

# Guide to accessing government information

## About this guide

The Government Information (Public Access) (GIPA) Act (GIPA Act) gives members of the public an enforceable right to access government information and encourages the proactive public release of information. Access to government information is restricted only where there is an overriding public interest against disclosure. The GIPA Act also requires agencies to prepare an information guide.

This guide provides general information on:

- the structure and functions of the NSW Threatened Species Scientific Committee (NSW TSSC)
- the effect of the Committee's functions on members of the public
- how the public can participate in the creation of the NSW TSSC's policy and exercise of its functions
- the kind of government information the NSW TSSC has
- the kind of government information the NSW TSSC will make available to the public
- how that information will be made available
- if there is a charge to access specific kinds of information.
- the effect of the Committee's functions on members of the public

## Committee structure

The NSW TSSC is established under the NSW *Biodiversity Conservation Act 2016* (BC Act). The Committee is independent of the NSW Department of Climate Change, Energy, the Environment and Water, however, the department provides office accommodation, funds and support staff to assist the Committee to fulfil its function under the BC Act.

The Committee consists of 11 scientists appointed by the Minister for the Environment. The BC Act requires that members be nominated by various organisations and that Committee members must have expertise in one or more of the following areas of study:

- vertebrate biology
- invertebrate biology
- plant biology
- terrestrial ecology

- plant community ecology
- limnology
- aquatic biology
- genetics of small populations
- population dynamics (including population viability analysis or evolutionary ecology).

The current members of the NSW TSSC are:

- Deputy Chairperson: Professor Caroline Gross
- Members:
  - Dr Francisco Encinas-Viso
  - Professor Angela Moles
  - Dr Catherine Offord
  - Mr Michael Pennay
  - Mr Christopher Slade
  - Dr Chris Reid
  - Mr Robert Armstrong
  - Professor David Keith

Information on the Committee's membership is also available on the department's website.

The Committee's principal functions include:

- determining which species (including populations) and ecological communities are to be listed in the BC Act as critically endangered, endangered or vulnerable
- determining which species are to be listed as extinct species or species extinct in the wild
- determining which ecological communities are to be listed as collapsed ecological communities
- determining which processes are to be listed as key threatening processes
- periodically undertaking a review of the lists of threatened species, ecological communities and key threatening processes
- advising the Minister on matters relating to the conservation of threatened species and threatened ecological communities, and key threatening processes that is referred to the Committee by the Minister.

Note: Threatened species includes species and ecological communities listed as critically endangered, endangered or vulnerable. Species includes all plants and animals, except 'fish' as defined in the *Fisheries Management Act 1994* and *Fisheries Management Amendment Act 1997*, and is not restricted to species of flowering plant or vertebrate animal.

## Impact of Committee's functions

The Committee's functions are directed towards the conservation and protection of biodiversity which benefits members of the public. Biological diversity or biodiversity is

the variety of all living organisms including all species, the genes they possess and the ecosystems they form. Biodiversity is vital in supporting all life on earth. It provides food, many industrial products and medicines. Biodiversity also ensures clean air, water and fertile soils and provides opportunities for recreation and tourism for the public.

One of the most urgent and critical tasks in the conservation and protection of biodiversity is to identify those species under most threat so we can target our resources to prevent their permanent loss through extinction and promote their recovery for the enjoyment and benefit of current and future generations.

The species and ecological communities in New South Wales at most risk of extinction, are listed as threatened under the BC Act. It is the responsibility of the NSW TSSC to identify and list threatened species and ecological communities so they can be conserved and protected. The Committee also identifies key threatening processes that adversely affect species and ecological communities and can lead or contribute to their extinction.

The NSW TSSC makes final determinations to add or amend the lists of threatened species, ecological communities and key threatening processes in the Schedules of the Act. Once listed, the species or ecological community are protected by legislation which contains provisions relating to their conservation. The listing of threatened species and ecological communities can affect certain activities undertaken by the public, for example:

- penalties for harming, picking, buying, selling and possessing threatened species or ecological communities or damaging their habitat
- the requirement to obtain a licence to harm or pick threatened species or ecological communities or to damage their habitat
- the requirement to assess whether a proposed development is likely to significantly affect threatened species or ecological communities
- the possibility of the making of a stop work order or interim protection order where an action is likely to result in harming, picking or damaging the habitat of threatened species or ecological communities
- the possible declaration of an area of outstanding biodiversity value where an area makes a significant contribution to the persistence of threatened species or ecological communities.

The NSW TSSC also makes determinations to remove threatened species, ecological communities and key threatening processes from the Schedules of the BC Act. Once a species or ecological community is removed from the list, members of the public no longer face the same level of restrictions for threatened species, but some restrictions to certain activities may continue to apply to protected species.

## Submissions to the Committee

Nominations for listing, delisting or making amendments to the Schedules of the BC Act may be made by any person or organisation. Following receipt and review of a nomination, the Committee considers whether additional information is required from

the nominator or other sources such as research scientists, government agencies and other organisations. The Committee may seek comment or further information from these sources.

When the Committee decides on a nomination, it makes a Preliminary Determination either to support or not support the nomination. This determination is placed on public exhibition for comment from the public and provides an opportunity for members of the public to provide any additional relevant information they may have. The Committee must consider all submissions received within the exhibition period.

## Maintaining government information

The following information is held by the NSW TSSC:

- policy documents which comprise:
  - Preliminary and Final determinations
  - provisional listing on an emergency basis determinations
  - determinations to make minor amendments to the Schedules of the BC Act
  - guidelines for interpreting listing criteria for species, populations and ecological communities under the BC Act
- documents relating to the internal administration and operation of the Committee
- minutes of meetings
- business papers
- documents relating to nominations which includes nominations, correspondence, data and submissions.

## Publicly available information

### Open Access information

The following documents and information are available free of charge on the Committee's website:

- Guidelines for interpreting listing criteria for species, populations and ecological communities under the BC Act
- Preliminary Determinations (available until a Final Determination is made)
- Final Determinations
- Determinations for provisional listing on an emergency basis (available until a Final Determination is made)
- Determinations to make minor amendments to the Schedules
- Conservation assessment reports relating to preliminary and Final Determinations
- Joint Management Agreements advice
- Other advice and submissions
- Disclosure Log.

## Other proactively released information

The following reports and documents are also available free of charge on the Committee's website:

- Conservation assessment reports of Data Deficient species
- Conservation assessment reports of vagrant species in New South Wales
- Review of the conservation status of marine mammal species in New South Wales
- Review of the Threatened Species Conservation Act Flora Schedules
- The conservation value of regrowth native plant communities: a review
- The status of marine reptiles in New South Wales
- Review of the Threatened Species Conservation Act Schedules 2007–2009: Summary Report
- Review of the Threatened Species Conservation Act Schedules 2007–2009: Flora and Fauna species review summaries

## Informal request for information

A request may be made at any time for other information held by the NSW TSSC. While the Committee reserves the right to require a formal access application to be made, the Committee 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 to the Committee
- 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
- other reasonable requests for information the release of which would not raise any potential concerns in terms of public interest considerations against disclosure and would not involve a substantial amount of time and staff resources to provide.

The Committee reserves the right to impose conditions in relation to the use or disclosure of information that is released in response to an informal request.

## Formal access application for information

A formal access application may be made for all other information held by the NSW TSSC. The Committee will not release information if there is an overriding public interest against the disclosure of the information or the information falls within the definition or description of excluded information as specified under the *Government Information (Public Access) Act 2009*.

There is a \$30 application fee and there may be an additional processing charge. If an applicant is seeking access to personal information about themselves, there is no processing charge for the first 20 hours.

The processing charge may be discounted by 50% where an applicant provides information and supporting documentation demonstrating that they are suffering financial hardship or that the information is of special benefit to the public generally.

The Committee may also seek an advance deposit of up to 50% of the estimated processing charge. An advance deposit may be sought, for example, where a large volume of information is sought and/or significant resources are required to process an application.

Applicants will have at least 4 weeks in which to pay the advance deposit and the period within which the application is required to be decided stops running until the advance deposit is received by the Committee.

## More information

Right to Information Officer, NSW Threatened Species Scientific Committee (NSW TSSC), +61 2 9585 6940 or email [scientific.committee@environment.nsw.gov.au](mailto:scientific.committee@environment.nsw.gov.au).

For current NSW TSSC members, visit [www.dcceew.gov.au/environment/biodiversity/threatened/tssc/committee-members](http://www.dcceew.gov.au/environment/biodiversity/threatened/tssc/committee-members).

Information on the Committee's membership can be found on the Environment and Heritage website [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au).

The *Government Information (Public Access Act) 2009* can be viewed and printed from the NSW Government Legislation website [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

The Information and Privacy Commission (IPC) has factsheets, guidance material and frequently asked questions about the GIPA Act, and provides detailed information on the Act and its interpretation and implementation.

IPC contact information:

Visit: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)

Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)

Mail GPO Box 7011, Sydney NSW 2001

Call: 1800 472 679 between 9 am and 5 pm, Monday to Friday (excluding public holidays).

## NSW Threatened Species Scientific Committee

If you have a hearing or speech impairment, call the IPC through the National Relay Service (NRS) on 133 677 or if you want to talk to the IPC with the assistance of an interpreter, you can call the IPC through the Translating and Interpreting Service (TIS) on 131 450. NRS and TIS are free services. Information on privacy and government access information, including how to make a complaint or request a review, is also available in a range of community languages on the IPC website.

NSW Threatened Species Scientific Committee

Locked Bag 5022, Parramatta NSW 2124; Phone: 9585 6940;

Email: [scientific.committee@environment.nsw.gov.au](mailto:scientific.committee@environment.nsw.gov.au);

Website: [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

ISBN 978-1-923285-66-8; EH 2024/0290; November 2024.