or misleading information to a CDR, can result in prosecution and fines of more than \$12,210.60.



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Local Government Inspectorate

Encouraging higher standards of integrity, accountability and transparency in local government

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