



Wellington Regional Council
30 APR 2007

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26 April 2007

David Benham
Chief Executive
Greater Wellington - The Regional Council
PO Box 11-646
Wellington

Kevin Brady

Dear Mr Benham

ANNUAL REPORTS AND SUMMARIES IN AN ELECTION YEAR

As you know, the 2007 local authority elections are due to be held on 13 October 2007. I write to remind you that it is important to take care, in preparing and publishing your annual reports and summaries in 2007, to ensure that these documents do not give an electoral advantage to existing members during the pre-election period.

We have received several questions from councils recently about the timing of publication of annual reports and summary annual reports this year given the election date of 13 October. We are also beginning to get questions from council communication officers about the content of other material intended to be published in the pre-election period (the three month period before the elections).

I have included a brief article on the topic in our forthcoming report to Parliament on local government matters, due to be published in June, but thought it would be useful to communicate directly with the sector on this issue before June. I outline the content of that article below.

Local Government Act 2002

The Local Government Act 2002 (the 2002 Act) changed the timing for the annual report, by requiring it to be audited and adopted by 31 October at the latest, and introduced a new requirement for each local authority to prepare a summary of its annual report. The annual report and summary must be made publicly available within one month of the adoption of the annual report – that is, by the end of November at the latest.

The summary must represent, fairly and consistently, the major matters dealt with in the annual report. We are required to audit the summary for compliance with this requirement, and the published summary must contain our audit report.

The summary annual report is a particularly important document. Many members of the community would look at the summary but not necessarily the full annual report.

Good Practice for Managing Public Communications by Local Authorities

Local authorities need to be particularly careful about the content of their annual reports and summaries in a local government election year.

In 2004, I published a report on good practice principles for public communications by local authorities. The report notes that it is not possible or practicable to curtail all communications during the pre-election period, and that routine council business must continue.

The principles, discussed in the report as relevant in a pre-election period, are that:

- a council should not promote, nor be perceived to promote, the re-election prospects of sitting members in a council-funded publication (such as a summary annual report);
- care should be exercised in the use of council resources for communications that are presented in such a way that they raise, or could have the effect of raising, a member's personal profile in the community; and
- a council's communications policy should recognise the risk that communications about members, in their capacities as spokespersons for the council, during a pre-election period could result in the member achieving an electoral advantage at ratepayers' expense.

The report states that, in particular, photos or information that may raise the profile of a sitting member in the electorate should not be used during the pre-election period.

The report is called *Good Practice for Managing Public Communications by Local Authorities*. We have recently reviewed it and concluded that the principles and advice in it are still accurate and appropriate. Your organisation will almost certainly have copies of it already, and we encourage you to draw it to the attention of relevant staff and elected representatives. To view the full report, please visit our website at <http://www.oag.govt.nz/2004/public-communications/>. We have a small number of hard copies of the report left, but do not intend to reprint it.

Previous complaint

In 2004, we received complaints about the content of a local authority's summary annual report that was published and distributed in the period before the 2004 local authority elections.¹

The council had published its annual report summary within one month of adopting its annual report. This timing coincided with the run-up to the 2004 local authority elections, and led to some concerns in the community and from candidates who were not sitting councillors that the summary was being used as a council-funded advertising opportunity for sitting councillors who were standing for re-election. The summary included several photos of existing councillors.

The 2007 Elections

This issue will require careful management by councils during the pre-election period for the 2007 elections. Councils must ensure that a summary is a fair representation of the major matters in the annual report, and is set out impartially without providing a platform for political promotion. Councils must also ensure that

¹ The council concerned had adopted an LTCCP in 2003, and was therefore required to prepare a summary annual report under the 2002 Act.

material in the annual report doesn't have the effect of promoting or favouring existing councillors who are candidates for re-election.

The issue will arise particularly for those councils that adopt their annual reports early and that must publish a summary within one month of adoption. Several councils tend to adopt their annual reports well before the statutory deadline each year. The incentive to do so may be stronger in an election year.

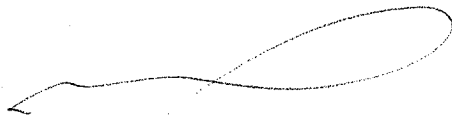
For councils that adopt their annual reports nearer the statutory deadline of the end of October, the annual report and summary could be published in November, after the elections, and the issue avoided.

Action

In the interests of awareness about this issue I ask that you table this letter at a Council meeting, and remind all those involved in preparing published material over the coming months about the importance of considering the principles and advice set out in our 2004 report on these issues.

Thank you for your assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kevin Brady', with a large, sweeping loop at the end.

Kevin Brady

Copy Eugene Bowen, LGNZ
David Smith, SOLGM