



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 public service agencies can do during the election period, particularly on decision-making and the implementation of decisions taken before the election.

The Public Service Commission is available for advice on political neutrality and the role of public servants during the election period.

References below to circulars issued before the 2020 General Election remain for context; these will be updated when the corresponding circulars for the 2023 General Election are published.

<p>The pre-election period</p> <p>Cabinet Manual paras 6.9 to 6.15</p> <p>CO (23) 1</p>	<ul style="list-style-type: none"> • The government has the right to govern until the election. • The caretaker convention does not apply in the pre-election period. • 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 avoiding holding advertising campaigns that may create a perception that funds are being used to finance publicity for party political purposes. • Other policy decisions and government actions generally 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.
<p>The post-election period: caretaker convention</p> <p>Cabinet Manual paras 6.16 to 6.40</p> <p>CO (23) 8</p>	<ul style="list-style-type: none"> • After an election, there will be a period when the caretaker convention will apply, until the successor administration is sworn in. • 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. • There are two arms to the convention: <ol style="list-style-type: none"> 1. where it is clear who will form the next government, but they have not yet taken office; 2. where it is not clear who will form the next government. • 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. • 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.
Government formation Cabinet Manual paras 6.41 to 6.53 CO (23) 8	<ul style="list-style-type: none"> • During a government formation period, it is the responsibility of political parties to make their intentions clear by appropriate public announcements. • 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. • The Clerk of the Executive Council provides impartial support to the Governor-General, including liaising with party leaders as required.
Public service support for government formation Cabinet Manual paras 6.65 to 6.68 CO (23) 8	<ul style="list-style-type: none"> • During the government formation period, negotiating parties may seek access to information from the public service. • The Public Service Commissioner issues guidance on this, including a process to be followed by negotiating parties and public servants in this situation. The Public Service Commissioner is the contact point and facilitator between political parties and public service agencies.