

## THE OPERATION OF GOVERNMENT DURING THE ELECTION PERIOD: SUMMARY OF PRINCIPLES

The Cabinet Office is available for advice on the way in which these principles affect what Ministers and State sector agencies can do during the election period, particularly on decision-making and the implementation of decisions taken before the election.

The State Services Commission is available for advice on political neutrality and the role of State servants during the election period.

<p><b>The pre-election period</b></p> <p><b>Cabinet Manual, paras 6.2 – 6.10</b></p> <p><b>CO (14) 2</b></p>	<ul style="list-style-type: none"> <li>• The government has the right to govern until the election.</li> <li>• The caretaker convention does not apply in the pre-election period.</li> <li>• Successive governments have, however, applied a self-imposed restraint in two main areas during this period (usually three months before the election): when making significant appointments; and when taking action that might result in government advertising campaigns being held during the election campaign.</li> <li>• Other policy decisions and government actions may proceed as usual during the pre-election period. On some occasions in the past, however, Ministers have sought advice from the Prime Minister and/or the Cabinet Office with regard to some specific actions or decisions in the pre-election period.</li> </ul>
<p><b>The post-election period: caretaker convention</b></p> <p><b>Cabinet Manual, paras 6.16 – 6.35</b></p>	<ul style="list-style-type: none"> <li>• After an election, it may be necessary for the incumbent government to remain in office for a period until the successor administration is sworn in.</li> <li>• During such periods, the incumbent government is still the lawful executive authority, with all the powers and responsibilities that go with executive office. Governments have, however, traditionally constrained their actions during this period, in accordance with what is known as the convention on caretaker government.</li> <li>• There are two arms to the convention:             <ol style="list-style-type: none"> <li>(1) where it is clear who will form the next government, but it has not yet taken office;</li> <li>(2) where it is not clear who will form the next government.</li> </ol> </li> <li>• In the first situation, the outgoing government should undertake no new policy initiatives, and act on the advice of the incoming government on any matter of importance that cannot be delayed.</li> <li>• In the second situation, the normal business of the government should continue. Any matters requiring significant decisions should be deferred (if possible), or handled using short-term solutions (if possible), or undertaken only after consultation with other parties.</li> </ul>
<p><b>Government formation</b></p> <p><b>Cabinet Manual, paras 6.36 – 6.48</b></p>	<ul style="list-style-type: none"> <li>• During a government formation period, it is the responsibility of political parties to make their intentions clear by appropriate public announcements.</li> <li>• The task of the Governor-General during this period is to ascertain where the confidence of the House lies, based on the parties' public statements, so that a government can be appointed.</li> <li>• The Clerk of the Executive Council provides impartial support to the Governor-General, including liaising with party leaders as required.</li> </ul>
<p><b>State sector support for government formation</b></p> <p><b>Cabinet Manual, paras 6.59 – 6.62</b></p>	<ul style="list-style-type: none"> <li>• During the government formation period, negotiating parties may seek access to information from the State sector.</li> <li>• The State Services Commissioner issues guidance on this, including a process to be followed by negotiating parties and State servants in this situation. Only the Prime Minister may authorise access by a political party (or parties) to State sector agencies. The State Services Commissioner is the contact point and facilitator between political parties and State sector agencies.</li> </ul>