

4.6 Disposal of Cabinet Documents during the Transition of Governments

Policy Statement

An outgoing government may remove or dispose of all Cabinet documents. Long-standing parliamentary tradition dictates that on a change of government, the outgoing prime minister issues special instructions about the disposal of the Cabinet papers of the outgoing administration.

Rationale

An administration must be able to carry on the business of the government by Cabinet ministers' being given the benefit of full, open, and frank discussion on a wide variety of policy issues. It is argued that it would be unfair if records of wide ranging considerations were later able to be held up or manipulated by an opposing political party in an attempt to discredit an outgoing administration for further political advantage.

While Cabinet documents may be physically located in one or more places in public offices, they are not considered to be held by any department or provincial officers unless and until they are placed in the operational files of a government department by a minister or under the direction of a minister for the purpose of giving effect to an executive or administrative decision of the Cabinet. Minutes of the decisions of Cabinet are considered to be part of the personal papers of the Premier and are confidential.

Exclusions

Orders in Council maintained by the Clerk of the Executive Council pursuant to the *Executive Council Act* are public property.

Reports and Recommendations made to Executive Council that result in Orders in Council would normally also be retained by the Executive Council Office.

Memoranda to Cabinet resulting in legally binding decisions or setting out standing government administrative policy on a matter or class of matters would also be retained by the Executive Council Office.

Reference

Government Records Act (s.4(2)(b))

Enquiries

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Approval date: July 28, 1999

Manual release date: January 9, 2003

Approved by: Deputy Minister, Justice

Most recent review: September 30, 2004
