

2026

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

ELEVENTH ASSEMBLY

SELECT COMMITTEE ON CARETAKER CONVENTIONS

REPORT – INQUIRY INTO CARETAKER CONVENTIONS

GOVERNMENT RESPONSE

**Presented by
Andrew Barr MLA
Chief Minister
July 2026**

Introduction

On 5 March 2025, the Legislative Assembly appointed a Select Committee on Caretaker Conventions to examine:

- a) the development of a continuing resolution for the operation of caretaker conventions in the ACTPS;
- b) ensuring universal confidence in the apolitical nature of the public sector in the lead up to and during election campaigns;
- c) ensuring symmetry of information between parties participating in post-election negotiations on confidence and supply (if applicable);
- d) the purpose and timing of pre-election budget updates under section 20D(1) of the Financial Management Act 1996, and broad availability of any relevant new information about the state of the ACT economy and government finances subsequent to its publication;
- e) the timing and processes governing how ministers and their non-government counterparts are provided with and/or consulted with where laws require that briefings be urgently provided, or decisions urgently sought;
- f) the ability for non-government parties, Members and candidates to seek briefings from the ACTPS, exclusive of ministers and their staff, on matters of facts and the machinery of government during a period of up to six months preceding the pre-election period;
- g) whether further clarity or guidance is needed in relation to what information the ACTPS may provide to ministers and their offices during the caretaker period;
- h) any relevant analysis or critique of the 2024 Guidance on Caretaker Conventions as published by the Chief Minister, Treasury and Economic Development Directorate;
- i) the detailed practices of caretaker conventions as adopted by the Commonwealth and other Australian states, including consideration of the length of the caretaker period;
- j) and any other relevant matter;

The Select Committee on Caretaker Conventions report on the Inquiry into Caretaker Conventions was tabled in the Legislative Assembly on 26 February 2026.

The Government Response to the recommendations of the report from the Select Committee on Caretaker Conventions is below.

Select Committee on Caretaker Conventions – Report 1 – Inquiry into Caretaker Conventions

RECOMMENDATION	GOVERNMENT RESPONSE
Recommendation 1 The Committee recommends that the ACT Government table a copy of 2028 Caretaker Guidance by the end of May 2028.	Agreed-in-principle The Government supports greater transparency and believes that this objective can be met through the publication of the ACT Guidance on Caretaker Conventions (Caretaker Guidance) on the ACT Government Transparency Portal ahead of the 2028 Election.
Recommendation 2 The Committee recommends that the Assembly Committee post-2028 election inquiry include in its terms of reference the usefulness of the tabling of the caretaker guidance and what actions should be taken ahead of the 2032 election, including whether the guidance should be an Assembly product, a disallowable instrument, or formalised in legislation.	Noted This recommendation is a matter for the Legislative Assembly.
Recommendation 3 The Committee recommends that the guidance on caretaker conventions provide further clarity on which matters of factual information are to be communicated to ministers and/or other political parties.	Agreed The Caretaker Guidance should continue to be general in nature to provide appropriate flexibility. This approach is consistent with established Westminster principles and best practices from other Australian jurisdictions. The Caretaker Guidance will provide further clarity ahead of the 2028 caretaker period regarding which matters of factual information are to be communicated to ministers and/or other political parties.
Recommendation 4 The Committee recommends that the guidance on caretaker conventions include further information as to the responsibilities of ministers and the circumstances in which ministers may have an obligation to inform other MLAs of significant matters.	Noted This recommendation relates to the relationship between ministers and other Members of the Legislative Assembly, which is generally governed by the Standing Orders and the Ministerial Code of Conduct and are matters for the Legislative Assembly. It is for the Assembly to determine whether separate caretaker convention guidance is necessary for Members of the Legislative Assembly.
Recommendation 5 The Committee recommends that the guidance on caretaker conventions provide further information about the circumstances in which the Head of Service may commence working with the leader of a political party as the Chief Minister.	Agreed The ACT Government agrees with this recommendation. The Caretaker Guidance will provide further information ahead of the 2028 caretaker period.

Recommendation 6 The Committee recommends that factual information provided by the ACT Public Service to ministers during caretaker should be published at the same time, to ensure equal access to factual information during the caretaker period.	Not agreed The provision of information from the ACTPS to ministers during caretaker period is the prerogative of the incumbent Executive, and Westminster principles do not assume the government and opposition are to be in equal positions during the caretaker period. Caretaker conventions already account for some instances where it is appropriate for information provided to ministers to be provided to Members of the Legislative Assembly.
Recommendation 7 The Committee recommends that the Chief Minister should be required to table both the Incoming Government Brief and the Alternate Government Brief on the first day of sitting, with appropriate redactions.	Not agreed There are practical challenges in tabling the briefing papers in the recommended timeframe. The Chief Minister is formally appointed once elected by the Legislative Assembly on the first sitting day following an election. It would be impractical for a Chief Minister to table the Incoming Government Briefs on the same day that they are appointed. There is a conflict in tabling an Alternative Government Brief in the Assembly with the ACT public sector's function under the <i>Public Sector Management Act 1994</i> to assist the Executive to meet the needs of the community. To follow this recommendation would mean the Government would be required to table a brief that would not have been intended for the party or parties that forms the ACT Executive. Tabling a non-Executive brief has the potential to politicise the advice of the Government by requiring an action that conflicts with the apolitical role of the ACT public sector. Additionally, in alignment with the Government's broader commitments to open access of information and transparency, access has been provided to previous Incoming Government Briefs with appropriate redactions under the <i>Freedom of Information Act 2016</i>.