

## Catchment and Land Protection Act 1994

### STATEMENT OF OBLIGATIONS FOR CATCHMENT MANAGEMENT AUTHORITIES

I, Lisa Neville, Minister for Water, as Minister administering the **Catchment and Land Protection Act 1994**, pursuant to Section 19(E) of the **Catchment and Land Protection Act 1994**, make and issue the attached Statement of Obligations to the following catchment management authorities:

- Corangamite Catchment Management Authority;
- East Gippsland Catchment Management Authority;
- Glenelg Hopkins Catchment Management Authority;
- Goulburn Broken Catchment Management Authority;
- Mallee Catchment Management Authority;
- North Central Catchment Management Authority;
- North East Catchment Management Authority;
- Port Phillip and Westernport Catchment Management Authority;
- West Gippsland Catchment Management Authority;
- Wimmera Catchment Management Authority.

This revokes the Statement of Obligations issued by the Minister for Water, Environment and Climate Change on 20 June 2007.

  
Hon Lisa Neville MP  
Minster for Water

Dated

5/1/18

## Introduction

This statement of obligations (Statement) is issued under Section 19E(1)(a) of the **Catchment and Land Protection Act 1994** (CaLP Act). It relates to existing functions and powers of Catchment Management Authorities (CMAs) under the CaLP Act, as well as associated Government policy.

It has been developed to:

- specify the obligations that the Authority has in performing its functions and powers and the standards of performance for those functions and powers;
- specify which functions and powers shall receive a corporate allocation as a financial contribution and which functions and powers must be performed to the standard specified in any contracts or agreements between the Department 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.

The **Water Act 1989** Statement of Obligations for CMAs has also been reviewed, and will be re-issued concurrently with this Statement.

## Part 1 Preliminary

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| <b>1</b> | <b>Commencement and Term</b>  |
| 1.1      | This Statement commences on the date it is made by the Minister and remains in effect until it is revoked.  |
| 1.2      | On the date this Statement begins, and under section 19E(1)(b) of the <i>Catchment and Land Protection Act 1994</i> (CaLP Act), this Statement revokes all prior statements of obligations issued to the Authority under the CaLP Act.  |
| <b>2</b> | <b>Authorising Provision</b>  |
| 2.1      | This Statement is issued by the Minister under section 19E(1)(a) of the CaLP Act.   |
| <b>3</b> | <b>Purpose</b>  |
| 3.1      | This Statement's purpose is to impose obligations on the Authority related to the performance of its functions and the exercise of its powers under the CaLP Act, performance standards, and requirements for consultation.   |
| <b>4</b> | <b>Definitions of Terms and Interpretations</b>   |
| 4.1      | The definitions of terms contained in Schedule A of this Statement apply in this Statement.   |
| 4.2      | The following rules also apply in interpreting this Statement, except where the content makes it clear that a rule is not intended to apply: <ul style="list-style-type: none"> <li>a) Terms defined in the CaLP Act have the same meaning as in this Statement.</li> <li>b) Where this Statement requires the Authority to make something "available to the public", the Authority must: <ul style="list-style-type: none"> <li>i. publish the item on its website;</li> <li>ii. make a copy of the item available for inspection at each of its offices; and</li> <li>iii. provide a copy on request, for a charge (at the Authority's discretion) covering the fair and reasonable costs of making the copy available.</li> </ul> </li> <li>c) Whenever this Statement requires the Authority to "develop" something, the Authority will be considered to have complied if it has already developed the item before this Statement commenced.</li> </ul> |
| <b>5</b> | <b>Performance and Funding of Obligations</b>   |
| 5.1      | Obligations in this Statement must be performed to the standard outlined in this Statement or in any contracts or agreements between the Department and the Authority.  |
| 5.2      | Obligations in this Statement indicated with # shall receive a financial contribution provided from the Department's annual corporate allocation.   |
| <b>6</b> | <b>Availability of Statement</b>  |
| 6.1#     | The Authority must make this Statement available to the public.   |

## Part 2 General

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| <b>7</b> | <b>Guiding Principles</b>   |
| 7.1      | <p>In performing its functions and providing its services the Authority shall recognise the importance of:</p> <ul style="list-style-type: none"> <li>a) Operating to the highest standards of public sector governance and performance in order to deliver outcomes for government, the environment and Victorian communities;</li> <li>b) Balancing social, economic, environmental and Aboriginal and Traditional Owner outcomes, and the connection Traditional Owners have to Country and their rights and role as land managers;</li> <li>c) Collaborating and forming partnerships with the community and partner agencies;</li> <li>d) Planning and making decisions within an integrated catchment management context;</li> <li>e) Optimising shared benefits across the community, including Aboriginal and Traditional Owners groups and recreational users;</li> <li>f) Climate change as a challenge to the management of natural assets;</li> <li>g) Targeting investment to address priorities and deliver maximum improvement in the condition of catchments;</li> <li>h) Ensuring alignment between state, regional and local planning;</li> <li>i) Consistent and effective community engagement in the integrated planning and management of catchments, and of connecting people with nature and the importance of biodiversity to Victorians;</li> <li>j) Strengthening Victoria's catchment management framework through collaborative statewide approaches.</li> </ul> |

## Part 3 Governance

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| <b>8</b>  | <b>Ministerial Requests</b>  |
| 8.1#      | The Authority must respond to requests for information from the Minister on matters related to the Authority's business.   |
| <b>9</b>  | <b>Authority Operations</b>  |
| 9.1#      | The Authority must continuously strengthen and improve governance, including complying with any governance guidelines, model policies and guidance notes for the Department's statutory authorities. |
| <b>10</b> | <b>Corporate Plans</b>   |
| 10.1#     | The Authority must develop and implement a corporate plan, underpinned by sound financial management, in accordance with any guidelines issued by the Minister.                                      |
| <b>11</b> | <b>Annual Reporting</b>  |
| 11.1#     | The Authority must develop an annual report detailing its operations and financial   |

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|           | statements, and report on the condition and management of land and water resources in its region, according to any guidelines or standards issued to the Authority.  |
| 11.2      | The Authority shall provide output data to the Department for Victorian Government funded on-ground works completed as part of its operations. The data must conform to the Department's Output Data Standards, or any other standard or guideline issued by the Department. |
| <b>12</b> | <b>Performance Monitoring</b>  |
| 12.1#     | The Authority must ensure it has appropriate systems in place to monitor its performance.  |
| 12.2      | In the delivery of on-ground works, the Authority shall conform to the Department's relevant Output Delivery Standard or any other standard or guideline issued by the Department.   |
| <b>13</b> | <b>Management of Authority Funds</b>   |
| 13.1      | The Authority must administer community grants on behalf of the Minister to assist implementing the Regional Catchment Strategy (RCS) and relevant sub-strategies and plans according to any agreements or guidelines issued to the Authority.                               |

#### Part 4 Community Engagement

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| <b>14</b> | <b>General</b>   |
| 14.1#     | The Authority must maintain extensive, effective and collaborative approaches to community engagement and partnerships, consistent with the Department's community charter, and in accordance with the Community Engagement and Partnerships Framework for Victoria's Catchment Management Authorities, and the Aboriginal Participation Guidelines for Victorian Catchment Management Authorities, and any subsequent policies or guidelines issued by the Minister, Secretary or Department, or agreed on by the catchment management authorities. |
| <b>15</b> | <b>Communication of Advice to the Minister</b>   |
| 15.1#     | The Authority must advise the Minister about opportunities to communicate issues and outcomes relating to catchment management.  |
| 15.2#     | The Authority must advise the Minister and the Minister for Agriculture about opportunities to communicate issues and outcomes relating to invasive species, noxious weeds and pest animals.   |

#### Part 5 Integrated Regional Planning and Coordination

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| <b>16</b> | <b>Regional Catchment Strategy (RCS)</b>   |
| 16.1      | The Authority shall coordinate the development of the RCS at six-year intervals and gain the Minister's approval. The Authority shall undertake a mid-term and full-term review of the |

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|           | RCS.  |
| 16.2      | The Authority shall ensure that RCS development and implementation processes seek to align with state and regional policy, and are influenced by community knowledge and local planning.  |
| 16.3      | The Authority shall coordinate the development, review and implementation of regional sub-strategies or plans, including those relating to climate change, which manage priority issues in the RCS and are specified by relevant State policies, according to any guidelines issued to the Authority. |
| 16.4      | The Authority shall monitor, evaluate and report to the Minister on objectives for the condition of land, water and biodiversity resources, and on the program of measures or actions, according to any guidelines issued to the Authority.   |
| 16.5      | The Authority shall undertake annual reporting consistent with the Framework for Catchment Condition and Management Reporting, and publish an annual regional actions and achievements report with input from key catchment partners.   |
| <b>17</b> | <b>Implementing Integrated Catchment Management</b>   |
| 17.1      | The Authority shall work with partners to develop, implement and review Catchment Partnership Agreements consistent with any statewide framework.   |
| 17.2      | The Authority shall coordinate a regional investment process to strengthen engagement of partners, consistent with any statewide framework.   |
| 17.3      | The Authority shall work with catchment partners to improve climate change adaption and mitigation, consistent with any relevant framework or strategy.   |
| <b>18</b> | <b>Special Area Plans</b>   |
| 18.1      | The Authority shall, before implementing a special area plan, gain the Minister's approval of the special area plan prepared for a special area declared in its region.   |
| <b>19</b> | <b>Investment Process</b>   |
| 19.1#     | When the Authority submits project proposals to the Department, it must include elements of works programs aligned with the RCS and related sub-strategies, in accordance with any guidelines issued by the Department.   |
| <b>20</b> | <b>Landcare</b>   |
| 20.1      | The Authority shall coordinate, support and report on Landcare and other community based natural resource managers' activities across its region, in accordance with any funding agreements.  |
| <b>21</b> | <b>Biodiversity</b>   |
| 21.1      | The Authority shall participate in the biodiversity response planning process and contribute to the development of associated plans and responses, according to Protecting Victoria's Environment – Biodiversity 2037.  |
| 21.2      | The Authority shall report output data for actions committed to through the biodiversity  |

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|           | response planning process, as a way of measuring their contribution to the statewide targets according to Protecting Victoria's Environment – Biodiversity 2037.   |
| 21.3      | The Authority shall implement revegetation standards for all on-ground works delivered by its own and contracted staff according to any guidelines issued by the Department. The Authority shall encourage other regional revegetation works delivered by community groups, to adopt the same standards.   |
| <b>22</b> | <b>Pest Management</b>   |
| 22.1      | <p>The Authority shall develop, submit for approval to the requesting Minister, publish and coordinate the implementation of a regional pest plan for its region when requested by the Minister or any other Minister.</p> <p>In preparing a regional pest plan the Authority must have regard to:</p> <ul style="list-style-type: none"> <li>a) Any information provided by the Minister or any other Minister;</li> <li>b) Any RCS applying to the region;</li> <li>c) Any relevant State policy, framework, strategy, plan or guideline;</li> <li>d) Any submissions received by the Authority.</li> </ul> <p>A regional pest plan must set out as a minimum a program of measures to eradicate, as far as reasonable, regional prohibited weeds, and control regionally controlled weeds and established pest animals, or a program of measures to support land owners to meet these responsibilities. Regional pest plans may also include a program of measures to protect priority biodiversity assets from the impact of key invasive species that may not currently be declared under the CaLP Act.</p> |
| 22.2      | The Authority shall advise the Minister, and if requested by any other Minister, that other Minister, on regional priorities for the management of pest species.   |
| 22.3      | The Authority shall monitor and report to the Minister, the Minister for Agriculture, and if requested by an other Minister, that other Minister, on the progress of implementation against priorities and targets as set out in regional pest plans (should such plan be in existence) according to any guidelines issued to the Authority.   |
| 22.4      | When requested, the Authority shall advise the Minister, the Minister for Agriculture, or any other Minister, on the declaration or revocation of a declaration for any relevant pest species within 120 days after the day on which the request was made.   |
| <b>23</b> | <b>Salinity Management and Irrigation Drainage</b>   |
| 23.1      | The relevant Authority for the Corangamite, East Gippsland, Glenelg Hopkins, Goulburn Broken, Mallee, North Central, North East, Port Phillip and Westernport, West Gippsland and Wimmera regions shall develop and coordinate the implementation and review of Land and Water Management Plans, or their equivalent, if identified in the RCS and any other State policy, framework, strategy, plan or guideline applicable to the management of salinity and irrigation drainage.  |
| 23.2      | The relevant Authority for the Corangamite, East Gippsland, Glenelg Hopkins, Goulburn Broken, Mallee, North Central, North East, Port Phillip and Westernport, West Gippsland and Wimmera regions shall monitor and report on progress of the implementation of Land   |

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|           | and Water Management Plans, or their equivalent, where developed in accordance with clause 23.1 according to any guidelines issued to the Authority.   |
| 23.3      | The relevant Authority for the Goulburn Broken, Mallee, North Central, North East and Wimmera regions shall advise the Department on the development and review of regional salinity targets in accordance with the Murray Darling Basin Agreement, or any subsequent such agreement.  |
| 23.4      | Each year the relevant Authority for the Goulburn Broken, Mallee, North Central, North East and Wimmera regions shall report to the Minister for Water on the allocation and uptake of salinity credits, salinity management activities, and any changes to monitoring included in the Basin-wide Core Salinity Monitoring Network.  |
| 23.5      | The Authority shall develop and implement actions regarding irrigation drainage as identified in regional Land and Water Management Plans (or their equivalent) and/or according to the Victorian Irrigation Drainage Program.   |
| <b>24</b> | <b>Referrals and Notices</b>   |
| 24.1#     | The Authority must respond to referrals from the Environment Protection Authority.   |
| 24.2#     | Where the Authority is listed in a Planning Scheme as a referral authority, the Authority must advise on planning referrals regarding floodplain management, dryland salinity, irrigation management, soil erosion and any other relevant land management issues identified in the Planning Scheme.  |
| 24.3#     | The Authority must consider any land management notices and decide on whether to consent to the notice.  |
| <b>25</b> | <b>Land Use Planning</b>   |
| 25.1#     | <p>The Authority must participate in the periodic review, continuous improvement and implementation of Victoria Planning Provisions and planning schemes and in particular:</p> <ul style="list-style-type: none"> <li>a) Any State Planning Policy Framework;</li> <li>b) Any Local Planning Policy Framework;</li> <li>c) Any Municipal Strategic Statement;</li> <li>d) Any zones and overlays</li> </ul> <p>which may affect, or be affected by, the Authority's region, functions, powers and duties. One of the Authority's main objectives must be to promote consistency between any municipal strategy or scheme and the RCS, its sub-strategies and plans.</p> |

## Part 6 Innovation and Knowledge Sharing

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| 26.1 | <p>The Authority shall:</p> <ul style="list-style-type: none"> <li>a) Identify its research and capability needs;</li> <li>b) Support investment in research and capability building, where doing so would improve RCS implementation as well as its related sub-strategies and plans;</li> <li>c) Participate in projects aimed at generating and sharing knowledge on integrated</li> </ul> |
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|  | <p>catchment management;</p> <p>d) Participate in setting statewide priorities;</p> <p>e) Participate in processes or projects aimed at building capacity for incorporating traditional ecological knowledge into integrated catchment management and protect Traditional Owner property rights.</p> |
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## Part 7 Compliance

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| <b>27</b> | <b>General Compliance</b>   |
| 27.1#     | The Authority must monitor compliance with its obligations under this Statement.  |
| 27.2#     | <p>If the Authority becomes aware of a failure to comply with:</p> <p>a) An obligations under this Statement, or</p> <p>b) A requirement of any contract or agreement between the Department and the Authority,</p> <p>the Authority must give the Minister or the Department a written report within 30 days of becoming aware of the failure, that includes:</p> <p>c) the nature of and reason for the failure, and</p> <p>d) a proposed plan of action to prevent the failure re-occurring.</p> |
| 27.3#     | The Authority must make any variation to the plan of action referred to in sub-clause 27.2 as requested in writing by the Minister or the Department.   |
| 27.4#     | <p>The Authority must:</p> <p>a) Implement the plan of action referred to in sub-clause 27.2, as varied by the Minister or the Department;</p> <p>b) Report its progress in implementing the plan, whenever the Minister or the Department requests this in writing;</p> <p>c) Summarise the contents of any report made under sub-clause 27.2 and its progress in implementing the plan in its annual report.</p>  |
| <b>28</b> | <b>Other Audits and Reviews</b>   |
| 28.1#     | The Authority must, 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.  |
| 28.2#     | The Authority must respond as requested to audits or reviews of any aspect of its activities undertaken by the Department.  |

## Schedule A – Definitions

Only terms not defined in the *Catchment and Land Protection Act 1994* are defined in this schedule.

The following definitions apply in this Statement:

**“Agreement”** means any agreement between the Department and the Authority relating to the Authority’s projects or funding to the Authority.

**“Biodiversity”** has the same meaning as biodiversity in *Protecting Victoria’s Environment – Biodiversity 2037*.

**“Corporate allocation”** means funds provided by the Department to the Authority for corporate functions and powers.

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

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

**“Governance guidelines”** means the guidelines issued by the Secretary that relate to a framework for the governance of statutory authorities operating in the Department’s portfolios.

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

**“Land and Water Management Plan”** means a plan developed by the Authority to provide a coordinated approach to irrigation related catchment management activities in accordance with the Land and Water Management Plan Guidelines.

**“Local Planning Policy Framework”** means a framework developed by Local Government in accordance with the Victoria 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, consistent with the State Planning Policy Framework.

**“Minister”** means the Minister administering the CaLP Act.

**“Minister for Agriculture”** means the Minister administering the *Agricultural Industry Development Act 1990*.

**“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 agreement referred to in the *Murray Darling Basin Agreement Act 1993*, which was signed by the Victorian Government in 1992. This Agreement includes salt related aims that are addressed in the *Murray Darling Basin Salinity Management Plan*.

**"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 wellbeing of valued environmental, agricultural, social or personal resources or assets.

**"Salinity credits"** has the same definition as a 'salinity credit' in Schedule C of the *Murray Darling Basin Agreement 1992*.

**"Secretary"** means the person who is for the time being the Department Head (within the meaning of the *Public Administration Act 2004*) of the Department and the successors in office of that person are a body corporate under the name "Secretary to the Department of Environment, Land, Water and Planning".

**"Traditional Owners"** means people who, through membership of a descent group or clan, are responsible for caring for Country. Aboriginal people with knowledge about traditions, observances, customs or beliefs associated with a particular area. A Traditional Owner is authorised to speak for Country and its heritage.

