GUIDELINES ON THE CARETAKER CONVENTIONS AND THE OPERATIONS OF GOVERNMENT DURING THE CARETAKER PERIOD

State Election 2014
# CONTENTS

## 1 INTRODUCTION ........................................................................................................... 1
  - WHAT IS THE ‘CARETAKER PERIOD’? ................................................................. 1
  - THE ‘CARETAKER CONVENTIONS’ ................................................................. 1

## 2 MAJOR POLICY DECISIONS ......................................................................................... 3
  - Operational Note ...................................................................................................... 3

## 3 SIGNIFICANT APPOINTMENTS ...................................................................................... 4
  - Operational Notes ..................................................................................................... 4

## 4 MAJOR CONTRACTS AND AGREEMENTS ...................................................................... 5
  - Operational Notes ..................................................................................................... 5

## 5 ONGOING WORK OF AGENCIES .................................................................................. 6
  - Requests from Ministerial Offices for Information .............................................. 6
  - Legislation .................................................................................................................. 7
  - Executive Council ..................................................................................................... 7
  - Cabinet ...................................................................................................................... 7
  - Correspondence ......................................................................................................... 7
    - Operational Notes .................................................................................................... 7
  - Grants .......................................................................................................................... 8
  - Tabling of and Responses to Reports ....................................................................... 8

## 6 AVOIDING INVOLVEMENT OF AGENCIES IN ELECTION ACTIVITIES ..................... 9
  - Communications ....................................................................................................... 9
    - Advertising and Information Campaigns ............................................................ 9
    - Online and Electronic Communications ............................................................. 9
    - Media Statements .................................................................................................. 11
    - Operational Notes .................................................................................................. 11
  - Use of Agency Premises .......................................................................................... 12
    - Operational Note ................................................................................................... 13
  - Political Participation by Agency Staff ...................................................................... 13
    - Operational Notes .................................................................................................. 13

## 7 CHARTER OF BUDGET RESPONSIBILITY .................................................................... 14

## 8 AGENCY PREPARATIONS FOR AFTER THE ELECTION ............................................. 15
  - Policy Development ................................................................................................. 15
  - Incoming Government Briefings ............................................................................. 15
  - Post-Election - Cabinet Documents ......................................................................... 15

## 9 OTHER MATTERS ......................................................................................................... 16
  - Financial Entitlements .............................................................................................. 16
  - Ministerial Vehicles ................................................................................................. 16
  - State Visits ................................................................................................................ 16
  - Ministerial Office Records ....................................................................................... 16

## 10 CONSULTATION BETWEEN NON-GOVERNMENT PARTIES AND AGENCY STAFF 17
I  INTRODUCTION

What is the ‘caretaker period’?

1.1 The period between the dissolution or expiration of the House of Assembly and the appointment of a new Government is known as the ‘caretaker period’.

1.2 By convention, during the period preceding a general election for the House of Assembly, the government assumes a ‘caretaker role’.

1.3 The caretaker period recognises that:

- With the expiration or dissolution of the House of Assembly, Executive Government cannot be held accountable for its decisions in the normal manner; and
- Every general election carries the possibility of a change of government.

1.4 In general terms, the caretaker period begins at the time the House of Assembly is dissolved or expires and continues until the election result is clear or, if there is a change of government, until the new government is appointed.

The ‘caretaker conventions’

1.5 During the caretaker period, the business of government continues and ordinary matters of administration continue. The role of government agencies remains unchanged; the provision of all normal services should continue and statutory responsibilities are not affected.

1.6 Successive governments have followed a set of practices, known as the ‘caretaker conventions’, which aim to ensure that their actions do not inappropriately bind an incoming government and limit its freedom of action.

1.7 While government business continues, as it applies to ordinary matters of administration, the caretaker conventions do affect some aspects of Executive Government. In summary, the conventions are that the Government avoids:

- making major policy decisions that are likely to commit an incoming government;
- making significant appointments; and
- entering into major contracts or agreements.

1.8 There are also established conventions and practices associated with the caretaker conventions that are directed at protecting the apolitical nature of the State Service, preventing controversies about the role and work of the State Service during an election campaign, and avoiding the use of government resources in a manner to advantage a particular party.

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1 Section 6 of the State Service Act 2000 specifies that the State Service consists of Heads of Agencies, holders of prescribed offices, senior executives and employees.

Department of Premier and Cabinet, Tasmania
1.9 The conventions and practices have developed primarily in the context of the relationship between Ministers and their portfolio departments. The relationship between Ministers and other bodies, such as statutory authorities, government business enterprises and State-owned companies, varies from body to body. However, those bodies should also observe caretaker conventions and practices unless to do so would conflict with their legal obligations or compelling organisational requirements.

1.10 These guidelines are intended to explain the conventions and practices in more detail and to provide guidance for the handling of business during the caretaker period. The conventions are neither legally binding nor hard and fast rules. Their application in individual cases requires sound judgement and common sense.

1.11 The Secretary, Department of Premier and Cabinet is able to provide information and advice to agencies, but responsibility for observing the conventions rests with heads of agencies and, in matters where they are involved, with the relevant Ministers.
2 **MAJOR POLICY DECISIONS**

2.1 Governments should avoid making and implementing major policy decisions during the caretaker period that are likely to commit an incoming government or limit its freedom to act.

2.2 Whether a particular policy decision qualifies as ‘major’ is a matter for judgment. Relevant considerations include:
   - the significance of the commitment in terms of policy and resources; and
   - whether the decision is a matter of contention between the Government and opposition parties in the election campaign.

2.3 The conventions apply to the timing of the making of decisions that are likely to commit an incoming government, not to their announcement. Accordingly, the conventions are not necessarily contravened where decisions made before the calling of an election are announced during the caretaker period. Where possible, decisions about policies that have been agreed but not made public should be announced ahead of the caretaker period if their announcement is likely to cause controversy during the election campaign.

2.4 The conventions do not apply to promises on future policies that the party in government announces as part of its election campaign.

2.5 If circumstances require the Government to make a major policy decision during the caretaker period that would bind an incoming government, the relevant Minister, after agreement with the Premier, would usually consult opposition spokesperson(s) beforehand. The requirement to consult does not require the Government to obtain the endorsement of opposition parties.

**Operational Note**

a Consultation by non-government parties or Members of Parliament with departmental officers must only occur with the express authorisation of the Premier. If a non-government party or Member makes direct contact with an agency they should be referred to the Head of the Premier’s Office. Appendix 1 provides more information about consultation with non-government parties.

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2 ‘Agency’ means a Government department or a State authority or other organisation specified in Column 1 of Schedule 1 of the State Service Act 2000
3 SIGNIFICANT APPOINTMENTS

3.1 Governments should defer making significant appointments during the caretaker period. As a rule, any significant appointments to commence after election day would not be offered in the caretaker period.

3.2 Significant appointments to be offered and made after the date of dissolution or expiry are deferred until after the election. Finalisation of selection processes that have started but not completed should also be deferred until after the caretaker period.

3.3 In considering whether an appointment qualifies as 'significant', the agency should consider:

- the importance of the position; and
- whether the proposed appointment would be likely to be controversial.

3.4 If deferring an appointment is impracticable, usually for continuity purposes or reasons associated with the proper functioning of an agency, there are several options:

- An acting appointment can be made where permissible;
- A short term appointment can be made until shortly after the end of the caretaker period; or
- If those options are not practicable, a full term appointment can be made and the relevant Minister, after agreement with the Premier, could consult the relevant Opposition spokesperson in such circumstances.

Operational Notes

a Significant appointments will generally include those for head or deputy head of an agency, the head of a division or branch whose activities are deemed sensitive, member of statutory bodies and statutory office holders.

b Offers of consecutive appointments for senior departmental officers are usually made at least six months prior to the expiry of an appointment. At the time an offer of consecutive appointment is made it is accompanied by a proposed instrument of appointment which is the basis of the new appointment. The making and acceptance at this time constitutes a contractual arrangement to make the appointment. Instruments of appointment for consecutive appointments that have been accepted but which are due to start in the caretaker period should be signed by the relevant Minister or submitted to Executive Council, as is appropriate, prior to the commencement of the caretaker period.
4 MAJOR CONTRACTS AND AGREEMENTS

4.1 Governments should avoid entering into major contracts or undertakings during the caretaker period. This includes commitments and undertakings which could bind an incoming government.

4.2 When considering whether a contract or undertaking qualifies as ‘major’, agencies should consider:
   
   • the monetary value of the commitment;
   
   • whether the commitment involves a routine matter of administration or if it implements or entrenches a policy, program or administrative structure which is politically contentious; and
   
   • whether the commitment requires ministerial approval.

4.3 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, after agreement with the Premier, could consult the relevant Opposition spokesperson regarding the commitment.
   
   • agencies could also ensure that new contracts entered into during the caretaker period include clauses providing for termination in the event of an incoming government not wishing to proceed.

4.4 Similarly, in the case of outstanding tender processes, agencies should warn potential tenderers about the implications of the election and the possibility that the tender might not be completed. If possible, new tender processes should not commence during the caretaker period.

4.5 The convention that the Government avoids entering into major commitments during the caretaker period extends to intergovernmental negotiations and agreements. The Government ordinarily seeks to defer such negotiations or adopts observer status until the end of the caretaker period.

4.6 If deferring involvement or adopting observer status is not feasible, the Government representatives should if possible limit their role to providing information on the Government’s past position, without committing the incoming government to that position.

4.7 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, or it could seek non-government parties’ agreement to negotiating positions.

Operational Notes

   a Where contracts have been entered into prior to the caretaker period, further
agreements can be entered into during that period if:

- these are subsidiary to that “head contract”, relating to matters already proceeding; or
- penalties may be incurred for breach if further agreements are not entered into.

b Generally, during the caretaker period, departmental officials should attend meetings of ministerial councils and committees rather than Ministers or other members of Parliament.

## 5 ONGOING WORK OF AGENCIES

### 5.1
During the caretaker period, executive government continues to operate and Ministers remain in authority. Agencies continue to operate during the caretaker period, dealing with the ordinary business of government.

### 5.2
While agencies avoid political partisanship at all times, the circumstances of an election campaign require special attention to the need to ensure the impartiality and apolitical nature of the State Service, and its continuing ability to serve whatever government is elected.

#### Requests from Ministerial Offices for Information

5.3 Material relating to the day to day business of government is supplied to Ministers in the usual way. Ministers are entitled to request, and should continue to be provided with factual material. The purpose to which such material is put is for Ministers to determine.

5.4 It may be appropriate for an agency to decline a request for information if it requires the use of significant resources and is clearly for use as part of the election campaign. If in doubt, the head of agency should discuss with the Minister or his/her senior staff the purpose for which the material is to be used.

5.5 In most instances, agencies should decline requests for policy advice during the caretaker period. There might, however, be urgent issues on which policy advice should be provided to Ministers to allow responsible ongoing administration or to protect the State’s interests and to enable the Government to respond appropriately in the public interest.

5.6 Requests for legal advice on issues affecting the Minister\(^3\) in his or her capacity as a candidate should be declined.

5.7 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.

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\(^3\) All Ministers of the Crown and Parliamentary Secretaries.
Guidelines on the Caretaker Conventions

Legislation

5.8 Bills that have passed both Houses of Parliament should, if practicable, be assented to by the Governor before the dissolution or expiry of the House of Assembly, but may lawfully be assented to subsequently.

5.9 Legislation can be proclaimed during the caretaker period but, other than in exceptional circumstances, proclamations that have a commencement date after the date of the election are not made.

Executive Council

5.10 It is usual for the Executive Council to meet immediately before the commencement of the caretaker period to approve any outstanding proposed regulations and other statutory rules if possible.

5.11 The Executive Council may otherwise meet as required, including if necessary during the caretaker period, to consider routine matters of Government business and, where there is no breach of the caretaker conventions, it may approve regulations. However, Executive Council meetings are infrequent during the caretaker period and are only held, with the Premier’s approval, when required by the amount of business.

Cabinet

5.12 Meetings of Cabinet and Cabinet committees are generally not scheduled during the caretaker period, although this is ultimately a matter for the Premier. If Cabinet does meet, any deliberations will be subject to the caretaker conventions.

Correspondence

5.13 Once the caretaker period commences, Ministers will usually avoid signing any correspondence other than that which it is necessary for them personally to sign in that period.

5.14 Correspondence may be attended to by agencies in the usual way. When preparing replies, care should be taken to protect the State Service from any perception of partisanship.

5.15 Some correspondence that would ordinarily be signed by Ministers may need to be prepared for signature by the head of agency, rather than be left to accumulate. Judgment is necessary in determining whether significant correspondence should be signed by the Minister or head of agency. Whatever the decision, the caretaker conventions apply.

Operational Notes

a Although Ministers may continue to sign correspondence, the time they have available for this during the election campaign will be limited. In any event, Ministers would usually sign only essential correspondence.

b The general principle is that correspondence should be answered rather than left to accumulate. In cases where no issue of policy arises, for example in relation to the preparation of replies to routine incoming correspondence, departmental replies for signature by the head of agency should be prepared.
c  Replies should not assume that the Government will or will not be returned to office. Any reference to post election action should be in terms of the ‘incoming government’. It may be appropriate in some cases to include a sentence along the lines -

“The Government is currently operating in caretaker mode. The matter you raised is one which will be taken up with the incoming government.”

d  Letters requiring explanation of current policy should be answered without committing a government to post election action.

e  To avoid confusion, and as a matter of courtesy, members of the House of Assembly 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.

f  Members who are not standing for re-election should not be addressed as ‘MP’ following the dissolution of the House of Assembly.

Grants

5.16  The payment of grants which were approved prior to the caretaker period can proceed but should be forwarded by the relevant Department rather than by a Minister or another member of the Government.

5.17  During the caretaker period, commitments should not be made in respect of grant applications received during the period or which were lodged before commencement of the period but are awaiting decision.

Tabling of and Responses to Reports

5.18  Responses to outstanding Parliamentary committee reports should be taken up with the incoming government. Agencies may, however, undertake appropriate preparatory work so that they are in a position to provide early advice to the incoming government.

5.19  Reports of an administrative nature, such as annual reports, can be delivered during the caretaker period. However, where a report contains information that is likely to be controversial, consideration should be given to whether delivery should be deferred until after the caretaker period.

5.20  Agencies should seek advice from the Office of the Solicitor-General if there are statutory timeframes that fall during the caretaker period that need to be considered.
6 AVOIDING INVOLVEMENT OF AGENCIES IN ELECTION ACTIVITIES

Communications

Advertising and Information Campaigns

6.1 The Government may decide to curtail some government advertising campaigns, depending on their nature. As a general rule campaigns which promote the Government or highlight the role of particular Ministers or which relate to issues that are a matter of contention between the major political parties would normally be discontinued. Campaigns that are of an operational nature, such as road safety or public health campaigns, usually continue.

6.2 Agencies should avoid active distribution of material if it promotes government policies or emphasises the achievements of the Government or a Minister.

6.3 The application of the caretaker conventions to communication materials that are produced by third parties but supported, sponsored or endorsed by Government agencies should be considered on a case-by-case basis, taking into account the terms and conditions of Government agency support and whether the Government agency has any control or influence over the content and functions of the communications. If necessary, an agency could request that the Government logo or other indication of support be removed for the duration of the caretaker period.

6.4 Some communications during the caretaker period are regulated by legislation. In broad terms, the legislation requires any advertisement or literature actively distributed during an election campaign, which could be construed as affecting voting intentions, to identify the person who authorised the materials and the name and address of the printers.

6.5 In the case of television and radio, an “authorisation tag” must appear at the end of the commercial. 4 Note that during the caretaker period, authorisations should also acknowledge the speaker (ie “Spoken by...[name speakers individually]”). Agencies should consider applying similar authorisations to press advertising and new printed material to be published and distributed during the caretaker period.

Online and Electronic Communications

6.6 During the caretaker period, agencies need to ensure that agency resources are not used to support any particular political party. Agencies should review their online platforms 5 at the beginning of the caretaker period accordingly.

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4 This is already a requirement under the Tasmanian Government Style Guide and Logo Policy.

5 Online platforms include those managed by agencies and the use of third-party/externally hosted websites that allow comment, debate or promotion of opinions, such as: social networking sites (e.g. Facebook, Twitter, YouTube); wikis; media sharing sites; blogs; forums.
6.7 In most cases, agency online platforms may retain material placed on them before the commencement of the caretaker period.

6.8 Agencies should add only the following material to their platforms during the caretaker period:

- Portfolio-related announcements, if that is the usual practice (the definition of portfolio-related will require judgement within each agency, but, as examples, election promises should not be placed on an agency site, but a ministerial press release relating to a public health warning might appropriately be added);

- Agency-related announcements of a routine, apolitical nature if that is the usual practice (e.g., public health warning, bushfire safety message);

- Purely factual material; and

- Information on existing policies and programs, unless the information includes attacks on non-government parties or members or other political material.

6.9 If agency platforms contain links to sites outside the tas.gov.au domain with political content, agencies should consider the need for entry/exit messages.

6.10 In the case of ministerial platforms, agencies may continue to maintain or fund the maintenance of the website during the caretaker period if that was the practice prior to the caretaker period. Material placed on the Minister’s platform before the caretaker period may be retained, as may links between the Minister’s and agency’s websites. In relation to the addition of material:

- Agency staff should add to ministerial platforms only material relating to matters of existing policy or purely factual material. They should 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; and

6.11 If an agency-maintained/funded ministerial website contains links to sites outside the tas.gov.au domain, such as political party websites or social media accounts, agencies should give particular attention to the need to include appropriate entry/exit messages. Such messages could be along the lines of ‘you are now leaving the website of [X]. The website you are entering is not maintained or funded by the Government of Tasmania’.

6.12 Where the functionality of online platforms allows comment, debate or promotion of opinions, agencies should consider one or more of the following options during the Caretaker Period:

- disabling/unpublishing the site

- disabling or limiting functionality (e.g., commenting in YouTube)

- not posting new content

- pre-moderating comments if possible or closer monitoring of public contributions.
Guidelines on the Caretaker Conventions

6.13 Where sites or functionality are amended during the Caretaker Period, agencies should consider an acknowledgement statement such as: “The Tasmanian Government has assumed a caretaker role in the lead up to election for the Tasmanian House of Assembly. It is important during this time that Tasmanian Government resources are not used to communicate political material. As such, this site/function is unavailable/will be moderated during the Caretaker Period to ensure political material is not placed on the site.”

Media Statements

6.14 Agencies should carefully monitor their media releases during the caretaker period to ensure that the material is of public interest, relates only to the day-to-day business of the department or agency, and cannot reasonably be construed as being for political purposes.

Operational Notes

a Some communications during the caretaker period are regulated by legislation: The Tasmanian Electoral Act 2004, and the Commonwealth Broadcasting Services Act 1992 (Section 42 and Schedule 2) deals with radio and television broadcasts and the Commonwealth Electoral Act 1901 (Section 328) deals with printed material.

b The Broadcasting Services Act 1992 defines “political matter”. Very broadly, to be deemed political matter, the matter must, when viewed objectively, be able to be characterised as participation in the political process or as an attempt to influence or comment upon that process. An advertisement dealing with an issue that falls within this broad definition of political matter must comply with the provisions of the Broadcasting Services Act.

c At the beginning of the caretaker period, agencies should review all communications material, including:

- advertising campaigns
- online platforms, including internets, intranets and third party platforms such as social media to assess the appropriateness of current material and introduce guidelines for future material; and
- publications, to assess the content and arrangements for the production and distribution of printed material, including newsletters.

d Campaigns can continue if they are:

- operational in nature, such as public health campaigns; and
- appropriately authorised (see paragraphs a and b).

e Material that is considered operational should not include photographs of and/or political statements by a Minister. Passive distribution of material, such as continued placement in the agency’s offices or distribution in response to requests, is acceptable.

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6 Information Sheet: Producing a TVC containing Political Matter including Election Material, Free TV Australia. www.freetv.com.au

Department of Premier and Cabinet, Tasmania
Guidelines on the Caretaker Conventions

f It is prudent for agencies to do an audit of agency-managed websites prior to the likely start of the caretaker period so they are able to quickly identify any material that requires removal.

g Agencies should check the wording of any icons and links on their online platforms to ensure that they cannot be interpreted as promoting a Government policy. It is also recommended that profiles of Ministers be removed.

h Agency staff should only upload material to Ministerial websites that is factual or relates to existing policies. Material about election promises or material that criticises opposition parties or policies should not be uploaded by agency staff.

i If a Minister’s site is linked to external online platforms, such as a party-political website or social media account, an exit message should be used to make it clear to the user that they are leaving a Government site.

j If a Minister’s online platform is personal and not maintained by the agency, the Minister might consider placing a disclaimer on the platform to the effect that no State Government resources are being used to communicate political material. Agencies should remove links to personal Ministerial platforms or ensure users understand they are linking to a non-government site by providing a clear entry/exit message (see 6.10 for advice regarding Ministerial platforms maintained by agencies).

k Agency staff should not use government email, faxes etc to distribute political material. This action would be a breach of the State Service Code of Conduct.

Use of Agency Premises

6.15 There may be occasions where agency premises can appropriately be used during the caretaker period by political parties for public events, such as media conferences, or where they are the obvious place for a function. In the case of official functions involving the use of agency resources, it would generally be appropriate for any opposition spokespersons, and other non-government Members or candidates to be given the opportunity to be present.

6.16 Government premises may be used as the backdrop for political advertising or policy material by government and non-government parties (e.g. photography or filming) provided that no official resources are utilised, and the operations of the site are not unreasonably impacted.

6.17 While there should be no difficulty with the responsible use by all parties campaigning in an election of agency premises that are normally open to the public, it is most important during an election campaign that public servants not become involved in party political activity and that the impartiality of agency staff is not compromised through their appearance in party political material of this sort.

6.18 For that reason, it is not appropriate that use of premises extend to such activities as engaging public servants in political dialogue, or using public servants for logistical support for political functions. Nor, of course, should use of premises unreasonably disrupt the normal operations of the offices concerned.

6.19 Ministerial visits to agencies for consultations would, of course, be in order for the conduct of routine government business, in accordance with the conventions.
Operational Note

a The approval for the use of any particular premises by political parties for public events rests with the relevant head of agency or chief executive officer.

Political Participation by Agency Staff

6.20 At no time should, agency staff (other than those formally seconded to ministerial, parliamentary or electorate offices) engage in activities of a party political nature while on duty. Extra care is required during the caretaker period to ensure impartiality.

6.21 Agency staff must not use agency resources or their positions to support particular issues or parties during the election campaign. Material from political parties and how-to-vote material, whether produced by a political party or any other organisation must not be displayed within the precincts of government buildings, or on other Crown property or vehicles. Web and e-mail systems provided by agencies should not be used to publish or transmit political material.

6.22 Agency staff need to exercise judgment if they are scheduled to speak at public functions during the caretaker period. In the case of controversial issues, officials should decline invitations to speak. In the case of non-controversial issues, agency staff may speak, but should explain that the Government is in caretaker mode and that they will limit their statements to factual issues and matters of administration. Agency staff should avoid publicly explaining or promoting policies during the caretaker period.

Operational Notes

a The State Service Principles articulated in the State Service Act 2000 assert that the ‘State Service is apolitical, performing its functions in an impartial ethical and professional manner’.

b The State Service Code of Conduct requires agency staff:

- When acting in the course of their State Service employment, to behave in a way that upholds the State Service principles;
- To behave in a way that does not adversely affect the integrity and good reputation of the State Service;
- To disclose and take reasonable steps to avoid conflicts of interests in connection with State Service employment; and
- To use Tasmanian Government resources in a proper manner.

c Agency staff have the same rights as other members of the community to engage in the political process, except where these activities impact adversely on their ability to perform their official duties to the standard required under the State Service Act 2000 and/or place them in conflict with the general obligations of public servants. It is unlikely, for example, that membership of a political party would of itself create a conflict of interest, but engaging in public debate on political issues relevant to official duties, or holding an office or executive position within a political party would do so.
d Where a head of agency is concerned that there may be, or may appear to be, a conflict between an agency official’s duties and his or her involvement in political activities, the issue should be discussed with the employee. Individual circumstances including the classification of the employee; his or her capacity to influence government decision-making; the extent to which he or she deals directly with Ministers and other Members of Parliament; and the extent to which they represent the government in public will be relevant considerations in the settling of an appropriate course of action.

e Other matters for discussion could include:

- the extent to which the intended behaviour impairs the staff member’s ability to exercise impartial decision making or maintain public confidence in the integrity, impartiality and neutrality of the State Service;
- the extent to which the intended behaviour might involve use of information obtained through official duties or amount to unauthorised public comment; and
- the use of any official facilities, including the staff member’s time during work hours.

f Employees and officers wishing to contest the State election should read ‘Practices, Procedures and Standards No. 3 – Contesting Federal, State and Local Government Elections’. 7

g One other matter about the involvement of agency staff in the political process is dealt with in the Appendix – Consultation by non-Government Parties.

7 **CHARTER OF BUDGET RESPONSIBILITY**

7.1 The costing of Government and Opposition parties’ policies by the Department of Treasury and Finance is regulated by the Charter of Budget Responsibility Act 2007.

7.2 The Secretary, Department of Treasury and Finance issues detailed Guidelines for Costing Election Policies in accordance with the requirements of the Act. The guidelines are available at www.treasury.tas.gov.au.

7.3 The Charter provides a framework to improve fiscal policy outcomes by requiring, amongst other things, a process for costing the election policies of parties represented in the House of Assembly.

7.4 In relation to the caretaker period, the Act provides for the Secretary, Department of Treasury and Finance to:

- prepare costings of publicly announced Government policies, at the request of the Premier; and
- prepare costings of publicly announced Opposition party policies, at the request of the Leader of an Opposition party.

8 AGENCY PREPARATIONS FOR AFTER THE ELECTION

Policy development

8.1 Agencies can, during the caretaker period, continue to work internally on proposals and policy development that could, if approved by the post-election government, be implemented after the election.

8.2 Particularly where a proposal is not controversial and is likely to proceed irrespective of the election outcome (for example, statutory reviews), agencies should take the necessary steps to ensure that they will be in a position to advise the post-election government on the proposal and, if approval is given to do so, to proceed to implement the proposal after the election.

8.3 Agencies should also prepare briefing papers and plans for the publicly announced policies and commitments made by the Government and the opposition parties, to present, as appropriate, to incoming Ministers after the election.

Incoming Government Briefings

8.4 It is usual during the caretaker period for agencies to prepare briefing material for an incoming Premier on their composition, administration and major current issues. The Director, Policy Division, Department of Premier and Cabinet co-ordinates these briefings from a whole-of-government perspective.

8.5 Agencies should also prepare portfolio specific briefing packages for their new Minister, including the election commitment briefings referred to in paragraph 8.3.

Post-Election - Cabinet Documents

8.6 Successive governments have accepted the convention that Ministers do not seek access to documents recording the deliberations of Ministers in previous governments. Cabinet documents, in particular, are considered confidential to the government that created them. In this context, if there is a change of government at an election, all Cabinet documents, including Agendas, Minutes, Briefings and Decisions should be returned to the custody of the Cabinet Office.

8.7 The Manager, Cabinet Office, Department of Premier and Cabinet issues further procedural guidelines on the handling of Cabinet documents once the result of the election is known.
9 OTHER MATTERS

Financial Entitlements

9.1 During the caretaker period, agency provision of entitlements for Ministers and their staff should be assessed on a case-by-case basis. Agencies should not cover claims relating to the election campaign or a political event, as these costs are to be borne by the respective political party. Examples of claims that would not be covered include requests for additional laptop computers or mobile telephones for Ministers or their staff unless there was a demonstrable official purpose.

9.2 Claims relating to the management of essential government business can be covered in the normal way; for example, to support Ministers attending Cabinet meetings or primarily in connection with their Ministerial duties.

9.3 In the case of claims that cover a combination of government and political business, partial reimbursement can be granted to cover government activities.

Ministerial Vehicles

9.4 Use of Ministerial cars and drivers remain available during the caretaker period for official purposes but not for private use.

State Visits

9.5 The Premier will, if necessary, determine whether visits by foreign dignitaries involving government hospitality should proceed during the caretaker period. In any case, dignitaries whose visits are scheduled for the caretaker period or shortly afterwards should be advised of the election announcement and any changes in arrangements, including the reduced availability of Ministers and the possibility of a change of government. Details of any requests for Official Visits should be directed to the State Protocol Officer, Department of Premier and Cabinet.

Ministerial Office Records

9.6 Originals of agency records which have been forwarded to a Minister should be returned to the agency. All other records held in a Minister’s Office that relate to the functioning and exercise of the Ministerial Office are subject to the Archives Act 1983 and should be disposed of under Disposal Authorisation No. 2339 – Functional records of Ministers of the Crown. This does not include private personal records, party political records or records that a Minister or Parliamentary Secretary may hold in their capacity as a Member of the House of Assembly or Legislative Council. Further advice can be sought from the Team leader, Records Services, Department of Premier and Cabinet.
10 CONSULTATION BETWEEN NON-GOVERNMENT PARTIES AND AGENCY STAFF

10.1 Consultation between heads of agencies and non-government parties may occur during the caretaker period under strictly controlled conditions.

10.2 Leaders of non-government parties may make a request for consultation with agency staff through the Premier. Approval may be given by the Premier for non-government party representatives to have discussions with appropriate agency staff. Agency staff should not involve themselves in these discussions unless approval has been given by the Premier.

10.3 A non-government representative may have other Members of Parliament or staff present at such meetings. A head of agency or his/her representative may have other agency staff present. It is not appropriate for ministerial office staff to be present.

10.4 The request for consultation is to be at the initiative of the non-government parties, not agency staff. The head of agency is to ensure that his or her Ministers are informed when the discussions are taking place. Heads of agencies are to ensure that agency staff authorised to conduct or attend briefings have a proper understanding of the matters likely to be raised at such briefings.

10.5 Agency staff are not authorised to discuss the Government’s policies or to give opinions on matters of a party political nature. The subject matter of the discussions should 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 non-government representatives raise matters which, in the judgement of the agency staff, seek information on the Government’s policies or expressions of opinion on alternative policies, the agency staff are to suggest that these matters be raised with the relevant Minister or the Premier.

10.6 The detailed substance of the discussions will be confidential but Ministers will be entitled to seek general information from agency staff on whether the discussions kept within agreed purposes and these Guidelines.