

**Memorandum of Understanding  
between**

**The Western Australian State  
Government**

**and**

**The City of Geraldton**

**12<sup>th</sup> May 2005**

# Certificate of Agreement

The State Government of Western Australia and the City of Geraldton enter into a Memorandum of Understanding (MOU) with the intent of working cooperatively to achieve the sustainable social, environmental and economic development of Geraldton.

The MOU recognises the role of Geraldton as the regional centre of the Mid West and the important function it plays in the sustainable development of the region.

The MOU has a particular focus and sets out commitments by both parties for the timely implementation of major initiatives and specific projects agreed to by the parties to the MOU.

As part of this MOU the undersigned agree to abide by the underlying principles and commitments (outlined) on which the arrangements are based.

**Signed by the Hon Geoff Gallop, MLA Premier for and on behalf of the State of Western Australia**

----- Date

**Before Shane Hill, MLA Member for Geraldton**

----- Date

**Signed by Vickie Petersen, Mayor for and on behalf of the City of Geraldton**

----- Date

**Before Robert Jefferies, Chief Executive Officer, City of Geraldton**

----- Date

## **PURPOSE**

**A Memorandum of Understanding between the State Government of Western Australia and the City of Geraldton to establish a high level of communication and to pursue the sustainable development of Geraldton.**

### **1. PARTIES TO THE MOU**

**City of Geraldton**

**Western Australian Government**

### **2. OBJECTIVES**

- **To establish and maintain effective communication mechanisms between the City of Geraldton and State Government on policy and important community issues.**
- **To foster a sound understanding of community issues and priorities at the State level and, of State imperatives and policy at the local level.**
- **To focus development of Geraldton as the regional centre of the Mid West, on a framework of social, environmental and economic sustainability.**
- **To ensure the coordinated, orderly and accountable development of Geraldton.**
- **To ensure that relevant common goals reflected in the *State Sustainability Strategy*, the *State Regional Development Policy*, and the *City of Geraldton Strategic Plan*, are identified and pursued.**
- **To establish agreed consultative processes for the introduction of major State works or major private sector developments in the vicinity of Geraldton that may have beneficial and/or detrimental impacts on the community of Geraldton**
- **To facilitate, through effective resourcing, planning, consultation and cooperation, the timely implementation of initiatives and specific projects agreed to by the MOU parties (eg the Geraldton Foreshore and CBD Revitalisation Project)**

### **3. PRINCIPLES**

**In entering into this MOU the City of Geraldton and the Western Australian State Government agree to abide by the following principles, as established between the State Government and the Western Australian Local Government Association in their Agreement of December 2002.**

#### **OVERARCHING PRINCIPLE**

A commitment to improving cooperation between State and Local Government to enhance sustainable social, environmental and economic development of Western Australia through consultation, communication, participation, cooperation and collaboration at both strategic and project levels.

#### **GENERAL PRINCIPLES**

A commitment to:

##### **Partnerships**

- Recognise that partnerships between State and Local Government are essential to achieve sustainable social, environmental and economic development for the Western Australian community.
- Be flexible and open to new approaches to service delivery and funding.
- Be sensitive and responsive to the needs and constraints of both spheres of government at the local level.
- Recognise that new partnership agreements can be initiated by either State or Local Government.

##### **Roles and Responsibilities**

- Identify and understand the roles and responsibilities of both spheres of government.
- Ensure that these roles and responsibilities are considered and respected in all government decisions.
- Recognise and respect the role that each plays in enhancing sustainable social, environmental and economic development of Western Australia.

### **Communication**

- Open and timely communication on issues of relevance to sustainable social, environmental and economic development of Western Australia.
- Recognise the need for confidentiality of discussion until a mutually agreed time.
- Recognise that State and Local Government may use different processes to communicate with constituent groups.

### **Consultation**

- Purposeful consultation at mutually agreed stages to facilitate understanding and agreement.
- Recognise and account for the different decision making processes of both spheres of government.

### **Service Delivery**

- Continual improvement in the efficiency, effectiveness, timeliness and appropriateness of government service delivery.

### **Outcomes**

- Agreements with defined and agreed outcomes and performance measures.
- Promote a realistic approach to funding and resource issues.
- Contribute resources and expertise to the partnership process.

### **Accountability**

- A transparent approach where changes to roles, responsibilities and budgets are negotiated and agreed, and resources necessary to implement changes are identified.
- Undertake open assessments of the effectiveness of agreements.
- Have clearly defined reporting, dispute resolution and review mechanisms.

## **4. MOU INTENTIONS**

### **4.1 Background**

Following a meeting of State Cabinet in Geraldton in August 2001 the City of Geraldton, Premier and Cabinet members expressed a desire to establish an effective arrangement to facilitate the development of the City and, in particular, to progress major planned infrastructure projects.

Many projects have proceeded, but some have been hampered by community disharmony as they reached the final planning stages. Conversely, sections of the community have expressed frustration with, or felt disempowered by, consultation processes used.

This MOU commits the State Government and its agencies, and the City of Geraldton to open communications and accountability, based upon trust and mutual respect of the roles and objectives of each party.

The first project to be progressed under this MOU involves the Geraldton Foreshore and CBD Revitalisation, a joint initiative aimed at creating a world-class tourism and foreshore facility linked to a revitalised Geraldton CBD with economic, social and environmental benefits for Geraldton, the Mid West and the State as a whole.

### **4.2 MOU Aim and Foundation – Sustainable Development**

#### **Aim**

The Western Australian Government and the City of Geraldton are committed to the sustainable social, environmental and economic development of Geraldton and the Mid West region.

#### **Foundation**

The Western Australian Government has developed the *State Sustainability Strategy* and the *State Regional Development Policy* in the interests of achieving a best practice approach to the sustainable growth and development of the State and communities within.

The City of Geraldton has developed a *Strategic Plan* that is highly complementary to the State's development policy goals, and is based on a framework and principles of economic, environmental and social sustainability.

The City of Geraldton recognises its role as the regional centre of the developing Mid West, and is committed to promotion and sustainable development of the region for the benefit of the State, the rural communities and the people of Geraldton.

The Western Australian Government and the City of Geraldton recognise the Geraldton Economic Alliance; chaired by the Mayor of Geraldton, with Chief Executive Officer and Regional Manager level representation of local, State and Federal agencies and organisations associated with the economic development of Geraldton and the region; and support its role of helping to advance sustainable development throughout the region.

### **Planning – underpinning sustainable development**

The State Department for Planning and Infrastructure are concluding the Geraldton Regional Centre Planning Strategy, which will establish the foundation for a Regional Planning Scheme.

Both the City of Geraldton and the State Government recognise the importance of implementing a Regional Planning Scheme to provide a structured mechanism for planning, to coordinate the sustainable development and growth of Geraldton and the surrounding region, and to assist with funding the development of regional public space and infrastructure.

The State Government is committed to the establishment and maintenance of a Regional Planning Scheme, guided by a Steering Committee representing key State agencies and local stakeholder groups, including the City of Geraldton.

In conjunction with progressing the Regional Planning Scheme, consideration will be given to establishing a Statutory Planning Committee, to facilitate administration of the Scheme and strategic planning and development of the Geraldton area, and to deal with statutory planning approvals.

### **4.3 Communications and Consultation**

The State Government intention is to invite the City of Geraldton to have representation on any key regional planning, consultative or steering committees associated with project proposals or implementation, which may have a significant impact upon the Geraldton community.

The State Government intention is to develop appropriate consultative and participative processes with the City of Geraldton, for any planned major works, or statutory and strategic planning of the City.

The City of Geraldton intention is for open and honest participation in any planning and consultative processes with the State Government, communicating community issues and concerns accurately and in a timely manner that recognises State Government timeframes and imperatives.

The City of Geraldton intends, where appropriate, to act as a conduit for public issues to be communicated to the State Government and also intends to assist in the dissemination of information on major planning studies or works planned within the City. This relates to general support, and will not include meeting the costs of advertising, surveys, brochures and dissemination of materials for projects or studies that are the State's responsibility.

The State Government will endeavour to hold a meeting of the Cabinet Standing Committee on Regional Policy, with the Premier and senior Cabinet Ministers present, in Geraldton at least once every two years, and to include a meeting with City of Geraldton representatives in its itinerary.

It is recognised that, from time to time, the views of the State Government and the City of Geraldton shall differ. Under the MOU, the intention of all parties involved with issues of concern is to work conscientiously and objectively to resolve differences. Where this is not achievable, all parties will accept and respect the different views held.

Where necessary, the Premier, State Government Ministers and heads of State agencies shall endeavour to be available to meet with City of Geraldton representatives on issues that are of significant concern to the region. Similarly the Mayor, Council representatives and the Chief Executive Officer of the City of Geraldton shall endeavour to be available to meet with State Government members and key State agency representatives, on issues of concern and priority to the State.

#### **4.4 MOU Composition and Role**

##### **Composition**

To pursue the joint objectives of the State Government and the City of Geraldton in relation to the sustainable development policy aims, a MOU Advisory Committee shall be established, comprised of representatives of the City of Geraldton, key State Government agencies and the member for Geraldton.

The Committee will be jointly hosted and supported by the City of Geraldton and the Department for Planning and Infrastructure.

The State Government intention is for decision-making level representation (regional manager or similar) by all State agencies on, or meeting with, the Committee.

## **Role**

The MOU Advisory Committee will:

- ♦ Consider, advocate and promote developmental proposals
- ♦ Facilitate the provision of authoritative, key stakeholder advice on critical priorities, policies and standards associated with proposals and projects
- ♦ Work to facilitate effective and balanced communication and consultation, between the MOU parties and also with the community, on proposals, projects and outcomes
- ♦ Facilitate the provision of appropriate funding and other resource commitments to proposals and projects
- ♦ Monitor and assess strategic progress, operational and financial accountability, of proposals and projects, and provide appropriate reports to State Government and the City of Geraldton to support policy consideration and information dissemination

### **4.5 MOU Obligations - Major Works and Development**

The State Government intention is for proper consideration, consultation on, and implementation of proposals or projects undertaken, planned or 'approved' by the State, to ensure the social, environmental or economic wellbeing of Geraldton are not adversely affected by them.

The City of Geraldton intention is to take into account and protect the State's key infrastructure, such as its port facilities, major transport routes and service corridors, in its planning and development of the city. The City intends to consult with relevant State agencies in relation to any proposals that may affect such facilities.

The City of Geraldton and the State Government intend to establish steering or consultative committees for any major projects or studies that may have a significant impact on either party. Such committee's may involve representation from the City, relevant State agencies, plus the local parliamentary representative, but no party shall be bound to participate. The committee membership may be extended, as deemed appropriate, by the organisation with primary responsibility for the particular project or study.

The State Government intends to consult with the City of Geraldton, including through consultative committees where appropriate, on any major State or private development subject to its approval, which may have a significant impact on the social or economic development, environment or amenity of Geraldton.

#### **4.6 Management and Review**

Coordination and review of the progress and implementation of this MOU is proposed through the following:

- ♦ Review and discussion undertaken at a meeting of the Regional Development Subcommittee of Cabinet with City of Geraldton representatives, as appropriate, every two years.
- ♦ Review and reporting, not less than annually, to the Offices' of the Premier, the Minister for the Mid West, the Minister for Planning and Infrastructure, and the Geraldton City Council by the MOU Committee, on the effectiveness of the consultation, communication and cooperation between parties in relation to the MOU role and aims.
- ♦ Coordination of approved initiatives and projects to progress under the guidance of appropriate Management Committees, reporting to the MOU parties through the MOU Committee.

#### **4.7 Dispute Resolution**

In the event of a dispute arising between parties who are subject to the conditions of this MOU, the following steps will be followed:

- ♦ All parties shall, in the first instance, endeavour to resolve any disputes at a local level.

The Chief Executive Officer of the City of Geraldton shall meet with the relevant Regional Manager, Divisional or Departmental Head to discuss and seek resolution of issues under dispute.

Matters may be raised by any party operating under the conditions of the MOU, in writing with copies to the relevant State agency(s), local parliamentary representative, and Chief Executive Officer of the City of Geraldton.

The relevant officer-in-charge of the local area of State responsibility shall meet with the Chief Executive Officer of the City of Geraldton, by mutual arrangement within 14 days of receipt of written advice of the dispute.

- ♦ In the event that the matter is not resolved at that level, it shall be referred to the Chief Executive/Director General of the State agency(s) involved, to meet with the Chief Executive Officer of the City of Geraldton and other relevant parties to the dispute. Every reasonable endeavour shall be made to resolve the dispute at that stage.

On referral of a dispute to a State agency Chief Executive, a meeting aimed at resolving the matter shall be arranged, by mutual agreement, within 14 days.

- ♦ Where the matter in dispute is of a political nature it shall, in the first instance, be referred to the local parliamentary member for resolution. Copies of the matter of dispute shall be provided to the (Geraldton) Chief Executive Officer for referral to the Mayor of the City of Geraldton, and to the relevant State Minister.

On failure to resolve a dispute at that stage, matters of concern to the City of Geraldton may be referred to the Minister responsible for the portfolio area relevant to the matter. The Minister shall make arrangements to meet with the City of Geraldton Mayor and representatives at the earliest mutually convenient occasion, within a period of one calendar month.

Nothing in this MOU limits the rights of the parties to it from seeking legal advice or action, or limits the parties in undertaking of their statutory roles.

#### **4.8 Memorandum of Understanding in Good Faith**

Despite anything expressed or implied to the contrary in this Memorandum of Understanding (MOU) or anywhere else, this MOU is a mere non-justiciable statement of current intent, and is neither intended to be, nor is it, (a) legally binding, or (b) creative of legal relations between the parties to it. No legal rights or obligations will come into existence unless or until one or more legally enforceable written agreements are entered into.