



# Terms of reference

National Parks and Wildlife Service Audit and Compliance  
Committee

Department of Planning and Environment



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Environment and Heritage Group  
Department of Planning and Environment  
Locked Bag 5022, Parramatta NSW 2124  
Phone: +61 2 9995 5000 (switchboard)  
Phone: 1300 361 967 (Environment and Heritage enquiries)  
TTY users: phone 133 677, then ask for 1300 361 967  
Speak and listen users: phone 1300 555 727, then ask for 1300 361 967  
Email: [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au)  
Website: [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

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# Introduction

The terms of reference have been developed in accordance with the NSW Boards and committee's guidelines. The terms of reference are designed to outline the objectives of the committee, its powers or authorities, the roles and responsibilities of key participants and other relevant factors.

In broad terms, the National Parks and Wildlife Service Audit and Compliance committee (the committee) oversees, on behalf of the Minister for Environment and Heritage, the compliance of the Secretary of the Department of Planning and Environment (DPE) with their legislative responsibilities under the National Parks and Wildlife Act (NPW Act) or any other Act.

## Legislative context

The committee is established under the NSW *National Parks and Wildlife Act 1974*. Section 9 (1), (2), (2A) and (7) of the NPW Act sets out the functions of the committee, Section 9 (4) sets out the membership and Sections 3, 5 and 6 set out the procedures.

## Purpose of the committee

The purpose of the committee is to oversee National Park and Wildlife Service's (NPWS) compliance:

- in its management of lands reserved under the National Parks and Wildlife Act with the:
  - National Parks and Wildlife Act
  - Biodiversity Conservation Act
  - Wilderness Act
  - Protection of the Environment Operations Act
  - other environmental legislation administered by NPWS
- in its regulatory programs with the:
  - National Parks and Wildlife Act
  - Biodiversity Conservation Act
  - Wilderness Act.

In addition, the Minister may request the committee to oversee the investigation of any matter relating to NPWS compliance with the specified legislation in its management of protected areas or in its regulatory programs.



# Role and responsibilities of the committee

The duties of the committee are to:

- contribute to the development and review of any department audit, risk and compliance programs, particularly in relation to conservation compliance audit planning
- monitor, in conjunction with the department's Audit and Risk Committee, the effective implementation of any audit and compliance program adopted by NPWS, particularly with respect to any internal audit plan
- monitor the timeliness of implementation of endorsed audit recommendations
- identify major risks to which NPWS is exposed with respect to the conservation of its natural and cultural heritage assets
- verify and monitor that the internal control systems are adequate and functioning effectively
- review compliance in NPWS's management of the reserve system with any regulatory or statutory requirements under:
  - *National Parks and Wildlife Act 1974*
  - National Parks and Wildlife Regulation 2019
  - *Wilderness Act 1987*
  - *Biodiversity Conservation Act 2016*
  - Biodiversity Conservation Regulation 2017
  - *Protection of the Environment Operations Act 1997* and other environmental legislation administered by NPWS
- review compliance of NPWS's regulatory programs with any regulatory or statutory requirements under:
  - *National Parks and Wildlife Act 1974*
  - National Parks and Wildlife Regulation 2019
  - *Wilderness Act 1987*
  - *Biodiversity Conservation Act 2016*
  - Biodiversity Conservation Regulation 2017
- consider other matters as referred to the committee by the Minister or the NPWS Executive.

## Accountability

### Reporting to the Minister

The committee will report at least every 2 years to the Minister, highlighting any significant audit and compliance issues and the strategies in place to address these. Additional reports will be provided as required by the Minister.

## Public expenditure

In operating the committee and in making decisions regarding the development and implementation of any audit and compliance program, members must ensure that the expenditure of public funds is:

- efficient and responsible
- in accordance with government legislation, policy and guidelines.

## Appointment of the committee and chairperson

The committee is appointed by the Minister.

The chairperson is an independent member elected by the committee. Elections for chairperson will be conducted each year. Members are eligible for re-election as chairperson. The committee may also choose to elect a deputy chairperson to chair the meetings if the chairperson is absent.

## Composition of the committee

### Independent members

- A member of the National Parks and Wildlife Advisory Council.
- A member with expertise in the protection of natural or cultural heritage who is not employed in the NSW Public Service.
- A member with scientific qualifications and expertise in nature conservation who is not an officer of the NPWS.
- A member with legal or financial experience and expertise who is not employed in the NSW Public Service.

Acknowledging that conserving Aboriginal cultural heritage is a key NPWS park management function, representation from Aboriginal people on the committee will be actively sought. If in the event there are no Aboriginal people appointed to the committee, alternative arrangements to consult with Aboriginal stakeholders will be adopted, including inviting Aboriginal members of the NPW Advisory Council as guests as appropriate.

### National Parks and Wildlife Service members

- Deputy Secretary NPWS, as the delegate of the DPE Secretary.
- NPWS Director Hunter and Central Coast Branch.
- NPWS Executive Director, Business Delivery.

# Responsibility of members

Members must have a clear understanding of:

- their role and responsibilities as outlined in the terms of reference
- the role of the Minister in relation to the Audit and Compliance committee
- the committee's relationship to the NPWS and the department and its management.

Members should take a close interest in and regularly monitor all matters pertaining to those responsibilities and act to promptly address any issues affecting their ability to fully and effectively carry them out.

As far as practicable, members should attend all committee meetings and actively participate in discussions and decisions at those meetings.

It is expected that members will allow time to prepare for committee meetings and will read and provide comments on reports and other documents which have been submitted for consideration and/or decision by the committee.

Members should form and participate in subcommittees where appropriate and as required.

# Responsibility of the chairperson

In addition to their role as a committee member (refer to Section 8), the committee chairperson will:

- chair the meetings
- work with the Deputy Secretary NPWS in developing an annual meeting schedule, meeting agendas and reports to the Minister.

# Term of appointments

Members are eligible for appointments for up to 3 years and are eligible, if otherwise qualified, for reappointment.

# Review of committee

The committee will be reviewed after 3 years to determine its effectiveness and if further appointments are required.

# Meeting procedures

## Quorum

Quorum for a meeting of the committee is formed by 4 or more members.

## Decision-making

The committee will adopt a consensus model for decision-making, but if a consensus position cannot be readily reached, the chairperson will call for a vote. The majority position will be carried.

Members must ensure that the decisions and actions they take are:

- reasonable and fair
- appropriate to the circumstances
- based on a consideration of the relevant facts
- supported by adequate documentation.

Members are expected to support all committee decisions, even if they voted against them. Such support includes:

- not publicly discussing the decision in any way which might undermine the committee's credibility or reputation
- actively encouraging and/or assisting in the implementation of the decision as appropriate
- not acting in any way which may hinder the implementation of the decision.

The chairperson must ensure that all committee decisions are documented and that minutes of all meetings are prepared and retained as official records.

## Minutes

Minutes of each meeting will be recorded by the secretariat, and distributed to all members of the committee, the Minister's Office and members of the department's Audit and Risk Committee. Relevant extracts of the minutes will be provided to the NPWS Executive and other senior managers, as determined by the committee.

## Declaring and managing pecuniary and other conflicts of interests

Committee members are appointed for their expertise and skill in particular areas. As a consequence, there may be the potential for conflicts of interest to arise between a member's duties to the committee, and his or her personal interests (or the duties or interests of others). Conflicts of interest may be actual, perceived or potential conflicts. For example, a conflict of interest may arise from:

- other directorships or employment
- professional and business interests and associations
- investment interests
- family relationships.

Committee members are responsible for disclosing any interests they have or positions they hold in organisations, partnerships or other businesses that may be relevant to the



activities of the committee. A member's interests include those of an associate or close relative.

Ideally, members should disclose any known pecuniary or other conflicts of interest to the committee chairperson in writing on appointment to the committee. Further disclosures may be made at any time, and will be called for at the commencement of each meeting.

Interests disclosed by members will be entered in a register developed for that purpose and retained with other official documents relating to the committee. Such interests should also be reported to the Minister.

In all cases where a conflict of interest exists, or may reasonably be perceived to exist, in relation to a particular matter, the committee must decide whether it is appropriate for that member to participate in any decision-making process relating to that matter.

## Meeting frequency

The committee will meet at least twice per year, and up to 4 times per year based on need.

## Vacancies

A member of the committee shall be deemed to have vacated the member's office if the member:

- dies
- resigns the member's office by writing under the member's hand addressed to the Minister
- becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the *Mental Health Act 1958* or a person under detention under Part 7 of that Act
- is removed from office by the Minister
- no longer holds the office by virtue of which they were nominated and/or appointed.

If a vacancy occurs, the Minister will appoint a replacement member.

## Code of conduct

All members are required to comply with the committee code of conduct.

## Remuneration

The committee is entitled to the following remuneration:

- chairperson – daily sitting fees of \$350 per meeting
- members – daily sitting fees of \$220 per meeting.

## Expenses

Members are entitled to be reimbursed for legitimate travel, accommodation and meal expenses.

## Secretariat

The NPWS Policy and Engagement Branch will provide secretariat functions for the committee.

## Access to information

To assist in the exercise of its functions, the committee will have full access to any relevant documents or information held by the Deputy Secretary NPWS or other NPWS staff, unless the Minister directs otherwise.

The committee will also have full access to auditors engaged in carrying out compliance audits. The committee may consult independent experts when it considers carrying out its duties.

## Terms of reference review and approval

The terms of reference will be approved by the committee at their first meeting.

The terms of reference will be reviewed by the NPWS Director Policy and Engagement Branch every 3 years.