



**Australian Government**

**Department of Climate Change, Energy,  
the Environment and Water**

# **Submission on the Environment Protection and Biodiversity Conservation Amendment (Board of Management Functions) Bill 2025**

Senate Environment and Communications Legislation  
Committee

25 September 2025

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## Introduction

The Director of National Parks (the Director), together with the Department of Climate Change, Energy, the Environment and Water (the Department), is pleased to provide this submission to the Environment and Communications Legislation Committee.

The Director is a corporation sole established under the *Environment Protection and Biodiversity Conservation Act 1999* (the Act). The Director has responsibility for Commonwealth reserves, which comprise six national parks, the Australian National Botanic Gardens and 60 Australian Marine Parks.

Parks Australia is a Division of the Department that supports the Director in the delivery of his functions.

This submission provides context for the *Environment Protection and Biodiversity Conservation Amendment (Board of Management Functions) Bill 2025* (the Bill) and information on its intended operation.

The Director and the Department are available to engage further with the Committee to assist in its consideration of the Bill.

## Context

Division 4 of Part 15 of the Act deals with Commonwealth reserves. A Commonwealth reserve is established by the Governor-General, by proclamation, declaring that a particular area of land, sea, or land and sea, that meets the requirements in section 344, as a Commonwealth reserve. When a Commonwealth reserve is declared, a usage right that relates to land or seabed in the reserve and is held by the Commonwealth vests in the Director under section 345A. Division 4 of Part 15 of the Act contains restrictions and prohibitions on activities that can be undertaken in a Commonwealth reserve, which is intended to be a protected area.

Australia's jointly managed Commonwealth reserves – Booderee National Park, Kakadu National Park and Uluru-Kata Tjuṯa National Park – are situated on Aboriginal land. The Traditional Owners of that land are actively involved in joint management of their land, particularly through a Ministerially appointed Board of Management (Board) for their respective National Parks.

Where a Commonwealth reserve is held under lease by the Director, the reserve is jointly managed by the Director and the Board. The Director gives effect to a Board's decisions by exercising the powers and performing the functions provided by the Act.

A majority of a Board's members must be Indigenous people nominated by Traditional Owners, if the reserve is wholly or mostly on Indigenous people's land (section 377). A Board has several functions, including preparing reserve management plans and making decisions relating to management of the reserve that are consistent with a management plan that is in operation for the reserve (section 376).

A Board for a Commonwealth reserve, in conjunction with the Director, must prepare a management plan for the reserve, and try and ensure a management plan is in operation at all times for managing the reserve (section 366). The steps for preparing a management plan are provided for in section 368, and include two public consultation periods, agreement by the

Board, and approval by the Minister (sections 368 – 370). Management plans are legislative instruments and are subject to disallowance (section 371).

A Board's ability to make decisions on the management of a reserve exists while a management plan is in operation. Management plans expire after 10 years, unless revoked earlier (section 373). If a management plan expires and a new management plan has not come into operation, the Board can no longer exercise its decision-making functions.

This Bill seeks to overcome this limitation and support the effective participation of Indigenous people in decision-making about the management of jointly managed Commonwealth reserves. This is because there are times that a management plan may not be in operation for a Commonwealth reserve while the new plan is being prepared.

New management plans for Booderee National Park and Kakadu National Park are currently being prepared. However, the existing plans will cease to have effect on 19 November 2025 and 5 January 2026 respectively, prior to the new plans coming into effect. For jointly managed reserves, a management plan is prepared jointly by the Board and the Director.

With the appointment of a new Director in November 2023, the Director sought time to understand the current Management Plans and what if any improvements could be made to the existing plans. This has led to a change in approach to how the existing management plan was developed. In March 2025, the *Partnership Agreement: A Stronger Shared Future for Kakadu National Park* was signed between the Commonwealth of Australia and the Northern Land Council (representing Kakadu's Traditional Owners). The agreement recognises that the joint management framework requires reform to reflect Traditional Owner aspirations for greater economic, cultural, and decision-making participation. The Parties agreed to take a new approach to the Management Plan for Kakadu to modernise the Plan to reflect Traditional Owner priorities, cultural governance, and ecological management principles.

The two new management plans are being created through a community focussed approach, ensuring that traditional knowledge and Aboriginal community values are central to the process. This approach is known as Healthy Country Planning and is strongly used and accepted within areas of jointly managed country. The planning is done on-Country, as this is the right place to make decisions about Country.

The development of the new management plans with Board members for Booderee commenced in January 2024 and Kakadu commenced in February 2024. The first stage of public consultation commenced in September 2024 and June 2025, respectively. A second stage of public consultation will commence once the draft management plans are released for feedback. This is anticipated to be before the end of 2025 for Booderee and by mid-2026 for Kakadu.

The approach to the creation of the new plans has been endorsed by the joint Boards of Management for Booderee and Kakadu. We consider that the final plans will be a greater reflection of how joint management of country in the Commonwealth National Parks should be conducted, that is, as a true partnership.

## Outline of the Bill

The Bill is an amendment to the Act.

The Bill would enable a Board for a Commonwealth reserve on Indigenous people's land to continue making decisions relating to the management of the reserve after expiry of a management plan and if a new management plan has yet to come into operation.

The Bill would require that decisions of a Board made after a management plan expires and before a new management plan comes into effect be consistent with the most recent management plan that was in operation for the Commonwealth reserve. This arrangement would continue until a new management plan came into effect, at which time the Board would then be required to make decisions relating to the management of the Commonwealth reserve consistent with the new management plan.

Retaining Board decision-making functions after expiry of a management plan would allow for continued participation by Indigenous people in matters relating to management of their Country, as well as continuity of decision-making and consistency of governance arrangements for Commonwealth reserve management.

## Consultation

Targeted consultation was undertaken on the Bill.

This included consultation with the Boards of the three jointly managed Commonwealth reserves either at their regular Board meetings or by the Director of National Parks consulting directly with the Chair of each Board.

The Northern Land Council, the Central Land Council and the Wreck Bay Aboriginal Community Council were also consulted. These bodies represent the Traditional Owners as owners of the land, under the *Aboriginal Land Rights (Northern Territory) Act 1976* and the *Aboriginal Land and Waters (Jervis Bay Territory) Act 1986*, respectively.