



ACT and NSW Memorandum of Understanding for Regional Collaboration

Australian Capital Territory Government

New South Wales Government

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1. Introduction

The Australian Capital Territory (ACT) Chief Minister, Andrew Barr MLA and New South Wales (NSW) Premier, The Hon. Gladys Berejiklian reaffirm the ACT and NSW Governments' commitment to strengthen collaboration between the two jurisdictions.

This agreement builds on the collaboration between the two jurisdictions including the inaugural Memorandum of Understanding (MoU) signed by the respective Ministers in 2011 and re-signed in 2016. It applies to the ACT and the South East NSW Region (hereafter referred to as the Canberra Region).

2. Purpose

The ACT and NSW share a relationship built on the unique circumstances of delivering economic growth and services to the cross-border Canberra Region.

As a principles-based document, the MoU sets out the overall framework within which the ACT and NSW will work together in the delivery of targeted services, economic outcomes and the implementation of policy to cross border communities. This MoU does not replace existing or future operational cross-border ACT-NSW agreements or arrangements but supports the achievement of these obligations by strengthening cross-border collaboration between the ACT and NSW Governments.

3. Guiding Principles

The following principles underpin the MoU and reflect the shared values and the common commitment by both jurisdictions to address the diversity of challenges and opportunities within the Canberra Region.

Under this MoU, the ACT and NSW Governments agree to be guided by principles that:

- recognise the unique attributes of both jurisdictions in contributing to the Canberra Region's vibrant and diverse economic and environmental landscape;
- foster a cooperative, open and trusted environment to enhance the collaboration of ideas and the sharing of information across both jurisdictions;
- facilitate the exchanging of views on respective activities and implement complementary, evidence-based strategies and programs in support of the focal areas of shared interest set out below;
- encourage collaboration which is outcomes-focused;
- build on existing cross agency MoUs, operational arrangements and service-level agreements, which already deliver coordinated NSW and ACT government services across the border for policing, emergency services and human services;
- promote an equitable allocation of resources; and
- pursue a borderless approach that optimises best outcomes for the Canberra Region.

These guiding principles are intended to advance the vision to achieve a connected and borderless Canberra Region.

4. Objectives

Working together for the betterment of the Canberra Region, the ACT and NSW seek to:

- identify key priorities of mutual interest within the Canberra Region through coordinated cross border policy development and service delivery planning;
- agree tangible pathways towards progressing shared priorities;
- align shared priorities to national and state/territory objectives and cross-border initiatives underway;
- develop and implement shared proposals that support planning and service delivery outcomes;
- enhance information and data sharing opportunities between government agencies to better inform cross-border planning and policy development proposals, and culturally appropriate and community-focused services;
- establish agreed consultation and notification mechanisms between the State, Territory and local government within the Canberra Region;
- introduce a framework of accountability to ensure a rigorous governance mechanism that supports progression and achievement of shared priorities; and
- aspire to achieve a shared, outcome-orientated investment framework.

5. Areas for Co-operation

The ACT and NSW reaffirm the commitment to establish close co-operation based on shared priorities and, where possible, to strengthen the relationship in areas of common interest.

The ACT and NSW Governments recognise the close, interdependent economic relationship between the jurisdictions and agree to prioritise proposals that strengthen the economic, service and social relationship between Canberra and the South East NSW region.

The ACT and NSW Governments agree to prioritise efforts that reduce the complexity of service delivery and align the delivery of outcomes for the Region, including alignment of regulatory and legislative environments where appropriate, that benefits cross-border communities and delivers accessible and culturally appropriate services for Aboriginal and Torres Strait Islander people.

Shared priority areas for cooperation during the term of this MoU are outlined as Shared Priority Focus Area Plans at Addendum A. The Shared Priority Focus Area Plans articulate the specific activities to be undertaken and include detailed action plans that will be updated on an annual basis to reflect year-on-year progress out to FY2021-22, in accordance with the next three-year formal update of this MoU.

Progress on cross-border collaboration is not limited to the actions outlined under Addendum A. A separate table of ongoing cross-border actions that fall outside of the priority focus areas will be retained at Addendum B. The ACT and NSW agree to retain a table of ongoing cross-border actions to capture ongoing and emerging issues that arise through the normal course of bilateral engagement or which serve to strengthen bilateral relations. Further detail on this governance framework is outlined under 6.1.

Additional cross-border issues may be included in existing or new Priority Focus Area Plans within the term of this MoU by mutual agreement between the ACT and NSW.

6. The MOU in Operation

This MoU introduces a robust reporting and governance methodology to progress agreed key priorities. The governance framework includes:

6.1 Introduction of an officials-level addendum to the MoU comprising a series shared Priority Focus Area Plans. Each plan includes a strategic rationale and an outline of the key action(s) to be addressed under the plan.

- The Priority Focus Area Plans will include identification of efficient mechanisms to deliver cross-border outcomes, such as the introduction of working groups, task forces and periodic cross-agency and cross-border dialogues to ensure progress of shared proposals.
- The addendum will be grouped thematically under areas of mutual agreement by NSW and ACT Governments. These shared priority areas for cooperation are outlined under section 5.
- The ACT and NSW Governments agree to retain a separate table of ongoing cross-border action, which will include emerging and discrete cross-border proposals that fall outside of the individual priority focus work plans. The table will be updated collaboratively by First Ministers' agencies on an annual basis.

6.2 Annual reporting on the progress of key milestones;

- Chief Minister's Treasury and Economic Development Directorate (CMTEDD) (ACT) and the NSW Cross-Border Commissioner (NSW) will serve as the key contact and respective secretariats with regard to the ACT-NSW MoU. An annual Progress Report outlining the progress of milestones and highlighting issues and areas of concern will be agreed each year.
- The outcomes and recommendations identified in this Progress Report will inform discussion at the annual Senior Officials Dialogue on Regional Collaboration.

6.3 Introduction of an annual Senior Officials Dialogue on Regional Collaboration.

- An annual Senior Officials Dialogue on Regional Collaboration will allow the NSW and ACT Governments to discuss the progress of cross-border proposals within the context of broader strategic state/territory priorities. The Dialogue will provide a forum for joint agreement across a number of areas including to:
 - agree key cross-border priorities for the year ahead to be reflected under the officials-level addendum;
 - articulate mechanisms to deliver proposals;
 - discuss resourcing implications across agencies and jurisdictions; and
 - identify proposals for joint advocacy at the Federal level.
- The NSW Cross-Border Commissioner and the ACT CMTEDD will co-chair the Dialogue, which will include a cross-section of relevant NSW and ACT Government Agencies and Directorates representatives. The participation of local government, business and industry and groups, communities and regional organisations will be determined by both parties as required.
- The Senior Officials Dialogue would be introduced from 2020.

Notwithstanding the proposed governance framework above, the NSW and ACT Governments, within their respective policy frameworks, will consult regularly and closely, both at political and technical levels, on matters within the shared priority areas described above. In addition, ad-hoc consultations at a high political level could be held on topical matters of common interest.

7. Roles and Responsibilities

Recognising the need to identify the roles and responsibilities of the ACT and NSW Governments under this MOU, it is agreed that:

- State and Territory Ministers and their agencies remain responsible for the planning and delivery of State and Territory services;
- Government Ministers and their agencies may refer matters to their respective First Ministers' agencies where appropriate; and
- Governance for the cross-border arrangement will consist of:
 - In the ACT, the ACT Public Service Strategic Board, as the governing body of Directors-General of all ACT Government agencies, chaired by the Head of Service, to maximise opportunities and resolve challenges to deliver better policy and services, and to support a high performing ACT Public Service.
 - Development, implementation and progress of the MoU's priorities and initiatives is overseen by the Deputy Director General, CMTEDD, working across government, reviewed by Policy Council and Strategic Board, and reporting to the Chief Minister.
 - In NSW, oversight of the MoU is provided by the Department of Planning, Industry and Environment's (DPIE) NSW Cross-Border Commissioner and DPIE's Regional Coordinator.

8. Engagement

The ACT and NSW Government recognise the importance of ongoing engagement with regional stakeholders, in particular local governments, the Canberra Region Joint Organisation (CRJO) and regional entities. These groups assist both Governments in meeting the MoU's objectives and delivering on priority action areas. Where appropriate the ACT and NSW Governments will engage with regional stakeholders to achieve common regional outcomes.

9. Status of the Memorandum of Understanding

The ACT and NSW Governments acknowledge the MoU provisions are not legally enforceable but rely on the spirit of cooperation between the two jurisdictions.

This agreement is not intended to remove power from either government to make policy decisions. Final policy decisions remain with each jurisdiction.

10. Review of this Memorandum of Understanding

The MoU will be reviewed with a view to a formal update every three years. The MoU may be amended at any time by agreement in writing of the parties.

11. Dispute Resolution

Directorates and agencies will identify key regional issues that impede efficient and consistent service delivery to communities. Directorates and agencies will engage CMTEDD and DPIE where attempts to resolve such issues at a local level have been unsuccessful, or where a strategic government-to-government approach is required.

Where any dispute arises under this MoU, the ACT and NSW Governments will take all necessary steps to resolve the dispute expeditiously by mutual agreement.

12. Addenda

- Addendum A: Shared Priority Focus Area Plans
- Addendum B: ACT-NSW Table of ongoing cross-border actions