

7 Management and accountability



Corporate governance

Ministerial directions

Funding

Planning documents

Executive management

Boards of management and advisory committees

Other consultative mechanisms

Control arrangements

External review

Figure 7: Risk management benchmarking scores for the Director of National Parks in 2005–06 compared to the average for 124 Commonwealth agencies

Human resource management

Staffing profile

Occupational health and safety

Table 12: Staffing profile for 2005–06

Table 13: Safety incident records for terrestrial reserves

Compliance and enforcement under the EPBC Act

Table 14: Compliance and enforcement activities in terrestrial reserves during 2005–06

Consultancy services

Advertising and market research

Purchasing and assets management

Ecologically sustainable development and environmental performance

Commonwealth Disability Strategy

Freedom of information

Corporate governance

The Director is responsible, under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), 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. Ministerial responsibilities in relation to the Director have been allocated to the Hon Greg Hunt MP, Parliamentary Secretary to the Minister.

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 2005–06, no Ministerial directions were issued and there were no directions continuing from previous years.

On 20 March 2006, the Minister gave notification that he had approved, under subsection 28(4) of the CAC Act, exemption of the Director of National Parks from the Australian Government Property Ownership Framework policy for property transactions undertaken in the exercise of powers and performance of functions under the EPBC Act.

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 2005–06, the Department provided \$42.0 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 2005–06 Environment and Heritage Portfolio*. The Director of National Parks also received an equity injection of \$6.1 million for tourism infrastructure in Kakadu and Uluru–Kata Tjuta National Parks.

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 (see Organisational Structure section on page 19). Weekly meetings of the Executive provide the primary management forum for developing and reviewing park policy, and strategic and corporate goals.

In addition to the Parks Australia Executive, one senior executive in the Marine Division of the Department of the Environment and Heritage is responsible, under delegation from the Director of National Parks, for management of Commonwealth marine reserves.

Parks administration faces a number of specific challenges, including widely distributed workplaces in remote areas, many in a cross-cultural environment.



Participants in the April 2006 Parks Australia Forum, held in Thredbo NSW, including representatives from New Zealand Department of Conservation; NSW Department of Environment and Conservation; NSW Department of Planning; and Kosciuszko Thredbo Resort. The theme of the meeting was 'Towns and Infrastructure in National Parks'

Coordination between area managers, Canberra-based managers and the Parks Australia Executive group 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 Indigenous traditional 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 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 special consultative committees.

The EPBC Act also requires the Northern Territory Government to be consulted regarding 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 are regularly reviewed.

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 three times and focused on corporate governance issues, including risk management and financial management.

In November 2005, the Director of National Parks, together with the Department of the Environment and Heritage, engaged Protiviti Pty Ltd as the internal audit service provider replacing Walter and Turnbull. An internal audit of the administrative operations at Kakadu National Park was undertaken during the year. An internal audit of the Director of National Parks’ compliance with the EPBC Act commenced in 2005–06, to be completed in 2006–07.

The committee endorsed the process for preparation of the 2005–06 financial statements and a 2006–07 to 2007–08 strategic audit plan.

Members of the committee during 2005–06 were:

- Mr Gary Potts, independent member and Chair
- 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 (until December 2005)
- Ms Anne-Marie Delahunt, Assistant Secretary, Parks Australia North (from April 2006).

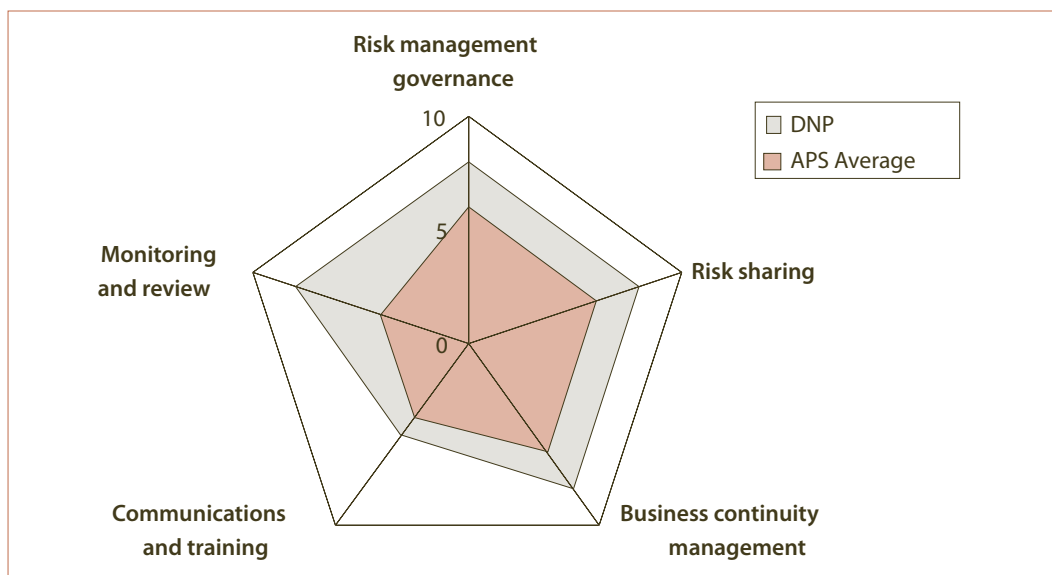
The Director of National Parks and the Director of the Parks Business Management Section were invited to attend committee meetings. Staff from the Australian National Audit Office, the Department of the Environment and Heritage Finance Branch and the internal audit service provider attended meetings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

Risk management

Risk watch lists for each park or business unit 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.

The Agency was rated seven out of 10 for its risk management processes in the annual Comcover benchmarking assessment of Commonwealth agencies. This rating compared to an average score of five for 124 Commonwealth departments and agencies (see Figure 7 for comparative scores).

Figure 7 - Risk management benchmarking scores for the Director of National Parks in 2005–06 compared to the average for 124 Commonwealth agencies



Source: Comcover 2006

One element of risk management is a business continuity plan for all Parks Australia sites. Several successful live tests of the plan were undertaken, including Cyclone Monica's crossing of Kakadu National Park on 25 April 2006 (see case study on page 90).

Indemnities and insurance

In 2005–06, 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. The impact of Cyclone Monica on Kakadu National Park and the Director's assets in the township of Jabiru has resulted in the largest insurance claim by the Director in recent years (estimated at \$1 million).

The Director also manages risk by requiring all researchers and commercial operators in the parks to indemnify the Commonwealth and 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. In November 2005 the Audit Committee endorsed the fraud control plan for 2005–2007, which was subsequently approved by the Director and made available to all employees.

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 a settlement agreed between the parties was implemented and the Government announced it would be proceeding to incorporate the affected areas into Kakadu.

Reports by the Auditor-General

The Auditor-General issued an unqualified audit report for the 2005–06 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 2005–06.

Staffing profile

The Director of National Parks employed an average of 274.5 staff during 2005–06. The majority of staff work in Booderee, Kakadu and Uluru–Kata Tjuta National Parks, and the Australian National Botanic Gardens. 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.

Table 12: Staffing profile for 2005-06

| Title | Parks North | Parks South | Head Office | Total |
|---|-------------|-------------|-------------|------------|
| Executive | 1 | 1 | 2 | 4 |
| Park managers/section heads | 5 | 3 | 3 | 11 |
| Operational, policy and planning management | 42 | 23 | 18 | 83 |
| Technical and other field staff | 41 | 71 | 0 | 112 |
| Rangers | 61 | 4 | 0 | 65 |
| Total staff | 150 | 102 | 23 | 275 |

The Director of National Parks encourages skills development and training. Six graduate employees were engaged for three-month placements during the year as part of the Department of the Environment and Heritage graduate recruitment programme.

A total of six 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 and natural resource management.



Sue-ann Brown, Morgan Brown and Lorraine Ardler from Booderee National Park successfully completed the formal component of their traineeship and were awarded the Certificate III in Tourism (Operations)

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 the 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 policies and procedures accessible by all staff electronically.

Comprehensive training is also undertaken as part of the programme. In addition to ParkSafe training, most staff members have completed an online 'SafeTrac' occupational health and safety course, developed for the Department.

During 2005–06, Parks Australia reported 145 accidents or incidents under section 68 of the *Occupational Health and Safety (Commonwealth Employment) Act 1991*.

Comcare conducted no investigations into incidents and 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 | 2005–06 |
|---|------------|------------|------------|
| Staff, volunteers and contractors | | | |
| Minor injury or near miss ^a | 60 | 76 | 68 |
| Moderate injury ^b | 15 | 18 | 22 |
| Major injury ^c | 6 | 2 | 2 |
| Total | 81 | 96 | 92 |
| Visitors, permit holders and residents | | | |
| Minor injury or near miss ^a | 79 | 87 | 88 |
| Moderate injury ^b | 32 | 40 | 46 |
| Major injury ^c | 17 | 14 | 10 |
| Deaths | 1 | 1 | 1 |
| Total | 129 | 142 | 145 |

(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 2005–06:

- Five defendants pleaded guilty on 7 December 2005 to the possession of 216 dead booby birds and 14 dead frigate birds (both listed migratory species), possession of flails and illegal entry to Pulu Keeling National Park on 25 December 2003 (section 211C). They were convicted and released on two-year (\$5,000) good behaviour bonds and ordered to pay legal costs of \$2,173.92 each.
- One defendant was convicted on 17 October 2005 for driving a vehicle on a restricted access road in Kakadu on 31 May 2005 (Regulation 12.41[1]) and was fined \$400.
- One defendant was convicted on 8 August 2005 for possessing a firearm in a Commonwealth reserve (Regulation 12.18 [1][a]) and unauthorised access (Regulation 12.41[2]) in Kakadu on 24 October 2004 and was fined a total of \$1,000.
- One defendant was convicted on 8 August 2005 for unauthorised access in Kakadu (Regulation 12.41[2]) on 24 October 2004 and was fined \$600.
- One defendant was convicted on 8 August 2005 for possessing a firearm in a Commonwealth reserve (Kakadu National Park) (Regulation 12.18 [1][a]) and was fined \$300.
- One defendant being prosecuted for possessing and using firearms in Kakadu on 31 May 2005 failed to appear at court on 24 October 2005. A warrant to apprehend the defendant has been issued.
- One defendant is being prosecuted for handling and taking saltwater crocodiles (listed migratory species) from the East Alligator River in Kakadu and for using a cast net on 11–12 April 2004. The summons was not properly served therefore the matter was adjourned on 28 February 2005 (date to be fixed when summons is served).

Table 14: Compliance and enforcement activities in terrestrial reserves during 2005–06.

| | Members of the public | Tourism operators | Other commercial operators |
|-----------------------------|-----------------------|-------------------|----------------------------|
| EPBC Act incidents detected | 216 | 16 | 11 |
| Offenders unknown | 18 | 0 | 0 |
| Verbal cautions issued | 162 | 13 | 3 |
| Warning letters issued | 11 | 2 | 4 |
| Infringement notices issued | 9 | 0 | 0 |
| Continuing investigations | 2 | 0 | 4 |
| Permit suspensions | 0 | 0 | 0 |
| Court cases pending | 2 | 0 | 0 |
| Cases taken to court | 7 | 0 | 0 |
| Convictions | 5 | 0 | 0 |

Consultancy services

The total number of consultants engaged by the Director was 47. The total expenditure on consultancy services during the year was \$772,000.

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.

Advertising and market research

A total of \$100,000 was paid to a range of organisations for media advertising. The principal reasons for media advertising were to publicise 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 are consistent with the Commonwealth Procurement Guidelines.

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 developed 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.

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.

Commonwealth Disability Strategy

The Department of the Environment and Heritage has developed a *Disability Action Plan 2004–2006* to meet the needs of people with disabilities in accordance with the roles identified by the Commonwealth Disability Strategy. Further information on the strategy is contained in the Department of the Environment and Heritage annual report for 2005–06.

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 Tjuta 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 website at 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 A.