

Elections and caretaker conventions

On this page

State elections

Caretaker period

Political campaigning

Employees contesting elections

A state general election is held in NSW on the fourth Saturday in March every four years. Only if the Governor dissolves the Parliament under the **Constitution Act 1902** (Constitution Act) can a state general election be held earlier.

Caretaker conventions apply in the period immediately before a state general election.

State elections

State elections are conducted by the NSW Electoral Commissioner. A state election is held following the issue of the Writs by the Governor (or the Speaker of the Legislative Assembly in the case of a state by-election), which direct the NSW Electoral Commissioner to conduct the election according to the procedure set down in the **Electoral Act 2017** (Electoral Act).

The rules for the election of members of the Legislative Assembly and the Legislative Council are contained in the Constitution Act and the Electoral Act.

The NSW Electoral Commission is empowered under the Electoral Act to investigate and enforce election offences in relation to state elections.

Caretaker period

The caretaker period runs from the dissolution of the Legislative Assembly until the election result is clear (if the current Government is returned) or the new Premier is commissioned to form Government (if there is a change of Government).

During the caretaker period, the routine business of government should continue. However, by convention, the general rule is that no significant new decisions, appointments or contractual commitments should be made. Your agency will communicate the impact of caretaker conventions on your work prior to this period commencing.

A Premier's Memorandum is issued prior to each state general election, providing information in relation to the caretaker conventions. This memorandum includes information on how to prepare for this period and comply with the caretaker conventions. The **memorandum on caretaker conventions** issued before the 2023 election can be viewed online.

Political campaigning

Public sector employees are not to engage in party political activities whilst on duty. You must ensure you understand your code of conduct obligations (for example, in relation to conflicts of interests and misuse of official resources) and your agency's policies on social media use during an election campaign.

The Ethical Framework for the government sector, established under the **Government Sector Employment Act 2013** (GSE Act), provides for an apolitical and professional government sector. In accordance with the government sector core values set out in the Ethical Framework, you must provide apolitical and non-partisan advice in your role as a senior executive.

Employees contesting elections

If you wish to contest a state election, you must comply with section 71 of the GSE Act and section 13B of the Constitution Act, including that:

- If nominated as a candidate, you may apply for and be granted a leave of absence until the election is declared.
- If you are elected, you are required to resign.

If you are contesting a federal election for either House of the Commonwealth Parliament you must resign prior to nominating. The resignation must take effect before nominating as a candidate. Section 72 of the GSE Act provides for the reappointment of government sector employees who have resigned to contest federal elections. You must seek reappointment within two months of the declaration of the election results.

The joint PSC/DPC **circular C2022-07 provides information about employees contesting elections.**