

# Election fact sheet:

## Frequently Asked Questions: Election complaints

The Local Government Inspectorate (LGI) is the dedicated integrity agency for all local councils across Victoria.

The below Frequently Asked Questions will help you if you are considering an election-related complaint to the LGI.

### Does LGI handle all election-related complaints?

LGI is responsible for receiving, assessing and where appropriate, investigating matters and offences under the electoral provisions of the Local Government Act 2020 (the Act). Complaints about the election's administration should be directed to the Victorian Electoral Commission (VEC).

Complaints about the following matters should be directed to the VEC:

- **Enrolment to vote process**
- **Concerns around postal vote process**
- **Election staff behaviour**
- **Voting process (including being on voters' roll)**
- **Sending, receiving or redirected a postal vote**
- **Counting votes and election results**
- **Failing to vote**
- **Information privacy and handling of personal information**

Complaints about the following matters should be directed to LGI:

- **Misleading or deceptive electoral matter**
- **Unauthorised election materials**
- **Nomination of unqualified candidate**
- **Bribery**
- **A current Councillor improperly using their position or Council resources for their election campaign**

Please refer to [page 39 of the VEC Candidate Handbook](#) for information around **election signage** requirements and complaints.

Complaints relating to the **theft, defacing or vandalism** of election signage must be directed to your local Police station.

### How do I make a complaint?

Complaints can be lodged via the [election complaint form](#). Before completing this form, please check that your complaint falls under LGI's remit.

### Can I make a complaint to LGI over the phone instead of online?

Due to the anticipated high volume of complaints and limited resources during this period, it is strongly advised to submit your complaint online. Please note that you are likely to get a more efficient response if you submit your complaint through this form. This is because using the online form allows you to provide supporting documents and information with your allegation, so it is easier for LGI to review your complaint. LGI can receive complaints by phone Monday to Friday, 9am to 5pm.

### Does LGI prioritise online complaints over telephone complaints?

LGI prioritises complaints based on the issue and nature of the complaint. The method of contact that a complainant has used has no bearing on the triage of complaints. LGI recommends submitting complaints through the online form as it may get you a more efficient response, as outlined above.

### Why do I have to fill out an online form, can't I just talk to someone directly?

Submitting your complaint through the online form is the quickest way to lodge a complaint

as it will go directly into LGI's system. Lodging your complaint online may get you a more efficient response during the election period when LGI anticipated a higher volume of complaints.

### **Why am I having trouble reaching the LGI via phone?**

Sometimes you will not be able to get through to the phone to speak with an LGI staff member as they are taking other calls or triaging complaints. If this happens, you can [request a callback](#).

### **What sort of information do I need to make a complaint?**

Supporting information (such as documents, emails and images) plays an important role in substantiating an allegation. When including information in your complaint submission, each piece of information should be uploaded individually as separate files.

### **How do I submit documentation with my complaint?**

Information in the form of documents, emails, photographs, images etc should be uploaded **as individual files** and not grouped all together. Each piece of information should be uploaded one at a time.

### **Who will handle my complaint?**

LGI's complaints and enquiries staff receive and triage complaints. If your complaint is one which falls into LGI's investigative remit, it will be allocated to an investigator when one becomes available.

### **How long will it take to get a response?**

LGI aims to acknowledge receipt of complaints within **ten working days**.

### **How long will it take for the complaint to be investigated?**

Due to the high volume of complaints that will be received during the election period and the

available resources, no timeline for the finalization of your complaint can be provided to you.

### **When will I be notified about the outcome of my complaint?**

If your complaint is one which falls into LGI's investigative remit, you will be notified about the outcome of your complaint when the matter has been fully investigated by an investigator and a determination made.

### **Can I make a public interest disclosure?**

A public interest disclosure can only be made about a public officer. A public officer refers to a Councillor or a Council employee but does not include a candidate who is not an incumbent Councillor.

### **What avenues are available to me, if I believe I have been defamed?**

Defamation means *causing serious harm to a person's reputation by publishing material about them that changes the way people feel about them*. While there have been claims in previous local government elections that defamatory material has been printed, published or distributed (see for example *Mulholland & Anor v Langdon* [2022] VCC 1848), as defamation is a private, civil matter **it is not within the jurisdiction of the Local Government Inspectorate**. A person who believes they have been defamed can seek independent legal advice regarding the options available to them.



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#### **Local Government Inspectorate**

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