



# The Royal Botanic Gardens & Domain Trust

Government Information (Public Access) Act 2009

Publication Guide

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## Contents

<b>Contents</b> .....	<b>2</b>
<b>What is a Publication Guide?</b> .....	<b>3</b>
Document Control.....	3
<b>Structure and functions of the Royal Botanic Gardens and Domain Trust</b> .....	<b>4</b>
Structure.....	4
Functions.....	4
<b>How the functions affect the public</b> .....	<b>5</b>
<b>Public participation in policy making</b> .....	<b>5</b>
<b>Information held by the Trust</b> .....	<b>6</b>
Policy documents .....	6
Publications .....	6
Photographs .....	6
<b>How to obtain Trust information</b> .....	<b>7</b>
1. Mandatory disclosure .....	7
2. Proactive Release .....	7
3. Informal release.....	8
4. Formal release .....	8
How do I apply formally for information under the GIPA Act?.....	8
Privacy applications.....	9
More information.....	9
<b>Other information services</b> .....	<b>9</b>
Botanical Information Service.....	9
Plant Disease Diagnostic Service.....	9
The Library of the Royal Botanic Garden Sydney .....	10
Visitor Information.....	10
<b>Registers</b> .....	<b>11</b>
Heritage and conservation.....	11

## What is a Publication Guide?

The *Government Information (Public Access) Act 2009* (GIPA Act) came into effect on 1 July 2010, replacing the Freedom of Information Act 1989. The GIPA Act creates new rights to information that are designed to meet community expectations of more open and transparent government. This gives members of the public the right to access information unless there is an overriding public interest against its release. It addresses personal and non-personal information held by the Government.

Under Section 20 of the GIPA Act, the Royal Botanic Gardens and Domain Trust (the Trust) is required to prepare a Publication Guide that describes:

- the Trust's structure and functions
- how these structures and functions affect the public
- how members of the public can participate in policy development and the exercise of the Trust's functions
- the types of information held by the Trust
- the information that the Trust makes publicly available
- how members of the public can access information

## Document Control

The Trust's current Publication Guide was adopted on 24 May 2011 and will be reviewed annually in accordance with Section 21 of the *Government Information (Public Access) Act 2009*.

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## Structure and functions of the Royal Botanic Gardens and Domain Trust

### Structure

The Royal Botanic Gardens and Domain Trust (the Trust) is part of the New South Wales Office of Environment and Heritage (OEH) within the Department of Premier and Cabinet (DPC). The Trust maintains a level of independence due to its status as a Statutory Trust. It has its own statutory reporting requirements and budget, with strategic and performance measurements reviewed by the Board of Trustees.

The Trust consists of the following Branches:

- Development and Planning
- Domain and Royal Botanic Garden
- The Australian Botanic Garden Mount Annan
- The Blue Mountains Botanic Garden Mount Tomah
- Science and Public Programs

The Trust's organisational structure is outlined in its Annual Report, or can be obtained through the Trust's website [www.rbgsyd.nsw.gov.au](http://www.rbgsyd.nsw.gov.au) or by writing to The Royal Botanic Gardens & Domain Trust, Mrs Macquaries Road, SYDNEY NSW 2000.

### Functions

The Royal Botanic Gardens and Domain Trust is a statutory body established by the *Royal Botanic Gardens and Domain Trust Act 1980*. The legislation defines the Trust's objectives, powers and functions, and vests certain land and property in the Trust.

The Trust is responsible for the management and stewardship of the Royal Botanic Garden, Sydney; the Australian Botanic Garden Mount Annan; the Blue Mountains Botanic Garden Mount Tomah; the National Herbarium of New South Wales and the New South Wales Seedbank. The Trust undertakes and provides scientific and horticultural research, together with advice and education on botany, horticulture and biodiversity.

The *Royal Botanic Gardens and Domain Trust Act, 1980* defines the Trust's objectives as to:

- maintain and improve Trust lands, the National Herbarium of New South Wales and the collections of living and preserved plant life owned by the Trust
- increase and disseminate knowledge about the plant life of Australia, and of New South Wales in particular
- encourage the public use and enjoyment of Trust lands by promoting and increasing the educational, historical, cultural and recreational value of these lands.

When acting in pursuance of its Objects, the Trust is required to give particular emphasis to encouraging and advancing the study of systematic botany, and to plant conservation.

Our Mission is *to inspire the appreciation and conservation of plants.*

## How the functions affect the public

The Trust is responsible for the management and stewardship of four public estates, which has direct impacts on the public when exercising and performing the duties and functions required under its legislation, for example:

- specifying what scientific, educational, historical, cultural or recreational activities can take place on Trust lands
- maintenance of the property of the Trust
- charging and receiving fees for services provided in relation to exercising its powers and functions under the Act
- impose a penalty for any breach of a regulation.

## Public participation in policy making

Individuals, customers, special interest and community groups may make representations on policy and other issues at any time by contacting the Trust. The Trust may also seek public submissions from time to time when developing and reviewing policies, plans and programs. The public has been included in decision making processes through representation on advisory committees, or by submission to publicly displayed plans or agreements.

The webpage at [www.rbgnsyd.nsw.gov.au/contact\\_us](http://www.rbgnsyd.nsw.gov.au/contact_us) provides a comprehensive list of contact points for specific aspects of the Trust's functions:

**[www.rbgnsyd.nsw.gov.au/welcome\\_to\\_bgt/quick\\_links/contact\\_us](http://www.rbgnsyd.nsw.gov.au/welcome_to_bgt/quick_links/contact_us).**

A Feedback form is also provided through the OEHL website:

**[www.environment.nsw.gov.au/feedback/index.htm](http://www.environment.nsw.gov.au/feedback/index.htm)**

## Information held by the Trust

The Trust deals with a large number of documents and a range of information. Some is held for a limited time while other information is retained on a permanent basis. Most information may be inspected on the Trust's website or by contacting the Trust or its relevant estate. Some publications may be purchased through the Trust website or from Garden Shops.

### Policy documents

Trust policies include corporate policy documents, scientific policies and manuals, field policies and procedures. Many of these documents are available on the Trust's website, under [Policy documents](#) found under the [Obtaining information](#) section.

The Trust also provides a list of policy documents for the OEH Summary of Affairs, which is published each June and December in the Government Gazette and on the OEH website.

### Publications

The Trust produces two regular scientific journals: *Telopea* (a journal of systematic research) and *Cunninghamia* (a journal of plant ecology for Eastern Australia), each published twice a year and available by subscription or on exchange to other organisations. Trust research is also published as academic papers in a range of journals. These are listed annually on the Trust's website under [Science > Scientific Publications](#) and in both the Trust Annual Report and the annual Scientific Report of the Science and Public Programs Branch, which are both available on the Trust's website under [Our Publications](#).

Other general interest publications produced by the Trust are also listed on the Trust's website under [Our Publications](#) and are available from the Trust's Garden Shops.

### Photographs

A photographic library is available to the public and other agencies under certain conditions. Fees and charges may apply. For further information visit the [Media Room](#) on the Trust's website:

[www.rbg Syd.nsw.gov.au/welcome\\_to\\_bgt/quick\\_links/media\\_room](http://www.rbg Syd.nsw.gov.au/welcome_to_bgt/quick_links/media_room).

## How to obtain Trust information

The *Government Information (Public Access) Act 2009* (GIPA Act) replaced the *Freedom of Information Act 1989* on 1 July 2010. The GIPA Act creates a new right-to-information system. This gives you the right to access information you ask for unless there is an overriding public interest against its release. It addresses personal and non-personal information held by government.

There are four ways in which The Royal Botanic Gardens & Domain Trust makes its information available under the GIPA Act:

1. Mandatory disclosure
2. Proactive release
3. Informal release
4. Formal release

### 1. Mandatory disclosure

Under the GIPA Act, Government agencies must publish certain ~~Open Access~~ Open Access Information on its website, free of charge. The Trust publishes the following Open Access Information on its website:

- current publication guide
- policy documents
- information formally released under the GIPA Act (disclosure log of formal access applications . these are maintained by OEH)
- register of government contracts valued at \$150,000 or more
- information about the Trust contained in any document tabled in Parliament by, or on behalf of, the Trust other than any document tabled by order of either House of Parliament
- the Trust's record of open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure
- a list of major assets (other than land holdings) . see the Annual Report
- the total number and value of properties disposed of during the previous financial year . see the Annual Report
- Guarantee of Service
- Codes of Conduct.

### 2. Proactive Release

Other than the mandatory release of Open Access Information, agencies should release any other information that may be of interest to the public so long as there is no overriding public interest against disclosure. For example, the Trust publishes flora databases and other environmental and plant related information on its website.

The Trust will proactively release as much information as possible; however, sometimes this may not be possible, for instance if the information concerns another party's affairs. You can ask what further information we will make available, in addition to the information already publicly accessible. Information will generally be made available free of charge. Contact the Trust if you require further details.

### **3. Informal release**

You can informally request specific information (including your personal information). Contact the Trust if you require further details.

We will give you a decision as quickly as possible. If we can't provide a final decision within 20 working days, we will let you know when to expect a decision.

There is no charge for information released through an informal application.

There is no right of review if you are not happy with an informal decision. If you make a formal application for the information, you will then have review rights.

### **4. Formal release**

Formal applications for information release can be made if you want information that is not already available, or has not been provided through an informal request. You should first see what information is publicly available or will be made available before making a formal request for its release. There may be public interest reasons why the information may not be released informally, or a third party may need to be consulted in relation to the release of their business or personal information, in which case a formal application should be lodged.

### **How do I apply formally for information under the GIPA Act?**

Contact the OEHR Right to Information/Privacy Officer for information about how to access information under the GIPA Act, including personal information. Submit your request using the application form available on the OEHR website or by sending a letter. The letter must:

1. state that it is an access application made under the GIPA Act
2. give an Australian postal address
3. provide as much information as possible about the nature of the information sought and be as specific as possible.

There is a \$30 application fee for formal access requests, which should be included with your initial application. This covers the first hour of processing time. In addition, we may charge \$30 per hour after the first hour to deal with the application. Where the formal access application is for personal information the first 20 hours of processing are free. Processing charges may be reduced by 50 per cent if you can demonstrate financial hardship or where we are satisfied that the information applied for is of special benefit to the public generally.

## Privacy applications

The *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002* regulate the way the Trust deals with personal and health information and gives people a legally enforceable right of access to their information. Applications can be made for personal information that may be held by the Trust. Applications may also be made to amend personal information that may be incomplete, incorrect, misleading or out-of-date. If you believe that the Trust has breached your privacy, you can ask us to investigate what occurred.

## More information

For more information on accessing information under the GIPA Act, including personal information, contact the OEH Right to Information/Privacy Officer at PO Box A290, Sydney South 1232, phone (02) 9995 6080 or (02) 9995 6497.

Further information can also be obtained via the Trust's website at [www.rbgsyd.nsw.gov.au/about\\_us](http://www.rbgsyd.nsw.gov.au/about_us), the OEH website [www.environment.nsw.gov.au/whoweare/information.htm](http://www.environment.nsw.gov.au/whoweare/information.htm) or the Office of the Information Commissioner (OIC) at [www.oic.nsw.gov.au](http://www.oic.nsw.gov.au).

## Other information services

### Botanical Information Service

The Trust provides comprehensive plant identification and botanical information through its Botanical Information Service, available over the counter at the National Herbarium of New South Wales, Mrs Macquaries Road, Sydney NSW 2000. Information on costs and contact details are listed on the Trust's website: [www.rbgsyd.nsw.gov.au/plant\\_info/identifying\\_plants/plant\\_identification\\_service](http://www.rbgsyd.nsw.gov.au/plant_info/identifying_plants/plant_identification_service).

### Plant Disease Diagnostic Service

The Plant Disease Diagnostic Unit provides a range of plant pest and disease identification services to industry, government and private customers, including:

- disease diagnosis
- fungal isolation
- advice and treatment recommendations

Further information on costs and contact details are listed on the Trust's website: [www.rbgsyd.nsw.gov.au/plant\\_info/pests\\_diseases/plant\\_disease\\_diagnostic\\_service](http://www.rbgsyd.nsw.gov.au/plant_info/pests_diseases/plant_disease_diagnostic_service).

## The Library of the Royal Botanic Garden Sydney

Established in 1852, the Library provides research and reference services to the scientific, botanical, horticultural and educational staff and to resident post-graduate students of the Botanic Gardens. Friends of The Gardens, volunteers and visiting researchers also make use the collections. People from outside the organisation requiring access to specialised botanical or horticultural literature, including scientists, students, historians, horticulturists, may have access by appointment, but are asked to try other sources before approaching the library.

The Library is located within the National Herbarium of NSW, the Royal Botanic Garden Sydney, Mrs Macquaries Road, SYDNEY NSW 2000. Further information and specific contact details are listed on the Trust's website:

[http://www.rbgsyd.nsw.gov.au/science/Herbarium\\_and\\_resources/library](http://www.rbgsyd.nsw.gov.au/science/Herbarium_and_resources/library).

## Visitor Information

Information about visiting one of the Trust's Botanic Gardens can be obtained through the Trust website or by contacting one of the three estates. Each estate also has a visitor information centre and shop where further information can be obtained.

### **The Royal Botanic Garden, Sydney**

Mrs Macquaries Road Sydney NSW 2000, Australia

Phone: 02-9231 8111

Fax: 02-9251 4403

### **The Australian Botanic Garden, Mount Annan**

Mount Annan Drive, Mount Annan NSW 2567, Australia

Phone: 02-4634 7900

Fax: 02-4634 7950

### **The Blue Mountains Botanic Garden, Mount Tomah**

Bells Line of Road via Bilpin NSW 2758, Australia

Phone: 02-4567 3000

Fax: 02-4567 2037

## Registers

### Heritage and conservation

Section 170 of the *Heritage Act 1977* requires all NSW Government departments to have a Heritage and Conservation Register. The Trust's register contains details of the moveable, built and landscape heritage it manages within its estates, including:

- Archaeological finds
- Archival material and manuscripts
- Artwork
- Audio-visual
- Built landscape elements
- Furniture
- Geological natural elements
- Heritage buildings
- Industrial objects and tools
- Landscape development . Mount Annan Botanic Gardens
- Landscape development . Mount Tomah Botanic Gardens
- Landscape development . Royal Botanic Gardens and Domain, Sydney
- Maps, plans and charts
- Memorabilia
- NSW Herbarium
- NSW Seedbank
- Photographic
- Publications (produced by the Trust)
- Rare books
- Significant individual plantings
- Significant groups of plantings
- Statues, fountains and monuments

At present, none of the heritage collections at the Trust have been nominated for inclusion on the State Heritage Register.