



Inquiry into Caretaker Conventions

Answer to question taken on notice

Asked by: MR SHANE RATTENBURY MLA

Addressed to: CHIEF MINISTER

In relation to: ACT Public Service and Incoming Government Brief received date

Hearing: 2/10/2025

Uncorrected Proof Transcript pp 4-5

Transcript provided: 8/10/2025

Answer Due: 15/10/2025

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

UPT pp 4-5

THE CHAIR: Yes. Is it in your experience common for the Head of Service to send an incoming government brief, particularly in the ACT's experience of having minority governments, on the day of the election?

Mr Barr: I would have to check that. I mean, certain election results have been very clear. And opposition leaders have conceded defeat on election night. As I think Ms Lee did, not fully, but did congratulate the Labor Party on winning more seats and more votes on election night. So I think there has been experience certainly in elections prior to 2024 where it has been clear on election night the most likely government outcome, but there just has not been a pathway or the then opposition has said they would not seek to form a government.

THE CHAIR: Just confirming that is a question that you are going to take on notice of the experience of previous years.

Mr Barr: I will take rest of when an incoming ministerial brief has arrived in previous election cycles, yes.

OFFICIAL

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

Practice and convention have consistently been applied in the provision of an incoming government brief to the leader of the party who is the 'victor' of the election as soon as practicable after the election.

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.

The actions undertaken before and after the election by the public service are done so under practice and convention with a level of restraint and judgement as outlined by the ACT Solicitor-General during Caretaker Convention Inquiry hearings on 11 June 2025.

For previous elections, the Head of Service letter to the incoming Chief Minister were dated as follows:

- (a) For the 2020 election, 19 October 2020.
- (b) For the 2016 election, the record of any Head of Service letter is not available.
- (c) For the 2012 election, the record of any Head of Service letter is not available.

Approved for circulation to the Select Committee on Caretaker Conventions

Signature: 

By the Chief Minister, Andrew Barr MLA

Date: **21.10.25**