

Appendix 2

Institutional Context of the – Mornington Peninsula and Western Port Biosphere Reserve Foundation Ltd

The Foundation conducts all of its business, including strategic planning, in the context of an array of institutional and statutory obligations, expectations and commitments. The Foundation's *Living Strategy* must be read, interpreted and implemented in that context. The Foundation seeks to remain true both to the spirit of the vision that drove nomination of the Biosphere to UNESCO and to the mandatory obligations that underpin the Man and Biosphere Program.

International: UNESCO's Man and the Biosphere (MAB) Program

Current obligations applying to member biosphere reserves are detailed on the website (www.unesco.org/mab). In particular, the Seville Strategy and UNESCO's Draft Program 2006-2007 set parameters for appropriate areas of focus and action for biosphere reserves. In 2008 the Madrid Action Plan was adopted, setting out an agenda for the MAB Program for the period 2008-2013. These documents, including revised or new MAB policies, form an important part of our Foundation's operating context.

National:

The Commonwealth endorsed the Mornington Peninsula and Western Port Biosphere Reserve nomination on 30 April 2002. The Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* Division 3 (sections 337-341) addresses the management of biosphere reserves. Division 3 provides for establishment of Australian biosphere reserve management principles under EPBC Regulations, as well as planning for management of Biosphere reserves and provision of Commonwealth assistance for protecting biosphere reserves. EPBC Regulations 2000 prescribe the Australian Biosphere reserve management principles through Division 4 (Regulation 10.03) and Schedule 7.

Part of the Mornington Peninsula and Western Port Biosphere Reserve is listed as a wetland of international importance under the Ramsar Convention.

The Foundation was established as a company under the *Corporations Act 2001* (Commonwealth) and is obliged to conduct its corporate affairs in accordance with the Act and relevant Regulations.

The Foundation must continue to comply with the rulings of the Australian Taxation Office (ATO) with respect to the Foundation's charitable status, to maintain eligibility for the tax deductibility of donations to the Foundation's Public Fund.

State:

The Victorian State Government policy on biosphere reserves, available on the internet at www.dse.vic.gov.au, sets out the parameters for assessing proposals for new biosphere reserves and for evaluating the performance of biosphere reserves. The Victorian State Government also provided advice about its requirements and expectations in letters of 28 June 2002 conditionally endorsing the nomination (signed by then Environment Minister Sherryl Garbutt), and of 1 December 2003 approving the proposed administrative arrangements for the Foundation (signed by then Minister for the Environment John Thwaites).

Local:

The nomination was endorsed by each of the five local government authorities (LGAs) that are included in part or in full within the MPWP Biosphere Reserve. These are the Cities of Casey and Frankston, and the Shires of Bass Coast, Cardinia and Mornington Peninsula.

Foundation:

The **nomination** document of the Mornington Peninsula and Western Port Biosphere Reserve contains a number of commitments regarding governance and management.

The Foundation's **Constitution** was adopted at the inaugural meeting in December 2003, and in conjunction with the Corporations Act sets the statutory governance framework for the Foundation.

There is a procedural pathway prescribed for changing the Constitution, should that prove necessary or desirable. However, the Organisational Review conducted during 2005 concluded that no changes to the Constitution were warranted at that time.

The Foundation's **Charter** was also adopted at the inaugural meeting in December 2003. The Charter reflects both the aspirational objectives of the Foundation and the specific governance expectations of the State Government. It provides the broad vision for implementation of the Biosphere Reserve.

Both the Constitution and Charter can be viewed on the website www.biosphere.org.au