

State Archives and Records Authority of New South Wales

Functional Retention and Disposal Authority: FA417

This authority covers records documenting the function of hunting regulation

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.

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Functional Retention and Disposal Authority

Authority no FA417

SR file no 21/0254

Scope This retention and disposal authority covers records documenting the function of hunting regulation.

Public office Department of Primary Industries
Department of Regional NSW

Approval date 02/09/2021

About the Functional Retention and Disposal Authority

Purpose of the authority

The purpose of this retention and disposal authority is to identify those records created and maintained by NSW public offices which are required as State archives and to provide approval for the destruction of certain other records created and maintained by NSW public offices, after minimum retention periods have been met.

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.

The retention and disposal of State records

The records retention and disposal practices outlined in this authority are approved under section 21(2)(c) of the *State Records Act 1998 (NSW)*. Part 3 (Protection of State Records) of the Act provides that records are not to be disposed of without the consent of the State Archives and Records Authority of New South Wales (State Archives and Records NSW) with certain defined exceptions. These exceptions include an action of disposal which is positively required by law, or which takes place in accordance with a normal administrative practice (NAP) of which State Archives and Records NSW does not disapprove. Advice on the State Records Act can be obtained from State Archives and Records NSW.

The authority sets out how long the different classes of records generated by an organisation must be kept to meet its legal, operational and other requirements, and whether the records are to be kept as State archives. State Archives and Records NSW reviews and approves organisations' retention and disposal authorities under the *State Records Act*. It is the duty of a public office, in submitting a draft retention and disposal authority for approval, to disclose to State Archives and Records NSW any information which affects the retention of the records covered by the authority.

State Archives and Records NSW's decisions take into account both the administrative requirements of public offices in discharging their functional responsibilities and the potential research use of the records by the NSW Government and the public. One of State Archives and Records NSW's functions is to identify and preserve records as State archives. These are records which document the authority and functions of Government, its decision-making processes and the implementation and outcomes of those decisions, including the nature of their influence and effect on communities and individual lives. Criteria for the identification of State archives are listed in *Building the Archives: Policy on records appraisal and the identification of State archives*. The Policy also explains the roles and responsibilities of State Archives and Records NSW and of public offices in undertaking appraisal processes and disposal activities.

Implementing the authority

This retention and disposal authority covers records controlled by the public office 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 organisation. 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. For further advice see *Implementing a retention and disposal authority*.

Where the format of records has changed (for example, from paper-based to electronic) this does not prevent the disposal decisions in the authority from being applied to records which perform the same function. The information contained in non paper-based or technology dependent records must be accessible for the periods prescribed in the classes. Where a record is copied, either onto microform or digitally 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 that are identified as being required as State archives should be stored in controlled environmental conditions and control of these records should be transferred to State Archives and Records NSW when they are no longer in use for official purposes.

The transfer of control of records as State archives may, or may not, involve a change in custodial arrangements. Records can continue to be managed by the public office under a distributed management agreement. Public offices are encouraged to make arrangements with State Archives and Records NSW regarding the management of State archives.

Transferring records identified as State archives and no longer in use for official purposes to State Archives and Records NSW should be a routine and systematic part of a public office's records management program. If the records are more than 25 years old and are still in use for official purposes, then a 'still in use determination' should be made.

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. Retention periods set down in this authority are *minimum* periods only and a public office should keep records for a longer period if necessary. Reasons for longer retention can include legal requirements, administrative need, government directives and changing social or community expectations. A public office **must not** dispose of any records where the public office is aware of possible legal action (including legal discovery, court cases, formal applications for access) where the records may be required as evidence.

Once all requirements for retention have been met, destruction of records should be carried out in a secure and environmentally sound way. Relevant details of the destruction should be recorded. See *Destruction of records: a practical guide*.

Organisations should review functional retention and disposal authorities regularly to ensure that they remain relevant as the organisation's functions and activities, operating environment and requirements for records change. Retention requirements may change over time. This can occur when:

- business needs or practices change
- new laws, regulations or standards are introduced
- new technology is implemented
- government administration is restructured and functions are moved between entities, or
- unforeseen or new community expectations become apparent.

State Archives and Records NSW recommends that organisations check any functional retention and disposal authorities more than 5 years old to ensure that the retention periods and disposal actions remain relevant.

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.

Administrative change

This retention and disposal authority has been designed to link records to the functions they document rather than to organisational structure. This provides for a stable retention and disposal authority that is less affected by administrative change. The movement of specified functions between branches or units within the public office does not require the authority to be resubmitted to State Archives and Records NSW for approval. However, when functions move from one public office to another the public office that inherits the new function should contact State Archives and Records NSW to discuss use of any existing retention and disposal authority approved for use by a predecessor organisation.

Amendment and review of this authority

State Archives and Records NSW must approve any amendment to this authority. Public offices that use the authority should advise State Archives and Records NSW of any proposed changes or amendments to the authority.

State Archives and Records NSW recommends a review of this authority after five years to establish whether its provisions are still appropriate. Either the public office or State Archives and Records NSW may propose a review of the authority at any other time, particularly in the case of change of administrative arrangements, procedures or to operating environments which are likely to affect the value of the records covered by this authority.

In all cases the process of review will involve consultation between State Archives Records NSW and the public office. If the process of review reveals that this authority requires amendment, the necessary amendments should be made and approved.

Contact Information

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

Functional Retention and Disposal Authority Hunting regulation

Authority number: FA417

Dates of coverage: Open

List of Functions and Activities covered
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No.	Description of records	Disposal action
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1.0.0 HUNTING REGULATION

The function of regulating hunting in NSW. Includes:

- managing public land for recreational hunting, such as identifying and declaring public lands for hunting and managing their opening and closure for hunting activities
- determining and setting quotas for the harvesting of native game birds
- processing and administering game hunting licences and approvals
- monitoring and enforcing compliance with legislation, regulations or hunting licences and approvals
- liaising with key stakeholders and providing information and advice about hunting activities, obligations and requirements.

See Functional Retention and Disposal Authority *Primary industries assistance, regulation and development* **EDUCATION & TRAINING** for records relating to the development and delivery of training and education opportunities for hunters, such as accredited training, short courses and workshops.

See General Retention and Disposal Authority *Administrative records* **COMMITTEES** for records of committees, task forces, working parties etc. established or involving representation by, the organisation.

See General Retention and Disposal Authority *Administrative records* **COMMUNITY RELATIONS** for records relating to the provision of customer services, the handling of complaints about the organisation's services and general ongoing liaison and correspondence with hunting groups, animal welfare organisations, community members, etc. for routine sharing of information, networking and ongoing relationship management.

See General Retention and Disposal Authority *Administrative records* **FINANCIAL MANAGEMENT - Accounting** for records relating to the receipt and processing of licence fees, refunds and agent commission claims.

See General Retention and Disposal Authority *Administrative records* **GOVERNING BODIES** for records relating to governing Boards and Councils, such as the Game and Pest Management Advisory Board and its predecessor the Game Council of NSW.

See General Retention and Disposal Authority *Administrative records* **GOVERNMENT RELATIONS** for records relating to formal inquiries involving the organisation; the provision of advice to the Minister or government regarding game and feral animal control and management; the preparation of annual reports; and submissions on the development of review of legislation or regulations.

See General Retention and Disposal Authority *Administrative records* **GOVERNMENT RELATIONS - Agreements** for records relating to agreements and memorandums of

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HUNTING REGULATION - Advice & Liaison

understanding with law enforcement or partner agencies in relation to regulatory activities, including those relating to arrangements for the sharing of intelligence.

See General Retention and Disposal Authority *Higher & further education and research records* **RESEARCH** for records relating to the conduct or commissioning of research by the organisation.

1.1.0 Advice & Liaison

See **HUNTING REGULATION - Public Land Management** for negotiations and liaison with land managers and other key stakeholders regarding decisions to open or close public land for hunting.

See General Retention and Disposal Authority *Administrative records* **COMMITTEES** for records relating to arrangements for stakeholder liaison and consultation groups.

1.1.1	Records documenting: <ul style="list-style-type: none">• final version of hunting guides, booklets, fact sheets, frequently asked questions, videos and similar resources aimed at raising awareness and/or providing general information and advice to hunters, landowners and other stakeholders about hunting activities, obligations and requirements• handling and response to routine enquiries where a non-standard formal response is provided• the establishment, management and meetings of stakeholder liaison and consultation groups set up to communicate and receive feedback on activities and projects relevant to hunting.	Retain minimum of 5 years after superseded or action completed, then destroy
1.1.2	Routine records relating to the development and review of hunting guides, fact sheets, frequently asked questions, videos and similar resources, including drafts distributed for review and feedback and supporting working papers.	Retain until administrative or reference use ceases, then destroy

1.2.0 Compliance Monitoring & Enforcement

See General Retention and Disposal Authority *Administrative records* **LEGAL SERVICES - Litigation** for records relating to the institution of legal action against approved organisations or licensed individuals.

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HUNTING REGULATION - Compliance Monitoring & Enforcement

1.2.1	<p>Records relating the operational monitoring and enforcement of compliance with conditions of hunting licences and approvals. Includes:</p> <ul style="list-style-type: none"> • periodic compliance returns such as harvest returns and hunter diaries • operational plans and schedules for pro-active and prioritised compliance monitoring and enforcement activities • complaints, notifications or reports of illegal events or suspected breaches • inspector's diaries and contemporaneous notebooks • notices issued, such as notices of intention to carry out audits or inspections, conduct searches, enter premises, or request the production of information and evidence • evidence gathered to support audits and investigations (e.g. copies of documents requested, photographs and video surveillance, records of interviews and witness statements) • reports on the findings and outcomes of audits and investigations • correspondence with approved organisations or licensed individuals, including in relation to outcomes of compliance monitoring activities • caution letters, penalty infringement notices, licence suspension or cancellation notices (or similar) issued • records of appeals made. 	Retain minimum of 10 years after action completed, then destroy
1.2.2	<p>Records relating to the appointment of inspectors (under legislation) for the purpose of monitoring compliance. Includes internal approvals and instruments of appointment.</p>	Retain minimum of 10 years after expiry or termination of appointment, then destroy
1.2.3	<p>Records documenting the preparation and provision of intelligence reports to and from law enforcement and partner agencies, such as those relating to illegal hunting activities. Includes requests for intelligence</p>	Retain minimum of 5 years after action completed, then destroy

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HUNTING REGULATION - Licensing & Approvals

	and information and reports disseminated by the organisation.	
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1.3.0 Licensing & Approvals

1.3.1	<p>Records relating to the processing and management of:</p> <ul style="list-style-type: none"> • hunting licences authorising hunting on public or private land • the registration of organisations and clubs as Approved Hunting Organisations (AHOs). <p>Includes:</p> <ul style="list-style-type: none"> • applications and supporting documents (including for renewal or replacement licences) • results of background checks • liaison with applicants and licence holders (e.g. requesting additional information) • details of licences & approvals issued or refused • notifications of changes to status or contact details • advice and notifications of licence or approval cancellations or suspensions. <p>Also includes:</p> <ul style="list-style-type: none"> • registers of licensed hunters and landholders • requests by hunters for their details to be added to public registers of licensed hunters • legacy records of the management of agents assisting with the distribution of hunting licence application forms. 	Retain minimum of 10 years after expiry or termination of licence or minimum of 10 years after action completed, whichever is longer, then destroy
1.3.2	<p>Records relating to the issue of interim hunting licences (temporary to the issue and receipt of a full hunting licence). Includes:</p> <ul style="list-style-type: none"> • interim licence requests and approvals 	Retain minimum of 1 year after action completed, then destroy

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HUNTING REGULATION - Licensing & Approvals

	<ul style="list-style-type: none"> • registers/logs of all interim licences issued and licence details • results of background checks • liaison with licence holders (e.g. requesting additional information) • details of licences issued • notifications of changes to licence holder status or contact details • advice and notifications of licence cancellations or suspensions. 	
1.3.3	<p>Records documenting:</p> <ul style="list-style-type: none"> • permissions for public land hunting. Includes records of bookings made and written permissions issued, administration of balloted hunting, such ballot registrations, results and notifications to successful hunters • annual property allocations of native game birds. Including allocation requests, requests to vary allocations (e.g. increase or inclusion of additional species) and approvals or refusals issued. 	Retain minimum of 10 years after action completed, then destroy

1.4.0 Native Game Bird Quotas

1.4.1	<p>Records relating to the setting annual State-wide quotas on killing native game birds. Includes:</p> <ul style="list-style-type: none"> • scientific research conducted to estimate populations of native game birds, including final reports and surveys and data underpinning report findings • consultations with environmental authorities • approved quotas. 	Required as State archives
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1.5.0 Policies & Procedures

1.5.1	Final approved version of policies relating to the licensing and regulation of hunting activities.	Required as State archives
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HUNTING REGULATION - Policies & Procedures

1.5.2	Records relating to: <ul style="list-style-type: none">the drafting and development of policies, procedures, work instructions and forms for the licensing and regulation of hunting activities; andfinal version of procedures, work instructions and forms.	Retain until administrative or reference use ceases, then destroy
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1.6.0 Public Land Management

1.6.1	Records relating to the declaration of public lands for hunting activities. Includes: <ul style="list-style-type: none">consultation with land managers, landholders and other key stakeholdersrecommendations to the Ministerpublic notices of proposed declaration and gazettals.	Retain minimum of 20 years after revoked or no longer in force, then destroy
1.6.2	Records relating to negotiations and liaison with land managers and other key stakeholders regarding decisions to open or close of public lands for hunting. Includes notifications from land managers advising of the status of forests as open or closed.	Retain minimum of 10 years after action completed, then destroy
1.6.3	Copies of maps provided by land managers identifying public land open or closed for public hunting.	Retain minimum of 6 months after action completed, then destroy

1.7.0 Reporting

1.7.1	Records relating to routine reports or updates to internal or external stakeholders in relation to hunting activities, such as hunting statistical reports and quarterly game hunting species reports.	Retain minimum of 5 years after action completed, then destroy
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