

**MEMORANDUM OF UNDERSTANDING**

**between**

**THE COMMONWEALTH OF  
AUSTRALIA**

**and**

**THE AUSTRALIAN CAPITAL  
TERRITORY**

**with respect to**

**THE CREATION AND OPERATION  
OF THE**

**REGIONAL DEVELOPMENT  
AUSTRALIA - AUSTRALIAN**

**CAPITAL TERRITORY**

**COMMITTEE**

**MEMORANDUM OF UNDERSTANDING  
FOR THE CREATION AND OPERATION OF  
THE REGIONAL DEVELOPMENT AUSTRALIA AUSTRALIAN CAPITAL  
TERRITORY COMMITTEE**

**PARTIES**

The Commonwealth of Australia, represented by the Department of Infrastructure, Transport, Regional Development and Local Government

and

The Australian Capital Territory, the body politic established by section 7 of the *Australian Capital Territory (Self-Government) Act 1988* (“ACT”), represented by the Chief Minister’s Department

**PURPOSE**

The purpose of this Memorandum is to record the arrangements between, and intentions of, the Australian Government and the ACT Government in relation to the creation and operation of the Regional Development Australia Australian Capital Territory (RDA ACT) Committee. The RDA ACT Committee will:

- cooperate to improve the coordination and delivery of regional development initiatives;
- deliver strategic input into national programs and help coordinate development initiatives at the regional and local level;
- work with all levels of government as a key linking organisation to empower communities in regional development activity;
- provide independent advice to both governments on the efficacy of the delivery of policies and programs; and
- consult and provide advice on issues confronting regional Australia.

**PREAMBLE**

- A.** The Australian Government established a network of Area Consultative Committees (ACCs) in 1994. Since that time their role has evolved from providing advice and generating support for labour market programs to include playing a major role in working with their communities to develop projects that would be successful in attracting funding.
- B.** The Capital Region ACC covered the area including the ACT and the five local government areas of Goulburn Mulwaree, Queanbeyan City, Palerang, Upper Lachlan and Yass Valley. The Capital Region ACC covered an area totalling 21,813.5sq km and had a combined population of 440,375 people at June 2008.
- C.** The Capital Region Development Board, a joint initiative of the ACT Government and the NSW Government, was formed in 1994 to facilitate economic, employment and investment growth in the South East Region of NSW and the ACT. The Capital Region comprises the ACT and the 14 NSW Local government areas of Bega Valley, Bombala, Cooma-Monaro, Eurobodalla, Goulburn

Mulwaree, Harden, Palerang, Queanbeyan City, Snowy River, Tumut, Upper Lachlan, Yass Valley and Young.

- D.** On 20 March 2008, the Hon Anthony Albanese MP, Australian Government Minister for Infrastructure, Transport, Regional Development and Local Government, announced that the ACC network would transition to become local Regional Development Australia committees.
- E.** On 30 July 2008 in Broome, the Regional Development Council met and approved a core set of principles for aligning the operations of Australian state and territory government regional development organisations.

## **GUIDING PRINCIPLES**

- F.** The following principles were agreed by the Regional Development Council meeting held in Broome on 30 July 2008. These principles guide the establishment and ongoing operation of the RDA network and individual committees. The Parties recognise that, given jurisdictional differences, these principles will be applied to this MOU as appropriate to the circumstances of the ACT.
  - 1. Integrated arrangements: the Australian, State, Territory and Local Governments will continue to work towards the adoption of more integrated and aligned arrangements for regional engagement and economic development, recognising that alignment is necessarily a long term process;
  - 2. Commitment to collaboration: where possible, the three levels of government collaborate at the regional level;
  - 3. Common boundaries: review existing boundaries to align ACCs, RDOs and local government boundaries wherever possible;
  - 4. Acknowledge the differences: regional engagement and economic development structures vary across the Australian Government and States and Territories;
  - 5. Tripartite arrangements: local regional development structures to involve the three levels of government, including joint membership of committees and governing bodies;
  - 6. Sharing of information: improve information sharing on regional development activities and outcomes;
  - 7. Purpose and role of ACCs and RDOs: work towards a shared purpose;
  - 8. Cross membership: as opportunities arise, work towards a degree of cross membership of committees;
  - 9. Joint funding: where possible collaborate through joint funding of regional development bodies to increase in the scope of their activities; and
  - 10. Co-location: where possible co-locate regional development offices to improve communication and minimise duplication of facilities.

- G.** This Memorandum is not intended to create legally enforceable obligations on the part of the Parties. This Memorandum is a statement of intent and does not seek to limit the operational independence of the participating organisations.

## **ARTICLES**

### **1. Definition and Interpretation**

- 1.1** In this Memorandum, unless the contrary intention appears:
- ACC** means an Australian Government Area Consultative Committee;
  - ACT** means the Australian Capital Territory
  - Chair** means Chairperson of the RDA ACT committee;
  - CMD** means the Australian Capital Territory Government Chief Minister's Department;
  - CRDB** means the Capital Region Development Board;
  - DITRDLG** means the Australian Government, Department of Infrastructure, Transport Regional Development and Local Government;
  - Memorandum** means Memorandum of Understanding;
  - Ministers** means the Australian Government Parliamentary Secretary for Regional Development and Northern Australia and the Chief Minister for the ACT;
  - NSW** means New South Wales;
  - Parties** means parties to this Memorandum of Understanding;
  - RDA** means Regional Development Australia; and
  - RDO** means State/Territory government regional development organisation.

### **2. Key Outcomes**

- 2.1** The creation of the RDA ACT Committee within and focusing on the ACT providing the opportunity to:
- 2.1.1** provide strategic advice to the Australian and ACT Governments on issues confronting regional Australia;
  - 2.1.2** reduce service duplication;
  - 2.1.3** develop a cooperative culture with improved information sharing;
  - 2.1.4** maximise the impact of funding provided through resource sharing;
  - 2.1.5** implement a nationally coordinated approach to developing Australia's regions;
  - 2.1.6** provide a more coordinated service to the community; and
  - 2.1.7** contribute to developing stronger regional communities through a strong Australian economy, improved infrastructure, a whole of government approach and closer cooperation between levels of government.

## **IMPLEMENTATION AND MANAGEMENT**

### **3. The Ministers**

- 3.1** The Ministers will:

- 3.1.1 develop policy to establish the RDA ACT Committee, which will be part of the National RDA Network;
- 3.1.2 agree on joint projects and activities for the RDA network; and
- 3.1.3 inform each other of work programs, funding agreements, outcomes and audits from jointly funded activities.

#### **4. Administration Agencies**

##### **4.1** The Parties agree that:

- 4.1.1 DITRDLG and CMD will be the administration agencies for the RDA ACT Committee.
- 4.1.2 DITRDLG will be responsible for providing direction and oversight to the RDA network with respect to Commonwealth Government funding agreements. The responsible contact officer is identified in article 16.1;
- 4.1.3 CMD will be responsible for providing direction and oversight to the RDA ACT Committee with respect to activities undertaken pursuant to funding agreements between the RDA ACT and the Territory. The responsible contact officer is identified in article 16.2;
- 4.1.4 Arrangements for overseeing jointly funded projects by agencies will be set out in funding agreements with the RDA ACT Committee; and
- 4.1.5 the Administrative agencies will co-operate in supporting the RDA ACT Committee to develop a strategic regional plan.

#### **5. Implementation**

##### **5.1** The Parties will consult with the Transitional RDA Committee to formulate a plan for the establishment of the RDA ACT Committee. The plan is to be implemented by or before 30 June 2009.

##### **5.2** The implementation plan will include but not be limited to:

- 5.2.1 Timing of bi-annual consultation meetings between the Parties;
- 5.2.2 Location of the RDA ACT Committee's premises;
- 5.2.3 Development of an RDA ACT Committee constitution and code of conduct;
- 5.2.4 Transition arrangements (including developing procedures for site closures, relocations, funding and amalgamations);
- 5.2.5 Development of an RDA ACT charter;
- 5.2.6 A risk mitigation strategy outlining options, should any of the above tasks not be achievable by or before 30 June 2009; and
- 5.2.7 Guidelines for the operation of the RDA ACT Committee including reporting and due diligence requirements.

##### **5.3** The Parties will keep each other informed of progress with implementing the agreed plan.

## **6. Funding**

- 6.1** The Parties understand funding will be provided for the new RDA ACT Committee by way of separate funding agreements for the implementation and ongoing operation of RDA committees.

## **7. Incorporation**

- 7.1** The RDA ACT Committee will be incorporated in the ACT under the *Associations Incorporation Act (1991)*.

## **8. RDA Committee appointments**

- 8.1** Members of the committee of the RDA ACT Committee will be appointed by the Ministers.
- 8.2** It is intended that the members of the Transitional RDA Committee will be the first members of the RDA ACT.
- 8.3** All subsequent appointments to the committee of the RDA ACT Committee will be made by the Ministers following a publicly advertised EOI.
- 8.4** The Chair and Deputy Chair are to be leading members of the community. They and the other committee members are to be drawn from the community, business and government to reflect the economic, social and cultural diversity of the region. The committee members will collectively have a strong understanding of the economic, social and environmental opportunities and challenges facing regional communities.
- 8.5** In making appointments, the Ministers may take into account gender and skills balances.

## **9. RDA Committee activities**

- 9.1** The Parties intend that the RDA ACT Committee will:
- 9.1.1** provide advice to both Governments about regional issues;
  - 9.1.2** provide strategic input into Australian and ACT government programs;
  - 9.1.3** provide information to regional communities on National and ACT government initiatives;
  - 9.1.4** help to coordinate regional planning and regional development initiatives; and
  - 9.1.5** establish links and cooperative alliances as appropriate by closely working with other regional development organisations and neighbouring NSW RDA committees and local governments to promote regional development.

## **10. Identifying and Promoting RDA**

**10.1** The Parties agree that:

- 10.1.1** DITRDLG will take the lead in developing RDA national branding and a RDA logo to be used by the RDA ACT Committee;
- 10.1.2** DITRDLG will trademark the name and associated logo of Regional Development Australia (RDA) and maintain continuing ownership of that name and logo.
- 10.1.3** RDA ACT Committee signage will acknowledge both parties and be jointly agreed by the Parties;
- 10.1.4** the RDA ACT Committee office will display in a clear and visible place, at the public entrance of the RDA ACT Committee premises, RDA signage as prepared and supplied by the Australian Government;
- 10.1.5** they will nominate the RDA ACT Committee, to parties external to this Memorandum, as a key advisor to the Australian and ACT Governments and the key community-based organisation in progressing regional development initiatives in the ACT; and
- 10.1.6** they will acknowledge, in any printed or electronic correspondence or promotional material, the contributions made by the Australian and ACT Governments toward the establishment and ongoing operation of RDA ACT and any services that RDA ACT may deliver

## **11. Cooperative Resource and Workload Management**

**11.1** The Parties will:

- 11.1.1** consult where appropriate and keep each other informed of their intent to engage the RDA ACT Committee in activities and the likely resource and workload impacts that the engagement will have on the operations of the RDA ACT Committee; and
- 11.1.2** not enter into contracts that may compromise the capacity of the RDA ACT Committee to deliver Ministerially agreed regional development activities as specified in approved operational plans and funding agreements.

## **12. Joint Projects**

- 12.1** The Parties agree that the RDA ACT Committee may develop and undertake collaborative projects with a regional development focus, subject to resources being available.
- 12.2** Each Party understands that the RDA ACT Committee may share and provide feedback on all relevant information regarding the status of joint projects with the other Party, when requested in writing (including email correspondence) by contact officers listed in this Memorandum.

## **13. Annual Conference**

- 13.1** It is intended that DITRDLG will organise and fund an annual national RDA Conference.

## **GENERAL TERMS AND CONDITIONS**

### **14. Dispute Resolution**

- 14.1** In the event of a dispute under this Memorandum, the Contact Officers listed at article 16 will each use their best endeavours to resolve the dispute between them at an operational level
- 14.2** If the matter is not resolved through negotiations under article 14.1, the dispute will be referred by the senior officers nominated under article 16 to the Secretary of DITRDLG and to the Chief Executive, CMD for resolution.

### **15. Variation or Termination of Memorandum**

- 15.1** This Memorandum will remain in force until it is terminated by either Party to this Memorandum upon giving three months written notice to the other party.
- 15.2** Either of the Parties to this Memorandum may, at any time by written notice, agree to vary this Memorandum. Any variation to this Memorandum must be in writing and signed by all Parties to this Memorandum.

### **16. Contact Officers**

- 16.1** Department of Infrastructure, Transport, Regional Development and Local Government:

Marcus James  
General Manager  
Regional Development Policy Branch  
Local Government and Regional Development Division  
GPO Box 594  
Canberra ACT 2601  
Telephone – 02 6274 7234  
Fax - 02 6274 7780  
Mobile – 0434 566 734  
Email - [marcus.james@infrastructure.gov.au](mailto:marcus.james@infrastructure.gov.au)

- 16.2** Chief Minister's Department :

Ian Cox  
Director  
Business and Industry Development Branch  
Chief Minister's Department  
GPO Box 158  
Canberra ACT 2601  
Telephone – 02 6207 2004  
Fax – 02 6207 0033  
Email – [ian.cox@act.gov.au](mailto:ian.cox@act.gov.au)

**IN WITNESS WHEREOF this Memorandum has been signed on behalf of the Parties on the dates below.**

**SIGNED** for and on behalf of  
**THE COMMONWEALTH OF AUSTRALIA**

by  
the

) The Hon Gary Gray AO MP  
) Parliamentary Secretary for  
Regional Development and  
Northern Australia  
) Australian Government

of the

Signed

.....  
Date

In the Presence of:

.....[WITNESS' SIGNATURE]

.....[PRINTED NAME OF  
WITNESS]

**SIGNED** for and on behalf of  
**THE AUSTRALIAN CAPITAL TERRITORY**

by  
the  
of the

) Jon Stanhope  
) Chief Minister  
) Australian Capital Territory

.....  
Signed

.....  
Date

In the Presence of:

.....[WITNESS' SIGNATURE]

.....[PRINTED NAME OF  
WITNESS]