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# Premier could care a bit more

By Scott Prasser

Posted Tuesday, 7 February 2012

Premier Bligh's announcement on 25 January that the Queensland election will be on 24 March, but that she will not go to the Governor to ask formally for the dissolution of parliament till 19 February makes a highly controversial start to what will be the most hard fought election campaign for over 20 years.

The Premier's decision means that that the usual 'caretaker' period conventions – the rules that limit incumbent government actions during an election campaign – will not start till 19 February when she at last visits the Governor to dissolve parliament.

This is unprecedented in Australian politics. Normally, a premier visits the governor to seek approval for calling an election, sets the date and formally dissolves parliament at the same time. Once the election date is announced, the government goes into 'caretaker' mode.

All governments in Australia use 'Caretaker' provisions. This is so an incumbent government does not make decisions during an election campaign that are binding on its successor, politically motivated in relation to senior appointments, or give it a partisan advantage through the use of taxpayer funds.

The Queensland caretaker guidelines require a government "to avoid making major policy initiatives, making appointments of significance or entering into major contracts or undertakings" and call for government advertising to "be suspended or curtailed." Public servants are also urged to "avoid partisanship" and provide only routine administrative support to ministers.

The issue is that the guidelines only swing into action "with the dissolution of the Legislative Assembly." The guidelines foresee the possibility of a gap between announcing the election date and dissolving parliament and state that "care should be exercised in the period between the announcement of the election and dissolution of the Legislative Assembly." This is exactly the situation we now have in Queensland.

By not asking the Governor to dissolve parliament for another three weeks, the Premier is acting within the letter of the guidelines and has not broken any law. Indeed, the guidelines "have no formal legal standing" and it is "ultimately the responsibility of the Premier" to ensure their adherence.

But there is no good reason for Premier Bligh not to have invoked caretaker arrangements last week when she announced the election. Her argument is that it is not "in the interests of Queensland to be in caretaker (mode) for almost ten weeks. The state still has to run. The government still has to make decisions. There's a lot of things...happening, all those decisions, people's contracts...It is important that we move full steam ahead...as normal."

These reasons do not wash. With the date now firmly fixed, Queensland is conspicuously in election mode. "Government as normal" is no more than a pretence.

The argument that 60 days is too long for a caretaker period is questionable. As weary voters will attest, many election campaigns in Australia go for long periods. The 2004 federal election campaign lasted 39 days and caretaker periods extend even further when minority governments are formed. Long periods are clearly manageable.

Nor is the argument that important work still has to be done convincing. After all, Labor governments have been in power in Queensland for almost 23 years. Bligh herself has been premier since 2007 and is currently the longest serving head of government in Australia. What's left to be done by 19 February? As the timing of the election is decided by the Premier, surely she would have appropriately scheduled the government's important decisions and not left them to election eve?

By postponing caretaker arrangements, the government has placed public servants in an unenviable position, with

potential legal consequences. They have to follow government orders as if there were no election, but they are in a clear election campaign environment.

The government's timetabling has the air of political trickery.

That parliament is going to reassemble, at considerable expense, for three days in mid-February for no apparent reason only adds to public scepticism about the Premier's motives.

Recalling parliament is an odd decision, given that parliamentary sittings under Labor have been infrequent, that no urgent legislation is listed for debate and that the Flood Commission report will not have been released. Perhaps it is intended to give substance to the illusion that parliament is still active, that it is government as usual and that Queensland is not in election mode. Or perhaps it is an opportunity to attack the Opposition and its leader, Campbell Newman, under parliamentary privilege.

The Queensland Governor, who has an important role in ensuring integrity in government, has been placed in an invidious position by the Premier's actions. It would be advisable to request advice from the Solicitor-General on the delay in instituting 'caretaker' arrangements and to seek an authoritative interpretation of the caretaker guidelines in the light of Westminster practice.

The LNP Opposition might consider formally requesting the Premier to invoke the caretaker arrangements immediately. It would be open to the Opposition, if it wins government, not to honour decisions, appointments, contracts or spending announcements made from the date of the election announcement. All department heads should be alert too to the need for public service impartiality during what is in effect an election campaign

Tiernan and Menzies in their monograph on caretaker arrangements across Australia highlight problems about adherence to caretaker provisions by the Goss and Beattie governments in Queensland and the Howard government in Canberra.

It is clear from Premier Bligh's action in delaying the caretaker period that the footprint of the Fitzgerald Report, with its extensive findings on corruption and propriety in government and ministerial behaviour, has indeed been very light in Queensland.

If Premier Bligh wanted to demonstrate integrity in government and show real leadership, she should reconsider her decision on the caretaker arrangements and forget about recalling parliament. She could then get on with her re-election campaign where she is likely to do better than many expect.

This article appeared in *The Australian* on 2 February 2012.

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