

Management report to Council

Agenda item 6.12

Online register of election campaign donations

Council

Presenter: Keith Williamson, Manager Governance and Legal

30 August 2016

Purpose and background

1. The purpose of this report is to inform Council of attempts to seek an independent body to host an online register of election campaign donations related to the council elections in October 2016.
2. At its meeting on 19 April 2016 Councils Future Melbourne Committee resolved (see Attachment 1) its intent to have an online register of campaign finance information related to the 2016 council elections.
3. The provisions of the *Local Government Act 1989* (Act) relating to electoral matter are such that during the election period (21 September to 22 October inclusive) Council would be prohibited from or causing such a register to be published.
4. Following external legal advice that there is no mechanism in the Act for the Minister to exempt a council from compliance with the Act, the University of Melbourne (UoM) was approached to determine whether there was any appetite on its part to host such a register. Following that, the Municipal Association of Victoria (MAV) was also approached.
5. The UoM indicated that a potential cost (\$50,000 plus) would be required from Council for the concept to be realised and the MAV Board, whilst strongly endorsing the proposal to increase electoral transparency, was not in a position to ensure the initiative was properly designed and resourced within the election timeframe. The MAV proposed that the initiative would be included in the draft Local Government Review submission to be circulated to MAV members and believed the most appropriate entity to publish such a register would be the Victorian Electoral Commission (VEC).
6. Both the UoM and the MAV raised concerns around the security aspects and protocols for authenticating the source of such voluntary information.
7. Since then, both the Victorian Local Governance Association (VLGA) and the VEC have been written to by the Acting CEO to ascertain their willingness to support Council's intent to establish an online register of election campaign donations.
8. The VEC has advised that it does not wish to host such a non statutory register and also expressed concerns about authenticating information for such a proposal.
9. At the time of preparing this report no response had been received from the VLGA.

Key issues

10. There is no budget allocation for the proposal and without a third party willing to host such an online register Council is not able to progress the concept.

Recommendation from management

11. That Council notes the efforts in trying to gain interest from an independent third party to host an online register of election campaign donations during and immediately following the election period.

Attachments:

1. Supporting Attachment (page 2 of 2)

Supporting Attachment

Legal

1. At its meeting on 19 April 2016 the Future Melbourne Committee resolved that:
 - 1.1. *Council assists with the establishment of an online register of campaign finance information related to the 2016 council elections which:*
 - 1.1.1. *Is first published immediately after nominations for elections have been announced by the VEC and then is removed from the public website after a council report on all the information declared is noted at the November 29, 2016 council meeting;*
 - 1.1.2. *Is acknowledged at the outset represents a voluntary disclosure tool which candidates are encouraged, but not legally bound, to follow;*
 - 1.1.3. *Publishes voluntarily supplied information from candidates for election to the City of Melbourne (both leadership teams and council tickets) related to any cash or in-kind campaign donations equal to or above \$500 received between April 19, 2016 and Friday, November 18, 2016;*
 - 1.1.4. *Updates the information on the register in batches based on information supplied by candidates as at October 3, October 14 and November 11, 2016;*
 - 1.1.5. *In each batch of updates, candidates are encouraged to include an additional figure for the total value of contributions below the \$500 threshold.*
 - 1.1.6. *Discloses the value and nature of any campaign self-funding provided by individual candidates to their leadership or council tickets.*
 - 1.2. *Requests the CEO write to the Local Government Minister seeking permission to publish the register on council's website or, failing that, write to an independent body (such as the MAV or VLGA) to secure their support in hosting the register in order to comply with council's election period policy and relevant state legislation.*
 - 1.3. *Officers are to prepare a report for the August council meeting outlining the publishing format and template proposed, along with a communications plan for candidates and the proposed host organisation for the public register.*
2. Following the meeting, legal advice was sought as to how effect could be given to the Future Melbourne Committee's resolution given the legal constraints.
3. Section 55D of the Act provides that Council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any electoral matter.
4. The report accurately reflects the legal advice.

Finance

5. There is no budget allocation for an online register of campaign donations.

Conflict of interest

6. 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.

Stakeholder consultation

7. The UoM, MAV, VLGA and the VEC have all been contacted in relation to the proposed online register.

Environmental sustainability

8. Environmental sustainability issues or opportunities are considered not relevant to this proposal.