



Hon Jacinta Allan MP

Premier of Victoria

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Mr David Limbrick  
Chair  
Select Committee on the 2026 Commonwealth Games Bid  
Parliament House  
Spring Street  
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By email: [commonwealthgames@parliament.vic.gov.au](mailto:commonwealthgames@parliament.vic.gov.au)

Dear Mr Limbrick

### **Inquiry into the 2026 Commonwealth Games Bid**

I note that on 2 August 2023 the Legislative Council established a Select Committee to inquire into, consider and report on the 2026 Commonwealth Games and the progress of the regional infrastructure build (Select Committee). The Select Committee has the power to call persons to give evidence, and I note that a number of witnesses have been summonsed to give evidence at public hearings of the Select Committee.

I refer to correspondence to the Legislative Council from previous Attorneys-General dated 14 April 2015 and 29 April 2016 (reiterated on 20 February 2019) outlining the principles and application of executive privilege.

Consistent with the long-standing approach to executive privilege described in that previous correspondence, I am writing to advise that, subject to any Ministerial approval otherwise, the Victorian Government claims that information in the following classes about which any persons may be asked to give evidence is protected from disclosure by executive privilege, namely evidence that would:

- reveal, directly or indirectly, the deliberative processes of Cabinet
- reveal high-level confidential deliberative processes of the Executive Government, or otherwise genuinely jeopardise the necessary relationship of trust and confidence between a Minister and public officials
- reveal information obtained by the Executive Government on the basis that it would be kept confidential, including because the documents are subject to statutory confidentiality provisions that apply to Parliament
- reveal confidential legal advice to the Executive Government
- otherwise jeopardise the public interest on an established basis, in particular where disclosure would:
  - prejudice national security or public safety
  - prejudice law enforcement investigations
  - materially damage the State's financial or commercial interests (such as ongoing tender processes, or changes in taxation policy)
  - prejudice intergovernmental and diplomatic relations
  - prejudice legal proceedings.

The witnesses, and any other persons connected with the State who have been invited or summonsed to give evidence before the Select Committee will be informed of the Victorian Government's view that the Select Committee has no power to compel the disclosure of information in the classes described above. They will also be provided with a copy of this letter.

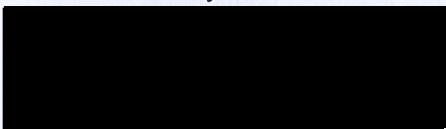
Further, I refer the Select Committee to the *Guidelines for appearing before and producing documents to Victorian Inquiries* which provide guidance to all government bodies in respect to an inquiry undertaken by a Victorian Parliamentary Committee. I am aware that the Select Committee is not bound by those Guidelines, however employees of the Victorian public sector are.

Finally, the principles of executive privilege are consistent with the *Code of Conduct for Victorian Public Sector Employees* (the Code), which is binding on Victorian public sector employees under the *Public Administration Act 2004*. The Code provides that Victorian public sector employees must conduct themselves in an apolitical manner and gives guidance to public sector employees about the provision of information to parliamentarians and to parliamentary committees. The Code states that information sought should be provided unless the relevant Minister certifies that disclosure would be prejudicial to the public interest, that is, makes a claim of executive privilege. For the avoidance of doubt, for the purposes of the Code, I certify that disclosure of the information in the classes above would be prejudicial to the public interest, unless Ministerial approval to disclose the information has been given. Further, I note that the Code provides that because public sector employees may appear before a parliamentary committee as a representative of a Minister, they are not expected to answer questions:

- seeking their personal views on government policy;
- seeking details of matters considered in relation to a ministerial or government decision or possible decision, unless those details have already been made public or the giving of evidence on them has been approved; and
- that would require a personal judgement on the policies or policy options of the Victorian or other governments.

I would ask that the Committee in the course of its Inquiry afford appropriate respect toward Victorian public sector employees who are bound by the obligations I have described, and about which they have no discretion.

Yours sincerely

  
**Hon Jacinta Allan MP**  
Member for Bendigo East  
Premier