



## **Caretaker Period Arrangements Submission – February 2013**

At an LGPro CEO Forum in October 2012, immediately before the Local Government elections, it was agreed that the CEOs' experience of the Caretaker Period requirements be compiled with a view to providing feedback to the Minister for Local Government.

### **Summary of CEO Feedback**

The feedback from the CEOs can be categorised into three key areas. Their concerns and suggestions are outlined below.

#### **1) Caretaker Period Policies – need for consistency**

After many Councils had developed their Caretaker Period policies, the Local Government Investigations and Compliance Inspectorate (LGICI) requested that Councils provide them with their policies. Following their review, the LGICI advised most Councils that their policies were inadequate and provided examples of what they felt constituted 'model' or best practice caretaker policies. As a result of this advice, a number of Councils rewrote their policies.

Not all Councils adopted the 'model' policy, or even if they did implementation varied significantly between Councils. This created considerable dissatisfaction among Councillors who observed their neighbouring Councillor colleagues operating under quite different requirements.

This lack of consistency and resultant dissatisfaction could be avoided through the development and publication of a clear standard caretaker policy, set, adopted and practiced to ensure good governance practices are not undermined or undervalued. This should be distributed to all Councils well ahead of time to minimise the risk of Councils developing policies they will then need to rewrite.

#### **2) Appreciation of limitations during the Caretaker Period**

State agencies seemed not to understand the requirements or intent of the Caretaker Period for Local Government, and in some instances Council staff felt pressure from State agencies to set aside caretaker provisions to enable significant contracts to be processed or to have councillors attend events, including promotional events, or meetings in their official capacity.

It is recommended that State agencies that regularly interact with Local Government be advised through the Minister's office of the Caretaker Period requirements so that their understanding and appreciation of the challenges and limitations of the period are understood.

### **3) Definition of electoral matter and authorisation processes**

Determining what constitutes 'electoral matter' was at times difficult and the requirement for the CEO to sign off on all certifications without the ability to delegate proved to be both onerous and impractical.

The lack of clarity in definition of what constitutes electoral matter resulted in delays in communicating operational matters that affected the community for fear that they would be construed as electoral matter. Statutory publications such as Annual Reports were also affected as the timing of their publication in most Councils coincided with the Caretaker Period restrictions. As Councils applied different risk considerations to the inclusion of material the outcome varied greatly across the State.

The ongoing requirements of section 55 that require Councils to authorise any electoral advertisement, handbill, pamphlet or notice outside of the election period presents significant relationship management issues for officers with their Councillors.

#### **Summary of Recommendations**

1. There needs to be a clear standard of caretaker policy provisions set, adopted and practiced to ensure good governance practices are not undermined or undervalued. This must be distributed to all Councils well ahead of time to minimise the risk of Councils developing policies they will then need to rewrite. That State agencies which regularly interact with Local Government be advised through the Minister's office of the Caretaker Period requirements.
2. A clearer definition of electoral material needs to be developed with the direct input of a Local Government advisory group.
3. Consideration should be given to enabling the CEO to delegate power for the authorisation of material for publication to another appropriate senior officer to support practical implementation.
4. That the ongoing requirements of section 55 which requires Council to authorise any electoral advertisement, handbill, pamphlet or notice outside of the election period be removed.