

**MEMORANDUM OF UNDERSTANDING**

**between**

**THE AUSTRALIAN GOVERNMENT**

**and**

**THE NEW SOUTH WALES  
GOVERNMENT**

**with respect to**

**THE FORMATION AND  
OPERATION OF  
REGIONAL DEVELOPMENT  
AUSTRALIA (NEW SOUTH WALES)**

**MEMORANDUM OF UNDERSTANDING  
FOR THE FORMATION OF  
REGIONAL DEVELOPMENT AUSTRALIA (NEW SOUTH WALES)  
RDA (NSW)**

**PARTIES**

The Australian Government (represented by the Department of Infrastructure, Transport, Regional Development and Local Government)

and

The New South Wales Government (represented by the NSW Department of State and Regional Development)

**AGREEMENT**

To integrate NSW Regional Development Boards and Australian Government Area Consultative Committees to create the Regional Development Australia NSW network.

The RDA network (NSW) will:

- cooperate to improve the coordination and delivery of regional development initiatives;
- deliver strategic input into national programs and help co-ordinate development initiatives at the regional and local level;
- work with all levels of government as a key link organisation to empower communities in regional development activity;
- provide independent advice to government on the efficacy of the delivery of policies and programs across all levels of government.

**BACKGROUND**

- 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 playing a major role in working with their communities to develop projects that would be successful in attracting funding.
- The NSW Government has a long-established network of Regional Development Boards (RDBs). The RDBs have operated as incorporated associations since 1991.
- On 20 March 2008 the Hon Anthony Albanese MP, Minister for Infrastructure, Transport, Regional Development and Local Government, announced that the ACC network would transition to become local Regional Development Australia committees.

- On 30 July 2008 in Broome, the Regional Development Council (RDC) met and approved a core set of principles for aligning the operations of Australian state and territory government regional development organisations.
- On 3 December 2008 a joint media release by the Parliamentary Secretary for Regional Development and Northern Territory, the Hon Gary Gray MP and the NSW Minister for Regional Development, the Hon Phillip Costa MP announced the commitment of both governments to jointly create the RDA in NSW. The Parties will work in collaboration to form, administer and fund the RDA (NSW) network.

## **CORE PRINCIPLES**

- The following underpinning principles were agreed by the Regional Development Council meeting in Broome on 30 July 2008:
  1. Integrated arrangements: the Australian, State, Territory and Local Governments will continue to work towards the eventual adoption of more integrated and aligned arrangements for regional engagement and economic development, recognising that alignment is necessarily a long term process;
  2. A commitment to collaboration: where possible, the three levels of government collaborate at the regional level;
  3. Common boundaries: review existing boundaries to align ACCs, RDO and local government boundaries wherever possible;
  4. Acknowledging the differences: regional engagement and economic development structures vary across the Australian Government and States and Territories;
  5. The intention for tripartite arrangements: local regional development structures to involve the three spheres 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 enable an increase in the scope of their activities; and
  10. Co-location: where possible co-locate regional development offices to facilitate better communication and minimise duplication of facilities.

- 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;
- **Chair or Chairs** means Chairperson/s of RDA committees in NSW;
- **Incorporated Association** means an organisation as defined under the *NSW Associations Incorporation Act (1984)*;
- **Memorandum** means Memorandum of Understanding;
- **Parties** means parties to this Memorandum of Understanding;
- **RDA** means Regional Development Australia;
- **RDB** means a NSW Government Regional Development Board;
- **RDO** means State/Territory Government regional development organisation;
- **Ministers** means Australian Government Parliamentary Secretary for Regional Development and Northern Australia and the NSW Minister for Regional Development
- **DITRD&LG** means Department of Infrastructure, Transport Regional Development and Local Government
- **DSRD** means NSW Department of State and Regional Development

### 2. Key Outcomes

#### 2.1 The integration of the operations of ACCs and RDBs and rebranding to Regional Development Australia, providing the opportunity to:

- 2.1.1** create a NSW network to provide strategic advice to the Australian and NSW Governments
- 2.1.2** address 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 co-ordinated approach to developing Australia's regions;
- 2.1.6** provide a more coordinated service to the community; and
- 2.1.7** develop 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 for the integration of the NSW ACC network and NSW RDB's into the RDA network;
- 3.1.2** agree on joint projects and activities for the RDA network;
- 3.1.3** inform each other of work programs, funding agreements, outcomes and audits from jointly funded activities.

### **4. Administration Agencies**

#### **4.1** The Australian Government Department of Infrastructure, Transport and Regional Development and Local Government (*DITRD&LG*) and the NSW Department of State and Regional Development (*DSRD*) will be the administration agencies for the RDA network.

- 4.1.1** DITRD&LG will be responsible for providing direction and oversight to the RDA network with respect to Australian Government funding agreements. The responsible contact officer is identified in Section 16.1;
- 4.1.2** DSRD will be responsible for providing direction and oversight to the RDA network with respect to NSW government funding agreements; The responsible contact officer is identified in section 16.2;
- 4.1.3** Administrative agencies will be jointly responsible for providing direction and oversight to the RDA network for joint funded projects and activities;
- 4.1.4** The Administrative Agencies will co-operate in supporting each committee to develop a strategic plan.

### **5. Implementation**

#### **5.1** The Parties will formulate a plan for the transition of RDBs and ACCs to RDA committees. The plan is to be implemented by or before 30 June 2009.

#### **5.2** Implementation plans will include but not be limited to:

- 5.2.1** Timing of bi-annual consultation meetings between the Parties;
- 5.2.2** Location of RDA committees' premises;
- 5.2.3** Development of a NSW RDA Network constitution and code of conduct;
- 5.2.4** Transition arrangements (including developing procedures for site closures, relocations, funding and amalgamations);
- 5.2.5** A transition timeline to commence 1 January 2009 with full integration finalised on or before 30 June 2009;
- 5.2.6** A risk mitigation strategy outlining options, should any of the above tasks not be achievable by or before 30 June 2009;
- 5.2.7** Guidelines for the operation of RDAs including reporting and due diligence requirements; and
- 5.2.8** NSW RDA network boundaries.

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

## **6. Funding**

The Parties plan to establish an administrative framework under which the current level of resourcing for the network will be maintained for the new RDA committees in NSW. The Parties understand funding will be provided for the new RDA committees by way of funding agreements for the implementation and ongoing operation of RDA committees.

## **7. Incorporation**

RDA committees in NSW will be incorporated under the *NSW Associations Incorporated Act (1984)*.

## **8. RDA Committee Appointments**

- 8.1** Expressions of Interest for the appointment of RDA committee members will be publicly advertised.
- 8.2** Chairs and Deputy Chairs are to be leading members of the community. They and their Committee Members are to be drawn from the community, business and government to reflect the economic, social and cultural diversity of the region. These Members will collectively have a strong understanding of the economic social and environmental opportunities and challenges facing regional communities.
- 8.3** In making appointments the Ministers may take into account gender and skills balances.
- 8.4** The appointment of Committee Members will be subject to approval by the Ministers.

## **9. RDA Committee Activities**

- 9.1** Provide advice to government about regional issues;
- 9.2** Provide strategic input into National and State programs.
- 9.3** Provide information to regional communities and local government on National and State government initiatives.
- 9.4** Help to co-ordinate regional planning and regional development initiatives;
- 9.5** Work closely with local governments and other regional organisation.

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

The Parties agree that:

- 10.1** DITRD&LG will take the lead in developing RDA national branding and logo to be used by RDA committees;
- 10.2** RDA committee offices in NSW will display in a clear and visible place, at the public entrance of RDA premises, agreed RDA signage as prepared and supplied by the Australian Government;
- 10.3** they will nominate RDA, to parties external to this Memorandum, as a key advisor to the Australian and NSW Governments and the key community-based organisation in progressing regional development initiatives in NSW;
- 10.4** they will acknowledge in any printed or electronic correspondence or promotional material, the contributions made by the Australian and NSW

- Government toward the establishment and ongoing operation of RDA and any services that RDA may deliver; and
- 10.5** DITRD&LG will trademark the name and associated logo of Regional Development Australia (RDA) and maintain continuing ownership of that name and logo.

**11. Cooperative Resource and Workload Management**

The Parties will:

- 11.1** consult where appropriate and keep each other informed of their intent to engage RDA committees in activities and the likely resource and workload impacts that the engagement will have on the operations of involved RDA committees;
- 11.2** not enter into contracts with RDA committees that may compromise the capacity of an RDA 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 committees in NSW may develop and undertake collaborative projects with a NSW regional development focus, subject to resources being available; and
- 12.2** Each Party understands that the RDA committees in NSW may share and provide feedback on all relevant information regarding the status of collaborative projects with the other Party, when requested in writing (including email correspondence) by contact officers listed in this Memorandum.

**13. Liaison with Australian and NSW Governments**

- 13.1** The NSW Government will meet quarterly with the Chairs of the NSW Regional Development Australia Committees who will comprise the NSW Regional Development Advisory Council
- 13.2** DTRD&LG will organise an annual national RDA Conference.

**GENERAL TERMS AND CONDITIONS**

**14. Negation of Employment, Partnership and Agency**

No Parties nor their partners, employees or agents will, by virtue of this Memorandum, be or for any purpose be deemed to be a partner, employee or agent of the other Party.

**15. Dispute Resolution**

- 15.1** In the event of a dispute under this MoU, the Contact Officers listed at Clause 16 will each use their best endeavours to resolve the dispute between them at an operational level;
- 15.2** If the matter is not resolved through further negotiations under clause 14.1, the dispute will be referred by the senior officers nominated under clause 16 to the Secretary of the Australian Government Department of Infrastructure, Transport, Regional Development and Local Government

and to the Director General of the NSW Department of State and Regional Development.

**16. Variation or Termination of Memorandum**

- 16.1** This Memorandum will remain in force until it is terminated by any party to this Memorandum upon giving three months written notice to the other parties.
- 16.2** Any 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.

**17. Contact Officers**

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

Marcus James  
General Manager  
Regional Policy & Engagement 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)

**17.2 NSW Department of State and Regional Development:**

Michael Cullen  
Executive Director  
Regional Development  
Department of State and Regional Development  
GPO Box 5477  
Sydney 2001  
Telephone: 02 9338 6708  
Fax: 02 9338 6710  
Mobile: 0427 266 048  
Email: [michael.cullen@business.nsw.gov.au](mailto:michael.cullen@business.nsw.gov.au)

**IN WITNESS WHEREOF the parties have executed this Memorandum on the dates below:**

**SIGNED** for and on behalf of  
**THE AUSTRALIAN GOVERNMENT**

by  
the

) The Hon Gary Gray 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 NEW SOUTH WALES GOVERNMENT**

by  
the

) The Hon Phillip Costa MP  
) Minister for Regional  
Development  
) NSW Government

of the

.....  
Signed

.....  
Date

In the Presence of:

..... [WITNESS' SIGNATURE]

..... [PRINTED NAME OF  
WITNESS]