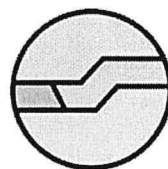


DEPARTMENT OF  
**Conservation**  
AND LAND MANAGEMENT

*Conserving the nature of WA*



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***Coral Coast Parks***

Coral Coast Parks Advisory Committee (CCPAC)

Terms of Reference  
(Including Code of Conduct)

28 November 2002

# Terms of Reference

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## 1. INTRODUCTION

The purpose of the Coral Coast Parks Advisory Committee (CCPAC) is to facilitate community input for the management (including planning) of the lands and waters on and along the North West Cape for which the Department has a management responsibility. The CCPAC is comprised of community members with the provision for an appointed or elected Chairperson. CCPAC members are appointed by the Executive Director of the Department following endorsement by the Minister. The Coral Coast Parks include:

- ❖ Cape Range National Park; and
- ❖ Ningaloo Marine Park.

Note: issues relating to the management of Jurabi and Bundegi 'Coastal Parks' (jointly vested in the Shire of Exmouth and the Department) and Muiron Islands Reserve (jointly vested in the Conservation Commission of WA and the Shire of Exmouth) can be referred to the CCPAC by the Jurabi and Bundegi Coastal Parks and Muiron Islands Joint Management Committee.

The establishment of the CCPAC is consistent with the Department's commitment to community participation as indicated in Departmental documents including the Corporate Plan for 2002-2005 and the "Public Participation Manual" of July 2000. Through the CCPAC, the Department will be better informed about the range of community views on proposals and issues relevant to the Coral Coast Parks. This will assist the Department to make more informed decisions.

In addition to the CCPAC, the Department may obtain community input from stakeholders and interest groups, indigenous communities, State government agencies, local government authorities, and adjoining landowners. This input can be derived from a range of participation mechanisms such as public meetings and calls for public submissions on draft management plans.

This document provides the Terms of Reference of the CCPAC, including:

- (i) the functions and responsibilities of the CCPAC;
- (ii) its relationship with the Department, the Conservation Commission of Western Australia (the Conservation Commission) and the Marine Parks and Reserves Authority (MPRA);
- (iii) the involvement of the Shires of Exmouth and Carnarvon;
- (iv) the processes for selection and appointment of community members; and
- (v) the responsibilities of members including a code of conduct.

## 2. FUNCTIONS OF THE CCPAC

*The functions of the CCPAC are to:*

- (i) Provide community input and advice to the Department for the management of the Coral Coast Parks for issues referred to the committee by the managers of the parks or matters of public concern or interest.
- (ii) Provide advice on the development and implementation of management plans for the Coral Coast Parks. For the period 2003-2004, it is anticipated that the CCPAC will have input into the development of new management plans for the Cape Range National Park and the Ningaloo Marine Park as well as any proposed additions or amendments to the reserve system on or adjoining the North West Cape.

- (iii) Assist the Department with community liaison and dissemination of information relevant to the Coral Coast Parks.

### 3. STATUTORY FRAMEWORK

Crown reserves in Western Australia that are managed under the *Conservation and Land Management Act 1994* (CALM Act) are vested in one of two statutory controlling bodies that are appointed by the Minister for the Environment and Heritage or are vested in the Executive Director of the Department. Under the CALM Act, all national parks, conservation parks and nature reserves are vested in the Conservation Commission while all marine conservation reserves are vested in the MPRA. Marine Conservation Reserve categories include marine parks, marine nature reserves and marine management areas. Any terrestrial component of a marine conservation reserve is also vested in the MPRA, such as the forty metre wide coastal strip of the Ningaloo Marine Park.

Cape Range National Park is vested in the Conservation Commission while Ningaloo Marine Park is vested in the MPRA. Under the CALM Act, management by the Department of national parks will be for the purpose of

“...to fulfil so much of the demand for recreation by members of the public as is consistent with the proper maintenance and restoration of the natural environment, the protection of indigenous flora and fauna and the preservation of any feature of archaeological, historic or scientific interest” (CALM Act section 56 (1) (c).

Under the CALM Act, management by the Department of marine parks will be for the purpose of

“...allowing only that level of recreational and commercial activity which is consistent with the proper conservation and restoration of the natural environment, the protection of indigenous flora and fauna and the preservation of any feature of archaeological, historic or scientific interest” (CALM Act section 13B (1).

#### ***Functions of the Controlling Bodies***

The functions of the Conservation Commission and the MPRA are prescribed in the CALM Act in section 19 (1) and section 26B (1), respectively. In general terms, these include:

- ❖ having vested in them lands (State forest, timber reserves, national parks, conservation parks, nature reserves, and other relevant lands) and marine conservation reserves (marine parks, marine nature reserves and marine management areas), respectively;
- ❖ having the care, control and management of these lands and marine reserves, respectively;
- ❖ developing policies in respect of the preservation and appreciation of the natural environment and the provision of facilities for community enjoyment of the environment;
- ❖ providing advice to the Minister for the Environment and Heritage (the Minister);
- ❖ submitting management plans to the Minister;
- ❖ developing guidelines for monitoring and assessing the implementation of management plans;
- ❖ setting performance criteria for assessing and auditing the performance of the Department.

### ***Functions of the Department***

The functions of the Department are prescribed in the CALM Act in section 33 (1). In general terms, these include:

- ❖ managing lands and marine conservation reserves vested in the Conservation Commission and MPRA, respectively;
- ❖ providing such assistance as the controlling bodies may reasonable require to perform their respective functions;
- ❖ conserving flora and fauna throughout the State;
- ❖ promoting and facilitating recreation;
- ❖ providing advice to the Minister; and
- ❖ carrying out or causing to be carried out, study or research.

## **4. MEMBERSHIP AND MEMBER ROLES**

- (i) The CCPAC is comprised of community members with the provision for an appointed or elected Chairperson. A representative(s) of the Department will attend CCPAC meetings.
- (ii) The CCPAC aims to present a range of community views and provide balanced recommendations to the Department in relation to the Coral Coast Parks. To the best of its ability the CCPAC recommendations should be in the best interests of the community as a whole.
- (iii) The members of the CCPAC are chosen as individuals, and are not selected to represent community interest groups, associations or commercial interests. This being the case, there is no provision for community representatives to organise proxies, or arrange for other people to attend a meeting in the member's absence.
- (iv) The members of the CCPAC are not empowered to administer management programs or activities or direct Departmental staff.

## **5. CRITERIA FOR SELECTION OF MEMBERS**

*Community members will be selected for the committee based on the following criteria:*

- ❖ expertise and/or experience in terrestrial and/or marine management issues;
- ❖ experience as a park user/visitor;
- ❖ knowledge and/or experience of local community views and perspectives;
- ❖ possession of comprehensive community networks;
- ❖ ability to represent a broad range of relevant interests;
- ❖ commitment to providing balanced recommendations that are in the best interests of the community as a whole; and
- ❖ ability to devote the time/commitment required.

## **6. PROCESS FOR SELECTION OF MEMBERS**

- (i) Members of the community who may be interested in nominating for membership on the CCPAC will be invited to apply through a range of mechanisms, including:
- advertisement in a relevant local newspaper, or newspapers;
  - advertisement in “The West Australian” newspaper; and
  - direct correspondence from the Department inviting a representative of relevant organisations and individuals to apply for membership on the CCPAC.
- (ii) The Department will establish an appropriate selection panel to carry out the assessment of applications against a set of selection criteria and provide recommendations for membership on the CCPAC.
- (iii) Following Ministerial endorsement, members will be appointed by the Executive Director of the Department.
- (iv) A Chairperson endorsed by the Minister will be appointed to the committee for a term of three years. The Chairperson shall be a person who is well respected in the community, demonstrates excellent capabilities in the selection criteria identified in Section 5, has a well developed ability to lead meetings and facilitate community input, and has a good understanding of management issues.
- (v) The term of appointment for CCPAC members will be staggered with an initial term of appointment of up to three years duration. This facilitates stability in membership expertise as well as providing for new community members to make a contribution through appointment to the CCPAC.
- (iv) At the completion of the term of appointment, all members (including the Chairperson) may be invited to reapply for membership.

## **7. RELATIONSHIP BETWEEN THE DEPARTMENT AND THE CCPAC**

*The Department’s specific role in relation to the CCPAC includes:*

- (i) to assist the CCPAC achieve its functions through the provision of technical, legislative and policy information for the conservation and management of ecological, social and cultural values of the Coral Coast Parks;
- (ii) to consider fully the recommendations for management put to it by the CCPAC;
- (iii) to provide the CCPAC with the rationale for Departmental decisions and actions arising from or relevant to the CCPAC recommendations;
- (iv) to provide the executive support for the committee; and
- (v) to facilitate input from government agencies and other organisations as appropriate
- (vi) to invite persons with relevant knowledge on matters under consideration by the CCPAC to attend CCPAC meetings.

*Other government departments and organisations may provide input to the CCPAC through:*

- (i) Attendance at CCPAC meetings by representatives of those government agencies that have relevant management responsibilities in the area. A standing list of invited representatives of such agencies will be submitted by the CCPAC to the Department for

endorsement. Such persons have 'observer' status and may be invited to contribute to CCPAC discussions.

- (ii) A representative of each of the Shire of Exmouth and the Shire of Carnarvon are entitled to attend meetings as observers and to provide local government input.
- (iii) Non-government observers may be invited to contribute to the CCPAC discussions where they can provide relevant input following the endorsement of the Department.

***Reporting and Communication Relationships:***

One of the CCPAC's functions is to provide advice to the Department on management issues, including planning. CCPAC advice and recommendations are forwarded to the Department for consideration under the signature of the CCPAC Chairperson. Decisions made by the Department regarding those recommendation will be conveyed to the CCPAC in a timely manner. In making those decisions, the Department will follow agreed decision-making protocols between the Department, its controlling bodies and the Minister in order to deliver Government policy. A schematic representation of the reporting and communication relationships is shown in Figure 1.

In all cases, the basis for the Department's endorsement of the CCPAC recommendations, endorsement with modification, or non-endorsement of the CCPAC recommendations will be provided to the committee within a reasonable period of decisions being made in relation to the CCPAC recommendations.

## Reporting and Communication Relationships of the CCPAC, the Department, the Controlling Bodies and the Minister.

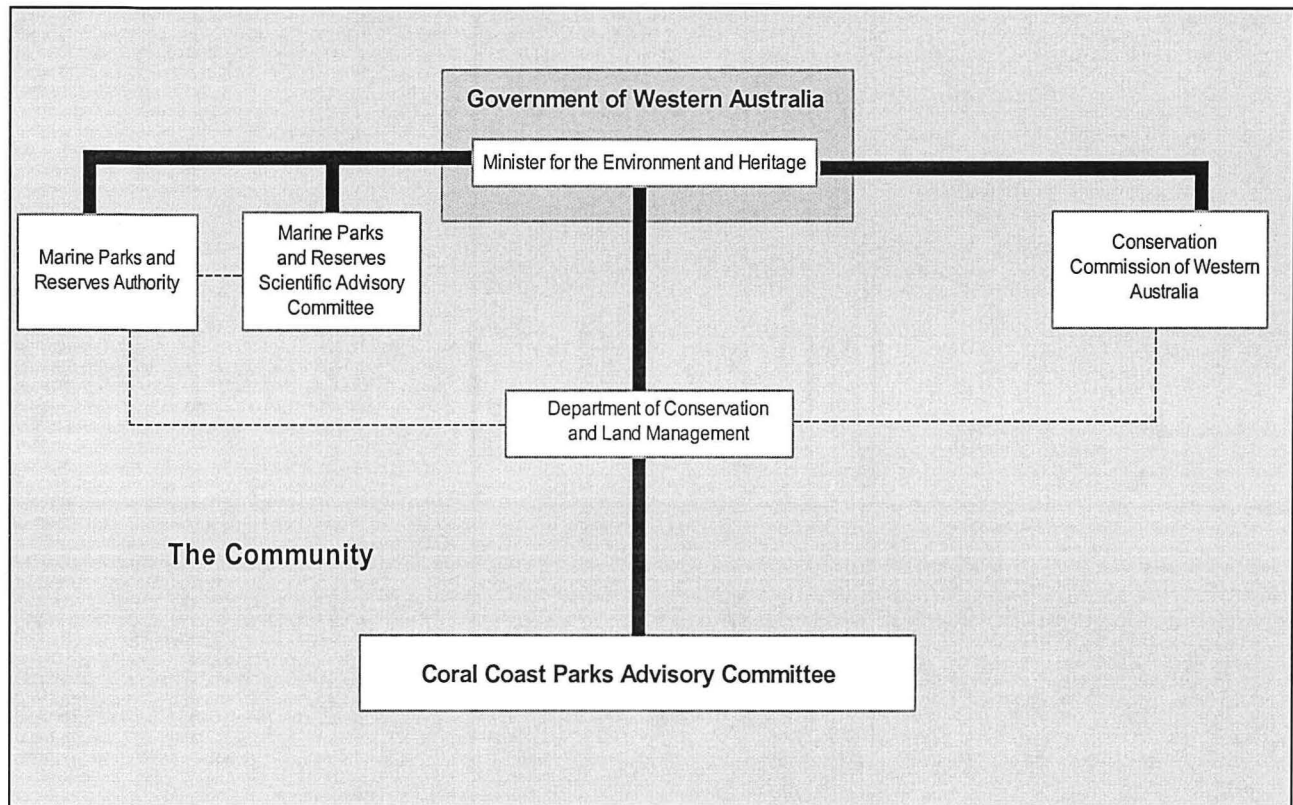


Figure 1.

### KEY:

- \_\_\_\_\_ Direct reporting hierarchy and decision-making authority
- - - - 'Working relationship' but no direct authority



## 8. CONDUCT OF MEETINGS

*The principles under which the CCPAC will operate include:*

- ❖ an emphasis on consensus decision making;
  - ❖ meetings and processes will be open, fair and carried out in a responsible manner;
  - ❖ information used for the decision making process will be available to members; and
  - ❖ participation will be based on a shared understanding of the functions of the CCPAC, its code of conduct, and the legislative and other constraints affecting management.
- (i) The CCPAC is established to provide a forum for community exchange and advice to the Department. Where possible, the CCPAC should attempt to reach consensus on issues. Reaching consensus, however, is not vital, as the Department will take all committee input, as well as other community input, into consideration when making the final management decisions.
  - (ii) The frequency of meetings will be decided between the advisory committee members and the Department and a schedule of meeting dates and venues for the year will be established. A minimum of two CCPAC meetings should be held in any one calendar year.
  - (iii) Meeting procedures adopted by the CCPAC should be consistent with sound meeting practice including providing open and equitable opportunity for members to participate.
  - (iv) A quorum will be formed if at least half of the committee is present as well as the Chairperson.
  - (v) A Departmental representative shall be present at CCPAC meetings.
  - (vi) The Department will provide support to administer the CCPAC commensurate with the resources available to the Department for that purpose. This will include organising a venue, calling meetings, and circulating agendas and minutes.

## 9. LIAISON WITH OTHER BODIES

- (i) The CCPAC may invite individual members of the community or representatives of other bodies to its meetings, or carry out other liaison with other bodies as required. Members of the committee can act as private individuals in their relations with government or the media, but may not speak for the committee unless explicitly authorised by the Department.
- (ii) When acting for the CCPAC, members should only correspond to individuals and organisations in relation to CCPAC business under the signature of the Chairperson and/or through the Department.

## 10. ADMINISTRATION

Membership of advisory committees is honorary; there will be no financial reward for services. The Department will, however, reimburse committee members (at the equivalent Public Service rates) for the following expenses:

- ❖ Travelling expenses when attending committee meetings; and
- ❖ Travelling expenses when on other committee business.

Reimbursement must be authorised in advance by the Department's Regional or District Manager. To assist in minimising costs, the Chairperson should encourage committee members to travel together where possible, travel with Departmental officers, and claim only actual expenses. Where possible, committee activities will be scheduled to avoid unnecessary expenses.



## **Coral Coast Parks Advisory Committee (CCPAC)**

# **Code of Conduct**

November 2002

# Code of Conduct for members of the Coral Coast Parks Advisory Committee

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# **Coral Coast Parks Advisory Committee Code of Conduct**

## **1. Introduction**

This Code of Conduct gives the Coral Coast Parks Advisory Committee (CCPAC) members a summary of their obligations and provides guidance about ethical conduct.

It draws on the Office of the Public Sector Standards Commissioner's publication *Template Code of Conduct for Government Boards and Committees* (May 1999) which in turn is based on the *Western Australian Public Sector Code of Ethics*.

An appointment to the CCPAC carries with it responsibilities and obligations. Ignorance about those responsibilities can damage both the individual and the CCPAC. People appointed as members should understand their responsibilities. This can assist them to contribute in a positive way.

This Code of Conduct includes information on ethical issues that may confront members and provides practical guidance. The CCPAC has chosen to adopt this code and members must therefore observe and comply with it. The CCPAC is of the view that adopting this Code of Conduct will assist and strengthen the CCPAC's ability to perform its functions as specified in the Terms of Reference.

## **2. Personal Behaviour**

### **2.1 Understand the CCPAC role**

CCPAC members will:

- Gain a clear understanding of the purpose and functions of the CCPAC as well as the statutory and regulatory requirements within which the Department carries out its responsibilities.
- Maintain or develop an understanding of the management activities and issues of the Coral Coast parks.
- Stay informed about all relevant activities of the CCPAC.
- Operate within the framework of the Terms of Reference of the CCPAC.

### **2.2 Be active**

- Attend all CCPAC meetings. Where attendance is not possible members will submit an apology. If absence is likely to extend for several consecutive meetings, members will obtain leave of absence.
- Participate actively and work co-operatively with fellow members and stakeholders to achieve agreed goals.
- Prepare for meetings by reading and considering papers circulated with the agenda.

## **2.3 Respect each other**

- Treat each other with professionalism, courtesy and respect.
- Do not improperly influence other CCPAC members.
- Act loyally and in good faith.

## **2.4 Consult**

- Consult stakeholders and affected parties about issues under consideration.

## **2.5 Raise concerns**

- Express concerns to the chairperson or other relevant CCPAC member(s) about decisions or actions contrary to the CCPAC's Terms of Reference and/or Code of Conduct.
- Disclose any information about actual or potentially corrupt or illegal activities to the chairperson or, if necessary, the Anti-Corruption Commission.

# **3. Accountability**

## **3.1 Accountability for public expenditure**

CCPAC members will:

- Act in a lawful, ethical and justifiable manner.
- Demonstrate personal integrity and reliability.
- Maintain confidentiality.
- Participate constructively in CCPAC activities.
- Where authorised to do so, ensure compliance with statutory and legal requirements.

## **3.2 Remuneration**

CCPAC members will not:

- Accept in connection with their official duties on the CCPAC any fee, reward, gratuity, gift or remuneration of any kind other than remuneration and allowances officially applicable to the CCPAC.

## **3.3 Allowances – Accommodation and travel expenses**

CCPAC members will be reimbursed for travel and accommodation expenses where prior approval has been provided by the Department, including for:

- Air travel costs for CCPAC meetings or official business expenses;
- Members vehicle costs for CCPAC meetings or official business at public service allowance rates;
- Accommodation, meals and out of pocket expenses, incurred on official business at public service rates or booked and paid directly for members by the Department.

### **3.4 Entertainment and catering**

Any entertainment should be consistent with the CCPAC's genuine needs. Members should not lose or gain financially as a result of entertainment.

CCPAC members will ensure:

- Catering is limited to basic food and drink items.
- Alcohol is not consumed during CCPAC meetings.
- Transparent consideration and due thought is given before accepting hospitality offered by suppliers, stakeholders or proponents, to avoid actual or perceived conflicts of interest or undue influence.

### **3.5 Entering government premises**

The CCPAC members may need to visit Department of Conservation and Land Management offices in a formal capacity or to use government facilities and equipment.

CCPAC members will:

- Cooperate with Department of Conservation and Land Management officers when using premises for meetings, or other CCPAC business or wishing to use government facilities or equipment for CCPAC purposes.

## **4. Use of public sector resources**

The Department of Conservation and Land Management may provide the CCPAC with resources and equipment. This equipment will only be used for official purposes and remains the property of the Department of Conservation and Land Management.

CCPAC members will ensure:

- Equipment is operated in accordance with the manufacturer's specifications, is maintained in good condition and stored securely.
- Any damage or loss of property or equipment is reported to the Department of Conservation and Land Management immediately.
- Resources, funds, employees and equipment are used effectively and economically for CCPAC business. Official resources include, but are not limited to motor vehicles, computers, software, photocopiers, telephones, facsimile machines, printers and any similar items of office equipment.

### **4.1 Frequent flyer points**

CCPAC members travelling on official business should not accept gifts, free travel or other benefits.

CCPAC members:

- Will not use travel points accumulated on government business under frequent flyer or other programs to acquire benefits such as upgrading of tickets above normal

entitlements or for private travel, whether or not members personally have met the costs of membership to a frequent flyer scheme.

- Should not accept travel incentives for the CCPAC's benefit, including future free travel on CCPAC business.

Once a member leaves the CCPAC, any entitlement such as membership to the frequent flyer scheme must be discontinued. Benefits accrued on government business can only be used for official purposes.

## **4.2 Purchasing of goods and services**

The Department of Conservation and Land Management purchases goods and services for the CCPAC and is required to comply with State Supply Commission purchasing guidelines.

## **5. Record keeping and use of information**

All documentation produced by the CCPAC forms part of the public record.

CCPAC members will:

- Ensure records are properly organised and kept in safe custody.
- Through the Departmental representative, comply with the provisions of the General Retention and Disposal Schedules established by the Public Records Office of the State Archives of WA.

### **5.1 Documentation of decisions**

Decisions and processes should be documented. Documentation protects all parties involved in a decision, both collectively and individually.

The Department will:

- Prepare and retain minutes and meeting papers for all official CCPAC meetings.
- Ensure that adequate procedures are observed for documenting decisions, events and transactions involving the CCPAC.

### **5.2 Use of confidential information**

Sometimes sensitive matters are discussed by the CCPAC. These may be discussed only with CCPAC member and in strict confidence. Nevertheless all decisions should be documented and appropriate minutes prepared, while according certain records an extra level of security. The Departmental representative and Chairperson will provide the committee with guidance in dealing with confidential or highly sensitive matters.

The CCPAC will:

- Through the Departmental representative, ensure confidential records are subject to appropriate access procedures.
- Respect confidential information and observe any restrictions agreed by the CCPAC (subject to Freedom of Information Act requirements).



- Maintain confidentiality and not divulge information deemed confidential or sensitive. If members are uncertain they should seek direction from the CCPAC chairperson and/or the Department's representative.
- Not misuse information obtained in the course of CCPAC duties for direct or indirect gain, or to do harm to other people or the CCPAC.
- Respect the privacy of individuals.

### 5.3 Security of information

While the Department is primarily responsible for the storage and handling of CCPAC records, all CCPAC members have individual responsibility for any document, tape, disk or other record in their custody. Records should not be left in places where they may not be seen by non-CCPAC members such as home, an office or motor vehicle.

CCPAC members will:

- Ensure recorded information, in both paper and electronic form, under their control is kept in a secure place.
- Be cautious about leaving CCPAC records on fax machines, photocopiers or computer screens.
- Lock away sensitive documents rather than leave them lying on desks.
- Avoid discussing CCPAC business in public places where there is a likelihood of being overheard.
- Dispose of duplicate copies of records no longer required in accordance with archive procedures.

### 5.4 Amendment or falsification of records

CCPAC members will:

- Not falsify, destroy, alter or damage any public record.
- Not backdate information or remove folios from files.

### 5.5 Freedom of Information (FOI)

The *Freedom of Information Act (FOI) 1992* was introduced to help people gain access to documents and to check personal information in documents.

CCPAC will:

- Comply with the letter and spirit of the FOI Act, to assist the public to gain access to documents; allow access promptly and at the lowest possible cost, and ensure personal information held is accurate, complete and not misleading.
- Record facts in documents; avoid recording disparaging remarks and personal opinions about individuals; and to avoid removing documents from a file.

## 6. Conflicts of Interest

## **6.1 Gifts and gratuities**

CCPAC members should not accept gifts or benefits likely to place them under an actual or perceived financial or moral obligation to other organisations or individuals.

CCPAC members will:

- Not demand or accept in connection with their official duties any fee, favour, reward, gratuity or remuneration of any kind, outside the scope of their entitlements as an CCPAC member, unless authorised by the chairperson of the CCPAC.
- Not use their public position for personal profit or gain.
- Not accept a gift if it could be seen by the public, knowing the full facts, as intended or likely to cause a member to act in a particular way or deviate from public duty.

## **6.2 Private interests**

CCPAC members are expected to place public interest above personal interest and not to use their position for personal gain.

Conflicts between private interests and public duties can arise when:

- A member stands to make a financial gain from a CCPAC decision.
- A member's spouse, children or near relative stands to make a financial gain from a CCPAC decision.
- A member holds membership of another organisation likely to benefit from a CCPAC decision.
- A member's spouse, children, near relatives or close associates are members of an organisation affected by CCPAC decisions.

Accordingly CCPAC members will:

- Openly declare matters of a private interest such as investments, relationships, voluntary work and membership or other groups that may conflict or be perceived to conflict with the member's public duty.
- Announce for recording any issues of conflict to ensure they are transparent and capable of review.
- Disqualify themselves from any CCPAC discussions and decisions where a conflict of interest has, or could occur.

## **7. Public sector employees on boards or committees**

Public sector employees serving on a government board have the same fiduciary responsibilities as other CCPAC members, but should not receive remuneration additional to their salaries.

## **8. Compliance with the Western Australian Public Sector Code of Ethics and CCPAC Code of Conduct**

Boards and committees created for a public purpose under Western Australian legislation are bound to observe and comply with the Western Australian Public Sector Code of Ethics and applicable codes of conduct. CCPAC members will:

- Receive a copy of the Western Australian Public Sector Code of Ethics, read it and abide by it.
- Receive a copy of the CCPAC Code of Conduct, read it and abide by it.