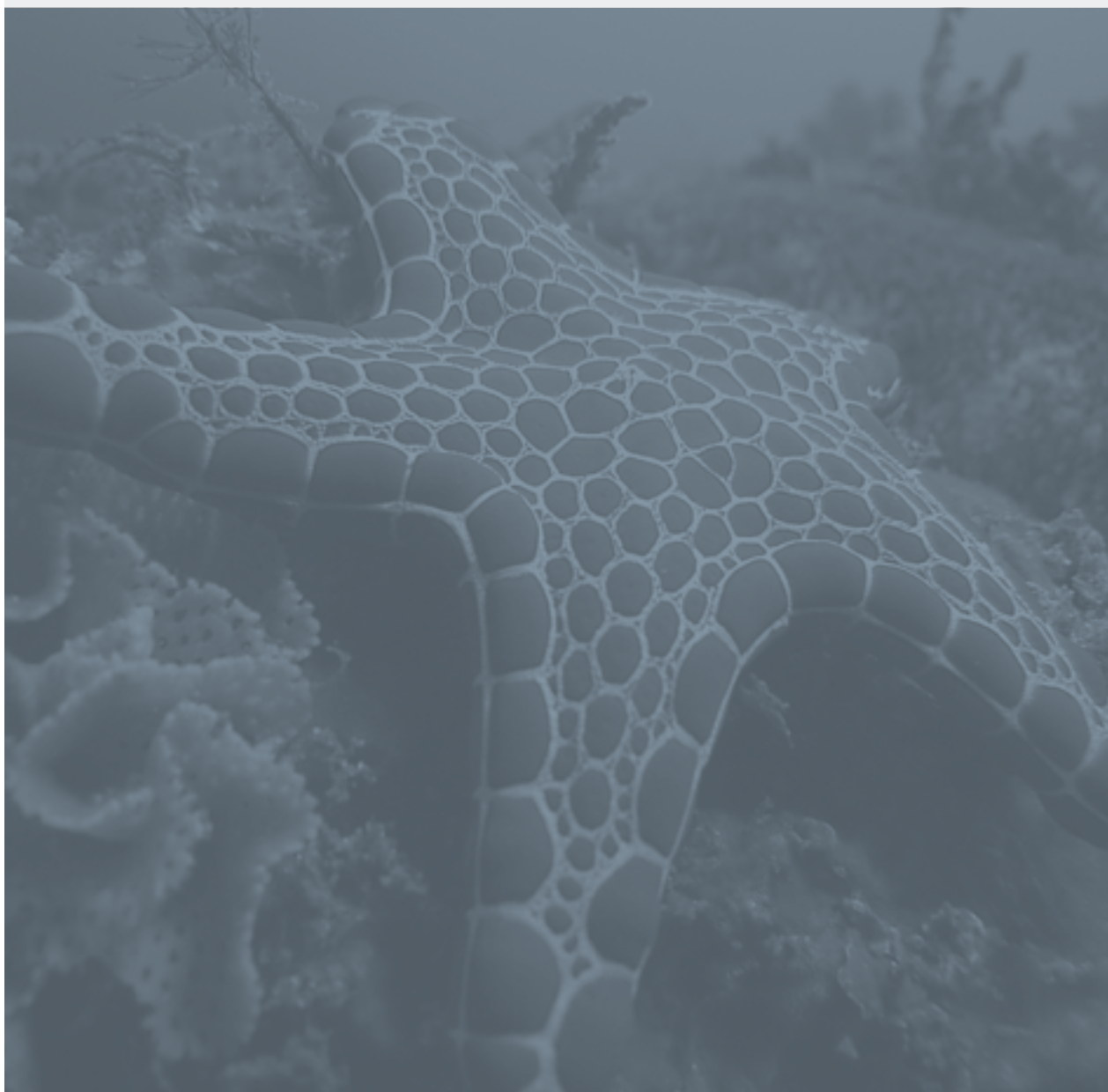


## 5 Management and accountability



## Corporate governance

The Director of National Parks is responsible, under the *Environment Protection and Biodiversity Conservation Act 1999*, for the management of Commonwealth reserves and conservation zones established over Commonwealth-owned land, Aboriginal land leased to the Director, and Commonwealth marine reserves. The Director of National Parks corporation was a Commonwealth authority subject to the *Commonwealth Authorities and Companies Act 1997* until 30 June 2014. From 1 July 2014 the Director is a Commonwealth corporate entity under the *Public Governance, Performance and Accountability Act 2013*. 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 Environment Protection and Biodiversity Conservation Act. During 2013 and 2014 those persons were the Hon Tony Burke, MP, the Hon Mark Butler, MP, and Senator the Hon Simon Birmingham (Parliamentary Secretary to the Minister for the Environment, the Hon Greg Hunt, MP).

### Ministerial directions

The Environment Protection and Biodiversity Conservation Act requires the Director to perform functions and exercise powers in accordance with any directions given by the Minister, unless the Environment Protection and Biodiversity Conservation Act provides otherwise. During 2013–14 no ministerial directions were given to the Director and there were no directions continuing from previous years.

The Director was subject to directions given by the Minister responsible for administration of the Commonwealth Authorities and Companies Act under section 47A of the Act on matters related to the procurement of property or services. The Finance Minister's (Commonwealth Authorities and Companies Act Procurement) Directions 2012 required the Director to apply the Commonwealth Procurement Guidelines when undertaking a procurement covered by the guidelines.

The Minister responsible for the Commonwealth Authorities and Companies Act could, under section 48 of the Act, make a General Policy Order specifying a general policy of the Australian Government that was to apply to the Director. No General Policy Orders were made during 2013–14 and there were no orders continuing from previous years.

### Funding

The Environment Protection and Biodiversity Conservation Act makes provision for funding the Director of National Parks. The department allocates funding from its appropriation for the performance of the Director's function to manage Commonwealth reserves and the Director's other functions under the Environment Protection and Biodiversity Conservation Act, in order to contribute to the department's Outcome 1. The Director is the sole agency with statutory functions and powers for managing Commonwealth reserves under the Act.

The department also has an arrangement to provide corporate services to the Director. This is done through the department's Parks Australia division, which supports the Director's work.

During 2013–14 the department provided \$41.4 million to the Director of National Parks (see the audited financial statements in chapter 6 of this report). This arrangement was effective, providing resources to enable the Director to meet the targets set in the Environment Portfolio Budget Statements 2013–14.

## 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 the four branch heads within Parks Australia provide leadership in Parks Australia (see chapter 3 of this report). The executive team meets regularly to develop and review policy priorities and strategic and corporate goals.

In addition to the Parks Australia executive team, the Director of the Australian Antarctic Division is responsible for managing one Commonwealth marine reserve.

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

Staff participate in consultative committees in both regional and Canberra-based workplaces to support internal management.

## Boards of management and advisory committees

Kakadu, Uluru–Kata Tjuta and Booderee national parks are managed jointly by the Director and traditional Aboriginal owners in accordance with the Environment Protection and Biodiversity Conservation Act. Each park has a board of management established under the Act, with a majority of Indigenous members who are nominated by the traditional Aboriginal owners of land in the park. Membership of the boards also includes the Director, government representatives and members representing stakeholder groups or with particular skills relevant to managing the park. See chapter 3 of this report for details of board members.

The principal functions of a Commonwealth reserve board of management is to prepare management plans for the reserve in conjunction with the Director and to make decisions about management of the reserve 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 that include community representatives and representatives of the Director.

## Other consultative mechanisms

The Environment Protection and Biodiversity Conservation Act requires public consultation before the declaration of a Commonwealth reserve and in the preparation of reserve-management plans.

For Commonwealth reserves that include Aboriginal-owned land, the Environment Protection and Biodiversity Conservation 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 exercise of 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 Environment Protection and Biodiversity Conservation Act also requires the Northern Territory Government to be consulted in relation to the performance of the Director's functions and exercise of 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 taken into account 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 Environment Protection and Biodiversity Conservation Act and ensure the corporation and its officers meet their obligations under the Act and (to 30 June 2014) the Commonwealth Authorities and Companies Act (and from 1 July 2014 the *Public Governance, Performance and Accountability Act 2013*). The instructions draw on relevant corporate governance rules and policies and guidelines of the Australian Government. They are supported by policies and procedures subject to regular review.

### Audit

An audit committee was established for the Director in accordance with the Commonwealth Authorities and Companies Act. During the year the audit committee met four times and addressed corporate governance issues including risk management and financial management.

During 2013–14 internal audits were undertaken on business continuity planning and the International Union for the Conservation of Nature World Parks Congress. The committee endorsed the process for preparation of the 2013–14 financial statements.

Members of the committee at 30 June 2014 were:

- Lisa Corbyn, independent member and chair
- Peter Hofer, independent member
- Tony Fleming, independent member
- Sally Barnes, Director of National Parks.

Parks Australia branch heads and the Director of the Business and Financial 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 or 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 which monitors higher-level risks for each branch and for Parks Australia as a whole.

The Director has participated in the Comcover Risk Management Benchmarking scheme since 2002–03. This scheme assesses 10 elements of risk management with performance matched against individual agency target risk maturity levels. In 2013–14 the Director scored 8.5 out of a possible 10 compared to an average score of 7.0 for the 135 participating Australian Government agencies. The Director achieved an overall risk maturity level of ‘Structured’.

**Figure 4: Risk management benchmarking scores for the Director of National Parks in 2013–14 compared to the average for 135 Australian Government agencies**



Source: Comcover 2013

## **Indemnities and insurance**

In 2013–14 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.

## **Fraud control**

The Director has a fraud-control plan and in accordance with the Commonwealth fraud-control guidelines, conducts risk assessments to prevent and manage fraud within the agency.

## **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 2013–14 financial statements of the Director of National Parks.

# Work health and safety

This section is presented in accordance with the requirements of Schedule 2, Part 4 of the *Work Health and Safety Act 2011*. The department’s annual report contains more detailed health and safety information related to departmental employees undertaking the work of the Director of National Parks.

The Director maintains a strong commitment to the health, safety and welfare of Parks Australia workers (employees, contractors and volunteers). Parks Australia was an active participant on the department’s health and safety committee which has oversight of all health and safety issues within the environment portfolio. Health and safety committees in the three mainland national parks, in the Christmas Island and Cocos (Keeling) Islands territories, at Norfolk Island National Park and at the Australian National Botanic Gardens, considered and addressed local issues, reporting progress to the department’s health and safety committee.

Parks Australia workers face a diverse range of hazards. The main hazards are from fieldwork in remote and arduous locations, plant and machinery, chemicals and hazardous substances, managing and handling unpredictable wildlife, driving vehicles and static posture injuries from using desktop equipment.

ParkSafe (Parks Australia’s integrated work health and safety management system) has been in place since 2004 and complies with the Work Health and Safety Act. It is designed to provide a safe and healthy workplace for all workers. All relevant policy and procedural information is available to Parks Australia workers on the Parks Australia intranet site.

## Initiatives and outcomes

**Table 8: Work health and safety initiatives and outcomes achieved in 2013–14**

Initiative	Outcome
Development of the work health and safety project plan to provide systematic upgrade of ParkSafe	Three-year plan to ensure Parks Australia complies with the relevant health and safety legislation
Re-development of the ParkSafe health and safety management system	Framework to guide Parks Australia to ensure compliance with relevant work health and safety legislation
Completion of the co-operative compliance programme with Comcare	The programme, which focused on Kakadu and Uluru–Kata Tjuta national parks, was completed and signed off during 2013–14
Fully functional work health and safety committees at the local park level	Improved reporting outcomes of the local committees to the overarching DNP committee
Development of incident and trend analysis and reporting systems	Provides oversight to the executive and park/section managers of how work health and safety incidents are tracking
Development and implementation of new work health and safety intranet sites	Improved awareness and ability to source information internally, leading to consistent application of work health and safety processes and procedures

## Incidents and investigations

No investigations were conducted during 2013–14 relating to the operations of the Director.

Under Schedule 1, Part 3 of the Work Health and Safety Act, certain incidents must be notified to the regulator, Comcare, within specific time frames. The following incidents were notified in 2013–14:

- four dangerous incidents<sup>4</sup> that occurred within parks in 2013–14
- one serious injury<sup>5</sup> sustained by a Parks Australia worker<sup>6</sup> during 2013–14, as well as one serious injury to a visitor
- there were two visitor fatalities.

4 The definition of a dangerous incident is in accordance with Section 37 of the *Work Health and Safety Act 2011*. Under this definition, a dangerous incident is notifiable to the regulator, Comcare.

5 The definition of serious injury or illness is in accordance with Section 36 of the *Work Health and Safety Act 2011*. Under this definition, a serious injury or illness is notifiable to the regulator, Comcare.

6 The definition of a worker is in accordance with the *Work Health and Safety Act 2011* and includes employees, contractors and volunteers.



# Compliance and enforcement under the Environment Protection and Biodiversity Conservation Act

The Environment Protection and Biodiversity Conservation Act and Regulations prohibit a range of activities in Commonwealth reserves unless authorised in accordance with the Act. Under the regulations, the Director of National Parks may also prohibit, restrict or determine the manner of conduct of certain activities. Failure to comply is a criminal offence and for certain unauthorised actions civil pecuniary penalties may also be imposed.

Wardens and rangers are appointed under the Environment Protection and Biodiversity Conservation Act to exercise compliance and 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, supporting aerial and vessel patrols, vessel monitoring and enforcement investigations. 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 Environment Protection and Biodiversity Conservation Act after the required training. These arrangements greatly improve the Director's ability to enforce the Act in remote and infrequently visited Commonwealth marine reserves.

The following matters were determined by courts during 2013–14.

- On 17 October 2013 Wayne Graeme Seddon was convicted and fined \$1500 by the Maroochydore Magistrates Court of an offence against section 354A of the Environment Protection and Biodiversity Conservation Act in connection with unauthorised commercial fishing operations by the Australian Fishing Vessel Full Force in the Elizabeth and Middleton Reefs Marine National Nature Reserve in August 2011.
- On 14 February 2014 Daniel Saxon was convicted and fined a total of \$2500 by the Darwin Magistrates Court for offences against regulations 12.19 and 12.19A of the Environment Protection and Biodiversity Conservation Regulations in connection with unauthorised hunting activities in Kakadu National Park.
- On 7 May 2014 John Campbell was convicted and fined a total of \$2750 by the Darwin Magistrates Court for offences against regulations 12.18, 12.19, 12.19A and 12.41 of the Environment Protection and Biodiversity Conservation Regulations in connection with unauthorised hunting activities in Kakadu National Park.
- On 7 May 2014 Matthew Chin was convicted and fined \$750 by the Darwin Magistrates Court for an offence against section 444 of the Environment Protection and Biodiversity Conservation Act for failing to provide his name when requested by a warden in connection with suspected unauthorised hunting activities in Kakadu National Park.

- On 4 June 2014 Stephen Perry was convicted and fined a total of \$1200 by the Darwin Magistrates Court for offences against the Environment Protection and Biodiversity Conservation Regulations in connection with unauthorised hunting activities in Kakadu National Park.

**Table 9: Compliance and enforcement in terrestrial reserves during 2013–14<sup>(a)</sup>**

Environment Protection and Biodiversity Conservation Act and Regulations incidents detected	97
Warnings (verbal/written) issued	53
Infringement notices issued	28
Permit/approval suspensions/cancellations	0
Court action commenced (criminal)	6
Court outcomes completed (criminal: successful) (a)	4
Court actions ongoing at 30 June (criminal)	1

(a) One matter withdrawn

**Table 10: Compliance and enforcement in marine reserves during 2013–14**

Environment Protection and Biodiversity Conservation Act and Regulations incidents detected	76
Warnings notices issued	11
Infringement notices issued	2
Permit/approval suspensions/cancellations	0
Court action commenced (2 criminal, 1 civil)	3
Court outcomes completed (criminal: successful)	1
Court actions ongoing at 30 June (1 criminal, 2 civil)	3

# 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 consistent with primary management objectives may be permitted.

The provisions of the Environment Protection and Biodiversity Conservation 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 in Appendix C.

## Social Inclusion

A number of the Director's responsibilities contribute to the Australian Government's Closing the Gap objectives for Aboriginal welfare. Parks Australia jointly manages three parks with their traditional Aboriginal owners and provides job opportunities for traditional Aboriginal owners and supports Indigenous businesses, especially in sustainable tourism. The Kakadu Indigenous rangers programme, funded through the Australian Government's Working on Country programme, and the Mutitjulu Community Ranger programme are also helping to boost Indigenous job opportunities in the parks by providing salaried and casual job opportunities for Indigenous community rangers. At Booderee, outsourcing to the Wreck Bay Aboriginal Community Council continues to provide a range of employment opportunities.

## Freedom of information

Under section 8 of the *Freedom of Information Act 1982*, the Director of National Parks is required to publish a range of information online as part of an information publication scheme. This requirement is in Part II of the Freedom of Information Act and has replaced the former requirement to publish a section 8 statement in an annual report.

The information required to be published online includes an agency plan that describes how the Director of National Parks proposes to comply with its obligations under the information publication scheme—its structure, functions, appointments, annual reports, consultation arrangements and details of a freedom of information contact officer. Information routinely released from freedom of information requests and routinely provided to Parliament must also be published online. This information is available at [www.environment.gov.au/parks/ips.html](http://www.environment.gov.au/parks/ips.html).

## Freedom of information procedures and initial contact points

The department handles requests by the public under the FOI Act on behalf of the Director of National Parks. Contact details for the freedom of information contact officer are:

Phone: (02) 6275 9207

Fax: (02) 6274 2837

Email: [foi@environment.gov.au](mailto:foi@environment.gov.au)

Formal freedom of information requests must:

- be in writing
- state that the request is an application for the purposes of the Freedom of Information Act
- provide information about the document(s) to assist us to process your request
- provide an address for reply.

Requests should be addressed to:

Freedom of Information Contact Officer

Legal Section

Department of the Environment

GPO Box 787

Canberra ACT 2601

or by email to [foi@environment.gov.au](mailto:foi@environment.gov.au)