Appraisal Report – Amended Retention and Disposal Authority  
AR573 The Premier's Department & The Cabinet Office  
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Recommendation: For Approval

Folder: SR2023/166 Item 7.1

Background

The Premier’s Department was initially established around 1909 and The Cabinet Office has existed since 1921.Currently they are separate entities although the Premier’s Department manages The Cabinet Office’s records.

Submission

Request for approval of amendments to FA313 covering the Premier’s Department and The Cabinet Office.

Issue

The Cabinet Office and the Premier’s Department use FA254 (issued 2008) and FA313 (revised in 2018) for their records.

The Premier’s Department recently reviewed the disposal authorities and approached State Records NSW to request minor updates (e.g. change of wording from Cabinet minutes to Cabinet meeting submissions in entry 2). As part of the review State Records NSW suggested:

* changes to the retention periods grants records
* moving entries from FA254 into FA313 so they would have a single disposal authority.

This was agreed to.

The following changes are proposed:

| **Records** | **Change** | **Justification** | **Entry** |
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| The Cabinet Office’s set of agenda and Executive Council minutes.  Retain until administrative or reference use ceases then destroy | Removal of requirement that The Cabinet Office can only destroy their set of Executive Council Minutes once it is confirmed that the Office of the Governor has transferred their set as State archives. | The Office of the Governor manages the hard copy signed set of Executive Council Minutes and has already transferred up to 2007 to the State Archives Collection. The more recent sets are held securely at Government House. It is not considered necessary for Cabinet to retain copies until they are transferred. | 1 |
| Cabinet and community Cabinet papers  Required as State archives | No change. Previously these records were covered in FA254 and have been moved into FA313. | To simplify disposal. | 2 & 3 |
| Summary records of unsuccessful and successful community grants.  Required as State archives | Previously summary records were only required as State archives where the information or detail was not otherwise documented in the organisation’s annual report, committee or panel records or ministerial submissions.  This has been changed so that summary records of grants are required as State archives regardless of mentions in annual reports, committee records or panel reports. | Details in annual reports can be minimal and access to information about grants will be facilitated by having the information in one place rather than in committee or panel records. There is public interest in grants awarded by the Premier after a recent [ICAC investigation](https://www.icac.nsw.gov.au/investigations/past-investigations/2023/former-nsw-mp-for-wagga-wagga-operation-keppel/former-nsw-mp-for-wagga-wagga-allegations-concerning-breach-of-public-trust-and-dishonest-or-partial-exercise-of-official-functions-operation-keppel) found corrupt conduct by a former Premier in connection with grant funding.  The Cabinet Office now requires this type of summary record to be created in the *Grants Administration Guide.* | 4 |
| Final reports of the outcomes of projects funded by grants.  Required as State archives. | A gap in coverage was identified. | These reports will record details of the grants process and how public money was spent. | 4 |
| Successful grant applications.  Retain minimum of 7 years after all grant conditions are complete | Previously successful grant applications for projects or services of State or regional significance were required as State archives.  This has been removed so that all successful grant applications are retained for 7 years after the project is finalised. | Grant applications tend to be operational records and the records of successful grants being retained as State archives under entry 4 (deliberations and decisions of committees or panels, submissions to the Premier, Premier’s approval, summary records of grants, and reports of outcomes) meet State archives’ needs. | 5 |
| Unsuccessful grant applications.  Retain minimum of 7 years after action completed, then destroy | Retention period increased from 4 to 7 years. | To allow for auditing of records which can take place up to 6 years after decision not to approve application. | 6 |

**Benchmarking**

The authority has been benchmarked against:

* Victoria: Department of Premier and Cabinet (2024)
* South Australia: Department of Premier and Cabinet (2021)
* Queensland: Department of the Premier and Cabinet (2012)
* Tasmania: Department of Premier and Cabinet (2007)

**Consultation**

State Records NSW consulted with the following:

* The Audit Office of NSW: the Acting Assistant Auditor-General - Performance Audit consulted with staff who have worked on audits of grants administration in the past and they have noted that they have not faced any issues previously where they have been unable to access grants administration records because they weren’t retained for a long enough period.
* The Independent Commission Against Corruption (ICAC): no response received.
* Museums of History NSW supported the changes.

Shane Hamilton, Acting Secretary, Premier’s Department, and Kate Boyd, Secretary, The Cabinet Office, advised in the submission that the nominated minimum retention periods and disposal actions meet current legal and statutory obligations and the administrative requirements of the organisation.

FA254 will be superseded.

Recommendation

The Board **approve** this report with the corresponding attachment.

Attachments

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| Attachment | Title |
| 7.1 - A | Appraisal Report 573 |

# CABINET SERVICES

The provision of administrative services to Cabinet and its committees and to the Executive Council.

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| 1  CABINET SERVICES | The Cabinet Office’s set of agenda and Executive Council Minutes.  **Note:** the Office of the Governor retains the original copy of Executive Council Minutes signed by the Governor. A copy of the Executive Council Minute and the attached business papers are returned to the originating Department, which is responsible for transferring the papers as State archives under the *General retention and disposal authority: administrative records* GOVERNMENT RELATIONS - Submissions. | Retain until administrative or reference use ceases, then destroy |
| **Basis for determination**  **Precedent:** Confirms Board decision of 2011.  **Benchmark:**   * Consistent with Queensland and South Australia * Victoria retains duplicate copies of minutes and agendas until action completed. * Tasmania retains for 2 years after action completed.   **Justification/Remarks:** No change except for removal of requirement for The Cabinet Office to confirm that the Office of the Governor’s set of Executive Council Minutes has been transferred as State archives before destruction can take place.  The Office of the Governor manages the original set of agenda and Executive Council Minutes that are signed by the Governor and has transferred up to 2007 to the State Archives Collection. The more recent sets are held securely at Government House. It is not considered necessary for Cabinet to retain copies until they are transferred as State archives as Museums of History NSW or the Office of the Governor holds the primary record.  A hardcopy Executive Council Minute is prepared according to a Cabinet template and must not exceed one page. It includes the subject, name of the Department, document number, the signature of the relevant Minister and the Governor.  The copy of the Executive Council Minutes and attached business papers are returned to the Department and are required as State archives under the *General retention and disposal authority: administrative records* GOVERNMENT RELATIONS - Submissions. The set maintained by the Departments will include additional records relating to the preparation and implementation of the decisions. | | |
| 2  CABINET SERVICES | Key records of Cabinet and Cabinet committees. Includes:   * Official set of Cabinet and Cabinet committee meeting submissions and papers * Registers of Cabinet decisions and meeting attendance * Register of Cabinet Submissions including Cabinet Submission Number, subject, matter, minister, meeting date, date received and resolutions * Cabinet Minutes which have been withdrawn before being considered by Cabinet, including correspondence dealing with the Minutes and their withdrawal and supporting documentation.   **Note:** individual Ministers copies of Cabinet papers can be destroyed under the Normal Administrative Practice provisions of the *State Records Regulation* as duplicates. | Required as State archives |
| **Basis for determination**  **Building the archives policy:** Objective 1. Provides evidence of the deliberations and decisions of the NSW Government.  **Precedent:** Consistent with Board decision of 2008.  **Benchmark:** Consistent with Victoria, Queensland, South Australia and Victoria.  **Justification/remarks:** No change. Previously these records were covered in FA254 and have been moved into FA313 to simplify disposal. | | |

# COMMUNITY CABINETS

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| 3  COMMUNITY SUPPORT - Community Cabinets | Records relating to regional meetings of Cabinet and forums or meetings held as part of regional visits, e.g. correspondence regarding arrangements, invitations and visits to local areas of interest or concern, submissions from local organisations or Local Government, advice from relevant Minister on submissions, local initiatives, records documenting issues raised or matters discussed during meetings, forums and Q&A sessions and briefings and reports relating to the investigation of issues raised. | Required as State archives |
| **Basis for determination**  **Building the archives policy:** Objective 3. Records document the nature of people’s interaction with government and its influence on the administration of government.  **Precedent:** Confirms Board decision of 2008 and 2011.  **Benchmark:**   * Queensland retains Community Cabinet proceedings as State archives and invitations to submit deputations are retained for 5 years after last action. * Victoria retains the facilitation of Cabinet meetings held in the community for 7 years after last action.   **Justification/Remarks:** No change. Combination of 2 entries from FA313 and FA254 into 1 entry. | | |

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## GRANT ASSISTANCE

The activities associated with receiving applications for and issuing grant funding to community groups, organisations or individuals.

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| 4  COMMUNITY SUPPORT - Grant assistance | Records of:   * the deliberations and decisions of committees or panels responsible for the assessment of grant or funding applications * submissions to the Premier or responsible delegated officer concerning recommendations for grant or funding approvals * records documenting the Premier's or delegated officer's approval or variance of these recommendations * summary records or registers of grant applications (successful or unsuccessful) * final reports that detail the outcome of projects. | Required as State archives |
| **Basis for determination**  **Building the archives policy:** Objective 3. Records document the nature of people’s interaction with government and its influence on the administration of government.  **Precedent:** Confirms Board decision of 2011 for committee records, submissions to Premier, and records documenting Premier’s approval.  **Benchmark:** Consistent with South Australia  **Justification/Remarks:** Previously summary records of unsuccessful and successful grant applications were only required as State archives where the information or detail was not otherwise documented in the organisation’s annual report, committee or panel records or ministerial submissions.  This has been changed so that summary records of grants are required as State archives regardless of mentions in annual reports, committee records or panel reports. Details in annual reports can be minimal and access to information about grants will be facilitated by having the information in one place rather than in committee or panel records.  Final reports of the outcomes of projects have been added. These were not previously covered and identified as a gap. | | |
| 5  COMMUNITY SUPPORT - Grant assistance | Records of successful grants to support community projects or services within local communities. This includes records of the grant application and associated records relating to the administration and monitoring of the grant, including correspondence and consultation with and reports, papers or financial statements, etc., submitted by the grant recipient. | Retain minimum of 7 years after all grant conditions are complete, then destroy |
| **Basis for determination**  **Precedent:** Confirms Board decision of 2011 for grants to support community projects.  **Benchmark:**   * Tasmania retains for 7 years after action completed. * South Australia retains for 5 years after action completed or grant acquitted   **Justification/Remarks:** Previously successful grant applications for projects or services of State or regional significance were required as State archives.  This has been removed so that all grant applications are retained for 7 years after the project is finalised. Grant applications tend to be operational records and the records of successful grants being retained as State archives under entry 4 (deliberations and decisions of committees or panels, submissions to the Premier, Premier’s approval, summary records of grants, and reports of outcomes) meet State archives needs.  7 years complies with the NSW Government *Grants Administration Guide*. | | |
| 6  COMMUNITY SUPPORT - Grant assistance | Records relating to the assessment of grant applications that are unsuccessful. | Retain minimum of 7 years after action completed, then destroy |
| **Basis for determination**  **Precedent:**  **Benchmark:**   * Tasmania retains for 3 years. * South Australia retains for 5 years after action completed.   **Justification/Remarks:** Retention period increased from 4 to 7 years to meet audit requirements. | | |

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## Representations

Representations to the Premier by members of the public, individual organisations, other agencies or Members of Parliament on behalf of a constituent seeking formal response.

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| 7  COMMUNITY SUPPORT - Representations | Records relating to responses to correspondence, petitions, campaigns or continuing issues received by the Premier where a submission has been prepared for the authorisation of a reply by a senior officer of the relevant Department or the Premier/Minister. Records include:   * copies of letters received * draft responses * minutes providing details * requests for changes * final responses. | Required as State archives |
| **Basis for determination**  **Building the archives policy:** Objective 1. Records document the nature and impact of government activities on the community.  **Precedent:** Confirms Board decision of 2008.  **Benchmark:** Consistent with Queensland.  **Justification/Remarks:** No change. Previously these records were covered in FA254 and have been moved into FA313 to simplify disposal. | | |
| 8 | Records relating to responses to correspondence, petitions or campaigns received by the Premier where the response is a form letter/template noting the matters raised or that the matter has been referred to the relevant Minister. Records include:   * copies of letters received * draft responses * final responses. | Retain minimum of 5 years after action completed, then destroy |
| **Basis for determination**.  **Precedent:** Confirms Board decision of 2008.  **Benchmark:** Tasmania retains for 2 years. The Office of the Governor of NSW retains similar records until administrative or reference use ceases.  **Justification/Remarks:** No change. Previously these records were covered in FA254 and have been moved into FA313 to simplify disposal. The Department receives between 60,000 to 100,000 of these representations every year. | | |

# STRATEGIC POLICY AND ADVICE

The function of providing policy advice to the Premier, Cabinet, Executive, Governing bodies, etc.

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| 9  STRATEGIC POLICY AND ADVICE - Policy | Master set of advice or briefing notes on policy issues prepared for use by the Premier or other Ministers relating to anticipated questions that may be raised in Parliament. | Required as State archives |
| **Basis for determination**  **Building the archives policy:** Objective 1.Provides evidence of advice influencing the decisions of the NSW Government.  **Precedent:** Confirms Board decision of 2008.  **Benchmark:** Consistent with Queensland, Victoria, South Australia and Tasmania.  **Justification/Remarks:** No change. Previously these records were covered in FA254 and have been moved into FA313 to simplify disposal. | | |
| 10  STRATEGIC POLICY AND ADVICE - Submissions | Records relating to submissions made to the Premier and/or senior departmental staff regarding legislative and major policy matters. Records include:   * reports * background research and briefing papers * Ministerial advice memoranda. | Required as State archives |
| **Basis for determination**  **Building the archives policy:** Objective 1.Provides evidence of advice influencing the decisions of the NSW Government.  **Precedent:** Confirms Board decision of 2008.  **Benchmark:**   * Consistent with Tasmania for submissions of significant or controversial issues. * Consistent with Victoria.   **Justification/Remarks:** No change. Previously these records were covered in FA254 and have been moved into FA313 to simplify disposal. | | |
| 11  STRATEGIC POLICY AND ADVICE - Submissions | Records relating to submissions made to the Premier and/or senior department staff regarding non-legislative or routine matters.  Examples of these are: daily analyses of the press to identify matters that may be of interest to the Premier; collation of information about individuals or organisations that the Premier is meeting, or conferences that the Premier is attending. Records include:   * reports * background research and briefing papers * Ministerial advice memoranda. | Retain minimum of 5 years after action completed, then destroy |
| **Basis for determination**  **Precedent:** Confirms Board decision of 2008.  **Benchmark:**   * Consistent with Tasmania for submissions not of significant or controversial issues. * Consistent with Victoria for minor submissions and responses from public or stakeholders that are pro forma in nature.   **Justification/Remarks:** No change. Previously these records were covered in FA254 and have been moved into FA313 to simplify disposal. | | |