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← For more than two years Uluru-Kata Tjuta National Park Interpretation and Education Officer Karen Scrivens has sat down with traditional owners including Reggie Uluru to make sure the right stories are told and that the information is presented the right way on the park's signs. The revamped signs are providing visitors with new insight into the park's cultural and natural history. Photo: Parks Australia

## 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*. 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 2011–12 that person was the Minister for Sustainability, Environment, Water, Population and Communities, the Hon Tony Burke 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 2011–12 no Ministerial directions were given to the Director under the EPBC 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 2011–12 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 Sustainability, Environment, Water, Population and Communities 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 2011–12 the department provided \$41.5 million to the Director of National Parks under the purchaser–provider arrangement (see the audited financial statements in Chapter 6 of this report). This arrangement was effective, providing the resources that enabled the Director to meet the targets set in the Sustainability, Environment, Water, Population and Communities Portfolio Budget Statements 2011–12.

## 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). The executive team meets regularly to develop and review policy priorities and strategic and corporate goals.

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

Parks Australia faces a number of specific administration challenges including widely distributed workplaces in remote areas with many in cross-cultural environments. Coordination between area managers, Canberra-based managers and the executive team is vital. Important communication activities include regular 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 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 Indigenous members who are 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 details of 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 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 EPBC 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 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 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 EPBC Act and ensure the corporation and its officers meet their obligations under the EPBC Act and the CAC Act. 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 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 2011–12 internal audits were undertaken on *Review of Procurement and Contract Management Practices*, *Review of Portfolio and Project Management Practices* and *Accounting Health Check*. The committee endorsed the process for preparation of the 2011–12 financial statements.

Members of the committee at 30 June 2012 were:

- Paul Hickey, independent member and Chair
- Peter Hofer, independent member
- Tony Fleming, independent member
- Peter Cochrane, Director of National Parks.

The Assistant Secretaries for Parks Australia 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. These risks are reviewed quarterly by the Audit Committee.

**Figure 5: Risk management benchmarking scores for the Director of National Parks in 2011–12 compared to the average for 138 Australian Government agencies**



(Source: Comcover 2012)

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. The Director's risk management system was rated average in 2002–03 and has risen since then. In 2011–12 the Director scored 7.9 out of a possible 10 compared to an average score for all Australian Government agencies of 6.6. For the last seven years the Director has consistently scored above the average for all agencies (see Figure 5).

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

### **Indemnities and insurance**

In 2011–12 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 to maintain appropriate levels of insurance for their activities.

### **Fraud control**

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

## **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 2011–12 financial statements of the Director of National Parks.



## Work health and safety

In January 2012 the *Occupational Health and Safety Act 1991* was replaced by the *Work Health and Safety Act 2011* and this had some implications for the management and reporting of health and safety issues. 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 portfolio. 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, 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 occupational health and safety management system, has been in place since 2004. It is designed to provide a safe and healthy workplace for all workers and all relevant policy and procedural information is available electronically.

There are no matters to report under sections 29, 46 or 47 of the *Occupational Health and Safety Act 1991* which was the relevant regime for the year to 31 December 2011. The annual reporting requirements of the new *Work Health and Safety Act 2011* are addressed below.

### Initiatives and outcomes

Table 9 sets out health and safety initiatives undertaken during the year and the outcomes achieved. The full outcomes of these initiatives are yet to be realised but the health and safety systems are proving to be robust.

**Table 9: Work health and safety initiatives and outcomes achieved in 2011–12**

Initiative	Outcome
Prepared for new work health and safety legislation	Clear and focused adaptation to the new legislative regime, including clarified responsibilities for joint agency work
Briefed the senior executive team on new work health and safety legislation	Clear understanding of the duty of care by executive officers
Briefed all other Parks Australia staff	Clear understanding of due diligence requirements
Systematically upgraded ParkSafe policy and all job safety analyses and safe operating procedures	Improved coherence of the work health and safety management system
Revised tender and contract documents to cater for expansion of duty of care to all 'workers'	Clear definition of expanded work health and safety obligations
Implemented new reporting/notification procedures	Adaptation to new definitions of notifiable incidents
Developed Cooperative Compliance Program (CCP) with ComCare	A coordinated approach to a significant upgrade in work health and safety management, focusing on Kakadu and Uluru–Kata Tjuta national parks
Engaged two officers to guide the CCP	Two extra staff provided greater momentum to all initiatives and were helped by the use of mutual learning with sister agencies
Established a rolling program of workshop inspections (part of CCP extended to all remote sites)	Improved safety in key sites for industrial type activities
Consolidated a program of immediate internal investigations of incidents that signal exposure to significant hazards	Greater resilience in work health and safety management and greater confidence in staff members to manage their own health and safety risks
Revised all stakeholder relationships for compensation cover	Clarification that no relevant 'worker' is without workers compensation cover
Vetted new program initiatives on the basis of work health and safety risk exposure	New program initiatives are cleared only when all identifiable risks are managed

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**Incidents and investigations**

No investigations were conducted during 2011–12 relating to the operations of the Director. During 2011–12 Parks Australia recorded 216 work health and safety incidents (see Table 10). While slightly higher than the number recorded last year there was a reduction in the number of moderate and major injuries for both staff and visitors.



**Table 10: Five-year overview of safety incidents in terrestrial reserves**

	2007–08	2008–09	2009–10	2010–11	2011–12
<b>Staff, volunteers and contractors</b>					
Minor injury or near miss <sup>(a)</sup>	57	41	56	67	70
Moderate injury <sup>(b)</sup>	21	31	15	20	14
Major injury <sup>(c)</sup>	0	1	5	7	2
Total	78	73	76	94	86
<b>Visitors, permit holders and residents</b>					
Minor injury or near miss <sup>(a)</sup>	84	60	70	59	101
Moderate injury <sup>(b)</sup>	42	21	26	34	23
Major injury <sup>(c)</sup>	6	7	15	18	4
Death	1	4	2	4	2
<b>Total</b>	<b>133</b>	<b>92</b>	<b>113</b>	<b>115</b>	<b>130</b>

(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 risk for visitors to Kakadu and Uluru–Kata Tjuta national parks.

The visitor incidents for 2011–12 included two fatalities. There was a drowning of a rock fisherman in Christmas Island National Park and a missing person in Kakadu National Park presumed by police to have been a crocodile attack.

## 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 matter was prosecuted and determined by courts during 2011–12:

- On 23 September and 29 September 2011, in the Darwin Court of Summary Jurisdiction, six Indonesian nationals were found guilty of offences against section 354A of the EPBC Act relating to the taking of trepang (a native species) from Ashmore Reef Marine National Nature Reserve. Penalties ranged from prison terms (suspended upon the defendant entering into a three-year, \$2,000 good behaviour bond) to fines of \$2,000 for each offence.

**Table 11: Compliance and enforcement in terrestrial reserves during 2011–12<sup>(a)</sup>**

	Members of the public	Tourism operators	Other commercial operators
EPBC Act and Regulation incidents detected	99	11	15
Offenders unknown	12	0	1
Verbal cautions issued	40	0	3
Warning letters issued	9	6	4
Infringement notices issued	86	1	0
Continuing investigations	6	2	5
Permit suspensions	0	0	0
Court cases pending	0	0	0
Cases taken to court	0	0	0
Convictions	0	0	0

(a) Excludes notices of charges payable issued

## 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 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 C.

# Social inclusion

## Changes to disability reporting in annual reports

Since 1994 Commonwealth departments and agencies have reported on their performance as policy adviser, purchaser, employer, regulator and provider under the Commonwealth Disability Strategy. From 2010–11 departments and agencies have no longer been required to report on these functions.

The Commonwealth Disability Strategy has been overtaken by a new National Disability Strategy which sets out a ten year national policy framework for improving life for all Australian with disability, their families and carers. A high level report to track progress for people with disability at a national level will be produced by the Standing Council on Community, Housing and Disability Services to the Council of Australian Governments and will be available at [www.fahcsia.gov.au](http://www.fahcsia.gov.au). The Social Inclusion Measurement and Reporting Strategy agreed by the Government in December 2009 will also include some reporting on disability matters in its regular *How Australia is Faring* report and, if appropriate, in strategic change indicators in agency Annual Reports. More detail on social inclusion matters can be found at [www.socialinclusion.gov.au](http://www.socialinclusion.gov.au).

## Closing the Gap

A number of the Director's responsibilities contribute to the Government's Closing the Gap objectives. Parks Australia jointly manages three parks with their traditional owners and provides job opportunities for traditional owners and supports Indigenous businesses, especially in sustainable tourism. The Kakadu Indigenous rangers program, funded through the Australian Government's Working on Country program, and the Muṯiṯjulu Community Ranger program funded by the Director 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. The Indigenous Protected Areas program provides training and employment for Aboriginal people on their own country and often in remote areas where business opportunities are limited. Indigenous communities that participate in the program report better health, social cohesion and higher school attendance.

Further details can also be found on pages 63–65 and additional information on portfolio responsibilities for social inclusion is contained in the department's annual report for 2011–12.

## Freedom of information

Under section 8 of the *Freedom of Information Act 1982* (FOI Act), the Director of National Parks is required to publish a range of information online as part of an Information Publication Scheme (IPS). This requirement is in Part II of the FOI 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 IPS, 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 of Sustainability, Environment, Water, Population and Communities 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 FOI Act;
- provide information about the document(s) to assist us to process your request; and
- provide an address for reply.

Requests should be addressed to:

Freedom of Information Contact Officer

Legal Section

Department of Sustainability, Environment, Water, Population and Communities

GPO Box 787

Canberra ACT 2601

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



*Monitoring of Uluru–Kata Tjuta National Park’s suite of threatened species is a high priority for the natural and cultural resource management team and regular fauna surveys are conducted; Photo: Parks Australia*



