



Information Statement 2019





Botanic Gardens and Parks Authority

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This Information Statement has been prepared in accordance with section 94 of the *Freedom of Information Act (WA) 1992*.

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- Speak and Listen number - 1300 555 727
- TTY number - 133 677
- SMS relay number - 0423 677 767

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1. Freedom of Information

The *Freedom of Information Act 1992* (the FOI Act) provides members of the public with the right to apply for access to the vast majority of the records held by State Government Agencies.

Some documents, or parts of documents, may be exempt from access. The FOI Act's exemption provisions protect from disclosure material that, if released, would have a detrimental effect on the functioning of Government or harm the interests of private individuals or commercial organisations.

You may also apply for access to personal information about you that is contained in Botanic Gardens and Parks Authority (BGPA) documents and you can correct that information if it is incorrect, inaccurate, out of date, or misleading.

Your right to apply is not affected by any reasons you have for wanting to obtain access or BGPA's belief as to your reasons for applying.

The FOI Act may be purchased from the State Law Publisher on (08) 9321 7688 or can be viewed online on the Information Commissioner's website www.oic.wa.gov.au.

BGPA became a part of the newly formed Department of Biodiversity, Conservation and Attractions (DBCA) on 1 July 2017 but remains a statutory authority, constituted under the *Botanic Gardens and Parks Authority Act 1998*. Under FOI legislation BGPA is not considered a part of the Department.

The Director General of DBCA is also the CEO for BGPA; under section 100(1)(b) of the FOI Act, the CEO has directed BGPA as decision maker where the access application is for information which relates to their respective area of business. For BGPA the delegated decision makers are:

- Records Management Coordinator – Section 30, General Notice of Decisions
- Executive Director – Section 41, Internal Review Decisions

BGPA's FOI procedures are published on its website www.bgpa.wa.gov.au and they are outlined in this Information Statement.

This Information Statement is reviewed annually and submitted to the Office of the Information Commissioner.

2. About the Botanic Gardens and Parks Authority

The Botanic Gardens and Parks Authority (BGPA) is responsible for the care, control and management of Bold Park and Kings Park, including the Western Australian Botanic Garden.

Bold Park and Kings Park and Botanic Garden are unique and highly valued places. BGPA is responsible for managing these areas for the benefit of the community and the environment through the provision of recreational and tourism services and facilities; conservation of natural landscapes and cultural heritage; plant management and display; biodiversity management; research and educational programs.

Our vision: To create and provide world-recognised botanic gardens and parks and to inspire the conservation of biological diversity.

Our mission: To conserve and enhance Kings Park and Botanic Garden and Bold Park with the community, and to conserve biological diversity generally.

2.1 Legislative Environment

BGPA is constituted under *the Botanic Gardens and Parks Authority Act 1998* (the BGPA Act) for the care, control and management of Kings Park and Botanic Garden (reserve A1720 except Perth lots 64 and 65) and Bold Park (reserve A45409), in accordance with publicly endorsed management plans. and is responsible for administering the *Botanic Gardens and Parks Regulations 1999*.

The BGPA Act identifies functions and powers that underpin the management of Bold Park and Kings Park including the State's Botanic Garden, the conservation of natural landscapes, biodiversity management, research and educational programs and the provision of recreational and tourism services and facilities.

In managing these lands, BGPA is charged with the following functions:

- (a) To provide, improve and promote recreational and tourism services and facilities on the designated land.
- (b) To conserve and enhance any native biological diversity of the designated land.
- (c) To conserve and enhance the natural environment, landscape features and amenity of the designated land.
- (d) To conserve, develop, manage, display and undertake research into collections of Western Australian and other flora.
- (e) To enhance and promote the understanding and conservation of the biological diversity of the designated land and of biological diversity generally.
- (f) To conserve, enhance and promote the aboriginal, colonial and contemporary cultural heritage of the designated land.
- (g) To promote the use of flora for the purposes of horticulture, conservation and education, and
- (h) To undertake research and promote research and investigation into matters related to or connected with the Authority's functions.

Legislation administered by the Botanic Gardens and Parks Authority as at 1 January 2019:

- [Botanic Gardens and Parks Authority Act 1998](#)
- [Botanic Gardens and Parks Regulations 1999](#)

2.2 Organisational Structure

On 1 July 2017, BGPA become part of the newly formed Department of Biodiversity, Conservation and Attractions (DBCA) which also incorporates the former Department of Parks and Wildlife, the Zoological Parks Authority (Perth Zoo) and Rottneest Island Authority.

DBCA is tasked with conserving and enhancing Western Australia's ecological biodiversity and natural attractions under its care.

DBCA is headed by the Director General, who is also the CEO for the three separate statutory authorities. BGPA has a governing board and the Executive Director is responsible for the day-to-day operations of Bold Park and Kings Park and Botanic Garden. BGPA is within the portfolio of the Minister for Environment.

Delivery of services, programs and activities is managed under five key areas Business and Finance; Partnerships, Communications and Marketing; Visitor Services and Community Engagement, Horticulture and Conservation and Kings Park Science.

Kings Park Science and BGPA's reference Herbarium operate as part of DBCA's Biodiversity and Conservation Science division but continue to deliver outcomes in conservation science generally and to support the core functions of the Western Australian Botanic Garden and Kings Park and Bold Park bushlands.

Centralisation of Human Resources and Information Services functions took effect in 2018 and these functions are supported via Memorandum of Understanding arrangements between the BGPA and DBCA's People Services Branch and Office of Information Management.

A copy of BGPA's structure is included at [Appendix 1](#).

Further information about BGPA and its functions and activities can be found on the BGPA website www.bgpa.wa.gov.au and in the following publications, available on the website or in hardcopy on request:

- [Kings Park Management Plan 2014-2019](#)
- [Bold Park Management Plan 2016-2021](#)
- [Annual Reports](#).

3. Ways in which the functions of BGPA affect members of the public

BGPA is responsible for the provision of tourism and recreational facilities, conservation of natural landscapes and cultural heritage, plant management and display, biodiversity management, research and educational programs.

Kings Park and Botanic Garden is Western Australia's major ceremonial and cultural heritage venue and its most popular tourist destination with more than five million visitors each year. Each year the park is the premier location for state and national events such as the Anzac Day Memorial Service, the Australia Day fireworks and Kings Park Festival

As well it is the venue for hundreds of corporate, social functions and weddings held in the many pavilions, rotundas and grassed areas. It is home to culturally significant locations such as the many war memorials and Honour Avenues and it is a significant piece of land to the local Nyoongar people and the general Western Australian community.

The Western Australian Botanic Garden is a living research centre that focuses on the conservation of Western Australia's flora and displays some of the state's most diverse and spectacular plant groups. Additional species continue to be collected from the wild for research trials and propagation in the Kings Park nursery, ever increasing the range of species in cultivation.

Both Kings Park and Botanic Garden and Bold Park have extensive areas of unique urban bushland including networks of walk trails to provide recreational opportunities rarely found in the city. These bushland remnants are home to many species of flora and fauna, both native and introduced, and are key areas for BGPA's scientific research activities that provide valuable information and insights into conservation activities for Western Australia as a whole.

4. Public participation in the formulation of BGPA's policies and performance of functions

BGPA is committed to providing appropriate opportunities for the community to participate in the performance of its functions. Community engagement activities are predominantly provided for through learning and discovery activities and through a range of activities supported by associated volunteer groups. BGPA has five volunteer groups who are involved in the daily activities of the parks and are often the public face in interactions with our many visitors. These volunteer groups provide daily Guided Walks, operate the Visitor Information Centre, offer gardening advice and undertake key fundraising activities and maintenance of the Honour Avenue plaques. Information about volunteering, and links to the different associations, are provided on the BGPA website.

Community consultation activities include visitor and volunteer feedback and surveys, public comment periods, special purpose workshops, open days, advisory committee meetings, and individually; by letter, telephone or email.

Annual visitor surveys are conducted in both Kings Park and Botanic Garden and Bold Park and the overall results are reported in BGPA's Annual Report. These surveys are aimed at measuring visitor satisfaction with the facilities of Kings Park and Botanic Garden and Bold Park and assess visitors' awareness of management, research and conservation activities within the bushland areas.

In addition, the BGPA Act states that BGPA must control and manage its designated land in accordance with its applicable management plans. During the management plan process, revisions or amendments require public notification and is to be available for a public consultation period for not less than two months prior to approval by BGPA's Minister. The Kings Park and Botanic Garden Management plan 2014-2019 and Bold Park Management Plan 2016-2021 are available on the BGPA website.

For general enquiries, BGPA provides a communications system, inviting comments, suggestions and complaints from visitors and members of the public. Communications Forms are available through the Visitor Information Centre or at the BGPA Administration in Kings Park and Botanic Garden. Feedback can be provided by telephone or email. Comments, suggestions and complaints are reviewed by the appropriate staff and are addressed in accordance with the Government Complaints Handling Guidelines and communications.

Community input is welcome at all times and may be directed to the Authority, as outlined below. More detailed contacts can be found on the Authorities website.

Botanic Gardens and Parks Authority – General Enquiries

1 Kattidj Close, Kings Park WA 6005
+61 8 9480 3600
enquiries@bgpa.wa.gov.au
www.bgpa.wa.gov.au

5. Documents held by BGPA

5.1 Publicly available documents

All BGPA [Annual Reports, Management Plans, strategic publications, legal statements, scientific papers and brochures](#) are available to download from the BGPA's website, hard copies can be made available from the BGPA Administration in Kings Park and Botanic Garden. Information brochures are also available from the Kings Park Visitor Information Centre.

To view BGPA publications at BGPA Administration, prior arrangements should be made to ensure staff and resource availability. Requests can be made by phone, email or post to:

Botanic Gardens and Parks Authority
1 Kattidj Close, Kings Park WA 6005
+61 8 9480 3600
enquiries@bgpa.wa.gov.au

For access to BGPA information for people who are deaf, hearing or speech impaired contact the [National Relay Service](#):

Speak and Listen number - 1300 555 727
TTY number - 133 677
SMS relay number - 0423 677 767

Requests for documents or publications to be posted should be in writing and may incur a postage and handling fee. Photocopying will incur a fee of 20 cents per photocopy.

In addition, a range of botanical, gardening, historical, cultural and children's books are available for sale at [Aspects of Kings Park](#) including BGPA published books.

5.2 Other BGPA documents

BGPA maintains a central filing system and library using an approved electronic document records management system (EDRMS) to keep track of all documentation produced during the day-to-day operations. These files contain BGPA's policy and strategic planning documents, reports, daily internal and external correspondence, Government and Ministerial related correspondence, project records and employee records.

Registry files are located at the many physical locations within Kings Park and Botanic Garden and at Bold Park, with archived records maintained at a secure in-house storage facility. All records are managed in accordance with BGPA's Recordkeeping Plan and Retention and Disposal Schedule. Files are maintained in electronic and physical copies.

5.3 Procedures for amending personal information

Personal information of employees and stakeholders is retained only as relevant to the functions and activities of BGPA. Personal information is not released to other organisations or members of the public without the permission of the person.

An individual has the right to apply for amendment of personal information contained in BGPA documents where the information about that person is inaccurate, incomplete, out-of-date or misleading. If the person is deceased, that person's closest living relative has the right to apply for amendment to personal information about the deceased person.

Individuals should first contact BGPA, as they may not need to make a formal application. If the individual wishes to proceed with a formal request, the applications needs to:

- be in writing.
- give enough information so the documents requested can be identified, and must provide details that show how or why the Authorities records are inaccurate, incomplete, out of date or misleading.
- give an Australian address to which notices can be sent, and where possible, a contact telephone number.
- be lodged at our office.

If your application is for access to or amendment to your personal information and is made by post, please provide a certified copy of one of the following documents:

- Driver's Licence;
- Aged Pensioner Concession Card;
- Passport;
- Birth Certificate (and Marriage Certificate if name has changed); or
- Proof of Age Card (issued by the Department of Transport).

Documents must be certified by a person authorised to witness statutory declarations under schedule 2 to the oaths, affidavits and statutory declarations act 2005.

Applications to amend personal information held by BGPA can be made in writing to:

Freedom of Information Coordinator
Botanic Gardens and Parks Authority
1 Kattidj Close
KINGS PARK WA 6005
enquiries@bgpa.wa.gov.au

6. Procedures for Freedom of Information Access

6.1 Submitting a Freedom of Information Request

In the first instance, applicants should contact BGPA by telephone, email or in person. Wherever possible BGPA will endeavor to provide access to information as quickly and easily as possible without the need to submit a formal FOI request.

Should an applicant wish to proceed with a formal request, a valid FOI application needs to:

- be in writing.
- give enough information so the documents requested can be identified.
- give an Australian address to which notices can be sent, and where possible, a contact telephone number.
- be lodged at our office with any application fee, if payable.

Applications for access to information can be made in writing to:

Freedom of Information Coordinator
Botanic Gardens and Parks Authority
1 Kattidj Close
KINGS PARK WA 6005
enquiries@bgpa.wa.gov.au

6.2 The Freedom of Information Process

Applicants will be promptly acknowledged in writing and be informed of the decision within 45 calendar days.

Section 11 of the FOI Act requires the Authority to take reasonable steps to help an applicant with their request if they are having difficulty making an application. For example, if an applicant is having trouble defining the documents they are seeking, the agency may describe the kinds of documents and records kept to narrow the scope of their application. Under section 20 of the Act an agency may refuse to deal with a large request where the work involved would divert a substantial and unreasonable portion of the agency's resources away from its other operations.

The best method of access to documents is determined by negotiation between BGPA and the applicant. Documents may be inspected at our premises, posted, or emailed.

Should an applicant be dissatisfied with an access decision, the applicant can request an internal review of that decision and subsequently, a review by the Information Commissioner if still not satisfied.

6.3 Access Charges

A valid FOI application must be accompanied by an application fee of \$30, unless that request is entirely for personal information about the applicant. BGPA can help applicants determine if their enquiry is likely to attract the application fee if they contact us before submitting an application.

Fees may also apply for:

- Copying or transcribing information. These will be charged at cost depending on the type and volume of copying required. Should photocopies be necessary, these will be charged at 20 cents per photocopy.
- Staff time of \$30 per hour (or pro rata for part of an hour) for dealing with an application or for supervision by staff when access is given to view documents or the time taken by staff to prepare a transcript from tape or make photocopies. (Note: BGPA will not charge for locating the documents within the scope of the request).
- Actual costs incurred by BGPA for preparing a copy of a tape, film or computerised information, or arranging delivery, packaging and postage of documents.

If charges are likely to exceed \$25 then BGPA will provide an estimate of charges and ask whether the application is to proceed. The applicant must notify BGPA in writing of the intention to proceed within 30 days. In some instances, BGPA may request an advance deposit.

Concessions of 25% are available to applicants who can demonstrate financial hardship.

6.4 Notice of decision

A notice of decision will be provided to the FOI applicant as soon as practicable but in any case, within 45 days. BGPA may request an extension of time when dealing with a large application. The notice of decision which will include details such as:

- the date on which the decision was made;
- the name and the designation of the officer who made the decision;
- if the document is an exempt document, the reasons for classifying the matter exempt; or the fact that access is given to an edited document; and
- information on the right to review.

6.5 Internal Review Rights

If you are dissatisfied with the decision regarding an application, you can apply for an internal review.

Once you have received written notice of the outcome of your FOI request, you have 30 days to lodge your application for review. Should an applicant wish to proceed with a formal review, the application should:

- be in writing.
- give particulars of the decision to be reviewed.
- confirm the Australian address to which notices can be sent.

Applications for to review a decision can be made in writing to:

Executive Director
Botanic Gardens and Parks Authority
1 Kattidj Close
KINGS PARK WA 6005
enquiries@bgpa.wa.gov.au

You will be notified of the outcome of the review within 15 calendar days. No further fees apply to an application for internal review.

6.6 External Review Rights

The Information Commissioner is an independent officer who reports directly to Parliament. The role of the Commissioner is to review decisions by agencies on access applications and applications to amend personal information, where an applicant is dissatisfied with decision.

If you are dissatisfied with the decision regarding an application, complaints must be lodged with the Office of the Information Commissioner within 60 days of receiving notice of BGPA's decision. (If you are a third party affected by the decision you have 30 days).

Complaints to the Commissioner must:

- be in writing.
- have attached to it a copy of the Authority's decision.
- provide an Australian address to which notices can be sent.

There is no charge for lodging a complaint with the Office of the Information Commissioner.

Complaints should be lodged at:

Office of the Information Commissioner
Albert Facey House
469 Wellington Street
PERTH WA 6000
info@oic.wa.gov.au.
www.oic.wa.gov.au.

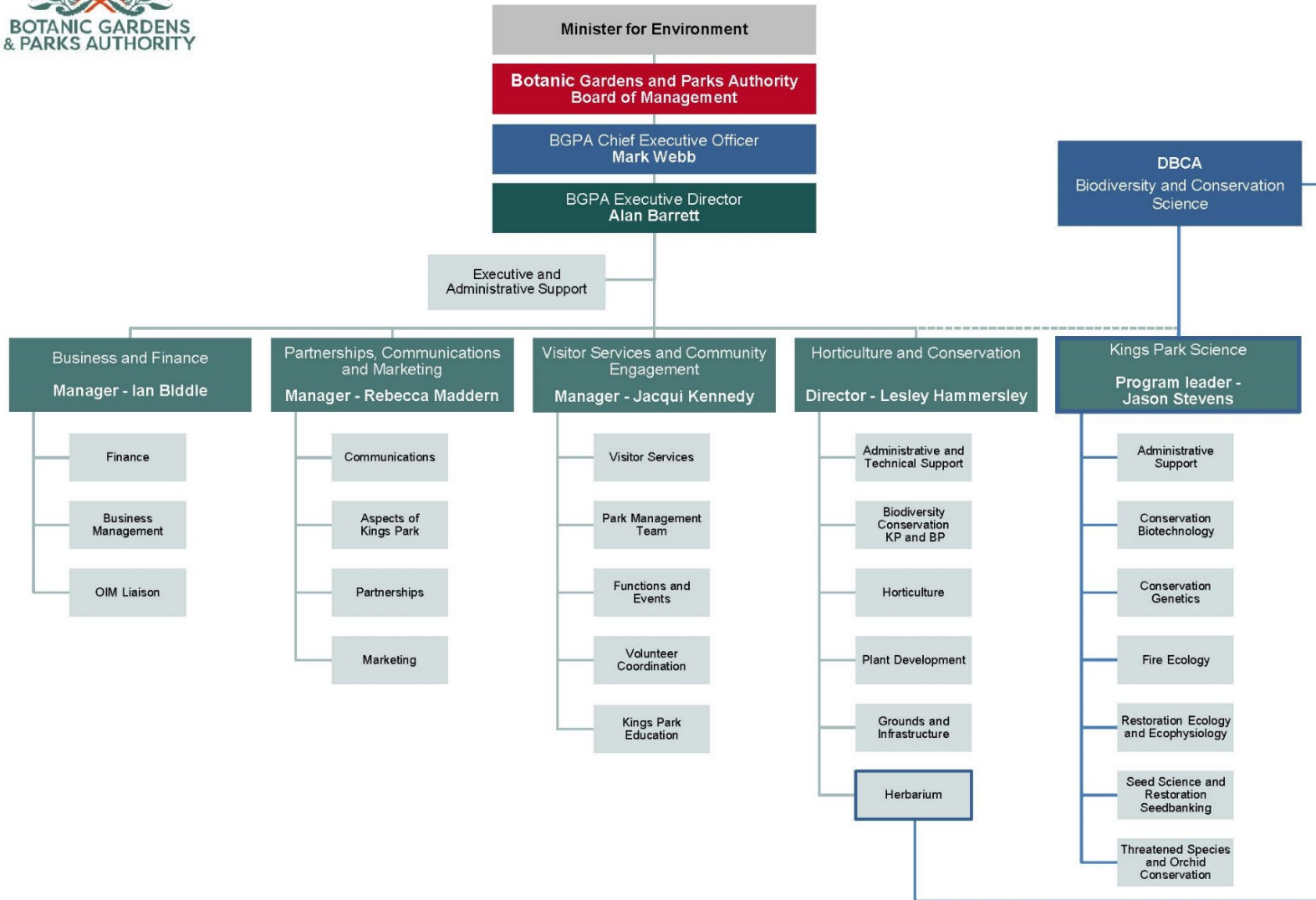
The Commissioner is also required to provide assistance to members of the public and agencies on matters relevant to the FOI Act.

For more details on the Office of the Information Commissioner, or for access to the FOI Act and Regulations go to www.oic.wa.gov.au.

Appendix 1 - BGPA Structure



BGPA Functional Structure March 2019



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