



Conservation Council SA



The Hon Ian Hunter MLC
Minister for Sustainability, Environment and Conservation
Parliament House
Adelaide SA 5000

21/10/2014

Sent via email: Ian.Hunter@parliament.sa.gov.au

Dear Minister Hunter,

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Re: Review into Boards and Committees

The conservation movement acknowledges the need for the reform of Boards and Committees in South Australia. However, we have significant concerns about a number of the current proposals.

At the heart of our concern is the likely loss of specific conservation expertise and community experience from government decision making. To date, we are yet to be reassured that any alternative mechanisms will be effective.

After consulting with our sector, we believe there is insufficient justification for the removal of the following:

- Aquaculture Advisory Committee;
- Fisheries Council of SA;
- Natural Resources Management Council;
- Pastoral Board;
- Coast Protection Board;
- Native Vegetation Council;
- Various Boards and Committees related to co-management of indigenous lands;
- SA Aboriginal Heritage Committee.

In addition, we oppose the proposed merger of the Wilderness Advisory Committee, the Marine Parks Council, the Marine Parks Scientific Working Group and the National Parks and Wildlife Council. A merger such as this is extremely complex, given that three of the bodies are constituted under separate Acts each with different legislative requirements.

In a rapidly changing climate it is important that these bodies are retained.

The report commissioned to inform this process by the Internal Consultancy Services Group clearly warns in the caveat on page 40 "There is compelling evidence, for example that the majority of mergers both in the public and

private sector failed to deliver the benefits envisaged when they were planned."

In advising on any potential merger process, the report on page 33 notes "As with other options, before any final decision is taken there should be full consultation with stakeholders and a business case developed evaluating risks costs and benefits". This has not taken place to the best of our knowledge and/or we have not been involved in any real consultation process to date.

The report also notes the following factors to be taken into account in evaluating any potential rationalization/merger. The list is not exhaustive.

a) Is there an obvious overlap and duplication with other similar activities?

There is little overlap with other similar activities as the functions of the bodies are defined in three Acts, each with differing objectives:

The *Wilderness Protection Act 1992* is an Act to provide for the protection of wilderness and the restoration of land to a condition before European colonization and other purposes;

The *National Parks and Wildlife Act 1972* is an Act to provide for the establishment of reserves for public benefit and enjoyment: to provide for the conservation of wildlife in a natural environment: and for other purposes;

The *Marine Parks Act 2007* is an Act to provide for a system of marine parks and for other purposes.

Given these differing objectives, the Acts' approach to protected areas management varies, as demonstrated by the following examples:

Under the *National Parks and Wildlife Act*, mining and pastoralism are permitted over most protected areas. Similarly, under the *Marine Parks Act* mining and fishing are permitted. The *Wilderness Protection Act* does not permit these commercial uses.

Under the *National Parks Act* one objective of reserve management is the encouragement of public use and enjoyment. Under the *Wilderness Protection Act* public use is permitted, but only when wilderness quality is not compromised.

b) Are there synergies that might be leveraged to improve operational performance?

Examination of the functions of the bodies (see Appendix 1) shows some potential for working together in the areas of public engagement and protected area management. These potential synergies are not considered substantial enough to justify a simple merger, even when the operational problems noted under a), c) and d) are disregarded.

c) Will a merger result in a more efficient organizational structure?

The *Wilderness Protection Act* requires the Wilderness Advisory Committee to assess "all land in the State to identify those areas that meet the Act's

wilderness criteria to a sufficient extent to justify protection under the Act or that warrant restoration to a condition that justifies such protection". This is a technical function that needs to establish facts with integrity and political impartiality. It is best carried out by a small group with a particular skill set and is fundamental to the operation of the Act. This function is not duplicated in the other bodies and risks being submerged in a larger and substantially more complex operational setting.

The current operating cost of the Wilderness Advisory Committee is low. The total annual sitting fees amount to \$1,752.00 with no payment for work in the field on wilderness assessments. This sum is 8% of the total annual sitting fees of the three statutory bodies in the proposed merger.

As can be seen from Appendix 2, each of the bodies has a skill set appropriate to the function of the body. A merged council would not make good use of these skills. There is also a high probability that tensions would be created in establishing priorities in an overcrowded agenda, leading to further loss of efficiencies.

d) Are there legislative complexities that make the merger high risk?

The proposed merger of so many bodies is extremely complex, not only because the establishing legislation has differing objectives (see point a) above), but also because of differences between each piece of legislation. For example, the *Wilderness Protection Act* requires public consultation before the constitution of a protected area, the *Marine Parks Act* requires consultation after constitution and the *National Parks and Wildlife Act* has no requirement. A merged body would require members to have a working knowledge of three different Acts comprising 122 pages of legislation.

e) Are there sectorial / community interests that could make the merger problematic?

The Wilderness Advisory Committee and the Marine Parks Scientific Working Group are expert committees, fundamentally different from the Marine Parks Council and the National Parks and Wildlife Council which are sectorial committees.

This issue alone makes the proposed merger unworkable.

f) Are there conflicts of interest that might arise?

As can be seen from Appendix 2 and expressed in point e) above, membership of the various bodies has both commercial and non-commercial skill sets. It is not considered appropriate for members representing commercial interests to vote on matters relating to the *Wilderness Protection Act*.

g) Are there strategic, as well as operational advantages that a merger might offer?

Given the points emphasized above, we do not believe that this merger should happen.

We strongly believe the Marine parks Council needs to stay a separate expert based committee for the next 5 years whilst the new network is bedded down. This includes the commencement of a monitoring system, the engagement of the public (critical so we can abate the toxicity and start to get regional buy-in) and to help ensure the success of the socio economic assessment and the review of the network.

Other matters

The Wilderness Advisory Committee's recent report on improving wilderness protection in the State's arid lands has identified significant areas of wilderness on pastoral and Aboriginal lands. It is probable amendment of the *Wilderness Protection Act* and negotiation with stakeholders will be necessary to obtain protection. A small specialized committee is better suited to provide the advice required in both processes. Furthermore, a body named the Parks Council implies both government control and general public access, prospects which may be a disincentive to stakeholders.

Conclusion

The ever increasing importance of strategic environmental decision making in a rapidly changing climate can't be over emphasized.

In this context, the work of the Wilderness Advisory Committee, the Marine Parks Council, the Marine Parks Scientific Working Group and the National Parks and Wildlife Council is critically important. We are opposed to the proposed merger of these bodies and believe they must be retained.

Equally, we support the retention of the Aquaculture Advisory Committee, Fisheries Council of SA, NRM Council, Pastoral Board, Coast Protection Board, Native Vegetation Council, SA Aboriginal Heritage Committee and Various Boards and Committees related to co-management of indigenous lands.

We also request a meeting at your earliest convenience to discuss these issues in detail.

Yours sincerely,



Peter Owen
Director
The Wilderness Society SA



Craig Wilkins
Chief Executive
Conservation Council of SA

Cc: Bradley Green, Senior Advisor, Office of the Premier

Appendix 1 Functions of bodies

The *Wilderness Protection Act 1992* defines the functions of the Wilderness

Advisory Committee as follows:

- (a) assess all land in the State to identify those parts of the State that meet the *Act's wilderness criteria* to a sufficient extent to justify protection under the *Act* or that warrant restoration to a condition that justifies such protection; and
- (b) at the request of a member of the public to assess the extent to which land specified in the request meets the wilderness criteria; and
- (c) report to the Minister on results of its assessment under paragraphs (a) and (b) and to make recommendations to the Minister as to what land in the State should be constituted as wilderness protection areas or wilderness protection zones; and
- (d) make recommendations to the Minister in relation to the management of wilderness protection areas and zones generally or in relation to a particular wilderness protection area or zone; and
- (e) commission research into the effect of mining, grazing and other forms of primary production and tourism on wilderness and wildlife and to advise the Minister of the findings of the research; and
- (f) increase understanding in the community of the significance of wilderness; and
- (g) assist the Minister in relation to the preparation of the annual report under Division 1; and
- (h) functions assigned to the Committee by other provisions of the *Act*.

The *National Parks and Wildlife Act 1972* defines the functions of the National Parks and Wildlife Council as follows: The functions of Council are 1 (a) to provide advice to the Minister on any matter relating to the administration of the *Act* and (b) such other functions set out by the *Act* and more specifically on:

- (a) planning in relation to the management of reserves;
- (b) the conservation of wildlife;
- (c) funding (including matters relating to sponsorship) and the development and marketing of commercial activities;
- (d) community participation in the management of reserves and the conservation of wildlife;
- (e) the development of policy;
- (f) existing or proposed national or international agreements relating to the conservation of animals plants and ecosystems;
- (g) the promotion (including public education) of the conservation of wildlife and other natural resources;
- (h) the Council's assessment of the performance of the Department in administering the *Act*;
- (i) any other matter referred to the Council by the Minister or on which the Council believes it should advise the Minister.

The *Marine Parks Act 2007* defines the functions of the Marine Parks Council:

- (a) to provide advice to the Minister on the establishment of marine parks including advice on any community nominations for marine parks and advice on areas to specified as marine parks;

- (b) to provide advice to the Minister in relation to the introduction, variation or revocation of interim protection orders;
- (c) to provide advice to the Minister in relation to a proposal to alter the boundaries of a marine park;
- (d) to provide advice to the Minister in relation to a proposal to establish or alter a zone within a marine park;
- (e) to promote advice to the Minister in relation to the management of marine parks, the formulation and operation of management plans under the *Act*, and the extent to which the objects of this *Act* are being achieved the implementation of management plans under this *Act*;
- (f) to provide advice to the Minister on ways to promote community participation in the management of marine parks and the conservation of relevant marine environments;
- (g) to carry out such functions as may be assigned to the Council by or under this *Act* or by the Minister.

Appendix 2 Committee Membership

The Wilderness Advisory Committee consists of the Director and four members:

- (a) one of whom has qualifications or experience in a field of science that is relevant to the conservation of ecosystems and to the relationship of wildlife and its environment;
- (b) one on whom has been nominated by the Minister from a panel of three persons selected by the Wilderness Society SA Branch Incorporated;
- (c) two of whom have wide experience in the management or recreational use of wilderness.

The National Parks and Wildlife Council consists of the Director and eight members:

- (a) one must have qualifications or experience in the conservation of animals, plants and ecosystems;
- (b) another must be a person selected by the Minister from a panel of two men and two women nominated by the Conservation Council of South Australia Inc;
- (c) another must have qualifications or experience in the management of natural resources;
- (d) another must have qualifications or experience in organising community involvement in the conservation of animals, plants or other natural resources;
- (e) another must have qualifications or experience in a field of science that is relevant to the conservation of ecosystems and to the relationship of wildlife with its environment; each of the remaining two must have qualifications or experience in at least one of the following: ecologically based tourism; or business management; or financial management; or business management; or marketing, being an area which the other does not have qualifications or experience.

The Marine Parks Council consists of the Chief Executive (or nominee) and

eleven members:

- a) 1 must be a person with a knowledge of or experience in the field of commercial fishing;
- b) 1 must be a person with a knowledge of or experience in the field of aquaculture;
- c) 1 must be a person with a knowledge of or experience in the field of recreational fishing;
- d) 3 must be persons with a knowledge of or experience in the field of marine conservation;
- e) 2 must be persons who have qualifications or experience in a field of science that is relevant to the marine environment;
- f) 1 must be a person who has extensive involvement in community affairs;
- g) 1 must be a person who has extensive knowledge of indigenous culture, especially in connection with the marine environment.