

State Archives and Records Authority of New South Wales

General Retention and Disposal Authority: GDA13

This authority covers records of a minister's office

This retention and disposal authority is approved under section 21(2)c of the *State Records Act 1998* following prior approval by the Board of the State Archives and Records Authority of New South Wales in accordance with section 21(3) of the Act.

State Archives and Records Authority of New South Wales

General Retention and Disposal Authority

Authority no GDA13

SR file no 02/0704
19/0044

Scope This general retention and disposal authority covers records created and maintained during the term of office of all ministers and in relation to ministerial office and portfolio responsibilities.

Public office Offices of ministers of the NSW Government, including the Premier, in respect of their responsibilities for the administration of government and which come within the meaning of public office as defined in the State Records Act 1998.

Approval date 23/12/2002

Revised 16/07/2021

About the General Retention and Disposal Authority

Purpose of the authority

The purpose of this retention and disposal authority is to identify the records created and received by ministers and their offices in the course of carrying out their portfolio responsibilities that are required as State archives and to provide approval for the destruction of certain other records created and maintained once they are no longer required for administrative, reference or other official purposes.

The disposal actions in this Authority should enable ministerial and/or departmental staff to better manage records created in a minister's office on an ongoing basis or when a minister leaves office.

The approval for disposal given by this authority is given under the provisions of the *State Records Act 1998* only and does not override any other obligations of an organisation to retain records.

Public offices authorised to use this authority

The *General retention and disposal authority: records of a minister's office* applies to all ministers offices during their term of office, including the Office of the Premier.

All members of staff employed by the minister, including senior staff and ministerial advisers, contractors, consultants and other officers (including departmental liaison officers) engaged to provide advice and assistance to Ministers in the performance of their portfolio responsibilities, should manage and retain records as set out under GDA13.

How long is the authority in force?

This authority will remain in force until it is superseded by a new authority or it is withdrawn from use by State Archives and Records NSW.

Implementing the authority

This retention and disposal authority covers records controlled by the ministers' offices and applies only to the records or classes of records described in the authority. The authority should be implemented as part of the records management program of the office. Two primary objectives of this program are to ensure that records are kept for as long as they are of value to the organisation and its stakeholders and to enable the destruction or other disposal of records once they are no longer required for business or operational purposes.

The implementation process entails use of the authority to sentence records. Sentencing is the examination of records in order to identify the disposal class in the authority to which they belong. This process enables the organisation to determine the appropriate retention period and disposal action for the records.

It is important that records relating to the activities and decisions of ministers in the course of carrying out their portfolio responsibilities and duties are identified and described.

For further advice see *Implementing a retention and disposal authority*.

Where the format of records has changed (for example, from paper-based to digital) this does not prevent the disposal decisions in the authority from being applied to records which perform the same function. The information contained in digital records must be

accessible for the periods prescribed in the classes. Where a record is copied, or digitally scanned/imaged, the original should not be disposed of without authorisation (see the [General Retention and Disposal Authority – Original or source records that have been copied](#)). Public offices will need to ensure that any software, hardware or documentation required to gain continuing access to technology dependent records is available for the periods prescribed.

Disposal action

Records required as State archives

Records which are to be retained as State archives are identified with the disposal action 'Required as State archives'. Records required as State archives under this retention and disposal authority should be clearly identified so that they can be transferred to NSW State Archives and Records custody.

Records required as State archives can be transferred at any time. Ministerial offices may transfer records:

- during a minister's term of office
- when they are no longer required for official purposes
- when the minister retires or leaves office
- when there is a change of government.

Records approved for destruction

Records that have been identified as being approved for destruction may only be destroyed once a public office has ensured that all other requirements for retaining the records are met. When records are no longer required for administrative, reference or other official purposes (and they are not required as State archives) destruction of the records may be undertaken without further reference to NSW State Archives and Records.

Ministers' offices **must not** dispose of any records where the public office is aware of possible legal action where the records may be required as evidence.

Regardless of whether a record has been approved for destruction or is required as a State archive, a public office or an officer of a public office **must not** permanently transfer possession or ownership of a State record to any person or organisation without the explicit approval of State Archives and Records NSW.

Providing feedback

To suggest amendments or alterations to this authority please contact us via email at govrec@records.nsw.gov.au.

Further guidance

See [Recordkeeping Guidance for Ministers' Offices](#) for further information on managing, disposing and transferring records to the State Archives Collection.

State Archives and Records NSW provides guidance and training other aspects of records and information management. More information is available on our website at www.records.nsw.gov.au/recordkeeping.

To obtain assistance in the interpretation or implementation of this authority, or any of our general retention and disposal authorities, contact us at:

State Archives and Records NSW
PO Box 516
Kingswood NSW 2747
Telephone: (02) 9673 1788
E-mail: govrec@records.nsw.gov.au

General Retention and Disposal Authority Records of a minister's office

Authority number: GDA13

Dates of coverage: Open

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Records of a Minister's Office

Authority number: GDA13

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No.	Description of records	Disposal action
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1.0 COMMUNITY RELATIONS AND ENGAGEMENT

1.1	<p>Records of Ministerial engagement with the community in their capacity as a Minister. Includes:</p> <ul style="list-style-type: none">• correspondence from members of the public or organisations, (a) on matters relating to the Minister's portfolio and (b) requiring further action by the Minister/Minister's Office, such further action including:<ul style="list-style-type: none">○ briefing notes,○ reports,○ return correspondence, emails and/or other forms of written communications with the enquirer.• correspondence from members of the public or organisations regarding significant matters• representations to the Minister and/or Ministerial staff by third party lobbyists and other individuals or organisations on behalf of or to represent the interests of other parties. Includes records of meetings, communications between the lobbyist and the Minister and/or Ministerial staff, and other supporting documentation.• Ministerial diaries, calendars and/or appointment books, disclosure summaries, including notes and or supporting documentation.• Speeches or presentations made by the Minister, in their capacity as Minister or as a government representative. This includes final transcripts or audio/visual formats.• publications issued by the Minister or Minister's Office such as media releases and statements, circulars or newsletters, and social media postings and communications issued or received.• events, celebrations, ceremonies and functions attended by the Minister, or their representative, or hosted by the Minister, that are of state-wide, national or international significance or organised to mark major anniversaries of significant events. Includes programs, invitations, official photographs, and where the Minister is the host, guests lists and reports	Required as State archives
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Records of a Minister's Office

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No.	Description of records	Disposal action
1.2	<p>Routine administrative records. Includes:</p> <ul style="list-style-type: none">• enquiries, representations and correspondence concerning matters of a routine nature, which are referred to another Minister for action or response, or which receive no further action.• records relating to administrative arrangements concerning the media, including the distribution of media releases, organisation of interviews and general media access to the Minister• records of media monitoring and copies of media items (print, broadcast or social)• records relating to the preparation and dispatch or receipt of letters of appreciation, condolence, seasonal greeting cards, etc.• records relating to administrative arrangements of events, celebrations, ceremonies and functions (e.g. invitations and acceptances, catering arrangements venue bookings, organising entertainment, accommodation and transport arrangements, related correspondence).• publicly available material supplied to or obtained by the Minister for reference purposes, e.g. books, journals, published resources in hard copy or electronic format	Retain until administrative or reference use ceases, then destroy

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2.0 GOVERNMENT RELATIONS & PORTFOLIO RESPONSIBILITIES

2.1	<p>Records relating to advice received or provided to the Minister, actions taken or decisions made by the Minister in their capacity as a Minister, on matters relating to the Minister's portfolio. Includes:</p> <ul style="list-style-type: none"> • records of the development of Cabinet submissions and Bills as created or modified by the Minister's office • correspondence between the Minister and other parties concerning Cabinet matters and matters of portfolio responsibility • records of the creation of new agencies, changes to the Minister's portfolio responsibilities or changes to the functions of an agency within the Minister's portfolio, including delegations of authority and appointments of officers pursuant to an Act • records of the involvement of the Minister in Parliamentary Committees, Royal Commissions, or Commissions/Committees of Inquiry where the Minister has been a member, was required to give evidence, or had any other close association, including the making of formal submissions • Significant inter-governmental and intra-governmental activities such as agreements, contracts, joint operations or joint ventures between Ministers, Ministers' offices and other government entities, whether State, Interstate, Federal, international or the non-government sector • any determinations or appeals made by the Minister for legislation that they administer • ministerial representation on or establishment of boards, committees, councils, etc. Includes minutes, agendas, decisions, reports, recommendations, advice, ministerial approvals, appointments, resolutions and associated correspondence received by the Minister • legal advice or opinions received by the Minister, or litigation specific to the Minister's portfolio which relates to matters that are precedent-setting, generate substantial public interest or controversy, or result in substantial changes to portfolio Department or agency policy and procedures 	Required as State archives
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	<ul style="list-style-type: none"> • correspondence and briefings between the Minister and public offices, including other Ministers concerning issues of significance. <p>Issues of significance include those</p> <ul style="list-style-type: none"> • relating to the development, implementation or review of government policy and legislation, including budgeting of new policy proposals or programs, and detailed background information • deliberations, decision-making, and actions on matters relating to the Minister exercising their statutory responsibilities with respect to their portfolio, including appointments, terminations and exercise of discretionary powers • attracting media attention, public controversy or debate, or resulting in parliamentary inquiries. • documents which have been significantly annotated by the Minister or the Ministerial office, and not returned to the Minister's Department or agency • briefing notes, top-notes and similar documents created in the Minister's office which contain information, advice or recommendations, including supporting documentation in relation to Departmental or agency briefings. • any document containing the final decision of a Minister relating to matters of portfolio responsibility which is not otherwise recorded in a document produced or held by the Minister's Department or agency 	
2.2	Routine contact, liaison and correspondence between the Minister/Minister's office and other government agencies such as agency newsletters, administrative arrangements for meetings, etc.	Retain until administrative or reference use ceases, then destroy

-----**End of Disposal Authority**-----

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3.0 FINANCE, IT, PERSONNEL AND PROCUREMENT

See the *General retention and Disposal Authority: Administrative records (GA28)* for records documenting:

- the financial spend of allocations provided to a Minister's Office ([GA28 – FINANCIAL MANAGEMENT](#) e.g. 7.1.1 Records documenting financial transactions are required to be retained for a minimum of 7 years after the end of the financial year in which the transaction was completed, and can then be destroyed).
- the management of Minister's Office staff ([GA28 PERSONNEL](#)), examples such as:
 - [Personnel files or Employee Service History](#) - e.g. 15.4.1 records summarising the employment or service history of personnel are required as State archives
 - [Staff Development](#) - e.g. 18.6.1 Final, approved versions of staff development plans are required to be retained for a minimum of 3 years after plan is superseded and can then be destroyed.
- the procurement of goods and services for or by a Minister's Office, see the appropriate GA 28 classes such as:
 - [GA28 EQUIPMENT AND STORES](#) - e.g. 5.1.1 records relating to the acquisition of equipment and stores (quotations, orders) are required to be retained for a minimum of 7 years after the end of the financial year in which the transaction was completed, and can then be destroyed
 - GA 28 [CONTRACTING-OUT](#) - e.g. 4.0.1. standard contracts or agreements with consultants, vendors, contractors, etc. are required to be retained for a minimum of 7 years after expiry or termination of agreement or after action completed, whichever is later, and can then be destroyed
 - GA 28 [TENDERING](#) - e.g. 21.0.1 Successful tenders are required to be retained for a minimum of 7 years after tender process completed, and can then be destroyed. Unsuccessful tenders Responses received for RFQs / RFTs.

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4.0 NORMAL ADMINISTRATIVE PRACTICE

The *State Records Regulation 2015* permits the disposal of certain records under Normal Administrative Practice (NAP):

Facilitative: records of little value and of a routine instructional nature that are used to further some activity. Most records that are facilitative have no continuing value to the public office and, generally, are only needed for a few hours or a few days.

Ephemeral: records of little value that only need to be kept for a limited or short period of time. Records that are ephemeral have no continuing value to the public office and, generally, are only needed for a few hours or a few days.

Examples include:

- Drafts that are routine or only contain facilitative corrections
- Working Papers such as dictation, calculations, statistics and figures, and rough notes
- Duplicates that have been captured elsewhere in the public office
- Facilitative instructions

However, where records have *continuing value* (i.e. administrative, business, fiscal, legal, evidential or historic) NAP does not apply. Records that contain significant information, decisions or advice that is not present in the final record cannot be disposed of under NAP.

Please see [Schedule 2, State Records Regulation 2015](#) for a full list of examples.

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5.0 RECORDS NOT AFFECTED BY THIS AUTHORITY

The following types of records created or received in a Minister's Office which are not affected by this Authority.

Cabinet Documents

Official Cabinet documents means all records managed by, stored in and retrieved from the Cabinet Branch electronic records management system and includes:

- Cabinet and Cabinet committee agendas, submissions, attachments to submissions, agency comments, presentation documents, Ministerial and departmental advice on submissions, records of attendance and records of decisions.

Other documents which relate to Cabinet but are not considered to be official Cabinet documents should be retained in accordance with the relevant part of this retention and disposal authority.

Agency Records

It is expected that all registered agency records will be returned to the originating department or agency when no longer required, or treated in accordance with the agency's directions.

Records made or received and kept by departmental liaison officers (DLOs) stationed in Ministerial offices are considered to be agency records and should be returned to the relevant agency or captured into the agency's records systems.

Personal, Constituency and Party-Political Records

These are not State records and includes:

- records relating to electoral or political party matters, including leadership, party organisation, party room affairs and appointments.
- records relating to the private life, personal and social activities, engagements, interests and associations of the Minister.

Records relating to the Minister's constituency business and role as an elected member of Parliament are covered under the *Functional retention and disposal authority: Parliament of NSW, including the Houses of Parliament and parliamentary departments (FA325)*.