



# Inquiry into Caretaker Conventions

## Answer to question taken on notice

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Asked by: MS LEANNE CASTLEY MLA

Addressed to: CHIEF MINISTER

Redirected to:

In relation to: ACT Public Service and Incoming Government Brief email.

Hearing: 2/10/2025

Uncorrected Proof Transcript pp 8

Transcript provided: 8/10/2025

Answer Due: 15/10/2025

ANDREW BARR MLA took on notice the following question(s):

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**MS CASTLEY:** And is it acceptable then, that the head of service could or made a determination that no other government could be formed? It was assumed that it would just automatically go to you. Based off this letter and the information we have, it would seem as though the head of service is the one that has made this determination.

**Mr Barr:** Well, I do not know, I think the Head of Service would act on precedent and available advice to her. But as I have indicated, I will take that on—

**MS CASTLEY:** So history and assumptions, but no legal basis for it.

**Mr Barr:** Well, the—look, I need to take on notice. Again, I cannot answer for the head of service, but I am sure she will have acted in accordance with precedent and a legal basis on which to do so.

ANDREW BARR MLA: The answer to the Member's question is as follows:

The letter from the Head of Service to me was signed on 19 October 2024 after public 'concession' and 'victory' speeches were broadcast on media channels. This information included the concession speech made by the Leader of the ACT Liberals broadcast widely on media at 9:30pm. Media reporting also included statements from the ABC's chief election analyst Antony Green that there was 'no viable path for the Canberra Liberals... to form government'.

<https://www.abc.net.au/news/2024-10-19/act-election-vote-labor-wins/104493488>.

The letter along with the Chief Minister Incoming Government Brief was received by the Chief Minister's Office staff on 21 October 2024.

OFFICIAL

The decision by the ACT Public Service to provide the Chief Minister Incoming Government Briefs on 21 October was based on practice and convention and the information that was publicly available on the outcome of the election.

Approved for circulation to the Select Committee on Caretaker Conventions

Signature: 

Date: **15.10.25**

By the Chief Minister, Andrew Barr MLA