



Cross-Border
Commissioner

Report on the Business Plan

2015-2020





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DEPUTY PREMIER'S FOREWORD



Together,
we can maintain
safe, secure
and prosperous
cross-border
communities.

More than two million Australians live, work and play close to NSW border communities. They run businesses, socialise, play sport, and access goods and services across neighbouring states and territories every day.

Our border communities are unique and the challenges they face are particularly pronounced during difficult times. I commend our border communities for their resilience over recent years enduring hardships such as drought, fires, floods and the COVID-19 pandemic.

I grew up and live in a border community and I am a strong advocate for fair access to opportunities and services. Record investment in infrastructure, service delivery and policy reform in regional NSW means we are well-placed for recovery from the economic impacts of recent disasters and the pandemic.

I strongly believe border communities must be able to access the same opportunities as the rest of NSW. In 2012, the NSW Government appointed the first NSW Cross-Border Commissioner to actively target the day-to-day inconsistencies between state government services and policies and advocate for their resolution.

I am pleased the current Commissioner is making significant inroads to resolving these issues that will continue beyond 2020. This report on the 2015-2020 period sheds light on NSW's growing leadership in cross-border advocacy and the strength of the relationships that are central to our success.

A key highlight of this period is the robust inter-jurisdictional and interstate agreements we have signed with the Australian Capital Territory, Queensland and Victorian governments, which strengthen cross-border collaboration. These agreements are supported by activities across many agencies, and targeted infrastructure investment through the NSW Cross-Border Commissioner's Infrastructure Fund.

I'd like to thank the NSW Cross-Border Commissioner and his team for the significant work undertaken as part of the *NSW Cross-Border Commissioner Business Plan 2015-2020*.

A handwritten signature in black ink, reading 'John Barilaro'. The signature is fluid and cursive, with a large 'J' and 'B'.

The Hon John Barilaro
Deputy Premier
Minister for Regional New South Wales,
Industry and Trade.

INTRODUCTION

The Office of the NSW Cross-Border Commissioner advocates for cross-border communities, businesses and organisations as they manage a unique set of issues when they go about their daily lives, whether that’s operating their business, going to work, or trying to access services which are best obtained from the adjoining jurisdiction. The causes that the Office influences include misaligned and complex legislation, policy, regulation and procedures across borders.

Office of the Cross-Border Commissioner

The role of the NSW Cross-Border Commissioner was first created in NSW in March 2012, and the current Commissioner, James McTavish, was appointed in July 2014. In addition to the Commissioner, the Office of the Cross-Border Commissioner is staffed by the Assistant NSW Cross-Border Commissioner, an Executive Officer, a Senior Project Officer and an Assistant Grants Officer. This team works closely with local stakeholders, and state and territory government agencies in NSW and neighbouring jurisdictions to identify, analyse and resolve cross-border issues.

In mid-2015, the Office of the NSW Cross-Border Commissioner released the NSW Cross-Border Commissioner Business Plan 2015-18, providing a strategic framework to address the issues that are experienced by cross-border communities, and develop formal links with neighbouring jurisdictions.

The business plan has guided the work of the Office over the past five years and is consistent with the NSW Premier’s Priorities, the NSW State Priorities, and relevant NSW Government agency plans.

Central to this plan was the development of agreements with neighbouring jurisdictions – with that work reflected in the agreements for Cross Border Collaboration with the ACT, Queensland and Victoria, and the Commissioner and the Office work closely with colleagues in Victoria, Queensland, the ACT and South Australia to support people, businesses and services impacted by a myriad of cross-border issues.

In 2020, the principal focus of the Office was redirected to support communities impacted by border closures in response to the COVID-19 pandemic. These unusual circumstances, the first of their kind in a century, confirmed and strengthened existing relationships with cross-border communities in NSW and neighbouring jurisdictions, especially their leaders, residents and businesses. While border travel restrictions are likely to require continued attention, in 2021 the Commissioner and his office will focus on enacting their 2020-2025 Strategic Plan and ensure better solutions for cross border problems.

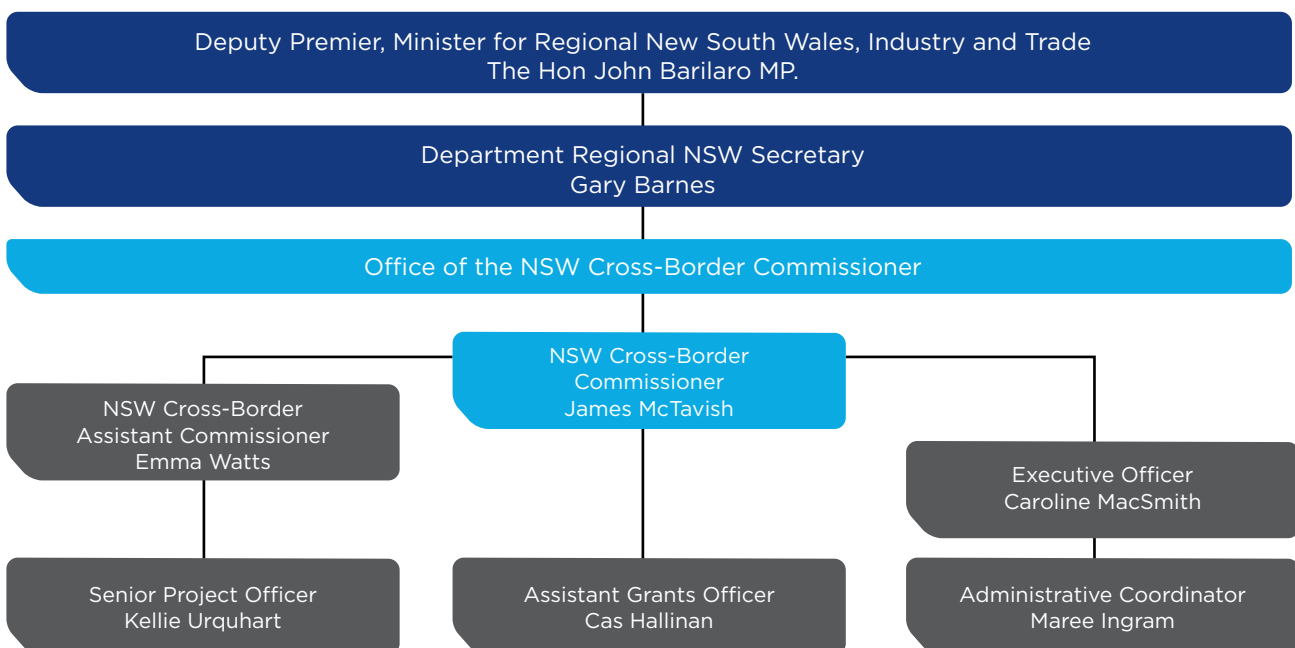
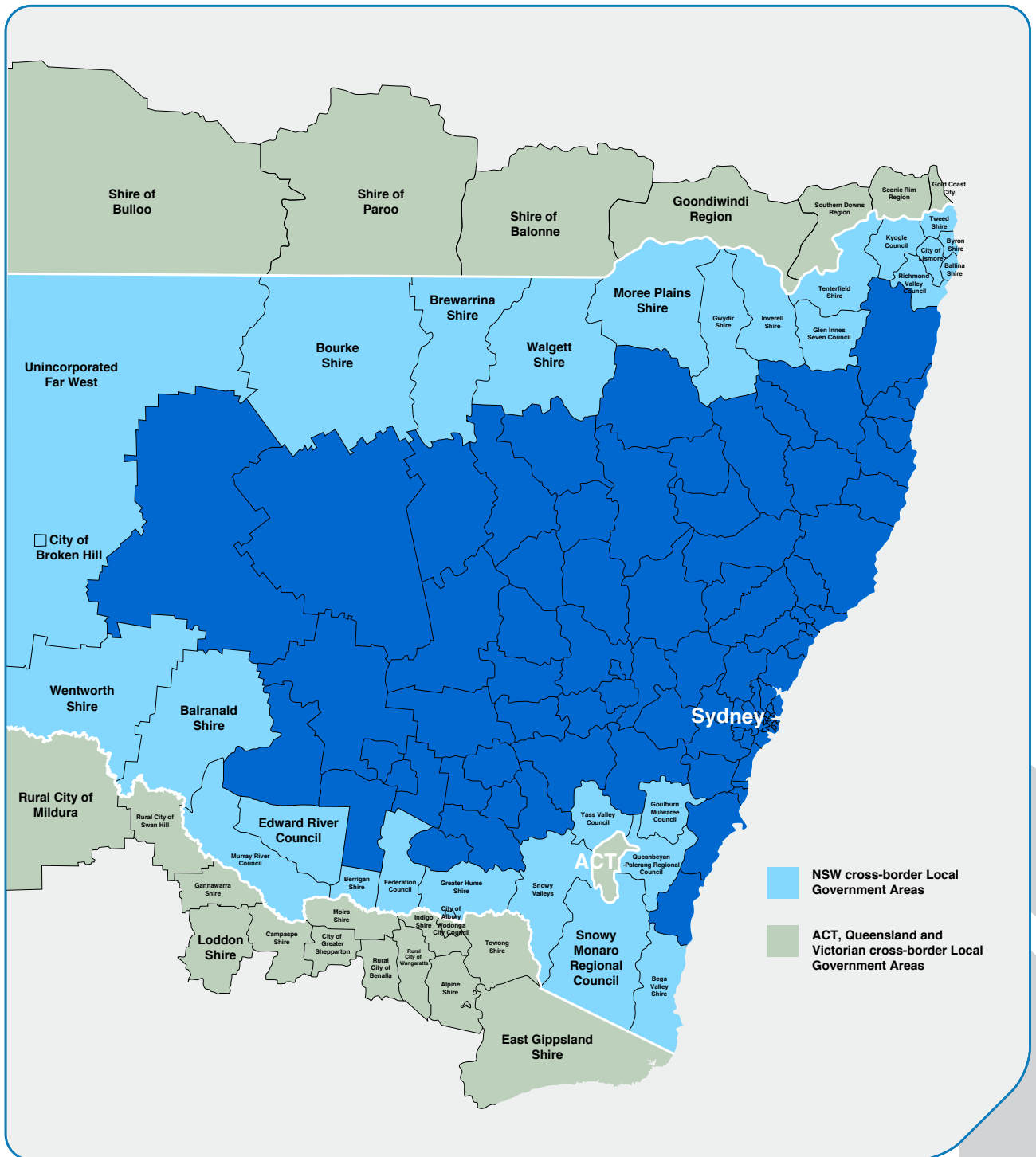


Figure 1: Office of the NSW Cross-Border Commissioner Organisation Chart.

Cross-border communities

NSW shares its borders with four jurisdictions: South Australia, Queensland, Victoria and the Australian Capital Territory. 29 local government areas (Figure 2) in NSW share a border, or strong social and economic ties with a neighbouring state or territory. These communities are home to more than 620,000 NSW residents, representing 8% of NSW population – but cumulatively there are over 2.15 million people who live, work and play in communities bordering NSW. People in these communities source a range of essential services between two jurisdictions, and despite jurisdictional differences, consider themselves to be “one community”.



RESULTS 2015-2020

The NSW Cross-Border Commissioner Business Plan 2015-18 provided a strategic framework for the Commissioner's role, function and operations, outlined the Commissioner's intent and methodology, and defined priorities, outcomes and results.

This report is a public statement on the work of the Office of the NSW Cross-Border Commissioner over the period of the Business Plan, and into 2020, that aligns with our commitment to work transparently with cross-border communities and all levels of government.

SUMMARY

1. First Minister agreements committing to action on cross-border issues have been signed with the Queensland (2017), ACT (2016) and Victorian Governments (2020). The NSW-ACT Agreement was renewed in 2020, and the agreement between NSW and Queensland are due for renewal in early 2021. The signing of the inaugural agreement between NSW and Victoria in 2020 was achieved during a difficult period for communities on the NSW-Victoria border. These three agreements, on our most populated borders, provide a significant opportunity to resolve long-term cross border issues.
2. Key working groups established to deliver outcomes on priority issues in education, policing, transport and business, and quarterly meetings established with border stakeholders and parliamentary and local government representatives. This early engagement has laid the foundations and built the networks and trust required to support communities in their most difficult times, including bushfires and Covid-19 border closures – with satisfaction with our engagement on border closures rated 4.7 stars out of five.
3. Establishment of the \$20 million NSW Cross-Border Commissioner's Infrastructure Fund, resulting in investment in the Canberra Region Rugby League Centre of Excellence, recreation facilities for Mungindi, digital connectivity around Moree, and development of a second entry into the Gold Coast Airport precinct. This targeted investment would not otherwise have happened and makes a difference to the way people live and work in cross border communities.
4. Improved collaboration between border jurisdictions, including the relationship with the Victorian Cross-Border Commissioner, new guidelines for sharing information between government agencies, the 2018 Commonwealth Games on the Gold Coast and inclusion of interstate emergency services in Local and Regional Emergency Management Committees in border regions. This work has started the process and set the standards to "ask the border question" and build lasting change for the benefit of cross-border communities.
5. Connecting with cross border communities to identify and resolve cross border issues, with 58% of respondents either satisfied or very satisfied with our work, over 65% describing us as transparent and 53% describing us as knowledgeable. There are important opportunities to engage the 29% neutral respondents, while continuing the work we do well. Our primary stakeholders told us that when it mattered most during the 2020 border closures 91% of them found the experience positive or very positive.

RESULTS REPORT

RESULT 1: Enhanced collaboration between government, community and business to address cross-border issues

The NSW Government is targeting and addressing issues affecting border communities. This requires effective collaboration, supported by appropriate governance and accountability, and the opportunity for stakeholders to raise issues and discuss solutions.

Outcome 1.1

Cross-border issues are considered part of 'business as usual'

The diverse issues affecting border communities and businesses have historically stemmed from misalignment of policy and laws between jurisdictions, or long-standing interpretation or practices. Delays in addressing these issues can be attributed to constraints within state and territory government agencies, resourcing and differing priorities between jurisdictions and requires sustained attention.

Between 2015-2020, the Office advocated and provided advice to support increased recognition of cross-border issues within NSW Government agencies, and agencies in neighbouring jurisdictions. There has been a notable increase in awareness of cross-border issues and agencies making cross-border provisions in strategic discussions and documents. Some examples include:

- NSW Regional Plans for border-adjacent regions now acknowledge the interconnectedness with the neighbouring communities such as the South East and Tablelands Regional Plan inclusion to develop a strategic approach to water supply options with the ACT.
- Investment in crossings between NSW and Victoria west of the Great Dividing Range was prioritised when NSW Roads and Maritime Services developed the Murray River Crossings Strategy in collaboration with VicRoads.
- NSW Strategic Plan for Children and Young People (www.acyp.nsw.gov.au/plan-consultations) was created with consideration of neighbouring jurisdictions and noted opportunities to align legislation, regulation and policies to ensure greater efficacy of government and non-government programs designed for children and young people in border areas.
- Future Transport Strategy 2056 (future.transport.nsw.gov.au), the vision for the next 40 years of transport in NSW, supported the creation of borderless transport systems, requiring policy and investment alignment between jurisdictions.

Outcome 1.2

Enhanced inter-governmental collaboration

Prior to 2015, the NSW Government coordinated a range of agreements with the Commonwealth and other jurisdictions to address cross-border issues, but rather than take a whole of government and integrated approach, agencies focused on specific issues in isolation, frequently resulting in short term fixes, or issues remaining unaddressed.

The NSW Cross-Border Commissioner led the development or revision of significant cross-border agreements. In 2016 the NSW Government endorsed governance arrangements that require the Commissioner to lead the development of annually revised worklists, and report on their outcomes. The Commissioner drives and participates in a range of forums under the auspices of these Agreements. Copies of the agreements (described in Appendix 3), worklists and reports are publicly available at www.regional.nsw.gov.au/our-work/ocbc.

- ACT-NSW Memorandum of Understanding for Regional Collaboration, signed in December 2016 and renewed in June 2020.
- The Queensland-NSW Statement of Principles and Priorities for Cross-Border Collaboration, released in January 2017 and being renegotiated in 2021.
- In 2018 Mr Luke Wilson was appointed as Victoria's Cross Border Commissioner, a valued counterpart on the Victorian border. In 2020, an inaugural Cross-Border agreement with the Victorian Government was signed by the NSW and Victorian Premiers.
- In June 2018, the NSW, Victorian and Australian governments came together for a Cross-Border Deregulation Roundtable in Wodonga and agreed to pursue greater collaboration and harmonisation between the jurisdictions.
- The Commissioner sits on the Executive Board of the Regional Deal for Albury-Wodonga. In July 2020, the Australian, NSW and Victorian Governments, and Albury and Wodonga Councils signed a Statement of Intent outlining a shared vision to prioritise economic development, harmonisation of cross-border issues, infrastructure and connectivity, liveability, quality regional education and health services, and supporting the Indigenous community. The Albury-Wodonga Regional Deal will be negotiated by mid-2021.

Outcome 1.3

Enhanced information flow between government agencies and stakeholders

The Office of the Cross-Border Commissioner has actively sought the views of stakeholders as well as establishing a reliable information base as part of its policy advocacy. The Office oversees or coordinates a range of formal and informal mechanisms to support local and regional decision-making to resolve cross-border issues in specific communities and locations. The Commissioner actively engages with local Members of Parliament local government, Joint Organisations/Regional Organisations of Councils, and government agencies in NSW and neighbouring jurisdictions, and has built a program of activity to ensure that information continues to be exchanged effectively.

Improved information sharing and engagement resulted in positive outcomes represented by:

- Development of the Canberra Region brand, in conjunction with the ACT government and the Canberra Region Joint Organisation (CRJO), the project aligned cross jurisdiction activity to prioritise infrastructure investment, working to incorporate local government views into the Regional Leadership Executive. This approach created a genuine “Canberra region” brand and better outcomes for the region.
- Victorian Cross-Border Justice Forum: A forum of front-line service providers from policing, community services and health was established in 2019 to share experiences and build relationships between those providing justice services to border communities.

- Emergency services co-operation including:
 - the development of the Single Point of Truth (SPOT) trial through the ACT-NSW Emergency Services Cross-Border Working Group
 - enhanced information exchange through the Interjurisdictional Police Cross-Border Working Group
 - inclusion of interstate emergency services in Regional Emergency Management Committees in all border regions
 - revision of Memoranda of Understanding between NSW and Queensland emergency services
 - enhancement of the Tri-State Emergency Management Conference between NSW, Queensland and South Australia
 - in partnership with the Victorian Cross-Border Commissioner, advised regional recovery committees, combat agencies, NSW and Victoria Police, the Australian Defence Force, and the Victorian Emergency Management Commissioner and Inspector General of Emergency Management on critical cross border issues related to the 2019-20 summer bushfires.
- Established and led a whole of government Border Closure Communications Working Group to improve engagement and communication on the travel restrictions impacting border communities during the NSW-Victorian border closures from July to November 2020.



Outcome 1.4

Government agencies optimise service delivery in cross-border areas

Where there is inconsistent service delivery in cross border towns and communities, the Office of the Cross-Border Commissioner has worked with agencies in NSW and neighbouring jurisdictions to identify service issues, determine their cause and prioritise activity for resolution. As many of these issues are complex to resolve, formal agreements ensure the required resources are allocated. In many instances, enduring solutions have required policy, legislation or regulation changes, and the Office has engaged with policymakers to advocate for these options.

Key improvements in service delivery and collaboration with other jurisdictions include:

- NSW and Victoria Legal Aid Cross-Border Project to improve access to legal assistance.
- SafeWork NSW/WorkSafe Victoria Cross-Border Construction Program, an industry workplace health and safety initiative designed to simplify processes and procedures for the construction industry in border areas. Similar initiatives have been launched with Queensland and the ACT.
- NSW Education Cross-Border Working Group, a formal program of activity with the ACT Education Directorate and Queensland Department of Education, to address a range of education related issues including teacher registration and accreditation, professional development, information sharing and enrolment policies across jurisdictions.
- coordination of a joint service and safety approach for the Gold Coast Commonwealth Games between NSW and Queensland functions, including emergency services, family and community services, transport and local government.

Outcome 1.5

Changes to the cross-border environment are identified and opportunities realised

The Office of the Cross-Border Commissioner developed mechanisms to identify opportunities to integrate activity across jurisdictions, agencies and areas of policy responsibility. This includes supporting the activities of NSW Government inquiries and agency projects. The Office regularly provides input into Cabinet Submissions and provides written submissions. The Commissioner has regularly appeared as a witness on critical issues and met with inquiry officers and agency staff.

For example, the Commissioner:

- provided input into the Independent Pricing and Regulatory Tribunal (IPART) Review into Rural and Regional Bus Fares in relation to cross-border ticketing, timetabling, concessions and pricing issues, resulting in several significant recommendations.
- appeared as a witness in the NSW Upper House inquiry into regional planning processes, providing testimony on planning processes in other jurisdictions, planning issues in border areas, and opportunities to enhance efficiency in the NSW planning system. The inquiry made recommendations, some of which were incorporated into NSW regional plans.
- provided a written submission to the NSW Upper House inquiry into child protection, resulting in a specific recommendation to address cross-border information-sharing issues. In February 2019, the Children and Young Persons (Care and Protection) Regulation 2012 was amended to include interstate community services agencies as prescribed bodies, enabling them to share information with interstate counterparts.
- appeared as a witness in the Commonwealth's Royal Commission into National Natural Disaster Arrangements providing evidence leading to recommendations on how government should work better together to prepare, prevent, respond to and recover from national emergencies. Evidence was also provided to the NSW Independent expert inquiry into the 2019-20 bushfire season.
- provided input into the Independent Review of the NSW Regulatory Policy Framework and IPART reviews resulting in changes to the operation of the container deposit scheme, and changes to regional bus fares and point to point transport regulation, including authorities, fares and licences.

Result 2: Increased investment and jobs in cross-border areas of NSW

The NSW Government collaborates with neighbouring states and territories to remove barriers to economic development caused by state borders and challenges established regional economic development approaches. NSW is committed to consider border regions as single functional economic zones, recognising the contribution of border communities to deliver genuine regional economic outcomes.

Outcome 2.1

New and existing businesses grow and maintain jobs

The Office of the Cross-Border Commissioner established forums and processes to bridge the gap between business and government, particularly where business and economic growth is impeded by multiple regulatory environments.

In 2015, the Office and NSW Business Chamber established the Southern Cross-Border and Northern Business Advisory Committees to identify and resolve cross-border issues. The Committees' focussed work has supported business activity in these communities, including:

- NSW Government commitment to fund the Murray Regional Tourism Organisation, a cross-border tourism body working with the Victorian and NSW governments, local government and the tourism industry.

- reducing regulatory burden and red tape for border businesses by improving information sharing arrangements between government agencies, and developing proposals between the Australian, NSW and Victorian governments, to simplify business reporting through the Premier's Priority to 'tell government once'.
- aligning program delivery between NSW TAFE – Albury Campus, and Wodonga TAFE.
- trialling a single ticketing bus system in Albury-Wodonga, as recommended by IPART, and to extend concessions for NSW students travelling interstate so they can attend training and education. This is now a key area of focus for the Albury-Wodonga Regional Deal and the NSW-Queensland cross-border agreement.
- NSW Government funding to develop options for the extension of the light rail from the Gold Coast Airport to Tweed Heads via Coolangatta.

In addition to their ongoing activity, the Business Advisory Committees have been an important source of advice and engagement on the impact of the COVID-19 related border closures and travel restrictions.



Outcome 2.2

Jobs are supported and created in cross-border communities

The Office of the Cross-Border Commissioner has worked closely across government to deliver on job creation and decreasing barriers to working in a border region:

- the NSW Cross-Border Commissioner's Infrastructure Fund, launched in May 2018, drives infrastructure investment and generates economic and social benefits for border communities in NSW and neighbouring jurisdictions. The Fund supports social, economic, environmental and cultural infrastructure in border areas through targeted investment and co-investment from the neighbouring jurisdiction, enabling investment in these communities that might not otherwise occur because of multi-jurisdictional benefits.
- access to education and training in NSW and neighbouring jurisdictions has improved through work with Training Services NSW. This work helps trainees and apprentices who live, train and work in border areas to access the services needed to complete their training. Work continues to improve access to a skilled workforce through mutual recognition of occupational licences, and simplification of business reporting.
- cross-border tourism linkages have significantly improved, contributing to positive employment opportunities and outcomes prior to the impact of COVID-19. The Office has contributed to border regions plans such as the NSW Visitor Economy Industry Action Plan which includes cross-border opportunities in the tourism industry; destination management plans for the North Coast, Southern NSW and Riverina Murray regions which all point to opportunities for collaboration with neighbouring jurisdictions; and the Future Transport Strategy 2056 which notes that the Canberra and Gold Coast airports are two of three global gateways for tourism and trade for NSW.
- enabling employment mobility through recognition in NSW of Responsible Service of Alcohol (RSA) accreditations issued in neighbouring jurisdictions. This necessitated the development of a low cost online bridging course for applicants and changes to Victorian RSA training to allow Victorian RSA holders to be eligible for a NSW certificate of competency.



Result 3: More resilient cross-border communities

The NSW Cross-Border Commissioner has made significant progress in changing the mindset within government agencies to develop enduring solutions to cross-border problems. People who identify as being from a single community rather than from one state or territory manage their lives within two jurisdictions. Border communities expect NSW Government agencies to resolve cross-border issues and NSW engage the community to identify the issues that impact them.

Outcome 3.1

Inclusive border communities

The Office of the Cross-Border Commissioner has identified and resolved cross-border issues in close consultation with individual constituents, businesses, industry bodies, local government, Members of Parliament, and government agencies in NSW and other jurisdictions. This collaboration has determined priorities and enables direct feedback on specific issues and resolutions. This includes:

- development of Regional Economic Development Strategies (REDS) based on the concept of a Functional Economic Regions (FER) in 2018. The Office of the Cross-Border Commissioner worked with local councils to identify FERs that extend across state or territory boundaries, noting the extensive economic and social linkages in border communities. This helped ensure clear economic development strategies for each region.
- the NSW Cross-Border Commissioner identified issues in the NSW Government Guide to Cost-Benefit Analysis (CBA) that disadvantaged border communities by limiting funding opportunities. The new guidelines stipulate that when NSW Government proposals generate costs or benefits in neighbouring Australian jurisdictions, the CBA should report both, which will better inform decision making.
- development of a new planning protocol to improve service delivery across borders in new communities. As a result of work with the NSW Department of Planning, Industry and Environment, planning for major developments such as Ginninderry in the Yass Valley Local Government Area, and at Cobaki near Tweed Heads has already benefited from this change.
- the Priority Focus Area Plans under the ACT and NSW Memorandum of Understanding for Regional Collaboration delivered the Parkwood Urban Release Area Governance Framework which provides for the ongoing cooperation and negotiation between Yass Valley Council, and the NSW and ACT Governments on the governance arrangements and service model for the provision of government services and infrastructure in area on the NSW-ACT border known as Parkwood.
- procedures for assisted school transport schemes were revised, allowing border residents requiring travel assistance to get to school in the ACT, Victoria and Queensland.



Outcome 3.2

Integrated input on cross-border issues from NSW Government, business and communities

The Office of the Cross-Border Commissioner actively engages with the full range of regional stakeholders to prioritise, represent and address the unique and varied challenges that cross-border communities face. This has led to:

- development of the cross-border agreements with the ACT, Queensland and Victoria, with the Office engaging with individuals, business and government contacts on both sides of the border. The Office committed to report on outcomes and revise worklists annually to maintain transparency, accountability and currency.
- influencing plans and strategies such as the Future Transport Strategy 2056, providing a local context on cross-border issues during briefings and stakeholder meetings, including with neighbouring jurisdictions. The Office's targeted engagement raised awareness of critical cross-border policy, regulation and legislation issues.
- development of the Southern Border and Northern Border Recovery Committees. This unique initiative brought together local government, business, government agencies, industry and non-government organisations to provide advice to the NSW Government on managing the impacts of border restrictions and closures, and supporting economic and social recovery in border communities.



Outcome 3.3

Effective identification, consideration and resolution of cross-border issues

The Office of the NSW Cross-Border Commissioner leads the work in NSW to identify and resolve cross-border issues with transparency and accountability. The Office tracks enquiries from individuals, business, and government agencies in NSW and other jurisdictions, to effectively identify and resolve emerging issues, especially during abnormal periods, such as the COVID-19 border closures. In addition to individual representations this includes:

- targeted, regular engagement with key regional stakeholders including individual councils and Joint Organisations/Regional Organisations of Councils, and with state government agencies through various forums including Regional Leadership Executive meetings, agency and issues specific meetings, and regional committees. These fora raise issues specific to each region, and information received informs priorities and activity, especially in the revision of worklists developed under cross-border Memoranda of Understanding.
- seeking and responding to constituent feedback through scheduled and ad hoc meetings with NSW Members of Parliament in border electorates.
- contributing to agency committee and working groups to better understand agency specific and whole of government issues and advocate on behalf of cross-border communities. Successes include the implementation of regional plans, emergency management, climate change adaptation, regional economic development, tourism, health, and transport and infrastructure planning.
- engaging cross-border agencies to best align activity in each jurisdiction. For example, the Office and the NSW Department of Planning and Environment jointly developed regional plans in border areas and continue to be involved with implementation committees and developing strategies, such as the Murray River waterfront management strategy.
- contributing to and advising the whole of government Border Permits Governance Team during the 2020 Victorian border closure, which was a key driver to improve the permits system and the experiences for people requiring permits and exemptions under the Public Health Orders. This inter-agency group won the Department of Customer Service Secretary's Awards for 2020 in the "Working as One" category and Service NSW CEO awards in the "Make it Happen Team" award.

Outcome 3.4

Communities informed about the status of prioritised issues

The Office of the Cross-Border Commissioner implements a comprehensive communication and engagement plan to maintain scheduled and ad hoc contact with relevant and influential stakeholders:

- the Commissioner engages in an intense schedule of regional and metropolitan visits throughout the year to inform senior leaders of the pressing border issues that need attention, representation and strategic focus. This broad regional consultation has led to changes to procedures, policies, regulations and legislation which have supported durable local solutions that can be replicated in other areas.
- a suite of communication channels to maintain connections with stakeholders on current activities, the status of projects, and opportunities to be involved in cross-border solutions.
 - quarterly electronic newsletters to subscribers.
 - regular interviews on local and regional radio, television and print outlets.
 - website content to maintain current and support information on the Office, its role and function and information about inter-jurisdictional agreements, worklists and annual reports.
- targeted engagement to resolve important or sensitive issues as they are identified, often in collaboration with relevant NSW government agencies.
- daily engagement forums during the COVID-19 related border closures with community leaders across jurisdictions from local government, business and Parliamentary represents to advise on changes, seek feedback and support the resolution of issues for people in those communities. Stakeholders valued these sessions and rated the relevance of the Commissioner's briefing as 4.7 stars (out of 5) and extremely relevant. Where stakeholders had contacted the Office for advice for themselves or their organisation, 93 per cent per cent found the experience positive or very positive



Result 4: Reduced regulatory burden on business and communities

Outcome 4.1

Increased community and business confidence in government service delivery in cross-border areas

Interjurisdictional misalignment of policy, regulation and legislation has led to underinvestment in infrastructure, unnecessary duplication in processes, and inefficiencies for individuals, businesses and government agencies.

The Office of the Cross-Border Commissioner tackles the fundamental challenge of improving alignment between jurisdictions. When misaligned, some services are not delivered or available and where it can be delivered, it comes with significant cost or effort:

- the Cross-Border Business Advisory Committees gives the Commissioner opportunities to identify and resolve issues for small business, including business activity reporting, access to vocational education and training, labour mobility and occupational licensing, multi-jurisdictional regional economic development, regional promotion and tourism, and development of capacity in key industry sectors.
- regulatory reform opportunities have been identified and actioned through formal agreements with the ACT, Queensland and Victorian government, such as proposals for simplified mutual recognition and information sharing progressing through relevant regulators and agencies.
- the Office advocated for NSW agencies to solve issues where NSW policies required amendment, or where a multi-jurisdictional approach was not the best pathway to a solution. For example, when NSW introduced the Return and Earn container deposit scheme in 2017, there were cashflow and competitiveness impacts on some NSW businesses. The Office worked with NSW Department of Premier and Cabinet, Environmental Protection Authority and the Office of the Small Business Commissioner to provide support for impacted business, and was pivotal in implementing a support scheme. The Office continues to support the ACT, Queensland and Victorian governments to implement their container deposit schemes in alignment with the NSW scheme; with the Victorian Government due to introduce a compatible container deposit scheme (CDS) by 2023.

APPENDICES

Appendix 1: Progress for cross-border communities – key highlights

2015



- SafeWork NSW/WorkSafe Victoria Cross-Border Construction Program underway
- *NSW Cross-Border Commissioner Business Plan 2015-18* approved by the Rural and Regional sub-committee of Cabinet
- Murray River Crossing Forum established – a joint NSW Roads and Maritime Services (RMS) and VicRoads initiative
- Department of Education Cross-Border Working Group established
- Cross-Border Business Advisory Committee – Northern established
- Cross-Border Business Advisory Committee – Southern established
- Cross-Border Policing Working Group established

2016



- NSW Parliament – Child Protection inquiry
- ACT Chief Minister and NSW Premier sign ACT-NSW MoU for Regional Collaboration
- Canberra region website and branding launch
- The NSW Advocate for Children and Young People releases its *NSW Strategic Plan for Children and Young People*
- Guidelines for sharing information between government agencies across borders established
- *ACT and Region Catchment Strategy: 2016-46* released
- NSW students deemed eligible for Smart and Skilled funding when attending an interstate education institution

2017



- Queensland-NSW Principles and Priorities for Cross-Border Collaboration signed by the NSW and Queensland premiers
- Victorian Government announces its intent to establish a Cross-Border Commission
- ACT-NSW MoU 2016-17 annual report and 2017-18 worklist released
- Queensland-NSW Principles and Priorities for Cross-Border Collaboration annual report and 2016-17 worklist released
- SafeWork NSW takes the Cross-Border Construction Program to the ACT and Queensland borders
- Legal Aid NSW and Victoria Legal Aid – cross-border research project
- NSW Treasury revises the *NSW Government Guide to Cost-Benefit Analysis* to recognise cross-border impacts
- Independent Review of the NSW Regulatory Policy Framework identifies cross-border regulatory issues
- Release of Regional Plans – North Coast, Riverina Murray, South East and Tablelands

2018



- Release of Albury-Wodonga Two Cities – One Community initiative
- *Future Transport Strategy 2056* released – includes seamless border transport objectives
- Release of Independent Pricing and Regulatory Tribunal reports into rural and regional buses and taxis, and the NSW container deposit scheme
- *Regional NSW Services and Infrastructure Plan* released
- Commonwealth Games cross-border collaboration
- Announcement of the \$20 million NSW Cross-Border Commissioner's Infrastructure Fund
- *Visitor Economy Industry Action Plan* devised, including cross-border initiatives
- Release of Regional Economic Development Strategies

2019



- NSW-Victoria Cross-Border Justice Forum established
- Victorian Cross Border Commissioner appointed
- Negotiation of first MoU for Cross-Border Collaboration with the Victorian Government commences
- Commence review and renegotiation of Queensland MOU
- Commence review and renegotiation of ACT MOU
- Funding of the Canberra Region Rugby League Centre of Excellence

2020



- Inaugural NSW-Victoria Agreement on Cross Border Collaboration signed
- New ACT-NSW Agreement on Cross-Border Collaboration signed
- Commonwealth, NSW, Victorian and local government leaders agree the arrangements for Albury-Wodonga Regional Deal negotiations and signed the Statement of Intent.
- Augmentation of resources for the Office of the Cross-Border Commissioner including the appointment of an Assistant Commissioner
- Intensified engagement with Cross-Border community leaders due to COVID-19 Border Closures
- Engagement with NSW, Victoria and Commonwealth Bushfire Response inquiries including appearance at the Royal Commission into National Natural Disaster Arrangements

Appendix 2: Engagement

Our stakeholders

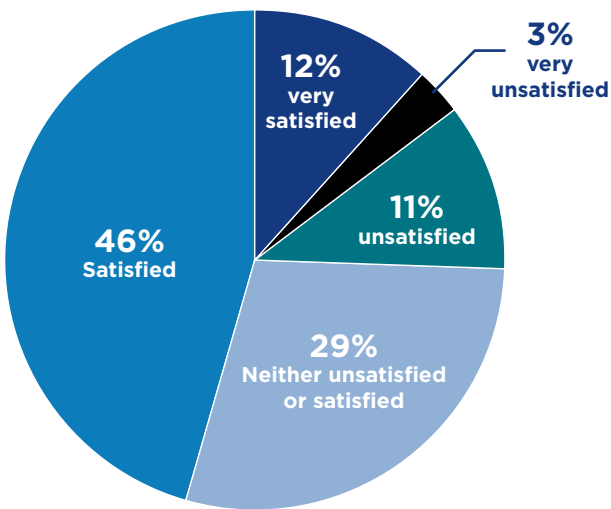
The Office of the Cross-Border Commissioner engages extensively with key stakeholders, including Members of Parliament, business owners and operators, local government, community organisations, government agencies, and other regional stakeholders across all border areas, and the priorities raised by stakeholders guide the Office's priorities and target activities within the scope of this Business Plans strategic objectives.



Our Values - Your views: Customer Satisfaction Survey – May 2020

In May 2020, the Office asked key stakeholders to rank the Office's performance on key values of transparency, responsiveness, impartiality, fairness, knowledgeability. Of the 629 respondents, 58% were either satisfied or very satisfied and they agree that the Office performed well against a range of values. The 2020-2025 Strategic Plan builds on this good will and focuses activity on the issues that stakeholders have prioritised.

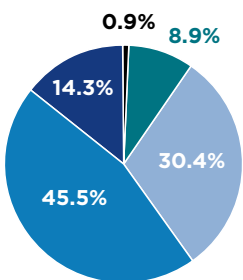
Customer Satisfaction 2020



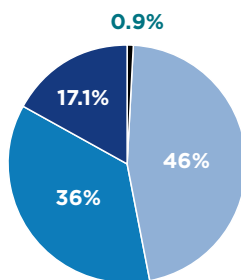
“The Victorian border is highly commercial and populated along its entire length, with cities and towns separated by the Murray river. For this reason, these communities are highly impacted by cross border anomalies like regulations and government policy, the Commissioner advocates well for NSW interests, however there is an ongoing struggle to harmonise big anomalies like payroll tax and regulatory duplication.”

Business Stakeholder

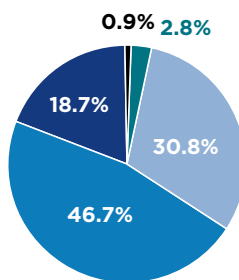
Ease of interaction



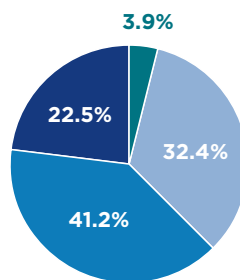
Fair & impartial



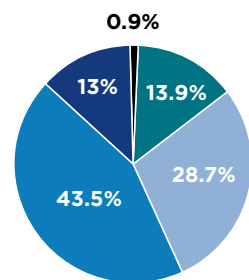
Transparent



Knowledgeable



Responsive



- Strongly disagree
- Disagree
- Neither agree or disagree
- Agree
- Strongly Agree

“The Commissioner works hard, communicates well, is accessible and tries to take on issues and resolve them. He advocates well to the NSW Government.”

Government Stakeholder

Stakeholder Satisfaction – Border closure engagement

From March to December 2020, the Office of the NSW Cross-Border Commissioner led engagement, communication and advocacy in the initial border closure periods and established an interagency model to maintain attention on the border communities throughout the remainder of the year.

Regardless of which side of the border set the restrictions, there was a significant impact on border residents, the community, and government leaders who worked to resolve urgent and emerging problems for people. The Office of the Cross-Border Commissioner hosted regular information sessions with key stakeholders impacted by the border closures and travel restrictions during the COVID-19 pandemic.

In December 2020, internal and external stakeholders completed a short survey, rating their satisfaction and sentiment towards the Office of Cross-Border Commissioner during this extraordinary period. Of 231 invitations sent, over 50 percent opened the email and 50 people completed the survey.

“The situation required adaptability and flexibility due to the always changing environment. This was reflected in all dealings, which were always professional.”

“I sought advice over an issue that emerged for our organisation providing service to the community and received clear advice and also a suggestion about further action the Office could to clarify and other agencies that may be able to provide additional information to resolve the issue. Issue was resolved positively.”

Survey summary

- 62 per cent of the responders had attended most or all of the information sessions
- Respondents rated the relevance of the information received at the Commissioners briefings as 4.7 stars – Extremely Relevant
- Of the respondents that had requested assistance or intervention on behalf of a local resident or constituent, 91 percent found the experience positive or very positive
- Of the respondents who contacted the Office to get advice or information for themselves or their organisation 93 per cent per cent found the experience positive or very positive
- For people seeking help from the Office, overwhelmingly, the response was positive, supportive and complimentary. Delays and some frustrations were recognised as being by virtue of the complexity of the circumstances and resourcing challenges.

“CBC staff were absolutely wonderful, knowledgeable and highly effective”

Appendix 3: Interjurisdictional memoranda of understanding and agreements

Cross-border activity with neighbouring states is prioritised through interjurisdictional/cross-border agreements. The agreements provide a framework for collaboration and a means to identify practical actions to improve regional economic and social developments for border communities.

The NSW Government has three cross-border agreements in place with other state and territory governments on a diverse range of issues, many of which link to agreements with the Commonwealth and other jurisdictions.

- **ACT-NSW Memorandum of Understanding for Regional Collaboration**, signed in December 2016 and renewed in June 2020.
- The **Queensland-NSW Statement of Principles and Priorities for Cross-Border Collaboration**, released in January 2017 and renegotiated in 2021.
- In 2020 an inaugural **Cross-Border agreement with the Victorian Government** was signed by the NSW and Victorian Premiers following the appointment of Luke Wilson as Victoria's Cross-Border Commissioner, in 2018

Each agreement includes a top-level document providing guidance on strategic priorities and governance arrangements, an annual worklist of priority projects and an annual report noting project progress. The governance arrangements require the Commissioner to lead the work to identify and prioritise issues, negotiate revised annual worklists, and report outcomes, and delegates the authority for approval of the annual worklists and reports to the Minister for Regional NSW.

The Commissioner represents the NSW Government in negotiations with the ACT, Queensland and Victorian governments, their agencies and regional stakeholders. There is no direct financial impact related to these agreements, as agency activity is undertaken in line with current budgets.

From January 2019 to January 2021, the NSW Cross-Border Commissioner held a dual role as the NSW Regional Town Water Supply Coordinator in response to the devastating drought conditions in NSW and dire town water situation in many towns. The NSW response to the COVID-19 pandemic and subsequent border closures took precedence over business as usual in the Office of the Cross-Border Commissioner. While the formal MOU reporting has been disrupted, the work of the Commissioner and neighbouring jurisdictions have remained in the spirit and intent of the existing MOUs and worklists. In addition to activity undertaken via the respective MoUs it is anticipated that there will be sharper interest in the resolution of cross-border and interjurisdictional issues through the pandemic and in the post pandemic period.

The agreements, annual worklists and reports are publicly available on the Commissioner's website. www.regional.nsw.gov.au/our-work/ocbc.



ACT

In late 2016, the NSW Government refreshed overarching cross-border arrangements with the ACT, and the NSW Premier and ACT Chief Minister signed the ACT–NSW Memorandum of Understanding for Regional Collaboration 2016–19.

On expiry of this agreement, a revised ACT/NSW Memorandum of Understanding for Regional Collaboration was signed by the NSW Premier, Gladys Berejiklian, and the ACT Chief Minister, Andrew Barr, in June 2020.

Shared priority areas for co-operation during the term of this Agreement are outlined as Shared Priority Focus Area Plans. This includes the Parkwood Urban Release Area Governance Framework, and a Regional Approach to Healthcare.

This new agreement establishes an annual Senior Officials Dialogue on Regional Collaboration and will be supported by a Progress Report outlining the progress of activity against milestones, and highlighting issues and area of concern.

Separately, the MoU requires that ongoing cross-border actions that fall outside of the priority focus areas will be articulated in an agreed table of ongoing cross-border actions.

Queensland

On 27 January 2017, the NSW and Queensland premiers announced the signing of the NSW–Queensland Statement of Principles and Priorities for Cross-Border Collaboration 2016–19. This agreement identifies four key priority areas:

- regional economic development
- aligning services and sharing information
- local transport
- issues of national significance.

Under the four priority areas for action there were 85 diverse projects in 2018/19, addressing issues such as bus and taxi services, delivering more effective training through collaborative planning and delivery, joint advocacy for major infrastructure, the protection of children through better information sharing, and more effective integration of health systems.

A refreshed QLD–NSW agreement is in the final stages of negotiation with agreement proposed for early 2021.

Victoria

In Victoria, the NSW Cross-Border Commissioner supported the business case for the appointment of a Victorian Cross-Border Commissioner and Luke Wilson was appointed Victorian Cross-Border Commissioner in October 2018. The 2019–2021 Memorandum of Understanding for Cross-Border Collaboration was released in September 2020.

The agreement will be supported by an annually revised Work List and Annual Report to assist in the identification and progression of cross-border issues. In general, these actions will cover:

- **improved service delivery:** Residents living in cross-border regions should have equitable and simple access to services and information. The NSW and Victorian Governments commit to maximise alignment of service delivery and minimise the need for individuals to navigate both service systems. Administrative arrangements should enable reimbursement for the delivery of services to each other's citizens where appropriate.
- **simplifying regulation for residents, businesses and organisations:** Business and communities in border regions are often required to navigate regulatory, legislative and policy gaps and duplication. The NSW and Victorian Governments will work to enhance growth and confidence through the identification and reduction of these impediments.
- **joint regional development opportunities:** Border communities regularly identify opportunities for joint support, investment and delivery that require engagement between the two states to activate. The NSW and Victorian Governments will support the joint consideration of such opportunities.



Cross-Border Commissioner

Office of the NSW Cross-Border Commissioner

E: enquiries@cbc.nsw.gov.au

w: www.regional.nsw.gov.au/our-work/ocbc

A: PO Box 1156, Wagga Wagga NSW 2650.

