



ACT and NSW Memorandum of Understanding for Regional Collaboration

Australian Capital Territory Government

New South Wales Government

December 2023

Australian Capital Territory and New South Wales Memorandum of Understanding for Regional Collaboration

1. Introduction

The Australian Capital Territory (ACT) and New South Wales (NSW) governments acknowledge the importance of collaborating to improve access to services, build community resilience and develop the economies of cross-border communities.

This agreement builds on the collaboration between the two jurisdictions including the inaugural Memorandum of Understanding signed by the respective Ministers in 2011 and re-signed in 2016 and 2020. 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 Canberra Region.

As a principles-based document, this Memorandum of Understanding 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.

3. Guiding Principles

The following principles underpin this Memorandum of Understanding and reflect the shared values and the common commitment by both jurisdictions to address the diversity of challenges and opportunities within the region.

Under this Memorandum of Understanding, 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, social 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 exchange 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 outcomes-focused collaboration
- build on existing cross-agency Memoranda of Understanding, operational arrangements and service-level agreements which deliver coordinated NSW and ACT government services across the border including for health, policing, emergency services and human services
- promote the equitable allocation of resources; and
- pursue a borderless approach that optimises best outcomes for communities of 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:

- Develop and implement shared proposals that support environmental, planning and service delivery outcomes
- identify key priorities of mutual interest within the Canberra Region through coordinated cross border policy development and service delivery
- agree on tangible pathways which progress activity on shared priorities
- align shared priorities to national and state/territory objectives and cross-border initiatives
- enhance information and data sharing opportunities between government agencies to better inform cross-border planning and policy development proposals, and service delivery, including 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 the 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 to strengthen the relationship in areas of common interest.

The ACT and NSW Governments recognise the close, interdependent social and 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.

5.1 Priority Focus Areas

Priority Focus Areas and Priority Actions will be agreed by jurisdictions under the MoU and will be reviewed regularly and as required, based on engagement with agencies and cross-border stakeholders.

Priority Focus Areas and Priority Actions will identify cross-border issues and efficient mechanisms for resolution, focused on achieving outcomes for communities and a borderless approach, with a focus on,

- economic development and infrastructure investment,
- access to services and
- community resilience and health and wellbeing.

Progress on cross-border collaboration is not limited to the actions outlined in the Priority Focus Areas, and 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 Memorandum of Understanding in Operation

This Memorandum of Understanding introduces a reporting and governance methodology to progress agreed priorities. This includes;

6.1 Roles and Responsibilities

Recognising the need to identify the roles and responsibilities of the ACT and NSW Governments under this Memorandum of Understanding, 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 regarding the administration and implementation of the Memorandum of Understanding to the CMTEDD and the NSW Office of the Cross-Border Commissioner where appropriate
- responsibility for the re-negotiation of this Memorandum of Understanding, and annual processes for review of the Priority Focus Areas is delegated to senior officials from the ACT Chief Minister's Treasury and Economic Development Directorate (CMTEDD) and the NSW Cross-Border Commissioner, in consultation with NSW agencies
- 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.
 - In NSW, oversight of the MoU is provided by the NSW Cross-Border Commissioner and the Secretary of Department of Regional NSW in consultation with the Cabinet Office.

6.2 Annual reporting on the progress of key milestones

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 Annual Senior Officials Dialogue on Regional Collaboration

The Senior Officials Dialogue on Regional Collaboration allows the ACT and NSW Governments to discuss the progress of cross-border proposals within the context of broader strategic state and territory priorities.

The Senior Officials Dialogue meeting is held annually, or as required, and provides a forum for joint agreement across areas including progress on existing priority actions, complex and cross-portfolio activity, barriers to implementation, emerging issues, future opportunities, and joint advocacy to the Commonwealth.

The meeting is co-chaired by the ACT Chief Minister's Treasury and Economic Development Directorate and the NSW Office of the Cross-Border Commissioner and includes broad representation of senior ACT and NSW Government agency and directorate representatives, with the participation of local government, business and industry groups, and community and regional organisations determined by both parties where required.

6.4 Working groups and forums

Cross-border working groups, comprising representatives of ACT and NSW government agencies and any other relevant entities, may be established under the Memorandum of Understanding to drive the implementation of actions.

The working groups may also report emerging cross-border issues and opportunities to the Senior Officials Dialogue for consideration as future actions for implementation

6.5 Status of other agreements

This Memorandum of Understanding does not replace other cross-border agreements executed between the ACT and NSW Governments. Both Governments acknowledge cross-border working groups and relationships formed independently of this agreement are not affected by its execution.

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

7. Engagement

The ACT and NSW Governments 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 Memorandum of Understanding's objectives and delivering priority actions. Where appropriate, the ACT and NSW governments will engage with regional stakeholders to achieve common regional outcomes.

8. Status of the Memorandum of Understanding

The ACT and NSW Governments acknowledge the Memorandum of Understanding 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.

9. Review of this Memorandum of Understanding

The MoU will be reviewed every five years to reconfirm the commitment to collaboration on behalf of our shared cross-border communities.

The Memorandum of Understanding may be amended at any time by agreement in writing of the parties.

First Ministers are responsible for approving any future Memorandum of Understanding.

10. Dispute Resolution

Where any dispute arises under this Memorandum of Understanding, the ACT and NSW governments will take all necessary steps to resolve the dispute expeditiously by mutual agreement and aligned with the guiding principles of this agreement.

11. Commencement

The Memorandum of Understanding will come into effect from the date of execution.

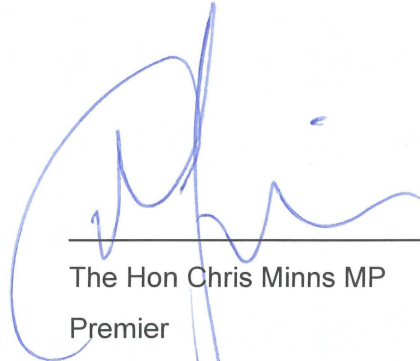


Andrew Barr MLA

Chief Minister

ACT Government

Date: 20 March 2024



The Hon Chris Minns MP

Premier

NSW Government

Date:

15/12/23