



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.