

CHAPTER THREE

CARETAKER CONVENTIONS

3.1 The caretaker conventions apply in the period immediately before an election and are outlined in paragraphs 2.19 to 2.28 of the Cabinet Handbook. The guidelines for the handling of government business during the election period and for pre-election consultation with officials by the opposition were tabled in the Senate on 5 June 1987 (see Appendixes 3A and 3B). An article providing detail on the conventions and their background was included in the 1986-87 Annual Report of the Department of the Prime Minister and Cabinet (Parliamentary Paper No. 302 of 1987).

3.2 Successive governments have accepted that caretaker conventions operate from the dissolution of the House of Representatives until the election result is clear, or in the event of a change of government, until the new government is appointed. However, there is no caretaker period for separate half Senate elections. Conventions in similar terms to the basic conventions which now apply date from the second administration of Sir Robert Menzies in 1951. The conventions cover three general areas - the actions of government, the operation of departments and consultation with the opposition.

Actions of government

3.3 By convention, the government ensures that decisions are not taken in the caretaker period which would bind an incoming government or limit its freedom of action. The basic caretaker conventions require a government to avoid implementing major policy initiatives, making appointments of significance or entering major contracts or undertakings including those which would be politically contentious.

Operation of departments

3.4 Further dimensions of the caretaker conventions are directed at ensuring that departments avoid any partisanship in the special circumstances of an election

campaign and that government resources are not directed to supporting a particular political party. In general, during the caretaker period the routine business of administration continues until the incoming government's wishes are known. The circumstances of an election campaign demand special attention by departments to the need to ensure impartiality of the public service and its ability to serve whatever government is to be elected. Ministers usually sign necessary correspondence only. There is correspondence normally signed by ministers which during this period is signed by departmental officers. Departmental replies should not assume the election of one party or another.

3.5 Material concerning the day to day business of government is supplied to Ministers in the usual way. It is accepted as proper practice for departments to decline requests for material or administrative assistance for purposes clearly related to the election rather than the ongoing business of government. Other matters addressed include the issue of travel by ministers and their opposition counterparts and the continuation of government advertising campaigns.

Consultation with Opposition

3.6 Finally, to ensure a smooth transition in the event of a change of government, there is provision under appropriate guidelines for pre-election consultation between the opposition and departmental officers. The subject matter of these consultations relates to the machinery of government and may include the administrative and technical practicalities and procedures involved in the implementing of policies proposed by the opposition. Officers are not authorised to discuss government policies or offer opinions on party political matters.

3.7 The Department of the Prime Minister and Cabinet has observed that, despite their general terms, the caretaker conventions and pre-election practices have been relatively free from controversy, with successive Australian governments from both sides of politics accepting the need for such conventions to apply at election time. (see Department of the Prime Minister and Cabinet, Annual Report 1986-87, p.44).