

BARTON DEAKIN ANNOUNCEMENT

SUBJECT: NSW CARETAKER CONVENTIONS

DATE: 18 JUNE 2010

SUMMARY:

The caretaker period, the phase leading up to an election after parliament has been dissolved, is governed by a set of conventions. In New South Wales the parliament will be officially dissolved on the Friday before the first March Saturday in an election year. In 2011, this will be Friday 4 March – the election date is Saturday 26 March.

Despite 4 March being the official start of the caretaker period, the campaign itself will likely begin earlier. In 2007, the then Lemura Government began its election campaign in mid-February – two weeks before the Government entered caretaker mode.

The caretaker period ends when either the election result is clear or when a new Government has been appointed in the event of a change of government.

The caretaker conventions affect the scope of government action – generally, no significant new initiatives, appointments or contractual arrangements should be undertaken during the period.

The conventions apply because once parliament is dissolved, Ministers are no longer accountable to parliament. The conventions apply to ensure:

- no decisions are taken binding an incoming government;
- the neutrality of the public service; and
- public resources are not used for party political purposes.

Agencies are responsible for observing conventions. Ministers are only responsible for matters in which they are personally involved. Importantly, the conventions are part of Westminster tradition, but aren't legally binding.



Legislation and Cabinet Documents

Any bills already passed by the dissolved parliament are given Royal assent.

As cabinet proceedings are confidential, Ministers are advised all Cabinet documents need to be accounted for and returned to the Cabinet Office if the Government is defeated.

Agencies and Non-Government MPs

Departmental officials may advise on the practicality of implementing Opposition policies. Ministers are to be advised of the general nature of such discussions. Requests by non-Government MPs to consult with agencies are made through the relevant Minister.

Agencies should continue supplying material concerning day-to-day government business to Ministers. Ministers are not to compromise public service neutrality.

Appointments, contracts and advertising

While significant government appointments should be avoided, agencies do have the option of making a short term or acting appointment if it is necessary.

The Government should not sign major contracts during the period, but exceptions are made for contracts already entered or tenders previously announced.

Government advertising should not have any party political purposes – to ensure this, advertising generally should not contain photographs of a Minister or focus on issues of political controversy. Any advertising needs to be for community information or obvious commercial reasons.

Opposition consultation

Significant decisions sometimes need to be made during the period. The Government should consult the Leader of the Opposition before a decision is made binding an incoming government.