

The Caretaker Conventions in Australia

What happens when the Government goes into caretaker mode?

When a federal election is called in Australia the House of Representatives and, usually, half the Senate are dissolved, and the Government enters a caretaker period which lasts until the election result is clear. Until then the Government refrains from implementing major decisions. The caretaker concept recognises that every general election could mean a change of government. It also rests on the principle, common to all Westminster-style constitutions, that once the House of Representatives has been dissolved the chamber to which the Government is responsible no longer exists.

Government does not stop working while in caretaker mode. The normal administrative work of every department and agency continues. However, no major new undertakings are generally commenced or agreed to except after consultation with the alternative government, the Opposition.

Why conventions?

Responsible government in Australia is based on the Constitution, other legislation, and a series of conventions. Conventions are flexible rules which have evolved in response to circumstance, which are generally agreed to by all, but which may not be codified in precise terms. The caretaker conventions are a series of practices that governments facing an election follow at every level of government in Australia. Other conventions are observed in many areas of political life and the administration of government.

As well as avoiding major policy decisions that are likely to commit an incoming government, during the caretaker period the Government refrains from making significant appointments and does not enter into major contracts or agreements.

These conventions also underpin the Australian Public Service's impartiality and prevent public servants being used to benefit a particular party during the election campaign. Both ministers and the Opposition are able to call for advice from public servants, but under strict rules.

What if a major decision needs to be made?

If necessary, the Government can make significant policy decisions and appointments during the caretaker period after consulting with the Opposition. For instance, in the past, governments have granted urgent drought assistance to farmers during election campaigns because the Opposition agreed. Sometimes a decision may be made unilaterally, if it is in accordance with a previously agreed course of action.

What about election promises?

The conventions apply to decisions made by Government, not to election commitments. It is usual for a prime minister to announce, for instance, that if re-elected the Government will spend money on a project or program. However, the Government will not commit to spend the money until after it is re-elected.



The conventions also prevent the broadcast or distribution of government advertising that might be seen as political. Government advertising during caretaker period is generally uncontroversial in nature. Examples include defence force recruitment, Australian Electoral Commission or public health announcements.

When were the caretaker conventions established?

Caretaker conventions have evolved over time and are now an important part of Australia's system of government. The first public record of them being used in Australia was at the 1951 election, when the then Prime Minister Robert Menzies wrote to all ministers after Parliament had been dissolved, asking them not to make contentious or policy decisions without consulting him. By 1961, the practice of the prime minister reminding ministers to refrain from making major policy announcements or important appointments following the dissolution of Parliament had become standard practice. The guardian of the caretaker conventions today is the Department of Prime Minister and Cabinet, which advises the rest of the Australian Public Service on their operation.

Is the 'caretaker period' the same as a 'caretaker government'?

The term 'caretaker' is also used to refer to prime ministers who have been appointed with the understanding they will perform a caretaker role. One such was the first government of Malcolm Fraser, who was commissioned as prime minister on 11 November 1975. His government, installed by the Governor-General as a result of the dismissal of the Whitlam government, lacked a majority in the House of Representatives. Fraser was commissioned as prime minister on the understanding that he would make no appointments, dismissals or significant policy decisions, and would request an immediate election. His government thus filled a traditional 'caretaker' role, albeit under highly unusual circumstances. He won the subsequent election and governed until 1983, winning again in 1977 and 1980.

Have we had other caretaker prime ministers?

Australia has had three prime ministers who are considered to have been purely caretaker prime ministers because they held the post until the government of the day elected a new leader. All three – Earle Page, Frank Forde and John McEwen – assumed the position after the deaths of their predecessors. However, although they are known as caretaker leaders, the federal government was operating normally under their leadership and they held, albeit briefly, all the powers of the prime minister of the day.

Did you know?

- Once the writs for an election have been issued and the House of Representatives has been dissolved, as a matter of courtesy incumbent Members of Parliament are still addressed as MP after their name. If they are defeated, they cease to use the term immediately and the successful candidate for the seat is then addressed as an MP. Members who are not running for re-election do not use the letters MP once the House has been dissolved.
- The same convention applies to Senators from the Northern Territory and the Australian Capital Territory. Because their terms are the same as those for the House of Representatives, Territory Senators cease to be called "Senator" once they have been defeated and their successors are entitled to use the term immediately.
- Both Queensland and Victoria have legislated to enforce caretaker arrangements at local government level.

Further Reading

'Guidance on Caretaker Conventions', Department of Prime Minister and Cabinet
http://www.pmc.gov.au/guidelines/docs/caretaker_conventions.rtf

Tiernan, Anne, *Caretaker Conventions in Australasia: Minding the Shop for Government*, Centre for Governance and Public Policy, Griffith University, ANU E-Press, 2007

http://epress.anu.edu.au/anzsog/caretaker/pdf_instructions.html



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