

Port Authority of NSW Agency Information Guide

Port Authority of New South Wales has published its Agency Information Guide (AIG) in accordance with s20 of the [Government Information \(Public Access\) Act 2009](#).

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Document Control

Version	Description	Date
0.1	Initial Draft for approval	17 January 2020
0.2	Legal / Corp Services Review	31 January 2020
0.3	General Counsel Review	25 February 2020
0.4	Executive Review	27 March 2020
1.0	CEO Approval	30 March 2020

1 Introduction

Port Authority of New South Wales ('Port Authority') is committed to ensuring that members of the public can access information about us easily and at the lowest reasonable cost.

Agency Information Guides (AIGs) can play an important role in promoting access to information; supporting participation and contributing to Open Government.

This AIG is published in accordance with section 20 of the *Government Information (Public Access) Act 2009 (NSW)* and provides a mechanism to make government information accessible, promote currency of information and appropriate release and support the management of government information as a strategic asset.

The purpose of this AIG is to provide general information on Port Authority's:

- structure and functions;
- how we engage with the public;
- what kind of information we hold;
- how to access information we hold;
- what kind of information is made available to the public and how;
- whether or not there is a charge to access specific kinds of information;
- relevant legislation that sets or affects our operations;
- leadership positions.

Where appropriate we have provided links to documents, reports, data and other information throughout this AIG.

Port Authority's AIG is reviewed at least every 12 months. The latest AIG is available from our website [here](#). We value your feedback on our AIG to ensure that we achieve the highest levels of accessibility. You can provide feedback to us by phone to (02) 9296 4999 or by email to enquiries@portauthoritynsw.com.au.



Philip Holliday

Chief Executive and Director

2 About Port Authority of NSW

2.1 About us

Port Authority of New South Wales ('Port Authority') is a State owned corporation that manages the navigation, security and operational safety needs of commercial shipping in Sydney Harbour, Port Botany, Port Kembla and the ports of Newcastle, Eden and Yamba.

Port Authority's statutory objectives and functions are derived from the [State Owned Corporations Act 1989 \(NSW\)](#), [Ports and Maritime Administration Act 1995 \(NSW\)](#) and the [Port Safety Operating Licence](#) issued under s12(2) of the Ports and Maritime Administration Act 1995.

Port Authority has the role of Harbour Master in all commercial ports in NSW. Each Harbour Master is appointed under s85 of the [Marine Safety Act 1998 \(NSW\)](#). The general function of a Harbour Master is outlined in section 87 of the Marine Safety Act and can be summarised as having 'powers to direct and control the movement, entry and exit of vessels within port areas'. Port Authority is also the lead agency for responses to maritime incidents in coastal waters stretching from Fingal Head, Port Stephens in the north, to Gerroa, south of Port Kembla.

2.2 Our Objectives

As a statutory State owned corporation established under the *State Owned Corporations Act 1989* and *Ports and Maritime Administration Act 1995*, Port Authority operates in accordance with those Acts.

Port Authority's principal objectives which derive from the [State Owned Corporations Act 1989](#) are:

- a) *To be a successful business and, to this end:
 - i) *To operate at least as efficiently as any comparable businesses.*
 - ii) *To maximise the net worth of the State's investment in the State owned corporation.**
- b) *To exhibit a sense of social responsibility by having regard to the interests of the community in which it operates.*
- c) *Where its activities affect the environment, to conduct its operations in accordance with the principles of ecologically sustainable development contained in section 6(2) of the Protection of the Environment Administration Act 1991.*
- d) *To exhibit a sense of responsibility towards regional development and decentralisation in the way in which it operates.*

Each of the above principal objectives is of equal importance.

Port Authority's objectives under the [Ports and Maritime Administration Act 1995](#) are as follows:

- a) *To be a successful business and, to this end:
 - i) *To operate at least as efficiently as any comparable businesses, and*
 - ii) *To maximise the net worth of the State's investment in the Port Corporation, and*
 - iii) *To exhibit a sense of social responsibility by having regard to the interests of the community in which it operates and by endeavouring to accommodate these when able to do so, and**
- b) *To promote and facilitate trade through its port facilities, and*
- c) *To ensure that its port safety functions are carried out properly, and*
- d) *To promote and facilitate a competitive commercial environment in port operations, and*
- e) *To improve productivity and efficiency in its ports and the port-related supply chain.*

Port Authority has reporting responsibility to the Minister for Transport and Roads and Minister for Regional Transport and Roads under the *Ports and Maritime Administration Act 1995*.

Port Authority operates under the direction of a [Board of Directors](#) comprising of a maximum of 6 independent Directors (one of whom is the Chair) and the CEO; all appointed by the NSW Treasurer. The Board is accountable to the Treasurer and voting shareholder (currently the Minister for Finance and Small Business).

Port Authority's Vision, Purpose and Values can be found on our website [here](#).

2.3 Our functions

The primary role and responsibilities of Port Authority and associated business activities include:

- safe navigation of shipping movements within each port;
- survey of harbour / port approaches, channels and berthing boxes;
- pilotage (marine pilot safely navigating a ship in and out of a port);
- port security;
- safety of port operations;
- emergency response including the clean-up of spills in the marine environment;
- Dangerous Goods administration, as contained in Part 11 of the repealed *Dangerous Goods Regulation 1999*, and preserved by the *Work Health and Safety Regulation 2011 and 2017*;
- management of cruise facilities and cruise terminal services;
- common user berth facilities, and
- retail / commercial properties.

2.4 Legislation

Significant legislation affecting Port Authority includes:

- *Biosecurity Act 2015* (Cth)
- *Environmental Planning and Assessment Act 1979* (NSW) (through Part 5 of the Act and the State Environmental Planning Policy (Major Development) 2005)
- *Government Sector Finance Act 2018* (NSW)
- *Marine Pollution Act 2012* (NSW)
- *Marine Safety Act 1998* (NSW)
- *Maritime Transport and Offshore Facilities Security Act 2003* (Cth)
- *Ports Assets (Authorised Transactions) Act 2012* (NSW)
- *Ports and Maritime Administration Act 2012* (NSW)
- *Protection of the Environment Operations Act 1997* (NSW)
- *Work Health and Safety Act 2011* (NSW).

Port Authority is also subject to a wide variety of other legislation that provides rights to, and imposes obligations on, state owned corporations. These rights and obligations affect Port Authority's governance processes and its commercial and corporate functions.

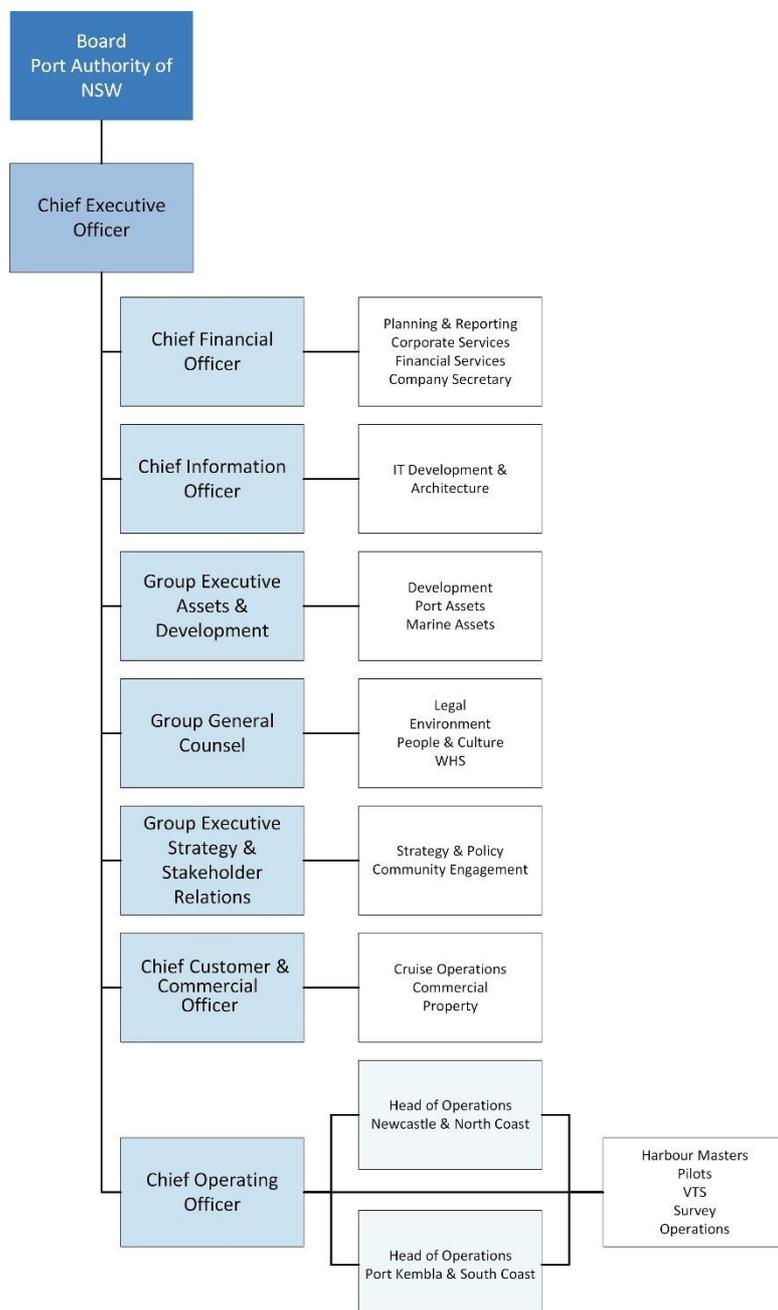
Examples of legislation with which Port Authority is required to comply includes:

- *Competition and Consumer Act 2010* (Cth)
- *Government Sector Employment Act 2013* (NSW)
- *Government Information (Public Access) Act 2009* (NSW)
- *Privacy and Personal Information Protection Act 1998* (NSW)
- *Modern Slavery Act 2018* (Cth)
- *Public Finance and Audit Act 1983* (NSW)
- *Public Interest Disclosures Act 1994* (NSW)
- *Security of Critical Infrastructure Act 2018* (Cth)
- *State Records Act 1998* (NSW)

3 Organisational structure

Port Authority is comprised of 7 divisions under the Chief Executive Officer, each under the management of a Group Executive, as shown:

- Finance
- Information Technology
- Assets & Development
- General Counsel
- Strategy & Stakeholder Relations
- Customer & Commercial
- Operations



4 How we engage with the public and our stakeholders

4.1 Engagement with the public and stakeholders

Port Authority looks for opportunities to engage directly with industry, stakeholders and members of the community to seek input on development of policy and strategy, in the exercise of our functions and on important issues affecting the management of the commercial ports of NSW. This is done by:

- engagement and communication (including Community Consultation Committees);
- publishing papers for comment; and
- direct consultation with the various peak bodies such as Cruise Lines International Association, Australia Cruise Association, Shipping Australia, Ports Australia.

We are committed to promoting public participation and establishing arrangements that support members of the public participating in the formulation of our policies and the exercise of our functions.

4.2 Our channels of engagement

Port Authority engages with the public regularly through a number of electronic channels, to inform the public on Port Authority activities and provide a fast and easy way for the public to approach us or provide us with feedback.

Port Authority Website

Our website is used to provide the public with resources and information about our functions, activities, developments, events and news. Members of the public can use the [Contact us](#) section of the website to ask a question or provide feedback.

The website can be accessed at <https://www.portauthoritynsw.com.au>

Instagram

Port Authority uses Instagram to share photos of the ports and our marine operations.

<https://www.instagram.com/portauthoritynsw/>

LinkedIn

Our LinkedIn account is used to promote Port Authority business and our regional ports.

<https://www.linkedin.com/company/portauthoritynsw>

YouTube

Port Authority uses [YouTube](#) to share videos of the ports and our marine operations.

Port Matters Newsletter

Port Authority's newsletter is available quarterly, via our website here:

<https://www.portauthoritynsw.com.au/news-and-publications/newsletter/>

Have your Say (community engagement tool)

For major developments Port Authority undertakes community engagement on development proposals such as the multi-user facility at Glebe Island, the Cruise Capacity Business Case and Eden Welcome Centre. For these proposals Port Authority may utilise dedicated "Have your say" portals to gather information and gauge community sentiment.

Any feedback received through "Have your Say" is collated and considered in our decision-making and organisational activities.

Other Surveys

From time to time, Port Authority undertakes community surveys on a variety of topics; the results are then used to inform and guide Port Authority policies, strategies and projects.

Community notifications

Individuals can sign up to our [community notifications here](#) to receive information about changes to shipping movements and significant emergency response situations (e.g. on-water environmental occurrences such as an oil spill).

Notifications about changes to shipping movements includes information such as vessel breakdowns or an unscheduled overnight stay. It includes all types of ships relevant to the port including cruise, bulk, car, container and tanker.

Shipping Schedules

Daily Vessel Movements (Commercial) for all Ports can be found on our website:

- [Port Botany](#)
- [Port Kembla](#)
- [Port of Eden](#)
- [Port of Yamba \(Clarence River\)](#)
- [Newcastle Harbour \(Port of Newcastle\)](#)
- [Sydney Harbour \(Port Jackson\)](#)

Cruise Shipping movements into and from Sydney (Overseas Passenger Terminal and White Bay) are also available [online here](#). Cruise movements into and from other ports appear on the respective Daily Vessel Movements.

4.3 Community Consultative / Liaison Groups

Glebe Island and White Bay Community Liaison Group (CLG)

The CLG provides Port Authority and other port stakeholders the opportunity to discuss port operations with the community and gather feedback on any initiatives being considered and activities at the historic working port in the heart of Sydney Harbour.

The CLG is made up of 11 community representatives from the Balmain, Rozelle and Pyrmont areas and meets quarterly. Details of CLG is available on Port Authority's [website here](#)

Eden Community Consultative Committee

The purpose of the committee is to provide a forum for discussion between Port Authority, community representatives, key stakeholder groups and Bega Valley Shire Council.

The committee comprises of an independent chairperson and community representatives from port businesses, maritime user groups, residents surrounding the Port of Eden and the Port Authority, a council representative, and members of the Welcome Centre project team. Information about the committee and meeting minutes can be found on the Crown Land's [website here](#).

Port Botany Community Consultative Committee

This committee is comprised of representatives from NSW Ports, port tenants, the local community representatives, government agencies and local council. Chaired by NSW Ports, Port Authority attends this quarterly meeting to provide updates about our projects that impact Port Botany and surroundings.

Information about the Port Botany Community Consultative Committee can be found on NSW Ports' website [here](#).

4.4 Feedback and complaints about us

Port Authority welcomes input and feedback from the public, community organisations and government agencies.

All feedback and complaints are dealt with confidentially and personal information is managed in accordance with the privacy protection principles in the Privacy and Personal Information Protection Act 1998.

How the complaints process works:

1. Call our 24/7 community enquiries and complaints line on (02) 9296 4962.
2. **Service NSW will receive the complaint** and take details of the nature of the call. Please provide specific details where possible: date, time, vessel name, etc.
3. **A verbal response is provided**, including an outline of how the call will be managed.
4. **Action is taken** by Service NSW depending on the nature of the complaint. This may include contacting our operations team for real-time investigation and action if required (e.g. contacting a ship and/or the ship's agent in the event of a noise complaint).
5. Service NSW emails the complaint to Port Authority.
6. **Details on the response outcome** will be emailed to the complainant by Port Authority within three working days.
7. **Complaints will be registered**, and allocated a reference number and kept securely by Port Authority.

Our 24-hour community enquiries and complaints line for all ports is:

phone: +61 2 9296 4962

email: enquiries@portauthoritynsw.com.au

5 Information we hold

Port Authority holds a range of information including:

- policy and planning documents;
- documents on the internal administration of the Authority;
- required reporting such as the Annual Report and Environmental reporting;
- correspondence with the Premier, Federal and State Ministers and the heads and staff of NSW government agencies;
- correspondence with customers, stakeholders and the public;
- information resources for the community, public and private sector;
- shipping and maritime related information, including Notices, movements, cargo-related information such as Dangerous Goods; and information for recreational boaters; and
- hydrographic data, plans, channel maps and Wave, Wind and Tide information.

Some of this information can be accessed on our website at www.portauthoritiesnsw.gov.au. If you find that you are having difficulties reading or accessing our documents or other material, please contact us on (02) 9296 4999 so we can provide another option.

Alternatively, if you cannot find the information you are seeking on our website, please [contact us](#) to assist you.

6 How to access our information

Port Authority makes information available under the *Government Information (Public Access) Act 2009* ('the Act') in four ways:

- Open Access Information;
- Proactive Release of Information;
- Informal Access; and
- Formal Access Application.

6.1 Open access information

Information which is classified as open access information is information which Port Authority is required to make available under the Act. This information is made available unless it is not in the public interest to release.

The following Open access information is generally available via our website.

- this Agency Information Guide;
- information about Port Authority contained in any document tabled in Parliament on behalf of us, for example our [Annual Reports](#);
- Port Authority Policy Documents, which also includes the [Port Safety Operating Licence](#), Notices to Mariners and Harbour Master's Directions;
- [Disclosure Log of Access applications](#);
- [Port Authority Contract Register](#);
- a record of [open access information which is not publicly available](#) on the basis of an overriding public interest against disclosure.

Additional information prescribed in the *Government Information (Public Access) Regulations 2018* (NSW) can also be found within the Annual Report and other documents on-line.

Where information classified as open access is not available on-line, or if you are unable to locate it, you may be provided this information for free by emailing enquiries@portauthoritiesnsw.com.au.

6.2 Proactive release of information

In addition to open access information, Port Authority is able to authorise additional publicly available information under the Government Information (Public Access) Act where we consider that the information would be of interest or use to the public generally. This information is also available on our website and includes information such as:

- Environmental reports such as the Penrhy Estuary rehabilitation plan, Air quality reporting at White Bay and our Noise Attenuation Program;
- Guides and forms for activities such as the Harbour Master approval process, Wharf loading and other activities;
- Vessel and Cruise Ship movements; and
- Information about each of the Port Locations.

6.3 Making an informal request

A request may be made by any person at any time for other information held by the Port Authority.

While Port Authority reserves the right to require a formal access application to be made under the Act, we will generally provide the following types of information in response to an informal request without the need to make a formal access application:

- copies of correspondence where the person requesting the correspondence was the person who sent it;
- documents that contain only personal information about a particular individual, and that is the person who is requesting the information;
- documents that have already been made public in some other way; and
- other reasonable requests for information that would not raise any potential concerns in terms of public interest considerations against disclosure.

Port Authority will endeavour to respond to these requests informally, however depending on the information sought, you may be referred to the formal access application process. Port Authority may also impose conditions in relation to the use or disclosure of information that is released in response to an informal request. Information released to an applicant informally is usually free of charge.

Informal requests for access to information can be emailed to enquiries@portauthoritynsw.com.au.

6.4 Making a formal access application

If the information you are looking for is not published by Port Authority or available by informal request, you may wish to make a formal access application in writing under the *Government Information (Public Access) Act 2009* ('the Act'). Access applications are subject to application fees and processing charges in accordance with the Act.

To make a formal access application for information held by us, an access application must:

- be in writing;
- clearly indicate that it is a formal access application made under the Act;
- state the name of the applicant and a postal or email address as the address for correspondence in connection with the application;
- provide such information as is reasonably necessary to enable the government information being applied for to be identified; and
- include the application fee.

[Click here](#) for Port Authority's Access Application form.

Once an application is received, you will receive an acknowledgement of receipt. The Right to Information Officer will contact you with information in relation to processing your application, including the estimated date by which you will receive a decision and any clarifications that are required to identify the information.

Once the information which matches your application is identified, the Right to Information Officer will put the information to the public interest test and you will be advised of the outcome (a 'Notice of Decision').

6.5 Information that may not be disclosed

Certain information may not be disclosed to the public, for a variety of reasons. The Act provides a limited number of reasons under which Port Authority may not provide some items of information, including Commercial-in-Confidence, personal information about other members of the public, and security, this is called the 'public interest test'. These are detailed in [s14 of the Act](#) and must be noted in the Notice of Decision sent to you, if information is not being disclosed.

In addition, because Port Authority is defined as a state owned corporation under the Act, certain information may be excluded under competitive neutrality. There is also certain government information for which there is a conclusive presumption against disclosure. The list of categories of information is set out at [Schedule 1 of the Act](#).

6.6 Disclosure log

Port Authority maintains a [Disclosure Log](#) under [s25 of the Act](#), which documents the information that has been released in response to an access applications, and that may be of interest to members of the public.

Information noted in a disclosure log can be requested by and provided to other members of the public informally. A regular review of our disclosure log provides an opportunity to analyse requests for information and identify trends for types of information and documents that could be released proactively by Port Authority.

6.7 Our Right to Information Officer

Port Authority's Right to Information Officer can be contacted on the details below:

Post: GPO Box 25,
Millers Point, SYDNEY NSW 2001

Email: enquiries@portauthoritynsw.com.au

Phone: (02) 9296 4999

Port Authority can also be contacted through the National Relay Service (NRS) on 133 677 for anyone with a hearing or speech impairment and through the Translating and Interpreting Service (TIS) on 131 450 for anyone requiring the assistance of an interpreter.

6.8 Application fees and processing charges

Fees and charges are set by the Act. The application fee for making an access application is \$30.

Processing charges will also be imposed at the rate of \$30 per hour. Under the Act, certain discounts may apply, including financial hardship considerations and where the information is considered to be of 'special public interest'.

Applicable charges are detailed in the Notice of Decision sent to the applicant.

Office of the Information and Privacy Commissioner

The Information and Privacy Commission NSW (IPC) has been established to oversee the Government Information (Public Access) Act, including this Agency Information Guide. The IPC provides information about the right to access information and can be contacted via:

Level 17, 201 Elizabeth Street Sydney NSW 2001

GPO Box 7011 Sydney NSW 2001

Telephone: 1800 472 679

Email: ipcinfo@ipc.nsw.gov.au

Website: www.ipc.nsw.gov.au

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PO Box 25

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