

COMMONWEALTH ALERT

Commonwealth Caretaker Conventions

11 March 2016

In anticipation of a possible election announcement in the not too distant future, in place of our usual *Commonwealth Alert*, we are providing a summary of the Commonwealth Caretaker Conventions.

The attached chart gives an overview of the conventions, including tips for agencies and Commonwealth Officers on appropriate steps to take and matters to be aware of in the period between an election announcement and the swearing in of a new government.

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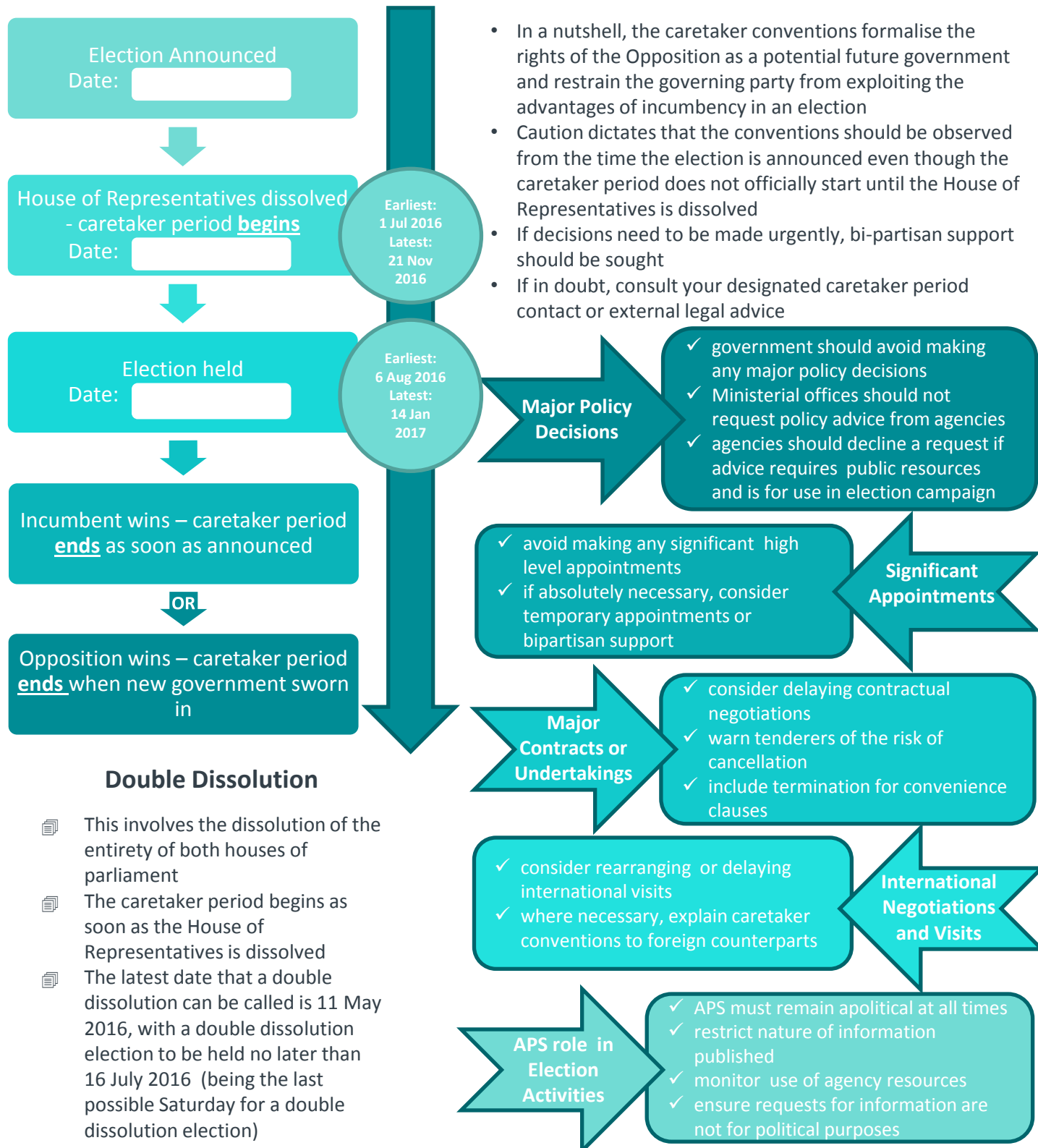
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Commonwealth Caretaker Conventions

Timeline

Overview



Double Dissolution

- ☞ This involves the dissolution of the entirety of both houses of parliament
- ☞ The caretaker period begins as soon as the House of Representatives is dissolved
- ☞ The latest date that a double dissolution can be called is 11 May 2016, with a double dissolution election to be held no later than 16 July 2016 (being the last possible Saturday for a double dissolution election)

Fundamental Principles

The conventions dictate that government Ministers should not:

1. promote their party with the public purse
2. engage in stacking, i.e. committing to a course of action that an incoming government may not agree with (eg making a significant appointment or signing major contracts)

Commonwealth Caretaker Conventions

On commencement of the caretaker period, agencies should:

- ✓ brief staff on the caretaker conventions (remember that during any election, some officials are working in a caretaker environment for the first time)
- ✓ appoint one or two senior officers to be the initial contact for internal caretaker enquiries
- ✓ ensure that no Commonwealth resources are being used for political messaging:
 - review arrangements for the distribution of printed material or website announcements during caretaker period
 - check the wording of icons and links on agency websites
 - exercise caution not to promote Government policies or emphasise achievements of a Minister or the Government
 - remove material that might be considered critical of the Opposition
 - limit agency contributions to Ministerial websites to administrative information
- ✓ identify and reconsider any of the following which may be in progress: significant appointments, significant announcements, execution of major contracts; international negotiations and visits
- ✓ consider recall of a Departmental Liaison Officer from the Minister's office
- ✓ in business as usual activities and correspondence, make no assumptions about whether or not the Government will be returned to office

Rules of Thumb

- 👍 The executive must be and be seen to be politically impartial
- 👍 Public resources should not be used to promote political interests
- 👍 Business as usual should continue

On commencement of caretaker period, Commonwealth officials should beware of:

- ✗ engaging in party political activities during the election campaign*
- ✗ making political comments (verbal or written), even in an unofficial capacity*
- ✗ displaying political material while working
- ✗ invitations to speak publicly on political issues
- ✗ requests for information or assistance from a Minister's office, in particular:
 - requests that require Commonwealth resources and which may further the Minister's re-election campaign
 - requests for legal advice where this may relate to the Minister's candidacy

Officials should proceed with business as usual activities, including policy development work, provided that this does not involve giving policy advice to the Minister's office

* These activities are not prohibited but carry risks. For further information see the *APS Values and Code of Conduct in Practice: A guide to official conduct for APS employees and Agency Heads*.

Note: Conventions are not written law and are not subject to judicial interpretation. They evolve in response to changing circumstances. This briefing is based on academic commentary and the Guidance on Caretaker Conventions published by the Department of Prime Minister and Cabinet dated 1 June 2013.

Ashurst will be holding a breakfast briefing on the caretaker conventions on 6 April 2016. Contact Sally Teale on 02 6234 4107