



COUNCIL OF AUSTRALASIAN ARCHIVES
AND RECORDS AUTHORITIES

CAARA Policy 11

CAARA Policy 11 – Guidelines for the Treatment of Records of Inter- Governmental Agencies

Status: Current
Adopted: 15 April 2002
Revised: 6 March 2008

CAARA acknowledges the traditional custodians of Country and their continuing connection to land, sea and community.

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Definitions

Inter-governmental agency (IGA) is defined as a joint administrative agency established by more than one government whether at Commonwealth, State or Territory level to conduct business of common interest.

Custodial institution is defined as a government archival institution that assumes custody of the records of an IGA following negotiations in accordance with these guidelines.

Stakeholders

Stakeholders in an IGA are the IGA itself and all participating governments in Australia. This policy is not applicable in New Zealand.

Initial consultation

Archival institutions whose governments have an interest in an IGA should negotiate a formal agreement on the management of the IGA's records (including archives) as soon as possible after learning of the establishment or winding up of the IGA.

- i) When an archival institution learns of the existence of an IGA it is to inform other archival institutions with an interest in the records created by the IGA. An archival institution in the state or territory where the IGA is located is to contact the IGA as soon as possible after becoming aware

of its existence and encourage the IGA to consider the questions of management and ultimate disposition of the records.

- ii) No archival institution is to claim an IGA's records until consultation between interested archival institutions has occurred. However, the nearest archival institution is to provide safe storage for the IGA's records should the records be at risk. Safe storage is to be without prejudice to the final outcome of the consultation.
- iii) Consultation will be on the issues of records creation and capture (where appropriate), disposal, custody and access, taking into account the views of the IGA, the requirements of end-users and the principles of provenance and original order.
- iv) When the responsible archival institutions have reached an agreement as to action, this action can be taken as an interim measure pending finalisation of the formal agreement.

When reaching an agreement the following must be considered:

1. Custody

- i) Stakeholders are to be consulted to see if there is agreement about location of the records.
- ii) If no agreement is reached initially, then, if only one state or territory government is involved, custody should be with the state or territory rather than the Commonwealth.
- iii) In determining custody the following factors shall be considered when reaching an agreed solution:
 - a) origin of the IGA, including, but not limited to, its legislative basis;
 - b) sources of funding;
 - c) administrative arrangements;
 - d) staffing;
 - e) location of IGA and expectations of end users; and
 - f) wishes of the IGA itself.

- i) Where all stakeholders agree that records of an IGA may be moved from one custodial institution to another for any period of time, any costs associated with the transfer shall be borne by the requesting body.
- ii) Any other costs associated with the custody of records of an IGA shall be by agreement between the custodial institution and the IGA.

2. Disposal

- i) Records shall be dealt with according to the disposal practices of the government that assumes custody, subject to the mutual consent of all stakeholders.
- ii) Where there is no mutual consent, the custodial institution shall prepare a records disposal schedule agreed to by all stakeholders and equally funded by them.

3. Access

- i) Release of records will occur generally after 30 years, subject to the mutual consent of all stakeholders.
- ii) All stakeholders have the right of access at all times, irrespective of the location of the records.
- iii) The custodial archival institution will administer access.

4. Statutory obligations

- i) The agreement cannot override any statutory obligation of the IGA or the responsible archival institutions.