

## Water Act 1989

### STATEMENT OF OBLIGATIONS FOR CATCHMENT MANAGEMENT AUTHORITIES

I, Lisa Neville, Minister for Water, as Minister administering the **Water Act 1989**, pursuant to Section 186(A) of the **Water Act 1989**, 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;
- West Gippsland Catchment Management Authority;
- Wimmera Catchment Management Authority.

This revokes the statement of obligations issued by the Minister for Water on 19 October 2006.



Hon Lisa Neville MP  
Minster for Water

Dated

5/11/18

## Introduction

This statement of obligations (Statement) is issued under Section 186A of the **Water Act 1989**. It relates to existing functions and powers of Catchment Management Authorities (CMAs) under the Water 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 186A of the Water Act.

The **Catchment and Land Protection Act 1994** Statement of Obligations for CMAs has also been reviewed, and will be re-issued concurrently with this Statement.

## Part 1 Preliminary

<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 186A of the <i>Water Act 1989</i> (Water Act), this Statement revokes all prior statements of obligations issued to the Authority under the Water Act.
<b>2</b>	<b>Authorising Provision</b>
2.1	This Statement is issued by the Minister under section 186A(1)(a) of the Water 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 under Part 10 of the Water Act and the exercise of its powers under the Water Act, performance standards, requirements for community consultation, and the management of the environmental water reserve.
<b>4</b>	<b>Definitions of Terms and Interpretation</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 Water Act and the <i>Catchment and Land Protection Act 1994</i> (CaLP Act) have the same meaning in this Statement.</li> <li>b) Whenever 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 of the item on request, for a charge (at the Authority's discretion) covering the fair and reasonable cost 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 and Functions and Powers</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, and/or statutory allocation, including funds for environmental water reserve management.
<b>6</b>	<b>Availability of Statement</b>
6.1#	The Authority must make this Statement available to the public.

## Part 2 General

<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> <li>k) Acting as the caretaker of waterway health and providing regional leadership on issues relating to waterway health;</li> <li>l) Undertaking the operational management of the Environmental Water Reserve as a key component of an integrated program of waterway, floodplain and aquifer restoration.</li> </ul>

## Part 3 Governance

<b>8</b>	<b>Ministerial Requests</b>
8.1#	The Authority must respond to requests for information by the Minister on matters related to the Authority's business.
<b>9</b>	<b>Performance Monitoring</b>
9.1#	The Authority must ensure it has appropriate systems in place to monitor its performance.

9.2	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>10</b>	<b>Management of Authority Funds</b>
10.1#	The Authority must administer community grants on behalf of the Minister to help implement the Regional Waterway Strategy, Regional Floodplain Management Strategy, rolling work plans, Land and Water Management Plans (or their equivalent) and drainage programs according to any agreements or guidelines issued to the Authority.
10.2	Each year the relevant Authority for the Mallee region shall report to the Department on the expenditure of the salinity offset charges and salinity fees.

#### **Part 4 Community Engagement**

<b>11</b>	<b>General</b>
11.1#	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.
11.2#	The Authority must collaborate with regional service delivery partners to implement the Regional Waterway Strategy, the Regional Floodplain Management Strategy, and Land and Water Management Plans (or equivalents).
11.3#	The Authority must establish and maintain effective and transparent community engagement to: <ul style="list-style-type: none"> <li>a) Develop and implement the Regional Waterway Strategy, the Regional Floodplain Management Strategy, and drainage programs;</li> <li>b) Identify opportunities to provide complementary social, Aboriginal and economic benefits through developing and implementing the Regional Waterway Strategy, seasonal watering proposals, floodplain and drainage programs;</li> <li>c) Communicate with relevant stakeholder groups, Traditional Owners and the community.</li> </ul>
<b>12</b>	<b>Communication of Advice to the Minister</b>
12.1#	The Authority must advise the Minister about opportunities to communicate issues and outcomes relating to catchment management, waterway health and the environmental water reserve.

## Part 5 Integrated Regional Planning and Coordination

<b>13</b>	<b>Investment Process</b>
13.1	When the Authority submits project proposals to the Department, it shall include elements of works programs relevant to meeting the intended outcomes of the Department's programs, according to the Department's investment requirements documents.
<b>14</b>	<b>Land Use Planning</b>
14.1#	<p>The Authority must participate in the periodic review, continuous improvement and implementation of the 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 are relevant and may affect, or be affected by, the Authority's region, functions, powers and duties.</p> <p>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, and including those relating to floodplain management, rural dryland and rural irrigation drainage.</p>

## Part 6 Waterways

<b>15</b>	<b>Regional Waterway Strategy</b>
15.1	The Authority shall develop a Regional Waterway Strategy according to guidelines issued by the Minister.
<b>16</b>	<b>Plans for Waterway Management</b>
16.1	For priority areas, the Authority shall, in consultation with relevant stakeholders and the community, develop and implement relevant plans, in accordance with any guidelines issued.
<b>17</b>	<b>Waterway Management Works Programs</b>
17.1	The Authority shall develop and implement on-ground waterway management works programs to implement the Regional Waterway Strategy's priorities and related waterway management plans.
17.2	The relevant Authority for the Corangamite region shall manage the part of the Barwon River in Geelong and surrounding land vested in the Authority for which the Authority has been appointed to manage by the Minister, according to the Ministerial Order dated 25 June 1999.
<b>18</b>	<b>Approvals, Referrals and Advice</b>
18.1#	The Authority must authorise works on waterways and undertake enforcement according to the catchment management authority Waterways Protection By-law and delegated

	works powers under Section 67 of the Water Act.
18.2#	In the case of a dam, the Authority must act as a referral body for any: <ul style="list-style-type: none"> <li>a) Application for a licence to construct works;</li> <li>b) Application for a licence to take and use water</li> </ul> referred to it by the Minister.
18.3#	At the request of local government, the Authority must advise on planning referrals that relate to waterway, water quality and any other waterway health issues.
18.4	The Authority shall advise the Department on licence conditions for Crown frontages.
18.5#	The Authority must advise rural and urban water authorities, and local and State government agencies, on aspects of their operations that impact waterway health.
18.6	The Authority must authorise levee maintenance permits on Crown Land in accordance with Part5AA of the Water Act.
<b>19</b>	<b>Heritage River Areas</b>
19.1	The Authority shall incorporate requirements for Heritage River Areas into the development and implementation of Regional Waterway Strategies.
<b>20</b>	<b>Management of the Environmental Water Reserve (EWR)</b>
20.1#	The Authority must integrate the management of the EWR into the development of the Regional Waterway Strategy and any relevant strategies, plans and integrated waterway management works programs.
20.2#	In all its waterway management planning and works programs, the Authority must aim to: <ul style="list-style-type: none"> <li>a) Achieve the most effective use of the EWR;</li> <li>b) Achieve the greatest level of environmental benefits practical;</li> <li>c) Explore opportunities to provide complementary social, Aboriginal and economic benefits and include these where feasible in environmental water management objectives;</li> <li>d) Minimise any adverse impacts on water users.</li> </ul>
20.3#	The Authority must liaise with: <ul style="list-style-type: none"> <li>a) The storage operator to negotiate the most effective release pattern and access to its distribution system in regulated systems (including during drought) to achieve environmental water management objectives;</li> <li>b) Surface water and groundwater licensing authorities to respond to licence application referrals as required under ministerial guidelines or policies.</li> </ul>
20.4#	Where the EWR includes Water Holdings, the Authority must prepare annual seasonal watering proposals according to any Victorian Environmental Water Holder (VEWH) guidelines, and consistent with any relevant long-term plans.
20.5#	The Authority must provide information to the VEWH to enable it to report annually to the Secretary on the availability and use of environmental water, and on environmental outcomes and shared benefits achieved, for the Victorian Water Accounts.

20.6#	The Authority must receive approval from the Secretary in cases where (acting in its own capacity or following VEWH advice) it intends to: <ul style="list-style-type: none"> <li>a) Purchase a water share;</li> <li>b) Transfer ownership of a water share;</li> <li>c) Assign a limited-term transfer of a water share;</li> <li>d) Assign a water allocation under a water share or an environmental entitlement.</li> </ul>
20.7#	Any water shares that the Authority purchases must be included in, and managed according to, the seasonal watering plan.
20.8#	The Authority must liaise with the storage operator to maximise benefits to the EWR resulting from the timing, volume and allocation of the release of water in the consumptive entitlements.
20.9	The Authority shall, according to any agreement or contract with the Department, report to the VEWH on efforts to work with the community, Traditional Owners and government agencies to explore opportunities to provide complementary social, Aboriginal and economic benefits through environmental water management, and on the outcomes achieved.
<b>21</b>	<b>Water Planning and Allocation Processes</b>
21.1#	The Authority must contribute waterway health objectives to environmental entitlements, bulk entitlements, groundwater management plans, streamflow management plans, water savings projects, irrigation reconfiguration plans, sustainable water strategies, long-term water resource assessments, and any other water allocation processes.
21.2#	The Authority must prepare regionally specific irrigation development guidelines consistent with the Irrigation Development Guidelines Advisory Note, or subsequent guidance.
21.3#	The Authority must advise the Minister on conditions and objectives for water-use licences, if requested.
<b>22</b>	<b>Floodplain Management</b>
22.1	The Authority shall develop, monitor, review and report on the regional floodplain management strategy and implementation plan for its region, in partnership with regional service deliverers, including cross border interests.
22.2#	The Authority must provide advice about flooding and controls on planning scheme amendments, and planning and building applications to local government in its capacity as a referral body in accordance with relevant legislation.
22.3	The Authority shall collaborate with the Department to identify, prioritise and collect data following a significant flood, and must share information with the Department.
22.4#	The Authority must participate and provide technical assistance and support for studies, plans and works undertaken by local government and other authorities to ensure that best practice outcomes are achieved. The Authority will: <ul style="list-style-type: none"> <li>a) Promote high quality outputs for a range of flooding and flooding types that will</li> </ul>



	<p>assist with community flood resilience;</p> <p>b) Ensure that a copy of all flood study outputs are provided to the Department;</p> <p>c) Collaborate with cross border agencies.</p>
22.5	The Authority shall coordinate the assessment and implementation of Total Flood Warning System services consistent with the priorities identified in the Regional Floodplain Management Strategy.
22.6	The Authority shall collect, maintain and enhance flood information for its region, and ensure that this information is provided to the Department to be included in statewide databases.
<b>23</b>	<b>Management of Rural Dryland Drainage</b>
23.1	The Authority shall implement the roles or support roles assigned to it in any Victorian rural drainage or dryland drainage strategy.
<b>24</b>	<b>Monitoring and Reporting</b>
24.1	<p>The Authority shall monitor and report on:</p> <p>a) The implementation of the Regional Waterway Strategy, related action plans and resource condition;</p> <p>b) Efforts to work with community members, Traditional Owners and other government agencies to explore opportunities to provide complementary social, Aboriginal and economic benefits, and on the outcomes achieved.</p>
24.2	The Authority shall benchmark and report to the Secretary on river condition according to guidelines issued by the Secretary.
24.3	The Authority shall participate in the Regional Water Resource Monitoring Partnership and implement its role outlined in the regional Water Monitoring Project Co-operative Arrangement.
<b>25</b>	<b>Responding to Natural Disasters, Incidents and Emergencies</b>
25.1#	The Authority must provide support to control agencies in a flood emergency when requested and provide technical advice on flood behaviours and impacts, including the impact of levees or floodplain features, during significant floods.
25.2	The Authority shall develop and implement funded waterway-related restoration works programs after natural disasters such as bushfires or floods.
25.3	The Authority shall participate in regional contingency planning for blue green algal blooms, fish deaths and black water events, and respond according to the roles assigned to it in these plans.
<b>26</b>	<b>Community Participation and Awareness</b>
26.1	The Authority shall encourage community engagement and participation in waterway management programs, management of the EWR, and monitoring of waterway health.
26.2	The Authority shall develop and implement community education programs on waterway health and the management of the EWR.

	<p>The Authority shall inform and advise Traditional Owners and the community about:</p> <ul style="list-style-type: none"> <li>a) The Authority's role in exploring opportunities to provide complementary social, Aboriginal and economic benefits;</li> <li>b) How to obtain additional advice and information about achieving social, Aboriginal and economic objectives relating to water and waterways.</li> </ul>
26.3	<p>The Authority shall develop, implement and maintain strategic partnerships with rural and urban water authorities, local government, public land managers, Traditional Owners and government agencies to:</p> <ul style="list-style-type: none"> <li>a) Implement the Regional Waterway Strategy;</li> <li>b) Explore opportunities to achieve social, Aboriginal and economic objectives relating to water and waterways.</li> </ul>
<b>27</b>	<b>Integrated Water Management</b>
27.1	<p>The Authority shall collaborate with water corporations and local government to achieve healthy and resilient urban landscapes and waterways in existing and new urban and peri-urban environments, as guided by the Integrated Water Management Framework for Victoria.</p>
27.2	<p>The Authority shall contribute to the development and implementation of integrated water management plans by representing Authority priorities with respect to catchment and waterway health in collaborative forums and working groups.</p>

## Part 7 Innovation and Knowledge Sharing

<b>28</b>	<b>Innovation and Knowledge Sharing</b>
28.1	<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 catchment management, including waterway health, management of the EWR, flooding and drainage;</li> <li>d) Participate in setting statewide priorities;</li> <li>e) Participate in projects aimed at building capacity for including traditional ecological knowledge in integrated catchment management and protecting the intellectual property rights of Traditional Owners.</li> </ul>

## Part 8 Compliance

<b>29</b>	<b>General Compliance</b>
29.1#	The Authority must monitor compliance with its obligations under this Statement.

29.2#	<p>If the Authority becomes aware of a failure to comply with:</p> <ul style="list-style-type: none"> <li>a) An obligation under this Statement; or</li> <li>b) A requirement of any contract or agreement between the Department and the Authority to which this Statement relates,</li> </ul> <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> <ul style="list-style-type: none"> <li>c) The nature of and reason for the failure, and</li> <li>d) A proposed plan of action to prevent the failure re-occurring.</li> </ul>
29.3#	<p>The Authority must make any variation to the plan of action referred to in sub-clause 29.2 as requested in writing by the Minister or the Department.</p>
29.4#	<p>The Authority must:</p> <ul style="list-style-type: none"> <li>a) Implement the plan of action referred to in sub-clause 29.2, as varied by the Minister or the Department;</li> <li>b) Report its progress in implementing the plan, whenever the Minister or the Department requests this in writing;</li> <li>c) Summarise the contents of any report made under sub-clause 29.2 and its progress in implementing the plan in its annual report.</li> </ul>
<b>30</b>	<b>Other Audits and Reviews</b>
30.1#	<p>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.</p>
30.2#	<p>The Authority must respond as requested to audits or reviews of any aspect of its activities undertaken by the Department.</p>

## Schedule A Definitions

Only terms not defined in the *Catchment and Land Protection Act 1994* or the *Water Act 1989* 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.

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

**“Crown Frontage”** means Crown land (including land temporarily or permanently reserved which has a frontage to a watercourse) within the meaning of Part XII of the *Land Act 1958*.

**“Drainage”** in Victoria can be defined under three broad categories: urban stormwater drainage (including peri-urban areas), rural irrigation drainage and rural dryland drainage.

**“Environment Water Management Plan”** means a plan developed by an Authority which outlines the long-term management of the environmental water reserve.

**“Heritage River Area”** is an area defined in section 3 of the *Heritage Rivers Act 1992*.

**“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.

**“Irrigation reconfiguration Plan”** means a plan developed by Rural Water Authorities to manage the rationalisation of irrigation water distribution systems.

**“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.

**“Levee”** means an embankment raised to prevent a river from overflowing.

**“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 State Planning Policy and requirements.

**“Minister”** means the Minister administering the *Water Act 1989*.

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

**“Planning Scheme”** means a scheme developed according to section 6 of the *Planning and Environment Act 1987*.

**“Regional Water Resource Monitoring Partnership”** means the partnership outlined in the Regional Agreement for Water Monitoring Project Co-operative Arrangements for the North East, North West, South West and Gippsland regions in Victoria.

**“Regional Waterway Strategy”** means a regional waterway strategy made under section 190 of the *Water Act 1989*.

**“River”** includes a channel; the riparian zone which includes the land that adjoins, regularly influences or is influenced by the river, including a regularly wetted floodplain and associated floodplain wetlands; and an estuary or terminal lake.

**“Rural Water Authority”** has the same definition as in section 4A of the *Water Industry Act 1994*.

**“Seasonal watering plan”** means a statewide plan that guides environmental watering decisions in Victoria. It provides program partners, stakeholders and communities with a sense of what to expect during the financial year.

**“Seasonal watering proposal”** means a seasonal watering proposal made under section 192A of the *Water Act 1989* for the application or use of water or other exercise of rights in the Water Holdings for the Authority’s waterway management district.

**“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".

**“Statewide Irrigation Development Guidelines”** means the guidelines issued by the Minister called “Statewide Irrigation Development Guidelines”.

**“Statutory allocation”** means funds provided by the Department to the Authority for the performance of statutory functions.

**“Storage operator”** means an individual appointed as a storage operator under section 122ZK of the *Water Act 1989*.

**“Streamflow Management Plan”** means a management plan prepared according to sections 31, 32 and 32A of the *Water Act 1989* relating to the management of surface water in unregulated systems.

**“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.

**“Victorian Rural Drainage Strategy”** means the plan developed by the Victorian Government to establish the future management arrangements for dryland rural drainage in Victoria. The plan is expected to be finalised by the end of 2017.

**“Victorian Water Accounts”** means the annual report on the water availability, allocation and use of surface water, groundwater and recycled water in all of Victoria’s river basins, developed by the Department and endorsed by the Minister for Water.

**“Water Allocation Process”** means a process through which unallocated water is allocated for a consumptive or environmental purpose as outlined in Divisions 1 and 2 and Part 4 of the *Water Act 1989*.

**“Water Monitoring Project Co-operative Arrangement”** means an agreement made between the Department and parties undertaking water resources monitoring in the Gippsland, North East, North West and South West regions which defines the responsibilities of the partner organisations and contract manager for the agreed monitoring project.

**“Water Savings Project”** means a project partially funded by the Victorian Government which results in the saving of water which may then be allocated for environmental or consumptive purposes.

**“Waterways Protection By-law”** means the catchment management authority by-law called the Waterways Protection By-law, established under sections 160-161 and section 219 of the *Water Act 1989*.