

Catchment and Land Protection Act 1994

STATEMENT OF OBLIGATIONS

I, John Thwaites, Minister for Water, Environment & Climate Change, as Minister administering the **Catchment and Land Protection Act 1994**, pursuant to section 19E of the **Catchment and Land Protection Act 1994**, issue the attached Statement of Obligations to the Port Phillip & Westernport Catchment Management Authority.

A handwritten signature in black ink, appearing to read 'John Thwaites', is positioned above the printed name.

JOHN THWAITES MP

Minister for Water, Environment & Climate Change

20 JUN 2007

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**PORT PHILLIP & WESTERNPORT
CATCHMENT MANAGEMENT
AUTHORITY**

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INTRODUCTION

This Statement is issued under section 19E(1)(a) of the *Catchment & Land Protection Act 1994* (CaLP Act) and relates to existing functions and responsibilities of Catchment Management Authorities (CMAs) under the CaLP Act as well as associated Government policy. It has been developed to:

- Clarify the manner in which CMA activities should be undertaken and the level to which CMA activities should be performed, by specifying obligations which relate to the performance of broad legislative functions and policy responsibilities;
- Specify which obligations shall be funded out of annual Corporate Allocations and/or Statutory Land Allocations and which obligations shall be funded as outlined in contracts or agreements between the Department of Sustainability & Environment and the Authority; and
- Reflect an integrated and sustainable approach to catchment management.

This Statement does not derogate from current legislation.

It may be amended, varied or revoked as provided for under section 19E of the CaLP Act .

This Statement complements, and should be read in conjunction with, the Statements of Obligations for CMAs issued under the *Water Act 1989* by the Minister for Water on 19 October 2006 or with subsequent versions issued. The Statements of Obligations issued under the Water Act foreshadowed that integrated Statements of Obligations for CMAs will be issued and will include responsibilities under both the Water Act and CaLP Act. However, this Statement will not be integrated with, and has been issued separately to, the Statements of Obligations for CMAs issued under the Water Act in order to simplify the issuing of statements of obligations under both Acts.

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DEFINITIONS

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STATEMENT OF OBLIGATIONS

PART 1 - PRELIMINARY	
1	Commencement and Term
1.1	This Statement of Obligations (Statement) commences on 1 July 2007 and operates until it is amended, varied or revoked.
2	Authorising Provision
2.1	This Statement is issued by the Minister under section 19E(1)(a) of the <i>Catchment and Land Protection Act 1994</i> (CaLP Act).
3	Purpose
3.1	The purpose of this Statement is to impose obligations on the Authority in relation to the performance of its functions and exercise of its powers under the CaLP Act.
4	Definitions of Terms and Interpretation
4.1	The definitions of terms contained in Schedule A of this Statement apply in this Statement.
4.2	<p>The following rules also apply in interpreting this Statement, except where the content makes it clear that a rule is not intended to apply.</p> <p>(a) Terms defined in the CaLP Act have the same meaning in this Statement.</p> <p>(b) Whenever this Statement requires the Authority to make something "available to the public", the Authority must:</p> <p style="margin-left: 20px;">(i) publish that thing on the Authority's website; and</p> <p style="margin-left: 20px;">(ii) make a copy of the thing available for inspection at each of the Authority's offices; and</p> <p style="margin-left: 20px;">(iii) provide a copy on request and, at the discretion of the Authority, for a charge that covers the fair and reasonable costs of making the copy available.</p> <p>(c) Whenever this Statement requires an Authority to "develop" something, the Authority must be taken to have complied with that obligation if it has already developed the thing before this Statement commenced.</p>
5	Performance and Funding of Activities
	<p>Activities undertaken in accordance with this Statement shall be performed as follows:</p> <p>a) Activities outlined in clause 6.1 in Part 1; Parts 3 and 4; clauses 25.1, 25.2, 25.3 and 26.1 in Part 5; and Part 7 (indicated with a '#') shall be performed to the level outlined in this Statement and will be funded annually out of Corporate Allocation and/or Statutory Land Allocation.</p> <p>b) All other Activities in this Statement shall be performed to the level outlined in the current Service Level Agreement and any contract or agreement between the Department and the Authority relating to the funding of an activity.</p>
6	Availability of Statement
6.1	The Authority shall make this Statement available to the public.
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PART 2- GENERAL	
7	Guiding Principles
7.1	<p>In performing its functions and providing its services an Authority shall, in a manner consistent with relevant Government policies, frameworks, strategies, plans and guidelines:</p> <p>(a) Facilitate and coordinate the management of catchments in an integrated and sustainable manner including as it relates to land, biodiversity and water resources;</p> <p>(b) Take a sustainable approach by balancing social, economic and environmental outcomes;</p> <p>(c) Plan and make decisions within an integrated catchment management context:</p> <ul style="list-style-type: none"> • recognising the integral relationship between rivers, their catchments, coastal systems, and estuary and marine environments; • recognising the integral relationship between the land - its soil, water, vegetation and fauna - and associated natural ecosystems; • recognising the need to foster the resilience of natural assets – including land, biodiversity and water resources - to climate change; • using the best available scientific information; • targeting investment to address priorities and deliver maximum improvement in resource condition of catchments, land, biodiversity and water resources; <p>(d) Provide opportunities for community engagement in the integrated management of catchments and natural assets including land, biodiversity and water resources;</p> <p>(e) Develop strategic partnerships with relevant stakeholders including public authorities and government agencies;</p> <p>(f) Promote and apply a risk management approach which seeks to protect, enhance and restore natural assets and reduce the impact of climate change;</p> <p>(g) Promote and adopt an adaptive approach to integrated catchment management, including continuous review, innovation and improvement; and</p> <p>(h) Manage business operations in a prudent, efficient and responsible manner.</p>
PART 3 – GOVERNANCE	
8	Ministerial Requests
8.1 #	The Authority shall respond to requests from the Minister, or to requests from any other Minister, for information on matters related to Authority functions and business.
9	Authority Operations
9.1 #	The Authority shall operate within the requirements of Governance Guidelines for the Department’s statutory authorities.
9.2 #	The Authority shall review its performance periodically and report as directed by the Minister, or the Secretary or Department on behalf of the Minister.
10	Corporate Plans
10.1 #	The Authority shall develop and implement a Corporate Plan in accordance with relevant legislation and subordinate instruments and any guidelines issued by the Minister.
11	Annual Reports
11.1 #	The Authority shall develop an Annual Report detailing the Authority’s activities and financial position and report on the condition and management of land and water resources in its region and the carrying out of its functions in accordance with relevant legislation and subordinate

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	instruments and any Government guidelines.
12	Performance Monitoring
12.1 #	The Authority shall ensure that appropriate and effective processes and systems are in place to monitor its financial, social and environmental performance.
13	Management of Authority Funds
13.1 #	The Authority shall manage the relevant investment of Government funds in its region's natural resource management program in the manner outlined in its Service Level Agreement (and any contract or agreement between the Department and the Authority), the Financial Management Compliance Framework and relevant legislation and sub-ordinate instruments.
13.2 #	The Authority shall manage its business operations in compliance with the Financial Management Compliance Framework and relevant legislation and sub-ordinate instruments.
13.3 #	The Authority shall administer community grants on behalf of the Minister to assist in the implementation of the <i>Regional Catchment Strategy</i> (RCS) and relevant sub-strategies and plans in accordance with relevant legislation and subordinate instruments and any guidelines issued to the Authority.
14	Managing Risks
14.1 #	The Authority shall develop risk management systems and processes to effectively manage strategic, environmental, operational and financial risks in accordance with the Financial Management Compliance Framework, relevant legislation and sub-ordinate instruments and industry standards.
15	Managing Assets
15.1 #	The Authority shall develop and maintain a comprehensive register of relevant Assets in accordance with the Financial Management Compliance Framework and relevant legislation and sub-ordinate instruments.
15.2 #	The Authority shall develop and implement systems to manage and maintain its Assets and supply its services in a sustainable manner.
PART 4 – COMMUNITY ENGAGEMENT	
16	General
16.1 #	The Authority shall establish open and transparent processes to engage its stakeholders and community in the development and implementation of its RCS, its sub-strategies, and any relevant plans, including investment plans and special area plans.
16.2 #	The Authority shall establish and maintain stakeholder and community engagement structures and/or processes to: <ul style="list-style-type: none"> a) Provide advice to the Authority on the development and implementation of the RCS, its sub-strategies, and any plans, including investment plans and special area plans; and b) Act as a communication link with its stakeholders and community.
16.3 #	The Authority shall develop, maintain and enhance strategic partnerships with regional service deliverers for the implementation of the RCS, its sub-strategies, and any plans, including investment plans and special area plans.
16.4 #	The Authority shall make available to the public: <ul style="list-style-type: none"> a) Information about catchment management services; and b) Relevant educational material.

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17	Communication Advice to Minister
17.1 #	The Authority shall advise the Minister of appropriate opportunities to communicate issues and outcomes relating to catchment management.
PART 5 – INTEGRATED REGIONAL PLANNING AND COORDINATION	
18	Regional Catchment Strategy
18.1	The Authority shall co-ordinate the development and review, and gain approval for, the RCS in accordance with any guidelines issued by the Minister.
18.2	The Authority shall coordinate the implementation of the RCS.
18.3	The Authority shall coordinate the development, review and implementation of regional sub-strategies or plans which manage priority issues in the RCS and/or are specified by relevant State policies in accordance with any guidelines issued to the Authority.
18.4	The Authority shall monitor, evaluate and report to the Department on resource condition and management action targets in accordance with any guidelines issued to the Authority.
19	Special Area Plans
19.1	The Authority shall submit to the Minister for approval any special area plans prepared for special areas declared in its region.
19.2	The Authority shall coordinate and monitor the implementation of any approved special area plans prepared in accordance with the CaLP Act or any guidelines issued by the Minister.
20	Regional Catchment Investment Plan
20.1	The Authority shall co-ordinate the development of the Regional Catchment Investment Plan (RCIP) and the associated documentation, and the implementation and management of the RCIP, in accordance with any guidelines issued by the Department.
20.2	The Authority shall provide advice through the RCIP process to the Department on regional priorities and programs for the implementation of the accredited RCS and sub-strategies and relevant plans in accordance with any guidelines issued by the Department.
21	Land Stewardship - Landcare
21.1	The Authority shall develop and coordinate the implementation of a regional action plan for landcare to support landcare activities across its region in accordance with the RCS and any relevant State policy, framework, strategy, plan or guideline.
21.2	The Authority shall monitor, evaluate and report on progress against priorities and targets defined by the regional action plan for landcare in accordance with any guidelines issued to the Authority or any relevant State policy, framework, strategy, plan or guideline.
22	Land Stewardship - Biodiversity
22.1	The Authority shall develop and coordinate the implementation of regional plans for biodiversity, such as a Native Vegetation Plan (NVP) in accordance with the RCS and any relevant State policy, framework, strategy, plan or guideline.
22.2	The Authority shall monitor and report on the progress of implementation against priorities and targets as set out in regional plans for biodiversity in accordance with any guidelines issued to the Authority.
22.3	The Authority shall implement revegetation standards for all on-ground works delivered by its own and contracted staff in accordance with any guidelines issued to the Authority. The Authority shall encourage other regional revegetation works, delivered by community groups, to adopt the same standards.

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23	Land Stewardship - Pest Management
23.1	The Authority shall develop and coordinate the implementation of regional pest plans in accordance with the RCS and any relevant State policy, framework, strategy, plan or guideline.
23.2	The Authority shall advise the Minister, or another Minister (if requested), on regional priorities for the management of pest species.
23.3	The Authority shall monitor and report on the progress of implementation against priorities and targets as set out in regional pest plans in accordance with any guidelines issued to the Authority.
23.4	The Authority shall advise the Minister on the declaration or revocation of a declaration for any relevant pest species.
24	Land Stewardship – Salinity Management
24.1	The relevant Authority for the Corangamite, Glenelg Hopkins, Goulburn Broken, Mallee, North Central, North East, Port Phillip & Westernport, West Gippsland and Wimmera regions shall develop and coordinate the implementation of Regional Salinity Management Plans or their equivalent in accordance with the RCS and any relevant State policy, framework, strategy, plan or guideline.
24.2	The relevant Authority for the Corangamite, Glenelg Hopkins, Goulburn Broken, Mallee, North Central, North East, Port Phillip & Westernport, West Gippsland and Wimmera regions shall monitor and report on the progress of the implementation of Regional Salinity Management Plans or their equivalent in accordance with any guidelines issued to the Authority.
24.3	The relevant Authority for the Goulburn Broken, Mallee, North Central, North East and Wimmera regions shall advise the Department on the development of regional salinity targets and corresponding works programs in accordance with the Murray Darling Basin Agreement, or subsequent such agreement.
24.4	The relevant Authority for the Goulburn Broken, Mallee, North Central, North East and Wimmera regions shall report to the Minister annually on the allocation and uptake of Salt Disposal Entitlements.
25	Referrals and Notices
25.1 #	The Authority shall prepare a response to planning referrals from the Environment Protection Authority in accordance with relevant legislation.
25.2 #	Where an Authority is listed in a Local Government Planning Scheme as a referral body, the Authority shall provide advice on planning referrals which relate to dryland salinity, irrigation management, soil erosion and any other land management issues identified in the local Municipal Strategic Statement.
25.3 #	The Authority shall consider any land management notices and make a decision on whether to consent to the notice.
26	Local Government Planning
26.1 #	The Authority shall participate in the periodic review, continuous improvement and implementation of municipal Planning Schemes and in particular: (a) any Local Planning Policy Framework; (b) any Municipal Strategic Statement; and (c) any zones and overlays; which may affect, or be affected by, the Authority's region, functions, powers and duties. A principal objective of the Authority's participation will be to promote consistency of any strategy or scheme with its planning and programs for the implementation of the RCS, its sub-strategies and plans.

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PART 6 – INNOVATION and KNOWLEDGE SHARING	
27.1	The Authority shall: <ul style="list-style-type: none"> a) identify the Authority’s research and capability needs; b) support investment in research and capability building, where doing so would improve the implementation of the RCS, its sub-strategies and plans; c) participate in processes or projects aimed at generating and sharing knowledge on integrated catchment management; and d) participate in the setting of statewide priorities.
PART 7 – COMPLIANCE	
28	General Compliance
28.1	The Authority shall monitor compliance with its obligations under this Statement.
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28.2	If the Authority becomes aware of a material failure to comply with: <ul style="list-style-type: none"> a) an obligation under this Statement; or b) a requirement of the Service Level Agreement and any contract or agreement between the Department and Authority to which this Statement relates; the Authority must give the Minister a written report, within 30 days of becoming aware of the failure, that includes: <ul style="list-style-type: none"> (a) the nature of and reason for the failure; and (b) a proposed plan of action to prevent the failure re-occurring.
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28.3	The Authority shall make any variation to the plan of action referred to in sub-clause 28.2 as requested in writing by the Minister.
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28.4	The Authority shall: <ul style="list-style-type: none"> (a) implement the plan of action referred to in sub-clause 28.2, as varied by the Minister; and (b) report its progress in implementing the plan, whenever the Minister requests in writing; and (c) summarise the contents of any report made under sub-clause 28.2 and its progress in implementing the plan in its annual report.
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29	Other Audits and Reviews
29.1	The Authority shall, when requested by the Minister, or the Secretary or Department on behalf of the Minister, arrange for an audit or review of any matter in relation to the performance of its functions and the exercise of its powers.
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29.2	The Authority shall respond to audits or reviews of any aspect of their activities undertaken by the Department as requested.
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SCHEDULE A:

DEFINITIONS

Only terms not defined in the CaLP Act are defined in this Schedule.

The following definitions apply in this Statement:

“Asset” means any real property owned by the Authority.

“Biodiversity” means the natural diversity of all life: the sum of all our native species of flora and fauna, the genetic variation within them, their habitats, and the ecosystems of which they are an integral part.

“CaLP Act” means the *Catchment & Land Protection Act 1994*.

“Corporate Allocation” means funds provided by the Department to the Authority for corporate functions.

“Corporate Plan” means a plan drafted in accordance with s.19C of the CaLP Act.

“Department” means the Department of Sustainability and Environment.

“Environment Protection Authority” is an Authority established by the Minister under s.5 of the *Environment Protection Act 1970*.

“Financial Management Compliance Framework” means the framework implemented by the Department of Treasury and Finance which became operational from 1 July 2003. The Framework responds to Government’s initiative of promoting responsible financial management and the reporting on the financial management obligations of Victorian Public Service entities.

“Governance Guidelines” includes the ‘*Governance Guidelines for DSE Portfolio Statutory Authority Board Members*’ by the Department of Sustainability and Environment, and the ‘*Good practice guide on governance for Victorian public sector entities 2006*’ by the State Services Authority (www.ssa.vic.gov.au), and subsequent guidelines.

“Local Planning Policy Framework” means a framework developed by Local Government in accordance with the Victorian Planning Provisions which comprises the Municipal Strategic Statement and local planning policies through which it identifies long term directions about land use and development in the municipality and provides the rationale for zone and overlay requirements and particular provisions in the local Planning Scheme.

“Minister” means the Minister for Water, Environment & Climate Change administering the CaLP Act.

“Municipal Strategic Statement” means a statement developed in accordance with s.12A of the *Planning and Environment Act 1987*.

“Murray Darling Basin Agreement” means the intergovernmental agreement called the *Murray Darling Basin Agreement*, signed by the Victorian Government in 1992. This Agreement includes salt related aims that are addressed in the *Murray Darling Basin Salinity Management Plan*.

“Native Vegetation Plan” means a plan developed by an Authority to implement *Victoria’s Native Vegetation Management: A Framework for Action, 2002* and subsequent related frameworks.

“Natural Asset” means a biophysical or biological attribute of a natural ecosystem.

“Pest” means exotic plants or animals (excluding any that cannot be declared under the CaLP Act) that threatens or has the potential to threaten the existence or well being of valued environmental, agricultural, social or personal resources or assets.

“Planning Scheme” means a scheme developed in accordance with section 6 of the *Planning and Environment Act 1987*.

“Regional Catchment Investment Plan” means the annual investment plan drafted by each Authority and associated bodies engaged in natural resource management, that documents an Authority’s project and project deliverables with the aim of implementing Regional Catchment Strategy targets.

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“Regional Salinity Management Plans” means a plan developed by an Authority to implement *Victoria’s Salinity Management Framework: Restoring our Catchments*, 2000 and subsequent related frameworks.

“Relevant Legislation” includes the *Audit Act 1994*, *Catchment and Land Protection Act 1994*, *Environment Protection Act 1970*, *Financial Management Act 1994*, *Flora and Fauna Guarantee Act 1988*, *Planning and Environment Act 1987*, *Public Administration Act 2004*, and the *Water Act 1989*.

“Salt Disposal Entitlements” has the same definition as a ‘salinity credit’ in Schedule C of the *Murray Darling Basin Agreement*, 1992.

“Secretary” means the person occupying or acting in the position of Secretary of the Department of Sustainability and Environment.

“Service Level Agreement” means the annual agreement between the Department and the Authority relating to Regional Catchment Investment Plan projects.

“Statutory Land Allocation” means funds provided by the Department to the Authority for statutory land management functions.

“Statement” means this Statement of Obligations.

“Subordinate Instrument” has the same meaning as prescribed under s.38 *Interpretation of Legislation Act 1984* which is ‘an instrument made under an Act:

- (a) that is a statutory rule; or
- (b) that is not a statutory rule but—
 - (i) contains regulations, rules, by-laws, proclamations, Orders in Council, orders or schemes; or
 - (ii) is of a legislative character.’