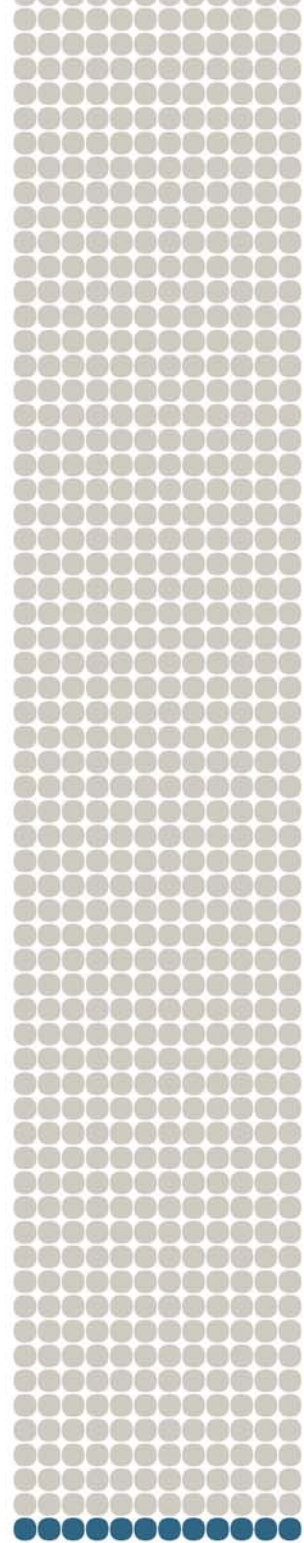


# GUIDELINES ON THE CARETAKER CONVENTIONS

GUIDANCE ON HANDLING GOVERNMENT  
BUSINESS DURING THE ELECTION PERIOD





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## DEFINITIONS

<b>Agency</b>	A 'public sector body', as defined under section 4 of the <i>Public Administration Act 2004</i> , including (but not limited to) Departments and Administrative Offices.
<b>Agency officer</b>	A 'public sector employee', as defined under section 4 of the <i>Public Administration Act 2004</i> .
<b>Agency Head</b>	A 'public sector body head', as defined under section 4 of the <i>Public Administration Act 2004</i> , including (but not limited to) Departmental Secretaries and Administrative Office Heads.
<b>Cabinet document</b>	<p>A document that contains Cabinet-in-Confidence material.</p> <ul style="list-style-type: none"><li>○ 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.</li><li>○ Section 28 of the <i>Freedom of Information Act 1982</i> describes the characteristics of a document that would attract the Cabinet document exemption.</li></ul>
<b>Codes of Conduct</b>	<p>The:</p> <ul style="list-style-type: none"><li>○ <i>Directors' Code of Conduct and Guidance Notes</i> (2006);</li><li>○ <i>Code of Conduct for Victorian Public Sector Employees</i> (2007); and</li><li>○ <i>Code of Conduct for Victorian Public Sector Employees of Special Bodies</i> (2007);</li></ul> <p>issued by the Public Sector Standards Commissioner under section 63 of the <i>Public Administration Act 2004</i>.</p>
<b>Commonwealth Guidelines</b>	<i>Guidance on Caretaker Conventions</i> (2010), issued by the Department of Prime Minister & Cabinet (available through the DPM&C website).
<b>Minister</b>	All Ministers of the Crown and Parliamentary Secretaries.
<b>VPS</b>	The 'public sector', as defined under section 4 of the <i>Public Administration Act 2004</i> , meaning the sector comprised of public sector bodies.



## EXECUTIVE SUMMARY

The caretaker period spans the time the Legislative Assembly expires until the election result is clear or a new Government is appointed. The business of government and public administration continue 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; and
- entering into major contracts and undertakings.

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



# 1. INTRODUCTION

## What is the 'caretaker period'?

- 1.1 The period between the expiration of the Legislative Assembly and the appointment of a new Government is known as the 'caretaker period'.
- 1.2 The caretaker period begins at the time the Legislative Assembly expires or is dissolved and continues until:
  - o the election result is clear; or
  - o if there is a change of Government, until the new Government is appointed.
- 1.3 Successive Victorian Governments have accepted that, during the period preceding an election for the Legislative Assembly, the Government assumes a 'caretaker role'. The business of Government continues throughout this period. However, the caretaker conventions seek to ensure that the Government does not take action that will bind a future government.
- 1.4 The caretaker period recognises that:
  - o with the expiry or dissolution of the Legislative Assembly, the Executive Government cannot be held accountable for its decisions in the normal manner; and
  - o every general election carries the possibility of a change of Government.
- 1.5 The caretaker period for the 2010 Victorian election will commence on Tuesday, 2 November 2010 (the day that Parliament expires), unless the Legislative Assembly is dissolved before this date.

## The 'caretaker conventions'

- 1.6 The practices followed by successive Governments in conducting Government business during the caretaker period are known as the 'caretaker conventions'.
- 1.7 During the caretaker period, the business of Government continues and ordinary matters of administration still need to be addressed. However, the circumstances of an election campaign require special attention to ensure the apolitical nature of the VPS is maintained.
- 1.8 The caretaker conventions set down procedures to guide the actions of Government, limiting the Government's ability to act in a way that would bind an incoming Government or limit its freedom of action. In summary, during the caretaker period, the Government should avoid:
  - o implementing major policy decisions that are likely to commit an incoming Government;
  - o making significant appointments; and
  - o entering major contracts or undertakings.



## Guidelines on the Caretaker Conventions

- 1.9 The caretaker conventions reflect the practices followed by successive Governments, but are not legally binding. Adherence to the conventions is ultimately the responsibility of the Premier and the Government collectively. Agency Heads have responsibility to ensure that the business of Government proceeds at the direction of Ministers and in a manner that is consistent with the caretaker conventions.

### Role of the VPS during the caretaker period

- 1.10 Although the caretaker conventions are not legally binding in their own right, Agency officers who fail to adhere to the conventions may breach their legislative and common law employment obligations.
- 1.11 Agency officers are required by the *Constitution Act 1975*, *Public Administration Act 2004* and *Codes of Conduct* to remain apolitical and avoid involvement in political activities at all times, not just during an election period. Breach of these obligations could lead to disciplinary action or a finding of misconduct.
- 1.12 However, there are established practices associated with the caretaker conventions that are directed at protecting the apolitical nature of the VPS and avoiding the use of State resources to advantage a particular political party. The conventions and practices also aim to prevent controversies about the role of the VPS distracting attention from the substantive issues in the election campaign.

### Commonwealth caretaker period

- 1.13 The Department of Prime Minister and Cabinet publish the *Commonwealth Guidance on Caretaker Conventions*. The Commonwealth guidelines are similar, but not identical, to this document.
- 1.14 The Commonwealth guidelines provide information on the practices and conventions that should be adhered to during a Commonwealth caretaker period. While the Commonwealth guidelines are unlikely to have any direct application to the VPS, the Commonwealth guidelines may be a useful reference for Agency officers dealing with the Commonwealth during its caretaker period.
- 1.15 As with all caretaker conventions issues, Agency officers should direct any queries about the Commonwealth guidelines to DPC (see contacts listed in section 9 of this document).

## 2. MAJOR POLICY DECISIONS

- 2.1 Governments should avoid implementing major policy decisions during the caretaker period that are likely to commit an incoming Government or limit its freedom to act.
- 2.2 Whether a particular policy decision qualifies as 'major' is a matter for judgement. Relevant considerations include:
- o the significance of the decision, in terms of policy and resources; and



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- whether the decision is a matter of contention between the Government and Opposition in the election campaign.
- 2.3 The conventions apply to the timing of the making and implementation of 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.
- 2.4 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 taking the decision. The requirement to consult does not require the Government to obtain the endorsement of the Opposition.

## 3. SIGNIFICANT APPOINTMENTS

- 3.1 Governments should defer making significant appointments during the caretaker period. This means that the Government should defer making a decision to appoint *before or during* the caretaker period to fill a vacancy that arises *during or following* the caretaker period.
- 3.2 Appointments decided on (e.g. by Cabinet, the Minister or the Governor-in-Council) *before* the caretaker period must also commence *before* the caretaker period. Where an appointment is to commence *after* the caretaker period, the decision to appoint will be made by the incoming Government.
- 3.3 When considering whether an appointment qualifies as 'significant', the Agency should consider:
- the importance of the position; and
  - whether the proposed appointment is likely to be controversial.
- 3.4 If deferring the appointment is impractical (usually for reasons associated with the proper functioning of an Agency), would have serious adverse consequences or is required to be made by legislation, there are several options:
- an acting appointment, where permissible;
  - a short term appointment until shortly after the likely end of the caretaker period; or
  - if those options are not practicable, a full term appointment. However, this is usually preceded by consultation with the Opposition.



## 4. MAJOR CONTRACTS OR UNDERTAKINGS

- 4.1 Governments should avoid entering major contracts or undertakings during the caretaker period.
- 4.2 Where contracts have been entered into prior to the caretaker period, further agreements can be entered into during that period if:
  - o these are subsidiary to that “head contract”, relating to matters already proceeding; or
  - o penalties may be incurred for breach if further agreements are not entered into.
- 4.3 When considering whether a contract or undertaking qualifies as ‘major’, Agencies should consider:
  - o the dollar value of the commitment;
  - o whether the commitment involves a routine matter of administration or implements or entrenches a policy, programme or administrative structure which may be politically contentious; and
  - o whether the commitment requires Ministerial approval or a public tender process.
- 4.4 If it is not possible to defer the commitment until after the caretaker period, for legal, commercial or other reasons, there are a number of options.
  - o The Minister could consult the Opposition regarding the commitment.
  - o Agencies could explain the implications of the election to the contractor and ensure that contracts include clauses providing for termination in the event of an incoming Government not wishing to proceed.
  - o In the case of tenders, Agencies should warn potential tenderers about the implications of the election and the possibility that the tender might not be completed.

## 5. NEGOTIATIONS AND VISITS

- 5.1 The caretaker conventions may affect the conduct of contractual and intergovernmental negotiations, participation in intergovernmental forums and visits by interstate or overseas dignitaries and officials.
- 5.2 The Government ordinarily seeks to defer such negotiations or adopts 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.
- 5.3 If deferring involvement or adopting observer status is not feasible, the Government could limit its role to providing information on its position as settled





## Guidelines on the Caretaker Conventions

before the commencement of the caretaker period, without committing the incoming Government to that position.

- 5.4 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.
- 5.5 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.

## 6. AVOIDING VPS INVOLVEMENT IN ELECTION ACTIVITIES

- 6.1 The VPS must avoid involvement in political activities at all times, not just during the caretaker period.
- 6.2 However, it is particularly important for the VPS to be, and be seen to be, apolitical during the caretaker period:
- to ensure controversies about the role of the VPS do not distract from the substantive issues of the election campaign; and
  - to protect the reputation of the VPS and ensure the VPS remains trusted by the incoming Government.
- 6.3 Activities acceptably performed by the VPS at other times may be, or be seen to be, controversial or political in the context of an election. Agencies should assess whether any of their ordinary functions may need to be performed differently during the caretaker period (e.g. actively distributing information about Government policies and developing policies for Ministers).

### Advertising and Information Campaigns

- 6.4 Agencies should avoid distributing material (whether printed or electronic) if that material could be seen as promoting:
- party political content;
  - Government policies or initiatives; or
  - the achievements of the Government or a Minister.



## Guidelines on the Caretaker Conventions

- 6.5 Prior to the caretaker period, Agencies should review:
- advertising and information campaigns scheduled to take place during the caretaker period; and
  - all arrangements for the publication and distribution of material (whether printed, published online, emailed or otherwise electronically distributed).
- 6.6 Advertising and information material that is ordinarily appropriate and uncontroversial could, in the context of an election campaign, be perceived as party political and should be deferred. This may require the withdrawal of advertising that has already been booked.
- 6.7 Advertising or information campaigns that promote Government policies and/or Ministers may be particularly sensitive during the caretaker period and should be referred to Ministers for review.
- 6.8 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 are of an operational nature (such as employment advertisements) may be continued as long as they do not feature Ministers or promote Government policies.
  - Advertising promoting Victoria as a tourist destination, which does not feature Ministers or political content, may continue during the caretaker period.
  - The passive distribution of printed or electronic material (such as continued placement in Agency offices or distribution in response to requests) is acceptable.
  - However, Agencies should consider the advice regarding internet and electronic communications (paragraphs 6.10 – 6.23) and electronic bulletin boards and email systems (paragraphs 6.24 – 6.26) when determining whether it is appropriate for material to be passively distributed (for example, through websites) during the caretaker period.
- 6.9 DPC Strategic Communications Branch should be contacted for advice on all advertising issues.

## Internet and Electronic Communications

- 6.10 Agencies need to take steps to ensure that Agency resources are not used or seen to be used to support any particular political party. Agencies should review their websites and electronic communications systems at the beginning of the caretaker period accordingly.

### Agency Websites

- 6.11 Agency websites may retain material placed on the website before the commencement of the caretaker period in most cases. Exceptions might be recent Ministerial media releases that criticise the Opposition or other non-Government parties (or their members) in strong terms.



## Guidelines on the Caretaker Conventions

- 6.12 Agencies should check the general 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).
- 6.13 Agencies should add only the following material to their websites during the caretaker period:
- o portfolio-related announcements, if that is the usual practice (the definition of 'portfolio-related' will require judgement within each Agency). For example, election promises should not be placed on an Agency website, but a Ministerial media release relating to a public health warning might appropriately be added;
  - o purely factual material; and
  - o information on existing policies and programmes, unless the information includes criticism of the Opposition or other political material.
- 6.14 If Agency websites contain links to websites outside the [vic.gov.au](http://vic.gov.au) domain, Agencies should consider the need for entry/exit messages (see paragraph 6.18 for more detail).

### Ministerial Websites

- 6.15 In the case of Ministerial websites (including social networking sites, such as Twitter and Facebook), Agencies may continue to maintain or fund the maintenance of the website during the caretaker period if that was the practice prior to the caretaker period.
- 6.16 Material placed on the Minister's website before the caretaker period and links between the Minister's and Agency's websites may be retained.
- 6.17 In relation to the addition of material:
- o Agencies should only add material relating to matters of existing policy or purely factual material to Ministerial websites.
  - o Agencies should not add material concerning future policies, election commitments, how-to-vote material or media releases and speeches that criticise opponents, promote the Government or pursue election issues.
  - o Agencies should place a notice on the Ministerial website noting that election-related material is not available on the website.
  - o If the maintenance of the website has become the responsibility of the Minister rather than the Agency, Ministerial staff may add any material to the website provided that:
    - o there is no cost to the State; and
    - o a notice is added stating that, since the commencement of the caretaker period, the website is neither the responsibility of nor a cost to the Agency.
- 6.18 If an Agency-maintained/funded Ministerial website contains links to websites outside the [vic.gov.au](http://vic.gov.au) domain, such as political party websites, Agencies should



## Guidelines on the Caretaker Conventions

give particular attention to the need to include appropriate general or entry/exit messages. Such messages could be along the lines of:

- General message: *'linked websites are not maintained or funded by the State of Victoria'*; or
- Entry/Exit Message: *'you are now leaving the website of [Agency]. The website you are entering is not maintained or funded by the State of Victoria'*.

### Specific purpose websites for policies, events, projects or initiatives

- 6.19 Agencies should ensure that they review all websites that they maintain, fund, host or are otherwise responsible for. These websites may be within or outside the [vic.gov.au](http://vic.gov.au) domain.
- 6.20 For example, many agencies maintain specific purpose websites for particular policies, events, projects or initiatives (such as the *Target155* and *Our Water* websites).
- 6.21 Agencies should review the content of specific purpose websites at the start of the caretaker period in the same manner as the primary Agency websites. In addition, Agencies will also need to consider:
- the need for entry/exit messages (see paragraph 6.18); and
  - whether it is appropriate for the website itself to remain active and accessible during the caretaker period.
- 6.22 It may not be appropriate for an Agency 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.
- 6.23 When determining whether a specific purpose website should remain active and accessible during the caretaker period, Agencies should consider whether the material on the website or the website itself could be seen as promoting:
- party political content; or
  - Government policies or initiatives; or
  - the achievements of the Government or a Minister.

### Electronic bulletin boards and e-mail systems

- 6.24 Electronic bulletin boards, intranets and e-mail systems maintained, funded, hosted or otherwise the responsibility of Agencies should not be used to publish or distribute political material. Material from political parties and how-to-vote material produced by any organisation should not be displayed.
- 6.25 At the start of the caretaker period, Agencies should review the material published or distributed on bulletin boards, intranets and e-mail systems to ensure that it could not be seen as promoting:
- party political content; or
  - Government policies or initiatives; or
  - the achievements of the Government or a Minister.



## Guidelines on the Caretaker Conventions

- 6.26 Agency officers should exercise particular caution to ensure that the content of Agency emails sent during the caretaker period cannot be perceived as promoting a political party or Government policy.

### Hospitality and Use of Agency Premises

- 6.27 Agency premises may be used during the caretaker period by political parties for official functions or public events, such as media conferences, or where they are the obvious place for a function. In the case of official functions involving the use of Agency resources or hospitality, it would generally be appropriate for the Opposition to be given the opportunity to be present.
- 6.28 It is not appropriate that use of premises extend to such activities as engaging public servants in political dialogue, or using public servants for logistical support for political functions. Nor should use of premises unreasonably disrupt the normal operations of the offices concerned.
- 6.29 Ministerial visits to Agencies for consultations are acceptable for the conduct of routine Government business, in accordance with the caretaker conventions.

### Correspondence

- 6.30 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.
- 6.31 When preparing replies, care should be taken to protect the VPS from perceptions of partisanship. Replies should not assume that the Government will or will not be returned to office. References to post-election action are in terms of the 'incoming Government'. Correspondence that requires an explanation of Government policy should not commit the Government to post-election action or imply that the policy will continue if the Government is re-elected. Informing correspondents that a matter is one for the incoming Government may help avoid any implication of continuing policy.

### Political Participation by Agency Officers

#### Performing functions in an impartial, apolitical manner

- 6.32 The VPS values in the *Public Administration Act 2004* state that the VPS performs its functions in an impartial manner. Any actual, potential or perceived conflicts of interests must be avoided.
- 6.33 Therefore officials should not use Agency resources or their positions to support particular issues or parties during the election campaign.
- 6.34 The wearing or displaying of political material in official premises is not permitted.

#### Speaking at public events

- 6.35 Officials need to exercise judgement if they are scheduled to speak at public functions during the caretaker period.



## Guidelines on the Caretaker Conventions

- 6.36 In the case of controversial issues, officials should decline invitations to speak. In the case of non-controversial issues, officials 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.
- 6.37 Officials should avoid publicly explaining or promoting policies during the caretaker period.

### Requests from Ministers' Offices for Information or Assistance

- 6.38 Ministers may continue to request factual material from Agencies during the caretaker period in the usual way.
- 6.39 Ministers may not, however:
- Request Agencies to develop new policy initiatives. 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.
  - 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 Agency should consult with DPC.
- 6.40 Agencies 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.

### Policy Costings

- 6.41 Requests for policy costings may be made by the relevant party through the Premier. A party may only request costings of its own policies.
- 6.42 The Department of Premier and Cabinet will forward costing requests to the Department of Treasury and Finance (DTF) which, in conjunction with relevant Departments, will cost the Government and non-Government Party policy proposal.
- 6.43 The costings will be undertaken, provided any assumptions necessary for the costings are identified for the Departments or do not require Departments to undertake extensive policy research.
- 6.44 After a policy proposal has been costed, DTF will:
- advise the relevant party of the costing; and
  - publish the costing, and all material used in its preparation, on its website. The information will therefore be publicly available.



## Departmental Liaison Officers

- 6.45 Departmental Liaison Officers (DLOs) are provided by Departments to assist Ministers' offices with necessary liaison work with Agencies. The need for this liaison work should be reviewed at the commencement of the caretaker period. If there is ongoing work of liaison during the caretaker period, DLOs may remain with Ministers' offices.
- 6.46 As DLOs are public servants and not Ministerial advisers, they should avoid assisting Ministers in ways that could create a perception that they are being used for party political purposes.

## 7. RELATED MATTERS

### Tabling of and Responses to Reports

- 7.1 Responses to outstanding parliamentary committee reports should be taken up with the incoming Government. Agencies may, however, undertake appropriate preparatory work and consultation at the Agency level so that they are in a position to provide early advice to the incoming Government.
- 7.2 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

- 7.3 It has been a longstanding convention that Ministers do not claim travelling 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.
- 7.4 An additional vehicle for the Leader of the Opposition and the Leader of the Third Party (as defined in the *Parliamentary Salaries and Superannuation Act 1968* (Vic)), will be provided once the election is called. They 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. Media representatives on any charter flights are to make payments for an evenly shared portion of the charge.

### Legislation, Executive Council and Cabinet

#### Legislation

- 7.5 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





## Guidelines on the Caretaker Conventions

practice of Governors has been not to provide Royal Assent after expiry or dissolution.

- 7.6 Legislation is also not proclaimed during the caretaker period other than in exceptional circumstances.

### Executive Council

- 7.7 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.
- 7.8 The Executive Council meets infrequently during the caretaker period, only as required by the number of matters to be dealt with. Its functions during this period are limited to approving regulations, appointments and Orders in Council that do not infringe the caretaker conventions. Further, the relevant Departmental Secretary will need to provide a justification to the Clerk of the Executive Council of each item proposed to be considered by Executive Council before the Executive Council will consider it.

### Cabinet

- 7.9 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.

## Cabinet and Other Documents

- 7.10 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.
- 7.11 Cabinet documents, in particular, are considered confidential to the Government that created them. In this context, all Cabinet documents should be returned to the custody of the Cabinet Secretariat, for storage until the result of the election is known.
- 7.12 If Cabinet documents are required in the day to day administration of an Agency during the caretaker period, at the discretion of the Cabinet Secretariat, documents may be kept within secure conditions in the agency. However, all Cabinet documents must be returned to the Cabinet Secretariat on the day preceding election day.
- 7.13 The Cabinet Secretariat may issue further procedural guidelines on the handling of Cabinet documents before or at the commencement of the caretaker period. The Cabinet Secretariat is the appropriate contact for further advice on such matters.
- 7.14 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





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documents cannot be destroyed except as provided for under the Act and relevant standards issued by the Keeper of Public Records.

### Consultation between Agency Officers and Non-Government Parties

- 7.15 Consultation between Agency officers and non-Government Parties may occur from three months prior to the expiry of the Legislative Assembly or, if the Assembly is being dissolved, the date of the announcement of the election, whichever date comes first.
- 7.16 Leaders of non-Government parties may make a request for consultation with Agency officers through the Premier. Similarly, Shadow Ministers may also request access to Agency officers through the relevant Minister so long as the Premier is informed of the request and whether it has been agreed. Approval may be given by the Premier or relevant Minister to have discussions with appropriate Agency officers. Agency officers should not involve themselves in these discussions unless approval has been given by the Premier or relevant Minister.
- 7.17 Shadow Ministers may have other Members of Parliament or staff present at such meetings. An Agency Head or his/her representative may have other Agency officers present. It is not appropriate for Ministers' Private Office staff to be present.
- 7.18 The request for consultation will be at the initiative of the non-Government parties, not Agency officers. Agency officers will inform their Ministers when the discussions are taking place. Agency Heads are to ensure that Agency officers authorised to conduct or attend briefings have a proper understanding of the matters likely to be raised at such briefings.
- 7.19 Agency officers 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 parties. If the non-Government representatives raise matters which, in the judgement of the Agency officers, seek information on Government policies or expressions of opinion on alternative policies, the Agency officers are to suggest that these matters be raised with the Minister.
- 7.20 The detailed substance of the discussions will be confidential but Ministers will be entitled to seek general information from Agency officers on whether the discussions kept within agreed purposes and these Guidelines.

## 8. FORMS OF ADDRESS

### Addressing members during the caretaker period

- 8.1 Upon the expiry or dissolution of the Parliament, members of the expired or dissolved Legislative Assembly and Legislative Council will cease to be Members



## Guidelines on the Caretaker Conventions

of Parliament (MPs). Ministers will continue to hold their position as Minister until they resign their position or a new Ministry is sworn in.

- 8.2 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' or 'MLC' until it is known whether they have been re-elected.
  - Newly elected members should be addressed as 'MP' 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 or MLC following the expiry or dissolution of the Legislative Assembly and Legislative Council.

## 9. CONCLUSION AND CONTACTS

- 9.1 Agency Heads are responsible for taking appropriate action to ensure that their Agencies observe the conventions during the caretaker period.
- 9.2 Agency 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 Secretary, Department of Premier and Cabinet or the contacts listed below.
- 9.3 To ensure the consistent application of caretaker conventions within Agencies, Agencies should appoint one or two senior officers to be the initial contact for caretaker enquiries.
- 9.4 If further advice is required in relation to particular issues that arise during the caretaker period, Agencies should contact:

### Legal Branch, DPC:

- Ms Penny Gleeson (☎ 9651 5165 or [penny.gleeson@dpc.vic.gov.au](mailto:penny.gleeson@dpc.vic.gov.au))
- Mr Scott Widmer (☎ 9651 5496 or [scott.widmer@dpc.vic.gov.au](mailto:scott.widmer@dpc.vic.gov.au))

### Strategic Communications Branch, DPC:

- Ms Tania Williamson (☎ 9651 5183 or [tania.williamson@dpc.vic.gov.au](mailto:tania.williamson@dpc.vic.gov.au))

### Cabinet Secretariat, DPC:

- Ms Barbara Poland (☎ 9651 5062 or [barbara.poland@dpc.vic.gov.au](mailto:barbara.poland@dpc.vic.gov.au))

### Government Branch, DPC:

- Mr Mark Duckworth (☎ 9651 2630 or [mark.duckworth@dpc.vic.gov.au](mailto:mark.duckworth@dpc.vic.gov.au))