

# Election 2025 Caretaker Period

Approaching a Commonwealth election, it is important to understand the Caretaker Conventions. These conventions prescribe that a governing party must not leverage incumbency to gain advantage in the election or to fetter a future government.

## What is the Caretaker Period?

Caretaker period starts: when the House of Representatives is dissolved ahead of a federal election. The Caretaker period ends:

- If the incumbent wins the election, on the announcement of that win; OR
- If the opposition wins, when the new government is sworn in.

During the Caretaker Period, the following conventions (non-legally binding rules of practice) apply:

- Ministers should not promote their political party using Commonwealth money; and
- Ministers should not make commitments that an incoming government may not agree with (including making significant new appointments or new policy decisions).

Assuming that it is a simultaneous half-Senate and House of Representatives election, the 2025 election must be held before 17 May 2025.



## What happens during this period?

The Government should:

- Avoid making any major policy decisions;
- Avoid making significant appointments;
- Avoid entering into major contracts or undertakings;
- Avoid negotiations and engagement with international governments and dignitaries;
- Ensure the independence / apolitical nature of the Australian Public Service (APS);
- Continue with any business as usual activities; and
- If in doubt, seek departmental or external legal advice.

## What does this mean for you?

Don't let your projects get stuck in the caretaker period. Consider:

- What major procurements your agency is undertaking;
- Any significant high-level vacancies likely to arise;
- Any significant decision briefs in development that are likely to be escalated in the coming months;
- Your internal processes for responding to RFIs from parliamentarians and ensure the relevant people understand the process; and
- Preparing a short caretaker briefing for staff.

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## Major Policy Decisions

A major policy decision is determined on the basis of:

- The significance of the decision in terms of policy and resources; and
- Whether it is a contentious matter between the Government and Opposition.

If the Government must make a major policy decision during the caretaker period, the Minister should consult with the Opposition.

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## Significant Appointments

The significance of an appointment is determined on the basis of:

- The importance of the position; and
- Whether the proposed appointment may be controversial.

Meetings of the Executive Council should be put on hold during the caretaker period, except in exceptional circumstances. If an appointment is absolutely necessary, temporary appointment or bipartisan support should be considered.

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## Major Contracts or Undertakings

Major contracts are determined on the basis of:

- Dollar value of the commitment;
- Whether the commitment is a routine matter of administration;
- Whether the commitment implements/entrenches a politically contentious policy, program or administrative structure; or
- If Ministerial approval is required.

If negotiations cannot be delayed, the Opposition should be consulted, tenderers should be warned of risk of cancellation, and termination for convenience clauses in tender documentation and contract documentation should be included.

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## International Negotiations and Visits

- If delay of negotiation is not possible, observer status or a limited role should be assumed.
  - If the Government must participate wholly, it should be made clear that the outcome of the negotiations will need to be accepted by the incoming government.
  - Consider rearranging or delaying the visit of foreign dignitaries if it falls within the caretaker period. Dignitaries who are scheduled to visit should be notified of the election and its impact on their visit.
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## APS Involvement in Election Activities

- Pause campaign advertising. Contact the Department of Finance and Prime Minister & Cabinet for campaign material reinstatement or deferral.
- Review material on websites, newsletters and social media to avoid active promotion of specific Government policies or personnel.
- Avoid making political comments in both an official and unofficial capacity.
- Triage requests from Ministers' offices for information. Material relating to business-as-usual activities should be supplied, but requests requiring Commonwealth resources or legal advice that impact the Minister in their capacity as a political candidate should be declined.