

**Senate Finance and Public Administration Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
**Budget Estimates 2017 - 2018**

**Prime Minister and Cabinet Portfolio**

**Department/Agency:** Department of the Prime Minister and Cabinet

**Outcome/Program:** Outcome 1: Prime Minister and Cabinet

**Topic:** Release of Documents – Correspondence to Former Prime Minister

**Senator:** McAllister

**Question reference number:** 48

**Type of question:** FPA Tuesday 23 May 2017, page 71

**Date set by the committee for the return of answer:** 7 July 2017

**Number of pages:** 2

**Question:**

**Senator McALLISTER:** Are there any other conditions around the release of the material?

**Mr Rush:** No, I do not believe so. I think those are the standard conditions that we would apply to a former Prime Minister or minister.

**Senator McALLISTER:** Are they documented in any memorandum or are they codified in any way?

**Ms Kelly:** They are in a letter that goes to the recipient prior to the provision of the information.

**Senator McALLISTER:** So a letter would have been provided to Mr Abbott on this occasion?

**Ms Kelly:** Yes.

**Senator McALLISTER:** Is it possible for the committee to obtain a copy of that letter.

**Ms Kelly:** I think we might just need to consider that. That would not be in the usual course, but we will consider that.

**Answer:**

Any former minister may request special access under the *Archives Act 1983* to Commonwealth records they would have seen or dealt with while in office.

When the Department of the Prime Minister and Cabinet grants a former minister special access to records, depending on the nature of the documents and the circumstances of the request, it may be subject to one or more of the following conditions:

1. Access is by way of inspection only:
  - a. at a secure location (e.g. a private room at premises of the National Archives of Australia); and/or
  - b. supervised by an officer of this Department.
2. Inspection does not allow for the photocopy, or any other copy, of the records. Any notes taken must not copy verbatim any passages contained in the records.
3. If it is intended to prepare a work for publication, the manuscript may be required to be submitted to the Department for examination.
4. No material containing any national security classification should be disclosed or published.

Conditions are generally advised to the former minister in writing, prior to access being facilitated.

The specific matters on which a former minister wishes to refresh their memory are personal to them. The Department's correspondence with a former minister on a special access request relates to those personal matters. To provide the Department's correspondence on such matters to the Committee could be an unreasonable invasion of a former minister's privacy.