

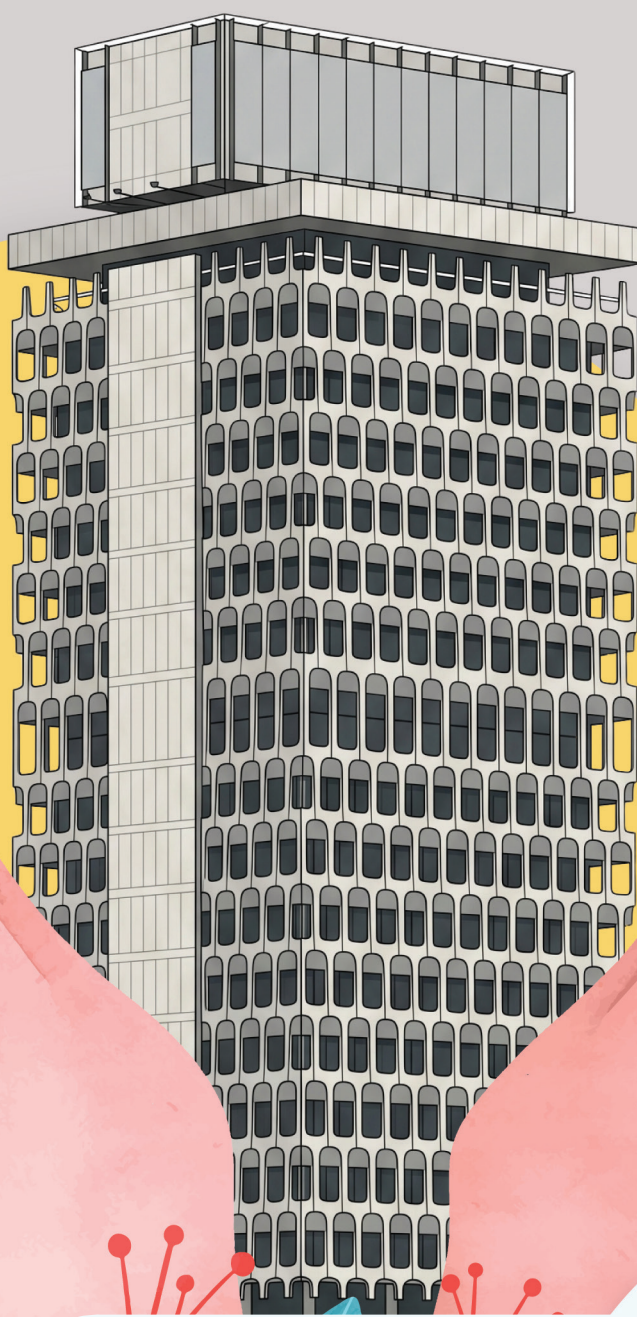
# Guidance for Malaysia's Caretaker Government

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## LESSONS FROM FOUR COMMONWEALTH JURISDICTIONS

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## Executive Summary

Since 2018, Malaysia has undergone four federal government transitions within five years, a drastic departure from a long-ruling single coalition in its post-independence era. Driven by electoral shifts, governing coalition breakdowns, party defections and hung parliaments, these transitions have revealed a critical governance gap: the absence of comprehensive, publicly available rules governing caretaker government conduct. Given the foreseeable trend of increasing frequency and duration of transition periods in the course of democratisation, this gap poses tangible risks to democratic accountability, fair use of public resources, and public trust in democratic institutions and processes.

This paper undertakes a comparative analysis of caretaker government guidance in four mature Westminster parliamentary systems — Australia, New Zealand, the United Kingdom, and Canada — to identify good practices and derive concrete recommendations for Malaysia. It examines the conceptual underpinning and constitutional basis for caretaker conventions in parliamentary democracies, documents the current state of caretaker government in Malaysia, and then analyses the caretaker government guidance across four key dimensions: the scope of caretaker period, the operation of restrictions on government actions, decision and advertising campaigns, enforcement mechanisms and arrangements to facilitate post-election transition.

For the position of caretaker government in Malaysia, the Federal Constitution implies the existence of caretaker governments, which is consistently recognised in judicial interpretation and political practice. Nevertheless, the lack of clear and detailed guidance being codified poses two operational challenges: the continuity of administration during mid-term transitions and the constraints on the caretaker government. Key political actors and bureaucrats have, on occasion, acknowledged the broad principles of the caretaker conventions and the need for restraint, but these broad statements do not constitute predictable or enforceable rules. The absence of comprehensive caretaker guidance is also put in the background despite the recommendation from parliamentary and executive-established committees, the commitments made by the government agency and the proposal and demand by civil society.

The four jurisdictions demonstrate several common features that a comprehensive caretaker government guidance shares:

- Clearly defined caretaker periods covering dissolution, post-election uncertainty, and mid-term loss of confidence;
- Explicit restrictions on major policy decisions, significant appointments, and large contractual commitments, with a list of determining factors guiding the user's understanding;

- Suspension of government advertising campaigns that risk being perceived as partisan even in the period before parliamentary dissolution;
- Consultation with opposition parties for unavoidable decisions required to be made during the caretaker period;
- Enforcement mechanisms, including public disclosure requirements on potential breach and legal sanctions against politicians for violations; and
- Provision of pre-election contact between civil service and opposition parties and costing for the election manifesto to facilitate potential transition and level the playing field.

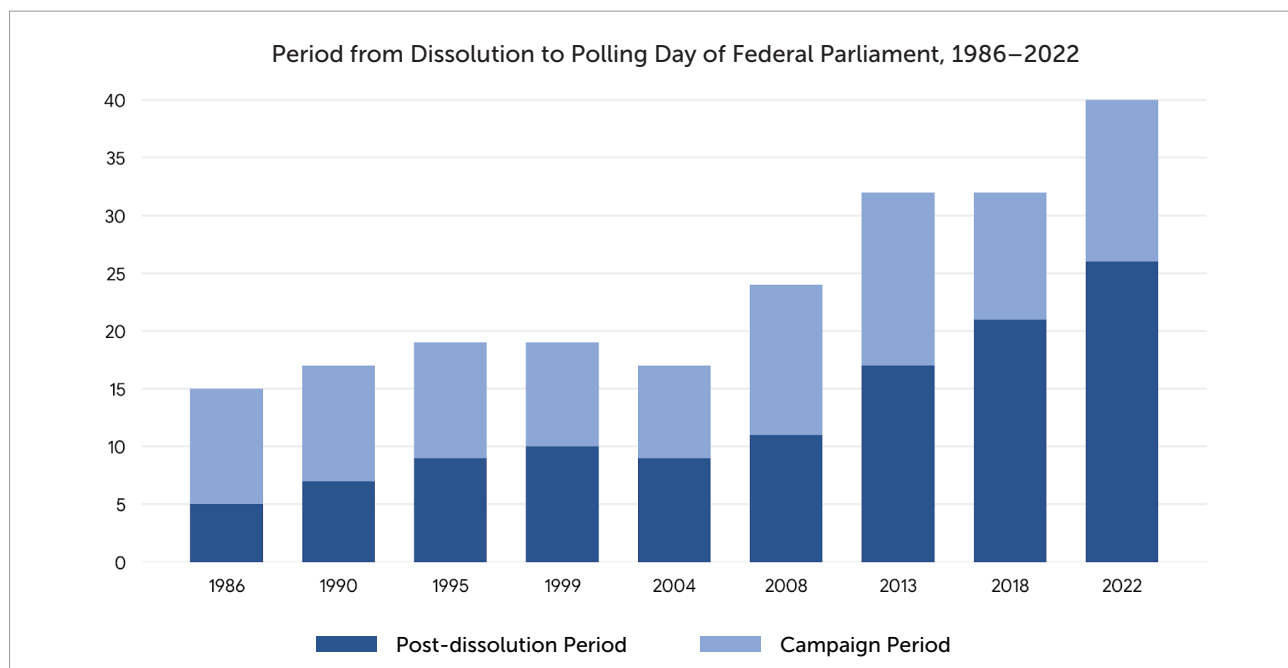
This paper calls on the Prime Minister's Department to publish any caretaker guidance, if it exists, and develop a comprehensive written caretaker government guidance that includes a clear policy statement, defined caretaker periods, continuity-of-administration provisions, specific restraints on government activities, pre-election access for opposition parties to the civil service and enforcement mechanisms. This paper also further recommends exploring and considering legislating ethical standards among public office holders, providing mechanisms to request costing on election manifestos, codifying the confidence motion and enacting a Fixed Term Parliament Act.

## 1 Background

Caretaker government conventions, which prevail during election periods and transitions of government, have become increasingly consequential since 2018 amid heightened political contestation and turbulence. Malaysia has experienced four federal government transitions within five years, including two during the 14th Parliament sitting and two following general elections. These transitions were driven by electoral shifts, party defections, coalition breakdowns, withdrawals of confidence in the Prime Minister, and a hung Parliament.

In a rapidly shifting political context, the role and limitations of caretaker governments require clearer articulation and closer adherence to established conventions. Malaysia's transition towards a more competitive multiparty democracy characterised by fluid political alignments, negotiated coalition government, and the growing likelihood of mid-term realignments increases the frequency and duration of transition periods. This marks a significant departure from the six decades after Merdeka, during which a single coalition dominated federal governance and leadership succession remained within one anchor party. The need for clarity on caretaker convention is also contributed to by a lengthier period between the dissolution of parliament and the polling day (see Figure 1), which was less than 20 days for the five general elections since 1986, but exceeded 40 days for the 2022 general election and the six state elections in 2023 (see Table 1).

**Figure 1: The period from dissolution to polling day of the federal parliament since 1986**



\* Campaign period is the period between the nomination day and the polling day. Post-dissolution period is the period between the day the Parliament is dissolved and the day before the nomination day. Both periods overlap with the caretaker period.

\* Under the Federal Constitution, the period between the parliamentary dissolution and the polling day may last up to 60 days maximum.

Source: author compiled from media reports

**Table 1: The period between dissolution and the polling day of state legislative assemblies in the 2023 six-state elections**

State	Dissolution	Election	Period (Days)
Kedah	28/06/2023	12/08/2023	45
Kelantan	22/06/2023	12/08/2023	51
Negeri Sembilan	01/07/2023	12/08/2023	42
Pulau Pinang	28/06/2023	12/08/2023	45
Selangor	23/06/2023	12/08/2023	50
Terengganu	28/06/2023	12/08/2023	45

*Source: author compiled from media reports*

Despite these developments and unlike other mature democracies, Malaysia has yet to develop comprehensive documented conventions or rules in regulating the functions of government during caretaker periods, despite pressure from civil society and recommendations from the parliamentary committee. Developments after the 2020 Sheraton Move indicate the federal government’s initiative to develop guidelines for caretaker government, but the limited publicly available documents show such guidelines are insufficient to demonstrate the principles and constraints that are supposed to bind the caretaker government and administration.

To help formulate what conventions Malaysia should seek to develop, this paper surveys the caretaker government guidance for four Westminster parliamentary systems: Australia, New Zealand, the United Kingdom and Canada. It identifies good practices during the caretaker periods and recommends proposals that should be adopted in Malaysia’s written caretaker rules.

The paper first explores the concept of caretaker conventions in theory then assesses the caretaker government position in Malaysia’s legal and political framework. It then surveys and compares the four Westminster system states, with a final section recommending practices that should be implemented in Malaysia.

## 2 Conceptual Analysis of Caretaker Conventions

Caretaker conventions are in place to constrain action by governments during transitions. The conventions are derived from the constitutional principle of responsible government, where the executive and government are held accountable to the parliament, and the political executive's mandate stems from its ability to command the confidence of Parliament.<sup>1</sup>

There are inevitable occasions in the parliamentary cycles when the government cannot claim to have such legislative support.<sup>2</sup> It may occur after:

- a. The dissolution of parliament until the polling day;
- b. The loss of confidence motion until a new administration is formed; or
- c. The polling day until a new administration is formed, especially if the electoral result produces a hung parliament that requires a post-election negotiation on government formation.

To ensure administrative continuity during such periods, it is imperative to ensure that there is always a government in office. As Malaysia operates under a system of constitutional monarchy, the monarch must never be without responsible advisers, and the business of government must continue.<sup>3</sup> However, the government during such transition periods lacks democratic legitimacy due to the absence of legislative confidence.

Hence, by convention, a caretaker government is required to be constrained in its actions while it is not, or cannot be held responsible or accountable to Parliament,<sup>4</sup> until the succeeding administration is able to establish or demonstrate its legislative confidence. Accordingly, two principles are derived under the caretaker conventions:

1. The requirement for a caretaker government to remain in office pending the appointment of a new government and retain the formal levers of power, ensuring continuity of governance in managing day-to-day affairs as usual; and

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1 Anne Twomey (2018). Caretaker Conventions. In *Veiled Sceptre*; Jennifer Menzies and Anne Tiernan (2015). Caretaker conventions. In *Constitutional conventions in the Westminster System*. Petra Schleiter and Valerie Belu (2016). *The Challenge of Periods of Caretaker Government in the UK*. Parliamentary Affairs.

2 Petra Schleiter and Valerie Belu (2016).

3 House of Commons Political and Constitutional Reform Committee (2011). *Constitutional implications of the Cabinet Manual (6<sup>th</sup> Report of Session 2010–11)*. See Written evidence submitted by Professor Robert Hazell and Dr Ben Yong, at Ev 42, para 2.7

4 Anne Twomey (2018), at p 502.

2. The requirement for a caretaker government to restrict itself to preserving the 'policy status quo'.<sup>5</sup>

The rationales for preserving the 'policy status quo' are twofold. First, it reflects the last policy position that carries a clear democratic mandate. Second, it is considered inappropriate for an outgoing administration to bind an incoming government by committing to significant new initiatives where a change of government might be imminent.<sup>6</sup> The second rationale is commonly seen in executive guidance outlining the rules applicable to caretaker governments.<sup>7</sup> In certain circumstances, preserving the status quo may require the caretaker government to take proactive measures.<sup>8</sup> In urgent situations such as fulfilling legal duties, safeguarding state interests on the international or intergovernmental stage, or responding to emergencies like natural disasters where significant decisions must nevertheless be made after weighing relevant considerations instead of inaction, the guidance will suggest that the caretaker government to consult the opposition in order to remedy its lack of democratic legitimacy.

In addition, the rules under caretaker conventions also derive from the principle of fairness, especially in relation to elections, to ensure a level playing field in electoral competition.<sup>9</sup> This principle recognises the fact that the governing parties enjoy substantial incumbency advantages due to their access to government machinery. Aiming to close the gap between government and opposition parties, restrictions on government activities based on the principle of fairness also interrelate with the practices of good governance. These include the importance of maintaining a clear distinction between government business and partisan business, avoiding the potential perception that public funds are used for partisan purposes and safeguarding the impartiality and professionalism of the public service. Such practices of good governance, of course, apply during ordinary times, but special attention should be given during the election period due to its sensitivity. Restrictions common in jurisdictions with caretaker government guidelines include restraint on government advertising and information campaigns.<sup>10</sup>

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5 See Petra Schleiter and Valerie Belu (2016); Laver and Schepsle, 1994, p 291-292.

6 Petra Schleiter and Valerie Belu (2016).

7 For example, para 6.9 of the New Zealand's Cabinet Manual 2023, first para under 1. Introduction of Canada's Guidelines on the conduct of Ministers, Minister of State, exempt staff and public servant during and election 2025 and para 2.1 of the Australia's Guidance on Caretaker Conventions (December 2024).

8 See Canada's guidance and Attorney-General's Department (2025). Guidance note 9: Dispute resolution during caretaker period. Australian Government.

9 Twomey (2018), Menzies and Tierna (2015), pp, 91, 93 and 110; Paul Malone (2007). Time to tighten the caretaker conventions. Democratic Audit of Australia.

10 Twomey (2018), p 536.

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The pursuit of electoral fairness is not just a matter for caretaker periods, especially in jurisdictions where elections for different levels of government are not held simultaneously. Government restraint should be observed whenever elections are held in specific areas, such as subnational elections, local government elections or by-elections for parliamentary seats.

Arguments have been made that rules and restrictions derived from the fairness principle should be separated from caretaker conventions based on the principles of responsible government.<sup>11</sup> Nonetheless, it is common among the mature Commonwealth democracies to include arrangements derived from the fairness principle in their caretaker government guidance, partly because they apply during the same period. In addition, the rationale underlying principles of responsible government also resonates with the pursuit of fairness.<sup>12</sup>

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11 Petra Schleiter and Valerie Belu (2016), pp 11-12. Robert Hazell (2022, September 26). Must a caretaker government be a zombie government. Constitution Unit Blog.

12 Twomey (2018), p 504.

### 3 Caretaker Government in Malaysia

#### Constitutional Position

The principle of responsible government, and indirectly some concepts related to caretaker government, are codified in the Federal Constitution Article 43 of the Federal Constitution requires the Cabinet to be collectively responsible to Parliament<sup>13</sup> and the Prime Minister, who heads the Cabinet consisting of Ministers, shall tender the resignation of the Cabinet if he or she fails to retain the confidence of the majority of the Members of Parliament (MP) in *Dewan Rakyat*, unless a request to dissolve the Parliament is granted.<sup>14</sup>

Despite no explicit mention of such a phrase, the existence of the caretaker government is implied in two provisions under Article 43 of the Federal Constitution, the Article that governs the appointment, composition and operation of the Cabinet:

- a. The use of the word 'shall' in Article 43(1) reflects the principle of continuity of administration, requiring that a Cabinet must exist at all times. This has been interpreted to mean that "the Yang di-Pertuan Agong cannot dispense with the Cabinet at any point of time, even when Parliament is dissolved."<sup>15</sup> By logical extension, it will also apply in a midterm government transition, where the Prime Minister is required to tender the resignation of the Cabinet after losing legislative confidence, but remains in office until the new Cabinet is appointed.
- b. Article 43(2), the provision that provides the constitutional framework for cabinet appointment, in its proviso following the paragraph (b), allows the appointment of Ministers and the Prime Minister during the dissolution of Parliament — one of the caretaker periods — whenever required. An MP of the last *Dewan Rakyat* may be appointed as a Minister while Parliament is dissolved and continue in office if he or she is either re-elected or appointed as a Senator in the new parliamentary session.<sup>16</sup> It provides flexibility to appoint a caretaker prime minister or caretaker ministers in a period when there are no MPs of the *Dewan Rakyat* due to dissolution. It has been argued that this provision could also accommodate the appointment of a neutral caretaker government during dissolution, despite being unprecedented in Malaysia.<sup>17</sup>

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13 Article 43(3) of the Federal Constitution.

14 Article 43(4) of the Federal Constitution.

15 See Vol 2 of *Halsbury's Laws of Malaysia*, p 48, footnote 3 of para 20.051. Cited in *Abdul Ghani bin Ali @ Ahmad & Ors v Public Prosecutor* [2001] 3 MLJ 561 (Federal Court). See also pp 588, 599-600 for the reasoning by Abdul Malek Ahmad and Ahmad Fairuz FCJJ.

16 For interpretation of a similar clause in the Constitution of the State of Sabah, see *Tun Datu Haji Mustapha bin Datu Harun v Tun Datuk Haji Mohamed Adnan Robert, Yang di-Pertua Negeri Sabah & Datuk Joseph Pairin Kitingan (No 2)* [1986] 2 MLJ 420 (High Court), p 473.

17 See Shad Saleem Faruqi (2025, Feb 28). <https://fulcrum.sg/the-resurgent-role-of-the-monarchy-in-malaysia/>; [https://www.iseas.edu.sg/wp-content/uploads/2025/01/ISEAS\\_Perspective\\_2025\\_10.pdf](https://www.iseas.edu.sg/wp-content/uploads/2025/01/ISEAS_Perspective_2025_10.pdf)

In practice, the members of administration prior to the dissolution continue to remain in office and hold their position under caretaker capacity after the dissolution until a new administration is formed. Judicial judgments have recognised the existence of caretaker governments under our constitutional framework and the validity of decisions made by the government during the caretaker period after dissolution.<sup>18</sup> However, such practice was not followed in both mid-term government transition in the 14th Parliament sitting.

After tendering the Cabinet's resignation following the loss of majority in the *Dewan Rakyat*, both then Prime Minister, Tun Dr Mahathir Mohamad (in 2020) and Tan Sri Muhyiddin Yassin (in 2021), were asked to remain in the Prime Minister's Office under interim or caretaker capacity with the resignation of all Ministers effective immediately. Both Prime Ministers were charged with the responsibility in respect of all departments of the federal government and the subjects for which the departments are responsible during the caretaker period, pending the formation of a new government, which is a distinction from the established practice for the dissolution period. The rationale behind such a distinction is yet to be disclosed and understood. The issues of effective government transition and good governance following this practice are also yet to be unpacked in future research.

Lack of clear guidance provided in constitutional provisions, written law or published executive directive on the following issues have since proven problematic in Malaysia's journey towards democratic transition, among others:

- The continuity of administration during mid-term transitions: Do the outgoing government, the Prime Minister and the Cabinet Ministers remain in office as caretakers until a new government is appointed? Is there a difference in status compared to a caretaker government arising from parliamentary dissolution, and what justifies such differences?
- The constraints on the caretaker government: Should it function as normal, or should a set of restrictions be observed?

This paper will mainly focus on the constraints on the caretaker government, analysing how such constraints can be conceptualised and defined in various caretaker government guidance.

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<sup>18</sup> See Mohd Norkhairi bin Mat Darus lwn Ketua Polis Negara dan lain-lain [2009] 8 MLJ 741 (High Court) and Ang Yue Suien v Timbalan Menteri Dalam Negeri Malaysia & Ors [2023] MLJU 554 (High Court). In both cases, the court ruled that the detention order issued by the Deputy Minister under statute is valid and within the perimeter of a caretaker government.

## Present Position

Recognition of broad principles of the caretaker conventions is shown more from the remarks of key political actors and bureaucrats than published documentation. There were no guidelines published by the federal government on the conduct of a caretaker government until the development happened post-2020. Nevertheless, on multiple occasions, key actors within the political system have acknowledged the concept of a caretaker government, including the Chief Secretary to the Government, Attorney General,<sup>19</sup> the Prime Minister, federal ministers, state chief ministers and deputy speakers.

In a parliamentary written reply in December 2021, the then Minister in the Prime Minister's Department (Parliament and Law), Tan Sri Dr Wan Junaidi Tuanku Jaafar, recognised the need for restraint of caretaker governments, stating that:

*"... Kerajaan Caretaker tidak boleh membuat apa-apa keputusan dan dasar yang boleh mengikat, atau mengambil apa-apa tindakan yang boleh memberi implikasi kewangan dan membebankan Kerajaan baharu yang bakal dibentuk, melainkan tindakan tersebut perlu dilaksanakan demi kepentingan awam (public interest). Bagi maksud itu, Kerajaan Caretaker boleh mengambil tindakan-tindakan seperti yang berikut:*

- i. menjalankan tugas rasmi rutin termasuk menjalankan kuasa yang diberi di bawah undang-undang bagi memastikan jentera Kerajaan berfungsi;*
- ii. mengadakan mesyuarat rasmi berhubung urusan pentadbiran Kerajaan;*
- iii. meneruskan pelaksanaan dasar dan program sedia ada yang mana peruntukan kewangan baginya telah disediakan sebelum tarikh Perdana Menteri meletakkan jawatan;*
- iv. membuat apa-apa perjanjian, kontrak dan aku janji yang mana dasar telah diluluskan oleh Kerajaan atau peruntukan mengenyainya telah diluluskan oleh Parlimen seperti Belanjawan tahun semasa; dan*
- v. mengadakan dan menghadiri majlis-majlis rasmi yang telah dijadualkan bagi sesuatu projek atau program Kerajaan.<sup>20</sup>*

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19 See Ambiga Sreenevasan and Ding Jo-Ann (2020). Caretaker Government. In Law, Principles and Practice in Dewan Rakyat, pp 120-121.

20 Soalan 91, Jawapan Bukan Lisan, Mesyuarat Kedua, Penggal Keempat, Parlimen Keempat Belas.

**Verbatim Translation:** “A Caretaker Government shall not make any decisions or policies that are binding, or undertake any actions that may have financial implications and impose burdens on the new government to be formed, unless such actions are necessary for public interest. For this purpose, a Caretaker Government may undertake the following actions:

- i. carry out routine official duties, including exercising power provided under the law to ensure that the Government machinery continues to function;
- ii. hold official meetings relating to government administration;
- iii. continue the implementation of existing policies and programmes for which financial allocations have been provided prior to the resignation of the Prime Minister;
- iv. enter into any agreements, contracts, and undertakings where policies have been approved by the Government or the relevant allocation has been approved by Parliament, such as under the current year’s Budget; and
- v. organise and attend official functions that have been scheduled for specific government projects or programmes.”

The minister’s parliamentary reply is almost identical to the media statement issued by the then Chief Secretary to the Government, Tan Sri Dato’ Seri Mohd Zuki Ali, on August 17 of the same year.<sup>21</sup> That statement was issued one day after the then Prime Minister, Tan Sri Muhyiddin Yassin, tendered his resignation. Despite recognising certain principles of the caretaker conventions and providing a list of actions that the government is allowed to take, it offers only brief statements and direction and not sufficiently detailed practical guidance for caretaker governments.

In 2025, the Public Accounts Committee (PAC), in its report examining the management of the multi-lane free flow (MLFF) toll system’s implementation, commented on the inappropriateness of the government signing any agreements with significant impact during a caretaker government period, even if the Cabinet decision had been made before the dissolution of Parliament.<sup>22</sup> In its response to the PAC’s recommendations, the Ministry of Public Works agreed with the PAC’s position, noting the need to avoid exposing the government to high risks, notwithstanding that there were no direct

21 Mohd Zuki Ali (2021, August 17). Fungsi dan Peranan Kerajaan Caretaker. Pejabat Ketua Setiausaha Negara. [https://ksn.gov.my/images/pdf/KERAJAAN\\_CARETAKER.pdf](https://ksn.gov.my/images/pdf/KERAJAAN_CARETAKER.pdf)

22 PAC (2025). Penyata Jawatankuasa Kira-Kira Wang Negara (PAC) Mengenai Pengurusan Pelaksanaan Projek Sistem Aliran Pantas Pelbagai Lorong (MLFF) di bawah Kementerian Kerja Raya (KKR) dan Lembaga Lebuhraya Malaysia (LLM). DR 2/2025. Syor 5.

financial implications for the government in this case.<sup>23</sup>

In a media statement issued by the Ministry of Environment and Water during the campaign period of the 2022 general elections, it was revealed that the Guidelines on the Role and Function of the Caretaker Government (*Garis Panduan Peranan dan Fungsi Kerajaan Caretaker*) had been approved by the Cabinet at a meeting prior to the dissolution of Parliament.<sup>24</sup> It was also disclosed in the statement that the Ministry of Finance had issued a Circular Letter dated 18 October 2022, which provides guidance on the implementation of government procurement during the caretaker government period.

Only the latter is publicly accessible on the Treasury Circulars Portal, while the former is not available to the public.<sup>25</sup> The Ministry of Finance's Circular Letters further provides that any contractual commitments or undertakings should be avoided during the caretaker government period, including any new negotiations or undertakings that could be binding, burdensome and carry financial implications for the incoming government.

At the state government level, the Selangor State Government issued guidelines for the caretaker government through a State Secretary's Circular in the lead-up to the 2013 general elections. The Circular provides that the caretaker period begins upon the dissolution of Legislative Assembly and ends either upon the Election Commission's announcement of the winning party or upon the appointment of a new Menteri Besar (Chief Minister) and Executive Councillors (EXCO).<sup>26</sup> The Circular also requires the caretaker government to exercise restraint in areas such as policy decisions and implementation, major contracts and procurement processes, appointments to significant positions, the use of state government resources and the requirement of impartiality of civil servants, among others.<sup>27</sup>

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23 PAC (2025). *Penyata Jawatankuasa Kira-Kira Wang Negara (PAC) terhadap Tindakan Susulan Kementerian Kerja Raya dan Lembaga Lebuhraya Malaysia (LLM) bagi Syor-syor Penyata PAC Parliemn berhudung Pengurusan Pelaksanaan Projek Sistem Aliran Pantas Pelbagai Lorong (MLFF)*. At pp 9-10.

24 Kementerian Alam Sekitar dan Air (2022, November 8). *Kerajaan Caretaker Tidak Boleh Membuat Anugerah Tender*.

25 <https://ppp.treasury.gov.my/>

26 Paras 3.4-3.9, 4.1, *Pekeliling Setiausaha Kerajaan Negeri Selangor Bil 1 Tahun 2013*.

27 Paras 3.10-3.26.

## Demand for Caretaker Government Guidelines

The National Anti-Corruption Plan 2019-2023, published by the National Centre for Governance, Integrity and Anti-Corruption (GIACC) under the Prime Minister's Department, included a commitment to introduce a written guideline on the role of the caretaker Government.<sup>28</sup> It was also the plan of the Election Reform Committee established by the first Pakatan Harapan government to examine the role of the caretaker government,<sup>29</sup> although its final report has yet to be declassified.

The Parliamentary Special Select Committee on Improvements to the Electoral Process in 2012 had also recommended that the Election Commission be tasked with preparing guidelines and a code of conduct applicable to any party required to perform the functions of a caretaker government within three months from the date of the committee's report.<sup>30</sup>

As mentioned above, no written guidelines, except from the Treasury, have been published to date despite the parliamentary committee's recommendation, the executive-established committee's study, and the commitments made by a government agency in its plan.

Civil society organisations, think tanks, academicians and legal experts continue to act as watchdogs over caretaker governments and advocate for the implementation of written caretaker government guidelines.<sup>31</sup> The Coalition for Clean and Fair Elections (BERSIH) has consistently documented breaches of caretaker conventions and misuse of government machinery by the federal and state governments during election periods.<sup>32</sup> BERSIH also drafted Guidelines for a Caretaker Government for the 2018 general elections and has used these guidelines to assess the actions of federal and state governments.<sup>33</sup> The electoral reform coalition has also mooted the "3C" prohibition – "No Conditions, No Campaign and No Candidates" – as guidelines applicable to a government that is not in a 'caretaker' mode during an election, like the situation of the MADANI federal government in the 2023 six state elections. In the former scenario, the

28 [https://www.pmo.gov.my/wp-content/uploads/2019/07/National-Anti-Corruption-Plan-2019-2023\\_.pdf](https://www.pmo.gov.my/wp-content/uploads/2019/07/National-Anti-Corruption-Plan-2019-2023_.pdf)

29 Yiswarree Palansamy (2018, August 29). Election reform panel looking into caretaker govt role, conduct. Malay Mail. <https://www.malaymail.com/news/malaysia/2018/08/29/election-reform-panel-looking-into-caretaker-govt-role-conduct/1667218>

30 Laporan Jawatankuasa Pilihan Khas Berhubung Dengan Penambahbaikan Proses Pilihan Raya. DR 1/2012. [https://www.parlimen.gov.my/images/webuser/jkuasa/DR\\_%201%20TAHUN%202012a.pdf](https://www.parlimen.gov.my/images/webuser/jkuasa/DR_%201%20TAHUN%202012a.pdf)

31 Examples: IDEAS-201206-Smooth transitions of power\_ Hung Parliament and caretaker government-PI; <https://www.ideas.org.my/for-media/ideas-malaysias-caretaker-government-must-be-aware-of-its-rightful-limitations-and-responsibilities-writing-off-debts-beyond-scope-of-caretaker-government/>; <https://www.bersih.org/wp-content/uploads/2016/04/Political-Financing-Reforms.pdf>

32 Available at: <https://bersih.org/observation-report/>

33 See Bersih 2.0, Komas and Suaram (2018). Election Observation Report of the 14th Malaysian General Election. Bersih & Adil Network Sdn Bhd. <https://www.bersih.org/wp-content/uploads/2018/07/PEMANTAU-Election-Observation-Report-of-the-14th-Malaysian-General-Election.pdf>. Appendix 2.

federal government retained a parliamentary majority and was therefore not a caretaker government, even though the political actors at the federal level actively participated in the state elections. It is inevitable in a jurisdiction where elections at the national and sub-national levels are not held simultaneously. The proposed prohibitions include:

- No Conditions should be attached to any announcements or allocations made to voters such as requiring the victory of a particular or candidate in the upcoming election. Any commitments made by the federal government should be fulfilled regardless of the election outcome.
- No Campaign should take place during official federal functions where references are made to upcoming elections, or where names of parties or candidates are mentioned, and party symbols or flags are displayed. No selective allocations should be made to constituencies to assist certain parties in gaining or retaining seats.
- No Candidates should be present at federal government functions, unless they are also federal ministers, when special announcements or allocations are made.<sup>34</sup>

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<sup>34</sup> Bersih Steering Committee (2023, Jul 20). Guide to prevent abuse of incumbency advantage for electioneering: NO condition, NO campaign, NO candidates (No 3Cs). <https://bersih.org/2023/07/20/guide-to-prevent-abuse-of-incumbency-advantage-for-electioneering/>

## 4 Caretaker Government Guidance in Selected Countries under the Westminster Parliamentary Systems

This section presents caretaker government guidance from Australia, New Zealand, the United Kingdom and Canada through an analysis of the published written guidance and relevant documents issued by the executive.

In analysing each jurisdiction's guidance, focus is given to the definition of the caretaker period, the restraints imposed on policy decisions, public appointments, contractual commitments and government advertising, the enforcement mechanisms and the arrangements provided to facilitate transition and electoral competition; particularly on pre-election contact with the civil service and policy costing.

### Comparison between the Four Jurisdictions

While the four jurisdictions demonstrate a high degree of consistency in recognising the principles underpinning caretaker conventions, divergence in practices is observed in the operation of their caretaker government guidance due to local adaptations and evolving political context.<sup>35</sup> This subsection summarises the resemblance and divergence in the common features provided in the caretaker government guidance from the four jurisdictions.

Differences in the **period during which government activities are subject to restrictions**, whether it is termed as "caretaker period" or otherwise, are observed and illustrated in Table 2.

**Table 2: Period during which government activities are subject to restrictions in four jurisdictions**

Period	Australia	New Zealand	United Kingdom	Canada
Before dissolution	X	√	X	√
Dissolution until polling day	√	√	√	√
Polling day until government formation is completed	√	√	√	√
After mid-term loss of confidence	X	√	√	√

Source: author compiled from respective countries' official documents and websites

35 Jennifer Menzies and Anne Tiernan (2015), pp 98-99.

The four jurisdictions are similar in that government activities are restricted from the dissolution of Parliament until a government is formed post-election. Australia's guidance is the exception among the four that it does not regulate the period after a mid-term loss of confidence. Although not termed as "caretaker period", restrictions on government activities in New Zealand and Canada start weeks before their parliaments are dissolved. In New Zealand, successive governments have committed to refrain from making significant appointments and government advertising in the pre-election period, which generally starts three months before the general election is due. While in Canada, government advertising activities will be suspended on June 30 in a year when a fixed general federal election is held, with the polling day on the third Monday in October. Despite not being stipulated in any of the guidance discussed in this paper, there are discussions and precedents on extending the caretaker period to cover the transition period between prime ministers of the same party.<sup>36</sup>

Table 3 summarises the selected features of caretaker government guidance in four jurisdictions.

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36 See Anne Twomey (2018), pp 528-529.

Table 3: Selected features of the caretaker government guidance in four jurisdictions.

Item	Australia	New Zealand	United Kingdom	Canada
<b>Restriction/ Caretaker period</b>	<p><b><u>Caretaker period</u></b></p> <p><i>Start:</i></p> <ul style="list-style-type: none"> <li>House of Representative is dissolved</li> </ul> <p><i>End:</i></p> <ul style="list-style-type: none"> <li>Election result is clear to return the incumbent government</li> <li>New government is appointed by the Governor-General</li> </ul>	<p><b><u>Pre-election period</u></b></p> <p><i>Start:</i></p> <ul style="list-style-type: none"> <li>3 months before the general election is due</li> <li>The announcement of the election, if the period between the announcement and polling day is less than 3 months</li> </ul> <p><i>End:</i></p> <p>Polling day</p> <p><b><u>Caretaker period</u></b></p> <p><i>Start:</i></p> <ul style="list-style-type: none"> <li>After a general election</li> <li>If the government has clearly lost the confidence of the House</li> </ul> <p><i>End:</i></p> <ul style="list-style-type: none"> <li>New administration is appointed</li> </ul>	<p><b><u>Pre-elections period:</u></b></p> <ul style="list-style-type: none"> <li>Defined in the election guidance</li> <li>Cover the pre-elections period for UK Parliament, devolved legislatures, local government and referendum</li> </ul> <p><b><u>Caretaker period</u></b></p> <p><i>Start:</i></p> <ul style="list-style-type: none"> <li>immediately preceding an election</li> <li>immediately following the general election if the result is unclear</li> <li>following the loss of a vote of confidence</li> </ul> <p><i>End:</i></p> <ul style="list-style-type: none"> <li>relatively unclear</li> <li>when PM is appointed, or government's ability to command the confidence of the Commons has been tested.</li> </ul>	<p><b><u>Caretaker period</u></b></p> <p><i>Start:</i></p> <ul style="list-style-type: none"> <li>government loses a vote of non-confidence</li> <li>dissolution of parliament</li> </ul> <p><i>End:</i></p> <ul style="list-style-type: none"> <li>new government is sworn-in</li> <li>an election result returning an incumbent government is clear</li> </ul>

Item	Australia	New Zealand	United Kingdom	Canada
<b>Restriction on major government decisions</b>	<p>Restrain occurs in:</p> <ul style="list-style-type: none"> <li>• making major policy decisions that are likely to commit an incoming government</li> <li>• making significant appointments</li> <li>• entering into major contracts and undertakings including new agreements or international negotiation</li> </ul>	<p><b><u>Pre-election period</u></b></p> <p>Restrain occurs in:</p> <ul style="list-style-type: none"> <li>• making significant appointments</li> <li>• government advertising</li> </ul> <p><b><u>Caretaker period – Unclear outcome</u></b></p> <p>Decisions relating to:</p> <ul style="list-style-type: none"> <li>• significant or potentially controversial issues</li> <li>• issues with long-term implications (major contract or significant appointment)</li> <li>• national or local emergencies</li> <li>• a major international event, crisis, or disruption</li> <li>• new policy initiatives</li> <li>• changes to existing policy</li> </ul> <p>the government should:</p> <ul style="list-style-type: none"> <li>• defer the decision</li> <li>• address it with temporary or holding arrangements</li> <li>• consult with other political parties</li> </ul> <p><b><u>Caretaker period – Clear outcome</u></b></p> <p>Outgoing government:</p> <ul style="list-style-type: none"> <li>• undertakes no new policy initiatives</li> <li>• acts on the advice of the incoming government</li> </ul>	<p>Restrain occurs in:</p> <ul style="list-style-type: none"> <li>• taking or announcing major policy decisions</li> <li>• entering into large/contentious procurement contracts or significant long-term commitments</li> <li>• making some senior public appointments and approving Senior Civil Service appointments</li> </ul>	<p>Government activity in matters of policy, expenditure and appointments should whenever possible be restricted to matters that are:</p> <ul style="list-style-type: none"> <li>• routine, or</li> <li>• non-controversial, or</li> <li>• urgent and in the public interest, or</li> <li>• reversible by a new government without undue cost or disruption, or</li> <li>• agreed to by opposition parties (in those cases where consultation is appropriate)</li> </ul>

Item	Australia	New Zealand	United Kingdom	Canada
<b>Restriction on government advertising campaign</b>	All advertising campaigns are paused and reviewed when caretaker government period begins. Bipartisan agreement is needed for recommencement during such period	Starting from the pre-election period, government advertisements that have a risk of a perception that public funds are being used to finance publicity for party political purposes should be avoided	Regulated in the general election guidance, new campaigns will in general be postponed and live campaigns will be paused in the election period	Government advertising activities will be suspended on June 30 in a year a fixed general federal election is held, or on the day a writ for a general federal election is issued
<b>Alternative protocols for unavoidable decisions</b>	Minister to consult the Opposition spokesperson/ shadow minister. Opposition should be given time to consider the issue. Minister is not required to reach agreement with Opposition	the matter should be addressed by: <ul style="list-style-type: none"> <li>• temporary or holding arrangements</li> <li>• consultation with other political parties</li> </ul>	the matter should be addressed by: <ul style="list-style-type: none"> <li>• temporary arrangements</li> <li>• consultation with the Opposition</li> </ul>	Government action should be: <ul style="list-style-type: none"> <li>• reversible by a new government without undue cost or disruption</li> <li>• agreed to by opposition parties (in those cases where consultation is appropriate)</li> </ul>
<b>Enforcement or sanction</b>	N/A	N/A	Permanent secretary may seek a ministerial direction if s/ he suspects the minister's instruction contravenes the rules on caretaker period. That direction should be made public immediately, sent to the Comptroller and Auditor General and the Treasury Officer of Accounts, and laid before both Houses when Parliament first meets after dissolution	Precedent at the provincial level, former Premier and cabinet ministers were fined under the Manitoba's Conflict of Interest (Members and Ministers) Act for their actions that contravenes the caretaker conventions

Item	Australia	New Zealand	United Kingdom	Canada
<b>Arrangement to facilitate potential transition and fair electoral competition</b>	<p>Pre-election consultation between the opposition and civil service, happened</p> <ul style="list-style-type: none"> <li>• 3 months before the House of Representative's term is expired</li> <li>• the day an election for the House of Representative is announced</li> </ul> <p>Costing for election commitment by the Secretaries of the Treasury and Finance and the Parliamentary Budget Officer</p>	N/A	Pre-election contacts between civil servants and opposition parties, authorized and timing decided by the Prime Minister	Costing for election campaign proposal by Parliamentary Budget Office, starts on the 120 <sup>th</sup> day before the fixed election date, or on the day Parliament is dissolved for early dissolution

\* Note: The Governor-General is His Majesty the King of the United Kingdom's representative in Australia, with the King being Australia's official Head of State. But both His Majesty and the Governor-General have largely ceremonial and rubber stamping roles including dissolving Parliament, commissioning the Prime Minister, and appointing Ministers.

Source: author compiled from respective countries' official documents and websites

In terms of **restrictions on government activities and major decisions** on policy, significant appointments, and government expenditure and procurement, all except New Zealand impose the same set of restrictions across different caretaker periods. In New Zealand, different sets of restrictions are imposed on the government during the pre-election period and two different caretaker period scenarios (depending on whether the formation of a new government is clear or not).

Derived from the principle of fairness, all jurisdictions impose **restrictions on government advertising activities**, especially those advertisements that would invite criticism that public money is being used for political party purposes. These include advertisements that emphasise particular ministers or the government's achievements, contain matters of political contention, and whose content or format indirectly links with a specific political party. Exemptions are given to advertisements that are routine or operational by nature, like public health and safety campaigns, civil service recruitment, public notices for legal purposes or urgent business.

In the event that a government decision or action is unavoidable, all jurisdictions require the caretaker minister to **consult the opposition parties**. The rationales behind this arrangement are to recognise an uncertain democratic mandate<sup>37</sup> and to gauge and establish the support of the proposed action among the political actors in the Parliament.<sup>38</sup> Although it is preferable to reach a consensus, all four jurisdictions do not mandate the caretaker minister to secure the opposition parties' consent in the consultation.<sup>39</sup>

The effectiveness of caretaker conventions is conditional on whether their breach attracts political **sanctions**.<sup>40</sup> Publicity on potential breaches through media scrutiny, opposition objection and public opinion ensures political compliance and pressures for retreat from breaches, as it would deplete political capital and electoral prospects of the governing party.<sup>41</sup> In the United Kingdom, the immediate publication of ministerial directions sought by the permanent secretary during the caretaker government period can assist in exposing and altering violations of caretaker conventions. A precedent at the provincial level in Canada demonstrates a further step of imposing legal sanctions under its Conflict of Interest (Members and Ministers) Act on politicians who breached caretaker conventions, where the ex-premier and cabinet ministers were penalised because of their action, which violates the guidance on caretaker governments, constitutes 'improperly furthering the interests of other people'.

Every general election entails the possibility of a change of government. To facilitate an effective post-election transition and ensure fairness in policy competition during the election period, the Commonwealth jurisdictions have developed arrangements for **pre-election contact between civil service and opposition parties** and **costing for the election manifesto**. While such arrangements are distinct from the caretaker conventions, which focus on restrictions on government activities, and may be provided by separate guidance or legislation, they are mentioned in the caretaker government guidance for Australia and the United Kingdom. In contrast, costing for election campaign proposals provided under the Parliament of Canada Act is not mentioned in Canada's caretaker government guidance. Nevertheless, such arrangements are included in the discussion of this paper for two reasons: firstly, it is provided in the pre-election period, either overlap with, or start immediately before, the caretaker period; and secondly, the underlying rationale of such arrangements also interacts with the principle of fairness in addition to the promotion of good governance.

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37 Anne Twomey (2018), in pp 535, referred to the report of the UK House of Commons Political and Constitutional Reform Committee.

38 Para 6.25, New Zealand's Cabinet Manual.

39 Anne Twomey (2018), in pp 535.

40 Petra Schleiter and Valerie Belu (2015) p 243.

41 Jennifer Menzies and Anne Tiernan (2014), p 10, 15; Anne Twomey (2018), p 547.

## Australia

Australia's caretaker conventions are recorded in the Cabinet Handbook<sup>42</sup> and the Federal Executive Council handbook,<sup>43</sup> with operational details provided in the Guidance on Caretaker Conventions.<sup>44</sup> All are published by the Department of the Prime Minister and Cabinet. Each state and territory government has also issued similar guidance with slight variations.

### *Caretaker period*

The Guidance focuses on the election and the government formation period following a general election. The caretaker period begins upon the dissolution of the House of Representatives and continues until:

- a. The election result is clear (to return the incumbent government); or
- b. If there is a change of government, until the new government is appointed by the Governor-General.<sup>45</sup>

The federal guidance does not further clarify when an election result is considered clear. However, some state-level guidelines provide additional elaboration, including situations where:

- The Leader of the Opposition concedes defeat;
- It is clear that the incumbent government has secured sufficient seats in the Legislative Assembly to form government; or
- In case of the incumbent government forming a minority government, public statements confirm an agreement for its formation, or where necessary, following a vote in the Legislative Assembly confirming that the government can guarantee supply and confidence.<sup>46</sup>

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42 Department of the Prime Minister and Cabinet (2022). Cabinet Handbook (15th ed.). Australian Government. At paras 122 – 128.

43 Department of the Prime Minister and Cabinet (2021). Federal Executive Council Handbook 2021. Australian Government. At paras 27 – 30.

44 Department of the Prime Minister and Cabinet (2024). Guidance on Caretaker Conventions. Australian Government. At paras 27 – 30.

45 Section 2.3, Guidance.

46 Department of Premier and Cabinet (2022). Guidelines on the Caretaker Conventions 2022: Guidance on handling government business in the lead up to and during the 2022 State election period. Victoria State Government. At p 5.

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### ***Restriction on government activities***

To avoid binding an incoming government, the caretaker government refrains from:

- Making major policy decisions that are likely to commit an incoming government;
- Making significant appointments; and
- Entering into major contracts and undertakings.

The Guidance further details the considerations required to determine whether a government action falls within the above ambit.

In determining what constitutes a ***'major'*** policy decision, this is a matter of judgment, taking into account its significance in terms of policy and resources. It also considers whether the issue is a matter of contention between the governing and opposition parties during the election campaign. The guidance distinguishes between government policies and election commitments, under which it does not restrict the announcement or promise of future policies by the governing party. An announcement of a government decision made before the caretaker period does not breach the convention. However, where possible, such decisions should be announced before dissolution if they are controversial.

If a major policy decision is unavoidable during the caretaker period, the responsible minister would usually consult the opposition spokesperson, that is the shadow minister, beforehand. There is precedent for this approach, for example where urgent financial assistance to drought-affected areas was provided following consultation with the Opposition.

In determining what constitutes a ***'significant' appointment***, the considerations include the importance of the position and the potential controversy of the proposed appointment. Caretaker governments in general defer making significant appointments. However, if a deferral is not possible, the following option is considered by the minister to:

- Make an acting appointment, where permissible;
- Make a short-term appointment until shortly after the end of the caretaker period; or
- If the above options are not possible, consult the relevant shadow minister regarding a full-term appointment.

To determine what constitutes a ***'major' contract or undertaking***, the considerations on such commitment include:

- Its dollar value;

- Whether it is a routine matter of administration;
- Whether it implements or entrenches a policy, program or administrative structure which is politically contentious; and
- Whether it requires ministerial approval.

Like significant appointments, caretaker governments usually avoid entering major contracts or undertakings, including new grants agreements. However, if a deferral of such commitment is not possible, the minister or agencies may choose to:

- Consult the relevant shadow minister regarding the commitment; or
- Explain the implications of the caretaker period to the contractor, grantee and potential tenders, and, for contracts and grants, ensure termination clauses if an incoming government does not wish to proceed are included.

The avoidance of entering major undertakings also applies in the context of **international negotiation**, in which caretaker governments usually seek to defer such negotiations or adopt observer status. If such options are not possible, the caretaker government will limit its role to providing information on its past position, advise the other parties to the negotiations that the outcomes are subject to the incoming government's authorisation, or seek the Opposition's agreement to negotiating positions.

Whenever a **consultation with the Opposition** or shadow minister is necessary, the minister should explain the necessity of the proposed action during the caretaker period and provide an opportunity to explore alternatives. The shadow minister should be given an appropriate amount of time to consider the issue. Despite considering suggestions made by the opposition counterpart, the Minister does not need to reach agreement with the shadow minister before proceeding.

All government advertising campaigns are paused at the start of the caretaker period with the exception of Australian Electoral Commission campaigns. Two departments – Finance, and the Prime Minister and Cabinet, review all campaigns and suggest to the Government about their recommencement (under bipartisan agreement) or deferral. To determine whether it should be recommenced or deferred, the government advertising campaigns are:

- a. **Normally discontinued** if they:
  - Highlight the role of particular ministers;
  - Emphasise the achievements of the Government; or

- Address issues that are a matter of contention between the political parties contesting the election.
- b. **Usually recommence** if they are operational by nature, like defence force recruiting or public health campaigns.

Agencies should avoid active distribution of material if it promotes government policies or emphasises the achievement of the Government or a minister, but passive distribution is acceptable.

### *Arrangements for transition*

#### **Pre-election consultation with the Opposition<sup>47</sup>**

In ordinary times, the opposition interacts with the public service through the departmental ministers.<sup>48</sup> In a pre-election period, which may commence on a different date and potentially earlier than the caretaker period, the Opposition is allowed to have direct contact and consultation with the public service. The consultation period starts from either:

- a. Three months prior to the expiry of the House of Representatives' term; or
- b. The day an election for the House of Representatives is announced,

whichever is earlier. For the 2025 Australian federal election, the consultation period started on 28 March 2025, when the Prime Minister, Anthony Albanese, announced the election date on 3rd of May 2025.<sup>49</sup>

The shadow minister may make a request to the relevant minister. The minister will then notify the Prime Minister of the request and whether such a request has been agreed to by that minister. Once the approval is given, the discussion will be at the initiative of the non-government parties. The discussions may include the administrative and technical practicalities and procedures involved in implementation of policies proposed by non-government parties. The officials from public service are not authorised to discuss government policies, provide opinions on matters of a party political nature or alternative policies. The Minister will be informed when a discussion takes place, but the detailed substance of the discussion is confidential between the Shadow Ministers and the officials.

<sup>47</sup> Section 9, Guidance on Caretaker Conventions 2024.

<sup>48</sup> Glyn Davis et al (2001). Rethinking caretaker conventions for Australian governments. *Australian Journal of Public Administration*, 60(3), 11 – 26. At p 15.

<sup>49</sup> Tiffanie Turnbull and Katy Watson (2025, March 28). Australia to hold federal election on 3 May. BBC. The 47th Parliament of Australia expired on 25 July 2025, thus the alternative date for the consultation period to start is 25 April 2025, later than the announcement date.

The rationale for this arrangement is to ensure a smooth transition if an election results in a change of government, which dates back to 1976.

### ***Costing of election commitment***

The federal legislation, the Charter of Budget Honesty Act 1998<sup>50</sup> and the Parliamentary Service Act 1999,<sup>51</sup> provide an avenue for the governing party, major opposition party, minor opposition parties and independent members to request the Secretaries of the Treasury and Finance and the Parliamentary Budget Officer, respectively, to cost policies and electoral commitments announced during the caretaker period. Such requests and costings must be publicly released.

Policy costing by the Parliamentary Budget Officer can be requested both during and outside of caretaker periods. Whereas a request to cost election commitments under the Charter of Budget Honesty Act 1998 can only be made during the caretaker period for a general election. Despite providing two avenues to request policy costing, a party is not allowed to make double requests of costing.

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50 See Part 8, clauses 29-32.

51 See sections 64J-64LA.

## New Zealand

The guidance for government activities during the pre-election and caretaker period is provided in the Cabinet Manual,<sup>52</sup> which is the authoritative guide to New Zealand's system of central government decision-making, updated and approved by successive governments, and relevant Cabinet Office circulars issued from time to time. Guidance is also issued by the Public Service Commission for public servants on relevant matters before, during and after the election.<sup>53</sup>

Chapter 6 of the Cabinet Manual 2023 provides the principles and procedures that apply to elections, transitions and government formation.<sup>54</sup>

### *Pre-election and caretaker period*

In New Zealand, the government would be bound by the **caretaker** convention in two sets of circumstances, starting:

- After a general election; or
- If the government has clearly<sup>55</sup> lost the confidence of the House, which may result in a general election or a mid-term government transition,

and with both ending at the point a new administration is appointed.

Despite not being governed under the Cabinet Manual's 'caretaker convention', the pre-election period is also subject to a practice where successive governments have recognised the need to restrict their actions to a certain extent. This period begins:

- Three months before the general election is due; or
- From the time of the announcement of the election, if the period between the announcement and polling day is less than three months.

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52 Cabinet Office, Department of the Prime Minister and Cabinet (2023). Cabinet Manual 2023. New Zealand Government.

53 Public Service Commission (2026, Jan 30). Guidance: General Election 2026. New Zealand Government.

54 Cabinet Office, Department of the Prime Minister and Cabinet (2023), pp 93 – 103.

55 In contrast to the confidence of the House may be unclear, which the incumbent government is given a reasonable short period for negotiation and reorganisation, then clarify where the confidence of the House lies. See para 6.59, Cabinet Manual. Based on the example given, the loss of confidence is clear if the government has lost a vote of confidence in the House, see para 6.60.

New Zealand has developed a tradition of advance announcement for the election date to provide certainty. As the Prime Minister, Christopher Luxon, has announced the election date for the 2026 General Election, the pre-election period will commence on 7 August 2026.<sup>56</sup>

### *Restraints during the pre-election period*

Despite the government having full power to govern until the election, successive governments have recognised the restraint occurs in two aspects:

- Making significant appointments; and
- Government advertising.

Despite the self-imposed voluntary restraint, the Prime Minister can make the final decision as to whether a decision or action should proceed during this period.

To determine whether a particular **appointment is significant**, the factors to be considered include:

- The public profile of the position or organisation;
- Whether the organisation has a significant strategic or decision-making role;
- Whether the organisation controls significant assets or funds; and
- Whether the organisation is an executive body, as opposed to an advisory or technical one.<sup>57</sup>

The government will defer significant appointments that commence during the pre-election period, even if the decisions on the appointment are made before the pre-election period starts. If a significant appointment is due to commence in the pre-election or immediate post-election period, the Minister will consider either:

- Allowing the appointees to remain in office after their appointment expired, if the law allows so; or
- If the law does not allow, the possibility of making a short-term appointment, reappointment or acting appointment.

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56 Cabinet Office (2026, January 29). Government Decisions and Actions in the Pre-election Period (CO (26) 1). New Zealand Government; Public Service Commission (2026), p 27.

57 CO (26) 1, para 10.

Due to the time of heightened sensitivity, whenever making **decisions on government advertising** during the pre-election period, ministers and officials are required to be particularly alert to whether there is a risk of a perception that public funds are being used to finance publicity for party political purposes.

Guidance issued by the Public Service Commission provides some further illustration of what is considered routine advertising and elements to be avoided.<sup>58</sup> Publicity that informs people about government services or sets out the public's entitlements and responsibilities is routine business, like road safety campaigns, public health information, information on access to services and entitlements, citizen's obligation under government policy or promotion of consumption of New Zealand export goods and services offshore. Whereas, an advertisement on a service or entitlement that lacks details or uses emotive language or rhetoric will not meet the standard under the Guidelines for Government Advertising, which also apply outside of the pre-election period.

During a pre-election period, attention is required for the content of advertisements that presents a vision for New Zealand's future (such as "rebuilding New Zealand") and the form and style of advertisement (colours and images) that closely resemble those used by political parties. Advertisements with such elements are avoided due to the risk of partisan perception or confusion with party political advertising. The Appendix of the Guidance also provides case studies in four scenarios, together with practical guidance to address such scenarios.

Particular care should be taken to ensure the appropriate use of officials for policy development purposes in the lead-up to a general election or a by-election. **Policy work carried out by officials** for a Minister should not be used to develop party political material or be labelled as party policy.

### *Restraints during the caretaker period*

There are two arms to the caretaker convention, depending on the status of government formation, whether the outcome on the formation of incoming government is clear or unclear. A different set of principles applies in each arm.

#### **Unclear outcome on incoming government**

When it is not clear who will form the next government, the government will constrain its actions and decision to matters concerning:

- Significant or potentially controversial issues;

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58 Public Service Commission (2026), p 22.

- Issues with long-term implications that would be likely to limit the freedom of action of an incoming government (such as the signing of a major contract, or the making of a significant appointment);
- National or local emergencies;
- A major international event, crisis, or disruption;
- New policy initiatives; or
- Changes to existing policy.

Relating to these matters, the government should either:

- a. Defer the decisions, if possible;
- b. If deferral is not possible, address it with temporary or holding arrangements that do not commit the government in the longer term; or
- c. If neither of the options above is possible, consult with other political parties to establish whether the proposed action has the support of a majority of the House of Representatives before making a decision.

A significant policy decision that was made before a caretaker period may be implemented by a caretaker government under this arm. However, if the proposed action would be difficult or impossible to reverse, it may be appropriate for the caretaker ministers to consult other political parties before proceeding.

Any consultation with other political parties must notify the Prime Minister as early as possible, and be cleared in advance with the Prime Minister or Cabinet. In practice, the Chief of Staff in the Prime Minister's Office will co-ordinate any consultation with other political parties.<sup>59</sup>

### **Clear outcome on incoming government**

If the political parties have reached an adequate accommodation to form a government, the parties are expected to make appropriate public statements of their intentions.<sup>60</sup>

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<sup>59</sup> Cabinet Office (2023, October 16). Government Decision Making during the Period of Caretaker Government (CO (23) 10). New Zealand Government.

<sup>60</sup> See also Cabinet Office (2023, November 24). Arrangements for transition to a new administration (CO (23) 11). New Zealand Government.

When the formation of the next government is clear but pending official ministerial appointment, the outgoing government should:

- a. Undertake no new policy initiatives; and
- b. Act on the advice of the incoming government on any matter of such constitutional, economic, or other significance that it cannot be delayed until the new government formally takes office – even if the outgoing government disagrees with the course of action proposed.

The currency crisis that happened during and after the July 1984 New Zealand general election seriously tested the caretaker conventions and led to an explicit articulation of the constraints of an outgoing government.<sup>61</sup>

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61 Jennifer Menzies and Anne Tiernan (2015). Caretaker conventions. In Brian Galligan and Scott Brenton, *Constitutional Conventions in Westminster Systems: Controversies, Changes and Challenges*, p 105-106.

## United Kingdom (UK)

The restrictions on government activity during the caretaker period and the pre-election period are provided in two documents, the Cabinet Manual published in 2011, and the election guidance for civil servants, which is updated and issued whenever elections or a referendum are approaching.

It is worth noting that the caretaker period and the pre-election period may not overlap. In the United Kingdom (UK) general elections, the UK Government enter into a caretaker period when the rules on the pre-election period also apply to them. The non-overlapping periods occur immediately before local elections, devolved legislature elections and referendums, where the UK Government commands the confidence of Parliament. But a set of restrictions related to the pre-election period apply to them.<sup>62</sup>

### *Period of caretaker government:*

The Cabinet Manual specifies three circumstances in which governments will be restricted:

- a. Immediately preceding an election (between the start of an election period and polling day);
- b. Immediately following the general election if the result is unclear (as long as there is significant doubt over the Government's ability to command the confidence of the House of Commons); and
- c. Following the loss of a vote of confidence,

which is commonly understood as the **caretaker period**, despite not being named so. The same set of restrictions applies across these three circumstances.

Besides the caretaker period, restrictions on government activity also apply during the **pre-election period** of any election, including general (which overlap with the caretaker period), local or devolved elections.<sup>63</sup> The restrictions will be covered in detail in the election guidance issued from time to time. The timing of when a pre-election period begins varies, from the day after the Parliament was prorogued before a dissolution, the day when Parliament is dissolved, and the day the election is announced.<sup>64</sup> The pre-election period ends on the polling day.

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62 House of Commons Political and Constitutional Reform Committee (2015). Government formation postelection (Tenth Report of Session 2014-15, HC 1023). The Stationery Office. See para 22.

63 Refer to Cabinet Office (2011), paras 2.28 and 2.34 and Cabinet Office (2024), section G "Government Decisions" and section H "Public and Senior Civil Service Appointments".

64 Neil Johnston (2026, March 11). Pre-election period of sensitivity (CBP 5262). House of Commons Library. At pp 9 – 11.

In contrast, there is a lack of clarity and updates about the **termination of caretaker periods**, as criticised by scholars, which produces ambiguity to relevant stakeholders/actors as to whether rules and restrictions on caretaker government are still in effect.<sup>65</sup> For the caretaker period post-election, it is provided by the Cabinet Manual that the end of the caretaker period depends on circumstances, either when a new Prime Minister is appointed or where a government's ability to command the confidence of the Commons has been tested in the House of Commons. The vagueness lies in the gap of time between these two events provided in the Manual and the divergent views on the timing of a government's ability to command parliamentary support has been tested without an investiture vote. In addition, the rules related to the mid-term government's defeat in a confidence motion still remain unrevised, containing the arrangements provided under the Fixed-Term Parliament Act 2011 despite its repeal in 2022.

There have been **discussions** on whether the caretaker conventions should extend to the period following the mid-term resignation of a Prime Minister.<sup>66</sup> A guidance was issued to the civil servants of the Department for Business, Environment and Industrial Strategy in managing their expectations on "no radical new policy to be introduced" during the leadership contest after Boris Johnson's resignation as Prime Minister. It would be a challenge to formulate objective criteria to determine when and how the caretaker conventions apply in this period.<sup>67</sup>

### **Restriction on government activities**

During the **caretaker period**, the government retains its responsibility to govern, ministers remain in charge of their departments, and essential business is carried on. Nevertheless, the government and ministers are expected by convention to observe discretion in initiating any action of a continuing or long-term character. The expectation to observe discretion results in the deferral of the following activities:

- a. Taking or announcing major policy decisions;
- b. Entering into large/contentious procurement contracts or significant long-term commitments; and
- c. Making some senior public appointments and approving Senior Civil Service appointments.

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65 Schleiter and Belu (2015), p 242; Robert Hazel (2015, March 6). The Cabinet Manual and the caretaker convention. Constitution Unit Blog.

66 Hazell (2022); Catherine Haddon and Finn Baker (2019, December 11). Caretaker government. Institute for Government.

67 Hazell (2022).

The expectation to defer is attached with a caution that such deferral would not be detrimental to the national interest or wasteful of public money. If a deferral is unfeasible, the matter should be addressed by:

- a. Temporary arrangements; or
- b. Consultation with the Opposition.

Precedents around the 2010 general election illustrate how urgent government action is made during the caretaker period. The outgoing Chancellor of the Exchequer, Alistair Darling, was required to attend an emergency meeting of the European Council of Finance Ministers for the first Greek bailout. The meeting was held after the polling day and before the coalition negotiation for the new government was concluded, with a hung parliament as the electoral outcome. The outgoing Chancellor consulted with the shadow minister of the Conservative party and the Treasury spokesperson of the Liberal Democrats before attending the meeting.<sup>68</sup>

Compared to other mature democracies in the Commonwealth, the degree of detail provided in the UK's Cabinet Manual is underdeveloped,<sup>69</sup> including the factors and considerations to determine whether such activities fall within the categories that require deferment during the caretaker period.

Restrictions on government activities also occur during the **pre-election period**, which might not overlap with the caretaker period, but the government activities could "have a bearing on matters relevant to the elections". Besides restrictions on government policy decisions, contractual commitments and public appointments, limitations and special care should also be given to avoid public resources being used for partisan purposes, the political impartiality of public officials being called into question and government activity competing with election campaigns, affecting subject matters such as government announcements, paid advertisements, ministerial visits, support and information given by the public officials, and requests for information.<sup>70</sup>

### **Enforcement mechanism**

The aspect in which the UK Cabinet Manual is more advanced than its counterparts is the provision on enforcement mechanisms. A permanent secretary, who is the most senior civil servant and acts as the accounting officer in a department,<sup>71</sup> can raise a red flag if he or she opines that the minister's instruction contravenes the rules on the caretaker period by requesting a written ministerial direction.

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68 Hazell (2022); Twomey (2018), p 535; Schleiter and Belu (2015), p 238.

69 Hazell (2022); Schleiter and Belu (2015), p 232.

70 Cabinet Office (2024).

71 See Cabinet Office (2011), paras 7.8-7.10 on the role of permanent secretaries and paras 10.21-10.23 for the role of accounting officers.

This mechanism is not peculiar to the caretaker period only. Ministerial directions are formal written instructions made by ministers in response to an objection raised by their permanent secretary, with the effect of directing their department to proceed with a spending proposal despite the objection.<sup>72</sup> Whenever they determine that the minister's instructions conflict with the four criteria outlined in the Treasury document, *Managing Public Money* – regularity, propriety, value for money and feasibility – it is the permanent secretaries' duty to highlight the conflict to their minister.<sup>73</sup> Where the permanent secretary identifies that the minister's proposal does not comply with one or more of the four criteria, it is not possible to be modified for compliance, and where the minister insists to proceed with that proposal, he or she is required to request a formal written direction to proceed. When a direction is issued by the minister, the permanent secretary shall follow the direction without further ado.

In ordinary circumstances, the direction request, the ministerial direction and relevant papers will be sent to the Committee of Public Accounts, the relevant departmental select committee, the Comptroller and Auditor General and the Treasury Officer of Accounts, and be published on the UK government's official website unless confidentiality is required on public interest grounds.<sup>74</sup> Publication on the official website can be prompt, but some precedents show it may be delayed for months.<sup>75</sup>

Breaching the caretaker rules may be considered as non-compliance of the criteria of propriety provided in the Treasury document.<sup>76</sup> If such a breach arises when Parliament is prorogued or dissolved, and a ministerial direction is requested and made, beside sending it to the Comptroller and Auditor General and the Treasury Officer of Accounts, the public will be notified through immediate publication of that ministerial direction by the department. The papers will be laid before both Houses when Parliament first meets after prorogation or dissolution.<sup>77</sup> Thus, the voters, the legislature, and the independent public spending watchdog will be informed whenever a potential breach of caretaker rules is flagged.

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72 Gavin Freeguard et al (2026, February 17). Ministerial directions. Institute for Government.

73 HM Treasury (2025). *Managing Public Money*. UK Government. At para 3.6.1 and Box 3.2.

74 HM Treasury (2025, para 3.6.6; Cabinet Office (2011), paras 2.33 and 10.23.

75 Hazel Armstrong (2018, October 24). Ministerial Directions (CBP 8412). House of Commons Library. At p 2; Gavin Freeguard et al (2026).

76 In determining whether it meets the criteria of propriety, it considers the compliance with any conventions or commitments made to Parliament and cross-cutting Government policies or standards, as well as the standards of conduct and good governance as set out in this document. See Box 3.2, *Managing Public Money*.

77 Cabinet Office (2011), para 2.33.

### *Access to the civil service*

The Cabinet Manual also contains provisions for pre-election contact between civil servants and opposition parties, a convention that can be traced back to the 1960s and referred to as the “Douglas-Home rules”, where the then Prime Minister Alec Douglas-Home authorised the talk between the Opposition and the civil servants.<sup>78</sup> The purpose of having such arrangements is for the civil service and the potential incoming government to exchange information and establish relationships with each other ahead of the potential overnight handover.<sup>79</sup>

As provided in the Cabinet Manual,<sup>80</sup> the Prime Minister writes to the leaders of the main opposition parties to authorise pre-election contacts with the Civil Service. The timing of the authorisation and access is decided by the Prime Minister, with precedents ranging between 51 days and 16 months before the election.<sup>81</sup> In practice, the party leaders of the opposition parties initiate the process by writing to the Prime Minister requesting access to talk.<sup>82</sup> Access is not limited to the largest opposition party.<sup>83</sup> The Cabinet Secretary bears the responsibility to co-ordinate the contacts once a request has been made and the authorisation has been granted.

The meetings between the opposition shadow minister or spokesperson and the senior civil servant are confidential, with the Minister having no right to be privy to the content of the discussion. The discussion is restricted to department organisational matters and understanding policy statements that the opposition plans to implement without providing comment or advice on it.

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78 For brief history of this conventions, Oonagh Gay (2014, May 22). Pre-election contacts between civil servants and opposition parties (SN03318). House of Commons Library.

79 Catherine Haddon (2019, October 10). Access talks with the civil service. Institute for Government.

80 Cabinet Office (2011), para 2.21.

81 Haddon (2019).

82 Ibid.

83 Two main Opposition parties, the Conservatives and the Liberal Democrats, were authorized to contact the civil service prior to the 2005 General Election (Gay, 2014). However, SNP’s request was refused by the Prime Minister prior to the 2015 General Election (Haddon, 2019).

## Canada

The detailed guidance on caretaker conventions is provided in Guidelines on the conduct of Ministers, Ministers of State, exempt staff and public servants during an election, updated by the Privy Council Office and reviewed at the last cabinet meeting held before the election.<sup>84</sup>

### *Caretaker period*

The caretaker period covers both a government losing confidence mid-term and the election period at the end of a parliamentary term. It begins when either:

- The government loses a vote of non-confidence, or
- Parliament has been dissolved due to the fixed election date by legislation or early dissolution requested by the Prime Minister.

The period ends when a new government is sworn-in, or when an election result returning an incumbent government is clear.

### *Restriction on government activities*

The Guidelines further emphasise two aspects:

- How 'restraint' is exercised during the caretaker period after weighing it with the need for action; and
- A distinction between official government business and partisan political activities, in which public resources cannot be used for the latter.

The concept of "exercising restraint" does not preclude the caretaker government from making decisions or announcements, or taking action. Instead, in an emergency and in consideration of preserving options for the future, government action in response to the situation is justified under the Guidelines. Two examples are provided:

- a. In emergencies such as natural disasters, the government should take appropriate action to ensure that the public interest — particularly the safety and security of citizens — is preserved.
- b. In the case of a legal proceeding, the government should take proactive steps to preserve appeal rights in order to allow for further consideration of the government's position.

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<sup>84</sup> Menzies and Tiernan (2015), p 96. For the latest update for the 2025 general election, see Privy Council Office (2025). Guidelines on the conduct of Ministers, Ministers of State, exempt staff and public servants during an election. Government of Canada.

In accordance with the above consideration, government activity following the dissolution of Parliament — in matters of policy, expenditure and appointments — should whenever possible be restricted to matters that are:

- a. Routine; or
- b. Non-controversial; or
- c. Urgent and in the public interest; or
- d. Reversible by a new government without undue cost or disruption; or
- e. Agreed to by opposition parties (in those cases where consultation is appropriate).

Based on these guiding principles, ministers accordingly:

- Defer to the extent possible such matters as appointments, policy decisions, new spending or other initiatives, announcements, negotiations or consultations, non-routine contracts and grants and contributions;
- Take necessary steps to preserve options for the future, including to preserve appeal rights in legal proceedings;
- Work with deputy ministers to ensure that routine departmental activities are carried out in a low-profile manner; and
- Avoid participating in high-profile government-related domestic and international events, including federal/provincial/territorial events, international visits, and the signing of treaties and agreements.

The Guideline further provides guidance in particular matters, which include:

- a. **International treaty negotiations:** If negotiations are at a critical juncture with timelines beyond Canada's control and the failure to participate in such negotiations could be detrimental to Canada's interest, the government should participate in such negotiations to protect Canada's interest, but should avoid any irreversible steps such as ratification. If the Government is required to respond urgently on the international stage, or honour commitments to host or participate in international forums, the Government should consider informing opposition parties.
- b. **Regulations:** Government departments should not launch new regulatory initiatives or proactively engage stakeholders on regulatory development, or remain passive or reactive if the engagement period extends into the election period.

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- c. **Contracts, grants and contribution:** Government should consider delegating decision-making with respect to routine contracts, grants and contributions to departmental officials.
  - d. **Appointments:** For appointments that cannot be deferred, the Prime Minister's office and the Privy Council Office (PCO) must be consulted before making any commitments.
  - e. **Departmental communications:** The departmental communications and public affairs units may provide ministers and ministers of state with existing factual information, but they must not be asked to perform any additional or expanded services, or be involved in partisan matters.
  - f. **Government advertising activities:** It will be suspended on 30th June in a year a fixed general federal election is held, as required by a directive issued by the Treasury Board.<sup>85</sup> Based on the same directive, advertising and public opinion research will be suspended on the day a writ for a general federal election is issued, and will only resume when the newly elected government is sworn into office. Such suspension can be exempted through the deputy minister's approval.<sup>86</sup> Exemptions are allowed for public notices for legal purposes, or for reasons of public health and safety, employment or staffing notices, or urgent business. Government or departmental announcements are in general curtailed. If an announcement must proceed, it should be made in the name of the department and must not contain partisan information or identifiers.

It is the obligation of ministers, ministers of state and exempt staff to ensure that the resources of the department and portfolio — financial, material and human resources — are not used for partisan purposes, including the ministers' departmental and regional offices, government services like translation, printing, preparation of communications material, telecommunications, websites and social media channels.

Deputy Ministers play a key role to ensure that necessary government business continues, departmental and agency facilities and resources are used only for official government business, and that public servants execute their responsibilities in a non-partisan manner.

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85 Treasury Board of Canada Secretariat (2021). Directive on the Management of Communications. Government of Canada. The Treasury Board is a federal Cabinet committee which is responsible for managing federal government operations.

86 Ibid, para 6.44. A deputy minister in Canada is the most senior civil servant in the government departments, which is equivalent to the position of permanent secretary in the United Kingdom.

### ***Restriction on government advertising at the provincial level***

Three provinces, Manitoba, Saskatchewan, and Ontario, enacted provisions to restrict government advertising in the period prior to polling day.<sup>87</sup> In Manitoba, a complaint may be filed with the Commissioner of Elections or provincial court if a government department or Crown agency has violated such restriction.<sup>88</sup>

### ***Costing for election campaign proposal***

Despite no mention in the Guideline, costing for election campaign proposals is provided in the Parliament of Canada Act.<sup>89</sup> A recognised party in the House of Commons, a party which has at least 12 members, or a member of the House of Commons who does not belong to any recognised party, may request the Parliamentary Budget Officer to estimate the financial cost of any election campaign proposal that the party or member plans to introduce during an election. The period to make such a request starts on the 120<sup>th</sup> day before the fixed election date, or if early dissolution arises, the day on which Parliament is dissolved, and ends on the day before the polling day. A report containing the costing estimation will be provided by the Parliamentary Budget Officer to the requestor. That report will be published if the Parliamentary Budget Officer has been notified that the policy proposal has been publicly announced.

### ***Precedent of legal sanctions at the provincial level***

On 7 October 2025, the members of the Manitoba Legislature unanimously approved a report issued by the provincial ethics commissioner. That report recommended fines against the former Premier and her two cabinet ministers for attempting to issue a sand mining licence during the transition period, after her party had been defeated in the 2023 general election and the new government was pending to be sworn in.<sup>90</sup> Clearly breaching the caretaker conventions, the ethics commissioner concluded that their action constitutes “improperly furthering the interests of other people” and thus contravened sections 2, 3 and 5 of Manitoba’s Conflict of Interest (Members and Ministers) Act.<sup>91</sup> Similar provisions are contained in the federal Conflict of Interest Act,<sup>92</sup> in sections 4, 6 and 9.

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87 Elections Canada (2017), *Compendium of Election Administration in Canada: A Comparative Overview*. Pg 93 and Table G.7.

88 See the Manitoba’s Election Financing Act (CCSM c E27), sections 92-94.

89 See Parliament of Canada Act (RSC, 1985, c. P-1), section 79.21. See also the Parliamentary Budget Officer’s website: <https://www.pbo-dpb.ca/en/about-epc—a-propos-cpe>

90 See Steve Lambert (2025, May 21). Former Manitoba premier violated Conflict of Interest Act by pushing silica sand project: ethics commissioner. CBC News; Steve Lambert (2025, October 7). Former Manitoba premier, 2 cabinet ministers fined for violating conflict of interest law. CBC News.

91 CCSM c C171. See also the report of ethics commissioner, Jeffrey Schnoor (2025, May 21). Report of Ethics Commissioner, Re: Heather Stefanson, Cliff Cullen, Jeff Wharton and Derek Johnson. Office of the Ethics Commissioner, Manitoba Legislative Assembly.

92 SC 2006, c 9, s 2.

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Under the Act, if the ethics commissioner determines that a member of the Manitoba Legislative Assembly has contravened this Act, after conducting an inquiry that finds a conflict of interest under Part 2, the commissioner may recommend in a report the following penalty against the member:

- a. Be reprimanded;
- b. Be fined an amount not exceeding \$50,000;
- c. Right to sit and vote in the Assembly be suspended for a specified period or until the fulfilment of a condition imposed by the commissioner; or
- d. Seat be declared vacant.<sup>93</sup>

The Legislative Assembly must consider the report within 10 sitting days after the report is tabled, and either approve or reject the recommended penalty without modification.<sup>94</sup>

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93 Manitoba's Conflict of Interest (Members and Ministers) Act, Section 50(1).

94 Ibid, sections 51(1) and (2).

## 5 Recommendations

Based on the four case studies on caretaker government guidance, this section will provide some recommendations on the contents that should be included in Malaysia's Caretaker Government Guidance, and the relevant policy packages necessary to ensure a smooth transition during the caretaker period.

Firstly, the government, or the Prime Minister's Department, should publish any existing caretaker guidance, conventions, or advice provided by the Attorney General's Chambers. Such publication serves at least three advantages: providing clarity and predictability on the self-policing rules that the Cabinet has committed to; enhancing accountability by allowing the public to assess compliance based on the published standards; and serving as a basis for discussions that advance the evolution of conventions.

This paper recommends that the written caretaker guidance should include the following:

- a. **Policy statement:** The guidance shall include policy statements serving as a direction that may assist in interpreting the rules contained within it. These should briefly explain the rationale for restraint during the caretaker period, provide a broad explanation on the matters in which restraint should be observed, and outline other considerations that might require the caretaker government to act despite the expectation to restrain its activities.
- b. **Defining the caretaker period:** It should cover the period that begins when parliament is dissolved, or when the government loses its ability to command the confidence of the *Dewan Rakyat*, and ends when a new government is appointed, or when the election result is clear. The factors and criteria to assist in determining whether a government has lost legislative confidence, or when an election result is clear, should be provided. It should also consider defining the pre-dissolution period and adopting relevant limitations.
- c. **Continuity of administration:** The outgoing caretaker government, including the cabinet ministers, shall continue in office until the successive government is appointed.
- d. **Restraints on government activities:** It should restrain the government from making or announcing major policy decisions, making significant appointments, entering large, contentious and long-term contracts and undertakings, unless these are urgent and unavoidable (such as in response to a natural disaster or conflict and fulfilment of legal or government obligation). Criteria and factors to be considered to determine whether a government action falls within the above shall be illustrated. Practical guidance to conduct government engagement in international or inter-governmental affairs, advertising campaigns, government communication, website and social media and other public resources should be included too. Deferral of making a decision and consultation with the non-government parties are provided as steps to address matters mentioned above.

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- e. **Pre-election opposition access to civil service:** It should provide arrangements for direct contacts and consultation between the main opposition parties and the civil service during a period of months before parliamentary dissolution, and ideally be predefined. The content of the discussion may involve organisational matters, and potential changes in administration and policies planned by the opposition and their implication, without involving comments on government policies, matters of a political nature or advice on the policies planned by the opposition. Besides recognising the potential of the governing parties' main competitors to replace it as government, it also allows a platform for information exchange and relationship building between civil servants and the potential incoming government, which might benefit governance through a smooth and swift transition if it occurs.
  
  - f. **Enforcement mechanism:** It should allow reports to public, legislative institutions (like the Public Accounts Committee and the select committees overseeing government ministries) and independent watchdog (like the Auditor General's Office) of suspected violations of caretaker government guidance.

This paper also recommends the adoption of the following policy packages that are related to the caretaker government or supporting government transition to be explored in-depth and seriously considered.

- a. **Enact law and code of conduct to regulate the ethics** among the members of administrations and public office holders to enhance public trust and ethical standards of the political class.
  
- b. **Provide mechanisms** that allow political parties, especially the non-governing parties, to **request policy costing on its election manifesto** by either the independent parliamentary budget office or the departmental civil servants.
  
- c. **Legislate for the confidence motion** to provide a practical mechanism for the government's legislative confidence to be tested in *Dewan Rakyat*.
  
- d. **Enact Fixed Term Parliament Act** to be tabled and passed, that provides a predictable transition period between parliamentary cycles, especially when the Prime Minister's legislative confidence is not challenged during the election.

## References

### Laws and Executive Manuals, Handbooks, Directives and Guidelines

#### Malaysia

Federal Constitution

Ketua Setiausaha Perbendaharaan (2022, October 18). Pelaksanaan Perolehan Kerajaan Selaras Peranan dan Fungsi Kerajaan Caretaker. Kementerian Kewangan Malaysia.

Setiausaha Kerajaan Negeri Selangor (2013, February 13). Situasi, Fungsi dan Limitasi Sebagai “Caretaker Government” (Pekeliling Setiausaha Kerajaan Negeri Selangor Bil 1 Tahun 2013). Kerajaan Negeri Selangor Darul Ehsan.

#### Australia

Charter of Budget Honesty Act 1998

Parliamentary Service Act 1999

Attorney-General’s Department (2026). Guidance note 9: Dispute resolution during caretaker period (Legal Services Directions 2025). Australian Government. <https://www.ag.gov.au/sites/default/files/2026-02/guidance-note-9-dispute%20resolution-during-caretaker-period.pdf>

Department of Premier and Cabinet (2022). Guidelines on the Caretaker Conventions 2022: Guidance on handling government business in the lead up to and during the 2022 State election period. Victoria State Government. <https://www.vic.gov.au/sites/default/files/2022-04/2022Guidelines-on-the-Caretaker-Conventions.pdf>

Department of the Prime Minister and Cabinet (2024). Guidance on Caretaker Conventions. Australian Government. <https://www.pmc.gov.au/sites/default/files/resource/download/guidance-on-caretaker-conventions.pdf>

Department of the Prime Minister and Cabinet (2022). Cabinet Handbook (15<sup>th</sup> ed.). Australian Government. [https://www.pmc.gov.au/sites/default/files/resource/download/cabinet-handbook-15th-edn-august-2024\\_1.pdf](https://www.pmc.gov.au/sites/default/files/resource/download/cabinet-handbook-15th-edn-august-2024_1.pdf)

Department of the Prime Minister and Cabinet (2021). Federal Executive Council Handbook 2021. Australian Government. <https://www.pmc.gov.au/sites/default/files/resource/download/executive-council-handbook-2021.pdf>

## ***New Zealand***

Cabinet Office, Department of the Prime Minister and Cabinet (2023). Cabinet Manual 2023. New Zealand Government. <https://www.dPMC.govt.nz/sites/default/files/2023-06/cabinet-manual-2023-v2.pdf>

Cabinet Office (2026, January 29). Government Decisions and Actions in the Pre-election Period (CO (26) 1). New Zealand Government. <https://www.dPMC.govt.nz/sites/default/files/2026-01/co-26-1-government-decisions-actions-pre-election-period.pdf>

Cabinet Office (2023, November 24). Arrangements for transition to a new administration (CO (23) 11). New Zealand Government. <https://www.dPMC.govt.nz/sites/default/files/2023-11/co-23-11-arrangements-for-transition-to-a-new-administration.pdf>

Cabinet Office (2023, October 16). Government Decision Making during the Period of Caretaker Government (CO (23) 10). New Zealand Government. <https://www.dPMC.govt.nz/sites/default/files/2023-10/co-23-10-government-decision-making-during-caretaker-period.pdf>

Public Service Commission (2026, Jan 30). Guidance: General Election 2026. New Zealand Government. <https://www.publicservice.govt.nz/guidance/general-election-guidance>

## ***United Kingdom***

Cabinet Office (2024). General election Guidance 2024. UK Government. [https://assets.publishing.service.gov.uk/media/664f56b74f29e1d07fadcd3/GENERAL\\_ELECTION\\_GUIDANCE\\_2024.pdf](https://assets.publishing.service.gov.uk/media/664f56b74f29e1d07fadcd3/GENERAL_ELECTION_GUIDANCE_2024.pdf)

Cabinet Office (2011). The Cabinet Manual (1<sup>st</sup> ed.). UK Government. <https://assets.publishing.service.gov.uk/media/5a79d5d7e5274a18ba50f2b6/cabinet-manual.pdf>

HM Treasury (2025). Managing Public Money. UK Government. [https://assets.publishing.service.gov.uk/media/684ae4c6f7c9feb9b0413804/Managing\\_Public\\_Money.pdf](https://assets.publishing.service.gov.uk/media/684ae4c6f7c9feb9b0413804/Managing_Public_Money.pdf)

## ***Canada***

Conflict of Interest (Members and Ministers) Act (CCSM c C171 ) (Manitoba)

Conflict of Interest Act (SC 2006, c 9, s 2) (Canada)

Election Financing Act (CCSM c E27) (Manitoba)

Parliament of Canada Act (RSC, 1985, c. P-1) (Canada)

Privy Council Office (2025). Guidelines on the conduct of Ministers, Ministers of State, exempt staff and public servants during an election. Government of Canada. <https://www.canada.ca/en/privy-council/services/publications/guidelines-conduct-ministers-state-exempt-staff-public-servants-election.html>

Treasury Board of Canada, Secretariat (2021). Directive on the Management of Communications. Government of Canada. [https://publications.gc.ca/collections/collection\\_2022/sct-tbs/BT22-160-2021-eng.pdf](https://publications.gc.ca/collections/collection_2022/sct-tbs/BT22-160-2021-eng.pdf)

### **Government Publication**

Dewan Rakyat (2021, December 16). Jawapan Bukan Lisan (Mesyuarat Kedua, Penggal Keempat, Parlimen Keempat Belas). <https://www.parlimen.gov.my/files/jindex/pdf/JDRBL16122021.pdf>

Dewan Rakyat Public Accounts Committee (2025). Penyata Jawatankuasa Kira-Kira Wang Negara (PAC) terhadap Tindakan Susulan Kementerian Kerja Raya dan Lembaga Lebuhraya Malaysia (LLM) bagi Syor-syor Penyata PAC Parliemn berhudung Pengurusan Pelaksanaan Projek Sistem Aliran Pantas Pelbagai Lorong (MLFF) (DR 12/2025). Parlimen Malaysia. <https://www.parlimen.gov.my/pac/review/docs-306-377.pdf>

Dewan Rakyat Public Accounts Committee (2025). Penyata Jawatankuasa Kira-Kira Wang Negara (PAC) Mengenai Pengurusan Pelaksanaan Projek Sistem Aliran Pantas Pelbagai Lorong (MLFF) di bawah Kementerian Kerja Raya (KKR) dan Lembaga Lebuhraya Malaysia (LLM) (DR 2/2025). Parlimen Malaysia. <https://www.parlimen.gov.my/pac/review/docs-295-365.pdf>

Dewan Rakyat Special Select Committee on Electoral Reform (2012). Laporan Jawatankuasa Pilihan Khas Berhubung Dengan Penambahbaikan Proses Pilihan Raya (DR 1/2012). Parlimen Malaysia. [https://www.parlimen.gov.my/images/webuser/jkuasa/DR\\_%201%20TAHUN%202012a.pdf](https://www.parlimen.gov.my/images/webuser/jkuasa/DR_%201%20TAHUN%202012a.pdf)

House of Commons Political and Constitutional Reform Committee (2015). Government formation post-election (Tenth Report of Session 2014-15, HC 1023). The Stationery Office. <https://publications.parliament.uk/pa/cm201415/cmselect/cmpolcon/1023/1023.pdf>

House of Commons Political and Constitutional Reform Committee (2011). Constitutional implications of the Cabinet Manual (Sixth Report of Session 2010-11, HC 734). The Stationery Office. <https://publications.parliament.uk/pa/cm201011/cmselect/cmpolcon/734/734.pdf>

Jeffrey Schnoor (2025, May 21). Report of Ethics Commissioner, Re: Heather Stefanson, Cliff Cullen, Jeff Wharton and Derek Johnson. Office of the Ethics Commissioner, Manitoba Legislative Assembly. <https://ethicsmblob.blob.core.windows.net/investigation-report-en/Report%20-%20Heather%20Stefanson%2C%20Cliff%20Cullen%2C%20Jeff%20Wharton%20and%20Derek%20Johnson%20-%20May%202025.pdf>

National Centre for Governance, Integrity and Anti-Corruption (GIACC) (2019). National Anti-Corruption Plan 2019-2023. Prime Minister's Department, Government of Malaysia. [https://www.pmo.gov.my/wp-content/uploads/2019/07/National-Anti-Corruption-Plan-2019-2023\\_.pdf](https://www.pmo.gov.my/wp-content/uploads/2019/07/National-Anti-Corruption-Plan-2019-2023_.pdf)

---

**Books, Book Chapters, Articles etc.**

Ambiga Sreenevasan and Ding Jo-Ann (2020). Caretaker Government. In Mohamad Ariff Md Yusof, Roosme Hamzah and Shad Saleem Faruqi (Eds.), *Law, Principles and Practice in Dewan Rakyat (House of Representatives) of Malaysia* (pp. 117 – 126). Sweet & Maxwell.

Anne Twomey (2018). *The Veiled Sceptre: Reserve Powers of Heads of State in Westminster Systems*. Cambridge University Press.

BERSIH (2016). Political Financing Reforms: Reforms for transparent & accountable political funding in Malaysia. <https://www.bersih.org/wp-content/uploads/2016/04/Political-Financing-Reforms.pdf>

BERSIH 2.0, Komas and Suaram (2018). Election Observation Report of the 14th Malaysian General Election. Bersih & Adil Network Sdn Bhd. <https://www.bersih.org/wp-content/uploads/2018/07/PEMANTAU-Election-Observation-Report-of-the-14th-Malaysian-General-Election.pdf>.

BERSIH Steering Committee (2023, Jul 20). Guide to prevent abuse of incumbency advantage for electioneering: NO condition, NO campaign, NO candidates (No 3Cs) [Press release]. <https://bersih.org/2023/07/20/guide-to-prevent-abuse-of-incumbency-advantage-for-electioneering/>

Catherine Haddon (2019, October 10). Access talks with the civil service. Institute for Government. <https://www.instituteforgovernment.org.uk/explainer/access-talks-civil-service>

Catherine Haddon and Finn Baker (2019, December 11). Caretaker government. Institute for Government. <https://www.instituteforgovernment.org.uk/article/explainer/caretaker-government/>

Elections Canada (2017). Compendium of Election Administration in Canada: A Comparative Overview. [https://www.elections.ca/res/loi/com/compendium/june2017\\_e.pdf](https://www.elections.ca/res/loi/com/compendium/june2017_e.pdf)

Gavin Freeguard, Oliver Davies, Paeony Tingay and Sachin Savur (2026, February 17). Ministerial directions. Institute for Government. <https://www.instituteforgovernment.org.uk/explainer/ministerial-directions>

Glyn Davis, Alice Ling, Bill Scales and Roger Wilkins (2001). Rethinking caretaker conventions for Australian governments. *Australian Journal of Public Administration*, 60(3), 11 – 26. <https://doi.org/10.1111/1467-8500.00220>

Hazel Armstrong (2018, October 24). Ministerial Directions (CBP 8412). House of Commons Library. <https://researchbriefings.files.parliament.uk/documents/CBP-8412/CBP-8412.pdf>

Institute for Democracy and Economic Affairs (IDEAS) (2022, October 20). Malaysia's Caretaker Government must be aware of its rightful limitations and responsibilities; Writing off debts beyond scope of Caretaker Government [Press release]. [https://www.ideas.org.my/wp-content/uploads/2022/10/IDEAS-media-statement\\_Malysias-Caretaker-Government-must-be-aware-of-its-rightful-limitations-and-responsibilities\\_-Writing-off-debts-beyond-scope-of-Caretaker-Government.pdf](https://www.ideas.org.my/wp-content/uploads/2022/10/IDEAS-media-statement_Malysias-Caretaker-Government-must-be-aware-of-its-rightful-limitations-and-responsibilities_-Writing-off-debts-beyond-scope-of-Caretaker-Government.pdf)

Institute for Democracy and Economic Affairs (IDEAS) (2012). Smooth transitions of power: Hung Parliament and Caretaker Government. [https://www.ideas.org.my/?smd\\_process\\_download=1&download\\_id=6407](https://www.ideas.org.my/?smd_process_download=1&download_id=6407)

Jennifer Menzies and Anne Tiernan (2015). Caretaker conventions. In Brian Galligan and Scott Brenton (Eds.), *Constitutional Conventions in Westminster System* (pp. 91-115). Cambridge University Press.

Jennifer Menzies and Anne Tiernan (2014). *Caretaker Conventions in Australasia: Minding the shop for government* (2<sup>nd</sup> Ed). ANU Press. <https://press-files.anu.edu.au/downloads/press/p295441/pdf/book.pdf>

Kementerian Alam Sekitar dan Air (2022, November 8). Kerajaan Caretaker Tidak Boleh Membuat Anugerah Tender [Press release]. [https://x.com/KASA\\_MALAYSIA/status/1589862289909616642/photo/1](https://x.com/KASA_MALAYSIA/status/1589862289909616642/photo/1)

Michael Laver and Kenneth A Schepsle (Eds.) (1994). *Cabinet Ministers and Parliamentary Government*. Cambridge University Press.

Mohd Zuki Ali (2021, August 17). Fungsi dan Peranan Kerajaan Caretaker. Pejabat Ketua Setiausaha Negara. [https://ksn.gov.my/images/pdf/KERAJAAN\\_CARETAKER.pdf](https://ksn.gov.my/images/pdf/KERAJAAN_CARETAKER.pdf)

Neil Johnston (2026, March 11). Pre-election period of sensitivity (CBP 5262). House of Commons Library. <https://researchbriefings.files.parliament.uk/documents/SN05262/SN05262.pdf>

Oonagh Gay (2014, May 22). Pre-election contacts between civil servants and opposition parties (SN03318). House of Commons Library. <https://researchbriefings.files.parliament.uk/documents/SN03318/SN03318.pdf>

Paul Malone (2007). Time to tighten the caretaker conventions (Discussion Paper 3/07). Democratic Audit of Australia.

Petra Schleiter and Valerie Belu (2015). The Challenge of Periods of Caretaker Government in the UK. *Parliamentary Affairs*, 68(2), 229-247. <https://doi.org/10.1093/pa/gsu027>

Robert Hazell (2022, September 26). Must a caretaker government be a zombie government. Constitution Unit Blog. <https://constitution-unit.com/2022/09/26/must-a-caretaker-government-be-a-zombie-government/>

---

Robert Hazel (2015, March 6). The Cabinet Manual and the caretaker convention. Constitution Unit Blog. <https://constitution-unit.com/2015/03/06/the-cabinet-manual-and-the-caretaker-convention/>

Shad Saleem Faruqi (2025, February 11). The Resurgent Role of the Monarchy in Malaysia (ISEAS Perspective 2025/10). ISEAS - Yusof Ishak Institute. At p 6. [https://www.iseas.edu.sg/wp-content/uploads/2025/01/ISEAS\\_Perspective\\_2025\\_10.pdf](https://www.iseas.edu.sg/wp-content/uploads/2025/01/ISEAS_Perspective_2025_10.pdf)

Steve Lambert (2025, May 21). Former Manitoba premier violated Conflict of Interest Act by pushing silica sand project: ethics commissioner. CBC News. <https://www.cbc.ca/news/canada/manitoba/sio-silica-sand-mining-project-heather-stefanson-ethics-commissioner-1.7540242>

Steve Lambert (2025, October 7). Former Manitoba premier, 2 cabinet ministers fined for violating conflict of interest law. CBC News. <https://www.cbc.ca/news/canada/manitoba/pc-premier-cabinet-ministers-conflict-of-interest-fines-1.7653734>.

Teoh El Sen (2013, March 25). Experts: Let's make law for caretaker government. AWANI International. <https://international.astroawani.com/node/311136>

Tiffanie Turnbull and Katy Watson (2025, March 28). Australia to hold federal election on 3 May. BBC. <https://www.bbc.com/news/articles/cj02033n18go>

Transparency International Malaysia (2008, February 22). Election Laws Need Reform for Transparency and a Level Playing Field [Press release]. <https://www.transparency.org.my/pages/news-and-events/press-releases/election-laws-need-reform-for-transparency-and-a-level-playing-field-1>

Yiswaree Palansamy (2018, August 29). Election reform panel looking into caretaker govt role, conduct. Malay Mail. <https://www.malaymail.com/news/malaysia/2018/08/29/election-reform-panel-looking-into-caretaker-govt-role-conduct/1667218>





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