



COUNCIL OF AUSTRALASIAN ARCHIVES
AND RECORDS AUTHORITIES

CAARA Policy 06

Ministerial Records

Adopted: 27 July 1999
Revised: March 2007
Status: Current

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OFFICIAL

Ministerial Records

Adopted: 27 July 1999

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This policy sets out the principles for the management of ministerial records.

Definition

Ministerial records include all records (regardless of format) created or received by a minister in the course of undertaking his or her portfolio responsibilities. This does not include records that are related to personal or party political activities.

Ministerial records are considered a sub-set of public records as described in the respective records/archives legislation in each jurisdiction.

Records regarded as public records in the office of a Minister include:

1. **Ministerial records**, being those which relate to portfolio business, such as:
 - 1.1. records that reflect internal deliberations involving a Minister and his or her staff on official matters relating directly to the Minister's portfolio that are not referred to an agency;
 - 1.2. records dealing with portfolio business that originated in an agency and were subsequently annotated by the Minister or his or her staff;
 - 1.3. communications between Ministers on policy matters directly relating to the portfolio of the Minister;
 - 1.4. correspondence from the Premier, Prime Minister, Chief Minister other Ministers and members of Parliament to the Minister respecting his or her portfolio;
 - 1.5. correspondence from constituents on business related to the Minister's portfolio;

- 1.6. records documenting official assignments outside the Minister's current portfolio;
 - 1.7. records relating to administrative matters that pertain only to the Minister's duties or office.
2. **Agency records** are records which have been registered into an agency recordkeeping system and may have been passed to the Ministerial office for reference. They remain agency records, unless they receive further action by Ministerial staff and are incorporated into the Ministerial office recordkeeping system. Agency records may also be those records that a Minister refers to a portfolio agency for action.
1. Original agency records which have not received further action by the Ministerial office should be returned to the agency. Ministerial copies of agency records would be destroyed when reference ceases.
 2. For example, the following records may be considered to be agency records of which the Ministerial office may retain copies.
 - 2.1. correspondence addressed to the Minister that is referred to the agency;
 - 2.2. replies to correspondence addressed to the Minister prepared by agency staff;
 - 2.3. replies to parliamentary questions, including background and other briefing notes prepared for the Minister by agency staff;
 - 2.4. briefing notes prepared by the agency on the request of the Minister for purposes other than submission to Cabinet.
 3. **Cabinet documents**, as defined in the respective jurisdiction, State, Territory or Commonwealth.
 4. The records a minister may hold in his or her capacity as a Member of Parliament may be considered public in some jurisdictions.

Records not regarded as public records include:

1. Records concerning electoral matters of the Minister's political party; leadership, party organisation, political appointments.
2. Correspondence from the public concerning matters that are not related to the portfolio of the Minister.

3. Other correspondence not related to administration of the Minister's portfolio.
4. Records of a Minister kept in his/her capacity as a Member of Parliament unless they are determined to be public records in a particular jurisdiction.
5. Records relating to private matters of the Minister.

Principles for the disposal of Ministerial records

1. Public records created or kept in a Ministerial office should be disposed of according to an approved disposal schedule.
2. Responsible custodians of Ministerial records should be identified:
 - 2.1. A government archives institution in the case of those records to be retained as public archives (permanent records).
 - 2.2. A custodian for those Ministerial records which are not required as permanent, but which, being public records, still need to be retained for a certain time after a Minister has left office. (Such records are likely to be accounting records, records required for current FOI requests, and records for other business needs, accountability requirements and community expectations).
3. Private records may go to a Government archives where appropriate.
4. Public records in electronic format should be retained in a format that will ensure that they are accessible, secure and useable by the responsible custodian for the required retention period.
5. A regular program of records disposal should be undertaken as normal records management practice.
6. At the time of Ministerial change the following should occur:
 - 6.1. Public records from the office of a Minister should be transferred to a responsible custodian, unless the outgoing Minister determines the records should be transferred to the incoming Minister.
 - 6.2. Cabinet documents should be returned to the agency responsible for Cabinet documents, or according to the protocols established in the relevant jurisdiction.
 - 6.3. Portfolio agency records should be returned to the portfolio agency provided they have not been incorporated into a record system in the Minister's office.

- 6.4. The disposal of non-public records is the responsibility of the Minister, or his or her staff.
7. Original public records are not removed by the outgoing Minister.
8. Contact should be made with the archival authority in the respective jurisdiction on the disposal of public records.

Principles for access to Ministerial records

1. A restricted access period should be applied to Ministerial records held by responsible custodians and should be in accordance with any statutory requirements.
2. Access to Ministerial records is not to be restricted or closed to public access indefinitely.
3. Access to Ministerial records should be given in accordance with protocols and statutory requirements within the jurisdiction concerned.
4. A responsible agency should be identified, be it the responsible custodian or another agency, to authorise access to records while they are subject to closure in a restricted access period.