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## Corporate governance

The EPBC Act makes the Director responsible for the management of Commonwealth reserves established over Commonwealth-owned land, Commonwealth marine areas, and certain areas of Aboriginal land leased to the Director. The Director of National Parks is a Commonwealth authority and is subject to the *Commonwealth Authorities and Companies Act 1997* (CAC Act).

The Director is responsible to the Minister for the Environment and Heritage. As noted in the Corporate Overview, ministerial responsibilities in relation to the Director were allocated to the Hon Greg Hunt MP, Parliamentary Secretary to the Minister, from November 2004.

### 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.

The Minister may also notify the Director under the CAC Act of general policies of the Government that are to apply to the Director.

During 2004–05, no Ministerial directions or notifications were issued and there were no directions continuing from previous years. The Minister for Finance and Administration issued new Finance Orders under the CAC Act relating to procurement procedures which applied across the Australian Government, including the Director.

### Funding

The EPBC Act makes provision for funding the Director of National Parks. The Department of the Environment and Heritage receives the appropriation for the Director of National Parks. In effect, the Department purchases park management services from the Director to contribute to the Department's Outcome 1. The Director is the sole provider of statutory functions and powers for establishing and managing Commonwealth reserves.

The Department also has a cross-agency arrangement with the Director whereby the Department provides corporate services to the Director. The Department's Parks Australia Division supports the Director's work.

During 2004–05, the Department provided \$40.085 million to the Director of National Parks under the purchaser-provider arrangement (refer to the audited financial statements in this annual report). This arrangement was effective, providing the

resources that enabled the Director to meet the targets set in the *Portfolio Budget Statements 2004–05 Environment and Heritage Portfolio*.

## Planning documents

For information about the strategic planning and performance assessment framework, see the Planning, Reporting and Performance section in this report.

## Executive management

The holder of the office of the Director of National Parks and three senior executives provide leadership in Parks Australia. During 2004–05 a first assistant secretary joined the Director and two executive branch heads as members of the Parks Australia Executive. Weekly meetings of the Executive provide the primary management forum for developing and reviewing parks policy, and strategic and corporate goals.

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, the Parks Australia Business Management Section and the Parks Australia Strategic Development Section is vital. Key communication activities include regular phone link-ups and the twice-yearly Parks 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 Tjuṯa and Booderee National Parks are managed jointly by the Director and the traditional 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 Aboriginal owners of land in the park. Membership of the boards also includes the Director and members representing special interest groups or with particular skills relevant to managing the park (see Tables 7, 8 and 9 in the Organisational Structure section of this report for a list of board members for each park).

The functions of a board of management are to make decisions relating to the management of the reserve that are consistent with the management plan for the reserve. A board, in conjunction with the Director, is also responsible for preparation of management plans, monitoring the management of the reserve and advising the Minister on future development of the reserve.

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**

Public participation in the management of Commonwealth reserves under the EPBC Act is facilitated through consultative mechanisms to involve the community and user groups in the development of planning and management instruments.

The EPBC Act requires public consultation prior to the declaration of a Commonwealth reserve and in the preparation of management plans for reserves that have been established under the EPBC Act.

For Commonwealth reserves that include Aboriginal-owned land, the EPBC Act provides for both consultation with, and involvement of, representatives of the Aboriginal landowners in relation to management of the reserve. The Director must consult and have regard to the views of the chairperson 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 chairperson must be specifically invited to comment on the preparation of management plans.

Additional consultation with traditional Aboriginal owners of Kakadu, Uluru–Kata Tjuṯa and Booderee National Parks takes place through cultural advisers, Aboriginal staff, community liaison officers, Aboriginal organisations, and through the establishment of 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 Tjuṯa National Parks, and to be invited to comment on the preparation of management plans for those parks.

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

## **Control arrangements**

### **Director of National Parks Chief Executive Instructions**

The Chief Executive Instructions provide concise and comprehensive guidance to Parks Australia staff in carrying out their responsibilities and roles in assisting the Director to meet his statutory functions. A set of policies and procedures that sit under the Chief Executive Instructions have been prepared and progressively implemented.

## Audit

An Audit Committee is established for the Director of National Parks in accordance with the CAC Act. During the year the Audit Committee met four times and focused on corporate governance issues, including risk management and financial management.

As part of an overall strategy to build and improve financial management practices within Parks Australia, the committee considered a timetable of policies and procedures to be implemented. The committee noted the progress made in implementing the policies that form part of the Director of National Parks Chief Executive Instructions.

The committee was satisfied with improvements made to the financial system framework during the year by implementing recommendations of internal and external audits. The Australian National Audit Office (ANAO) interim letter on the 2004–05 financial statements was also noted.

The committee endorsed the process for preparation of the 2004–05 financial statements and a 2005–06 strategic audit plan. Committee members were involved in developing a plan for a scoping audit of management planning practices for national parks. This is expected to be a continuing theme and the focus of increased attention in future audit programmes.

Consistent with ANAO recommended policy, the Audit Committee undertook an evaluation of its performance using the ANAO Audit Committee Questionnaire. The evaluation indicated that members were broadly satisfied with the committee's performance but identified areas where improvements could be made. These will be addressed in the coming year.

Members of the committee during 2004–05 were:

- Mr Len Early, independent member and Chair (until December 2004)
- Mr Gary Potts, independent member and Chair (from March 2005)
- Ms Glenys Roper, independent member
- Mr Brian Gilligan, independent member
- Mr Con Boekel, Assistant Secretary, Parks Australia South
- Mr Peter Wellings, Assistant Secretary, Parks Australia North.

The Director of National Parks and the Director of the Parks Business Management Section, were also invited to attend committee meetings. Staff from the Australian National Audit Office, the Department of the Environment and Heritage Finance Branch and Walter Turnbull—the internal audit service provider—also attended meetings as observers.

## **Risk management**

Risk watch lists are regularly reviewed in accordance with the Director's Risk Management Policy. Incidents in all workplaces, categorised under the key result areas, are reported monthly to the Executive.

## **Indemnities and insurance**

In 2004–05, the Director maintained a professional indemnity and directors' and officers' insurance policy provided through the Comcover scheme. The policy covered the legal liability of the Director and officers for losses caused by the execution or breach of a duty arising from the Director's operations or business, and for a wrongful act by the Director or an officer.

## **External review**

### **Judicial decisions and decisions of administrative tribunals**

*Newcrest Mining (Western Australia) Limited and BHP Minerals Limited v Commonwealth of Australia and the Director of National Parks*

In August 1997, the High Court of Australia found that the declarations of Stage 3 Kakadu National Park in 1987, 1989 and 1991 were technically invalid with respect to 23 small areas in the south-east of the park covered by existing mineral leases held by one of the Newcrest group of companies. The reason for this decision was that the declaration over these areas had, with the absolute prohibition on mining activities in Kakadu National Park under the *National Parks and Wildlife Conservation Act 1975*, effected an acquisition of property without payment of just terms compensation, as required by the Australian constitution.

The Minister for the Environment and Heritage indicated that the lease areas should be incorporated within the park and that the Australian Government would address the issue of appropriate compensation. During the year negotiations advanced significantly, with the terms of a settlement agreed between the parties.

### **Reports by the Auditor-General**

The Auditor-General issued an unqualified audit report for the 2004–05 financial statements of the Director of National Parks.

## Human resource management

Human resources and related corporate services were provided to the Director through a purchaser-provider arrangement with the Department of the Environment and Heritage. Detailed information on the management of human resources, employment conditions and remuneration is contained in the Department of the Environment and Heritage annual report for 2004–05.

### Staffing profile



*Booderee National Park ranger Evonne (Bonnie) Brown was awarded the Bachelor of Arts in Applied Science (Parks Recreation and Heritage) in April 2005. Bonnie undertook this distance education course through the Charles Sturt University (Albury campus) on a part-time basis while working at the park and was supported in the workplace through the Department's Study Support Scheme. She is pictured here with her father Tom Brown at her graduation ceremony.*

The Director of National Parks employed 263.8 staff as at 30 June 2005. The majority of staff work in Booderee, Kakadu and Uluru–Kata Tjuta National Parks, and the ANBG. There are also small offices in remote locations, including Norfolk Island in the South Pacific Ocean and Christmas Island and the Cocos (Keeling) Islands in the Indian Ocean.

Staffing numbers are reduced compared to 2003–04 due to the transfer in May 2004 of marine protected area management staff from Parks Australia to the Marine Division of the Department of the Environment and Heritage.

**Table 12: Staffing profile as at 30 June 2005**

Title	Parks North	Parks South	Head Office	Total
Executive	1	1	2	4
Park managers/section heads	3	3	2	8
Operational, policy and planning management	25	30.6	13.8	69.4
Technical staff	23	24.2	4	51.2
Rangers	85	39.2	0	124.4
Trainees and cadetships	7	0	0	7
<b>Total staff</b>	<b>144</b>	<b>98</b>	<b>21.8</b>	<b>263.8</b>

The Director of National Parks encourages skills development and training. Five graduate employees were engaged for three-month placements during the year as part of the Department of the Environment and Heritage graduate recruitment programme. Projects undertaken by the graduates including monitoring biodiversity on Christmas Island and investigating disaster preparedness and recovery for the ANBG's living and non-living collections.

A total of seven Indigenous trainees and cadets were employed across the parks. The trainee programmes aim to improve the skills of local people, particularly in the area of conservation and land management. Trainees are required to complete nationally accredited certificates and are provided with on-the-job experience such as assisting with ranger duties, natural resource management and botanical work.

## Occupational health and safety

This section is presented in accordance with the requirements of section 74 of the *Occupational Health and Safety (Commonwealth Employment) Act 1991*.

The Director of National Parks continued to maintain a strong commitment to the health, safety and welfare of Parks Australia staff. Parks Australia was an active participant on the Department of the Environment and Heritage's Occupational Health and Safety Committee. Occupational health and safety committees in the three mainland national parks and at the ANBG addressed local issues. The Department's annual report contains detailed occupational health and safety information.

Parks Australia, by the nature of its work, faces a more diverse range of hazards than other divisions of the Department. The main hazards include fieldwork in remote and arduous locations, plant and machinery, chemicals and hazardous substances, handling unpredictable wildlife, manual handling, driving vehicles and static posture injuries from using personal computers.

To improve occupational health and safety culture and behaviour in Parks Australia, 'ParkSafe' was introduced in 2004. ParkSafe is Parks Australia's integrated occupational health and safety management system and is designed to provide a safe and healthy workplace for all employees and contractors working for Parks Australia. A key feature is an integrated health and safety framework containing a comprehensive range of policy and procedures accessible by all staff electronically.

Comprehensive training is also undertaken as part of the programme. By 30 June 2005 all three mainland parks and the ANBG had access to local ParkSafe training, involving 56 per cent of park staff.

During 2004–05, Parks Australia reported 142 accidents or incidents under section 68 of the *Occupational Health and Safety (Commonwealth Employment) Act 1991*.

Comcare conducted no investigations into incidents. There were no matters to report under sections 45, 46 or 47 of the Act.

**Table 13: Safety incident records for terrestrial reserves**

	2003–04	2004–05
<b>Staff, volunteers and contractors</b>		
Minor injury or near miss <sup>a</sup>	60	76
Moderate injury <sup>b</sup>	15	18
Major injury <sup>c</sup>	6	2
<b>Total</b>	<b>81</b>	<b>96</b>
<b>Visitors, permit holders and residents</b>		
Minor injury or near miss <sup>a</sup>	79	87
Moderate injury <sup>b</sup>	32	40
Major injury <sup>c</sup>	17	14
Deaths	1	1
<b>Total</b>	<b>129</b>	<b>142</b>

(a) Minor injury includes near misses, no injury or first aid treatment only

(b) Moderate injury includes treatment by paramedics or at a medical centre

(c) Major injury includes hospitalisation

## Compliance and enforcement under the EPBC Act

Rangers and wardens are appointed under the EPBC Act to exercise statutory powers in relation to compliance and enforcement activities. All appointed officers are required by the Commonwealth Fraud Control Guidelines to hold Statements of Attainment in relevant modules of the Diploma in Government (Fraud Control-Investigations).

Whole-of-government approaches have been adopted for compliance and enforcement within Commonwealth marine reserves. Officers of the Australian Federal Police are *ex-officio* wardens. Arrangements have also been made for officers from other agencies, including the Australian Customs Service, the Australian Fisheries Management Authority, various state and territory police, and fisheries and conservation agencies to be appointed, after the required training, as wardens under the EPBC Act. These arrangements greatly improve the Director's ability to enforce the provisions of the EPBC legislation in remote and infrequently visited Commonwealth reserves and conservation zones.

The following enforcement matters were heard in the courts during 2004–05:

- Two Darwin men pleaded guilty on 27 August 2004 to using a vessel on 28 February 2004 in an area of the South Alligator River that was closed to quarantine *Salvinia* infestations (Regulation 12.56[1]). They were each fined \$300.
- A Jabiru man being prosecuted for handling and taking saltwater crocodiles, a listed migratory species, from East Alligator River in Kakadu and using a cast net on 11–12 April 2004 had his case adjourned on 28 February 2005 due to his non-appearance at court (Section 211C, Regulation 12.18[1][h]).
- A Jabiru man pleaded guilty in the Magistrates court on 28 February 2005 to two charges of using a device that can be used or is designed for taking an animal, namely a cast net and a crab pot on 11–12 April 2004 (Regulation 12.18[1][h]). He was fined \$300 for each offence, a total of \$600.
- Five Cocos-Malay men being prosecuted for killing 230 listed migratory birds in the waters of the Cocos (Keeling) Islands on 25 December 2003 pleaded not guilty in court on 15 March 2005 (Sections 211-211E, Regulations 12.18[1][b] and 2.23[1]). Matter adjourned until 6 September 2005.
- Four Darwin brothers being prosecuted for killing 27 magpie geese in Kakadu on 24 October 2004 had their cases adjourned on 29 March 2005 till 8–9 August 2005 (Sections 254A, 254C, Regulations 12.18[1][a] and 12.41[2]).

**Table 14: Compliance and enforcement activities in terrestrial reserves during 2004–05**

Number	Members of the public	Tourism operators	Other commercial operators
EPBC Act incidents detected	305	63	3
Offenders unknown	45	0	0
Verbal cautions issued	172	54	1
Warning letters issued	17	8	0
Infringement notices issued	3	0	1
Continuing investigations	6	1	1
Permit suspensions	0	0	0
Court cases pending	10	0	0
Cases taken to court	13	0	0
Convictions	3	0	0

## Consultancy services

The total number of consultants engaged by the Director was 58. The total expenditure on consultancy services during the year was \$783,092.

The most common reasons to engage consultants were for specialised, technical and professional skills or knowledge, and the need for work to be conducted independently. The design of facilities and infrastructure, feasibility studies, production of technical reports, and data collection and analysis were among the tasks for which consultants were engaged during the year.

## Advertising and market research

A total of \$78,391 was paid to a range of organisations for media advertising. The principal reasons for media advertising were opportunities to comment on key planning documents, notification of special events or restrictions at particular reserves and advertising of vacant positions.

## Purchasing and assets management

Director of National Parks purchasing is carried out in accordance with the Director of National Parks Chief Executive Instructions and the Director's policy on spending money. These requirements have been consistent with the Commonwealth Procurement Guidelines although the Director has not previously been subject to the guidelines. From 1 January 2005 the Director has been required to comply with mandatory procurement procedures of the guidelines with respect to certain procurements. The Director's policy on spending money reflects these requirements.

Assets comprised the most significant part of the Director of National Parks' balance sheet. Replacement and maintenance of these assets continued to prove challenging. The asset base is complex and diverse. A capital infrastructure plan drafted for the first time in 2003–04 indicates some significant maintenance and replacement issues in relation to the ageing infrastructure. Significant reprioritising of funding will also be needed to adequately maintain the assets in a suitable condition.

## Ecologically sustainable development and environmental performance

Section 516A of the EPBC Act requires Australian Government organisations to include in their annual reports details of the environmental performance of the organisation and the organisation's contribution to ecologically sustainable development.

Section 516A aims to promote the development of a framework within which Australian Government organisations properly integrate environmental, economic and social considerations. Identifying, monitoring and reporting environmental issues within such a framework will help Australian Government organisations improve their environmental and ecologically sustainable development performance.

Section 516A also aims to encourage Australian Government agencies to adopt best practice in the public reporting of information relevant to their environmental performance and the promotion of ecologically sustainable development.

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 effects of park management activities on the environment are discussed throughout the report, in particular in the Planning, Reporting and Performance section and the State of the Parks section. In addition, Parks Australia contributed to the Department of the Environment and Heritage annual Triple Bottom Line report for the first time in 2004–05. Triple bottom line reporting aims to publicly report environmental, social and economic outcomes of the way in which the Department conducts its business.

## Commonwealth Disability Strategy

The Department of the Environment and Heritage has developed a draft Disability Action Plan to meet the needs of people with disabilities in accordance with the roles identified by the Commonwealth Disability Strategy.

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 Commonwealth Disability 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 Tjuṯa and Booderee—and the ANBG are accessible by wheelchair. Management plans developed through a consultative process address current and proposed levels of accessibility.

Information about access to reserves is available on the Department of the Environment and Heritage's web site at [www.deh.gov.au/parks/index.html](http://www.deh.gov.au/parks/index.html).

## 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 1.