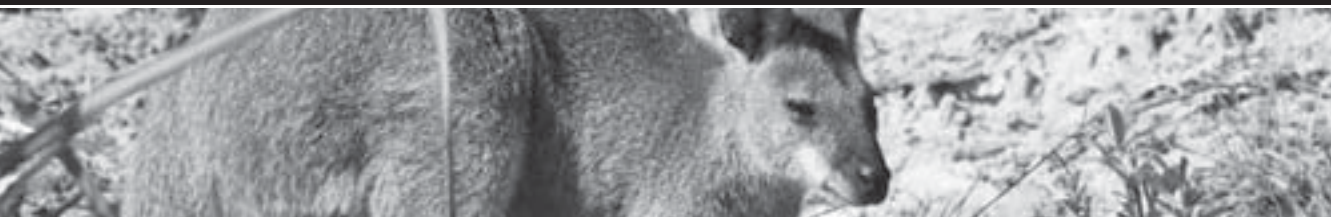


7 Management and accountability



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Corporate governance

The Director of National Parks 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 corporation is a Commonwealth authority and is subject to the *Commonwealth Authorities and Companies Act 1997* (CAC Act). The Director is a corporation sole constituted by the person who holds the office that is also named the Director of National Parks.

The Director is responsible to the Minister for the Environment, Heritage and the Arts, the Hon Peter Garrett AM MP.

Ministerial directions

The EPBC Act requires the Director to perform functions and exercise powers in accordance with any directions given by the Minister, unless the EPBC Act provides otherwise.

Up to 30 June 2008 the Minister could also notify the Director under the CAC Act of general policies of the Government that are to apply to the Director. From 1 July 2008 such a direction is given by a General Policy Order issued by the Minister responsible for the CAC Act.

During 2007–08 no Ministerial directions were issued and there were no directions continuing from previous years.

The Director is subject to directions given by the Minister for Finance and Administration in December 2004 under section 47A of the CAC Act in relation to the application of the Commonwealth Procurement Guidelines.

Funding

The EPBC Act makes provision for funding the Director of National Parks. The Department of the Environment, Water, Heritage and the Arts receives the appropriation for the Director of National Parks. In effect, the Department purchases 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 an arrangement to provide corporate services to the Director. The Department's Parks Australia Division supports the Director's work.

During 2007–08 the Department provided \$44.1 million to the Director of National Parks under the purchaser-provider arrangement (see the audited financial statements at Chapter 8 of this annual report). This arrangement was effective,

providing the resources that enabled the Director to meet the targets set in the Portfolio Budget Statements 2007–08 Environment and Water Resources Portfolio.

Planning documents

For information about the strategic planning and performance assessment framework, see Chapter 5 of this report.

Executive management

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

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

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

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

Boards of management and advisory committees

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

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



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

Other consultative mechanisms

The EPBC Act requires public consultation prior to the declaration of a Commonwealth reserve and in the preparation of management plans for reserves that have been established under the 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 about the management of the reserve. The Director must consult with, and have regard to, the views of the chair of the relevant land council in relation to the performance of the Director's functions and the exercise of the Director's powers in relation to the reserve. The land council chair must be specifically invited to comment on the preparation of management plans.

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

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

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

Control arrangements

Director of National Parks Chief Executive Instructions

The Chief Executive Instructions guide Parks Australia staff in assisting the Director to carry out the Director's functions and to meet the Director's statutory obligations. Policies and procedures sit under the Chief Executive Instructions and are subject to regular review.

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 addressed corporate governance issues including risk management and financial management.

During 2007–08 internal audits were undertaken of: Compliance with the CAC Act; the Fraud Control Plan; Asset Management; Review of IT Governance; Review of Environmental Reporting, and Review of Management Compliance with the EPBC Act.

The committee endorsed the process for preparation of the 2007–08 financial statements and the audit plan for 2008–09.

Members of the committee during 2007–08 were:

- Mr Gary Potts, independent member and Chair (until December 2007)
- Mr Brian Gilligan, independent member
- Mr Peter Hoefer, independent member
- Mr Paul Hickey, independent member and Chair (from December 2007)
- Mr Con Boekel, Assistant Secretary, Parks Australia South (until March 2008)
- Ms Anne-Marie Delahunt, Assistant Secretary, Parks Australia North
- Mr Peter Taylor, A/g Assistant Secretary, Parks Australia South (from June 2008)

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

Risk management

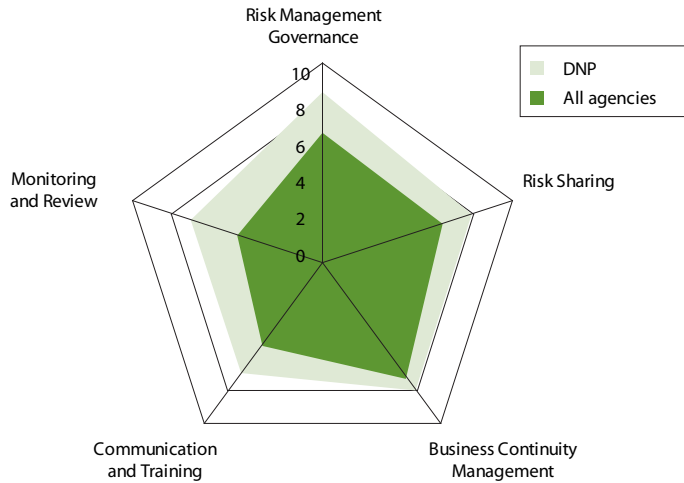
Risk watch lists for each park or business unit are regularly reviewed in accordance with the Director's Risk Management Policy. Incidents in all workplaces, categorised under the key result areas, are reported monthly to the executive team.

The Director has participated in the Comcover Risk Management Benchmarking scheme since 2003. The Director's risk management system was rated average in 2003 and has risen consistently since then. In 2008 the Director scored 7.8 out of a possible 10, and for the last three years the Director has consistently scored 2.0 or more above the average for all Australian Government agencies.

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



Figure 11: Risk management benchmarking scores for the Director of National Parks in 2007–08 compared to the average for 131 Australian Government agencies (Source: Comcover 2008)



Source: Comcover 2008

Indemnities and insurance

In 2007–08 the Director maintained comprehensive insurance cover through Comcover, the Australian Government’s general insurance fund, for its business operations, including general liability and professional indemnity, and directors and officers’ liability. Major insurance claims during the previous two years have been settled.

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

External review

Judicial decisions and decisions of administrative tribunals

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



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 2007–08 financial statements of the Director of National Parks.

Occupational health and safety

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

The 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's Occupational Health and Safety Committee. Occupational health and safety committees in the three mainland national parks and at the ANBG considered and 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 most 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 desktop equipment.

ParkSafe, Parks Australia's integrated occupational health and safety management system, is designed to provide a safe and healthy workplace for all employees and contractors working for Parks Australia. All relevant policy and procedural information is available electronically. ParkSafe has been in place since 2004, and this year a major revision of the system continued, including a review of hazards faced by field staff and an upgrade of all job safety analyses. ParkSafe is also used for field operations by other divisions of the Department.

This year ParkSafe training was presented at Kakadu National Park, Booderee National Park and the Australian National Botanic Gardens. In addition to ParkSafe training, the majority of staff members are expected to maintain a score of 80 per cent on the online "SafeTrac" occupational health and safety course.

During 2007–08 Parks Australia recorded 211 occupational health and safety accidents or incidents (see table 10). This was comparable to the total number last year (207) with a reduction in the number of staff incidents (89 to 78) and an increase in the number of visitor incidents (118 to 133). The staff incidents included five "near misses" that had potentially serious consequences. The visitor incidents involved three dangerous occurrences from the threat of crocodile attack and a vehicle roll-over.

Comcare issued a prohibition notice under section 46 of the OH&S Act in May 2008 (relating to roadworks in Uluru–Kata Tjuta National Park) and investigated this incident. There were no matters to report under sections 45 or 47 of the Act.



Table 10: Safety incident records for terrestrial reserves

	2003–04	2004–05	2005–06	2006–07	2007–08
Staff, volunteers and contractors					
Minor injury or near miss ^(a)	60	76	68	77	57
Moderate injury ^(b)	15	18	22	12	21
Major injury ^(c)	6	2	2	0	0
Total	81	96	92	89	78
Visitors, permit holders and residents					
Minor injury or near miss ^(a)	79	87	88	80	84
Moderate injury ^(b)	32	40	46	35	42
Major injury ^(c)	17	14	10	3	6
Death	1	1	1	0	1
Total	129	142	145	118	133

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

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

(c) Major injury includes significant hospitalisation (more than 2 days)

Compliance and enforcement under the EPBC Act

Wardens and rangers are appointed under the EPBC Act to exercise enforcement powers under the Act and its Regulations for Commonwealth reserves (members of the Australian Federal Police and officers of the Australian Customs Service are ex-officio wardens by force of the Act). All law enforcement 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).

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 enforcement matters were determined by courts during 2007–08:

- On 11 October 2007 two persons were convicted of taking squid in excess of the daily recreational limit in Booderee National Park on 1 December 2006. One person was fined \$350 plus court costs, while the second, who had prior convictions, was fined \$500 plus court costs.

- On 11 October 2007 one person was convicted of taking squid in excess of the daily recreational limit in Booderee National Park on 31 January 2007 and was fined \$400 plus court costs.
- On 14 February 2008 one person was convicted of taking squid in excess of the daily recreational limit in Booderee National Park on 31 January 2007 and was fined \$400 plus court costs.
- On 22 January 2008 three persons were convicted of contravening the EPBC Regulations in December 2006, by installing a mooring at Pimpernel Rock within the Sanctuary Zone of Solitary Island Marine Reserve. Each defendant was fined \$400 plus court costs.

Table 11: Compliance and enforcement in terrestrial reserves during 2007–08

	Members of the public	Tourism operators	Other commercial operators
EPBC Act incidents detected	182	9	6
Offenders unknown	11	0	0
Verbal cautions issued	109	4	0
Warning letters issued	17	1	0
Infringement notices issued	57	2	0
Continuing investigations	1	0	0
Permit suspensions	0	0	0
Court cases pending	2	0	0
Cases taken to court	3	0	0
Convictions	3	0	0

Ecologically sustainable development and environmental performance

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

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

Parks Australia is committed to reducing the carbon footprint for its activities, and will develop climate change strategies for Commonwealth terrestrial reserves in the coming year. Contributing to this, the ANBG has facilitated the development of a national climate change adaptation strategy for Australian botanic gardens,



Kakadu is hosting a series of Research Symposiums, and staff members are actively participating in various national and international fora to discuss climate change adaptation and mitigation. Where possible, the design and construction of new infrastructure includes: the use of alternative energy; rainwater capture and storage; minimisation of waste, and reduction of environmental impacts (see case studies pages 76, 88 and 127).

The effects of park management activities on the environment are discussed throughout the report, in particular in Chapters 5 and 6 and in the Department's Sustainability Report for 2007–08.

Commonwealth Disability Strategy

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

The Department has developed a Disability Action Plan 2008–2010 to meet the needs of people with disabilities in accordance with the roles identified by the Commonwealth Disability Strategy. Information on the strategy is contained in the Department's annual report for 2007–08.

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

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

Freedom of information

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