

EXPLANATORY MEMORANDUM

ROTTNEST ISLAND AUTHORITY AMENDMENT BILL 2007

The *Rottnest Island Authority Amendment Bill 2007* (the Bill) amends the *Rottnest Island Authority Act 1987* to address corporate governance issues raised by the Rottnest Island Taskforce Report 2004 (the Taskforce report) and to create the Rottnest Island Wadjemup Conservation Reserve, under the care, control and management of the Rottnest Island Authority (the RIA).

The creation of a new conservation reserve is intended highlight the value of the reserve. This will make the Island more attractive to potential tourism markets assisting the Island's drive towards financial self-sufficiency. During the creation of the new Reserve, minor amendments to the settlement boundary have been made to ensure a practical delineation between areas.

The Auditor General's report "*Turning the Tide: The Business Sustainability of Rottnest Island*" and the Taskforce report expressed concern over the RIA's plans to attain financial sustainability. Both reports recommended that future management plans include a statement identifying how policies and operations are to be funded. In future a Strategic Development Plan and a Statement of Corporate Intent will be developed to ensure the financial accountability of the RIA.

Changes to the membership of the RIA are primarily to ensure that a broader range of skills is represented on the Authority. The Bill increases members by one and removes the prescriptive nature of membership thus enabling greater flexibility to appoint members with a wider range of expertise.

A maximum penalty amount of \$10,000 has been introduced to allow more effective use of penalties, in particular modified penalties, for breaches of the *Rottnest Island Regulations 1988*.

This Bill also provides the opportunity to modernise the Act by updating a number of references to other government organisations and permitting contemporary forms of communication in management planning exercises and teleconferencing for RIA meetings.

Part I – Preliminary

1. Short title

Sets out the short title of the Bill.

2. Commencement

Provides that the Act comes into operation on a day or days to be fixed by proclamation.

3. The Act amended

Provides that the amendments are to the Rottnest Island Authority Act 1987.

4. Section 3 amended

Inserts definitions of “**Rottnest Island Wadjemup Conservation Reserve**” and “**settlement area**”.

The creation of a new conservation park in the area west of the settlement requires an amendment to the definition of the Reserve. The Rottnest Island Wadjemup Conservation Reserve is created in recognition of this area’s status as an environmental ‘icon’. The creation of a new conservation reserve is intended highlight the value of the reserve. This will make the Island more attractive to potential tourism markets assisting the Island’s drive towards financial self-sufficiency.

The name of the new conservation reserve has been chosen to emphasise the high environmental and social values of the reserve, whilst avoiding confusion with conservation reserves operating under the auspices of the Conservation Commission.

5. Section 4 replaced

The description of the Rottnest Island Reserve is replaced to better describe the delineation of the different parts of the class ‘A’ reserve. It encompasses minor amendments to the boundary between the settlement area and the rest of the terrestrial reserve to ensure a practical delineation between the new conservation reserve and the settlement area, inclusive of roadways and other practical physical features. It encompasses the whole of the Kingstown Heritage precinct within the settlement boundary, whereas previously this precinct was partly within and partly outside of the settlement boundary. It also reflects the inclusion of the Wadjemup and Bathurst Lighthouse lands and unallocated crown lands into the Rottnest Island Reserve.

6. Section 4A. inserted

This section is inserted to reflect recent changes to the structure of land information authorities.

7. Section 6 amended

The current prescriptive requirements of the Act in relation to membership of the RIA are deleted and the RIA membership is increased by one. This will enable the Minister for Tourism to have the flexibility to appoint members of the Authority as is deemed appropriate. This will ensure a broader range of available skills facilitating good management, with particular regard to attaining financial self-sufficiency.

8. Section 8 amended

Deletes “Public Sector Board” and inserts “Minister for Public Sector Management”.

This change reflects the present governance situation.

9. Section 14 amended

Sections 14(3) and (4) are repealed.

These provisions refer to the description of the settlement area and are now provided for in the new section 4.

10. Section 15 amended

The reference to section 18(3) is deleted because section 18 has been repealed.

11. Section 18 repealed

Section 18 provides for the continuation of the original management plan applicable at the commencement of the Act. The provision is obsolete and is repealed.

12. Section 19 amended

Section 19 is amended to update the reference to the review of the original management plan and provide for ongoing review of management plans.

13. Section 20 amended

Section 20 is amended by inserting a new subsection (1a) to stipulate that future management plans must include a statement on how the policies and operations will be financed. All future management plans will be drawn up in conjunction with a business plan so that full consideration can be given to the funding of all projects.

14. Section 20A and Section 20B inserted

Section 20A is inserted to ensure that the expertise of the Conservation Commission is made available to the Authority throughout the development of management plans and in relation to conservation management decisions regarding the newly created Rottnest Island Wadjemup Conservation Reserve.

Section 20B is inserted to ensure that the expertise of the Marine Parks and Reserves Authority is made available to the RIA throughout the development of management plans and in relation to marine management decisions regarding the newly created Rottnest Island Wadjemup Conservation Reserve.

15. Section 22 amended

Section 22 is amended to modernise the Act by allowing both written and alternate methods of submission.

16. Section 23 amended

Sections 23(1)(a) and 23(2) are amended to recognise that the RIA will take submissions from the Conservation Commission into account along with public submissions when submitting management plans.

17. Section 30 amended

The maximum penalty currently prescribed under section 30 for failing to comply with an order to leave the Island is \$1,000. This penalty has proven to be ineffective as a deterrent in terms of enforcement. The penalty is increased to \$10 000.

18. Section 31 amended

The penalty for a ranger failing to return a certificate of appointment is increased from \$500 to \$5000.

19. Section 32 amended

The penalty for obstructing a ranger is increased from \$1000 to \$10000.

20. Heading to Part VI replaced

The heading to Part VI is changed to Accountability and Financial Provisions.

21. Part VI Division 1 and heading to Part VI Division 2 inserted

Part VI Division one creates a legislative requirement for the development of a Strategic Development Plan and a Statement of Corporate Intent. This will bring the RIA broadly in line with Government Commercial Enterprises and ensure the ongoing financial accountability for the agency.

22. Section 48 amended

Currently the Act does not prescribe a maximum penalty for a breach of subsidiary legislation and the maximum penalty that can be prescribed is \$1,000. Prescribing a higher maximum penalty under the Act addresses the issue of the current penalties becoming ineffective as deterrents as most regulations carry modified penalties.

23. Schedule 1 amended

7A. Holding meetings remotely.

This amendment will allow Authority members to attend meetings remotely, utilising modern technological systems to facilitate attendance.