

Queensland-New South Wales Memorandum of Understanding
Cross-border Collaboration

QUEENSLAND GOVERNMENT

NEW SOUTH WALES GOVERNMENT

2011

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INTRODUCTION

Background

On 26 May 2011 the NSW Premier, The Hon. Barry O'Farrell MP, and the Queensland Premier, The Hon. Anna Bligh MP, **agreed** to strengthen cross-border arrangements between the two States.

The Premiers **decided** to develop new arrangements that would build on the long history of cross-border collaboration that Queensland and NSW share, most recently in the Tweed-Gold Coast region, and on the work of NSW's newly announced proposal to appoint a Cross-Border Commissioner.

The Premiers **agreed** that these arrangements, formalised through this Memorandum of Understanding (MOU), would:

- encompass the whole border and all State Government services that impact on cross-border issues, and
- be used to resolve cross-border matters and plan for better ways to provide Government services.

Rationale

The residents of border communities in NSW and Queensland have long experienced issues that are unique to their work and living arrangements. For example, difficulties may arise because different kinds and levels of services are offered in the two jurisdictions, the same services may be offered but may not align (e.g. transport), and/or because significant events occur (e.g. disasters) without regard for borders that challenge the capacity for governments to respond jointly.

Such issues are a natural consequence of living in a federalised nation. In some cases, there will be little that state governments can do to resolve these issues without the involvement of the Commonwealth Government and/or local government authorities. In other cases, the differences will be the consequence of decisions taken by the governments on behalf of their citizens that neither wish to amend or remove.

However, both Queensland and NSW are determined to work to the best of their abilities, individually and jointly, to address cross-border issues where they believe it is practicable and desirable to do so. This MOU reflects that intent.

In that spirit, the Queensland and NSW Governments consider that engagement between them has a range of benefits, including:

- enabling cooperative leadership and management of strategic growth issues in key population centres along the border
- encouraging productive, effective and collaborative approaches to addressing cross-border issues
- recognising the mutual interdependencies for service delivery, economic development and resource management, and
- improving understanding of the driving forces behind both Governments' policies, and development of shared goals and strategies for the border region and the communities that work and live therein.

TERMS OF REFERENCE

The Queensland-NSW Cross-border Collaboration MOU will facilitate:

- identification of key cross-border issues that may impede efficient and consistent service delivery to communities, now or in the future, and where attempts to resolve such issues at a local level have been unsuccessful, or where a strategic government-to-government approach is required
- examination and prioritisation of cross-border issues for consideration
- consultation with cross border communities, businesses and local councils along the border, and State Government Ministers and government agencies (including Commonwealth Government agencies if required), and
- the development and implementation of proposals for policy change, planning or service delivery initiatives.

OBJECTIVES

The MOU is based on the following **objectives** for the development of work between Queensland and NSW:

- fostering a closer working environment for the Queensland and NSW Governments
- advancing cross-border issues and improving policy development and service delivery in both states
- establishing adequate consultation and notification mechanisms for actions by one state that potentially impact on the other
- developing a process for identifying and dealing with impediments to coordination
- establishing mechanisms that will deal with problems before any potentially serious cross-border problems emerge, and
- developing and evolving a methodology for a new long term model for strategic border management and cooperation.

The NSW and Queensland Governments acknowledge that a great deal of work has been initiated under the auspices of COAG since 2007, some of which may address some cross-border issues (e.g. breaking down regulatory barriers under the Seamless National Economy National Partnership). It is therefore not the intention to duplicate this or future COAG work under the terms and objectives of this MOU.

PRIORITY ACTIONS

The Queensland and NSW Governments agree that the **priority actions** under this MOU in the first instance include:

- reviewing existing cross-border governance and management arrangements
- commissioning or undertaking studies, whether individually or jointly, of cross-border issues to determine those requiring urgent action and those where action would be highly desirable
- determining the proper relationship between work to be progressed under the terms of this MOU and work to be progressed by the NSW Cross-Border Commissioner when appointed, and
- considering recommendations of the Queensland Floods Commission of Inquiry that relate to cross-border activities, including how best to individually and jointly respond.

The Parties agree that priority areas for investigation include:

- health (including hospital and ambulance services)
- transport
- energy
- primary industries, including biosecurity
- water resources
- emergency management and response (e.g. potential use of the governments' Air Wings for personnel

- transport and limited freight into and out of flood areas)
- policing and security
- social services (e.g. child safety notifications, youth justice services)
- services such as finance and business services, and
- administrative and regulatory issues that affect both jurisdictions.

THE MOU IN OPERATION: ROLES AND RESPONSIBILITIES

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

- the Premiers' departments will serve as the key contacts and respective secretariats with regard to this MOU and any matter contained within, who will cooperate in the development of agendas for the Premiers' and Senior Officials' meetings
- meetings of the Premiers will be held each year
- meetings of the Premiers' Senior Officials in the lead up to, and subsequent to, the Premiers' meeting will be held each year as required
- taskforces will be convened as necessary to consider specific issues and make recommendations to the Premiers
- State Government Ministers and their agencies remain responsible for the delivery and planning of state services, and
- State Government Ministers and their agencies may refer matters to the Premiers' departments where they have identified a cross-border issue that they are unable to resolve within their own area of responsibility and after discussions with their cross-border counterparts.

The intention of the Queensland and NSW Governments is to involve other key stakeholders, such as local governments and the Commonwealth Government, as required. In this regard, Queensland and NSW consider local governments on the border as crucial stakeholders and recognise the central role they play on border issues, and will therefore actively seek to involve them in these arrangements. Mechanisms for consultation with, and involvement of, local governments and other government stakeholders will be developed under the MOU.

STATUS OF THE MOU

The NSW and Queensland Governments acknowledge the MOU provisions are not legally enforceable but rely on the spirit of cooperation between the two states.

This agreement is not intended to remove the power to make policy decisions from either government.

The final policy decision remains firmly with each state.

REVIEW OF THIS MOU

This MOU may be amended at any time by agreement in writing of the Parties.

Amendments may extend to incorporating a schedule into the MOU that would give effect to agreed initiatives arising from the priority actions.

DISPUTE RESOLUTION

Where any dispute arises under this MOU, Queensland and NSW will take all necessary steps to resolve the dispute expeditiously by mutual agreement, using the following procedures:

- initial discussions between relevant officials
- if not resolved, then discussions between heads of relevant departments
- if not resolved, then discussions between relevant Ministers, and
- if not resolved, then discussions between Premiers.

COMMENCEMENT

This MOU commences on the date of execution.



The Hon. Anna Bligh MP
*Queensland Premier and
 Minister for Reconstruction*

Date: 30.8.2011.



The Hon. Barry O'Farrell MP
NSW Premier and Minister for Western Sydney

Date: 20.8.2011



Witness: R. Mickelburgh
 Name: Renée Mickelburgh

Date: 30.08.2011



Witness: Hon. ANDREW STONER MP
 Name: NSW DEPUTY PREMIER

Date: 30-8-11