

INFORMATION PAPER ON THE PREPARATION OF MANAGEMENT PLANS UNDER THE COMMISSIONER FOR KANGAROO ISLAND ACT, 2014

This Information Paper has been prepared by the Office of the Commissioner for Kangaroo Island to provide background information on the relevant provisions of the *Commissioner for Kangaroo Island Act* regarding the establishment of Management Plans.

It is designed to assist stakeholders in preparing and reviewing draft Management Plans and providing feedback on them, as required under the Act.

1. WHAT IS A MANAGEMENT PLAN UNDER THE *COMMISSIONER FOR KANGAROO ISLAND ACT*?

Management Plans are a key mechanism under the *Commissioner for Kangaroo Island Act 2014* (the Act) used to assist the Commissioner to improve the management, co-ordination and delivery of infrastructure and services provided by government agencies, and to address other matters relating to Kangaroo Island.

A Kangaroo Island Management Plan, therefore, has as its primary purpose the co-ordination of actions of government agencies, service providers and Local Government in the delivery of the strategic priorities identified by the Commissioner in consultation with key stakeholders.

Under the Act, Kangaroo Island Management Plans place requirements on government agencies in the form of “policy” (see Section 18(2)). A state authority (including Local Government) under section 18(3) “*must endeavour, as far as practical, to act consistently with the management plans*”.

Kangaroo Island Management Plans provide proposals for the effective delivery of infrastructure and services, priorities for their implementation and strategies for engaging stakeholders involved in their execution. Management Plans also seek to ensure that the provision of infrastructure, service and other improvements to Kangaroo Island are aligned as far as possible with the strategic directions and priorities of the State Government, Local Government and the community.

It is envisaged by the Commissioner that Agencies/Councils affected by the management plan would establish their own implementation plans. Although these are not legislative documents they would nevertheless provide supporting details for the effective implementation of priorities including timeframes, risk management, stakeholder engagement, impact assessment, resource management and the roles and responsibilities of various agencies. Implementation Plans increase accountability for on-ground delivery and provide for the effective implementation of priority proposals and would assist in reporting on progress to the Commissioner.

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An evaluation process provides a mechanism for the monitoring and evaluation of the implementation of Management Plans. The Commissioner will be seeking to establish relevant evaluation processes.

2. WHAT IS THE FRAMEWORK FOR MANAGEMENT PLANS?

As required by Section 17 of the Act, Management Plans for Kangaroo Island incorporate three key components:

- Proposals in relation to infrastructure provision and service delivery
- Priorities for the implementation of proposals
- Strategies for engaging stakeholders during implementation of proposals

The Act (explained in more detail later in this Information Paper) requires a draft management plan to be prepared and approved by the Governor and subject to consultation. The final plan will be determined by the Commissioner and must have regard to the feedback received. A Management Plan or any amendment to a Management Plan has no force or effect until approved by the Governor.

3. WHEN IS A MANAGEMENT PLAN REQUIRED?

Management Plans are a key mechanism envisaged by the Act for which the Commissioner is responsible for initiating. However, the investment in time and resources required to develop and implement a Management Plan requires a strategic approach to their initiation, particularly where other, potentially more expedient, options might exist for the Commissioner to meet the intent of the Act.

In determining the desirability for the development, scope and content of a Management Plan consideration is likely to be given to the following questions:

- Is the issue highly complex, requiring significant analysis, such as where there may be a range of social, environmental or economic considerations?
- Does the matter require significant cross-government coordination involving multiple agencies or service providers?
- Would a formal legislated process be more likely to deliver a coordinated approach?
- Does the matter require a strong or guaranteed commitment to the funding and/or implementation of actions?
- Are there likely to be a range of differing views requiring negotiation between two or more agencies?
- Is the issue likely to attract high levels of public interest?
- Is a transparent process required such as where private sector interests may be involved or where the financial implications are high?
- Is the issue long-term, requiring long-term commitment?

- Would an alternative option other than a Management Plan address the issue to the satisfaction of the Commissioner?

4. ALTERNATIVE OPTIONS TO THE USE OF A MANAGEMENT PLAN

Alternative options to a Management Plan may be more appropriate for a number of reasons, particularly where the issue is not complex or involves a small number of well-aligned agencies or the matter relates to an individual person's interaction with a government agency.

In addition, some issues may require a more immediate response that would not be delivered by the timeframes of a Management Plan. These could include the delivery of urgent infrastructure, response to a public safety concern, or where there is a risk of environmental damage.

Alternative options to preparing a management plan include:

- facilitating discussions with and between agencies, organisations, individuals and groups to seek a resolution to an issue;
- providing information or assistance to agencies, organisations, individuals and groups; and
- establishing informal groups to explore or address issues.

5. KEY PRINCIPLES FOR MANAGEMENT PLANS

In order to achieve their stated objective to coordinate the actions of government agencies, service providers and Local Government in the delivery of strategic priorities for Kangaroo Island, it is proposed that Management Plans should:

- be clear about the scope of the issue to be investigated;
- facilitate agreement on expectations and outcomes; identify synergies with other projects, strategies and planning processes;
- provide an evidence-based approach to resolution of issues, identifying any gaps in knowledge and actions required to fill those gaps;
- develop an agreed direction, goal or objective to guide the development of proposals or actions;
- involve partner agencies and consultation with stakeholders and the community; and
- present strategic and prioritised proposals or actions for implementation.

6. THE ROLE OF LOCAL ADVISORY BOARDS IN PREPARING A MANAGEMENT PLAN

The Act allows the Commissioner to set up Local Advisory Boards as the Commissioner sees fit. The Commissioner may form an Advisory Board and use that Board to assist in the drafting of a Management Plan or form an Advisory Board after a draft is prepared for consultation.

However, under Section 15(1)(b) if an Advisory Board is in existence and would have an interest in the matter for which the draft Management Plan is addressing, the Commissioner must consult the relevant Local Advisory Board.

See the Information Paper on the establishment of Local Advisory Boards for more information.

7. HOW IS A MANAGEMENT PLAN PREPARED?

The Act specifies that the development of a Management Plan should incorporate the following steps.

The Commissioner:

- *Prepares a draft proposal to develop a Management Plan*
- *Seeks approval from the Governor*
- *If Governor approval is obtained, seeks the views of:*
 - *any relevant local advisory board*
 - *any Minister for each State authority directly affected and of any prescribed body*
 - *the affected council, and if there is a potential for increased costs to that council, consult them in relation to funding options*
 - *any other Minister, person or body the Commissioner sees fit*
- *Gives public notice, making the draft available for inspection*
- *Considers all representations on the draft Management Plan*
- *Makes public representations publicly available (unless made in confidence)*
- *Makes any alterations as appropriate*
- *Publicises the final Plan following final approval by the Governor, and Reviews and updates the Plan as the Commissioner sees fit.*

8. IMPLEMENTATION OF A MANAGEMENT PLAN

The Act also requires that a Management Plan includes '*strategies for consulting and engaging with persons or bodies whose co-operation is required for the **effective implementation of the proposals***'.

The Management Plan will include a requirement for the development of strategies to respond to proposals and priorities and development of an implementation plan. The Act requires specific consultation strategies for draft plans that may also be adopted in addition to other strategies for the implementation of the plan.

It is proposed that the stakeholder engagement strategies on implementation of the proposals should align with the principles of the State Government's *Better Together* document and the International Association of Public Participation, and:

- incorporate a stakeholder identification process, identifying those whose co-operation is required for effective implementation of the Plan;
- identify engagement tools and mechanisms to be used; and
- specify where stakeholders may need to be part of the governance structure.

9. EVALUATION OF A MANAGEMENT PLAN

The progressive and final evaluation of a Management Plan is essential to ensure accountability, or redirect energies or actions if necessary, and should be incorporated into the Implementation Plan.

Evaluation enables the Commissioner to utilise Section 18 (4) of the Act if deemed appropriate. This Section provides for the Commissioner to take action:

- if not satisfied that a government agency is acting consistently or co-operating with a management plan; or
- that the actions of any other person or body have frustrated proposals included in a management plan or are likely to affect the implementation of the plan.

The action that may be taken by the Commissioner is to report to the relevant Minister and to the Premier and enable the provision of copies of the reports to be made available to the Speaker of the House of Assembly and President of the Legislative Council with a request for them to be laid before both Houses of Parliament.