

**General
Disposal
Authority 2 3**

**Records Relating to the
Commonwealth of Australia
Versus Cockatoo Island
Dockyard Pty Ltd Arbitration**

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INTRODUCTION

1. The Archives Act and the Disposal of Records

1.1 The Australian Archives, under the *Archives Act 1983*, has responsibility for authorising the disposal of Commonwealth records. Disposal includes:

- identifying and retaining records of permanent value;
- destroying records of temporary value;
- arranging transfers of the custody of records; and
- arranging transfers of the ownership of records.

Section 24 of the Act (dealing with disposal) prohibits destruction, transfer, damage or alteration of records unless:

- such action is required by law;
- authorisation has been given by the Archives;
- such action is a 'normal administrative practice' not disapproved of by the Archives; or
- such action returns records to Commonwealth custody.

1.2 The Australian Archives gives permission for the disposal of records through Disposal Authorities. These authorities describe classes of records, state how long they are to be retained and recommend where the records should be kept when no longer in current use. This document is one such authority.

2. Purpose of this Authority

2.1 General Disposal Authority No. 23 authorises the destruction or other disposal of Commonwealth records as required by Section 24(2)(b) of the Archives Act 1983.

The Australian Archives has produced this General Disposal Authority for the disposal of records relating to Commonwealth of Australia versus Cockatoo Island Dockyard Arbitration proceedings. Its purpose is to ensure that any records which have been used as evidence in the arbitration, or records which are of potential value in case of further arbitration or litigation action, are kept for as long as they are required.

3. Scope of this Authority

3.1 General Disposal Authority No. 23 authorises the disposal of records which document matters relating to:

- the installation, use, identification, neutralisation, dumping, clean-up, removal etc of contamination in various forms on, or from the surrounding waters of, Cockatoo Island.
- Personal history and other types of records maintained on staff members, employees and contractors who were employed on Cockatoo Island Dockyard.

This includes all records which document such matters, irrespective of their format. Plans, maps and photographs, for example, are subject to this authority in the same way as are files, cards, microfiche, electronic records, etc.

- 3.2 Records of employees, staff members and contractors employed on Cockatoo Island Dockyard which have not been discovered so far, should be identified and retained under entry 2 of this General Disposal Authority, by the relevant agencies.
- 3.3 The Authority applies only to the records described in the entries. If you are unsure about the interpretation of a disposal provision, or about the applicability of a description to your records, please contact your agency's archives or records management officer or the Australian Archives, Records Evaluation and Disposal, PO Box 34 Dickson ACT 2602 , Telephone (06) 209 3633.

4 Transfer and Storage of Records

- 4.1 Section 27 of the *Archives Act* provides that records should be transferred to the custody of Australian Archives once they are no longer required to be readily available to the agency which created them. It also provides that records still in the custody of a Commonwealth institution once they have been in existence for 25 years should be transferred to the custody of the Archives as soon as practicable after that date.
- 4.2 Australian Archives will not accept transfers of unsentenced records (that is records which have not been evaluated against a current records disposal authority issued by the Archives) or of sentenced unclassified records which have a retention period of less than 30 years from creation.
- 4.3 Australian Archives will accept transfers of sentenced security classified records regardless of their retention period. Such records must not be stored with private contractors or on premises not under the control of a Commonwealth agency.
- 4.4 Section 29 of the *Archives Act* provides that in certain circumstances it may be determined that records need not be transferred to the custody of Australian Archives in accordance with section 27. These circumstances might include the exceptional sensitivity of the records or the fact that they were still frequently required by the creating agency for administrative purposes.
- 4.5 Records transferred to the custody of Australian Archives may be withdrawn for further reference by the agency through the Archives' lending service or consulted on the Archives' premises. .

5 Destruction of Records

- 5.1 When records are destroyed in accordance with the provisions of an authority, the Australian Archives must be notified on form NAS 45, Notification of Records Destroyed, within 30 days of the date of destruction. Copies of the form are available from Australian Archives offices. Guidelines for completion are shown on the reverse side of the form.
- 5.2 Temporary value records transferred to the Australian Archives' custody will be destroyed at the appropriate time, subject to the consent of the agency.

6 Amendment of Disposal Authorities

- 6.1 This disposal authority may be amended or superseded. Please make sure you are using the current disposal authority. If you believe that authority should be amended in any way please contact the Australian Archives. Amendments must be authorised by Australian Archives.

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AUTHORISATION

GENERAL DISPOSAL AUTHORITY 23

Person to whom notice of authorisation is given:

Secretaries of Departments and Heads of Authorities (as listed in Attachment A to the Covering Memorandum accompanying this Authority; ie in Attachment A to Australian Archives 1996/1378

Purpose:

Authorises arrangements for the disposal of records in accordance with Section 24(2)(b) of the *Archives Act 1983*

Authorises addition to, or alteration of, a record over 25 years old in accordance with Section 26(2)(b) of the *Archives Act 1983*

Application:

Records relating to the Commonwealth of Australia versus Cockatoo Island Dockyard Pty Ltd Arbitration

This authorisation applies to only the disposal of the records described on the authority in accordance with the disposal action specified on the authority. The authority will apply only if disposal takes place with the consent of the agency that is responsible at the time of disposal for the functions documented in the records concerned.

[Michael Piggott]

 Authorising Officer, Australian Archives

Michael Piggott
 National Director
 Records Evaluation and Disposal

10 September 1996

 Date of Issue

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 Date of Amendment



GENERAL DISPOSAL AUTHORITY 23

**Records Relating to the Commonwealth of Australia Versus
Cockatoo Island Dockyard Pty Ltd Arbitration**

Entry	Description of Records	Disposal Action
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SCOPE NOTE 1

This General Disposal Authority takes precedence over all other authorities relating to these records. Its purpose is to ensure that any records which have been used as evidence in the Commonwealth of Australia versus Cockatoo Island Dockyard Arbitration, or records which are of potential value in case of further arbitration or litigation action, are kept for as long as they are required.

SCOPE NOTE 2

Records over 25 years old

In accordance with Section 26(2)(b) of the Archives Act 1983, permission is hereby given for attachment of a label to files if they are over 25 years old.

Purpose of attaching a label is to ensure that these records are clearly identifiable and protected for as long as required. The label should clearly state that:

- this record is required to be retained under General Disposal Authority 23 issued by Australian Archives. Transfer to Australian Archives immediately agency reference ceases.

Permission is not given for records to be altered.

This approval is given providing the officers who attach the labels to these files ensure that their action:

- is clearly documented (ie the date on which label is attached is indicated on the file);
- does not destroy or obscure the original information on which subsequent actions and decisions have been made;
- does not jeopardise the physical preservation of the record.

GENERAL DISPOSAL AUTHORITY 23

Records Used in the Commonwealth of Australia Versus Cockatoo Island Dockyard Pty Ltd Arbitration

Entry	Description of Records	Disposal Action
SCOPE NOTE 3		
Personal History Records		
Records of employees, staff members and contractors employed on Cockatoo Island Dockyard which are still held in the agencies and were not discovered for the arbitration, should be identified and retained under entry 2.		
1	Records used as evidence in the Cockatoo Island Dockyard arbitration, or records which are of potential value in case of further arbitration or litigation action (excludes personal history records	Retain permanently. Transfer to Archives immediately agency reference ceases
2	Personal history and other types of records maintained on staff members, employees and contractors who were employed on Cocakattoo Island Dockyard	Destroy in the year 2050. Transfer to Archives immediately agency reference ceases