

11th September 2013

Brian Wightman
Minister – Environment Parks & Heritage
Level 2, 10 Murray Street
Hobart, Tas, 7000.



PROPOSED PARKS & RESERVES AUTHORITY - TASMANIAN NATIONAL PARKS ASSOCIATION VIEWS (& COMMENT ON THE DRAFT BILL 2013 TO GIVE THIS EFFECT)

Dear Brian,

The Tasmanian National Parks Association (TNPA) has reviewed the government's proposal to create a new authority to manage Tasmania's parks and reserves (ie, its conservation estate), which would replace the present PWS. As this will require legislative amendments, TNPA has also the *Draft (V5) National Parks and Reserves Management Amendment (Parks & Reserves Authority) Bill 2013*.

As you are aware, the TNPA has been advocating for the sound management of Tasmania's conservation estate, primarily existing reserved land, for over 10 years. We therefore believe we have a demonstrated interest in this matter, and we bring a range of expertise and experience to assessing and commenting on it.

SUMMARY COMMENT

The TNPA has a number of serious concerns with the proposal. These arise primarily out of a concern that the new management structure will not provide an effective management entity for Tasmania's extensive and high conservation value parks and reserves. At the heart of this is a need for such an entity to have a greater level of independence than the current structure has.

Our major concerns are –

1. **Powers of the Managing Authority:** The re-distribution of the roles and responsibilities of the Director, with most key powers going to the Minister. Of particular concern is the transfer of those roles and responsibilities of the Director as 'managing authority' to the Minister. This confuses the role of a 'managing authority' and the Minister; and we see this as having the potential to create a conflict of interest.¹ The roles and responsibilities of the managing authority must stay with the authority – in our view with the Board.
2. **The Powers of the Board:** The Board, which is a major new element and the key part of the proposed Authority, has very limited powers. In our view it has barely enough powers or a role to justify calling it an 'authority' rather than an advisory committee. It is the

¹ We note also that under the *Nature Conservation Act 2002* (s6) there are some roles and responsibilities of the Secretary of DPIW that will, under the Draft Bill, also be held by the new Chief Executive (formerly powers of the Director (held by the Secretary DPIW) under s7 of the NP&RM Act 2002), thereby resulting in additional confusion.

TNPA's view that the Board should be the head of the Authority and should have a broader role, in effect the management of the Authority and consequently the parks and reserves (ie, it becomes the managing authority). To ensure independence the Chief Executive should not be a member of the Board, and to ensure that the Board can effectively operate in this role the Board should be expanded in numbers to allow for expert representation in key areas of park management (plus carbon and climate change if this is still to be part of the role of the Authority).

3. **Independence and Checks & Balances:** There are few checks and balances in what is being proposed. In our view the following are required in the legislative amendments to address this –
 - i. A clear statement of the objectives for the management of reserved land as an up front statement, and a requirement for management and other high level plans to conform to these objectives (and also in relation to the proposed legislative amendments - the Minister's Statement of Expectations).
 - ii. The third party review of management plans, currently the role of the Tasmanian Planning Commission, must be retained, and in the TNPA's view this role should be considerably strengthened.
 - iii. In relation to the proposed legislative amendments a requirement for public consultation on Strategic Plans as well as Management Plans.
 - iv. A requirement for the Authority to report on its success in meeting the objectives for management listed in the Act. This should be based on a regular audit (preferably an independent, external audit).

4. **Authority Structure:** The TNPA has concerns about the proposed structure and how the different elements integrate, as in our view any new authority that replaces the PWS must be a single entity that includes the 'management authority' and its staff. In the documentation the TNPA has seen the full structure is not clear, and the draft Bill is also not clear on staffing for the new Authority.

The information to date suggests that the Chief Executive will appoint Rangers, but that other staff will be appointed (and managed?) by the Secretary of DPIPWE, and that the Authority will have to negotiate access to non-Ranger staff through the Secretary of DPIPWE.

Given the range of staff required to manage the parks and reserves, this is in TNPA's view a highly unworkable scenario. The Authority should appoint and manage all its own staff (ie, the staff necessary to manage the parks and reserves) much as the PWS does today. In our view the scientific staff in DPIPWE who have expertise in natural and cultural values conservation and environmental resource management, in particular in relation to conservation areas (including marine environments), should become staff of the Authority. The unmet need for scientific staff within the PWS has long been a concern of the TNPA.

5. **Strategic Planning:** The Draft Bill only provides for one 'Strategic Plan' and there is no direction as to what this Strategic Plan will deal with or consist of (other than the need for it to respond to the Ministerial Statement of Directions). It is assumed that the proposed 'Strategic Plan' is for the management of Tasmania's parks and reserves. If this is the case, then, in the TNPA's view, the Draft Bill should specify what the scope of the Plan is and preferably the broad content. Item 3 (i) is also seen as critical in relation to this. The TNPA also believes that the Draft Bill should clearly provide for the Authority to prepare other Strategic Plans for key statewide or other complex management issues that are not suited to being dealt with in management plans (eg, issues related to climate change).

PREFERRED OPTIONS FOR TASMANIAN PARKS & RESERVE MANAGEMENT

The above noted concerns arise from the TNPA's view that the approach to determining a new management structure for Tasmania's parks and reserves requires serious review, and is not something to be done on the run as appears to be happening now.

The TNPA's view is in essence that determining a new management structure is a complex matter that requires informed stakeholder input and a collaborative process to develop a structure that meets the needs of the Tasmanian conservation land management context. Restructuring of the PWS is not something to be undertaken lightly given its extensive responsibilities and its management of non-renewable resources of acknowledged significance.

The TNPA's position on a new structure for the management of Tasmania conservation estate is as follows. In part our position derives from Tasmania having such a large area (and percentage of the state) as conservation estate, with this land having extremely high and complex conservation values. You will see that the current proposal for a Parks & Reserves Authority falls far short of what in our view is required.

The following options comprise the TNPA's position. They are listed in order of priority with Option 1 being our preferred approach.

Option 1

TNPA's preferred option is for the government to stand back from the present proposal and review, including with stakeholders consultation and expert input, the options for a new reserve management entity in order to develop something that truly matches the world class reserves that Tasmania has. (This is the process followed with state policy development and we feel Tasmanian national parks and reserves deserve nothing less).

Option 2

If the above approach is not possible, then the TNPA would support the creation of a stand alone government department that has responsibility for all areas of conservation and environmental management (eg, as well as national parks and terrestrial reserves, this could include marine reserve management, cultural heritage, climate change, carbon, and a liaison capacity with comparable Federal government agencies and delivery organisations such as the NRMs).

Option 3

If neither of the above is possible in the current context, then the TNPA will at minimum support a truly independent stand alone authority, but would continue to advocate for further review (along the lines of our preferred position) in the longer term.

In respect of an independent authority, the TNPA will not accept such an authority unless all the following are met –

- i. the current roles and responsibilities of the Director are transferred to a new 'Director' of the authority (this could be the Board or the CEO), and not to the Minister;
- ii. the Board is a management (governance) entity;
- iii. the Board is explicitly constituted to represent the broad range of areas related to parks and reserves and other conservation management with an emphasis on values management, with a similar number of members as the current National Parks & Wildlife Advisory Council;

- iv. the entity that supports the Board (& the legislation) (presumably the present PWS) is seen as an integral part of the 'Authority' (although administrative support may be provided by DPIPWE);
- v. the authority has a leading role in policy development and implementation in relation to national parks and reserves;
- vi. the authority includes scientists who can give scientific and technical support on the key values of the national parks and reserves (at minimum flora, fauna, geoheritage, Aboriginal and historic heritage, and wilderness management), while not losing current expertise in specialist areas (eg, planning, fire management and walking track management);
- vii. the legislation should clearly state that the principal object of the national parks and reserves is to protect and preserve the natural and cultural values for which the land was reserved;
- viii. there is regular, preferably annual, auditing of the authority's success in meeting this criterion (ie, the preservation of the natural and cultural values for which the land was reserved); and
- ix. the authority is resourced to support the above.

CONCLUSION

It is the TNPA's view that the current proposal, including the draft Bill, falls far short of what is needed to properly manage Tasmania's parks and reserves (ie, conservation areas), and in our view is a less workable and productive outcome than the present situation.

The TNPA is not prepared to support any lesser outcome than our Option 3, above. If this outcome is not achievable and translated into the legislation, then TNPA will not support the proposal or the draft Bill, and would instead prefer that the current arrangement and legislation remain in place for the present as, in our view, despite its inadequacies, this can provide better management than that being proposed.

The TNPA asks that you give our comment serious consideration. Tasmania's outstanding national parks and broader conservation estate deserves the best practice management. This is critical to ensuring that the obligations for managing these conservation reserves can be met.

The TNPA would be happy to meet to discuss any aspects of our comment with you in more detail.



for

Robert Campbell

**President,
Tasmanian National Parks Association**