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← Every year Kakadu National Park conducts a burning program to manage country and prevent late season wildfires. Pictured are young traditional owners Isaac Pamkal, Quinten McMah and Richard Landr in Kakadu's remote Stone Country. Young traditional owners are walking on country to manage fire in this remote and now uninhabited part of the park. Photo Director of National Parks

Corporate governance

The Director of National Parks is responsible, under the EPBC Act, for the management of Commonwealth reserves and conservation zones established over Commonwealth-owned land, Aboriginal land leased to the Director, and Commonwealth marine areas. The Director of National Parks corporation is a Commonwealth authority and is subject to the *Commonwealth Authorities and Companies Act 1997* (CAC Act). The Director is a corporation sole constituted by the person who holds the office that is also named the Director of National Parks.

The Director is responsible to the Minister with responsibility for administration of the EPBC Act. During 2009–10 that person was the Minister for Environment Protection, Heritage and the Arts, the Hon Peter Garrett AM MP.

Ministerial directions

The EPBC Act requires the Director to perform functions and exercise powers in accordance with any directions given by the Minister, unless the EPBC Act provides otherwise. During 2009–10 no Ministerial directions were given to the Director under the CAC Act and there were no directions continuing from previous years.

The Director is subject to directions given by the Minister responsible for administration of the CAC Act under section 47A of the Act on matters related to the procurement of property or services. The Finance Minister's (CAC Act Procurement) Directions 2009 require the Director to apply the Commonwealth Procurement Guidelines when undertaking a procurement covered by the guidelines.

The Minister responsible for the CAC Act may under section 48 of the CAC Act make a General Policy Order specifying a general policy of the Australian Government that is to apply to the Director. No General Policy Orders were made during 2009–10 and there were no orders continuing from previous years.

Funding

The EPBC Act makes provision for funding the Director of National Parks. The Department of the Environment, Water, Heritage and the Arts receives the appropriation for the Director of National Parks. In effect, the department purchases services from the Director to manage Commonwealth reserves, and to perform the Director's other functions under the EPBC Act, in order to contribute to the department's Outcome 1. The Director is the sole provider of statutory functions and powers for managing Commonwealth reserves under the Act.

The department also has an arrangement to provide corporate services to the Director. The department's Parks Australia division supports the Director's work.

During 2009–10 the department provided \$50.1 million to the Director of National Parks under the purchaser-provider arrangement (see the audited financial statements at Chapter 6 of this report). This arrangement was effective, providing the resources that enabled the Director to meet the targets set in the Environment, Water, Heritage and the Arts Portfolio Budget Statements 2009–10.

Planning documents

For information about the strategic planning and performance assessment framework, see Chapter 4 of this report.

Executive management

The holder of the office of Director of National Parks and three senior executives provide leadership in Parks Australia (see Chapter 3 of this report). Weekly meetings of the executive team provide the primary management forum for developing and reviewing policy priorities and strategic and corporate goals.

In addition to the Parks Australia executive team, two senior executives in the department's Marine Division are responsible, under delegation from the Director of National Parks, for management of 25 Commonwealth marine reserves and the Director of the Australian Antarctic Division is responsible for management of one marine reserve.

Parks administration faces a number of specific challenges including widely distributed workplaces in remote areas, many in a cross-cultural environment. Coordination between area managers, Canberra-based managers and the executive team is vital. Key communication activities include regular phone link-ups and the annual Parks Australia Forum involving all senior managers.

Staff participation through consultative committees, both regional and Canberra-based, supports the internal management of Parks Australia.

Boards of management and advisory committees

Kakadu, Uluru–Kata Tjuta and Booderee National Parks are managed jointly by the Director and the traditional Aboriginal owners, in accordance with the EPBC Act. Each park has a board of management established under the Act, with a majority of members being Indigenous people nominated by the traditional owners of land in the park. Membership of the boards also includes the Director, nominees of the Northern Territory Government (for Kakadu and Uluru–Kata Tjuta National Parks) and members representing special interest groups or with particular skills relevant to managing the park (see Chapter 3 of this report for board members).

The principal functions of a Commonwealth reserve board of management are to prepare management plans for the reserve in conjunction with the Director and to make decisions about management of the reserve that are consistent with its management plan. A board, in conjunction with the Director, is also responsible for monitoring management of the reserve and advising the Minister on the reserve's future development.

Norfolk Island, Christmas Island and Pulu Keeling National Parks have non-statutory advisory or consultative bodies which include community representatives and representatives of the Director.

Other consultative mechanisms

The EPBC Act requires public consultation prior to the declaration of a Commonwealth reserve and in the preparation of reserve management plans.

For Commonwealth reserves that include Aboriginal-owned land the EPBC Act provides for both consultation with, and involvement of, representatives of the Aboriginal landowners about management of the reserve. The Director must consult with, and have regard to, the views of the chair of the relevant land council in relation to the performance of the Director's functions and the exercise of the Director's powers in relation to the reserve. The land council chair must be specifically invited to comment on the preparation of management plans.

Additional consultation with traditional Aboriginal owners of Kakadu, Uluru–Kata Tjuta and Booderee National Parks takes place through cultural advisers, Aboriginal staff, community liaison officers, Aboriginal organisations, and special consultative committees.

The EPBC Act also requires the Northern Territory Government to be consulted in relation to the performance of the Director's functions and the exercise of the Director's powers in relation to Kakadu and Uluru–Kata Tjuta National Parks, and to be invited to comment on the preparation of management plans for those parks.

Tourism industry interests are consulted through the tourism consultative committees of the Kakadu and Uluru–Kata Tjuta Boards of Management and through ad hoc working groups.

Control arrangements

Director of National Parks Chief Executive Instructions

The Chief Executive Instructions direct Parks Australia staff in assisting the Director to carry out the Director's functions under the EPBC Act and ensure the corporation and its officers meet their obligations under the EPBC Act and the CAC Act. The instructions draw upon relevant corporate governance rules, policies and guidelines of the Australian Government and are supported by policies and procedures that are subject to regular review.

Audit

An Audit Committee is established for the Director in accordance with the CAC Act. During the year the Audit Committee met four times and addressed corporate governance issues including risk management and financial management.

During 2009–10 no internal audits were undertaken. The committee endorsed the process for preparation of the 2009–10 financial statements.

Members of the committee at 30 June 2010 were:

- Paul Hickey, independent member and Chair
- Brian Gilligan, independent member
- Peter Hoefer, independent member
- Peter Cochrane, Director of National Parks.

The Assistant Secretaries for Parks Australia and the Director of the Business Management Section were invited to attend committee meetings. Staff from the Australian National Audit Office, the department’s Finance Branch and the internal audit service provider attended meetings as observers.

Risk management

Risk watch lists (risk registers) for each reserve or business unit are periodically reviewed in accordance with the Director’s Risk Management Policy. Incidents in all workplaces, categorised under key result areas, are reported regularly to the executive team.

The Director has participated in the Comcover Risk Management Benchmarking scheme since 2002–03. The benchmarking scheme changed significantly this year, assessing ten elements of risk management instead of the previous five. The Director’s risk management system was rated average in 2002–03 and has risen since then. In 2009–10 the Director scored 7.2 out of a possible 10 compared to an average score for all Australian Government agencies of 6.3. For the last five years the Director has consistently scored above the average for all agencies.

One element of risk management is a business continuity plan covering all Parks Australia sites. The plan was not called upon during the year.

Figure 4: Risk management benchmarking scores for the Director of National Parks in 2009–10 compared to the average for 130 Australian Government agencies (Source: Comcover 2010)



Indemnities and insurance

In 2009–10 the Director maintained comprehensive insurance cover for business operations through Comcover, the Australian Government's general insurance fund, including general liability, professional indemnity, and directors' and officers' liability. No incidents generated a major insurance claim during the year.

The Director also manages risk by requiring all commercial operators, contractors, and scientific researchers in Commonwealth reserves to indemnify the Director and the Commonwealth and maintain appropriate levels of insurance for their activities.

External review

Judicial decisions and decisions of administrative tribunals

There were no judicial decisions or decisions of administrative tribunals during the year that had, or may have, a significant impact on the Director's operations.

Commonwealth Ombudsman

There were no formal reports from the Commonwealth Ombudsman during the year.

Reports by the Auditor-General

The Auditor-General issued an unqualified audit report for the 2009–10 financial statements of the Director of National Parks.

Occupational health and safety

This section is presented in accordance with the requirements of section 74 of the *Occupational Health and Safety Act 1991*. The department's annual report contains more detailed occupational health and safety information.

The Director of National Parks maintains a strong commitment to the health, safety and welfare of Parks Australia staff. Parks Australia was an active participant on the department's Occupational Health and Safety Committee. Occupational health and safety committees in the three mainland national parks, the Christmas Island–Cocos (Keeling) Islands Conservancy, Norfolk Island National Park and at the Australian National Botanic Gardens considered and addressed local issues.

Parks Australia staff, by the nature of their work, face a diverse range of hazards. The main hazards include fieldwork in remote and arduous locations, plant and machinery, chemicals and hazardous substances, managing and handling unpredictable wildlife, manual handling, driving vehicles and static posture injuries from using desktop equipment.

ParkSafe, Parks Australia's integrated occupational health and safety management system, has been in place since 2004. It is designed to provide a safe and healthy workplace for all employees and contractors working for Parks Australia. All relevant policy and procedural information is available electronically. Ongoing revision of the system continued during the year to improve its effectiveness, including further upgrades of hazardous activities registers

and job safety analyses. After five years of operation the ParkSafe policies were overhauled and consolidated into one policy with simplified forms for key planning and reporting processes. Issues to do with working alone in remote areas are being consolidated into an associated policy. ParkSafe is used as a model for field operations by other divisions of the department.

During 2009–10 Parks Australia recorded 189 occupational health and safety incidents (see Table 8). This was higher than the number recorded last year (165) but is the second lowest over the last five years. Unfortunately there was an increase in the number of major injuries for both staff and visitors.

Table 8: Five-year overview of safety incidents in terrestrial reserves

	2005–06	2006–07	2007–08	2008–09	2009–10
Staff, volunteers and contractors					
Minor injury or near miss ^(a)	68	77	57	41	56
Moderate injury ^(b)	22	12	21	31	15
Major injury ^(c)	2	0	0	1	5
Total	92	89	78	73	76
Visitors, permit holders and residents					
Minor injury or near miss ^(a)	88	80	84	60	70
Moderate injury ^(b)	46	35	42	21	26
Major injury ^(c)	10	3	6	7	15
Death	1	0	1	4	2
Total	145	118	133	92	113

(a) Includes near miss, no injury or first aid treatment only.

(b) Includes treatment by paramedics or at a medical centre/hospital.

(c) Includes significant hospitalisation (more than 2 days).

More than 60 per cent of the staff incidents were strains, animal threats, bites and scratches, and vehicle incidents. Heat stress with associated disorientation, falls and sometimes death remains a predominant issue for visitors to Uluru–Kata Tjuṯa National Park.

Unfortunately the visitor incidents for 2009–10 included two fatalities. Both incidents involved people who were unprepared for the long walks or climbs they had undertaken. Interactions between visitors and crocodiles in Kakadu National Park were a major concern with one attack (minor injuries to a visitor) and a number of visitors being stalked after ignoring numerous warning signs along rivers and billabongs. While there was a slight reduction in the number of highway rollovers in Kakadu the severity of the incidents increased, resulting in three deaths. These incidents are managed by the Northern Territory Police as highway accidents and are not included in parks' statistics.

As noted in last year's report, Comcare issued a prohibition notice under section 46 of the *Occupational Health and Safety Act 1991* in May 2008, relating to an incident concerning roadworks in Uluru–Kata Tjuṯa National Park which Comcare had investigated. While this notice was lifted during the year, no staff will be directly involved in roadworks within the park. Comcare also investigated unusual cases of faulty flammable matchboxes in the Kakadu region but there were no matters to report under sections 29 or 47 of the Act.

Compliance and enforcement under the EPBC Act

Wardens and rangers are appointed under the EPBC Act to exercise enforcement powers in relation to the Act and its Regulations. Members of the Australian Federal Police and officers of the Australian Customs and Border Protection Service are *ex-officio* wardens by force of the Act. In accordance with the Commonwealth Fraud Control Guidelines and the Australian Government Investigation Standards, Parks Australia's wardens are trained in Certificate IV in Government (Investigations) and rangers are trained in relevant modules of the certificate.

A whole-of-government approach is taken to compliance and enforcement in Commonwealth marine reserves. In addition to the role of Australian Federal Police and Customs officers, officers from other agencies, including the Australian Fisheries Management Authority, state and territory police, and fisheries and conservation agencies can be appointed wardens under the EPBC Act after the required training. These arrangements greatly improve the Director's ability to enforce the EPBC Act in remote and infrequently visited Commonwealth reserves.

The following matters were prosecuted and determined by courts during 2009–10:

- On 18 November 2009, four persons pleaded guilty to the charge of failing to have skin on a fish fillet under section 46B of the *Fisheries Act 1988* (NT) arising out of an incident that took place on 6 April 2009 in Kakadu National Park. No convictions were recorded and each person was fined \$400.
- On 7 October 2009, pursuant to section 19B of the *Crimes Act 1914*, one person was discharged without proceeding to conviction upon entering into a recognisance in the sum of \$500 on the condition that the person be of good behaviour for a period of 12 months. The charge related to an incident of taking, killing and eating a snake in Kakadu National Park in June 2008, which is an offence under section 354A of the EPBC Act.

Table 9: Compliance and enforcement in terrestrial reserves during 2009–10

	Members of the public	Tourism operators	Other commercial operators
EPBC Act and Regulation incidents detected	171	19	13
Offenders unknown	28	0	0
Verbal cautions issued	78	10	10
Warning letters issued	27	19	3
Infringement notices issued	38	0	0
Continuing investigations	0	0	0
Permit suspensions	0	0	0
Court cases pending	2	0	0
Cases taken to court	2	0	0
Convictions	0	0	0

Although not included in the table 1,232 notices of charges payable were issued of which 1,187 were issued in Booderee National Park and 45 in Kakadu National Park, where fees were re-introduced on 1 April 2010.

Ecologically sustainable development and environmental performance

All of the Director's activities have an impact on ecologically sustainable development. Commonwealth reserves are managed to conserve and enhance their natural and cultural values for current and future generations. Only development activities that are consistent with the primary management objectives may be permitted.

The provisions of the EPBC Act ensure that management plans for Commonwealth reserves properly integrate environmental, economic and social considerations, and that appropriate environmental monitoring and reporting regimes are in place.

The Director's statement under section 516A of the Act relating to the organisation's contribution to ecologically sustainable development and environmental performance is at Appendix B.

Commonwealth Disability Strategy

The Commonwealth Disability Strategy is a framework for Australian Government departments to help them improve access for people with disabilities to government programs, services and facilities. The strategy includes a performance reporting framework built around the five key roles of government: policy adviser, regulator, purchaser, provider and employer.

The department has a Disability Action Plan 2009–2011 to meet the needs of people with disabilities in accordance with the roles identified by the Commonwealth Disability Strategy. Information on the strategy is contained in the department's annual report for 2009–10.

Provision of access to Commonwealth reserves for tourism and recreation is a significant part of the Director's responsibilities. As reserve managers, Parks Australia, the Marine Division and the Australian Antarctic Division come under the 'provider' role of the strategy.

Given the locations and nature of the terrain, access for people with a disability to the reserves varies. Some marine reserves are very remote and without facilities, whereas a number of the major tourist destinations in the three mainland national parks—Kakadu, Uluru–Kata Tjuta and Booderee—and the Australian National Botanic Gardens are accessible by wheelchair. Management plans developed through a consultative process address current and proposed levels of accessibility.

Freedom of information

No applications were received relating to the Director's statutory functions under the *Freedom of Information Act 1982*. The Director's statement under section 8 of the Act is at Appendix C.

