

State Archives and Records Authority of New South Wales

Functional Retention and Disposal Authority: FA409

This authority covers records documenting the function of Port and marine services

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 FA409

SR file no 20/0033

Scope This retention and disposal authority covers records documenting the function of Port and marine services.

Public office Port Authority of New South Wales

Approval date 28/02/2020

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 dependant 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 Port and marine services

Authority number: FA409

Dates of coverage: Open

List of Functions and Activities covered
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1.0.0 PORT & MARINE SERVICES

The function of managing the navigation, security and operational safety needs of commercial shipping.

See General Retention and Disposal Authority *Administrative records* **COMMITTEES** for records relating to the management of internal, external or inter-agency committees, task forces, working groups or parties

See General Retention and Disposal Authority *Administrative records* **COMMUNITY RELATIONS - Enquiries** for records relating to the management of requests for and the handling of enquiries regarding routine information about the organisation and its services.

See General Retention and Disposal Authority *Administrative records* **EQUIPMENT & STORES** for records relating to the acquisition, disposal and maintenance of plant and equipment.

See General Retention and Disposal Authority *Administrative records* **GOVERNMENT RELATIONS - Advice** for records relating to the provision of advice to other marine regulatory agencies regarding port and marine services and issues.

See General Retention and Disposal Authority *Administrative records* **GOVERNMENT RELATIONS - Agreements** for records relating to the establishment, negotiation, maintenance and review of agreements with other government organisations

See General Retention and Disposal Authority *Administrative records* **STRATEGIC MANAGEMENT - Compliance** for records relating to the organisation's compliance with mandatory or optional standards or with statutory requirements.

See General Retention and Disposal Authority *Administrative records* **STRATEGIC MANAGEMENT - Joint ventures** for records relating to the establishment, negotiation, maintenance and review of agreements with other organisations concerning the provision of operational support, pooling of resources and exchange of resources

1.1.0 Foreshore & coastal management

The activities relating to the management of coastal and foreshore land and waterways.

See General Retention and Disposal Authority *Administrative records* **PROPERTY MANAGEMENT** for records relating to land acquisition, property audits, management of heritage assets, maintenance of jetties, ramps, dump sites etc and the leasing of property and land.

1.1.1	<p>Key records relating to the management of the coast and foreshore. Includes:</p> <ul style="list-style-type: none"> • official soundings (hydrographic surveys) of bars, harbours, ports, rivers, berthing boxes etc. 	Required as State archives
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PORT & MARINE SERVICES - Foreshore & coastal management

	<ul style="list-style-type: none"> • tidal information, such as tidal times, heights etc. where the organisation has primary responsibility for recordings • major reclamation and dredging projects carried out by or on behalf of the organisation. Includes specifications, surveys and approvals • construction of breakwaters, major retaining walls, levees, embankments, sea walls, etc., • applications for the disturbance of sea beds requiring harbour master approval. Includes supporting documentation, expert assessments, post-disturbance checks and surveys. 	
1.1.2	Records relating to the management of leases, agreements, easements, licences, etc., for crossings of navigable waterways. Includes bridges, cables, pipelines, or any other type of crossing of a navigable waterway.	Retain minimum of 7 years after expiry or termination of agreement, then destroy
1.1.3	<p>Records relating to the operational management of the foreshore and coast. Includes:</p> <ul style="list-style-type: none"> • notifications of survey and dredging work • maintenance of breakwaters, dunes and riverbanks • minor dredging works • placement, monitoring and schedule of navigation aids • identification and removal of hazards • the gathering and interpretation of data for the purposes of creating soundings and surveys where the data is not unique and can be replicated from other sources. • recording of measurements around ports and harbours for routine administrative purposes, including, water current information, wave and wind measurements, tidal times and heights etc. • disturbance to sea beds including coordination for buoy placement and removal. 	Retain minimum of 7 years after action completed, then destroy

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PORT & MARINE SERVICES - Foreshore & coastal management

1.1.4	Records relating to routine management of foreshore and coast. Includes: <ul style="list-style-type: none"> • promulgated berth and channel depths • approvals for the berthing and placement of cruise ships • requests for tidal information, soundings, depths and or hydrographic surveys. 	Retain minimum of 2 years after action completed, then destroy
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1.2.0 Incident management

The activity of dealing with incidents causing, or with the potential to cause, death, injury or damage to persons, property or the environment, or disruption to port operations. Includes the notification, investigation and reporting of incidents.

See General Retention and Disposal Authority *Administrative records* **Compensation - Claims** for records relating to compensation matters following an incident.

See General Retention and Disposal Authority *Administrative records* **GOVERNMENT RELATIONS - Reporting** for records relating to reporting on incidents and investigations to the Minister or other government bodies.

See General Retention and Disposal Authority *Administrative records* **Legal services - Litigation** for records relating to litigation matters following incidents.

See General Retention and Disposal Authority *Administrative records* **Occupational health & safety - Accidents** for records relating to accidents involving members of the public whilst on the organisation's premises, as well as any accident or incident involving employees.

See General Retention and Disposal Authority *Administrative records* **Strategic management - Risk management** for records relating to the identification and management of risks.

1.2.1	Records relating to incidents that cause death, serious injury or extensive damage to property, have the potential to cause long term impacts on the environment, a significant impact on the community, and/or result in major disruptions to operations and services, for example, major spills or chemical contamination, events that affect large areas of coastline, groundings, collisions or capsizing of commercial vessels, etc. Records include: <ul style="list-style-type: none"> • incident notifications, logs and reports • records of investigations (e.g. checklists, inspection notes, reports) 	Required as State archives
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PORT & MARINE SERVICES - Incident management

	<ul style="list-style-type: none"> • the coordination of emergency response activities. 	
1.2.2	<p>Records relating to incidents that do not cause death, serious injury or extensive damage to property, do not have a significant impact on the community or do not result in major disruptions to operations and services. Includes incidents that have short-term environmental impacts. Records include:</p> <ul style="list-style-type: none"> • incident notifications and logs • reports • records of investigations (e.g. checklists, inspection notes, reports) • the coordination of emergency response activities and clean up operations • routine or minor administrative matters associated with the incidents • diaries, occurrence or log books relating to response operations and investigations. 	Retain minimum of 15 years after action completed, then destroy

1.3.0 Marine & environmental protection

Activities relating to the protection of the marine and foreshore environment.

See **PORT & MARINE SERVICES - Incident management** for records relating to the management of responses to emergencies.

See **PORT & MARINE SERVICES - Maritime governance** for records relating to the development of plans to manage environmental disasters.

See General Retention and Disposal Authority *Administrative records* **COMMUNITY RELATIONS - Liaison** for contacts details of officers within other government departments or community organisations kept for the purposes of referral etc.

See General Retention and Disposal Authority *Administrative records* **PROPERTY MANAGEMENT - Conservation** for records relating to the remediation of contaminated or polluted land.

1.3.1	<p>Records relating to strategic management of the port and marine environment. Includes:</p> <ul style="list-style-type: none"> • environmental impact statements and studies 	Required as State archives
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PORT & MARINE SERVICES - Marine & environmental protection

	<ul style="list-style-type: none"> • major investigations, e.g. monitoring of estuaries, seagrass, migratory bird habitats. 	
1.3.2	<p>Records relating to the operational management of the port and marine environment. Includes:</p> <ul style="list-style-type: none"> • management of stockpiles, chemical usage, discharge of wastes, including bilge water and sewage from boats, etc. • environmental monitoring of port and marine operations • the management of complaints regarding noise, pollution etc. where an investigation is conducted • the provision of fire-fighting and rescue services • cleaning up of minor spills where local personnel cleared the spill by non-technical means, or no action was taken • remediation works of a routine or minor nature to remove contaminants or pollution from land • the conduct of emergency response exercises, including equipment deployment exercises, arrangements for and reports of an independent umpire, details of agency personnel that have been trained, training material. 	Retain minimum of 7 years after action completed, then destroy
1.3.3	<p>Records relating to routine management of the port and marine environment. Includes:</p> <ul style="list-style-type: none"> • clean-up of rubbish and general litter from foreshores and waterways • complaints that are referred elsewhere. 	Retain minimum of 2 years after action completed, then destroy

1.4.0 Maritime governance

The activities related to determination and administration of marine safety based on the regulation of inland and coastal waterways, harbours and ports.

1.4.1	Records relating to the development and review of high level plans, policies and procedures for port and marine services. Includes :	Required as State archives
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<i>PORT & MARINE SERVICES - Maritime governance</i>		
	<ul style="list-style-type: none"> • emergency response and contingency plans e.g. Ports Operational Plans, regional oil spill contingency plans etc. • accident prevention or safety procedures for ships and other vessels using port facilities • discharge of water and contaminated wastes from port facilities • transport and transfer of hazardous chemicals • dust suppression programs for coal loaders and grain terminals • channel placement • master plans for the development of foreshore sites. <p>Include final versions, summaries of stakeholder consultation etc.</p>	
1.4.2	<p>Key records relating to the maritime governance of ports. Includes:</p> <ul style="list-style-type: none"> • the development, approval and review of harbour master directions, instructions and ship handling guidelines. Includes final versions, summaries of advice and consultation undertaken • instruments that demonstrate staff in charge of ports, e.g., harbour masters, are authorized, qualified and trained to perform port duties • notices of port boundaries within which pilotage is compulsory. 	Required as State archives
1.4.3	<p>Operational records of maritime governance. Includes:</p> <ul style="list-style-type: none"> • marine notices and safety bulletins • pilot log books/sheets etc. showing activities, weather conditions, duties, staff rosters etc • allocation of pilots to vessel, pilot vessel log books or running sheets • communication between pilots and masters and/or bridge crew on a vessel's movement, 	Retain minimum of 7 years after action completed, then destroy

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PORT & MARINE SERVICES - Maritime governance

	<p>including passage plans, master pilot information exchange, etc</p> <ul style="list-style-type: none"> • log books/sheets or equivalent records which show port communication activities, weather conditions, duties, staff rosters etc. 	
1.4.4	<p>Records relating to the certification of officers. Includes:</p> <ul style="list-style-type: none"> • the certification of capacity of masters of commercial vessels for local knowledge • licences to operate as a pilot, spill inspector, hydrographic surveyor etc • assessment of ship handling skills for the purpose of pilotage exemption certificates. 	Retain minimum of 7 years after expiry or termination of certificate, approval etc, then destroy
1.4.5	<p>Records relating to routine maritime governance. Includes:</p> <ul style="list-style-type: none"> • denial of entry for vessels, including any rectification and subsequent permissions • port notices (information to vessels within ports to assist in safe navigation and security, including weather, wave and tidal conditions within the port, ship movements and recreational shipping) • movement instructions to anchorages or moorings and berthing, movement cards and other records of vessel passage through port. 	Retain minimum of 2 years after action completed, then destroy
1.4.6	<p>Recordings of port communications including radar, radio, telephones and CCTV.</p> <p>Note: where recordings are required as part of the record of management of an incident they should be retained as per the relevant incident management classes.</p>	Retain a minimum of 28 days after recording, then destroy

1.5.0 Port administration & marine governance

The activities relating to the management of marine safety based on the regulation of inland and coastal waterways, harbours and ports, and the management of navigation, security and operational safety needs of commercial shipping.

See Functional Retention and Disposal Authority **TRANSPORT SAFETY AND REGULATION - Standards** for records relating to the development of standards for port operations.

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PORT & MARINE SERVICES - Port administration & marine governance

See Functional Retention and Disposal Authority *Transport Infrastructure*

INFRASTRUCTURE ASSET MAINTENANCE - Monitoring and inspections for records relating to safety audits of vessels owned by the organisation.

See Functional Retention and Disposal Authority *Transport Infrastructure*

INFRASTRUCTURE ASSET MAINTENANCE - Transport Fleet Management for records relating to applying for, altering or transferring the Registration and / or Certificate of Operation of a vessel.

See Functional Retention and Disposal Authority *Transport Infrastructure*

INFRASTRUCTURE ASSET SECURITY - Security planning for records relating to the development of security plans for ports.

See Functional Retention and Disposal Authority *Transport Infrastructure*

INFRASTRUCTURE PLANNING AND INVESTMENT - Development Controls for records relating to approving or commenting on planning and development applications and consents, and development applications referred to the organisation for advice or comment or where the organisation's consent, as owner of the land or waterway, is required.

See General Retention and Disposal Authority *Administrative records* **FINANCIAL MANAGEMENT - Policy** for records relating to the setting of fees and charges.

See General Retention and Disposal Authority *Administrative records* **GOVERNMENT RELATIONS - Agreements** for records relating to agreements with other government organisations which support port operations.

See General Retention and Disposal Authority *Administrative records* **GOVERNMENT RELATIONS - Reporting** for records relating to reports required to be submitted to external government organisations regarding programs and services

See General Retention and Disposal Authority *Administrative records* **GOVERNMENT RELATIONS - Submissions** for records relating to submissions about fees and charges that are referred to other agencies such as IPART.

See General Retention and Disposal Authority *Administrative records* **PROPERTY MANAGEMENT** for records relating to the design, construction and maintenance of port facilities, structures and environs, including specialised plant.

See General Retention and Disposal Authority *Administrative records* **PROPERTY MANAGEMENT - Conservation** for records relating to wrecks of historic significance, including hydrographic surveys, protection, recovery and determinations of ownership.

See General Retention and Disposal Authority *Administrative records* **PROPERTY MANAGEMENT - Leasing-out** for records relating to the leasing out of port facilities, buildings, offices, warehouses and the hire of property for weddings, filming, photography, busking etc

1.5.1	Key records relating to the administration of ports and marine governance. Includes:	Required as State archives
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PORT & MARINE SERVICES - Port administration & marine governance

	<ul style="list-style-type: none"> • the provision of high level advice regarding the transport and handling of dangerous goods through ports • registers and returns of shipping in ports, including berthing registers, inwards and outwards shipping registers, tonnage registers, etc. 	
1.5.2	<p>Records relating to the management of high-risk port activities. Includes:</p> <ul style="list-style-type: none"> • making and issuing of approvals, determinations and exemptions for the transport of nuclear waste through a port • audits conducted for dangerous goods and hot works compliance, including declarations of staff training and qualifications. 	Retain minimum of 75 years after expiry or termination, then destroy
1.5.3	<p>Records relating to the periodic analysis of trends, rates and quantities etc, of dangerous goods transported through ports.</p>	Retain minimum of 20 years after action completed, then destroy
1.5.4	<p>Records relating to the administration of the port safety operating licence. Includes:</p> <ul style="list-style-type: none"> • the granting of the licence and any variations • the definition of port boundaries and areas of operation • internal investigations and advice to the Minister regarding non-conformance with conditions • compliance notifications and reports, including marine incident reporting, variance to schedules and equipment status. 	Retain minimum of 10 years after action completed, then destroy
1.5.5	<p>Records relating to the management of approvals, determinations and exemptions for:</p> <ul style="list-style-type: none"> • transport of dangerous goods through a port • dangerous goods, hot work, bunker, diving etc. • permits for regulated activities such as crane operations, hoardings, hazardous goods etc • towage licenses. 	Retain minimum of 10 years after expiry or termination of approval, then destroy

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PORT & MARINE SERVICES - Port administration & marine governance

1.5.6	<p>Records relating to the operational management of ports. Includes:</p> <ul style="list-style-type: none"> • the provision of routine advice and updates relating to dangerous goods, pilot transfer arrangements etc. • the setting of fees and charges for harbours, berthing, pilotage, storage, buoying, stevedoring etc • the management of salvage operations and minor incidents, including capsizing, collisions or grounding of pleasure craft etc. • notices relating to port security, individual vessels, cargo or passengers • provision of security screening at ports • wharf and cruise bookings and berth access • the development of strategic plans and provision of support services for events on local waterways, such as Australia Day, New Year's Eve, Vivid, regattas etc. • the management of breaches and infringements of legislation, regulations, rules, etc. 	Retain minimum of 7 years after action completed, then destroy
1.5.7	<p>Records relating to routine port administration. Includes:</p> <ul style="list-style-type: none"> • inquiries regarding permit conditions, approvals process or application requirements, fees and charges, port boundaries, port regulations, towage, safety procedures etc • vessel information and shipping company registrations, ABN and other statutory information required for reference purposes • minor complaints or those referred to other agencies for resolution • instructions, notices and communications with cruise ships, agents or owner companies relating to berthing arrangements, amendments or cancellations 	Retain minimum of 2 years after action completed, then destroy

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PORT & MARINE SERVICES - Vessels and ships

	<ul style="list-style-type: none"> • the provision of electricity, lighting, telephones, water, etc. to ships and other vessels using port facilities, wharves or jetties. 	
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1.6.0 Vessels and ships

The activities relating to the management of the organisation's ships and vessels.

See **PORT & MARINE SERVICES - Incident management** for records relating to incidents involving vessels.

See General Retention and Disposal Authority *Administrative records* **PROPERTY MANAGEMENT - Conservation** for records relating to the identification and management of shipwrecks identified as heritage items.

1.6.1	Records relating to the design, construction and disposal of unique or highly specialised vessels and equipment, designed especially for the organisation. Includes technical drawings, contract documents etc.	Required as State archives
1.6.2	Records relating to the design, construction and disposal of all other vessels.	Retain minimum of 7 years after disposal of vessel, then destroy
1.6.3	Records relating to the registration, certification, maintenance, repair and safety auditing of all vessels owned by the organisation.	Retain minimum of 2 years after disposal of vessel, then destroy