

Guidelines on the Caretaker Conventions

Guidance on handling government business in the lead up to and during the 2026 State election period

June 2026

Acknowledgement of Country

The Victorian Government acknowledges Aboriginal and Torres Strait Islander people as the Traditional Custodians of Country.

We respectfully acknowledge all First Peoples of Victoria and celebrate their enduring connection to land, skies and waters. We thank First People for their care of Country and contributions to Victorian communities. We honour and pay our respects to First Peoples' Elders past and present.

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KEY DEFINITIONS

Cabinet documents

- A document that contains Cabinet-in-Confidence material.
- A document is classified as Cabinet-in-Confidence if it discloses a deliberation or a decision by Cabinet or a Cabinet Committee or has been prepared for consideration by Cabinet or a Cabinet Committee.
- Section 28 of the *Freedom of Information Act 1982* describes the characteristics of a document that would attract the Cabinet document exemption.

Codes of Conduct

The:

- Code of Conduct for Directors of Victorian Public Entities (2024)
- Code of Conduct for Victorian Public Sector Employees (2015) and
- Code of Conduct for Victorian Public Sector Employees of Special Bodies (2015), issued under section 61 of the *Public Administration Act 2004*.

DPC

- Department of Premier and Cabinet.

DTF

- Department of Treasury and Finance.

Minister

- Ministers of the Crown and Parliamentary Secretaries, including the Cabinet Secretary.

PBO

- Parliamentary Budget Officer as defined in the *Parliamentary Budget Officer Act 2017*.

Public sector

- The 'public sector', as defined under section 4 of the *Public Administration Act 2004*, meaning the sector comprised of public sector bodies.

Public sector body

- As defined under section 4 of the *Public Administration Act 2004*, including (but not limited to) Departments, Administrative Offices and public entities.

Public sector employee

- As defined under section 4 of the *Public Administration Act 2004*, including (but not limited to) Departmental and public entity staff.

Regulations

- Public Administration (Public Sector Communication) Regulations 2018.

VPSC

- Victorian Public Sector Commission

EXECUTIVE SUMMARY

The caretaker period spans the time the Legislative Assembly expires until the election result is clear or a new government is commissioned. The caretaker period for the 2026 Victorian election will commence at 6.00pm on Tuesday 3 November 2026, unless the Legislative Assembly is dissolved before this date.

The business of government and public administration continues throughout the caretaker period. However, the caretaker conventions seek to ensure that the government does not take action during the caretaker period that will bind an incoming government or limit its freedom of action.

This means that, during the caretaker period, the government should avoid:

- implementing major policy decisions that are likely to commit an incoming government
- making significant appointments
- entering major contracts or undertakings.

The caretaker conventions also help ensure that the public sector remains, and is perceived to remain, apolitical.

Questions about the operation of the caretaker conventions should be directed to Miriam Holmes, General Counsel, DPC at caretaker@dpc.vic.gov.au.

INTRODUCTION

What is the 'caretaker period'?

1. The 'caretaker period' is the period of time preceding the State election when the government assumes a caretaker role as the business of government continues and ordinary matters of administration still need to be addressed.
2. The need for a caretaker period reflects that:
 - at every State election there is the possibility of a change of government
 - the incumbent government should not act in a way that would bind an incoming government or limit its freedom of action
 - while Ministers retain their executive responsibility, given the expiry or dissolution of the Legislative Assembly, the government cannot be held accountable for its decisions in the normal manner.

When is the caretaker period?

3. The caretaker period is the period between the expiration of the Legislative Assembly (or, if it is dissolved earlier, from that date) and either the time when it becomes clear the government has been returned, or the time when a new government is commissioned.
4. In 2026, the caretaker period will likely start on 6.00pm on Tuesday 3 November 2026. This is because this is the last date on which the Legislative Assembly will expire under the *Constitution Act 1975*. The caretaker conventions may commence at an earlier time if the Legislative Assembly is dissolved sooner.
5. The time at which the caretaker period ends will depend on the election outcome.
6. If the government is returned, the caretaker period ends when that result becomes clear, that is:
 - when the Leader of the Opposition concedes defeat, or

- when it is clear the government has won sufficient seats in the Legislative Assembly to form government.
7. If the incumbent government is required to form a minority government, the caretaker period ends when public statements have been made which confirm an agreement for the formation of a minority government, or if necessary, following a vote in the Legislative Assembly which confirms that the government can guarantee supply and confidence.
 8. If the government changes following an election, the caretaker period ends when the incoming government is sworn in.

What are the 'caretaker conventions'?

9. The practices followed by successive governments in conducting government business during the caretaker period are known as the 'caretaker conventions'. The conventions are not legally binding, nor are they hard and fast rules. When applying the conventions in individual cases, common sense and judgment are required.
10. Most government business should continue in the usual manner throughout the caretaker period. However, during the caretaker period certain government action, decision making and engagement with the public sector should be modified or not occur. The caretaker conventions are intended to:
 - preserve the autonomy of an incoming government by limiting the current government's ability to act in a way that would bind an incoming government or limit its freedom of action
 - ensure the State's resources are used appropriately and not to the unfair advantage of the incumbent government
 - protect the political neutrality of the public sector.
11. In summary, the caretaker conventions are directed to ensuring that, during the caretaker period:
 - the government avoids implementing major policy decisions that are likely to commit an incoming government
 - the government avoids making significant appointments
 - the government avoids entering major contracts or undertakings
 - intergovernmental negotiations and visits are appropriately managed
 - the apolitical nature of the public sector is maintained.

Requirement for the public sector to comply with the caretaker conventions

12. Although the caretaker conventions do not have legislative force, public sector employees who fail to adhere to the conventions may nonetheless breach their legislative and common law employment obligations.
13. Public sector employees are required by the *Public Administration Act 2004* and Codes of Conduct to remain apolitical and avoid, in the course of their work, involvement in political activities, not just during an election period. Breach of these obligations could lead to disciplinary action or a finding of misconduct.
14. Public sector body heads should take appropriate action to ensure that the public sector bodies for which they are responsible observe the caretaker conventions during the caretaker period, unless to do so would conflict with legal obligations.

15. Although the caretaker conventions are not legally binding on Ministers, they have normative force given that they derive from constitutional practice and custom. For Ministers and members of the government, adherence is ultimately the responsibility of the Premier and government collectively.

Operative period and impact of the caretaker conventions

16. The caretaker conventions do not apply until the commencement of the caretaker period. Accordingly, they have no impact on the way that the public sector performs its work until that time, subject to the need for the public sector to plan its work to account for an upcoming caretaker period.
17. Once the caretaker period has commenced, the public sector is required to continue to administer the government's existing policies in their current form. The public sector should not attempt to pre-empt the outcome of an election and should not modify its administration of government policy in anticipation of a change of government.

GUIDELINES ON THE CARETAKER CONVENTIONS

Avoiding implementing major policy decisions

18. During the caretaker period, government should avoid implementing major policy decisions that would be likely to commit an incoming government or limit its freedom to act.
19. Whether a particular policy decision qualifies as 'major' is a matter for judgement. Relevant considerations include:
 - the significance of the decision, in terms of policy and resources
 - whether the decision is a matter of contention between the government and Opposition or other parties in the election campaign.
20. The conventions apply to the timing of the implementation of major policy decisions that are likely to commit an incoming government, not to their announcement. Accordingly, the conventions are not infringed where major policy decisions implemented before the expiry or dissolution of the Assembly are announced during the caretaker period. Similarly, the conventions do not apply to promises on future policies that the party in government announces as part of its election campaign.
21. If circumstances require the government to implement a major policy decision during the caretaker period that would bind an incoming government, the Minister would usually consult the Opposition before making the decision. The requirement to consult does not require the government to obtain the endorsement of the Opposition. In these circumstances, the public sector should not engage in consultation with the Opposition of its own volition but on the instruction of the Minister only.
22. The government may need to take action to avoid limiting the options available to an incoming government. For example, it may be appropriate to preserve the government's appeal rights in legal proceedings that deal with a significant matter, or to seek an extension of time to lodge an appeal. Where possible, for significant litigation, seek to avoid scheduling hearing dates or other litigation-related processes that could require instructions or decisions from government during the caretaker period. Where major policy decisions in the course of litigation during the caretaker period are unavoidable, the principles in paragraph 21 above apply, subject to client legal privilege considerations.

Avoiding significant appointments

23. Governments should defer making significant appointments during the caretaker period. This means that the government should defer a decision to appoint before or during the caretaker period to fill a vacancy that will arise during or following the caretaker period.
24. Significant appointments decided before the caretaker period must commence before the caretaker period. Where an appointment is to commence after the caretaker period, the decision to appoint should be made by the incoming government.
25. When considering whether an appointment qualifies as 'significant', the public sector body should consider:
- the length of the appointment
 - the seniority of the appointment
 - the importance of the position (consider, for example, the functions, responsibilities and any powers of appointees or the position's recognition and status within the community and industry)
 - whether an appointment is made under legislation
 - whether the proposed appointment is likely to be controversial
 - whether the appointment is one that would be considered by Cabinet.
26. Examples of significant appointments are set out in the table below:

Significant employment appointments	Significant board appointments (see the <i>Appointment and Remuneration Guidelines</i>)
A public sector body head	A member of a group A or B board
A statutory authority chief executive	A chairperson of a board
A holder of a statutory office or prerogative office	A member of a board or organisation that has been identified as subject to reform
A role above the level of Deputy Secretary	

General approach

27. If deferring the appointment is impractical (usually for reasons associated with the proper functioning of a public sector body), would have serious adverse consequences, or is required to be made by legislation, there are several options:
- an acting appointment is made, where permissible
 - a short-term appointment is made until shortly after the likely end of the caretaker period, or
 - if those options are not practicable, a full-term appointment is made, preceded by consultation with the Opposition.

Appointments that are not considered 'significant'

28. Appointments that are not considered 'significant' in line with the above criteria can be dealt with as part of the ongoing business of government during caretaker. The regular processes of appointments should continue.

Appointments commencing before the caretaker period

29. For the 2026 election year, appointments can be made up to the commencement of the Caretaker period. If an appointment also requires Governor-in-Council approval, the item will need to come to the Cabinet meeting at least one week prior to the last Cabinet meeting schedule for 2026. Departments need to work with their Ministers' offices to ensure that the Cabinet and Executive Council forward agendas are not overloaded with appointment submissions at any particular time, including during October 2026.

Avoiding entering major contracts or undertakings

30. Governments should avoid entering major contracts or undertakings during the caretaker period, including commitments that would be likely to commit an incoming government.
31. Where contracts have been entered into prior to the caretaker period, further related agreements can be entered into during that period if:
- they are subsidiary to, and necessary for the effective implementation or operation of, that 'head contract', relating to matters already proceeding, and do not bind any incoming government in a manner not already contemplated in that 'head contract', or
 - penalties may be incurred for breach if further agreements are not entered into.
32. When considering whether a contract or undertaking qualifies as 'major', public sector bodies should consider:
- the dollar value of the commitment
 - whether the commitment involves a routine matter of administration or implements or entrenches a policy, program or administrative structure which may be politically contentious
 - whether the commitment requires Ministerial approval or a public tender process.
33. If it is not possible to defer entering a major contract or undertaking until after the caretaker period (e.g. for legal, commercial or other reasons), alternative approaches are:
- the Minister could consult the Opposition regarding the proposed entry into the major contract or undertaking, or
 - public sector bodies could explain to the relevant contractor the implications of the election and ensure that contracts include clauses providing for termination in the event of an incoming government not wishing to proceed.
34. In the case of tenders and grant application processes, public sector bodies should warn potential tenderers and applicants about the implications of the election and the possibility that the tender or grant might not proceed by using a disclaimer message, for example:

As the Victorian State election will be held on Saturday 28 November 2026, the Victorian Government will assume a caretaker role from 6.00pm on 3 November 2026 until such time that either it becomes clear that the incumbent government will be returned, or when a new government is commissioned.

In line with the caretaker conventions, the incoming government will determine whether to proceed with this [tender/grant] process and [enter into the contract/award the grants] after the caretaker period.

[Applicants/tenderers] should be aware that:

- *all information about this [tender/grant] process represents the position of the current government only, and is subject to change*
- *the incoming government may decide to not proceed with this [tender/grant] process.*

Managing intergovernmental negotiations and visits

35. The convention that the government avoids entering major undertakings during the caretaker period gives rise to particular issues in the context of intergovernmental negotiations, participation in intergovernmental forums and visits by interstate or overseas dignitaries and officials.
36. The government ordinarily seeks to defer intergovernmental negotiations or adopt observer status until the end of the caretaker period. The other parties to the negotiations, however, may not be familiar with the concept of caretaker conventions and the government may need to explain the constraints they impose.
37. If deferring involvement or adopting observer status is not feasible, the government should limit its role to providing information on its position as settled before the commencement of the caretaker period, without committing the incoming government to that position.
38. If it is necessary for the government to participate fully in the negotiations, it should:
 - advise the other parties to the negotiations that any outcomes will need to be authorised by the incoming government, or
 - consult with the Opposition, to seek their agreement or endorsement of negotiating positions.
39. Visits by dignitaries or officials involving government hospitality may occur during the caretaker period. Dignitaries or officials whose visits are scheduled for the caretaker period or shortly afterwards should be advised of the special arrangements in place during the caretaker period and the possibility of a change of government.

Maintaining an apolitical public sector

40. The public sector must remain apolitical and avoid involvement in political activities in the course of their work. This obligation arises under the Code of Conduct for Victorian Public Sector Employees, and applies at all times, including during all federal, state and local election periods, it is not an obligation that arises only during the caretaker period as a caretaker convention. Relevantly, section 2.2 of the *Code of Conduct for Victorian Public Sector Employees* states on remaining apolitical:

Public sector employees conduct themselves in an apolitical manner. They implement and administer the policies and programs of the elected government. They avoid in the course of their work, any participation in activities which support a political party or independent candidates including attendance at fund raising or similar events.

During caretaker periods (which are governed by caretaker conventions relating to the period of the election campaign and sometimes the period immediately after the election) public sector employees maintain the neutrality of the public sector and comply with relevant policies and protocols issued by their employer. They do not use their position to support particular issues, parties or candidates in an election campaign.

41. As indicated in the Code of Conduct, the obligation to remain apolitical takes on particular relevance during the caretaker period.
42. It is important for the public sector to be, and be seen to be, apolitical during the caretaker period to:
 - ensure controversies about the role of the public sector do not distract from the substantive issues of the election campaign
 - protect the reputation of the public sector and ensure the public sector remains trusted by the incoming government.
43. Generally, the public sector should continue to perform its ordinary and routine functions during the caretaker period.

44. However, some activities acceptably performed by the public sector at other times may be, or be seen to be, controversial or political in the context of an election. Public sector bodies should assess whether any of their ordinary functions (e.g. distributing information about progress on the implementation of government policies) may need to be performed differently during the caretaker period.

Communication and advertising

45. Public sector bodies must comply with Part 5A of the *Public Administration Act 2004* and the Public Administration (Public Sector Communication) Regulations 2018 (**Regulations**). The *Public Administration Act 2004* and Regulations apply at all times, including during the caretaker period.

46. Under Part 5A of the *Public Administration Act 2004*, public sector bodies must ensure that any information, material or message published (whether in print or electronic form) is in the public interest. The Regulations set out what are prescribed public interest purposes.

47. Moreover, public sector bodies must ensure that the relevant information, material or message is not designed or intended to directly or indirectly influence public sentiment for or against:

- a political party
- a candidate for election
- a member of Parliament
- the current government, or
- the current government of the Commonwealth,

and is otherwise in accordance with the prescribed public sector communication standards set out in the Regulations.

48. Consistent with the requirements of Part 5A of the *Public Administration Act 2004*, public sector bodies must also ensure that any television advertisement is for one of the following purposes:

- to promote public safety, personal security or behavioural change
- to promote social cohesion, civic pride or community spirit within the general public
- to promote commercial or economic development within the State
- to generate revenue for public sector bodies or for the State through consumption of products or services delivered by or in partnership with public sector bodies, or
- to promote compliance with legislative requirements,

and is in accordance with the prescribed advertising standards set out in the Regulations.

49. The following practices relating to advertising or information campaigns are generally acceptable during the caretaker period:

- Advertising or information campaigns that convey necessary public information (e.g. to promote public health or safety, such as Transport Accident Commission advertisements, or to inform the public of transport or infrastructure disruptions) or are of an operational nature (such as employment advertisements, or TAFE enrolments or membership promotions) may be continued provided they do not feature Ministers or promote government policies.
- Advertising promoting Victoria as a tourist destination, which does not feature Ministers or promote government policies, may continue during the caretaker period. Advertising ticket sales to government-operated institutions and events (such as museums, galleries, zoos) may also continue.

- The passive distribution of printed or electronic material (such as continued placement in public sector body offices or distribution in response to requests) may continue during the caretaker period. However, public sector bodies should consider the advice regarding internet and electronic communications (paragraphs 52 – 67) when determining whether it is appropriate for material to be passively distributed (for example, through websites) during the caretaker period.
- Advertising by the Victorian Electoral Commission to promote and support participation in the election may continue during the caretaker period.

No application of public money or resources towards electioneering

50. Public sector bodies should not apply money or resources (such as using computer equipment, photocopying or printing) towards any activity that supports the electioneering efforts of:
- the government
 - the Opposition
 - another political party
 - Members of Parliament, or
 - any other candidate for election.
51. Public sector employees should not, in the course of their employment, undertake any activities that support such electioneering efforts.

Internet and electronic communications

52. Public sector bodies need to take steps to ensure that public sector body resources, including websites and electronic communication systems, are not used or seen to be used to support any particular political party. The requirements under Part 5A of the *Public Administration Act 2004* and the Regulations apply equally to internet and electronic communications. Public sector bodies should review their websites and electronic communications systems at the beginning of the caretaker period accordingly.

Public sector body websites

53. Public sector body websites may retain material placed on the website before the commencement of the caretaker period in most cases. One exception would be recent Ministerial media releases that comment on the Opposition or other political parties (or their members) in clearly critical terms.
54. Public sector bodies should review the content of websites, particularly the wording of any icons and links to other websites, to ensure that they cannot be interpreted as promoting a government policy (as distinct from hosting/providing access to a copy of the policy or factual details explaining its operation).
55. Public sector bodies should only add material to their websites during the caretaker period that is either purely factual or relates to existing policies and programs. In each case, such material should only be added to a website if it does not include criticism of the Opposition or other parties or candidates, and is not in any way controversial or political in the context of the election. For example, election promises should not be placed on a public sector body website, but a Ministerial media release relating to a public health warning might appropriately be added.
56. Public sector bodies should include a disclaimer on the front page of their websites. For example:
- As the Victorian State election will be held on Saturday 28 November 2026, the Victorian Government has assumed a caretaker role from 6.00pm on Tuesday 3 November 2026.*

During the caretaker period, content will only be added to this website in accordance with the caretaker conventions.

57. If public sector body websites contain links to websites that are not maintained or funded by the State, where possible Agencies should use a disclaimer message, for example:

You are now leaving the [insert name of website].

The website you are entering is not maintained or funded by the State of Victoria. Please follow the link to continue to the [insert name of website]. This page will not automatically redirect you.

Ministerial Websites

58. DPC may continue to maintain the official Ministerial website at premier.vic.gov.au in accordance with these Guidelines.
59. Public sector bodies should not otherwise be involved in the funding, operation or maintenance of Ministerial social media or networking sites.

Specific purpose websites for policies, events, projects or initiatives

60. Public sector bodies should ensure that they review all websites they maintain, fund, host or for which they are otherwise responsible. These websites may be within or outside the vic.gov.au domain (for example, some public sector bodies maintain specific purpose websites for particular policies, events, projects or initiatives).
61. Public sector bodies should review the content of specific purpose websites at the start of the caretaker period in the same manner as the primary public sector body websites. In addition, public sector bodies will need to consider:
- the need for disclaimer messages (see paragraphs 56 and 57); and
 - whether it is appropriate for the website itself to remain active and available during the caretaker period.
62. It may not be appropriate for a public sector body to continue to fund, maintain or host specific purpose websites if the policy, program, initiative or event for which the website was established is likely to be contentious in the election campaign.
63. When determining whether a specific purpose website should remain active and available during the caretaker period, public sector bodies should consider whether the material on the website or the website itself could be seen as promoting:
- party political content
 - government policies or initiatives, or
 - the achievements of the government or a Minister.

Electronic communications

64. Electronic collaboration systems (such as Microsoft Teams or SharePoint), intranets, email systems and social media platforms maintained, funded, hosted or otherwise the responsibility of public sector bodies must be administered consistently with Part 5A of the *Public Administration Act 2004* and the Regulations and should not be used to publish or distribute political material. Material from political parties and how-to-vote material produced by any organisation (other than the Victorian Electoral Commission) should not be displayed.

65. At the start of the caretaker period, public sector bodies should review the material published or distributed on electronic collaboration systems, intranets, email systems and public sector body specific social media platforms to ensure that it could not be seen as promoting:
- party political content
 - government policies or initiatives; or
 - the achievements of the government or a Minister.
66. Public sector employees should exercise particular caution to ensure that the content of emails sent during the caretaker period cannot be perceived as promoting a political party or government policy.
67. During the caretaker period, public sector employees should also carefully assess requests from Ministerial offices for access to public sector email distribution lists. Unless required for appropriate purposes (as set out in paragraphs 48 – 49), then the request should be declined. Further, communications with Ministerial offices should be managed in accordance with relevant engagement protocols (see paragraphs 103 – 104).

Communication by Public-facing roles

General obligations for employees holding public-facing roles

68. Public-facing roles are those roles which may require interaction with or the making of representations to the public, particularly the media or large groups of people. For example, this would include roles that require the individual to hold press conferences or make public statements (see further detail below – ‘Speaking at public events’).
69. Additional considerations and sensitivities apply during the caretaker period, and the importance of adherence to the VPS values must be maintained. Senior public sector employees holding public-facing roles may continue to perform ordinary and routine functions during the caretaker period. However, care should be taken to ensure that all public statements made are apolitical. The communication and advertising requirements in Part 5A of the *Public Administration Act 2004* are a useful source of guidance in this regard. The requirements apply to information and material that is published, which includes comments made in public forums or other public-facing communication (see above – ‘Communication and advertising’).
70. If an issue could be seen to be controversial, an individual who holds a public-facing role must consider whether their public actions could be seen by the public as an indirect endorsement a particular policy of a political party or candidate. This risk should be taken into account when deciding whether to make a statement, issue a media release or hold a press conference. Factors that may increase risk in such circumstances include the forum, the timing of the statement and the seniority of the position held. In the case of non-controversial issues, public sector employees may speak but should explain that the government is in caretaker mode and that they will limit their statements to factual issues and matters of administration. This also applies when public sector employees are giving a progress update on a non-controversial existing government policy.

Other obligations for employees holding public-facing roles

71. Further obligations are set out in the Code of Conduct for Victorian Public Sector Employees, as well as in the Code of Conduct for Victorian Public Sector Employees of Special Bodies.
72. Individuals in public-facing roles should be mindful of these obligations in making an official comment. The obligations require that an individual making official comment must:
- only comment to the extent authorised
 - restrict public comment to factual information
 - have the authority to disclose any information not already in the public domain

- avoid serious damage to the public’s trust in how they will perform their job
 - avoid serious damage to the public’s trust in the professional, apolitical nature of their employer and the Victorian public sector
 - avoid including any personal comments or opinions.
73. Individuals in public-facing roles should also ensure that government policy and its administration is represented accurately and correctly when making an official public comment.
74. The obligations under the Codes of Conduct exist in addition to any policy or procedure that their employer may have on commenting officially.

Use of public sector premises

75. Public sector premises which are normally accessible to the public may be used during the caretaker period:
- for ordinary official government functions
 - by political parties for political or election-related functions or public events, such as media conferences, or where they are the obvious place for a political or election-related function.
76. The requirements explained in the following paragraphs do not apply to functions at private venues or non-public sector public spaces such as parks, or to ordinary official government functions at public sector premises where only VPS employees will attend. The requirements also do not apply to government-owned premises that are available for hire on a commercial basis or are occupied by non-government tenants.

Ordinary official government functions at public sector premises

77. During the caretaker period, public sector premises may continue to host ordinary official government functions of the kind that occur throughout the term of government. Examples of such functions include:
- an awards ceremony at a school at which a government representative presents awards to students
 - the opening of a new specialist ward at a hospital.
78. Representatives of the government such as Ministers or Parliamentary Secretaries may attend such functions in an official capacity, as may local candidates or Members of Parliament. However, the functions are to be held in a strictly apolitical manner to ensure that the State’s resources are not used to the unfair advantage of the incumbent government, and accordingly:
- although representatives of the government may make speeches, they should relate only to portfolio matters
 - representatives of the government, MPs, representatives of the Opposition, and local candidates are not to be given the opportunity to, and should not, use the function to campaign for the election, make election commitments, or refer to matters relating to the election.
79. Where a representative of the government such as a Minister or Parliamentary Secretary will attend in their official capacity:
- the relevant department will prepare event briefings
 - the relevant department and DPC will brief the Minister and Premier respectively, including with factual information about the event, and seek approval for that information to be provided to the Opposition
 - the relevant department Secretary will provide notice of the event to the Opposition, invite the Opposition to be present, and provide the factual event information to the Opposition.

80. Further information on the processes for briefing and inviting the Opposition can be provided by DPC on request. Where a local MP attends a function, other local candidates should also be given the opportunity to attend, but it is not necessary to brief the Premier, Ministers or the Opposition.
81. Public sector employees involved in facilitating or hosting functions should remain mindful of the need to be, and to be seen to be, apolitical, and should avoid being engaged in any political dialogue. The VPSC has made available on its website relevant [guidance for Victorian public sector employees on the organisation of public ministerial events](#).
82. Ministerial visits to public sector bodies for consultations are acceptable for the conduct of routine government business but should occur in accordance with the caretaker conventions.

Political or election-related events at public sector premises

83. Public sector premises which are normally accessible to the public may be used during the caretaker period by candidates or political parties to hold political events such as media conferences, or involve candidates making policy announcements or election commitments. Such events are organised and conducted by candidates or political parties with public sector staff providing only minimum logistical support, and are subject to certain requirements.
84. The proposed use of the premises must not unreasonably disrupt the normal operations of the premises concerned. As examples, media conferences on hospital grounds must not impair the access of ambulances to emergency departments, and the timing and day for any event at a school must have regard to the operational needs of the school, as advised by the school principal.
85. A political party seeking to use public sector premises must give sufficient notice to the relevant institution of a proposed event to allow the request to be considered, and if approved, to allow for necessary arrangements to be made to accommodate the event and ensure that the public sector body's operations are not unreasonably disrupted. Approval of the use of public sector premises for a political event is at the discretion of the relevant head of the premises or institution, having regard to the operational requirements and level of disruption likely to be caused by the proposed event.
86. If any political or campaign materials are used during an event, those materials must be immediately removed from the premises following the event.
87. Public sector employees working at the premises during an event should not be engaged in political dialogue. Public sector employees must ensure that they remain and are seen to remain apolitical in the course of their work, and accordingly may advise candidates or political parties of any proposed activities or actions that they cannot perform.
88. Public sector employees can provide only the minimum amount of logistical support necessary to allow the event to proceed, which could include providing audio-visual equipment, seating, and access to relevant parts of the premises, etc.
89. The head of the relevant premises or institution should notify the relevant Department Secretary about the function or event prior to the use of the premises, unless specific departmental notification and approval processes otherwise apply.
90. Filming, including livestreaming, on public sector premises may occur only with the express approval of the head of the relevant premises. Any filming must not interfere with the normal operations of the relevant premises, and must not infringe on the privacy of anyone present at the premises, including public sector employees and members of the public. Public sector employees should not participate in, or be requested or invited to participate in, photographs or filming.
91. Departments may issue specific, more detailed and operational guidance on how to manage candidate visits at relevant venues during the caretaker period.

Correspondence

92. Ministers usually sign only the necessary minimum of correspondence during the caretaker period. Rather than leaving correspondence to accumulate, it is desirable that some correspondence normally signed by Ministers be prepared for signature by departmental officers.
93. When preparing replies to Ministerial and departmental correspondence, care should be taken to protect the public sector from perceptions of partisanship. Replies to correspondence should:
- not assume that the government will or will not be returned to office
 - refer to post-election action in terms of the 'incoming government'
 - to the extent an explanation of government policy is required, not commit the government to post-election action or imply that the policy will continue if the government is re-elected. Where appropriate, correspondence should indicate that policy matters are for the incoming government to determine, following the determination of the outcome of the election.

Political participation by public sector employees

Performing functions in an impartial manner and with integrity

94. The public sector values in the *Public Administration Act 2004* state that the public sector performs its functions in an impartial manner and with integrity. Any actual, potential or perceived conflicts of interest must be avoided.
95. Therefore, public sector employees should not use public sector body resources or their positions to support particular issues or parties during the election campaign.
96. The wearing or displaying of political material in official premises is not permitted.
97. In support of the Code of Conduct for Victorian Public Sector Employees, the Victorian Public Sector Commission has published on its website "[Guidance During Election Periods](#)".

Speaking at public events

98. As outlined above, senior public sector employees with public-facing roles should continue to perform ordinary and routine functions during the caretaker period. This may include conducting press conferences or issuing media releases on matters within their area of responsibility or expertise. For example, it would be appropriate for the Chief Health Officer to provide information to the community on public health matters, including through the media. However, public sector employees in public-facing roles must take extra care to ensure their comments will not be perceived as comment of a political nature or regarding election issues, and that they are not perceived to be using their position to support particular issues, parties or candidates in an election campaign.

Engagement between the public sector and Ministers

Ministerial requests for advice from the public sector

99. Ministers may continue to request factual material necessary for the day-to-day working of government from public sector bodies during the caretaker period in the usual way.
100. Ministers may not, however:
- request public sector bodies to develop new policy initiatives (or to provide further advice on policy initiatives the subject of previous advice).
 - There might, however, be urgent domestic or international issues on which policy advice should clearly be provided to Ministers to allow responsible ongoing administration or to protect Victoria's interests, or

- require administrative assistance or material if the predominant purpose for the assistance clearly relates to the election rather than the ongoing business of government.
 - It is proper practice for such requirements to be declined and for the Minister to be advised of the reason.
 - If the Minister confirms that he or she requires that assistance, the public sector body should consult with DPC.
101. Public sector bodies can proceed with policy development work during the caretaker period so that they are in a position to provide advice to the incoming government, provided that contact with Ministers' Offices is not required.
102. Public sector employees should not advise Ministers on any issues or complaints relating to conduct of other political parties or political candidates (such as breaches of the *Electoral Act 2002*). Such issues or complaints should be directed to the Victorian Electoral Commission.

Engagement protocols

103. During the caretaker period, public sector body Heads should establish consistent engagement protocols with their relevant Ministers' Offices to ensure these principles are adhered to. In this context, public sector body Heads should establish limited points within their public sector bodies for engagement by Ministers and their staff. Such engagement should be limited to public sector body Heads, and if approved by the relevant public sector body Head, Deputy Secretaries or equivalent officers. Public sector body Heads are to be copied into or notified of any engagement between Ministers or their staff and Departmental staff.
104. Similarly, public sector body Heads should confirm with their relevant Ministers limited points of contact within Ministerial Offices for public sector body engagement.

Departmental Liaison Officers

105. Departmental Liaison Officers (DLOs) are provided by Departments to assist Ministers' Offices with necessary liaison work with public sector bodies. The need for this liaison work should be reviewed at the commencement of the caretaker period. DLOs should not undertake electioneering activities before or during the caretaker period.
106. If there is ongoing work during the caretaker period, DLOs may remain with Ministers' Offices and continue to perform their functions on an 'as needs' basis throughout the caretaker period in accordance with the duties outlined in the Premier's Circular 2015/1 on Departmental Liaison Officers and other departmental officers in ministerial offices.

Managing requests for election policy costings

107. The PBO is empowered to perform policy costings under the *Parliamentary Budget Officer Act 2017*. Relevant parliamentary leaders may request the PBO to prepare a costing of an election policy. The relevant period within which requests of the PBO may be made is set out in Part 3 of that Act.
108. It remains open for government and non-government political parties (including independent MPs and candidates) to seek costings of their own election policies from DTF. DTF will undertake the costings in conjunction with relevant Departments, provided any assumptions necessary for the costings are identified for the Departments or do not require Departments to undertake extensive policy research. After an election policy is costed, DTF will advise the relevant party of the costing, and publish the costing and material assumptions used in its preparation on its website.

Engagement with non-government political parties

109. Consultation between public sector bodies and non-government political parties may occur from three months prior to the expiry of the Legislative Assembly (i.e. from 28 July 2026) or, if the Assembly is being dissolved, the date of the announcement of the election, whichever date comes first.
110. Leaders of non-government political parties may make a request for consultation with public sector bodies through the Premier. Similarly, Shadow Ministers may also request access to public sector bodies through the relevant Minister and the Premier. Approval may be given by the Premier and relevant Minister to have discussions with the appropriate public sector body or public sector bodies. Public sector bodies should not involve themselves in these discussions unless approval has been given by the Premier and relevant Minister.
111. Members of non-government political parties may have other Members of Parliament or staff present at consultations. It is not appropriate for Ministers' private office staff to be present at such consultations.
112. At all consultations, public sector bodies are to be represented by the relevant public sector body Head and a relevant representative of DPC nominated by the DPC Secretary (reflecting DPC responsibility for supporting VPS compliance with the caretaker conventions). For consultations with public sector bodies other than Departments, the relevant Department Secretary in respect of the public sector body is also required to be present. Public sector body Heads may invite one or more other public sector employees to be present at consultations. Public sector employees present at consultations should be of at least Executive Director or equivalent seniority, unless approved by the relevant public sector body Head in exceptional circumstances.
113. The request for consultation will be at the initiative of the non-government political parties, not public sector bodies. Public sector bodies are to inform their Ministers when the discussions are taking place, following approval being granted. Public sector body Heads are to ensure that any public sector employees authorised to attend briefings have a proper understanding of the matters likely to be raised at such briefings.
114. Public sector employees are not authorised to discuss government policies or to give opinions on matters of a party-political nature. The subject matter of the discussions should relate to the machinery of government and administration. The discussions may include the administrative and technical practicalities and procedures involved in implementation of policies proposed by the non-government political parties. If the non-government political representatives raise matters which, in the judgement of the public sector employees, seek information on government policies or expressions of opinion on alternative policies, the public sector employees are to suggest that these matters be raised with the Minister and politely decline to engage in further discussion of the matters.
115. The detailed substance of the discussions will be confidential, but Ministers will be entitled to seek confirmation from public sector employees that discussions kept within agreed purposes and these Guidelines.

RELATED MATTERS

Consultation

116. Compliance with the caretaker conventions may require a Minister to consult with the Opposition – for example, when circumstances require implementation of a major policy decision or making a significant appointment during the caretaker period.
117. If it is necessary to consult, the Minister may consult directly with the Opposition (for example, by letter to the Leader of the Opposition) or may direct the relevant department to consult with the Opposition.
118. Consultation involves:
- providing the Opposition with details of the proposed action and an explanation as to why it needs to occur during the caretaker period
 - inviting the Opposition to provide their views, and giving the Opposition reasonable time to do so
 - giving real consideration to any response provided by the Opposition.
119. Consultation does not require the Government to obtain the endorsement of the Opposition to the proposed action.

Tabling of and Responses to Reports

120. Responses to outstanding parliamentary committee reports should be taken up with the incoming government. Public sector bodies may, however, undertake appropriate preparatory work and consultation at the public sector body level so that they are in a position to provide early advice to the incoming government.
121. Where the government is required by law to respond to a report by a date during the caretaker period, the government should ensure that a response is made before the commencement of the caretaker period.

Financial Entitlements for Ministers, the Leader of the Opposition and the Leader of the Third Party

122. It has been a longstanding convention that Ministers do not claim travel allowances from the day of the Premier's campaign launch to the day after polling day. The only exceptions are where Ministers travel for Cabinet meetings or primarily in connection with their Ministerial duties/portfolio responsibilities.
123. An additional vehicle for the Leader of the Opposition and, if applicable, a Leader of a Third Party (as defined in the *Parliamentary Salaries, Allowances and Superannuation Act 1968 (PSAS Act)*) will be provided on request during the caretaker period. 'Third party' is defined under the PSAS Act as a recognised party which consists of eleven members at least of the Parliament. The Leader of the Opposition and, if applicable, a Leader of a Third Party may also charter aircraft for themselves during the election period. Such charters need to be approved by the Premier on a case-by-case basis and the relevant Leader is to be notified of approval or non-approval in each case. Forty-eight hours' notice of the intended date of use of aircraft is required.
124. Under the PSAS Act, Members of Parliament must be aware of, and comply with, guidelines issued by the Victorian Independent Remuneration Tribunal (**MP Guidelines**) about the use of certain parliamentary allowances and the Electorate Office and Communications Budget (**EO&C Budget**). The [MP Guidelines](#) include specific prohibitions on the use of the EO&C Budget for electoral purposes.

Legislation, Executive Council and Cabinet

Legislation

125. Bills that have passed both Houses of Parliament should be assented to by the Governor before the expiry or dissolution of the Legislative Assembly. The past practice of Governors has been not to provide Royal Assent after expiry or dissolution.
126. Legislation is also not proclaimed during the caretaker period other than in exceptional circumstances.

Executive Council

127. The Executive Council usually meets immediately before the dissolution to approve regulations and Orders in Council, including those made under Acts just given Royal Assent.
128. There are no scheduled Executive Council meetings during the 2026 caretaker period. However, Special Executive Council meetings may be sought under exceptional circumstances, following approval from the Premier and Governor of Victoria. The Executive Council will meet every Tuesday up until the commencement of the caretaker period.
129. If exceptional circumstances do present themselves, the relevant Ministerial office must liaise with the Premier's private office to seek initial approval that a special meeting of the Executive Council can be called. Upon receiving that approval, the Deputy Secretary of the relevant department must contact the Deputy Secretary, Public Administration, DPC to discuss the item, providing justification for the urgency and necessity, and request that the Clerk of the Executive Council arrange a special meeting.

Cabinet

130. Cabinet rarely meets during the caretaker period and will normally only do so if the items to be considered can be put into effect consistently with the caretaker conventions. Cabinet will not normally meet until after the election and when the caretaker period is over. However, Cabinet (or a committee of Cabinet) may continue to meet during the caretaker period as necessary to consider matters relevant to any ongoing State-significant emergency situation. This is to ensure that Victoria appropriately responds to the emergency.
131. Further, it would be appropriate for the government to recall the relevant committee of Cabinet dealing with security or emergency management issues during the caretaker period, if necessary (e.g., in the event of a natural disaster). It would also be appropriate for the Premier to continue to sit on the National Cabinet to consider matters relevant to responding to any national emergencies.

Cabinet and Other Documents

132. Cabinet documents are the property of the State and must be dealt with properly as public records, in accordance with the *Public Records Act 1973*. Successive governments have accepted the convention that Ministers do not seek access to documents recording the deliberations of Ministers in previous governments.
133. Cabinet documents, in particular, are considered confidential to the government that created them. In this context, DPC's Cabinet and Governance Branch, on behalf of the DPC Secretary, is responsible for the custody of Cabinet documents during the Caretaker period. Cabinet and Governance Branch will provide public sector bodies with advice regarding custody requirements to ensure secure storage until the election result is known.

134.If Cabinet documents are required in the day-to-day administration of a public sector body during the caretaker period, at the discretion of the DPC Secretary, documents may be kept within secure conditions in the public sector body.

135.Cabinet and Governance Branch may issue further procedural guidelines on the handling of Cabinet documents before or at the commencement of the caretaker period, as well as on the management of Cabinet documents once the election result is known. Departments should obtain advice regarding Cabinet document management from their Cabinet and Executives Services team in the first instance, with escalation to Cabinet and Governance Branch if needed.

136.In relation to other documents, should a government not be returned, official (as distinct from party and personal) documents are public records and are to be kept in accordance with the requirements of the *Public Records Act 1973*. These documents cannot be destroyed except as provided for under the Act and relevant standards issued by the Keeper of Public Records.

Forms of Address

137.Upon the expiry or dissolution of the Parliament, members of the expired or dissolved Legislative Assembly and Legislative Council will cease to be Members of Parliament (MPs).

138.Ministers will continue to hold their position as Minister until they resign their position or a new Ministry is sworn in.

139.However, as a matter of courtesy and to avoid confusion, the following practices should be adopted when addressing members during the caretaker period:

- MPs who are standing for re-election should continue to be addressed as 'MP', 'MLA' or 'MLC' until it is known whether they have been re-elected.
- Newly elected members should be addressed as 'MP' 'MLA' or 'MLC' as soon as it is known that they are elected.
- MPs who are not standing for re-election are not to be addressed as 'MP', 'MLA' or 'MLC' following the expiry or dissolution of the Legislative Assembly and Legislative Council.

CONCLUSION

140. Public sector body Heads are responsible for taking appropriate action to ensure that their public sector bodies observe the conventions during the caretaker period.

141. Public sector body Heads need to be familiar with the caretaker conventions. However, any queries they may have as to the operation of the conventions in any particular case are to be referred to the DPC Secretary or the contact listed below.

142.To ensure the consistent application of caretaker conventions within public sector bodies, public sector bodies should appoint one or two senior officers to be the initial contact for caretaker enquiries.

143.Public sector bodies intending to develop their own supplementary guidance and/or policies on the caretaker conventions are asked to please consult the Office of the General Counsel, DPC, before issuing such material.

CARETAKER ASSISTANCE

144. Before and during the caretaker period, the Office of the General Counsel within DPC is available to provide guidance on issues associated with the operation of the caretaker conventions.

145. Questions can be directed to Miriam Holmes, General Counsel and Executive Director, DPC at caretaker@dpc.vic.gov.au.