

Authorised Version
Marine and Coastal Act 2018
No. 26 of 2018

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Authorised Version



Victoria

Marine and Coastal Act 2018[†]

No. 26 of 2018

[Assented to 26 June 2018]

The Parliament of Victoria enacts:

Part 1—Preliminary

1 Purposes

The purposes of this Act are—

- (a) to establish an integrated and co-ordinated whole-of-government approach to protect and manage Victoria's marine and coastal environment; and

- (b) to provide for integrated and co-ordinated policy, planning, management, decision-making and reporting across catchment, coastal and marine areas; and
- (c) to repeal and partially re-enact the **Coastal Management Act 1995**; and
- (d) to establish objectives and guiding principles for ecologically sustainable planning, management and decision-making under this Act; and
- (e) to replace the Victorian Coastal Council with the Marine and Coastal Council; and
- (f) to abolish the Regional Coastal Boards; and
- (g) to provide for the preparation of a Marine and Coastal Policy, a Marine and Coastal Strategy, and a State of the Marine and Coastal Environment Report; and
- (h) to provide for the formation of regional and strategic partnerships to address regional and issue-based and integrated marine and coastal planning; and
- (i) to provide for other planning mechanisms in the form of environmental management plans and coastal and marine management plans; and
- (j) to provide for the giving of consents to use or develop, or undertake works on, marine and coastal Crown land and establish an application process; and
- (k) to allow coastal Catchment Management Authorities and the Melbourne Water Corporation to provide advice on matters relating to and affecting coastal erosion; and

- (l) to allow the Secretary to prepare and make guidelines to assist with the implementation of this Act; and
- (m) to create offences and other enforcement mechanisms relating to the unauthorised use or development of, or works on, marine and coastal Crown land; and
- (n) to amend various other Acts to provide for integrated and co-ordinated management of the marine and coastal environment of Victoria; and
- (o) to provide for effective community engagement and education in planning and management.

2 Commencement

- (1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.
- (2) If a provision of this Act does not come into operation before 1 October 2018, it comes into operation on that day.

3 Definitions

In this Act—

applicable Act means—

- (a) the **Catchment and Land Protection Act 1994**; or
- (b) the **Crown Land (Reserves) Act 1978**; or
- (c) the **Environment Protection Act 1970**; or
- (d) the **Fisheries Act 1995**; or
- (e) the **Flora and Fauna Guarantee Act 1988**; or

- (f) the **Forests Act 1958**; or
- (g) the **Geothermal Energy Resources Act 2005**; or
- (h) the **Greenhouse Gas Geological Sequestration Act 2008**; or
- (i) the **Heritage Act 2017**; or
- (j) the **Land Act 1958**; or
- (k) the **Marine (Drug, Alcohol and Pollution Control) Act 1988**; or
- (l) the **Marine Safety Act 2010**; or
- (m) the **Mineral Resources (Sustainable Development) Act 1990**; or
- (n) the **National Parks Act 1975**; or
- (o) the **Offshore Petroleum and Greenhouse Gas Storage Act 2010**; or
- (p) the **Petroleum Act 1998**; or
- (q) the **Pipelines Act 2005**; or
- (r) the **Planning and Environment Act 1987**; or
- (s) the **Pollution of Waters by Oil and Noxious Substances Act 1986**; or
- (t) the **Port Management Act 1995**; or
- (u) the **Transport Integration Act 2010**;
or
- (v) the **Underseas Mineral Resources Act 1963**; or
- (w) the **Water Act 1989**; or
- (x) the **Wildlife Act 1975**;

authorised officer has the same meaning as in the **Conservation, Forests and Lands Act 1987**;

Catchment Management Authority has the same meaning as ***Authority*** has in the **Catchment and Land Protection Act 1994**;

coastal and marine management plan means a plan made under Division 1 of Part 7;

coastal Catchment Management Authority means a Catchment Management Authority whose waterway management district, in whole or in part, overlaps with or abuts the marine and coastal environment;

Commissioner for Environmental Sustainability has the same meaning as ***Commissioner*** has in section 8 of the **Commissioner for Environmental Sustainability Act 2003**;

consent means—

- (a) a consent given in a coastal and marine management plan under section 62; or
- (b) a consent given under section 70; or
- (c) a prescribed consent;

Council means the Marine and Coastal Council established under Part 3;

Crown land means land which is, or is taken to be, unalienated land of the Crown and includes—

- (a) land of the Crown reserved permanently or temporarily or set aside by or under an Act; and
- (b) land of the Crown occupied by a person under a lease, licence or other right; and
- (c) land of the Crown managed by a public authority or committee of management; and

(d) land of the Crown which is, or is part of, a park within the meaning of the **National Parks Act 1975**;

Crown land manager means a person or body responsible for the management of Crown land;

Department means the Department of Environment, Land, Water and Planning;

development has the same meaning as in the **Planning and Environment Act 1987**;

environmental management plan means a plan made under Division 2 of Part 6;

marine and coastal Crown land has the meaning given by section 4;

marine and coastal environment has the meaning given by section 5;

Marine and Coastal Policy means a Marine and Coastal Policy made under Division 1 of Part 4;

Marine and Coastal Strategy means a Marine and Coastal Strategy made under Division 2 of Part 4;

marine environment means the following between the outer limit of Victorian coastal waters and the high-water mark of the sea—

- (a) the land (whether or not covered by water) to a depth of 200 metres below the surface of that land;
- (b) any water covering the land referred to in paragraph (a) from time to time;
- (c) the biodiversity associated with the land and water referred to in paragraphs (a) and (b);

Melbourne Water Corporation has the same meaning as in the **Water Act 1989**;

municipal council has the same meaning as **Council** has in the **Local Government Act 1989**;

native title holder has the same meaning as in section 224 of the Native Title Act 1993 of the Commonwealth;

partner agency means a government or non-government body that has an interest in or connection with the marine and coastal environment;

public authority means any body corporate or unincorporate established by or under an Act for a public purpose, but does not include a municipal council or a committee of management of reserved Crown land;

regional and strategic partnership means a regional and strategic partnership established under Division 1 of Part 6;

regional catchment strategy has the same meaning as in the **Catchment and Land Protection Act 1994**;

registered Aboriginal party has the same meaning as in the **Aboriginal Heritage Act 2006**;

relevant coastal recommendation means—

- (a) a recommendation of the Victorian Environmental Assessment Council relating to or affecting marine and coastal Crown land that has been accepted by the Government under Part 3 of the **Victorian Environmental Assessment Council Act 2001**; or

- (b) a recommendation of the Land Conservation Council relating to or affecting marine and coastal Crown land under section 5(1) of the **Land Conservation Act 1970** (as in force immediately before its repeal) of which notice has been given by the Governor in Council under section 10(3) of that Act (as so in force), where the recommendation does not relate to land that is the subject of a recommendation to which paragraph (a) applies;

sea means the sea within the limits of Victoria and includes—

- (a) a bay; and
- (b) an inlet; and
- (c) an estuary; and
- (d) the Gippsland Lakes; and
- (e) any waters within the ebb and flow of the tide, from time to time;

Secretary means the body corporate established by Division 1 of Part 2 of the **Conservation, Forests and Lands Act 1987**;

specified Aboriginal party, in relation to an area, means any of the following—

- (a) if there are native title holders for the whole or part of the area—the native title holders;
- (b) if there is a traditional owner group entity appointed for the whole or part of the area and that traditional owner group entity is a party to a recognition and settlement agreement—the traditional owner group entity;

- (c) if there is a registered Aboriginal party for the whole or part of the area—the registered Aboriginal party;

State environment protection policy has the same meaning as in the **Environment Protection Act 1970**;

State of the Marine and Coastal Environment Report means a State of the Marine and Coastal Environment Report made under Division 3 of Part 4;

traditional owner group has the same meaning as in the **Traditional Owner Settlement Act 2010**;

traditional owner group entity has the same meaning as in the **Traditional Owner Settlement Act 2010**;

use has the same meaning as in the **Planning and Environment Act 1987**;

Victorian coastal waters has the same meaning as the expression "coastal waters of the State" has in relation to Victoria under the Coastal Waters (State Powers) Act 1980 of the Commonwealth;

waterway management district has the same meaning as in the **Water Act 1989**;

works has the same meaning as in the **Planning and Environment Act 1987**.

4 Meaning of *marine and coastal Crown land*

- (1) Subject to this section, *marine and coastal Crown land* means the following between the outer limit of Victorian coastal waters and 200 metres inland of the high-water mark of the sea—

- (a) Crown land (whether or not covered by water) to a depth of 200 metres below the surface of that land;
 - (b) any water covering the land referred to in paragraph (a) from time to time.
- (2) In addition to subsection (1), marine and coastal Crown land includes Crown land (whether or not covered by water) and any water covering that land to a depth of 200 metres below the surface of that land and that is—
- (a) more than 200 metres inland of the high-water mark of the sea; and
 - (b) reserved under the **Crown Land (Reserves) Act 1978** for the purposes of the protection of the coastline.
- (3) The Governor in Council, by Order published in the Government Gazette, may declare any additional area of Crown land (whether or not covered by water) and any water covering that land to be marine and coastal Crown land for the purposes of this Act.
- (4) Any Crown land to which a declaration applies under subsection (3) includes the land to a depth of 200 metres below the surface of that land.
- (5) The Governor in Council, by Order published in the Government Gazette, may declare any area of marine and coastal Crown land not to be marine and coastal Crown land for the purposes of this Act.

5 Meaning of *marine and coastal environment*

- (1) Subject to this section, ***marine and coastal environment*** means the following between the outer limit of Victorian coastal waters and 5 kilometres inland of the high-water mark of the sea—

- (a) the land (whether or not covered by water) to a depth of 200 metres below the surface of that land;
 - (b) any water covering the land referred to in paragraph (a) from time to time;
 - (c) the biodiversity associated with the land and water referred to in paragraphs (a) and (b).
- (2) The Governor in Council, by Order published in the Government Gazette, may declare any additional area of land (whether or not covered by water), any water covering that land and the biodiversity associated with that land and water to be part of the marine and coastal environment for the purposes of this Act.
- (3) Any land to which a declaration applies under subsection (2) includes the land to a depth of 200 metres below the surface of that land.
- (4) The Governor in Council, by Order published in the Government Gazette, may declare any area that is within the marine and coastal environment not to be part of the marine and coastal environment for the purposes of this Act.

6 Crown to be bound

This Act binds the Crown in right of Victoria and, so far as the legislative power of the Parliament permits, the Crown in all its other capacities.

Part 2—Objectives and guiding principles for the planning and management of the marine and coastal environment

7 Objectives

The objectives for the planning and management of the marine and coastal environment are—

- (a) to protect and enhance the marine and coastal environment; and
- (b) to promote the resilience of marine and coastal ecosystems, communities and assets to climate change; and
- (c) to respect natural processes in planning for and managing current and future risks to people and assets from coastal hazards and climate change; and
- (d) to acknowledge traditional owner groups' knowledge, rights and aspirations for land and sea country; and
- (e) to promote a diversity of experiences in the marine and coastal environment; and
- (f) to promote the ecologically sustainable use and development of the marine and coastal environment and its resources in appropriate areas; and
- (g) to improve community, user group and industry stewardship and understanding of the marine and coastal environment; and
- (h) to engage with specified Aboriginal parties, the community, user groups and industry in marine and coastal planning, management and protection; and
- (i) to build scientific understanding of the marine and coastal environment.

8 Integrated coastal zone management

- (1) It is a guiding principle for the management of the marine and coastal environment that planning and management should be co-ordinated and integrated, as appropriate, across—
 - (a) the marine and coastal environment and associated catchments; and
 - (b) the water cycle, including as it relates to estuaries, oceans, bays and coastal waters, groundwater and waterways, where this affects the marine and coastal environment and water quality; and
 - (c) industry sectors and users of the marine and coastal environment; and
 - (d) land tenure where this affects the marine and coastal environment.
- (2) Planning and management should also take into account long-term and short-term environmental, social and economic considerations.

9 Ecosystem-based management

- (1) It is a guiding principle for the management of the marine and coastal environment that the maintenance and, where appropriate, restoration of marine and coastal ecosystem structure and function is fundamental to the current and future use and enjoyment of Victoria's marine and coastal environment, its resources, and the ecosystem services provided.
- (2) An ecosystem-based approach should underpin Victoria's marine and coastal planning and management system, incorporating—
 - (a) avoiding detrimental cumulative or incremental ecosystem impacts; and

- (b) working with natural processes where practical; and
- (c) building ecosystem resilience to climate change impacts where possible.

10 Ecologically sustainable development

It is a guiding principle for the management of the marine and coastal environment that use and development that affects the marine and coastal environment should be focused on improving the total quality of life of Victorians, across current and future generations, in a way that maintains the ecological processes on which life depends.

11 Evidence-based decision-making

It is a guiding principle for the management of the marine and coastal environment that marine and coastal planning and management decisions should be based on best available and relevant environmental, social and economic understanding, recognising that information will often be limited.

12 Precautionary principle

It is a guiding principle for the management of the marine and coastal environment that if there are threats of serious or irreversible environmental and other damage, lack of full certainty should not be used as a reason for postponing measures to prevent environmental or other degradation.

13 Proportionate and risk-based principle

It is a guiding principle for the management of the marine and coastal environment that risk management and regulatory approaches should be proportionate to the risk involved.

14 Adaptive management

It is a guiding principle for the management of the marine and coastal environment that decision-makers should learn from the outcomes of operational programs and, in light of that, change policies and practices.

Part 3—Marine and Coastal Council

15 Establishment of the Marine and Coastal Council

The Marine and Coastal Council is established.

16 Functions of the Council

- (1) The Council has the following functions—
- (a) to provide guidance and strategic advice to the Minister on the development of the Marine and Coastal Policy and the Marine and Coastal Strategy;
 - (b) to provide advice to the Minister on the implementation of the Marine and Coastal Policy and the Marine and Coastal Strategy;
 - (c) to provide advice to the Minister, as requested, on significant decisions under this Act relating to or affecting the marine and coastal environment;
 - (d) to provide advice to the Minister on matters requiring scientific research;
 - (e) to advise the Secretary on the preparation of guidelines made under this Act;
 - (f) to request the Minister to establish a regional and strategic partnership;
 - (g) to provide advice to the parties of a regional and strategic partnership on the preparation of a product under the partnership;
 - (h) to provide advice to the Minister on the preparation of environmental management plans;
 - (i) to provide advice as requested by the Minister on any matter relating to or affecting the administration of the Act;

- (j) to carry out any other function conferred on the Council by or under this Act or any other Act.
- (2) In performing its functions, the Council must have regard to—
 - (a) the objectives set out in Part 2; and
 - (b) the guiding principles set out in Part 2.

17 Membership of the Council

- (1) The Council consists of 7 to 9 members appointed by the Minister.
- (2) From among the members of the Council appointed under subsection (1), the Minister must appoint a chairperson and deputy chairperson.
- (3) In making an appointment under this section, the Minister must consider—
 - (a) a person's capacity to carry out the functions of the Council; and
 - (b) a person's qualifications and experience in relation to the functions of the Council.

18 Terms and conditions of appointment

- (1) A member of the Council—
 - (a) is appointed for a term, specified in the member's instrument of appointment, not exceeding 5 years; and
 - (b) is eligible for re-appointment; and
 - (c) is otherwise subject to the terms and conditions specified in the member's instrument of appointment.
- (2) A member of the Council is entitled to receive the fees and travelling and other allowances from time to time fixed in writing by the Minister in respect of that member.

19 Resignation and removal of members

- (1) A member of the Council may resign in writing sent to the Minister.
- (2) The chairperson or deputy chairperson of the Council may resign from the office of chairperson or deputy chairperson in writing sent to the Minister but still remain a member of the Council.
- (3) The Minister at any time may remove a member of the Council.
- (4) If a member of the Council resigns or is removed from office, the Minister may fill the vacant office in accordance with this Part.

20 Pecuniary and other interests of members

- (1) As soon as practicable after the relevant facts have come to a member's knowledge, the member must declare the nature of the interest at a meeting, if that member—
 - (a) has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Council; or
 - (b) has an interest which would conflict with the proper performance of the member's duties in relation to a matter being considered or about to be considered by the Council.
- (2) A person presiding at a meeting at which a declaration is made must make a record of the declaration in the minutes of the meeting.
- (3) After a declaration is made by a member under subsection (1)—
 - (a) unless the Council otherwise directs, the member must not be present during any deliberation with respect to that matter; and
 - (b) the member is not entitled to vote on that matter.

- (4) Despite subsection (3), if a declaration is made by a member under subsection (1) and that member subsequently votes on a matter which is the subject of the declaration, the vote must be disallowed.

21 Procedure of meetings

- (1) A meeting of the Council must be presided over by—
- (a) the chairperson; or
 - (b) in the absence of the chairperson, the deputy chairperson; or
 - (c) in the absence of both the chairperson and the deputy chairperson, a member elected by the members present at the meeting.
- (2) The person presiding at a meeting has—
- (a) a deliberative vote; and
 - (b) in the event of an equality of votes on any question, a second or casting vote.
- (3) A majority of members for the time being constitutes a quorum of the Council.
- (4) A question arising at a meeting must be determined by a majority of votes of members present and voting on that question.
- (5) The Council may allow members to participate in a meeting by electronic or other means of communication.
- (6) Subject to this Act, the Council may regulate its own proceedings.

22 Reporting

- (1) The Council must submit to the Minister on or before 31 October in each year a report on the performance of the Council's functions during the financial year, including a summary of any advice

the Council has given to the Minister during that year.

- (2) The Minister must ensure that a report under subsection (1) is laid before both Houses of the Parliament within 4 weeks after it is received or, if Parliament is not then sitting, on the next sitting day of Parliament.

23 Committees of the Council

- (1) The Council may appoint any committees that it considers necessary to assist the Council to perform its functions under this Act.
- (2) The membership of a committee is not restricted to members of the Council.
- (3) A member of a committee is entitled to receive the fees and travelling and other allowances from time to time fixed in writing by the Minister in respect of that member.
- (4) The Council may determine the procedure of each committee.

Part 4—Statewide Marine and Coastal Policy, Strategy and Report

Division 1—Marine and Coastal Policy

24 Marine and Coastal Policy

- (1) The Minister must make a Marine and Coastal Policy on matters relating to and affecting the marine and coastal environment on or before 31 December 2019.
- (2) The purposes of a Marine and Coastal Policy are—
 - (a) to outline the policies applying to the marine and coastal environment; and
 - (b) to provide guidance to decision-makers in achieving the objectives set out in Part 2.
- (3) A Marine and Coastal Policy must include a marine spatial planning framework that establishes a process for achieving integrated and co-ordinated planning and management of the marine environment.

25 Preparation of the Marine and Coastal Policy

- (1) In preparing a Marine and Coastal Policy, the Minister must ensure that the policy is consistent with—
 - (a) the objectives set out in Part 2; and
 - (b) the guiding principles set out in Part 2.
- (2) In addition to subsection (1), the Minister must consider—
 - (a) subject to subsection (4), a State of the Marine and Coastal Environment Report; and

- (b) the legislation under which the land that forms part of the marine and coastal environment is managed, and any other legislation applying to that land.
- (3) In preparing a Marine and Coastal Policy, the Minister must consult with—
 - (a) the Council; and
 - (b) any of the following persons or bodies whose interests, in the opinion of the Minister, may be affected by the policy—
 - (i) the responsible Minister of an applicable Act;
 - (ii) a municipal council;
 - (iii) a specified Aboriginal party;
 - (iv) a public authority.
- (4) If a State of the Marine and Coastal Environment Report is not made before a Marine and Coastal Policy is made under section 24(1), the "state of the bays report" made under the **Commissioner for Environmental Sustainability Act 2003** is taken to be a State of the Marine and Coastal Environment Report for the purposes of subsection (2)(a).

26 Public consultation on the Marine and Coastal Policy

- (1) Before making a Marine and Coastal Policy, the Minister must publish—
 - (a) on the Internet site of the Department—
 - (i) a copy of the draft policy; and
 - (ii) a statement that submissions on the draft policy may be made to the Minister on or before a specified date,

being at least 28 days after publication;
and

- (b) in a newspaper circulating generally throughout Victoria a notice that—
 - (i) summarises the contents of the draft policy; and
 - (ii) specifies where a copy of the draft policy can be obtained; and
 - (iii) states that submissions on the draft policy may be made to the Minister on or before a specified date, being at least 28 days after publication of the notice in the newspaper.
- (2) The Minister must consider any submissions received on or before the specified date.

27 Endorsement of the Marine and Coastal Policy

The Minister must not make a Marine and Coastal Policy before obtaining agreement to the contents of the policy from—

- (a) each responsible Minister of an applicable Act; and
- (b) any other Minister whose interests, in the opinion of the Minister, may be affected by the policy.

28 Making and publication of the Marine and Coastal Policy

- (1) After considering any submissions on a draft Marine and Coastal Policy, the Minister must make the policy with or without amendment.
- (2) The Minister must publish notice of the making of a Marine and Coastal Policy in the Government Gazette.

- (3) A Marine and Coastal Policy comes into operation—
 - (a) on the date on which the notice under subsection (2) is published in the Government Gazette; or
 - (b) on any later date specified in the notice.
- (4) The Minister must ensure that the following documents are published on the Internet site of the Department—
 - (a) a copy of a Marine and Coastal Policy made under this section;
 - (b) a copy of any amendment to a Marine and Coastal Policy made under section 29;
 - (c) a consolidated version of a Marine and Coastal Policy if amended under section 29.

29 Amendment of the Marine and Coastal Policy

- (1) The Minister may amend a Marine and Coastal Policy at any time with the agreement of any responsible Minister of an applicable Act whose interests, in the opinion of the Minister, may be affected by the amendment.
- (2) Sections 24 to 28 apply to the amendment of a Marine and Coastal Policy as if the amendment were a draft policy.
- (3) Subsection (2) does not apply if the Minister considers the amendment to be fundamentally declaratory, machinery or administrative in nature.

Division 2—Marine and Coastal Strategy

30 Marine and Coastal Strategy

- (1) The Minister must make a Marine and Coastal Strategy on matters relating to and affecting the marine and coastal environment.

- (2) The purpose of a Marine and Coastal Strategy is to set out the actions required to implement the Marine and Coastal Policy.
- (3) A Marine and Coastal Strategy must include an implementation plan that—
 - (a) contains proposed timeframes for the implementation of actions; and
 - (b) identifies the agencies responsible for delivering those actions.
- (4) The Secretary is responsible for co-ordinating the implementation of the Marine and Coastal Strategy.

31 Timeframes for the Marine and Coastal Strategy

- (1) The Minister must make a Marine and Coastal Strategy within 12 months of making a Marine and Coastal Policy.
- (2) The Minister must prepare and make further Marine and Coastal Strategies on or before every fifth year after the making of the first strategy under subsection (1).
- (3) A Marine and Coastal Strategy must relate to the period of 5 years starting on 1 January in the year following its making.

32 Preparation of the Marine and Coastal Strategy

- (1) In preparing a Marine and Coastal Strategy, the Minister must ensure that the strategy is consistent with—
 - (a) the objectives set out in Part 2; and
 - (b) the guiding principles set out in Part 2; and
 - (c) the Marine and Coastal Policy.

- (2) In addition to subsection (1), the Minister must consider—
- (a) subject to subsection (4), a State of the Marine and Coastal Environment Report; and
 - (b) the legislation under which the land that forms part of the marine and coastal environment is managed, and any other legislation applying to that land.
- (3) In preparing a Marine and Coastal Strategy, the Minister must consult with—
- (a) the Council; and
 - (b) any of the following persons or bodies whose interests, in the opinion of the Minister, may be affected by the strategy—
 - (i) the responsible Minister of an applicable Act;
 - (ii) a municipal council;
 - (iii) a specified Aboriginal party;
 - (iv) a public authority.
- (4) If a State of the Marine and Coastal Environment Report is not made before a Marine and Coastal Strategy is made under section 31(1), the "state of the bays report" made under the **Commissioner for Environmental Sustainability Act 2003** is taken to be a State of the Marine and Coastal Environment Report for the purposes of subsection (2)(a).

33 Public consultation on the Marine and Coastal Strategy

- (1) Before making a Marine and Coastal Strategy, the Minister must publish—
 - (a) on the Internet site of the Department—
 - (i) a copy of the draft strategy; and
 - (ii) a statement that submissions on the draft strategy may be made to the Minister on or before a specified date, being at least 28 days after publication; and
 - (b) in a newspaper circulating generally throughout Victoria a notice that—
 - (i) summarises the contents of the draft strategy; and
 - (ii) specifies where a copy of the draft strategy can be obtained; and
 - (iii) states that submissions on the draft strategy may be made to the Minister on or before a specified date, being at least 28 days after publication of the notice in the newspaper.
- (2) The Minister must consider any submissions received on or before the specified date.

34 Endorsement of the Marine and Coastal Strategy

The Minister must not make a Marine and Coastal Strategy before obtaining agreement to the contents of the strategy from—

- (a) each responsible Minister of an applicable Act; and
- (b) any other Minister whose interests, in the opinion of the Minister, may be affected by the strategy.

35 Making and publication of the Marine and Coastal Strategy

- (1) After considering any submissions on a draft Marine and Coastal Strategy, the Minister must make the strategy with or without amendment.
- (2) The Minister must publish notice of the making of a Marine and Coastal Strategy in the Government Gazette.
- (3) A Marine and Coastal Strategy comes into operation—
 - (a) on the date on which the notice under subsection (2) is published in the Government Gazette; or
 - (b) on any later date specified in the notice.
- (4) The Minister must ensure that the following documents are published on the Internet site of the Department—
 - (a) a copy of a Marine and Coastal Strategy made under this section;
 - (b) a copy of any amendment to a Marine and Coastal Strategy made under section 36;
 - (c) a consolidated version of a Marine and Coastal Strategy if amended under section 36.

36 Amendment of the Marine and Coastal Strategy

- (1) The Minister may amend a Marine and Coastal Strategy at any time with the agreement of each responsible Minister of an applicable Act whose interests, in the opinion of the Minister, may be affected by the amendment.
- (2) Section 30 and sections 32 to 35 apply to the amendment of a Marine and Coastal Strategy as if the amendment were a draft strategy.

- (3) Subsection (2) does not apply if the Minister considers the amendment to be fundamentally declaratory, machinery or administrative in nature.

Division 3—State of the Marine and Coastal Environment Report

37 State of the Marine and Coastal Environment Report

- (1) Subject to subsection (3), the Minister must cause to be prepared and made a State of the Marine and Coastal Environment Report.
- (2) A State of the Marine and Coastal Environment Report must include the following information—
- (a) the condition of the marine and coastal environment;
 - (b) the environmental, social and economic benefits of the marine and coastal environment;
 - (c) the threats to the marine and coastal environment.
- (3) The Minister may request the Commissioner for Environmental Sustainability to prepare and make a State of the Marine and Coastal Environment Report.
- (4) The Commissioner for Environmental Sustainability must prepare and make a State of the Marine and Coastal Environment Report if requested by the Minister under subsection (3).

38 Timeframes for a State of the Marine and Coastal Environment Report

- (1) The Minister must cause to be made a State of the Marine and Coastal Environment Report within 5 years of making a Marine and Coastal Policy.

- (2) The Minister must cause to be prepared and made further State of the Marine and Coastal Environment Reports on or before every fifth year after the report is laid before each House of the Parliament under section 39.

39 Publication of State of the Marine and Coastal Environment Report

- (1) The Minister must cause a copy of a State of the Marine and Coastal Environment Report to be laid before each House of the Parliament within 10 sitting days of that House after making the report.
- (2) The Minister, as soon as practicable after a State of the Marine and Coastal Environment Report is laid before each House of the Parliament under subsection (1), must—
- (a) publish the report on the Internet site of the Department; and
 - (b) publish notice of the making of the report in the Government Gazette, including specifying where a copy of the report can be obtained.

Part 5—Reporting requirements and guidelines

40 Reporting requirements of the Department

The Department must include in its annual report for a financial year under Part 7 of the **Financial Management Act 1994**—

- (a) a summary of the implementation of a Marine and Coastal Strategy during that financial year; and
- (b) a summary of any product made under a regional and strategic partnership during that financial year, including the status of the implementation of the product; and
- (c) a summary of the implementation of any environmental management plans during that financial year; and
- (d) a summary of any consents given during that financial year.

41 Guidelines

- (1) The Secretary may make guidelines in relation to—
 - (a) the Marine and Coastal Policy; and
 - (b) the Marine and Coastal Strategy; and
 - (c) any other matters regarding the implementation of this Act.
- (2) Without limiting subsection (1), guidelines may be made for or with respect to any of the following matters—
 - (a) the process for preparing and the content of coastal and marine management plans;
 - (b) data collection and monitoring;

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Part 5—Reporting requirements and guidelines

- (c) the location and design of structures in the marine and coastal environment.
- (3) The Secretary must consult with the Council before making any guidelines under this section.
- (4) On the making of any guidelines, the Secretary must ensure that a copy of the guidelines is published on the Internet site of the Department.

Part 6—Regional marine and coastal planning

Division 1—Regional and strategic partnerships

42 Establishment of regional and strategic partnerships

- (1) The Minister, by instrument, may establish a regional and strategic partnership between 2 or more partner agencies.
- (2) The purposes of a regional and strategic partnership are—
 - (a) to respond to an identified regional issue relating to or affecting the marine and coastal environment; and
 - (b) to prepare a product.
- (3) The Council or a partner agency may request the Minister to establish a regional and strategic partnership.
- (4) A regional and strategic partnership must be established with the agreement of each partner agency.

43 Scope of regional and strategic partnerships

- (1) The instrument establishing a regional and strategic partnership must include—
 - (a) the partner agencies to which the partnership applies, including a lead partner agency; and
 - (b) the terms of reference of the partnership; and
 - (c) a statement of whether an implementation plan is necessary for the purposes of the partnership; and
 - (d) the reporting requirements in relation to the partnership.

- (2) The functions of the lead partner agency are—
- (a) to co-ordinate the preparation and implementation of a product made under the regional and strategic partnership; and
 - (b) to provide the Secretary with any information required for the purposes of reporting under section 40.

44 Publication of regional and strategic partnerships

The Minister must publish a copy of the instrument establishing a regional and strategic partnership in the Government Gazette.

45 Matters to which regional and strategic partnerships must have regard

In performing a function as a regional and strategic partnership, the parties to the partnership must have regard to—

- (a) the terms of reference of the partnership; and
- (b) the scope of the issue being considered; and
- (c) the timeframes for preparing and implementing the product.

46 Preparation of products under regional and strategic partnerships

- (1) In preparing a product under a regional and strategic partnership, the parties to the partnership must ensure that the product is consistent with—
- (a) the Marine and Coastal Policy; and
 - (b) the Marine and Coastal Strategy; and
 - (c) the objectives set out in Part 2; and
 - (d) the guiding principles set out in Part 2; and
 - (e) any guidelines made under section 41; and
 - (f) any regional catchment strategy applying to any land affected by the product.

- (2) In addition to subsection (1), the parties to the partnership must consider the legislation under which the land that forms part of the marine and coastal environment is managed, and any other legislation applying to that land.
- (3) In preparing a product under a regional and strategic partnership, the parties to the partnership must consult with—
 - (a) the Council; and
 - (b) any of the following persons or bodies whose interests, in the opinion of the parties, may be affected by the product—
 - (i) the responsible Minister of an applicable Act;
 - (ii) a municipal council (if the municipal council is not one of the parties);
 - (iii) a specified Aboriginal party;
 - (iv) a public authority.

47 Public consultation on products under regional and strategic partnerships

- (1) Before making a product under a regional and strategic partnership, the lead partner agency of the partnership must publish—
 - (a) on the Internet site of the Department—
 - (i) a summary of the proposed product; and
 - (ii) a statement that submissions on the proposed product may be made to the lead partner agency on or before a specified date, being at least 28 days after publication; and

- (b) in a newspaper circulating throughout Victoria a notice that—
 - (i) summarises the proposed product; and
 - (ii) specifies where a copy of the product can be obtained; and
 - (iii) states that submissions on the proposed product may be made to the lead partner agency on or before a specified date, being at least 28 days after publication of the notice in the newspaper.
- (2) The parties to the partnership must consider any submissions received on or before the specified date.

48 Ministerial approval of products under regional and strategic partnerships

- (1) After considering any submissions in relation to a proposed product under a regional and strategic partnership, the parties to the partnership must submit the proposed product to the Minister for approval.
- (2) The Minister must—
 - (a) approve the product with or without amendment; or
 - (b) refuse to approve the product and direct the regional and strategic partnership to amend the product.
- (3) The Minister must publish notice of the approval of a product in the Government Gazette.

- (4) An approved product comes into operation—
 - (a) on the date on which the notice under subsection (3) is published in the Government Gazette; or
 - (b) on any later date specified in the notice.

Division 2—Environmental management plans

49 Environmental management plans

- (1) The Minister must prepare and make an environmental management plan on matters relating to and affecting Port Phillip Bay.
- (2) In addition to subsection (1), the Minister may prepare and make an environmental management plan in respect of any other area of the marine environment.
- (3) Until an environmental management plan on matters relating to and affecting Port Phillip Bay is made, the "Port Phillip Bay environmental management plan" required under the State environment protection policy (Waters of Victoria) and made under the **Environment Protection Act 1970** is taken to be an environmental management plan made under this Division.

50 Scope of environmental management plans

An environmental management plan must include—

- (a) proposed actions to be undertaken to improve water quality, protect beneficial uses and to address threats relating to and affecting the area in respect of which the plan is prepared; and
- (b) a description of how the plan promotes the objectives of any State environment protection policy applying to that area; and

- (c) an implementation plan, including proposed timeframes for the implementation of actions and the agencies responsible for delivering those actions; and
- (d) a framework to monitor, evaluate and report on the implementation of the plan.

51 Preparation of environmental management plans

- (1) In preparing an environmental management plan, the Minister must ensure that the plan is consistent with—
 - (a) the Marine and Coastal Policy; and
 - (b) the Marine and Coastal Strategy; and
 - (c) the objectives set out in Part 2; and
 - (d) the guiding principles set out in Part 2; and
 - (e) any guidelines made under section 41; and
 - (f) any regional catchment strategy applying to any land affected by the plan; and
 - (g) any product made under a regional and strategic partnership that applies to any land affected by the plan.
- (2) In addition to subsection (1), the Minister must consider the legislation under which the land that forms part of the marine environment is managed, and any other legislation applying to that land.
- (3) In preparing an environmental management plan, the Minister must consult with—
 - (a) the Council; and
 - (b) any of the following persons or bodies whose interests, in the opinion of the Minister, may be affected by the plan—
 - (i) the responsible Minister of an applicable Act;

- (ii) a municipal council;
- (iii) a specified Aboriginal party.

52 Public consultation on environmental management plans

- (1) Before making an environmental management plan, the Minister must publish—
 - (a) on the Internet site of the Department—
 - (i) a copy of the draft plan; and
 - (ii) a statement that submissions on the draft plan may be made to the Minister on or before a specified date, being at least 28 days after publication; and
 - (b) in a newspaper circulating generally throughout Victoria a notice that—
 - (i) summarises the contents of the draft plan; and
 - (ii) specifies where a copy of the draft plan can be obtained; and
 - (iii) states that submissions on the draft plan may be made to the Minister on or before a specified date, being at least 28 days after publication of the notice in the newspaper.
- (2) The Minister must consider any submissions received on or before the specified date.

53 Making and publication of environmental management plans

- (1) After considering any submissions on a draft environmental management plan, the Minister must make the plan with or without amendment.
- (2) The Minister must publish notice of the making of an environmental management plan in the Government Gazette.

- (3) An environmental management plan comes into operation—
 - (a) on the date on which the notice under subsection (2) is published in the Government Gazette; or
 - (b) on any later date specified in the notice.
- (4) The Minister must publish a copy of the environmental management plan on the Internet site of the Department.

54 Amendment of environmental management plans

- (1) The Minister may amend an environmental management plan at any time.
- (2) Sections 49 to 53 apply to the amendment of an environmental management plan as if the amendment were a draft plan.
- (3) Subsection (2) does not apply if the Minister considers the amendment to be fundamentally declaratory, machinery or administrative in nature.

55 Review of environmental management plans

- (1) The Minister must cause a review to be made of an environmental management plan no later than 5 years after the making of the plan.
- (2) After reviewing an environmental management plan, the Minister may amend the plan in accordance with this Division.

Part 7—Local marine and coastal management

Division 1—Coastal and marine management plans

56 Definition

In this Division—

marine and coastal Crown land includes the biodiversity associated with marine and coastal Crown land.

57 Coastal and marine management plans

- (1) Subject to this section, one or more Crown land managers may prepare and make a coastal and marine management plan on matters relating to and affecting marine and coastal Crown land.
- (2) The purpose of a coastal and marine management plan is to provide direction for the future local management of an area of marine and coastal Crown land.
- (3) The Minister may specify an area of marine and coastal Crown land in respect of which a coastal and marine management plan must be made.
- (4) The Crown land manager in respect of the area specified in subsection (3) must prepare and make a coastal and marine management plan for that area within 3 years after an area has been specified under that subsection.
- (5) If there is more than one Crown land manager in respect of an area, a lead Crown land manager responsible for the preparation and making of the coastal and marine management plan must be appointed by—

- (a) the Crown land managers; or
- (b) if the Minister specifies an area under subsection (3)—the Minister.

58 Scope of coastal and marine management plans

- (1) A coastal and marine management plan must include—
 - (a) an implementation plan, including proposed timeframes for the implementation of actions and the agencies responsible for delivering those actions; and
 - (b) a framework to monitor, evaluate and report on the implementation of the plan; and
 - (c) a description of the proposed use, development and works for the area to which the plan applies.
- (2) In addition to subsection (1), a coastal and marine management plan may—
 - (a) include a description of any proposed use, development or works that may require consent under section 70; and
 - (b) apply, adopt or incorporate any matter contained in any document whether—
 - (i) wholly or partially or as amended by the plan; or
 - (ii) as in force at a particular time or as amended from time to time.

59 Preparation of coastal and marine management plans

- (1) In preparing a coastal and marine management plan, the Crown land manager must ensure that the plan is consistent with—
 - (a) the Marine and Coastal Policy; and

- (b) the Marine and Coastal Strategy; and
 - (c) the objectives set out in Part 2; and
 - (d) the guiding principles set out in Part 2; and
 - (e) any guidelines made under section 41; and
 - (f) any regional catchment strategy applying to any land affected by the plan; and
 - (g) any product made under a regional and strategic partnership that applies to any land affected by the plan.
- (2) In addition to subsection (1), the Crown land manager must consider the legislation under which the land that forms part of marine and coastal Crown land is managed, and any other legislation applying to that land.
- (3) In preparing a coastal and marine management plan, the Crown land manager must consult with—
- (a) the Council; and
 - (b) any of the following persons or bodies whose interests, in the opinion of any Crown land manager to which the plan applies, may be affected by the plan—
 - (i) the responsible Minister of an applicable Act;
 - (ii) a municipal council;
 - (iii) a specified Aboriginal party;
 - (iv) a licence holder or lessee in respect of marine and coastal Crown land.

60 Public consultation on coastal and marine management plans

- (1) Before making a coastal and marine management plan, the Crown land manager must publish in the Government Gazette and in a newspaper circulating generally throughout Victoria a notice that—
 - (a) summarises the contents of the draft plan; and
 - (b) specifies where a copy of the draft plan can be obtained; and
 - (c) states that submissions on the draft plan may be made to the Crown land manager on or before a specified date, being at least 28 days after publication.
- (2) The Crown land managers must consider any submissions received on or before the specified date.

61 Ministerial approval of coastal and marine management plans

- (1) After considering any submissions in relation to a draft coastal and marine management plan, the Crown land manager must submit the draft plan to the Minister for approval.
- (2) The Minister must—
 - (a) approve the coastal and marine management plan with or without amendment; or
 - (b) refuse to approve the coastal and marine management plan and direct the Crown land manager to amend the plan.
- (3) The Minister must publish notice of the approval of a coastal and marine management plan in the Government Gazette.

- (4) A coastal and marine management plan comes into operation—
 - (a) on the date on which the notice under subsection (3) is published in the Government Gazette; or
 - (b) on any later date specified in the notice.
- (5) The Minister must publish on the Internet site of the Department a copy of the coastal and marine management plan.

62 Coastal and marine management plans and consents

When approving a coastal and marine management plan, the Minister may give a consent to any use, development or works that may be undertaken in the area to which the plan applies.

63 Amendment of coastal and marine management plans

- (1) The Minister may approve the amendment of a coastal and marine management plan at any time.
- (2) Sections 57 to 62 apply to the amendment of a coastal and marine management plan as if the amendment were a draft plan.
- (3) Subsection (2) does not apply if the Minister considers the amendment to be fundamentally declaratory, machinery or administrative in nature.

64 Review of coastal and marine management plans

- (1) The Crown land manager must cause a review to be made of a coastal and marine management plan no later than 5 years after the commencement of the plan.
- (2) After the review of a coastal and marine management plan, the Minister may approve the amendment of the plan in accordance with this Division.

Division 2—Consents

65 A person must obtain consent to use or develop marine and coastal Crown land

- (1) Subject to this Part, a person must not use or develop, or undertake works on, marine and coastal Crown land without a consent.

Penalty: In the case of a natural person,
60 penalty units;

In the case of a body corporate,
300 penalty units.

- (2) Subsection (1) does not apply to any use or development of, or works on, marine and coastal Crown land that is a prescribed exemption.

66 A person must comply with the conditions of a consent other than a reporting condition

A person to whom a consent has been given must comply with a condition of that consent other than a reporting condition.

Penalty: In the case of a natural person,
60 penalty units;

In the case of a body corporate,
300 penalty units.

67 A person must comply with a reporting condition of a consent

A person to whom a consent has been given must comply with a reporting condition of that consent.

Penalty: In the case of a natural person,
12 penalty units;

In the case of a body corporate,
60 penalty units.

68 Applications for consents

- (1) A person may apply to the Minister for a consent to use or develop, or undertake works on, marine and coastal Crown land.
- (2) An application under subsection (1) must be made in a form and manner approved by the Minister.
- (3) If the responsible authority under the **Planning and Environment Act 1987** gives the Minister, the Secretary or the Department, as a referral authority under that Act, a copy of an application under that Act for a permit for a use or development of, or works on, marine and coastal Crown land, that application is taken to be an application under this section for a consent, unless a consent has already been given under this Division for that use or development or those works.

69 Matters to which Minister must have regard in determining applications for consents

In determining an application for a consent to use or develop, or undertake works on, marine and coastal Crown land, the Minister must ensure that the consent is consistent with—

- (a) the Marine and Coastal Policy; and
- (b) the Marine and Coastal Strategy; and
- (c) the objectives set out in Part 2; and
- (d) the guiding principles set out in Part 2; and
- (e) any product made under a regional and strategic partnership that applies to any land affected by the consent; and
- (f) any environmental management plan applying to that land;

- (g) any coastal and marine management plan applying to that land; and
- (h) any relevant coastal recommendation.

70 Determination of applications for consents

- (1) After considering an application for a consent to use or develop, or undertake works on, marine and coastal Crown land, the Minister must make a determination to—
 - (a) consent to the use, development or works; or
 - (b) refuse to consent to the use, development or works; or
 - (c) consent to some but not all of the use, development or works; or
 - (d) consent to the use, development or works, subject to conditions.
- (2) A consent may apply, adopt or incorporate any matter contained in any document whether—
 - (a) wholly or partially or as amended by the consent; or
 - (b) as in force at a particular time or as amended from time to time.
- (3) Subject to this section, the Minister must inform the applicant in writing of the determination on or before 60 business days after receiving the application.
- (4) The Minister, within the period referred to in subsection (3), may request any additional information that the Minister considers necessary to assist the determination of the application.
- (5) A request under subsection (4) must be made in writing and include—
 - (a) the information to be provided; and

- (b) the date by which the information must be provided, being not less than 30 business days after the request.
- (6) If additional information is requested, the Minister must determine the application within 30 business days after receiving that additional information.
- (7) An application for a consent to use or develop, or undertake works on, marine and coastal Crown land is taken to be refused if—
 - (a) the Minister fails to make a determination within the time required under this section; or
 - (b) the applicant fails to provide the additional information requested by the Minister by the specified date.

71 Bonds

- (1) The Minister, in giving a consent under section 70, may impose a condition on the consent requiring the person to provide a bond as security for the carrying out of the use, development or works.
- (2) The Minister may impose the condition by directing the person—
 - (a) to deposit with the Secretary a sum of money fixed by the Minister; and
 - (b) to deposit that sum within a period of time determined by the Secretary; and
 - (c) to give an undertaking to pay that sum with security in a form determined by or in accordance with the consent.
- (3) The condition may provide that the whole or part of the sum is forfeited if there is any failure by the person to carry out a use, development or works in

accordance with the consent or conditions of the consent to the satisfaction of the Secretary.

- (4) The Secretary must apply any forfeited sum for the purposes of rehabilitating, rectifying or reinstating the land.
- (5) Any money paid must be returned to the person on a date specified in the consent to the extent that the money has not been forfeited.
- (6) If any money paid by the person is paid into the Consolidated Fund, and that money is returned to the person under this section, the Consolidated Fund is appropriated to the necessary extent to enable the return of that money.

72 Management charges

- (1) The Minister, in giving a consent under section 70, may impose a condition requiring the person to provide payment of a periodic management charge in respect of the consent.
- (2) The Minister may impose the condition by directing the person—
 - (a) to provide to the Secretary a sum of money fixed by reference to fee units within the meaning of the **Monetary Units Act 2004**;
 - (b) to provide that sum within a period of time determined by the Secretary.
- (3) A management charge provided to the Secretary under subsection (2) must be applied for the purposes of managing the land in respect of which the consent is given, including providing the management charge to a Crown land manager.
- (4) Any money provided that is not spent for the purposes of managing the land in respect of which the consent is given must be returned to the person on a date specified in the consent.

- (5) If any money paid by the person is paid into the Consolidated Fund, and that money is returned to the person under this section, the Consolidated Fund is appropriated to the necessary extent to enable the return of that money.
- (6) A Crown land manager to which a management charge has been provided must provide the Secretary with a summary of how the management charge was applied during the preceding financial year.

73 Amendment of management charges

- (1) A Crown land manager may request the Minister to increase or decrease a management charge imposed under section 72.
- (2) Before increasing the management charge, the Minister must—
 - (a) notify the person that the Minister proposes to increase the management charge; and
 - (b) allow the person an opportunity to make a submission orally or in writing.
- (3) A submission made under subsection (2) must be made within the period specified in the notice.
- (4) In determining whether to increase the management charge, the Minister must—
 - (a) have regard to any submission made under subsection (2); and
 - (b) notify the person of the Minister's determination.
- (5) The increase of a management charge takes effect on the date specified in the notice of the Minister's decision under subsection (4).

74 Further conditions of consents

- (1) In addition to a condition imposed on a consent under section 70, a consent may be subject to a prescribed condition.
- (2) A condition prescribed under subsection (1) may be of general application or apply to a specified class of consent.
- (3) In the event of any inconsistency between a condition imposed on a consent under section 70 and a condition prescribed under subsection (1), the condition imposed under section 70 prevails.

Division 3—Coastal erosion

75 Minister may require advice on coastal erosion

- (1) The Minister, by notice published in the Government Gazette, may require a coastal Catchment Management Authority or the Melbourne Water Corporation to provide technical advice on any matters relating to or affecting coastal erosion in its waterway management district, including matters relating to or affecting the marine and coastal environment.
- (2) A notice published under subsection (1) must specify to whom that advice is to be provided.
- (3) The Minister may specify that the advice be provided to one or more of the following—
 - (a) the Minister;
 - (b) the Secretary;
 - (c) a municipal council;
 - (d) the community.
- (4) A coastal Catchment Management Authority or the Melbourne Water Corporation must comply with a notice under this section.

Part 8—General obligations on Crown land managers

76 General obligations on Crown land managers

- (1) In performing a function involving land management on behalf of the Crown or under an Act, a Crown land manager must take all reasonable steps to implement the following in respect of that land—
 - (a) the Marine and Coastal Policy;
 - (b) the Marine and Coastal Strategy;
 - (c) a product made under a regional and strategic partnership;
 - (d) an environmental management plan;
 - (e) a coastal and marine management plan.
- (2) In the event of any inconsistency between a document referred to in subsection (1) and the legislation under which any land affected by the document is managed, or any other legislation applying to that land, the legislation prevails over the document.

Part 9—Authorised officers

77 Authorised officer may request name and address

- (1) An authorised officer may request a person to give that person's name and address if the authorised officer reasonably believes that—
 - (a) the person has contravened, or is contravening, a consent given to that person; or
 - (b) the person is carrying out an activity in respect of which a consent is required but the person does not have a consent.
- (2) On the request of an authorised officer under subsection (1), a person must not refuse or fail to state the person's true name and address.

Penalty: 20 penalty units.

78 Authorised officer may direct a person on marine and coastal Crown land

- (1) An authorised officer may direct a person on marine and coastal Crown land—
 - (a) to stop an activity being carried out by the person if the authorised officer reasonably believes that the activity constitutes a contravention of the requirement to obtain a consent or a contravention of a consent; or
 - (b) to remove any matter or thing from marine and coastal Crown land if the person is carrying out an activity and the authorised officer reasonably believes that the matter or thing results from a contravention of the requirement to obtain a consent or a contravention of a consent.

- (2) On the request of an authorised officer under subsection (1), a person must not refuse or fail to stop an activity or remove the matter or thing.

Penalty: 20 penalty units.

79 Authorised officer must produce identification

- (1) Subject to subsection (2), an authorised officer must produce the officer's identification for inspection on request when exercising a power under this Part.
- (2) An authorised officer is not required to produce the officer's identification if the request is unreasonable in the circumstances.
- (3) In this section—

identification, in relation to an authorised officer, means a document that—

- (a) sets out the name of the authorised officer; and
- (b) contains a photograph of the authorised officer; and
- (c) indicates the fact that the person named in the document is authorised; and
- (d) is in a form approved by the Secretary.

Part 10—General

80 Regulations

- (1) The Governor in Council may make regulations for or with respect to the following—
 - (a) prescribing consents;
 - (b) prescribing conditions on a class or type of consent;
 - (c) prescribing exemptions from the requirement to obtain a consent;
 - (d) any other matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.
- (2) The regulations—
 - (a) may be of general or limited application; and
 - (b) may differ according to differences in time, place or circumstance; and
 - (c) may confer a power or impose a duty on a specified person or class of persons; and
 - (d) may apply, adopt or incorporate any matter contained in any document whether—
 - (i) wholly or partially or as amended by the regulations; or
 - (ii) as in force at a particular time or as amended from time to time; and
 - (e) may leave anything (including consents or consent conditions) for the approval or satisfaction of a specified person or class of persons; and

- (f) may leave any matter or thing to be, from time to time, determined, applied, dispensed with or regulated by the Minister or the Secretary; and
- (g) may provide in a specified case or class of cases for the exemption of persons or things or a class of persons or things from any of the provisions of the regulations whether unconditionally or on specified conditions and either wholly or to such an extent as is specified; and
- (h) may impose penalties not exceeding 20 penalty units for a contravention of the regulations.

Part 11—Repeal, savings and transitional provisions and amendment of other Acts

Division 1—Repeal of Coastal Management Act 1995

81 Repeal of the Coastal Management Act 1995

The Coastal Management Act 1995 is repealed.

Division 2—Savings and transitional provisions

82 Definitions

In this Division—

Coastal Action Plan means a Coastal Action Plan endorsed under the old Act;

commencement day means the day on which section 81 comes into operation;

old Act means the **Coastal Management Act 1995**;

Victorian Coastal Strategy means a Victorian Coastal Strategy endorsed under the old Act.

83 Victorian Coastal Strategy

- (1) On the commencement day, the "policy for decision-making" part of a Victorian Coastal Strategy that is in effect immediately before that day is taken to be a Marine and Coastal Policy made under this Act.
- (2) On the commencement day, the "actions" part of a Victorian Coastal Strategy that is in effect immediately before that day is taken to be a Marine and Coastal Strategy made under this Act.

84 Consents

On the commencement day, a consent to use or develop coastal Crown land under section 40 of the old Act that is in effect immediately before that day is taken to be a consent to use or develop, or undertake works on, marine and coastal Crown land under section 70 of this Act.

85 Coastal Action Plans

- (1) Subject to this section, on the commencement day, a Coastal Action Plan that is in effect immediately before that day is taken to be a product made under a regional and strategic partnership, until the earlier of—
 - (a) the revocation of the Coastal Action Plan by the Minister; or
 - (b) the passing of 10 years after the coming into operation of this Act; or
 - (c) the specification by a product made under a regional and strategic partnership that the application of the product is intended to substitute the application of the Coastal Action Plan.
- (2) Sections 51(1)(g), 59(1)(g), 69(e) and 76(1)(c) apply to a Coastal Action Plan as if a reference in those sections to a "product made under a regional and strategic partnership" were a reference to a "Coastal Action Plan".
- (3) For the purposes of this section, a reference in the Coastal Action Plan to a "Regional Coastal Board" is to be read as a reference to the Secretary.
- (4) The Minister must publish notice of the revocation of a Coastal Action Plan in the Government Gazette.

Division 3—Amendment of other Acts

86 Catchment and Land Protection Act 1994

After section 24(3) of the **Catchment and Land Protection Act 1994** insert—

"(4) In preparing a regional catchment strategy, an Authority must have regard to the Marine and Coastal Policy and to the Marine and Coastal Strategy if the region to which the strategy applies abuts the coast.

(5) In this section—

Marine and Coastal Policy has the same meaning as in the **Marine and Coastal Act 2018**;

Marine and Coastal Strategy has the same meaning as in the **Marine and Coastal Act 2018**."

87 Climate Change Act 2017

In Schedule 1 to the **Climate Change Act 2017**, in the Table—

(a) in Column 1, for "**Coastal Management Act 1995**" substitute "**Marine and Coastal Act 2018**";

(b) in Column 2, for—

"Consideration by the Minister of a draft Coastal Strategy under section 17.

The endorsement by the Minister of a Coastal Action Plan under section 26."

substitute—

"Consideration by the Minister of a Marine and Coastal Policy under Division 1 of Part 4.

Consideration by the Minister of a Marine and Coastal Strategy under Division 2 of Part 4."

88 Commissioner for Environmental Sustainability Act 2003

In section 8 of the **Commissioner for Environmental Sustainability Act 2003**, after paragraph (d) insert—

"(da) prepare and make a State of the Marine and Coastal Environment Report under the **Marine and Coastal Act 2018** if requested under that Act;"

89 Conservation, Forests and Lands Act 1987

(1) In section 3(1) of the **Conservation, Forests and Lands Act 1987** insert the following definitions—

"coastal and marine management plan has the same meaning as in the **Marine and Coastal Act 2018**;

marine and coastal Crown land has the same meaning as in the **Marine and Coastal Act 2018**;"

(2) In section 11(3A) of the **Conservation, Forests and Lands Act 1987**, for "Coastal Management Act 1995" substitute "Marine and Coastal Act 2018".

(3) At the end of section 82PA of the **Conservation, Forests and Lands Act 1987** insert—

"(5) The Traditional Owner Land Management Board must ensure that a plan, to the extent that the plan applies to marine and coastal Crown land, is prepared having regard to the requirements for preparing a coastal and marine management plan in Division 1 of

**Part 7 of the Marine and Coastal
Act 2018."**

(4) After section 82PB(6) of the **Conservation,
Forests and Lands Act 1987** insert—

"(7) If appointed land under the plan is part of land to which a coastal and marine management plan applies, the management plan for that land must be consistent with that coastal and marine management plan."

(5) In Schedule 1 to the **Conservation, Forests and
Lands Act 1987**—

- (a) omit "**Coastal Management Act 1995**";
- (b) after "**Land Conservation (Vehicle Control) Act 1972**." insert "**Marine and Coastal Act 2018**".

90 Crown Land (Reserves) Act 1978

(1) In section 3 of the **Crown Land (Reserves)
Act 1978**—

- (a) the definition of *coastal Crown land* is repealed;
- (b) insert the following definitions—

"Marine and Coastal Council has the same meaning as *Council* has in the **Marine and Coastal Act 2018**;

marine and coastal Crown land means—

- (a) land which is reserved either temporarily or permanently under this Act; and
- (b) which is marine and coastal Crown land within the meaning of the **Marine and Coastal Act 2018**;"

- (2) In section 4(3) of the **Crown Land (Reserves) Act 1978**, for "Victorian Coastal Council" substitute "Marine and Coastal Council".
- (3) In section 15(1)(c) of the **Crown Land (Reserves) Act 1978**—
 - (a) in paragraph (i), for "Coastal Management Act 1995" substitute "Marine and Coastal Act 2018";
 - (b) in paragraph (ii), for "Coastal Management Act 1995" substitute "Marine and Coastal Act 2018".

91 Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016

- (1) In section 3 of the **Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016**, in the definition of *relevant land Ministers*, for "Coastal Management Act 1995" (where twice occurring) substitute "Marine and Coastal Act 2018".
- (2) In section 42(7) of the **Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016**, in the definition of *relevant law*, in paragraph (a), for "Coastal Management Act 1995" substitute "Marine and Coastal Act 2018".

92 Major Sporting Events Act 2009

For section 96 of the **Major Sporting Events Act 2009** substitute—

"96 Marine and Coastal Act 2018

Despite anything to the contrary in the **Marine and Coastal Act 2018**, a consent is not required under that Act for the development or use of, or the undertaking of works on, an event venue or event area if an

Acts non-application order specifies that the Act does not apply."

93 Major Transport Projects Facilitation Act 2009

In Schedule 1 to the **Major Transport Projects Facilitation Act 2009**, in the Table—

(a) in Column 1, for "**Coastal Management Act 1995**" substitute "**Marine and Coastal Act 2018**";

(b) in Column 2, for—

"Consent under section 40(1)

Consent under section 37"

substitute—

"A consent given in a coastal and marine management plan under section 62

A consent given under section 70.

A prescribed consent".

94 National Parks Act 1975

(1) In section 3(1) of the **National Parks Act 1975** insert the following definitions—

"coastal and marine management plan has the same meaning as in the **Marine and Coastal Act 2018**;

marine and coastal Crown land has the same meaning as in the **Marine and Coastal Act 2018**;

Marine and Coastal Strategy has the same meaning as in the **Marine and Coastal Act 2018**;"

(2) After section 17(4) of the **National Parks Act 1975** insert—

"(5) On and after the preparation of a Marine and Coastal Strategy, the Secretary must ensure that a management plan, to the extent that the plan applies to marine and coastal Crown land, is prepared having regard to the requirements for preparing a coastal and marine management plan in Division 1 of Part 7 of the **Marine and Coastal Act 2018**."

(3) After section 17B(2) of the **National Parks Act 1975** insert—

"(3) On and after the preparation of a Marine and Coastal Strategy, the Secretary must ensure that a management plan, to the extent that the plan applies to marine and coastal Crown land, is prepared having regard to the requirements for preparing a coastal and marine management plan in Division 1 of Part 7 of the **Marine and Coastal Act 2018**."

(4) After section 17D(4) of the **National Parks Act 1975** insert—

"(5) On and after the preparation of a Marine and Coastal Strategy, the Secretary must ensure that a management plan, to the extent that the plan applies to marine and coastal Crown land, is prepared having regard to the requirements for preparing a coastal and marine management plan in Division 1 of Part 7 of the **Marine and Coastal Act 2018**."

(5) After section 18(3) of the **National Parks Act 1975** insert—

"(4) On and after the preparation of a Marine and Coastal Strategy, the Secretary must ensure that a management plan, to the extent that the plan applies to marine and coastal Crown land, is prepared having regard to the requirements for preparing a coastal and marine management plan in Division 1 of Part 7 of the **Marine and Coastal Act 2018**".

(6) In section 40B(1) of the **National Parks Act 1975**, for "**Coastal Management Act 1995**" substitute "**Marine and Coastal Act 2018**".

95 Offshore Petroleum and Greenhouse Gas Storage Act 2010

In section 64(3)(b) of the **Offshore Petroleum and Greenhouse Gas Storage Act 2010**, for "**Coastal Management Act 1995**" substitute "**Marine and Coastal Act 2018**".

96 Planning and Environment Act 1987

- (1) In section 61(3)(a) of the **Planning and Environment Act 1987**, for "coastal Crown land within the meaning of the **Coastal Management Act 1995**" substitute "marine and coastal Crown land within the meaning of the **Marine and Coastal Act 2018**".
- (2) In the heading to section 82AA of the **Planning and Environment Act 1987**, for "coastal Crown land" substitute "marine and coastal Crown land".
- (3) In section 82AA of the **Planning and Environment Act 1987**, for "coastal Crown land within the meaning of the **Coastal Management Act 1995**" substitute "marine and coastal Crown

land within the meaning of the **Marine and Coastal Act 2018**".

97 Port Management Act 1995

- (1) In section 3(1) of the **Port Management Act 1995**, in the definition of *coastal vested land*, for "coastal Crown land within the meaning of the **Coastal Management Act 1995**" (where twice occurring) **substitute** "marine and coastal Crown land within the meaning of the **Marine and Coastal Act 2018**".
- (2) In section 44A(5)(a)(ii) of the **Port Management Act 1995**, for "**Coastal Management Act 1995**" **substitute** "**Marine and Coastal Act 2018**".
- (3) In section 83 of the **Port Management Act 1995**, in the definition of *authorised person*, for "**Coastal Management Act 1995**" **substitute** "**Marine and Coastal Act 2018**".
- (4) In section 91A of the **Port Management Act 1995**, in the definition of *relevant Ministers*, for "**Coastal Management Act 1995**" **substitute** "**Marine and Coastal Act 2018**".

98 Traditional Owner Settlement Act 2010

- (1) In section 27(1) of the **Traditional Owner Settlement Act 2010**, in the definition of *public land authorisation*, for paragraph (f) **substitute**—
"(f) a consent within the meaning of the **Marine and Coastal Act 2018**";.
- (2) In section 28(o) of the **Traditional Owner Settlement Act 2010**, for "management plan under section 30 of the **Coastal Management Act 1995**" **substitute** "coastal and marine management plan under Division 1 of Part 7 of the **Marine and Coastal Act 2018**".

- (3) In section 29(k) of the **Traditional Owner Settlement Act 2010**, for "management plan under section 30 of the **Coastal Management Act 1995**" substitute "coastal and marine management plan under Division 1 of Part 7 of the **Marine and Coastal Act 2018**".

99 Wildlife Act 1975

After section 18(5) of the **Wildlife Act 1975** insert—

- "(6) On and after the preparation of a Marine and Coastal Strategy, the Secretary must ensure that a plan of management, to the extent that the plan applies to marine and coastal Crown land, is prepared having regard to the requirements for preparing a coastal and marine management plan in Division 1 of Part 7 of the **Marine and Coastal Act 2018**.

- (7) In this section—

coastal and marine management plan has the same meaning as in the **Marine and Coastal Act 2018**;

marine and coastal Crown land has the same meaning as in the **Marine and Coastal Act 2018**;

Marine and Coastal Strategy has the same meaning as in the **Marine and Coastal Act 2018**;"

100 Repeal of amending Division

This Division is **repealed** on 1 October 2019.

Note

The repeal of this Division does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

[†] *Minister's second reading speech—*

Legislative Assembly: 13 December 2017

Legislative Council: 22 February 2018

The long title for the Bill for this Act was "A Bill for an Act to provide for the integrated and co-ordinated planning and management of the marine and coastal environment of Victoria, to repeal and partially re-enact the **Coastal Management Act 1995** and to amend various other Acts and for other purposes."