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MS24-001066

Signature Due Date: 9/12/2024

GUIDANCE ON CARETAKER CONVENTIONS**Prime Minister, we recommend you:**

1. Note the updated Guidance on Caretaker Conventions (the Guidance) for publication on the Department of the Prime Minister and Cabinet (PM&C) website.
2. Note, to support the consistent application of Pre-Election Consultation with the Opposition Guidelines, the Secretary will write to Secretaries Board members outlining their responsibilities under the guidelines.

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KEY POINTS

1. PM&C updates the Guidance before each general election to account for any changes to relevant legislation, policy and practice.
 - a. The Guidance was last updated on 10 December 2021, ahead of the 2022 general election.
2. The Guidance has been observed since 1951. The key principles are that during the period between the dissolution of the House of Representatives and the outcome of the election, the Government avoids:
 - a. making significant policy decisions that would commit an incoming Government
 - b. making significant appointments
 - c. entering into major contracts and undertakings.
3. The Conventions allow the day-to-day operations of Government to continue. Decisions taken before the dissolution of the House of Representatives are able to be announced during the caretaker period. However, Ministers are advised to consult the Opposition on urgent matters involving significant issues that may arise during the caretaker period. The implementation of existing policy continues throughout the caretaker period.
4. The Guidance also aims to protect the apolitical nature of the Australian Public Service (APS) and avoid the use of Commonwealth resources in a manner that would advantage a political party. Accordingly, there are some activities that the APS does not undertake during the caretaker period including, for example, the provision of policy advice to Ministers (except in relation to urgent matters) and large-scale distribution of material about Government programs.

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- a. Advertising campaigns about Government programs generally cease from the beginning of the caretaker period and bipartisan agreement is sought for those that are to continue. Campaigns of an operational nature, such as Defence Force recruiting and public health campaigns, are usually able to continue.
5. The Guidance includes longstanding Guidelines for Pre-election Consultation with the Opposition (PECO Guidelines) (section 9), as presented to the Senate in 1987. The PECO Guidelines provide for Shadow Ministers to initiate, via a request to the relevant Minister, briefings from senior officials of government departments on machinery of government and administrative issues, including implementation of policies proposed by non-Government parties.
 - a. The PECO Guidelines apply from the date the election is announced or 25 April 2025, which is three months before the expiry of the House of Representatives.
 - b. The Shadow Minister makes a request of the relevant Minister; and the Minister notifies the Prime Minister of the request and whether it has been agreed. The Minister also needs to advise the relevant Secretary when a PECO request is agreed.
 - c. The Shadow Minister's request, the Minister's notification to the Prime Minister and the Minister's advice to the Secretary, are usually in writing so a proper record is kept of PECO requests and agreements to briefings.
 - d. While the Minister will be informed when a PECO briefing takes place, the discussion itself is confidential between Shadow Ministers and senior officials.

2024 GUIDANCE

The 2024 Guidance ([Attachment A](#)) is largely identical to the Guidance issued in 2021 with the exception of general updates and additional clarification to bring the presentation of the advice up-to-date with current requirements, including:

- e. the language on Use of Agency Premises (section 7.5) has been updated for clarity, including on equal access to premises to both the Government and Opposition
- f. the document has been re-formatted to meet online accessibility requirements and the current PM&C style guide
- g. contact details, references to legislation and hyperlinks to agency websites have been reviewed and updated, where required.

A comparison table outlining the key changes between the 2021 Guidance and 2024 Guidance is at [Attachment B](#). A copy of the 2021 Guidance is at [Attachment C](#).

Next Steps

1. We intend to publish the updated 2024 Guidance on the PM&C website on 10 December 2024, three years from when the Guidance was last updated on 10 December 2021.
2. At the beginning of the caretaker period, we will prepare letters for you to send to all Ministers drawing the Guidance to their attention. The Secretary of PM&C will also write to all Secretaries asking them to draw the Guidance to the attention of staff in their departments and portfolio agencies.
3. Officers from PM&C will be available to provide more detailed briefing for Ministerial staff on the application of the conventions as needed.

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DEPARTMENTS – All

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4 December 2024

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ATTACHMENTS:**ATTACHMENT A UPDATED 2024 GUIDANCE ON CARETAKER CONVENTIONS****ATTACHMENT B COMPARISON TABLE: 2021 AND 2024 GUIDANCE****ATTACHMENT C 2021 GUIDANCE ON CARETAKER CONVENTIONS**



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Guidance on Caretaker Conventions

December 2024

Government Division



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1. How to use the *Guidance on Caretaker Conventions*

- 1.1 The *Guidance on Caretaker Conventions* is intended to explain the longstanding conventions and practices of the caretaker period and to provide advice for the appropriate handling of business by Australian Government agencies during this period.
- 1.2 The conventions and practices have developed primarily in the context of the relationship between ministers* and their departments and executive agencies. The relationship between ministers and other Australian Government entities and bodies, such as statutory authorities and government companies, varies depending on the specific body. However, all bodies should observe the conventions and practices, unless doing so would conflict with their legal obligations or compelling organisational requirements.
- 1.3 The conventions are not legally binding, nor hard and fast rules. Their application in individual cases requires judgment and common sense. The Department of the Prime Minister and Cabinet (PM&C) is available to provide information and advice to agencies on the application of the Guidance. However, responsibility for observing the conventions ultimately rests with agency heads or, in cases where they are involved, with the Prime Minister and ministers.
- 1.4 To ensure the consistent application of the Guidance, and to minimise the number of requests for advice to PM&C, agencies should appoint one or two senior officials to be the initial internal contact for caretaker enquiries.

If further advice is required in relation to particular matters that arise during the caretaker period, agencies should contact Government Division in PM&C on (02) 6271 5399 or caretaker@pmc.gov.au.

* All references to ministers should be read as including assistant ministers.

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2. Background and overview of caretaker conventions

- 2.1 Successive governments have accepted that, during the period preceding an election for the House of Representatives (the House), the Government assumes a 'caretaker role'. This practice recognises that, with the dissolution of the House, the Executive cannot be held accountable for its decisions in the normal manner, and that every general election carries the possibility of a change of government.
- 2.2 Dissolution is the term used for the action of ending a Parliament or a House of the Parliament. Under the Australian Constitution, only the Governor-General has the power to take such action. By convention, the Governor-General takes this action only on the advice of the Prime Minister of the day.¹
- 2.3 The caretaker period begins at the time the House is dissolved. Once dissolved, the House no longer exists and elections for the full membership of a new House are held at a general election. The caretaker period continues until the election result is clear or, if there is a change of government, until the new government is appointed by the Governor-General.
- 2.4 During the caretaker period, the business of government continues and ordinary matters of administration still need to be addressed. However, successive governments have followed a series of practices – the 'caretaker conventions' – which aim to ensure that their actions do not bind an incoming government and limit its freedom of action.
- 2.5 In summary, the conventions are that the Government avoids:
- making major policy decisions that are likely to commit an incoming government (see [section 3](#) for further information)
 - making significant appointments (see [section 4](#) for further information)
 - entering into major contracts or undertakings (see [section 5](#) for further information).

These conventions also apply in the context of negotiations and engagements with international governments and dignitaries (see [section 6](#) for further information).

- 2.6 Following the end of the caretaker period and once a new government is appointed, successive governments have accepted the convention that ministers do not seek access to documents recording the deliberations of ministers in previous governments.
- 2.7 The conventions support practices that are intended to preserve the apolitical nature of the Australian Public Service (APS) and avoid the use of Australian Government resources in a manner that may advantage a particular political party whilst recognising the need for the day-to-day business of government to continue during the caretaker period (see [section 7](#) for further information).

¹ [Infosheet 18 – Parliament of Australia \(aph.gov.au\)](#)

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- 2.8 It is important to note that government business continues as usual up until the point that the House has been dissolved by the Governor-General. Apart from consultations under the Guidelines for Pre-Election Consultation with the Opposition (see [section 9](#) for further information) there is no 'pre-caretaker period'.

3. Major policy decisions

- 3.1.1 During the caretaker period, governments avoid making major policy decisions that are likely to commit an incoming government. Whether a particular policy decision qualifies as 'major' is a matter for judgement. Relevant considerations include the significance of the decision in terms of policy and resources, but also whether the decision is a matter of contention between the Government and Opposition in the election campaign.
- 3.1.2 The conventions do not apply to promises on future policies that the party in government announces as part of its election campaign (election commitments).

3.2 Decisions taken but not announced

- 3.2.1 The conventions apply to the making of decisions, not to their announcement. Accordingly, the conventions are not infringed where decisions made before the dissolution of the House are announced during the caretaker period.
- 3.2.2 However, where possible, decisions should be announced ahead of dissolution if their announcement is likely to cause controversy, which may distract attention from the substantive issues in the election campaign.
- 3.2.3 Care should be taken to ensure that Australian Government resources are not used to make announcements that involve partisan activities.

3.3 Unavoidable decisions

- 3.3.1 If circumstances require the Government to make a major policy decision during the caretaker period that would bind an incoming government, the minister would usually consult the Opposition spokesperson beforehand. In the past, for example, the Government has agreed to provide urgent financial assistance to drought-affected areas following consultation with the Opposition.
- 3.3.2 In circumstances when the responsible minister consults the Opposition, that consultation should involve an explanation of why the proposed action is considered necessary during the caretaker period and an opportunity to explore different courses of action. The Opposition should be provided with an appropriate amount of time to consider the issue. The minister should ensure the Opposition spokesperson is aware that their views are being sought. While the minister should consider any suggestions made by the Opposition, the minister is not required to reach agreement with the Opposition before proceeding.
- 3.3.3 See [section 9](#) of the Guidance for advice regarding the Guidelines for Pre-Election Consultation with the Opposition.

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4. Significant appointments

- 4.1 Governments defer making significant appointments during the caretaker period. When determining if an appointment qualifies as 'significant', agencies should consider the importance of the position and whether the proposed appointment is likely to be controversial.
- 4.2 Agencies should also be aware that meetings of the Executive Council, at which appointments by the Governor-General are usually made, do not generally occur during the caretaker period except in exceptional circumstances.
- 4.3 Sometimes deferring an appointment is not possible for reasons associated with the proper functioning of an agency. In this scenario, the following options should be considered:
- the minister could make an acting appointment, where permissible
 - the minister could make a short-term appointment until shortly after the end of the caretaker period
 - if those options are not possible, the minister could consult the relevant Opposition spokesperson regarding a full-term appointment (see [section 3.3](#) for further information).

5. Major contracts or undertakings

- 5.1 Governments avoid entering major contracts or undertakings, including new grants agreements, during the caretaker period. When determining whether a contract or undertaking qualifies as 'major', agencies should consider:
- the dollar value of the commitment
 - whether the commitment is a routine matter of administration
 - whether the commitment implements or entrenches a policy, program or administrative structure which is politically contentious
 - if the commitment requires ministerial approval.
- 5.2 If it is not possible to defer the commitment until after the caretaker period, for legal, commercial or other reasons, there are a number of options:
- the minister could consult the relevant Opposition spokesperson regarding the commitment (see [section 3.3](#) for further information).
 - agencies could also explain the implications of the caretaker period to the contractor or grantee and ensure that contracts include clauses providing for termination in the event that an incoming government does not wish to proceed.
 - similarly, in the case of tenders, agencies should communicate with potential tenderers about the implications of the caretaker period and the possibility that the tender might not be completed.

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6. International negotiations and visits

- 6.1 The convention that the Government avoids entering major commitments during the caretaker period also applies in the context of international negotiations. The Government ordinarily seeks to defer such negotiations or adopts observer status until the end of the caretaker period. If other parties to the negotiations are not familiar with the concept of caretaker conventions, the Government may need to explain the constraints they impose.
- 6.2 If deferring involvement or adopting observer status is not possible, the Government may choose to limit its role to providing information on its past position, without committing the incoming government to that position. If it is necessary for the Government to participate fully in the negotiations, it should advise the other parties to the negotiations that any outcomes will need to be authorised by the incoming government. Alternatively, the Government could seek the Opposition's agreement to negotiating positions (see [section 3.3](#) for further information).
- 6.3 The Prime Minister will determine whether visits by foreign dignitaries involving government hospitality should proceed during the caretaker period. Dignitaries whose visits are scheduled during the caretaker period, or shortly afterwards, should be advised of the election announcement and any related changes in arrangements. This may include the reduced availability of ministers and the possibility of a change of government.

7. Avoiding APS involvement in election activities

7.1 Political participation by officials

- 7.1.1 The [APS Values](#) set out in the [Public Service Act 1999](#) include the value of being 'Impartial', which states that "The APS is apolitical and provides the Government with advice that is frank, honest, timely and based on the best available evidence".
- 7.1.2 The [APS Code of Conduct](#) requires officials to:
- disclose, and take reasonable steps to avoid, any conflicts of interests (real or apparent) in connection with their employment
 - use Australian Government resources in a proper manner
 - refrain from making improper use of their position to gain, or seek to gain, a benefit or advantage for themselves or any other person.

Further information on the [APS Values and Employment Principles](#) is available on the Australian Public Service Commission's (APSC) website.

- 7.1.3 Officials should not use Australian Government resources or their positions to support particular issues or parties at any time. The APSC's publication, [APS Values and Code of Conduct in Practice](#), especially the sections on 'Working with the Government and the

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Parliament', 'Managing information', 'Employees as citizens' and 'Using Commonwealth Resources', provides further guidance.

7.1.4 Officials should exercise judgment if they are scheduled to speak at public functions during the caretaker period. In general, officials should:

- decline invitations to speak on controversial issues
- avoid publicly explaining or promoting government policies.

Officials may choose to speak on non-controversial issues but should explain that the Government is in caretaker mode and that they will limit their statements to factual issues, and matters of administration.

7.1.5 Individual public servants who engage online in either a professional or personal capacity during the caretaker period should review the publication [Social media: Guidance for Australian Public Service Employees and Agencies](#), and guidance on 'Employees as Citizens' in [APS Values and Code of Conduct in Practice](#), available on the Australian Public Service Commission's website.

7.2 Departmental Liaison Officers

7.2.1 Departmental Liaison Officers (DLOs) are APS employees provided to assist ministers' offices to undertake necessary liaison work with agencies. As DLOs are not ministerial staffers employed under the [Members of Parliament \(Staff\) Act 1984](#), they must avoid assisting ministers in ways that could create a perception that they are being used for party political purposes, including and especially during the caretaker period.

7.2.2 If there is ongoing liaison work required during the caretaker period, DLOs may remain with ministers' offices. The need for this work should be reviewed by agencies at the commencement of the caretaker period.

7.3 Advertising and Information Campaigns

7.3.1 At the start of the caretaker period all campaign advertising is paused, except for campaigns by the Australian Electoral Commission. The Department of Finance (Finance) and PM&C review all advertising campaigns and make recommendations to the Government about whether those campaigns should recommence or be deferred. Bipartisan agreement is sought for campaigns that are recommended to recommence. In general, campaigns that:

- highlight the role of particular ministers, emphasise the achievements of the Government, or address issues that are a matter of contention between the political parties contesting the election are normally discontinued
- are operational by nature, such as Australian Defence Force recruiting or public health campaigns, usually recommence.

7.3.2 At the beginning of the caretaker period, agencies should review their individual arrangements for the distribution of publicly communicated material, such as newsletters. Agencies should avoid active distribution of material if it promotes government policies or emphasises the

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achievements of the Government or a minister. Passive distribution of material, such as continued placement in the agency's offices or distribution in response to requests, is acceptable.

- 7.3.3 The conduct of advertising and information activities during the election period is regulated by legislation. Schedule 2 of the [Broadcasting Services Act 1992](#) deals with radio and television broadcasts and Part XXA of the [Commonwealth Electoral Act 1918](#) deals with a wide range of communications containing 'electoral matter' including all publicly communicated material. Broadly, the legislation requires all political communications that are broadcast by television and radio, printed material, social media, voice calls (including robocalls) and text messaging to be authorised.
- 7.3.4 The Australian Electoral Commission's website hosts further [guidance on the electoral communications and authorisation requirements](#).
- 7.3.5 The Australian Communications and Media Authority's website hosts further [guidance on the broadcasting and communication of political and election matters](#).

7.4 Internet and Electronic Communications

- 7.4.1 The Digital Transformation Agency's website hosts [guidance on the content and maintenance of agency and ministerial websites](#). Agencies are expected to ensure that the websites they maintain are consistent with the guidance at all times.
- 7.4.2 During the caretaker period, agencies need to take additional steps to ensure that Australian Government resources are not used to support any particular political party. Agencies should review their websites and online engagement tools at the beginning of the caretaker period, as outlined in [sections 7.4.3 to 7.4.13](#).

Agency websites

- 7.4.3 In most cases, agency websites may retain material placed on the website before the commencement of the caretaker period. Exceptions may include recent ministerial statements that include negative references to the Opposition. Agencies should check the wording of any icons and links on their websites to ensure that they cannot be interpreted as promoting government policy.
- 7.4.4 Agencies should add only the following material to their websites during the caretaker period:
- portfolio-related announcements consistent with usual practice (for example, a ministerial press release relating to a public health warning) requiring judgment within each individual agency
 - purely factual material, including costings prepared and published under the [Charter of Budget Honesty Act 1998](#) (see [section 7.7](#) for further information)
 - information on existing policies and programs, unless the information includes negative references to the Opposition or other political statements.

If agency websites contain links to websites outside the 'gov.au' domain, agencies should consider the need for entry/exit messages (see [section 7.4.10](#) for further information).

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- 7.4.5 The interactive functions of websites within the gov.au domain which allow unmoderated comment or debate (for example in discussion groups, chat rooms or blogs) should be moderated by agencies during the caretaker period. Agencies may choose to provide a disclaimer to this effect:

Example text: *"In the period preceding an election for the House of Representatives, the Australian Government assumes a caretaker role. It is important during that time that Australian Government resources are not used to communicate political material. As this website is hosted by the [Department of ...], the site will be moderated from the time the House of Representatives is dissolved until after the election to ensure that political material is not placed on the site."*

Ministerial websites

- 7.4.6 Agencies do not need to withdraw existing IT services provided to ministers' offices during the caretaker period. If agencies are managing ministerial websites, they may also continue to fund and/or otherwise maintain the website if that was the practice prior to the caretaker period. Material placed on the minister's website before the caretaker period may be retained, including links between the minister's and agency's websites.
- 7.4.7 When adding material to ministerial websites during the caretaker period:
- Agencies should only add material relating to matters of existing policy, or purely factual material. Agencies must not add material concerning future policies, election commitments, how-to-vote material or media releases and speeches that criticise opponents, promote the Government or pursue election issues.
 - Agencies may choose to place a notice on the ministerial website advising that political and election-related material is not available on the website. The notice could refer visitors to the minister's party's website, or include a link to that website.
 - If the maintenance of the ministerial website has become the responsibility of the minister rather than the agency, ministerial staff may add any material to the website as long as there is no cost to the Australian Government. A notice must also be added to advise that, since the commencement of the caretaker period, the website is not administered or funded by the agency.
- 7.4.8 Ministerial media releases and alerts should be placed on the website of the minister's political party during the caretaker period. Where ministers determine a need to issue media releases and alerts in their own name through Australian Government agency-maintained and/or funded websites, these should be restricted to time-sensitive, administrative or operational information in the public interest (for example, public health warnings, travel advisories, military operations or counter terrorism alerts).
- 7.4.9 If the minister's website is personal and not maintained by the agency, the minister may consider placing a disclaimer on the website to the effect that no Australian Government agency resources are being used to communicate political material.

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- 7.4.10 If an agency-maintained and/or agency-funded ministerial website contains links to websites outside the 'gov.au' domain, such as political party websites, agencies should include appropriate entry/exit messages:

Example text: *"You are now leaving the website of [the Department of the Prime Minister and Cabinet]. The website you are entering is not maintained or funded by [the Department of the Prime Minister and Cabinet]".*

Social media accounts

- 7.4.11 The use and administration of social media accounts by agencies should observe the same practices that apply to ministerial websites, as set out in [sections 7.4.6 to 7.4.10](#) of the Guidance. Externally-hosted, third-party engagement tools (for example, Facebook and X) are inherently harder to control than the interactive functions of websites. For example, an agency may have a Facebook page which allows minimal moderation of the content that is posted to it, or an X account which may be sent publicly-viewable messages containing political content.
- 7.4.12 It may not be possible to completely prevent political material from being posted by members of the public to agency social media accounts operated by third-parties. At the start of the caretaker period, agencies should review the functions and settings of their social media accounts, and other similar online engagement tools, to identify ways to minimise political content associated with their presence (even if the content is not directly attributable to the agency). Actions to achieve this may include:
- not posting new content to the account for the duration of the caretaker period
 - disabling or opting for pre-moderation of comment sections, if possible, and closer monitoring of public contributions, if not
 - posting a notice that the agency is operating in a caretaker period and cannot respond to political content.
- 7.4.13 Intranet, e-mail and other similar internal communication systems provided by agencies should not be used to publish political material. Material related to political parties and how-to-vote material produced by any organisation should not be displayed using these systems, or in agencies' physical premises.

7.5 Use of agency premises

- 7.5.1 While political parties may responsibly use agency premises that are normally open to the public, the use of the premises should: occur with notice to the agency; not unreasonably disrupt the normal operations of the agency; not engage APS employees in political dialogue; not compromise the security of the premises; and not involve any assistance by the agency to the political party (see [section 7.1](#) for further information).
- 7.5.2 Agencies should be fair and equal in allowing access to premises to both the Government and Opposition in accordance with [section 7.5.1](#).
- 7.5.3 There may be appropriate occasions where agency premises can be used for government activities such as media conferences or announcements that go to the day-to-day business of

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government (for example opening a building or a media conference held in response to a natural disaster).

- 7.5.4 Nothing in this Guidance interferes with the ability of ministers to visit agencies for the conduct of routine government business, in accordance with the caretaker conventions.

7.6 Requests from ministers' offices for information

- 7.6.1 Ministers may continue to request factual material and information from agencies during the caretaker period. Agencies should supply material relating to the day-to-day business of government to ministers in the usual way.
- 7.6.2 Ministers are ultimately responsible for determining the purpose for requesting material from agencies and how it is used during the caretaker period. Consistent with the APS value of impartiality, it may be appropriate for an agency to decline a request from a minister if it required the use of significant resources, and/or was clearly for use in the election campaign. If in doubt, agencies should discuss the purpose for which material is to be used with the minister or their senior staff before responding to a request.
- 7.6.3 In most instances, agencies should also decline requests from ministers' offices for policy advice during the caretaker period. However, there may be urgent domestic or international issues on which policy advice should be provided to enable responsible ongoing administration, or to protect Australia's interests. Requests for legal advice on issues affecting the minister in their capacity as a political candidate should be declined.
- 7.6.4 Agencies can proceed with policy development work during the caretaker period so that they are in a position to provide advice to the incoming government, provided that contact with ministers' offices is not required.

7.7 Charter of Budget Honesty and other policy costings

- 7.7.1 The costing of the Government's and the Opposition's election commitments by the Treasury and Finance is regulated by the [Charter of Budget Honesty Act 1998](#) (the Act). The Secretaries of the Treasury and Finance issue [Policy Costing Guidelines](#) under the Act around the commencement of the caretaker period.
- 7.7.2 The Act provides for the Secretaries of the Treasury and Finance to prepare costings of publicly announced Government and Opposition election commitments during the caretaker period. The Act does not apply to:
- costings outside the caretaker period
 - costings by agencies other than the Treasury or Finance during the caretaker period
 - costing of minor party and independents' commitments during the caretaker period.
- 7.7.3 Ministers can request costing information from other agencies in accordance with longstanding practice. Where necessary, agencies may seek advice from the Treasury and Finance on strictly factual issues and costing methodology. The Treasury and Finance do not endorse or confirm costings through the provision of this advice to agencies, and costings of this nature must not be presented as costings under the Charter of Budget Honesty.

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- 7.7.4 Ministers can also request any agency, including the Treasury and Finance, to provide costing information in relation to minor parties' and independents' commitments. Any requests of this nature to the Treasury and Finance should go through the offices of the Treasurer and the Minister for Finance.
- 7.7.5 The Parliamentary Budget Office (PBO) as a separate Parliamentary Department, and the Parliamentary Budget Officer as an independent statutory office holder are established by Part 7, Division 2 of the [Parliamentary Service Act 1999](#). The PBO may prepare policy costings on request both during and outside of caretaker periods.
- 7.7.6 During the caretaker period, authorised members of Parliamentary parties and independent members can request policy costings of their publicly announced policies:
- The PBO can provide policy costings to Parliamentary parties with fewer than five members and to independent members (policy costings are not available to these groups under the Charter of Budget Honesty).
 - The requests and costings must be publicly released.
 - The Treasury and Finance are not authorised to prepare a Parliamentary party's policy costing during a caretaker period if a member of that party has already requested the PBO to prepare a costing of the same (or a substantially similar) policy, and vice versa, during the same caretaker period. This is to prevent duplicate costings being undertaken.
- 7.7.7 Outside of a caretaker period, Senators and Members of the House can request policy costings. These requests and the costings can be kept confidential outside of a caretaker period, if directed by the requestor.
- 7.7.8 The Australian Parliament House website hosts [further information on the role and operations of the PBO](#).

8. Related matters

8.1 Tabling of and responses to reports

- 8.1.1 Responses to outstanding parliamentary committee reports should be deferred during the caretaker period for action by the incoming government. Agencies may continue to undertake appropriate preparatory work and consultation at the agency level so that they are in a position to provide advice to the incoming government.
- 8.1.2 Reports of an administrative nature, such as annual reports, can be tabled out of session during the caretaker period. However, where a report contains information that is likely to be controversial, consideration should be given to whether tabling should be deferred for action by the incoming government.
- 8.1.3 The PM&C website provides further advice in the [Tabling Guidelines](#).

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8.2 Correspondence

- 8.2.1 The arrangements for handling correspondence during the caretaker period are a matter for individual agencies. In PM&C, the practice is to answer general correspondence during the caretaker period rather than leave it to accumulate. However, ministers usually sign only the necessary minimum of correspondence during the caretaker period. Some correspondence is prepared for signature by ministerial staff or departmental officers instead.
- 8.2.2 When preparing replies, care should be taken to protect the APS from perceptions of partisanship. Replies should not assume that the Government will or will not be returned to office. References to post-election action are in terms of the 'incoming government'. Correspondence that requires an explanation of government policy should not commit the Government to post-election action or imply that the policy will continue if the Government is re-elected. Within PM&C it has not been considered sufficient to state only that the matter is one for the incoming government, although a reply might include these words to avoid any implication of continuing policy.
- 8.2.3 To avoid confusion, and as a matter of courtesy, members of the House who are standing for re-election should continue to be addressed as 'MP' until it is known whether they have been re-elected. Newly-elected members should be addressed as 'MP' as soon as it is known that they are elected. Members who are not standing for re-election should not be addressed as 'MP' following the dissolution of the House.
- 8.2.4 The same rules apply to senators for the Northern Territory and the Australian Capital Territory, except that territory senators who are not standing for re-election should be addressed as 'Senator' until the day of the election.
- 8.2.5 The terms of state senators expire and begin on 30 June and 1 July respectively, regardless of the date the election is held. Therefore, state senators who are not standing for re-election should continue to be addressed as 'Senator' until their terms expire.

8.3 Resources for ministers

- 8.3.1 During the caretaker period, the provision of Australian Government resources for ministers and their staff should be assessed by agencies on a case-by-case basis. Agencies must not cover claims relating to the election campaign or a political event, as these costs are to be borne by the respective political party. For example, claims that would not be covered include requests for additional laptop computers, tablets or mobile telephones for ministers or their staff, unless there was a demonstrable official purpose.
- 8.3.2 Claims relating to the management of essential government business can be covered by agencies; for example, to support ministers attending an urgent Cabinet meeting or primarily in connection with their ministerial duties.
- 8.3.3 In the case of claims that cover a combination of official government and political business, agencies can grant a partial reimbursement to cover government business.
- 8.3.4 Ministers' claims for travel allowance, including during the caretaker period, are governed by the [Parliamentary Business Resources Act 2017](#) (the Act). Ministers must ensure that all of their travel expense claims meet the obligations prescribed by the Act, including that the travel is

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for the dominant purpose of their parliamentary business in accordance with the [Parliamentary Business Resources \(Parliamentary Business\) Determination 2017](#) and is value for money.

- 8.3.5 Guidance in relation to public resources for ministers that are administered by the [Ministerial and Parliamentary Services in the Department of Finance](#) and the [Independent Parliamentary Expenses Authority](#) are available from each agency's respective website.

8.4 Legislation

- 8.4.1 Bills that have passed both Houses of Parliament should be assented to by the Governor-General before the dissolution of the House. There is at least one instance – involving a Bill passed in the 1930s – where a Bill received assent after dissolution. However, questions have been raised about the constitutional validity of Acts that receive assent in the period between dissolution and the opening of the new Parliament.
- 8.4.2 Legislation can be proclaimed during the caretaker period. Proclamations which have a commencement date after the date of the election are generally not made, other than in exceptional circumstances.
- 8.4.3 The Executive Council usually meets immediately before the dissolution of the House to approve regulations and ordinances, including those made under Acts just assented to by the Governor-General. While it is possible for the Executive Council to approve regulations and ordinances during the caretaker period that do not infringe caretaker conventions, meetings of the Executive Council do not generally occur during the caretaker period except in exceptional circumstances.

8.5 Cabinet documents

- 8.5.1 Successive governments have accepted the convention that ministers do not seek access to documents recording the deliberations of ministers in previous governments. Cabinet documents are considered confidential to the government that created them.
- 8.5.2 Electronic access to Cabinet documents provided via CabNet+ will be disabled upon the commencement of the caretaker period for standard departmental users. Cabinet Liaison Officers (CLOs) will retain access to cabinet documents and the ability to distribute them to departmental users on a case-by-case basis, but will be unable to print. DLO and ministerial office staff access will remain unchanged until the election result is known, and will be withdrawn if a change of government occurs.
- 8.5.3 CLOs and DLOs should take custody of hard copy cabinet documents including Submissions, Memoranda, Agendas, and Minutes (decisions) within their organisation or office for destruction or storage until the result of the election is known.
- 8.5.4 The CLO should advise the Cabinet Division in PM&C when they have accounted for all hard copy documents and ensured all retained documents are securely stored.
- 8.5.5 The Cabinet Division of PM&C may issue further procedural guidelines on the handling of Cabinet documents at the commencement of the caretaker period and is the appropriate

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contact for further advice on such matters. Advice on the security and handling of Cabinet documents is set out in the [Cabinet Handbook](#) hosted on the PM&C website.

9. Guidelines for pre-election consultation with the opposition

- 9.1.1 In 1976, the Government tabled Guidelines providing for pre-election consultation with the Opposition. The Guidelines are intended to ensure a smooth transition if an election results in a change of government. The current version of the Guidelines was presented to the Senate on 5 June 1987 and is re-printed at [section 9.1.3](#) of the Guidance.
- 9.1.2 The Guidelines are distinct from the caretaker conventions and commence on a different date. They apply as soon as an election for the House is announced or three months before the expiry of the House, whichever occurs first.
- 9.1.3 The Guidelines are as follows:
- (i) The pre-election period is to date from three months prior to the expiry of the House or the date of announcement of the House election, whichever date comes first. It does not apply in respect of Senate elections only.
 - (ii) Under the special arrangement, shadow ministers may be given approval to have discussions with appropriate officials of government departments. Party leaders may have other Members of Parliament or their staff members present. A departmental secretary may have other officials present.
 - (iii) The procedure will be initiated by the relevant Opposition spokesperson making a request of the minister concerned who is to notify the Prime Minister of the request and whether it has been agreed.
 - (iv) The discussions will be at the initiative of the non-government parties, not officials. Officials will inform their ministers when the discussions are taking place.
 - (v) Officials will not be authorised to discuss government policies or to give opinions on matters of a party political nature. The subject matter of the discussions would relate to the machinery of government and administration. The discussions may include the administrative and technical practicalities and procedures involved in implementation of policies proposed by non-government parties. If the Opposition representatives raised matters which, in the judgment of the officials, sought information on government policies or sought expressions of opinion on alternative policies, the officials would suggest that the matter be raised with the minister.
 - (vi) The detailed substance of the discussions will be confidential but ministers will be entitled to seek general information from officials on whether the discussions kept within the agreed purposes.

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Guidance on Caretaker Conventions – 2021 and 2024 Version Comparison Table

2021 Guidance		2024 Guidance
Cover	<ul style="list-style-type: none"> Noting text read as: <i>Note: The advice in this document is identical in most respects to the Guidance that was issued in 2018. The document has been reformatted to meet contemporary style guide and online accessibility requirements.</i> 	Noting text has been removed.
Table of contents		The table of contents was updated to reflect the changes to heading titles.
Links		<p>Links to external websites throughout have been updated to current links.</p> <p>Links to sections of the document have been updated to align with changes.</p> <p>References to sections within the document were updated to consistently read as “(see section [number] for further information)”.</p>
General formatting		<p>Bulleted lists were updated to remove semi-colons after list items and remove the words “and” and “or” after the penultimate item on the list.</p> <p>Full stops were removed from bulleted list items.</p> <p>Minor errors were corrected, such as removing double spacing.</p>
House of Representatives	The House of Representatives was referred to as <i>the House</i> and <i>the House of Representatives</i> interchangeably.	The House of Representatives is referred to as <i>the House</i> throughout.
Department names	<p>The Department of Finance was referred to by its full title.</p> <p>The Department of the Treasury was referred to as <i>Treasury</i> throughout.</p>	<p>The Department of Finance is referred to as the <i>The Department of Finance (Finance)</i> in the first instance, and as <i>Finance</i> thereafter.</p> <p>The Department of the Treasury was referred to as <i>The Treasury</i> throughout.</p>
Footnote	Removal of parliamentary secretaries reference and replaced with assistant ministers.	All references to ministers should be read as including assistant ministers.

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2021 Guidance		2024 Guidance
Avoiding APS Involvement in Election Activities	The text at (previously) section 2.6 previously read: <i>The conventions support practices that are intended to preserve the apolitical nature of the Australian Public Service (APS) and avoid the use of Australian Government resources in a manner that may advantage a particular political party. Please see section 7 – Avoiding APS Involvement in Election Activities – for further information.</i>	Section 2.7 (formerly 2.6) now reads: <i>The conventions support practices that are intended to preserve the apolitical nature of the Australian Public Service (APS) and avoid the use of Australian Government resources in a manner that may advantage a particular political party whilst recognising the need for the day-to-day business of government to continue during the caretaker period (see section 7 for further information).</i>
Successive Governments access to documents		Inserted section after 2.6, as advised by Cabinet Division, to read: <i>Following the end of the caretaker period and once a new Government is appointed, successive governments have accepted the convention that ministers do not seek access to documents recording the deliberations of ministers in previous governments.</i>
Pre-Caretaker Period		Inserted a section after 2.8 to read: <i>It is important to note that Government business continues as usual up until the point that the House has been dissolved by the Governor-General. Apart from consultations under the Guidelines for Pre-Election Consultation with the Opposition (see Section 9 for further information) there is no 'pre-caretaker period'.</i>
Major Policy Decisions	Section 3 (Major Policy Decision) was one single section, which contained long paragraphs.	Section 3 has been broken into 2 subsections: <i>Section 3.2 Decisions Taken but not Announced</i> <i>Section 3.3 Unavoidable Decisions.</i> The content within these sections remains the same, but the sections were reordered to align with these sections.
Executive Council		Inserted section after 4.2, as advised by Cabinet Division, to read: <i>Agencies should also be aware that meetings of the Executive Council, at which appointments by the Governor-</i>

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2021 Guidance		2024 Guidance
		<i>General are usually made, do not generally occur during the caretaker period except in exceptional circumstances.</i>
Grants	<p>Section 5 on Major Contracts or Undertakings previously read:</p> <p><i>5.1 Governments avoid entering major contracts or undertakings during the caretaker period. When determining whether a contract or undertaking qualifies as 'major', agencies should consider:</i></p> <p><i>the dollar value of the commitment</i></p> <ul style="list-style-type: none"> ○ <i>whether the commitment is a routine matter of administration</i> ○ <i>whether the commitment implements or entrenches a policy, program or administrative structure which is politically contentious</i> ○ <i>if the commitment requires ministerial approval.</i> <p><i>5.2 If it is not possible to defer the commitment until after the caretaker period, for legal, commercial or other reasons, there are a number of options:</i></p> <ul style="list-style-type: none"> ○ <i>The minister could consult the relevant Opposition spokesperson regarding the commitment (see section 3.3 for further information).</i> ○ <i>Agencies could also explain the implications of the caretaker period to the contractor and ensure that contracts include clauses providing for termination in the event that an incoming government does not wish to proceed.</i> ○ <i>Similarly, in the case of tenders, agencies should communicate with potential tenderers about the implications of the caretaker period and the possibility that the tender might not be completed.</i> 	<p>Section 5 was <i>updated</i> to reflect the application of this section to Grants.</p> <p>The first sentence of section 5.1 now reads:</p> <p><i>Governments avoid entering major contracts or undertakings, <u>including new grants agreements</u>, during the caretaker period.</i></p> <p>The second dot point of section 5.2 now reads:</p> <p><i>Agencies could also explain the implications of the caretaker period to the contractor <u>or grantee</u> and ensure that contracts include clauses providing for termination in the event that an incoming government does not wish to proceed.</i></p>
Online Engagement	Section 7.1.5 on individual public servants who engage online read:	Section 7.1.5 now reads:

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2021 Guidance		2024 Guidance
	<i>Individual public servants who engage online in either a professional or personal capacity during the caretaker period should review the publication Social media: Guidance for Australian Public Service Employees and Agencies, available on the Australian Public Service Commission's website.</i>	<i>Individual public servants who engage online in either a professional or personal capacity during the caretaker period should review the publication Social media: Guidance for Australian Public Service Employees and Agencies, and guidance on Employees as Citizens in APS Values and Code of Conduct in Practice, available on the Australian Public Service Commission's website.</i>
Digital Transformation Agency	Section 7.4.1 read: <i>The Digital Transformation Authority's website hosts guidance on the content and maintenance of agency and ministerial websites.</i>	Section 7.4.1, updated to reflect the correct name of the Digital Transformation Agency, now reads: <i>The Digital Transformation <u>Agency's</u> website hosts guidance on the content and maintenance of agency and ministerial websites.</i>
Use of Agency Premises	Section 7.5 previously read: <i>7.5.1 There may be appropriate occasions where agency premises can be used by political parties during the caretaker period for public events, such as media conferences, or where they are the obvious place for a function (for example, the opening of a building by a minister). The use of premises should not unreasonably disrupt the normal operations of the agency.</i> <i>7.5.2 In the case of official party functions being held on agency premises, it would be appropriate for the Opposition spokesperson, member or candidate to be given the opportunity to be present. Where candidates, other than the Prime Minister or ministers, seek to visit premises or facilities, agencies should be fair and equal in their responses and assistance to both the Government and Opposition.</i> <i>7.5.3 While all parties campaigning in an election may responsibly use agency premises that are normally open to</i>	Section 7.5 was updated for clarity and now reads: <i>7.5.1 While political parties may responsibly use agency premises that are normally open to the public, the use of the premises should: occur with notice to the agency; not unreasonably disrupt the normal operations of the agency; not engage APS employees in political dialogue, not compromise the security of the premises and not involve any assistance by the agency to the political party (see section 7.1 for further information).</i> <i>7.5.2 Agencies should be fair and equal in allowing access to premises to both the Government and Opposition in accordance with section 7.5.1.</i> <i>7.5.3 There may be appropriate occasions where agency premises can be used for government activities such as media conferences or announcements that go to the day-to-day business of government (for example opening a building or a media conference held in response to a natural disaster).</i>

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2021 Guidance		2024 Guidance
	<p><i>the public, it is not appropriate for this use to extend to activities that may engage APS employees in political dialogue, or as logistical support for political functions (please see section 7.1 of the Guidance for further information).</i></p> <p><i>7.5.4 Ministerial visits to agencies to undertake consultation is permissible for the conduct of routine government business, in accordance with the caretaker conventions.</i></p>	<p><i>7.5.4 Nothing in this Guidance interferes with the ability of Ministers to visit agencies for the conduct of routine government business, in accordance with the caretaker conventions.</i></p>
Executive Council Meetings	<p>Section 8.4.3 read:</p> <p><i>The Executive Council usually meets immediately before the dissolution of the House to approve regulations and ordinances, including those made under Acts just assented to by the Governor-General. Where there is no infringement of the basic caretaker conventions, the Executive Council may approve regulations and ordinances during the caretaker period. However, meetings are infrequent during the caretaker period and are held only when required and with the agreement of the Governor-General.</i></p>	<p>On advice of Cabinet Division, section 8.4.3 now reads:</p> <p><i>The Executive Council usually meets immediately before the dissolution of the House to approve regulations and ordinances, including those made under Acts just assented to by the Governor-General. <u>While it is possible for the Executive Council to approve regulations and ordinances during the caretaker period that do not infringe caretaker conventions, meetings of the Executive Council do not generally occur during the caretaker period except in exceptional circumstances.</u></i></p>
Cabinet Documents	<p>Section 8.5.1 to 8.5.3 previously read:</p> <p><i>8.5.1 Successive governments have accepted the convention that ministers do not seek access to documents recording the deliberations of ministers in previous governments. Cabinet documents are considered confidential to the government that created them. In this context, all Cabinet documents, including files, Submissions, Memoranda, Business Lists, Minutes (decisions) and matters that were considered without submission (under the line items) should be returned to the custody of the Cabinet Liaison Officer in the Parliamentary</i></p>	<p>To reflect current processes, including the use of CabNet+, the last sentence of 8.5.1 was removed, and sections 8.5.2- 8.5.4 were inserted to read:</p> <p><i>8.5.2 Electronic access to Cabinet Documents provided via CabNet+ will be disabled upon the commencement of the caretaker period for standard departmental users. Cabinet Liaison Officers (CLOs) will retain access to cabinet documents and the ability to distribute them to departmental users on a case-by-case basis, but will be unable to print. Departmental Liaison Officers (DLO) and ministerial office staff access will remain unchanged until</i></p>

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2021 Guidance		2024 Guidance
	<p><i>Business Section, or equivalent, in each agency, for storage until the result of the election is known.</i></p> <p><i>8.5.2 The Cabinet Liaison Officer should advise the Cabinet Division in PM&C when they have accounted for all documents and ensured they are securely stored.</i></p> <p><i>8.5.3 The Cabinet Division of PM&C may issue further procedural guidelines on the handling of Cabinet documents at the commencement of the caretaker period and is the appropriate contact for further advice on such matters. Advice on the security and handling of Cabinet documents is set out in the Cabinet Handbook hosted on the PM&C website.</i></p>	<p><i>the election result is known, and will be withdrawn if a change of government occurs.</i></p> <p><i>8.5.3 CLOs and DLOs should take custody of hard copy cabinet documents including Submissions, Memoranda, Agendas, and Minutes (decisions) within their organisation or office for destruction or storage until the result of the election is known.</i></p> <p><i>8.5.4 The CLO should advise the Cabinet Division in PM&C when they have accounted for all <u>hard copy</u> documents and ensured <u>all retained</u> documents are securely stored.</i></p>
		References to 'business lists' were updated to references to 'Agendas' and references to '(under-the-line items)' were deleted.



Australian Government

Department of the Prime Minister and Cabinet

Guidance on Caretaker Conventions 2021

Note: The advice in this document is identical in most respects to the Guidance that was issued in 2018. The document has been reformatted to meet contemporary style guide and online accessibility requirements.

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1. HOW TO USE THE GUIDANCE ON CARETAKER CONVENTIONS

- 1.1 The *Guidance on Caretaker Conventions* is intended to explain the conventions and practices of the caretaker period in more detail, and to provide advice for the appropriate handling of business by Australian Government agencies during this period.
- 1.2 The conventions and practices have developed primarily in the context of the relationship between ministers* and their departments (and executive agencies since the commencement of the [Public Service Act 1999](#)). The relationship between ministers and other Australian Government entities and bodies, such as statutory authorities and government companies, varies depending on the specific body. All bodies should observe the conventions and practices, unless doing so would conflict with their legal obligations or compelling organisational requirements.
- 1.3 The conventions are not legally binding, nor hard and fast rules. Their application in individual cases requires judgment and common sense. The Department of the Prime Minister and Cabinet (PM&C) is available to provide information and advice to agencies on the application of the Guidance. However, responsibility for observing the conventions ultimately rests with agency heads or, in cases where they are involved, with the Prime Minister and ministers.
- 1.4 To ensure the consistent application of the Guidance, and to minimise the number of requests for advice to PM&C, agencies should appoint one or two senior officials to be the initial internal contact for caretaker enquiries.
- 1.5 If further advice is required in relation to particular matters that arise during the caretaker period, agencies should contact Government Division in PM&C on (02) 6271 5399 or caretaker@pmc.gov.au.

* All references to ministers should be read as including parliamentary secretaries (also known as assistant ministers).

2. BACKGROUND AND OVERVIEW OF CARETAKER CONVENTIONS

- 2.1 Successive governments have accepted that, during the period preceding an election for the House of Representatives (the House), the government assumes a 'caretaker role'. This practice recognises that, with the dissolution of the House, the Executive cannot be held accountable for its decisions in the normal manner, and that every general election carries the possibility of a change of government.
- 2.2 Dissolution is the term used for the action of ending a Parliament or a House of the Parliament. Under the Australian Constitution, only the Governor-General has the power to take such action. By convention, the Governor-General takes this action only on the advice of the Prime Minister of the day.¹
- 2.3 **The caretaker period begins at the time the House is dissolved.** Once dissolved, the House no longer exists and elections for the full membership of a new House are held at a general election. The caretaker period continues until the election result is clear or, if there is a change of government, until the new government is appointed.
- 2.4 During the caretaker period, the business of government continues and ordinary matters of administration still need to be addressed. However, successive governments have followed a series of practices - the 'caretaker conventions' - which aim to ensure that their actions do not bind an incoming government and limit its freedom of action.
- 2.5 In summary, the conventions are that the government avoids:
- making **major policy decisions** that are likely to commit an incoming government (please see [section 3](#) for further information);
 - making **significant appointments** (please see [section 4](#) for further information); and
 - entering into **major contracts or undertakings** (please see [section 5](#) for further information).
- These conventions also apply in the context of **negotiations and engagements with international governments and dignitaries** (please see [section 6](#) for further information).
- 2.6 The conventions support practices that are intended to preserve the apolitical nature of the Australian Public Service (APS) and avoid the use of Australian Government resources in a manner that may advantage a particular political party. Please see [section 7 – Avoiding APS Involvement in Election Activities](#) – for further information.

¹ [Infosheet 18 - Parliament of Australia \(aph.gov.au\)](#)

3. MAJOR POLICY DECISIONS

- 3.1 During the caretaker period, governments avoid making major policy decisions that are likely to commit an incoming government. Whether a particular policy decision qualifies as 'major' is a matter for judgement. Relevant considerations include the significance of the decision in terms of policy and resources, but also whether the decision is a matter of contention between the Government and Opposition in the election campaign.
- 3.2 The conventions apply to the making of decisions, not to their announcement. Accordingly, the conventions are not infringed where decisions made before the dissolution of the House are announced during the caretaker period. However, where possible, decisions should be announced ahead of dissolution if their announcement is likely to cause controversy, which may distract attention from the substantive issues in the election campaign. Care should be taken to ensure that Australian Government resources are not used to make announcements that involve partisan activities.
- 3.3 The conventions do not apply to promises on future policies that the party in government announces as part of its election campaign.
- 3.4 If circumstances require the Government to make a major policy decision during the caretaker period that would bind an incoming government, the minister would usually consult the Opposition spokesperson beforehand. In the past, for example, the Government has agreed to provide urgent financial assistance to drought-affected areas following consultation with the Opposition.
- 3.5 In circumstances when the responsible minister consults the Opposition, that consultation should involve an explanation of why the proposed action is considered necessary during the caretaker period and an opportunity to explore different courses of action. The Opposition should be provided with an appropriate amount of time to consider the issue. The minister should ensure the Opposition spokesperson is aware that their views are being sought. While the minister should consider any suggestions made by the Opposition, the minister is not required to reach agreement with the Opposition before proceeding.
- 3.6 Please see [section 9](#) of the Guidance for advice regarding the guidelines for **pre-election consultation with the Opposition**.

4. SIGNIFICANT APPOINTMENTS

- 4.1 Governments defer making significant appointments during the caretaker period. When determining if an appointment qualifies as 'significant', agencies should consider the importance of the position and whether the proposed appointment is likely to be controversial.
- 4.2 Sometimes deferring an appointment is not possible for reasons associated with the proper functioning of an agency. In this scenario, the following options should be considered:
- the minister could make an acting appointment, where permissible;

- the minister could make a short-term appointment until shortly after the end of the caretaker period; or
- if those options are not possible, the minister could consult the relevant Opposition spokesperson regarding a full-term appointment. Please see [section 3.5](#) of the Guidance for further information.

5. MAJOR CONTRACTS OR UNDERTAKINGS

5.1 Governments avoid entering major contracts or undertakings during the caretaker period. When determining whether a contract or undertaking qualifies as ‘major’, agencies should consider:

- the dollar value of the commitment
- whether the commitment is a routine matter of administration
- whether the commitment implements or entrenches a policy, program or administrative structure which is politically contentious; and
- if the commitment requires ministerial approval.

5.2 If it is not possible to defer the commitment until after the caretaker period, for legal, commercial or other reasons, there are a number of options:

- The minister could consult the relevant Opposition spokesperson regarding the commitment. Please see [section 3.5](#) of the Guidance for further information.
- Agencies could also explain the implications of the caretaker period to the contractor and ensure that contracts include clauses providing for termination in the event that an incoming government does not wish to proceed.
- Similarly, in the case of tenders, agencies should communicate with potential tenderers about the implications of the caretaker period and the possibility that the tender might not be completed.

6. INTERNATIONAL NEGOTIATIONS AND VISITS

6.1 The convention that the Government avoids entering major commitments during the caretaker period also applies in the context of international negotiations. The Government ordinarily seeks to defer such negotiations or adopts observer status until the end of the caretaker period. If other parties to the negotiations are not familiar with the concept of caretaker conventions, the Government may need to explain the constraints they impose.

6.2 If deferring involvement or adopting observer status is not possible, the Government may choose to limit its role to providing information on its past position, without committing the incoming government to that position. If it is necessary for the Government to participate fully in the negotiations, it should advise the other parties to the negotiations that any outcomes will need to be authorised by the incoming

government. Alternatively, the Government could seek the Opposition's agreement to negotiating positions. Please see [section 3.5](#) of the Guidance for further information.

- 6.3 The Prime Minister will determine whether visits by foreign dignitaries involving government hospitality should proceed during the caretaker period. Dignitaries whose visits are scheduled during the caretaker period, or shortly afterwards, should be advised of the election announcement and any related changes in arrangements. This may include the reduced availability of ministers and the possibility of a change of government.

7. AVOIDING APS INVOLVEMENT IN ELECTION ACTIVITIES

7.1 Political Participation by Officials

- 7.1.1 The [APS Values](#) set out in the [Public Service Act 1999](#) include the value of being 'Impartial', which states that "The APS is apolitical and provides the Government with advice that is frank, honest, timely and based on the best available evidence".

- 7.1.2 The [APS Code of Conduct](#) (the Code) requires officials to:

- disclose, and take reasonable steps to avoid, any conflicts of interests (real or apparent) in connection with their employment
- use Australian Government resources in a proper manner, and
- refrain from making improper use of their position to gain, or seek to gain, a benefit or advantage for themselves or any other person.

Further information on the [APS Values and Employment Principles](#) is available on the Australian Public Service Commission's (APSC) website.

- 7.1.3 Officials should not use Australian Government resources or their positions to support particular issues or parties at any time. The APSC's publication, [APS Values and Code of Conduct in Practice](#), especially the sections on 'Working with the Government and the Parliament', 'Managing information', 'Employees as citizens' and 'Using Commonwealth Resources', provides further guidance.

- 7.1.4 Officials should exercise judgment if they are scheduled to speak at public functions during the caretaker period. In general, officials should:

- decline invitations to speak on controversial issues, and
- avoid publicly explaining or promoting Government policies.

Officials may choose to speak on non-controversial issues but should explain that the Government is in caretaker mode and that they will limit their statements to factual issues, and matters of administration.

- 7.1.5 **Individual public servants who engage online** in either a professional or personal capacity during the caretaker period should review the publication [Social media: Guidance for Australian Public Service Employees and Agencies](#), available on the Australian Public Service Commission's website.

7.2 Departmental Liaison Officers

- 7.2.1 Departmental Liaison Officers (DLOs) are APS employees provided to assist ministers' offices to undertake necessary liaison work with agencies. As DLOs are not ministerial staffers employed under the [Members of Parliament \(Staff\) Act 1984](#), they must avoid assisting ministers in ways that could create a perception that they are being used for party political purposes, including and especially during the caretaker period.
- 7.2.2 If there is ongoing liaison work required during the caretaker period, DLOs may remain with ministers' offices. The need for this work should be reviewed by agencies at the commencement of the caretaker period.

7.3 Advertising and Information Campaigns

- 7.3.1 The Department of Finance and PM&C review all advertising campaigns at the beginning of the caretaker period. This informs recommendations to the Government about whether those campaigns should continue or be deferred. Bipartisan agreement is sought for campaigns that are recommended to continue. In general, campaigns that:
- highlight the role of particular ministers or address issues that are a matter of contention between the political parties contesting the election are **normally discontinued**.
 - are operational by nature, such as Australian Defence Force recruiting or public health campaigns, **usually continue**.
- 7.3.2 At the beginning of the caretaker period, agencies should review their individual arrangements for the distribution of publicly communicated material, such as newsletters. Agencies should avoid active distribution of material if it promotes Government policies or emphasises the achievements of the Government or a minister. Passive distribution of material, such as continued placement in the agency's offices or distribution in response to requests, is acceptable.
- 7.3.3 The conduct of advertising and information activities during the election period is regulated by legislation. Schedule 2 of the [Broadcasting Services Act 1992](#) deals with radio and television broadcasts and Part XXA of the [Commonwealth Electoral Act 1918](#) deals with a wide range of communications containing 'electoral matter' including all publicly communicated material. Broadly, the legislation requires all political communications that are broadcast by television and radio, printed material, social media, voice calls (including robocalls) and text messaging to be authorised.

- 7.3.4 The Australian Electoral Commission's website hosts further [guidance on the electoral communications and authorisation requirements](#).
- 7.3.5 The Australian Communications and Media Authority's website hosts further [guidance on the broadcasting and communication of political and election matters](#).

7.4 Internet and Electronic Communications

- 7.4.1 The Digital Transformation Authority's website hosts [guidance on the content and maintenance of agency and ministerial websites](#). Agencies are expected to ensure that the websites they maintain are consistent with the guidance at all times.
- 7.4.2 During the caretaker period, agencies need to take additional steps to ensure that Australian Government resources are not used to support any particular political party. Agencies should review their websites and online engagement tools at the beginning of the caretaker period, as outlined in [sections 7.4.3 to 7.4.13](#).

Agency Websites

- 7.4.3 In most cases, **agency websites** may retain material placed on the website before the commencement of the caretaker period. Exceptions may include recent ministerial statements that include negative references to the Opposition. Agencies should check the wording of any icons and links on their websites to ensure that they cannot be interpreted as promoting Government policy.
- 7.4.4 Agencies should add only the following material to their websites during the caretaker period:
- portfolio-related announcements consistent with usual practice (for example, a ministerial press release relating to a public health warning). This will require judgment within each individual agency.
 - purely factual material, including costings prepared and published under the [Charter of Budget Honesty Act 1998](#) (please see [section 7.7](#) of the Guidance for further information), and
 - information on existing policies and programs, unless the information includes negative references to the Opposition or other political statements.

If agency websites contain links to websites outside the 'gov.au' domain, agencies should consider the need for entry/exit messages. Please see section [7.4.10](#) of the Guidance for further information.

- 7.4.5 The interactive functions of websites within the gov.au domain which allow unmoderated comment or debate (for example in discussion groups, chat rooms or blogs) should be moderated by agencies during the caretaker period. Agencies may choose to provide a disclaimer to this effect:

Example text: *"In the period preceding an election for the House of Representatives, the Australian Government assumes a caretaker role. It is important during that time that Australian Government resources are not*

used to communicate political material. As this website is hosted by the [Department of ...], the site will be moderated from the time the House of Representatives is dissolved until after the election to ensure that political material is not placed on the site."

Ministerial Websites

- 7.4.6 Agencies do not need to withdraw existing IT services provided to ministers' offices during the caretaker period. If agencies are managing **ministerial websites**, they may also continue to fund and/or otherwise maintain the website if that was the practice prior to the caretaker period. Material placed on the minister's website before the caretaker period may be retained, including links between the minister's and agency's websites.
- 7.4.7 When adding material to ministerial websites during the caretaker period:
- agencies should only add material relating to matters of existing policy, or purely factual material. Agencies must not add material concerning future policies, election commitments, how-to-vote material or media releases and speeches that criticise opponents, promote the Government or pursue election issues.
 - agencies may choose to place a notice on the ministerial website advising that political and election-related material is not available on the website. The notice could refer visitors to the minister's party's website, or include a link to that website.
 - if the maintenance of the ministerial website has become the responsibility of the minister rather than the agency, ministerial staff may add any material to the website as long as there is no cost to the Australian Government. A notice must also be added to advise that, since the commencement of the caretaker period, the website is not being administered or funded by the agency.
- 7.4.8 Ministerial media releases and alerts should be placed on the website of the minister's political party during the caretaker period. Where ministers determine a need to issue media releases and alerts in their own name through Australian Government agency-maintained and/or funded websites, these should be restricted to time-sensitive, administrative or operational information in the public interest (for example, public health warnings, travel advisories, military operations or counter terrorism alerts).
- 7.4.9 If the minister's website is personal and not maintained by the agency, the minister may consider placing a disclaimer on the website to the effect that no Australian Government resources are being used to communicate political material.
- 7.4.10 If an agency-maintained and/or funded ministerial website contains links to websites outside the 'gov.au' domain, such as political party websites, agencies should include appropriate entry/exit messages:

Example text: *“You are now leaving the website of [insert agency name here]. The website you are entering is not maintained or funded by the Australian Government”.*

Social Media Accounts

- 7.4.11 The use and administration of **social media accounts** by agencies should observe the same practices that apply to ministerial websites, as set out in sections [7.4.6 to 7.4.10](#) of the Guidance. Externally-hosted, third-party engagement tools (for example, Facebook and Twitter) are inherently harder to control than the interactive functions of websites. For example, an agency may have a Facebook page which allows minimal moderation of the content that is posted to it, or a Twitter account which may be sent publicly-viewable messages containing political content.
- 7.4.12 It may not be possible to completely prevent political material from being posted by members of the public to agency social media accounts operated by third-parties. At the start of the caretaker period, agencies should review the functions and settings of their social media accounts, and other similar online engagement tools, to identify ways to minimise political content associated with their presence (even if the content is not directly attributable to the agency). Actions to achieve this may include:
- not posting new content to the account for the duration of the caretaker period;
 - disabling or opting for pre-moderation of comment sections, if possible, and closer monitoring of public contributions if not;
 - posting a notice that the agency is operating in a caretaker period and cannot respond to political content.
- 7.4.13 **Intranet, e-mail and other similar internal communication systems** provided by agencies should not be used to publish political material. Material related to political parties and how-to-vote material produced by any organisation should not be displayed using these systems, or in agencies’ physical premises.

7.5 Use of Agency Premises

- 7.5.1 There may be appropriate occasions where agency premises can be used by political parties during the caretaker period for public events, such as media conferences, or where they are the obvious place for a function (for example, the opening of a building by a minister). The use of premises should not unreasonably disrupt the normal operations of the agency.
- 7.5.2 In the case of official party functions being held on agency premises, it would be appropriate for the Opposition spokesperson, member or candidate to be given the opportunity to be present. Where candidates, other than the Prime Minister or ministers, seek to visit premises or facilities, agencies should be fair and equal in their responses and assistance to both the Government and Opposition.

- 7.5.3 While all parties campaigning in an election may responsibly use agency premises that are normally open to the public, it is not appropriate for this use to extend to activities that may engage APS employees in political dialogue, or as logistical support for political functions (please see [section 7.1](#) of the Guidance for further information).
- 7.5.4 Ministerial visits to agencies to undertake consultation is permissible for the conduct of routine government business, in accordance with the caretaker conventions.

7.6 Requests from Ministers' Offices for Information

- 7.6.1 Ministers may continue to request factual material and information from agencies during the caretaker period. Agencies should supply material relating to the day-to-day business of government to ministers in the usual way.
- 7.6.2 Ministers are ultimately responsible for determining the purpose for requesting material from agencies and how it is used during the caretaker period. Consistent with the APS value of impartiality, it may be appropriate for an agency to decline a request from a minister if it required the use of significant resources, and/or was clearly for use in the election campaign. If in doubt, agencies should discuss the purpose for which material is to be used with the minister or their senior staff before responding to a request.
- 7.6.3 In most instances, agencies should also decline requests from ministers' offices for policy advice during the caretaker period. However, there may be urgent domestic or international issues on which policy advice should be provided to enable responsible ongoing administration, or to protect Australia's interests. Requests for legal advice on issues affecting the minister in their capacity as a political candidate should be declined.
- 7.6.4 Agencies can proceed with policy development work during the caretaker period so that they are in a position to provide advice to the incoming government, provided that contact with ministers' offices is not required.

7.7 Charter of Budget Honesty and Other Policy Costings

- 7.7.1 The costing of Government and Opposition election commitments by The Treasury and the Department of Finance is regulated by the [Charter of Budget Honesty Act 1998](#) (the Act). The Secretaries of Treasury and Finance issue [Policy Costing Guidelines](#) under the Act around the commencement of the caretaker period.

- 7.7.2 The Act provides for the Secretaries of Treasury and Finance to prepare costings of publicly announced Government and Opposition election commitments during the caretaker period. The Act does not apply to:
- costings outside the caretaker period
 - costings by agencies other than The Treasury or Finance during the caretaker period, and
 - costing of minor party and independents' commitments during the caretaker period.
- 7.7.3 Ministers can request costing information from other agencies in accordance with longstanding practice. Where necessary, agencies may seek advice from Treasury and Finance on strictly factual issues and costing methodology. Treasury and Finance do not endorse or confirm costings through the provision of this advice to agencies, and costings of this nature must not be presented as costings under the Charter of Budget Honesty.
- 7.7.4 Ministers can also request any agency, including Treasury and Finance, to provide costing information in relation to minor parties' and independents' commitments. Any requests of this nature to Treasury and Finance should go through the offices of the Treasurer and the Minister for Finance.
- 7.7.5 The [Parliamentary Service Amendment \(Parliamentary Budget Officer\) Act 2011](#) establishes the Parliamentary Budget Office (PBO) as a separate Parliamentary Department, and the Parliamentary Budget Officer as an independent statutory office holder. The PBO may prepare policy costings on request both during and outside of caretaker periods.
- 7.7.6 **During caretaker period**, authorised members of Parliamentary parties and independent members can request policy costings of their publicly announced policies.
- The PBO can provide policy costings to Parliamentary parties with fewer than five members and to independent members (policy costings are not available to these groups under the Charter of Budget Honesty).
 - The requests and costings must be publicly released.
 - The Treasury and Finance are not authorised to prepare a Parliamentary party's policy costing during a caretaker period if a member of that party has already requested the PBO to prepare a costing of the same (or a substantially similar) policy, and vice versa, during the same caretaker period. This is to prevent duplicate costings being undertaken.
- 7.7.7 **Outside of a caretaker period**, Senators and Members of the House can request policy costings. These requests and the costings can be kept confidential outside of a caretaker period, if directed by the requestor.
- 7.7.8 The Australian Parliament House website hosts [further information on the role and operations of the PBO](#).

8. RELATED MATTERS

8.1 Tabling of and Responses to Reports

- 8.1.1 Responses to outstanding parliamentary committee reports should be deferred during the caretaker period for action by the incoming government. Agencies may continue to undertake appropriate preparatory work and consultation at the agency level so that they are in a position to provide advice to the incoming government.
- 8.1.2 Reports of an administrative nature, such as annual reports, can be tabled out of session during the caretaker period. However, where a report contains information that is likely to be controversial, consideration should be given to whether tabling should be deferred for action by the incoming government.
- 8.1.3 The PM&C website provides further advice in the [Tabling Guidelines](#).

8.2 Correspondence

- 8.2.1 The arrangements for handling correspondence during the caretaker period are a matter for individual agencies. In PM&C, the practice is to answer general correspondence during the caretaker period rather than leave it to accumulate. However, ministers usually sign only the necessary minimum of correspondence during the caretaker period. Some correspondence is prepared for signature by ministerial staff or departmental officers instead.
- 8.2.2 When preparing replies, care should be taken to protect the APS from perceptions of partisanship. Replies should not assume that the Government will or will not be returned to office. References to post-election action are in terms of the 'incoming government'. Correspondence that requires an explanation of Government policy should not commit the Government to post-election action or imply that the policy will continue if the Government is re-elected. Within PM&C it has not been considered sufficient to state only that the matter is one for the incoming government, although a reply might include these words to avoid any implication of continuing policy.
- 8.2.3 To avoid confusion, and as a matter of courtesy, members of the House of Representatives who are standing for re-election should continue to be addressed as 'MP' until it is known whether they have been re-elected. Newly-elected members should be addressed as 'MP' as soon as it is known that they are elected. Members who are not standing for re-election should not be addressed as 'MP' following the dissolution of the House of Representatives.

- 8.2.4 The same rules apply to senators for the Northern Territory and the Australian Capital Territory, except that territory senators who are not standing for re-election should be addressed as 'Senator' until the day of the election.
- 8.2.5 The terms of state senators expire and begin on 30 June and 1 July respectively, regardless of the date the election is held. Therefore, state senators who are not standing for re-election should continue to be addressed as 'Senator' until their terms expire.

8.3 Resources for Ministers

- 8.3.1 During the caretaker period, the provision of Australian Government resources for ministers and their staff should be assessed by agencies on a case-by-case basis. Agencies must not cover claims relating to the election campaign or a political event, as these costs are to be borne by the respective political party. For example, claims that would not be covered include requests for additional laptop computers, tablets or mobile telephones for ministers or their staff, unless there was a demonstrable official purpose.
- 8.3.2 Claims relating to the management of essential government business can be covered by agencies; for example, to support ministers attending an urgent Cabinet meeting or primarily in connection with their ministerial duties.
- 8.3.3 In the case of claims that cover a combination of official government and political business, agencies can grant a partial reimbursement to cover government business.
- 8.3.4 Ministers' claims for travel allowance, including during the caretaker period, are governed by the [Parliamentary Business Resources Act 2017](#) (the Act). Ministers must ensure that all of their travel expense claims meet the obligations prescribed by the Act, including that the travel is for the dominant purpose of their parliamentary business in accordance with the [Parliamentary Business Resources \(Parliamentary Business\) Determination 2017](#) and is value for money.
- 8.3.5 Guidance in relation to public resources for ministers that are administered by the [Ministerial and Parliamentary Services Division of the Department of Finance](#) and the [Independent Parliamentary Expenses Authority](#) are available from each agency's respective website.

8.4 Legislation

- 8.4.1 Bills that have passed both Houses of Parliament should be assented to by the Governor-General before the dissolution of the House of Representatives. There is at least one instance – involving a Bill passed in the 1930s – where a Bill received assent after dissolution. However, questions have been raised about the

constitutional validity of Acts that receive assent in the period between dissolution and the opening of the new Parliament.

- 8.4.2 Legislation can be proclaimed during the caretaker period. Proclamations which have a commencement date after the date of the election are generally not made, other than in exceptional circumstances.
- 8.4.3 The Executive Council usually meets immediately before the dissolution of the House to approve regulations and ordinances, including those made under Acts just assented to by the Governor-General. Where there is no infringement of the basic caretaker conventions, the Executive Council may approve regulations and ordinances during the caretaker period. However, meetings are infrequent during the caretaker period and are held only when required and with the agreement of the Governor-General.

8.5 Cabinet Documents

- 8.5.1 Successive governments have accepted the convention that ministers do not seek access to documents recording the deliberations of ministers in previous governments. Cabinet documents are considered confidential to the government that created them. In this context, all Cabinet documents, including files, Submissions, Memoranda, Business Lists, Minutes (decisions) and matters that were considered without submission (under-the-line items) should be returned to the custody of the Cabinet Liaison Officer in the Parliamentary Business Section, or equivalent, in each agency, for storage until the result of the election is known.
- 8.5.2 The Cabinet Liaison Officer should advise the Cabinet Division in PM&C when they have accounted for all documents and ensured they are securely stored.
- 8.5.3 The Cabinet Division of PM&C may issue further procedural guidelines on the handling of Cabinet documents at the commencement of the caretaker period and is the appropriate contact for further advice on such matters. Advice on the security and handling of Cabinet documents is set out in the [Cabinet Handbook](#) hosted on the PM&C website.

9. GUIDELINES FOR PRE-ELECTION CONSULTATION WITH THE OPPOSITION

- 9.1.1 In 1976, the Government tabled Guidelines providing for pre-election consultation with the Opposition. The Guidelines are intended to ensure a smooth transition if an election results in a change of government. The current version of the Guidelines was presented to the Senate on 5 June 1987 and is re-printed at [section 9.1.3](#) of the Guidance.

9.1.2 The Guidelines are distinct from the caretaker conventions and commence on a different date. They apply as soon as an election for the House of Representatives is announced or three months before the expiry of the House, whichever occurs first.

9.1.3 The Guidelines are as follows:

- (i) The pre-election period is to date from three months prior to the expiry of the House of Representatives or the date of announcement of the House of Representatives election, whichever date comes first. It does not apply in respect of Senate elections only.
- (ii) Under the special arrangement, shadow ministers may be given approval to have discussions with appropriate officials of government departments. Party leaders may have other Members of Parliament or their staff members present. A departmental secretary may have other officials present.
- (iii) The procedure will be initiated by the relevant Opposition spokesperson making a request of the minister concerned who is to notify the Prime Minister of the request and whether it has been agreed.
- (iv) The discussions will be at the initiative of the non-government parties, not officials. Officials will inform their ministers when the discussions are taking place.
- (v) Officials will not be authorised to discuss Government policies or to give opinions on matters of a party political nature. The subject matter of the discussions would relate to the machinery of government and administration. The discussions may include the administrative and technical practicalities and procedures involved in implementation of policies proposed by the non-Government parties. If the Opposition representatives raised matters which, in the judgment of the officials, sought information on Government policies or sought expressions of opinion on alternative policies, the officials would suggest that the matter be raised with the minister.
- (vi) The detailed substance of the discussions will be confidential but ministers will be entitled to seek general information from officials on whether the discussions kept within the agreed purposes.

From: s 22(1)(a)(ii)
To:
Subject: Cabinet -: F2024 Guidance on Caretaker Conventions - final feedback [SEC=OFFICIAL]
Date: Monday, 23 December 2024 1:36:56 PM

From: Ananijevski, Branko <Branko.Ananijevski@pmc.gov.au>
Sent: Wednesday, 6 November 2024 7:16 PM
To: Philp, Alex <Alex.Philp@pmc.gov.au>
Cc: Easton, Deanna <Deanna.Easton@pmc.gov.au>; s 22(1)(a)(ii) @pmc.gov.au>; s 47E(d) @pmc.gov.au>; Pregellio, Nina <Nina.Pregellio@pmc.gov.au>; Costigan, Bridie <Bridie.Costigan@pmc.gov.au>; Hupalo, Paul <Paul.Hupalo@pmc.gov.au>
Subject: RE: F2024 Guidance on Caretaker Conventions - Cabinet Handbook reference [SEC=OFFICIAL]

OFFICIAL

Hi Mr Philp

Thanks for checking in and sorry for the delay (just had to confirm process). It's a little more complicated than a simple addition, but let me know if the below doesn't meet your needs.

Branko

Cabinet Documents

1. Successive governments have accepted the convention that ministers do not seek access to documents recording the deliberations of ministers in previous governments. Cabinet documents are considered confidential to the government that created them.
2. Electronic access to Cabinet Documents provided via CabNet+ will be disabled upon the commencement of the caretaker period for standard departmental users. Cabinet Liaison Officers (CLOs) will retain access to cabinet documents and the ability to distribute them to departmental users on a case-by-case basis, but will be unable to print. Departmental Liaison Officers (DLO) and ministerial office staff access will remain unchanged until the election result is known, and will be withdrawn if a change of government occurs.
3. CLOs and DLOs should take custody of hard copy cabinet documents including Submissions, Memoranda, Agendas, and Minutes (decisions) within their organisation or office for destruction or storage until the result of the election is known.
4. The Cabinet Liaison Officer should advise the Cabinet Division in PM&C when they have accounted for all hard copy documents and ensured all retained documents are securely stored.
5. The Cabinet Division of PM&C may issue further procedural guidelines on the handling of Cabinet documents at the commencement of the caretaker

period and is the appropriate contact for further advice on such matters. Advice on the security and handling of Cabinet documents is set out in the [Cabinet Handbook](#) hosted on the PM&C website.

From: Philp, Alex <Alex.Philp@pmc.gov.au>
Sent: Wednesday, 6 November 2024 12:53 PM
To: Ananijevski, Branko <Branko.Ananijevski@pmc.gov.au>
Cc: Easton, Deanna <Deanna.Easton@pmc.gov.au>; s 22(1)(a)(ii) @pmc.gov.au; s 47E(d) @pmc.gov.au
Subject: F2024 Guidance on Caretaker Conventions - Cabinet Handbook reference
[SEC=OFFICIAL]
Importance: High

OFFICIAL

Hi Branko

I am hoping you can give me a quick call to discuss the draft Caretaker Guidance.

We have included the below updated draft text provided by Cabinet Division (s 22(1)(a)(ii)).

s 47E(d)

Are you able to suggest a sentence to capture the appropriate handling of electronic Cabinet documents in caretaker to include in the below guidance?

Thanks in advance and we don't need anything complicated or lengthy. However we are after something quickly and hoping for some words this afternoon? Apologies for this.

Cheers

A

Cabinet Documents

1. Successive governments have accepted the convention that ministers do not seek access to documents recording the deliberations of ministers in previous governments. Cabinet documents are considered confidential to the government that created them. In this context, all Cabinet documents, including files, Submissions, Memoranda, Agendas, and Minutes (decisions) should be returned to the custody of the Cabinet Liaison Officer in the Parliamentary Business Section, or equivalent, in each agency, for storage until the result of the election is known.
2. The Cabinet Liaison Officer should advise the Cabinet Division in PM&C when they have accounted for all documents and ensured they are securely stored.

3. The Cabinet Division of PM&C may issue further procedural guidelines on the handling of Cabinet documents at the commencement of the caretaker period and is the appropriate contact for further advice on such matters. Advice on the security and handling of Cabinet documents is set out in the [Cabinet Handbook](#) hosted on the PM&C website.

From: s 22(1)(a)(ii)
To:
Subject: Cabinet feedback: Guidance on Caretaker Conventions [SEC=OFFICIAL:Sensitive]
Date: Monday, 23 December 2024 1:34:25 PM
Attachments: [image002.png](#)

From: Philp, Alex <Alex.Philp@pmc.gov.au>
Sent: Friday, 1 November 2024 10:14 AM
To: s 22(1)(a)(ii) @pmc.gov.au>
Subject: FW: Guidance on Caretaker Conventions [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi there

Can you check to see if these changes from Cabinet made it into the current version of the Guidance? I'll add Cabinet to the consult list on the brief.

Ta
A

From: Philp, Alex
Sent: Tuesday, 1 October 2024 2:58 PM
To: Walter, Andrew <Andrew.Walter@pmc.gov.au>; s 22(1)(a)(ii) @pmc.gov.au>
Cc: Easton, Deanna <Deanna.Easton@pmc.gov.au>; Belgrove, David <David.Belgrove@pmc.gov.au>; Hupalo, Paul <Paul.Hupalo@pmc.gov.au>
Subject: RE: Guidance on Caretaker Conventions [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Thanks s 22(1)(a)(ii)

Those suggestions were really useful and I have incorporated most into the proposed final version of the Guidance.

A couple of other things:

Firstly, you wanted to discuss 8.5.3 – happy to do so any time. Are you happy with that wording – or suggest it be changed?

Secondly – is there any utility in adding a reference to cabinet or handling of any other electronic documents (ministerial briefings etc) in 8.5.1?

Thanks
Alex Philp

From: Walter, Andrew <Andrew.Walter@pmc.gov.au>
Sent: Tuesday, 1 October 2024 10:47 AM
To: s 22(1)(a)(ii) @pmc.gov.au
Cc: Easton, Deanna <Deanna.Easton@pmc.gov.au>; Philp, Alex <Alex.Philp@pmc.gov.au>; Belgrove, David <David.Belgrove@pmc.gov.au>; Hupalo, Paul <Paul.Hupalo@pmc.gov.au>; Walter, Andrew <Andrew.Walter@pmc.gov.au>
Subject: RE: Guidance on Caretaker Conventions [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Thanks s 22(1)(a)(ii) really appreciate it. Andrew

From: s 22(1)(a)(ii) @pmc.gov.au
Sent: Tuesday, 1 October 2024 8:46 AM
To: Walter, Andrew <Andrew.Walter@pmc.gov.au>
Cc: Easton, Deanna <Deanna.Easton@pmc.gov.au>; Philp, Alex <Alex.Philp@pmc.gov.au>; Belgrove, David <David.Belgrove@pmc.gov.au>; Hupalo, Paul <Paul.Hupalo@pmc.gov.au>
Subject: RE: Guidance on Caretaker Conventions [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi Andrew,

Thanks for sending this through. Here is Cabinet Division's comments, cleared by Paul.

We propose:

- Suggest adding the below sentence to para 4.1:
 Governments defer making significant appointments during the caretaker period. When determining if an appointment qualifies as significant, agencies should consider the importance of the position and whether the proposed appointment is likely to be controversial. Agencies should also be aware that meetings of the Executive Council, at which appointments by the Governor-General are usually made, do not generally occur during the caretaker period except in exceptional circumstances.
- Suggest the final two sentences of para 8.4.3 be replaced with:
 - o The Executive Council usually meets immediately before the dissolution of the House to approve regulations and ordinances, including those made under Acts just assented to by the Governor-General. ~~Where there is no infringement of the basic caretaker conventions, the Executive Council may approve regulations and ordinances during the caretaker period. However, meetings are infrequent during the caretaker period and are held only when required and with the agreement of the Governor-General.~~ While it is possible for the Executive Council to approve regulations and ordinances during the caretaker period that do not infringe caretaker conventions, meetings of the Executive Council do not generally occur during the caretaker period except in exceptional circumstances.
- Suggest in para 8.5.1:
 - o The reference to business lists be replaced with 'Agendas'
 - o The reference to '(under-the-line items)' be deleted.
- Suggest in para 8.5.3 the link to the handbook be updated to -
<https://www.pmc.gov.au/government/administration/cabinet-handbook-15th-edition>
- I suggest Gov Div consider including the first sentence of 8.5.1 under section 2 ('Background and overview of caretaker conventions) – this principle is often referred to between caretaker periods to guide agency behaviour, and I would suggest may go beyond Cabinet documents and include legal advice and other deliberative material (although this may not be a universal view). Suggest an

amended form could go between paras 2.5 and 2.6:

- o Following the end of the caretaker period and once a new Government is appointed, successive governments have accepted the convention that ministers do not seek access to documents recording the deliberations of ministers in previous governments.

Cabinet Operations would like to discuss re: *8.5.3 The Cabinet Division of PM&C may issue further procedural guidelines on the handling of Cabinet documents at the commencement of the caretaker period and is the appropriate contact for further advice on such matters* s 47E(d)

s 47E(d)

Please let us know if you have any questions.

Kind regards,

s 22(1)(a)(ii)

Executive Support Officer

Cabinet Division | Department of the Prime Minister and Cabinet

Ngunnawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

s 22(1)(a)(ii)

s 22(1)(a)(ii) @pmc.gov.au

w. www.pmc.gov.au



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: Walter, Andrew <Andrew.Walter@pmc.gov.au>

Sent: Thursday, 5 September 2024 3:51 PM

To: Hupalo, Paul <Paul.Hupalo@pmc.gov.au>

Cc: Easton, Deanna <Deanna.Easton@pmc.gov.au>; Philp, Alex <Alex.Philp@pmc.gov.au>;

Belgrove, David <David.Belgrove@pmc.gov.au>; Walter, Andrew <Andrew.Walter@pmc.gov.au>

Subject: Guidance on Caretaker Conventions [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi Paul

As you are no doubt aware Government Division updates the *Guidance on Caretaker Conventions* (the Guidance) before each general election to account for any changes to relevant legislation, policy and practices.

The overall experience from the 2022 general election was the Guidance provided the basis for the APS to effectively support the smooth operation of Government during the Caretaker period.

I would welcome any reflections you have on the operation of the Caretaker period from 2022

and whether any improvements should be considered to the Guidance ahead of the next general election specifically in relation to section 8.5 of the Guidance.

Grateful for any suggestions by the end of September if possible. The current version of the Guidance is attached for your reference.

I am also consulting other areas of the APS and look forward to hearing from you. We are happy to just have a chat if that would be easier.

Andrew

Andrew Walter
First Assistant Secretary
Government Division
Department of the Prime Minister and Cabinet

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