

Implementation Plan for the National Framework for Compliance and Enforcement Systems for Water Resource Management Project

NATIONAL PARTNERSHIP AGREEMENT
ON WATER FOR THE FUTURE

THE AUSTRALIAN CAPITAL TERRITORY

PRELIMINARIES

1. This Implementation Plan is created subject to the provisions of the *Intergovernmental Agreement on Federal Financial Relations* and *National Partnership Agreement on Water for the Future*, and should be read in conjunction with those Agreements. The objectives in the National Partnership are to secure water supplies and to assist with climate change adaptation through efficient water use and management of water resources, secure water supplies for towns and cities and help households and businesses use water more efficiently, and adaptation to climate change and an environment of changed water availability.
2. The Parties are committed to promoting and facilitating the implementation of National Water Initiative (NWI) commitments.
3. As agreed at COAG on 7 December 2009, the Parties acknowledge they are committed to implementing the National Framework for Compliance and Enforcement Systems for Water Resource Management (the National Framework) at Schedule 3.
4. The Commonwealth has agreed to provide financial assistance under the *Water for the Future National Partnership* to assist the implementation the National Framework for Compliance and Enforcement Systems for Water Resource Management.

TERMS OF THIS IMPLEMENTATION PLAN

5. This Implementation Plan will commence as soon as it is agreed between the Commonwealth of Australia, represented by the Minister for Sustainability, Environment, Water, Population and Communities, and the Australian Capital Territory, represented by the Minister for the Environment, Climate Change and Water.
6. This Implementation Plan will cease on completion of the project as outlined in the project plan (at schedule 1), including the acceptance of final performance reporting and processing of final payments against project milestones specified in this Implementation Plan. The project is expected to commence in the 2010-11 financial year, and end in the 2015-16 financial year.

7. This Implementation Plan may be varied by written agreement between the Ministers.
8. Either Party may terminate this Implementation Plan by providing 30 days notice in writing. Where this Implementation Plan is terminated, the Commonwealth's liability to make payments to the Australian Capital Territory is limited to payments associated with project milestones achieved by the Australian Capital Territory by the date of effect of termination of this Implementation Plan.
9. The Parties to this Implementation Plan do not intend any of the provisions to be legally enforceable. However, that does not lessen the Parties' commitment to this Implementation Plan.

PROJECT OBJECTIVES

10. The objectives of this project are to:
 - (a) give effect to the National Framework;
 - (b) achieve more robust, risk-based, compliance and enforcement systems for water resource management, to prevent and respond to illegal activities that threaten the effectiveness of national efforts to set water use onto a sustainable footing; and
 - (c) implement a more consistent approach to compliance and enforcement of water resource management across states and territories.

ROLES AND RESPONSIBILITIES

Role of the Commonwealth

11. The Commonwealth is responsible for:
 - (a) having assessed the Project Plan in accordance with the Project Assessment Guidelines at Schedule 2; and
 - (b) reviewing the Australian Capital Territory's performance against the project milestones specified in the Project Plan and providing any consequential financial contribution to the Australian Capital Territory for that performance.

Role of the Australian Capital Territory

12. The Australian Capital Territory is responsible for all aspects of project implementation including:
 - (a) fully funding the project, after accounting for financial contributions from the Commonwealth and any third party;
 - (b) completing all activities in the Project Plan in a timely and professional manner, in accordance with this Implementation Plan and all applicable legislation; and
 - (c) meeting all conditions including providing reports in accordance with this Implementation Plan.

- (d) using the funding to increase their resourcing to undertake new and additional activities in relation to monitoring and enforcement of compliance, and not as substitute for existing resourcing.

PROJECT MILESTONES AND FINANCIAL ARRANGEMENTS

13. The Commonwealth is providing funding to implement the National Framework, subject to agreement to this Implementation Plan and the attached Project Plan (Schedule 1), which has met the Project Assessment Guidelines.
14. In the first financial year, the Commonwealth will make a payment upon commencement of the Implementation Plan and Project Plan (see Table 1 below).
15. From financial years 2 to 5, the Commonwealth will make two progress payments each year. The first payment will be made on the basis of a project plan progress report (see item 21) from the Australian Capital Territory and its acceptance by the Commonwealth (see Table 1 below). Payments to the Australian Capital Territory are subject to the Commonwealth's satisfaction that activities have been undertaken as detailed in the Project Plan and annual work plan, in accordance with the Implementation Plan. The second payment will be made on the basis of a project plan progress update (item 22) from the Australian Capital Territory and its acceptance by the Commonwealth (see Table 1 below).
16. In financial year 6 the Commonwealth will make one final payment. This final milestone payment will be made after a final report is received and accepted by the Commonwealth, as outlined in the Reporting Arrangements (see Table 1 below).
17. The maximum financial contribution to be provided by the Commonwealth for the project is \$1,030,387.50 payable in accordance with project milestones set out in Table 1.

Table 1: Project milestones and associated payments

	Project payment milestone	Milestone payment due	Payment Structure
1	Implementation Plan / project plan signed by Ministers	January 2011	\$63,000.00
2	Payment Milestone based on reporting of progress to date	December 2011	\$93,445
2a	Payment Milestone based on progress update for year ahead	February 2012	\$93,445
3	Payment Milestone based on reporting of progress to date	December 2012	\$125,681.60

3a	Payment Milestone based on progress update for year ahead	February 2013	\$125,681.60
4	Payment Milestone based on reporting of progress to date	December 2013	\$129,316.30
4a	Payment Milestone based on progress update for year ahead	February 2014	\$129,316.30
5	Payment Milestone based on reporting of progress to date	December 2014	\$100,415.27
5a	Payment Milestone based on progress update for year ahead	February 2015	\$100,415.27
6	Payment Milestone based on reporting on progress in last reporting period and Final Project Report	April 2016	\$69,671.15

18. Any Commonwealth financial contribution payable will be processed by the Commonwealth Treasury and paid to the Australian Capital Territory Treasury in accordance with the payment arrangements set out in Schedule D of the *Intergovernmental Agreement on Federal Financial Relations*.
19. Having regard to the estimated costs of projects specified in the overall project budget, the Australian Capital Territory will not be required to pay a refund to the Commonwealth if the actual cost of the project is less than the agreed estimated cost of the project. Similarly, the Australian Capital Territory bears all risk should the costs of a project exceed the estimated costs. The Parties acknowledge that this arrangement provides the maximum incentive for the Australian Capital Territory to deliver projects cost-effectively and efficiently.

REPORTING ARRANGEMENTS

20. The Australian Capital Territory agrees to provide the Commonwealth with progress reports as outlined, and at the times specified in Table 1., in this Implementation Plan to demonstrate its achievement of project milestones
21. For the purposes of each Milestone payment, a Progress Report shall be received on or before 15 October¹ each year of the project which will include, achieved to the Commonwealth's satisfaction, the following information:
- a.) progress on the project against activities and Milestones;
 - b.) the completion of any nominated Milestones within the reporting period;

¹ If the scheduled dates fall on a weekend or public holiday the due date is the next business day after the due date

- c.) the completion of all nominated activities that were due for completion in that period; and
 - d.) a detailed work plan, and the budget required to progress project plan Milestones during the next reporting period, including activities, staffing and resourcing funded under this plan (This can be a resubmission of the existing work plan from the project plan if nothing substantive has changed).
22. Each Payment Milestone progress update shall be received on or before 10 December each year of the project and include, achieved to the Commonwealth's satisfaction, the following information:
- a.) correspondence from the Australian Capital Territory stating that the project is on schedule and arrangements are in place to meet the requirements for the next payment milestone (not a report).
23. Each Payment Milestone Progress Report will be a stand-alone document that can be used for public information dissemination purposes regarding the progress towards the implementation of the National Framework.
24. The Australian Capital Territory agrees to provide the Commonwealth, on request, and at least as part of each Report:
- a.) promotional activities undertaken in relation to, and media coverage of, the Project during the last reporting period;
 - b.) expected promotional opportunities, during the next reporting period for the Project;
 - c.) an evaluation of the Plan, including assessing the extent to which the outcomes of the National Framework have been achieved, and explaining why any aspects were not achieved; and
 - d.) a discussion of any other matters, relating to the Implementation Plan, which the Commonwealth notifies the Australian Capital Territory should be included in this final Project Report.
25. The Australian Capital Territory agrees to provide the Commonwealth with a Final Report, on or before 15 February 2016 that is a stand-alone document that may be used to describe the conduct, benefits and outcomes of the implementation of the National Framework;
26. Reports will contain the information specified in this plan and any other information reasonably requested by the Commonwealth, limited to the minimum necessary for the effective assessment of performance.

PROMOTIONAL ACTIVITY

27. The Australian Capital Territory will acknowledge and promote the National Framework as a joint initiative of the Australian and Australian Capital Territory Governments as appropriate, including but not limited to:
- a.) Events and announcements: national, state and local

- b.) Media releases, media activities including newspaper and radio interviews
- c.) Public relations activities including workshops, forums and conferences
- d.) Display materials such as banners, posters and on-ground project signs
- e.) Publications such as reports, books, case studies, information kits and fact sheets
- f.) Websites including all regional web home pages.

NOTICES

28. A Notice relating to the Implementation Plan is to be in writing and dealt with as follows:

- a. *if given by the Australian Capital Territory to the Commonwealth;*

Assistant Secretary
 Water Policy Branch
 Water Reform Division
 Department of Sustainability, Environment, Water, Population and Communities
 GPO Box 787
 Canberra ACT 2600
 Telephone: (02) 6274 1904
 Facsimile: (02) 6274 2186
 Email address: kerry.smith@environment.gov.au

or

- b. *if given by the Commonwealth to the Australian Capital Territory;*

Manager, Water Resources
 GPO Box 158 Canberra ACT
 Telephone: 02 6207 2144
 Facsimile: 02 6207 6084
 Email: WaterResources@act.gov.au

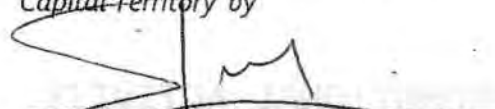
The Parties have confirmed their commitment to this Implementation Plan.

Signed for and on behalf of the Commonwealth of Australia by



The Honourable Tony Burke, MP Minister for Sustainability, Environment, Water, Population and Communities

Signed for and on behalf of the Australian Capital Territory by



Simon Corbell, MLA Minister for the Environment, Climate Change and Water.

16 FEB 2011
~~2010~~

7 - 1 - 2010