

What is Cabinet?

Cabinet is the central decision making body of the South Australian Government. It comprises the Ministers of government and focuses on issues of fundamental importance to the State. Its decisions are put into effect by Ministers whose actions are authorised under particular Acts of Parliament or other legal instruments, such as proclamations, that have been approved by the Governor in Executive Council.

What are Cabinet Documents?

Cabinet documents include Cabinet submissions, Cabinet notes, Cabinet agendas and briefings prepared for Ministers that are usually about a particular Cabinet submission.

A Cabinet submission is prepared by a State Government agency to seek a decision of Cabinet on a significant policy change, project, reform or appointment. A Cabinet note is also prepared by a State Government agency and provides information for Cabinet to note where no decision is required.

Cabinet briefings provide Ministers with further information for discussion in Cabinet.

Cabinet submissions and Cabinet notes are listed on a Cabinet agenda for a specific Cabinet meeting.

How can I access Cabinet Documents?

Cabinet documents older than 20 years can be sought through Freedom of Information (FOI) by applying directly to the relevant agency using the standard application form, which is available at www.archives.sa.gov.au/foi/forms.html. This form can also be posted to you by telephoning State Records on (08) 8204 8786 or contacting the FOI Officer at the agency that is likely to hold the documents.

Older Cabinet documents are transferred to the custody of State Records by the agency that created them. State Records holds index cards that describe Cabinet submissions. Depending on the age of the Cabinet document, it may have an open access status meaning you will be able to access it at a State Records Research Centre. If the Cabinet submission is not open, State Records staff will be able to assist you with advice or referral to the appropriate agency.

Can I access Cabinet documents that are less than 20 years old?

On 1 October 2009, the Government introduced a policy to allow you to seek access to Cabinet documents that are between 10 and 20 years old. This policy is referred to as the *Ten Year Rule*.

Other exemptions under the Freedom of Information Act will still apply to ensure sensitive information is not released that could put at risk a person's privacy, national security, trade secrets or law enforcement. This may result in only part of a document being released or, where appropriate, access being denied.

The Department of the Premier and Cabinet has been assigned the responsibility for providing access to the Cabinet documents between 10 and 20 years old under the Ten Year Rule.

What kind of documents does this Ten Year Rule cover?

The Ten Year Rule only applies to Cabinet submissions, Cabinet notes and Cabinet agendas created between 10 and 20 years ago that were submitted to Cabinet.

How do I apply for Cabinet documents under the Ten Year Rule?

You should use the specific FOI Application form for *Access to Cabinet documents under the Ten Year Rule*. It is available in two formats: a hard copy version for posting and an electronic version for completing online and emailing to the Department of the Premier and Cabinet (DPC). Further information on making an application under the Ten Year Rule is included on the forms. They are available from the State Records website at www.archives.sa.gov.au/foi/forms.html.

Alternatively a printed version can be posted to you by telephoning State Records on (08) 8204 8786 or the DPC FOI Unit on (08) 8226 2609.

To assist you identify the documents you wish to see, DPC has provided lists of Cabinet submissions that were made to Cabinet between 10 and 20 years ago. Personal information has been removed from the lists in order to protect individual privacy. The lists are available at the Government's website sa.gov.au, or can be viewed online at one of the State Records Research Centres.

For efficiency, the process to manage these applications requires you to seek access to one Cabinet submission per application. You are not limited in the number of applications you can make.

There is no fee for FOI applications made to DPC under the *Ten Year Rule*.

Completed application forms can be either emailed to dpcfoiunit@dpc.sa.gov.au or posted to:

*The Freedom of Information Officer
FOI Unit
Department of the Premier and Cabinet
GPO Box 2343, Adelaide SA 5001*

What to expect

The Accredited FOI Officer in the Department of the Premier and Cabinet will deal with your application. When your application has been processed, the Accredited FOI Officer will notify you of the determination and provide the documents you requested based on that determination. If access has been refused you will be informed of the reasons why and advised of your appeal rights.

How long will it take?

An FOI request must be dealt with as soon as practicable, or within 30 (calendar) days of it being received. Applications made under the Ten Year Rule may be processed quicker than other applications. However, there may be delays if the document you have requested is large and considerable consultation with third parties is required. In these circumstances, the Accredited FOI Officer may need to seek an extension to the time to deal with your application. If this is the case you will be advised within 20 (calendar) days of receiving your application that the time limit has been extended.

If the timeframe has not been extended and you do not receive a determination within 30 (calendar) days, the legislation deems that your application has been refused and you are entitled to lodge an application for review or appeal.

Useful Documents

The application form *Access to Cabinet documents under the Ten Year Rule* is available from the State Records website at www.archives.sa.gov.au/foi/forms.html.

The *FOI: Your Right to Know* brochure is also available from the State Records website.

Premier and Cabinet Circular No 31 (PC031) *Freedom on Information release of Cabinet documents under the Ten Year Rule* is available from the Department of the Premier and Cabinet website (www.premcab.sa.gov.au).

Contact Information

Department of the Premier and Cabinet
FOI Unit
Tel: (08) 8226 2609
Email: DPCFOIUnit@dpc.sa.gov.au
Address: FOI Unit
Department of the Premier and Cabinet
GPO Box 2343, Adelaide SA 5001

State Records
Freedom of Information and Privacy
Tel: (08) 8204 8786
Email: foi@saugov.sa.gov.au
Website: www.archives.sa.gov.au

City Research Centre
Tel: (08) 8204 8791
Address: 26-28 Leigh Street
Adelaide SA 5000

Gepps Cross Research Centre
Tel: (08) 8343 6800
Address: 115 Cavan Road
Gepps Cross SA 5094



Government of South Australia

State Records of SA
GPO Box 2343, Adelaide SA 5001
Ph (08) 8204 8786

01/10/2009

Accessing records of the Cabinet of the South Australian Government



Government of South Australia
