

## Report to the Future Melbourne (Finance and Governance) Committee

Agenda item 6.9

### Program of actions for the conduct of the 2016 Melbourne City Council elections

16 February 2016

**Presenter:** Keith Williamson, Manager Governance and Legal

#### Purpose and background

1. The purpose of this report is to inform the Future Melbourne Committee of the proposed program of actions for the conduct of the 2016 Melbourne City Council (MCC) elections, specifically:
  - 1.1. verification and maintenance of the electoral roll
  - 1.2. voting method
  - 1.3. key dates
  - 1.4. key metrics from the 2012 election (turn out, size of roll, information vote etc)
  - 1.5. advertising and information campaigns, including Melbourne News
  - 1.6. role of the Victorian Electoral Commission
  - 1.7. candidate information sessions
  - 1.8. application of the 'caretaker' provisions
  - 1.9. other information which the administration believes to be relevant and of interest to those who intend to participate in the election, whether as a candidate or voter.
2. This report was requested to be presented to the February Council meeting by resolution of Council on 24 November 2015. However, given the statutory timeframe in relation to any change to the previous method of voting (refer paragraphs 16 and 17 of Attachment 2) it is being presented to Committee. Management is not recommending any change to the current voting method which is postal.

#### Key issues

3. As a capital city, the City of Melbourne elections always generate a great deal of interest and are subject to intense scrutiny by the media and various stakeholder groups. It is important that a professional, cost-effective communication plan surrounds the conduct of the elections to ensure a quality outcome for both the Council and the community.
4. Amendments to the *Local Government Act 1989* by the *Local Government Amendment (Improved Governance) Act 2015* establishes the Victorian Electoral Commission as the statutory election service provider to the local government sector and makes a number of other changes that impact on the election program.
5. Key Dates for the 2016 MCC elections are:

<b>Entitlement Date</b> (the date by which those eligible to vote must be on the voters' roll)	4pm on 26 August 2016
<b>Nomination period</b> (period in which candidates can nominate to run in either Leadership Team or Councillor election)	15 September until noon on 20 September 2016
<b>Mail-out of ballot packs to all voters</b>	4 to 6 October 2016
<b>Close of voting</b> (for postal voting)	6pm on 21 October 2016
<b>Election Day</b>	22 October 2016

#### Recommendation from management

6. That the Future Melbourne Committee notes the proposed program of actions, contained in Attachment 2 of the management report, for the conduct of the 2016 Melbourne City Council elections.

#### Attachments:

1. Supporting Attachment (page 2 of 10)
2. Proposed program of actions for the conduct of the 2016 Melbourne City Council elections (page 3 of 10)

**Supporting Attachment**

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**Legal**

1. The *Local Government Act 1989* and *City of Melbourne Act 2001* set out the statutory timetable for the conduct of the Melbourne City Council elections. The preamble to the *Local Government Act* provides that, '*It is necessary to ensure that the Councillors who comprise each Council are democratically elected by persons entitled to vote at municipal elections and that the Council is responsible and accountable to the local community.*' The program of actions detailed in this report is consistent with this.

**Finance**

2. Any costs identified in Attachment 2 to this report will be subject to budget approval.

**Conflict of interest**

3. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.'

**Relation to Council Policy**

4. Council aims to deliver quality services that are responsive to business and community expectations, demonstrably cost-effective and subject to public accountability. Council is committed to delivering equitably and in a way that meets customer needs, minimises costs and recognises Council accountability.

**Stakeholder consultation**

5. No external consultation has been undertaken as the conduct of elections is governed by legislation.

**Environmental sustainability**

6. There is no significant sustainability impact arising from the recommendation in this report.

## Program of actions

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### Who is eligible to vote in Melbourne City Council elections?

1. The three broad categories of people entitled to vote at elections for the Melbourne City Council (MCC) are:
  - 1.1. people who are residents of the municipality
  - 1.2. people who are owners or occupiers of rateable property in the municipality
  - 1.3. people appointed to vote on behalf of corporations that own or occupy rateable property in the municipality.
2. You are **automatically enrolled** on the MCC voters' roll if:
  - 2.1. you are on the Victorian State Electoral Roll for your present address in the City of Melbourne (CoM)
  - 2.2. you own or occupy rateable property in the municipality, but you are not a resident of the municipality and you are the first or second-named person on the Council's property records
  - 2.3. you were appointed in the previous elections as a representative of a corporation and you still hold the position of director or company secretary of the corporation that owns or occupies rateable property.
3. You may **apply to be enrolled** if:
  - 3.1. you are a new owner or business occupier of a rateable property in the CoM
  - 3.2. you own or occupy rateable property in the CoM municipal district and reside in the municipality, but are not on the Victorian State electoral roll (includes non-Australian citizens). If you are a resident occupier you must have been a resident for at least one month
  - 3.3. you are a director or company secretary of a corporation (or member of a governing body or public officer of an incorporated association) that owns or occupies rateable property solely or jointly within the CoM municipality.
4. Only two owners and two occupiers can be enrolled for any one rateable property.
5. MCC elections are unique insofar as, if by entitlement date, a corporation that solely owns or occupies rateable property in the municipality has not validly appointed any representatives, or only validly appointed one representative, the Council's Chief Executive Officer (CEO) is required by law to enrol company officers in accordance with the *City of Melbourne Act 2001*.
6. If by 4pm on entitlement date the corporation has:
  - 6.1. only validly appointed one representative, then the CEO is required by law to enrol as a representative of the corporation, the company secretary of the corporation (to be taken in alphabetical order)
  - 6.2. not validly appointed any representatives, then the CEO is required by law to enrol the first two of the following:
    - 6.2.1. the company secretaries of the corporation (to be taken in alphabetical order)
    - 6.2.2. the directors of the corporation (to be taken in alphabetical order).
7. Unlike other councils, voting is compulsory in both (Leadership Team and Councillors) MCC elections for all persons enrolled on the voters' roll. The fine for not voting in 2012 was \$70.

### Verification and maintenance of the electoral roll

8. The MCC voters' roll is comprised of two parts. The first is the Victorian Electoral Commission (VEC) list (residents enrolled on the Victorian State Electoral Roll). The second is the CEO's List (includes absentee owners, business occupiers and corporation representatives). These two lists are merged to form the MCC voters' roll.

9. The voters' roll is produced at a point in time and the municipality is a dynamic one, with many people moving in and out (both residential and commercial occupants). There is also the challenge of relying on data provided by other sources which may be several months out of date. However, CoM takes a number of measures to ensure it has accurate and up to date data for producing the voters' roll.
10. To prepare the CEO's List, CoM conducts a census of all businesses in the municipality every two years (done progressively over the two year period).
11. Beginning around March of each election year, staff re-survey businesses in the following areas to ensure CoM has the most up to date information for compiling the voters' roll:
  - 11.1. CBD
  - 11.2. Docklands
  - 11.3. Southbank
  - 11.4. St Kilda Road.

This process usually takes about three months.

12. Using the property owner/occupier information, data from the VEC and Australian Securities and Investments Commission, a preliminary voters' roll is compiled to facilitate a number of staged CoM voter mail outs. Every person on the preliminary voters' roll is then contacted, via letter, by CoM. Letters are tailored to the voter type/category. CoM also writes to residential properties where there are no known VEC enrolled voters, to notify them of the election, eligibility criteria and requirements for enrolling. This goes above and beyond what is required by the legislation.
13. Below is a table showing the number of letters sent to the varying voter categories in 2012:

Letter type	Number sent	Date sent	Returned to sender
ASIC registered corporations	16,301	22 June 2012	482
Residential properties without a VEC voter	26,109	27 June 2012	1057
VEC Voters	41,878	4 July 2012	2283
Incorporated associations	347	6 July 2012	See corporations, above
Joint companies	584	11 July 2012	See corporations, above
Absentee owners and business occupiers	44,799	9 July 2012	748
City of Melbourne silent voter reapplications	16	19 July 2012	0
Company owned residential properties without a VEC voter	329	3 August 2012	See corporations, above
Company confirmation of deemed representatives	9154	21 September 2012	370
Corporate representative confirmation	13603	21 September 2012	221

14. In addition to the VEC telephone enquiry service, CoM runs its own dedicated helpline which comprises six people. These individuals are responsible for re-surveying the businesses in the areas identified above, updating voter details, reviewing and processing voter forms, data entry, answering election telephone queries and responding to written correspondence. The number of incoming phone calls in 2012 was 8844 and outgoing was 1016 (over 22 weeks).
15. Recent changes to legislation have meant that there is no longer a requirement for Councils to print an exhibition roll and make it available for inspection for a period of five days before entitlement date. However, CoM will continue to make the *Online Voter Confirmation* technology available so that voters can check their enrolment details online. This initiative aims to make checking the voters' roll more convenient for voters and to increase the accuracy of the roll.

### Voting method

16. Pursuant to section 41A(2A) of the *Local Government Act 1989* (LGA), voting at a general election must be conducted by the same means, whether attendance or postal, as the previous general election was conducted, unless the Council has decided at least eight months before election day to change the means of conducting the voting. As the 2012 MCC elections were conducted by postal voting, the method of voting for the 2016 MCC elections will be via postal voting unless Council resolves otherwise.
17. Management supports the retention of postal voting for the 2016 MCC elections given the higher voter participation rates of postal elections and the continuing trend of the corporate and absentee property owner components making up the majority of the MCC electoral roll.

### Key dates

18. Key dates for the 2016 MCC postal elections are presented below.

Action	Period
<b>Public notice of Entitlement Date published</b> (notification of elections, eligibility criteria, how to enrol and by when, how to check your enrolment and who to contact with queries)	Between 3 to 9 August 2016
<b>Entitlement Date</b> (the date by which those eligible to vote must be on the voters' roll)	4pm on 26 August 2016
<b>Publication of Election Notice</b> (notification of election, when ballot papers will be mailed, options if you are going away, how to nominate as a candidate, candidate information session dates and times, election office details)	Between 29 August and 3 September
<b>Election Office opens to public</b> (Town Hall Administration Building)	14 September 2016
<b>Certification of voters' roll and opening of candidate nominations</b>	15 September 2016
<b>Nomination Day</b> (candidate nominations close at noon on this day)	20 September 2016
<b>Caretaker Period begins</b>	21 September 2016
<b>Mail out of ballot packs</b> (over three days)	4 to 6 October 2016
<b>Close of voting</b> (ballot papers must be received by the Returning Officer by no later than 6pm on 21 October 2016 to be counted)	6pm on 21 October 2016
<b>Election Day</b> (Caretaker Period ends 6pm)	22 October 2016

19. Based on the 2008 and 2012 elections, and in the absence of any further legislative change, it is anticipated the results will be declared on the Tuesday following Election Day. However, this is dependent on any recounts.

### Key metrics from the 2012 election (turn out, size of roll, information vote etc)

20. The 2012 MCC electoral roll comprised the following voter categories in the following proportions:

Business Occupiers	Corporate Representatives	Absentee Property Owners	Residents	TOTAL
3938	19,799	40,908	43,789	108,434
3.6%	18.2%	37.7%	40.3%	100%

21. Of the 108,434 enrolled voters:

90,897 had Victorian mailing addresses (where ballot papers were mailed)
10,915 had interstate mailing addresses (where ballot papers were mailed)
6622 had overseas mailing addresses (where ballot papers were mailed)

22. The breakdown for the CoM component of the roll (CEO list):

State	No. of voters
VIC	47,546 (non-CoM residents)
ACT	644
NSW	5706
NT	125
QLD	1284
SA	731
TAS	409
WA	1934
Overseas	6362

23. The breakdown for the VEC component of the roll (VEC list):

State	No. of voters
VIC	43,351 (CoM residents)
Interstate	82
Overseas	260

24. The participation rate (total number of votes received as a percentage of the total enrolment) was 59.94 per cent for the Leadership Team and 60.01 per cent for the Councillors.

25. The informal voting rate was 4.35 per cent for the Leadership Team and 2.16 per cent for the Councillors.

### **Advertising and information campaigns, including Melbourne News**

26. The primary communication objectives for the 2016 MCC elections are identified as:

26.1. maximising informed voter participation

26.2. maximising the accuracy of the voters' roll

26.3. informing potential candidates

26.4. informing CoM staff in regard to the Election Period Policy (Caretaker Policy).

27. The VEC's electoral service provided a communications campaign, comprising:
  - 27.1. a Statewide component, which will promote enrolment and voting
  - 27.2. MCC Council specific statutory advertisements in various local and Melbourne wide newspapers
  - 27.3. voting reminder advertisement
  - 27.4. multi-language ballot pack leaflet and Telephone Interpreting Service
  - 27.5. communication to blind and vision-impaired voters (in liaison with Vision Australia and Blind Citizens) to make them aware they can register for braille or large print ballot material
  - 27.6. housing posters (for housing commission areas)
  - 27.7. various media relations services and website services.
28. At its meeting on 5 March 2013, the Future Melbourne Committee resolved that management account for the following when negotiating with the VEC to conduct the next MCC general election:
  - 28.1. CoM has the youngest and most transient population in the state and Council should be targeting this community directly through other methods
  - 28.2. is of the opinion that 'notices of election' and 'voting details advertisements' must, in future, have a much stronger presence in non-traditional media
  - 28.3. notes with concern that 4335 ballot paper envelopes were returned in the week following the election and that approximately 40 per cent of voters did not return ballot papers in both elections.
29. Strategies for addressing paragraphs 28.1 and 28.2 above are addressed later in this paper.
30. Under the provisions of the LGA, ballot papers received by the Returning Officer after 6pm on the day before Election Day are not admitted to the count. As part of the CoM Administration's submission on the *Local Government Act 1989 Review*, dated 17 December 2015, the issue regarding the number of ballot paper envelopes returned in the week following the 2012 elections was highlighted. CoM suggested that consideration be given to extending the period for ballot paper returns to mirror say, State Government elections, where postal ballot paper returns are received (and counted) up until nine days after the close of voting.

#### **City of Melbourne Communication Strategy**

31. Given the highly mobile resident base and the ongoing turnover of business in the municipality it is critical that the electoral roll be as up to date as possible prior to the election. In order to achieve this extra effort must be focussed on building awareness of the need to enrol and the process for doing so.
32. Maximising voter participation requires ensuring that voters are well informed about the electoral process and about their obligations. Account needs to be taken of the different types of voters.
33. While the information needs in relation to the enrolment and voting processes are common to all voters, the different franchise arrangements often necessitate messages that are tailored to inform all voter types. For example, residents are automatically enrolled if they are on the VEC electoral roll, whereas company representatives are appointed or deemed to be appointed.
34. Communication activities must ensure accurate and timely information is provided to prospective candidates.
35. Ensuring an awareness of the elections and an understanding of the voting process will be critical to maximising voter participation in the elections. While media coverage will achieve this to some extent, it is proposed that a range of other communication tools be used to enhance the awareness of the election.
36. The strategic approach for the 2016 elections will be to utilise CoM's corporate channels along with a mix of social media, online and radio campaigns, and direct targeting via CoM's community facilities and networks.

37. The proposed communication tools include:
- 37.1. setting up an elections helpline with a dedicated telephone number to deal with voter enquiries etc
  - 37.2. direct mail-out of tailored letters to those voters identified as being eligible to vote
  - 37.3. targeted media releases
  - 37.4. CoM website (with obvious messaging on home page and 2016 Elections tile). Will also include hyperlinks to VEC and other relevant websites
  - 37.5. *Online Voter Confirmation* tool to allow voters to validate their enrolment details online
  - 37.6. use of publications such as Melbourne Magazine and CoM Corporate Ad to disseminate election information/updates/statutory notices
  - 37.7. use of corporate Facebook and Twitter to message election information/updates/statutory notices
  - 37.8. Facebook/Google search campaign, specifically targeted at demographic of CoM's choice (estimated minimum cost \$1500 plus design per month)
  - 37.9. banner ads on The Age and Herald Sun web sites (estimated minimum cost \$5000 plus design per site)
  - 37.10. a message to be included in all CoM Rates Notices (which will be disseminated in August 2016)
  - 37.11. pre-recorded radio messages on Triple R, Koori News, PBR (community announcements) and other multi-lingual services to provide information for groups with limited access to mainstream sources of information (in consultation with the Multicultural Hub). Also A3 posters for display in community hubs, libraries, recreation centres, customer service and maternal and child health care centres
  - 37.12. utilise established relationships with Universities and Student Associations, to disseminate information about voter eligibility, key dates etc
  - 37.13. pre-recorded radio spots on popular stations (eg Fox FM, Kiss FM, 3AW, Nova, Triple M) to try and encourage voters to return their ballots before 6pm on Friday 21 October 2016, consideration is being given to pre-recorded radio messages for the month leading up, to remind people to return their ballots, where they can return them if late and drive the message voting is compulsory for MCC elections
  - 37.14. pre-recorded 'on-hold' messages on CoM Customer Relations contact number
  - 37.15. prospective candidate information session and candidate information sessions. CoM will also facilitate (in partnership with peak bodies) activities and initiatives focussing on increasing participation by women in council elections
  - 37.16. general and targeted communications for staff regarding caretaker provisions and the elections generally (via CoM News, Yammer, All-Staff messages, face to face sessions/lunchbox sessions).
38. The tools listed above are not intended to be an exhaustive list. It is anticipated that the communication campaign will be a fluid strategy that can be tailored to ensure it achieves its stated aims.
39. Work in relation to the implementation of the communications strategy has already been undertaken and areas responsible for ensuring the delivery of the communications strategy have been identified. These areas will also work closely with the VEC as the provider of for the elections to ensure a quality outcome.
40. Details of the costings for individual aspects of the communication strategy referred to above are not yet available but will be subject to budget approval.



## **Role of the Victorian Electoral Commission**

41. Given the recent legislative changes the VEC will be the statutory provider for all council elections. The result of this change is that there is no longer any requirement to either tender for the conduct of the elections or to enter into a contract with the VEC. The VEC will charge Council its reasonable costs for all aspects of running its elections (which includes its costs in enforcing non-voting). The VEC will be required to pass all non-voting payments (including fines and court charges) received back to Council.

## **Candidate information sessions**

42. It is proposed to hold the same number and type of information sessions (at similar times) for the 2016 elections, as were held in 2012. These included:
  - 42.1. an information session for prospective candidates held on Wednesday 22 August 2012. This was run by CoM, in partnership with the Victorian Local Governance Association (VLGA).
  - 42.2. two candidate information sessions (run by the Returning Officer) in the Melbourne Town Hall Administration Building on:
    - 42.2.1. Monday 17 September 2012 at 7pm
    - 42.2.2. Wednesday 19 September 2012 at 12.30pm.
43. Further, as part of the communication program aimed at providing information for prospective candidates, the CoM will facilitate (in partnership with peak bodies) activities and initiatives focussing on increasing participation by women in council elections. This will include:
  - 43.1. Hosting information session/s at CoM venues.
  - 43.2. Participation by CoM representatives (Councillors and council officers) in:
    - 43.2.1. information session program content
    - 43.2.2. online and social media information sharing and engagement activities aimed at reaching a wide segment of the community
    - 43.2.3. mentoring support activities offered through peak bodies.
44. The focus of these activities will be on the experience, challenges and support for those holding the office of Councillor.

## **Application of the 'caretaker' provisions**

45. During an election period local government goes into 'caretaker' mode and is prevented from making 'inappropriate' decisions that would affect voting at an election or decisions that may unreasonably bind an incoming council and could reasonably be deferred until after the election. Every council must have an Election Period Policy (Caretaker Policy) to explain how they will conduct its business during the election period.
46. The LGA provides that the election period commences on the last day on which nominations for that election can be received and ends at 6pm on Election Day. For the 2016 elections, caretaker provisions will apply from 21 September 2016 until 6pm on 22 October 2016, inclusive.
47. The LGA specifically prohibits Council from publishing or distributing electoral matter during the election period and making defined major policy decisions. These statutory requirements are minimum governance standards only.
48. In addition to providing guidance at an operational level to ensure compliance with those minimum standards, the Election Period Policy (Caretaker Policy) builds on the minimum statutory standards to enhance the transparency and accountability of the Council, Councillors and Council staff during the election period. For example, the policy expands on the list of matters the Council will treat as major policy decisions and provides a process for dealing with them.
49. The Election Period Policy is being presented to Council on 23 February 2016 for adoption.

50. As per the approach taken in 2012, fact sheets will be prepared for those areas within Council significantly impacted by the 'caretaker' provisions, specifically:
  - 50.1.1. Corporate Affairs and Strategic Marketing
  - 50.1.2. Customer Relations
  - 50.1.3. Engineering Services, Property Services and Planning and Building
  - 50.1.4. Events Melbourne, International and Civic Services and Business and Tourism
  - 50.1.5. People and Culture
  - 50.1.6. Libraries
51. All-Staff communications will also be disseminated at key points throughout the process.
52. Advice relating to 'caretaker' provisions will be provided by Council's Governance and Legal branch.

### **Other information**

#### Election office

53. The area on the Ground Floor, Town Hall Administration Building (currently occupied by City Lab) has been reserved for use as the Election Office. This will be occupied by the VEC from 1 August 2016 until 30 November 2016.
54. The old Met Shop has also been secured for the period Monday 19 September 2016 to Friday 28 October 2016. Having this extra room is advantageous for a number of reasons, specifically:
  - 54.1. visibility and easy access for members of the public
  - 54.2. area has its own street access which means there will be no impact on the Town Hall Admin Building (previously had to have security stay longer), when the elections office is required to stay open longer than TH
  - 54.3. provides more room for mail processing (VEC found it cramped last election)
  - 54.4. will separate mail processing from general election enquiries (can get quite noisy with both functions going on in the same area).