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<b>Intended for</b>	All Ministers All Senior Private Secretaries All Chief Executives Chief of Staff, Prime Minister's Office Clerk of the House of Representatives General Manager, Parliamentary Service Chief Parliamentary Counsel Controller and Auditor-General Chief Ombudsman Official Secretary, Government House General Manager, Ministerial and Secretariat Services
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## Formation of a government – next steps

### Introduction

- 1 The Leader of the National Party, Rt Hon John Key, has signed confidence and supply agreements with the ACT and United Future parties. This circular sets out the next steps in the transition to a new administration, subject to the completion of the government formation process and the declaration of the official results of the general election.

### Summary and important dates

- 2 Subject to the outcome of the official election results, and the government formation negotiations (which are still underway), the following events are likely to occur:
  - 2.1 **the weekend of 10 - 11 December 2011** – Mr Key announces that he can form a government that can command the confidence of the House of Representatives;
  - 2.2 **Monday 12 December 2011** – Mr Key announces the Ministerial list and allocation of portfolios in the new administration;
  - 2.3 **Wednesday 14 December 2011, 10.30am** – the Governor-General appoints a new administration at a ceremony at Government House, at which time the period of caretaker government ends;
  - 2.4 **Wednesday 14 December 2011, 2.30pm** – the first Cabinet meeting of the new administration;
  - 2.5 **Wednesday 14 December 2011, 5.00pm** – the first Executive Council meeting of the new administration (if required).

## Government formation and the caretaker convention

- 3 The Leader of the National Party has stated that, subject to the outcome of the official election results and government formation negotiations, he expects to be in a position to announce that he can form a government that can command the confidence of the House of Representatives in the weekend of **10 and 11 December 2011**. At this point Mr Key will contact the Governor-General to inform His Excellency that he is in a position to form a government.

### Decision making while the government formation process is underway

- 4 Until the government formation process is completed, incumbent Ministers and the government will continue to operate in accordance with the first arm of the caretaker convention. [Cabinet Office Circular CO \(11\) 8](#) provides detailed guidance on the application of the caretaker convention.

### Decision making and briefings following the completion of the government formation process

- 5 After Mr Key announces that he can form a government that can command the confidence of the House, but before Ministers in the new administration are formally appointed, current Ministers continue in office, acting in accordance with the second arm of the caretaker convention. There are still constraints on decision making during this short transitional period – even for Ministers retaining their portfolios – but if urgent decisions need to be taken there is a process that allows that to happen (see [paragraph 6.24 of the Cabinet Manual](#)). The Cabinet Office is available for advice if necessary.
- 6 Briefings for incoming Ministers should be provided only after the formal appointment ceremony. Where a portfolio Minister is changing, substantive contact between the new Minister and the chief executive should wait until the Minister is appointed. If urgent advice is required to be given before the appointment ceremony, it can be dealt with in accordance with [paragraph 6.61 of the Cabinet Manual](#).

## Appointment of a new administration

- 7 On the basis that the government formation process is completed during the weekend, it is expected that Mr Key will announce the allocation of portfolios in the new administration on **Monday 12 December 2011**. The Governor-General will appoint the new administration at **10.30am** on **Wednesday 14 December 2011**, at a ceremony held at Government House.
- 8 Since the introduction of MMP a full ministerial appointment ceremony has been held when a government is formed after an election, even when the composition of the government has not greatly changed. The ceremony formally marks the formation and commencement of the new administration and the end of the caretaker period.
- 9 As is usual, the Prime Minister will tender the resignation of all Ministers, whether or not they are being re-appointed, immediately before the appointment ceremony at Government House.
- 10 The Cabinet Office will advise those involved in the ceremony about the arrangements.

## Resumption of Cabinet business – Cabinet and Executive Council meetings

- 11 The following meetings are scheduled in the coming fortnight:
  - 11.1 Cabinet at 2.30pm on 14 December 2011;
  - 11.2 Executive Council at 5.00pm on 14 December 2011 (if required);
  - 11.3 Cabinet at 11.00am on 19 December 2011; and
  - 11.4 Executive Council at 4.00pm on 19 December 2011 (if required).
- 12 Ministers may submit papers for Cabinet in the usual way. Assuming that a new administration is appointed by the Governor-General on the morning of 14 December 2011, then the decisions taken by Ministers at subsequent Cabinet meetings will not be subject to the caretaker convention.
- 13 There are no Cabinet Business Committee meetings scheduled for the fortnight beginning 12 December 2011.
- 14 Once a new administration is appointed and Cabinet has met, the Cabinet Office will release further guidance on the resumption of Cabinet business.

Rebecca Kitteridge  
Secretary of the Cabinet

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### Enquiries:

Michael Webster, Deputy Secretary of the Cabinet  
Ph. 04 817 9751  
[michael.webster@dpmc.govt.nz](mailto:michael.webster@dpmc.govt.nz)

Martin Bell, Deputy Secretary of the Cabinet  
Ph. 04 817 9740  
[martin.bell@dpmc.govt.nz](mailto:martin.bell@dpmc.govt.nz)

Steven Sutton, Legal and Constitutional Advisor, Cabinet Office  
Ph. 04 817 9741  
[steven.sutton@dpmc.govt.nz](mailto:steven.sutton@dpmc.govt.nz)