
MEMORANDUM OF UNDERSTANDING

BETWEEN

**CITY OF ARMADALE, CITY OF GOSNELLS AND SHIRE OF SERPENTINE
JARRAHDAL**

For

**The management and conduct of
the South East Regional Energy Group
and
the *Switch your thinking* program**

Contents

MEMORANDUM OF UNDERSTANDING	1
1. RECITALS	3
2. DEFINITIONS AND INTERPRETATION	3
3. INTRODUCTION.....	3
4. PURPOSE.....	4
5. COMMON ROLES AND RESPONSIBILITIES.....	5
A. SOUTH EAST REGIONAL ENERGY GROUP MEMBERSHIP:	5
B. FINANCIAL SUPPORT:.....	5
C. MEETING VENUES:.....	5
D. WORKSTATION:.....	5
E. FINANCIAL ADMINISTRATION:	6
F. IN-KIND SUPPORT - RECORDS:.....	6
G. MATERIALS AND EQUIPMENT STORAGE:.....	6
H. ADMINISTRATION SUPPORT.....	6
6. UNIQUE ROLES AND RESPONSIBILITIES.....	7
A. HUMAN RESOURCE MANAGEMENT	7
B. WORKSTATION	7
C. FINANCIAL ADMINISTRATION:	7
D. VEHICLE:	8
7. AGREEMENT PERIOD.....	8
8. CONFIDENTIALITY.....	8
9. DISPUTE RESOLUTION	8
10. VARIATIONS.....	9
11. TERMINATION.....	9
12. SIGNATORIES.....	10

MEMORANDUM OF UNDERSTANDING

- BETWEEN** City of Armadale of 7 Orchard Avenue, Armadale, Western Australia;
- AND** City of Gosnells of 2120 Albany Hwy, Gosnells, Western Australia;
- AND** Shire of Serpentine Jarrahdale of 6 Paterson Street, Mundijong, Western Australia;

1. RECITALS

- (A) The City of Armadale, the City of Gosnells and Shire of Serpentine Jarrahdale (the Parties) have agreed to enter into this Memorandum of Understanding (MoU) to record the terms, conditions and agreements between the Parties as they apply to the operations of the cooperative forum known as the South East Regional Energy Group, and the management and conduct of the Switch your thinking program.
- (B) This document is a Memorandum of Understanding and is not intended to create binding or legal obligations on any Party to the Memorandum.

2. DEFINITIONS AND INTERPRETATION

SEREG: refers to the South East Regional Energy Group

Partner Councils: refers to the City of Armadale, the City of Gosnells and Shire of Serpentine Jarrahdale

SYT: refers to the Switch your thinking program

3. INTRODUCTION

In 1999 the City of Armadale, the City of Gosnells and Shire of Serpentine Jarrahdale resolved to work together as the SEREG to reduce corporate and community greenhouse emissions in their organisations and municipalities.

The SEREG is a committee comprised of a Councillor delegate and senior officer from each Partner Council. Each Partner Council also provides a deputy Councillor delegate. The SEREG is serviced by two salaried staff, the SYT Program Coordinator and SYT Program Officer. The SEREG's primary function is to guide the development and implementation of the Switch your thinking program to the satisfaction and mutual benefit of the Partner Councils.

The SEREG developed the Switch your thinking program in 2002 as a marketing tool to provide a consistent and recognisable brand under which to deliver innovative greenhouse emissions reduction and resource conservation projects to the community.

Since then the scope of the Switch your thinking has expanded, with the endorsement of Partner Councils, to other Western Australian communities through the licensing of Intellectual Property to other local governments.

The SEREG prepares, on a five yearly basis, a Business Plan for the consideration of the Partner Councils. The Switch your thinking Business Plan provides program direction and a budget framework.

The SEREG is not a "Committee of Council" to any of the Partner Councils, and has no formal standing. It meets bi-monthly and operates under an endorsed Terms of Reference to implement actions identified in the Switch your thinking Business Plan.

The SEREG committee meets bi-monthly and advises Partner Councils as necessary in matters of SEREG management and conduct, Switch your thinking program development and implementation, budget management, Switch your thinking program staff and other relevant matters that may arise.

4. PURPOSE

The purpose of this Memorandum of Understanding is to formalise the partnership between the City of Armadale, City of Gosnells and Shire of Serpentine Jarrahdale, and to clearly identify the roles and responsibilities of each of the Partner Councils in relation to the:

- management and conduct of the SEREG
- development and implementation of the Switch your thinking program
- development and administration of the Switch your thinking program budget
- administration of Switch your thinking program staff and related matters

5. COMMON ROLES AND RESPONSIBILITIES

EACH PARTNER COUNCIL WILL:

a. SOUTH EAST REGIONAL ENERGY GROUP MEMBERSHIP:

Provide a Councillor delegate, a deputy Councillor delegate and a senior environmental staff member to make up the membership of the SEREG. Councillor delegates and deputies will be appointed by each Partner Council following local government elections.

As per the SEREG's Terms of Reference the Councillor delegates will exercise voting rights at the bi-monthly SEREG meetings and may be called upon to Chair the Group.

The senior environmental staff representatives will advise the SEREG and their respective Councillor delegates, and will not exercise voting rights.

b. FINANCIAL SUPPORT:

Within its budget processes, provide financial support to the Switch your thinking program as outlined in the budget schedule in the endorsed Switch your thinking Business Plan.

Partner Council contributions are based on population size as a percentage of the regional population. The Shire of Serpentine Jarrahdale also contributes an additional 12 cents per resident per year to the program. The Shire of Serpentine Jarrahdale's additional contribution enhances equality between partner Councils as both the City of Gosnells and City of Armadale take responsibility and incur costs for administering shared regional programs, Switch your thinking and Armadale Gosnells Landcare Group, respectively.

The SEREG partner Councils' financial contributions fund program staff with the implementation budget sourced from external revenue.

c. MEETING VENUES:

Make available to the SEREG, at no cost, venues for meetings and community-based events.

d. WORKSTATION:

Provide at their administration offices for the use of Switch your thinking program and contract staff a workstation, computer, internet connection, telephone, IT support and access to the organisation's network and records management system. Workstations may be shared with other staff, through an agreed roster system, and will be in close proximity to the organisation's SEREG staff delegate. Storage space for records and minor equipment will also to be provided at each workstation.

(Note: 6(b) below, addresses additional workstation provisions at the City of Gosnells)

e. FINANCIAL ADMINISTRATION:

Maintain accurate records and provide the SEREG with assistance to meet grant reporting requirements as necessary.

(Note: 6(c) below, addressing additional financial administration support provided by the City of Gosnells)

f. IN-KIND SUPPORT - RECORDS:

On the understanding that "in-kind" support from Partner Councils may be proposed as a contribution to grant applications and thereafter a reporting aspect of grant acquittals, Partner Councils will maintain records of "in-kind" support provided to the SEREG and the Switch your thinking program.

g. MATERIALS AND EQUIPMENT STORAGE:

Make available, as reasonably required, space for the storage of Switch your thinking program materials and equipment. This may include, as required, the:

- Secure parking / storage of equipment including *Switched on Recycling* trailer
- Storage of promotional and display items prior to their distribution and use
- Secure space for the Can-i-val recycling exhibits

h. ADMINISTRATION SUPPORT

Provide general administrative and secretarial support as required, where practical.

6. UNIQUE ROLES AND RESPONSIBILITIES

THE CITY OF GOSNELLS WILL:

a. HUMAN RESOURCE MANAGEMENT

On behalf of the three Partner Councils, act as the employer of the Switch your thinking program staff. The *Terms and Conditions* relating to employment matters will be governed by the current City of Gosnells Employee Collective Agreement and any subsequent such agreement or equivalent.

Undertake recruitment activities, as required, to fill Switch your thinking program staff vacancies, and manage Switch your thinking staff in a manner consistent with the City of Gosnells Human Resources Manual and processes. SEREG may be required to provide assistance and advice regarding the recruitment and management of Switch your thinking staff.

Arrange Superannuation and Workers Compensation payments with costs being charged to the Switch your thinking budget.

b. WORKSTATION

In addition to commitments provided at 5(d) above, provide for the use of Switch your thinking Program staff:

- three laptop computers
- three wireless internet connections
- remote access to its IT network and record management system
- three mobile telephones

c. FINANCIAL ADMINISTRATION:

In addition to commitments provided at 5(e) above, manage the Switch your thinking budget on behalf of the Partner Councils, including:

- The receipt and administration of external funds, including but not limited to income from Partner Council contributions, Intellectual Property Licence fees, corporate sponsorship fees and grants
- Payment of all authorised expenditure
- Assistance with audit and financial reporting obligations
- Coordination and payment of public liability, property, contents and other insurance

- The provision of monthly financial reports
- Establishing a means to facilitate recording and reporting of interest earned on discrete and significant financial grants, where the reporting of such income is required for grant acquittal purposes

NB: The City of Gosnells has advised that there is no practical way for interest earned on general Switch your thinking program funds held in the City's bank account to be identified and recovered to the benefit of the program. It is advised by the City of Gosnells and acknowledged by the Partner Councils that this forgone income is more than offset by the cost of financial administrative services provided nominally by the City as an in-kind contribution to the program.

d. VEHICLE:

Provide, in accordance with the City's Vehicle Policy 2.2.1 and Fleet Management (Vehicle Allocation and Vehicle Use Status) Corporate Procedure H.040, a vehicle for the program's use. Operating, insurance, maintenance, depreciation and FBT costs of the vehicle are charged to the Switch your thinking budget. The City of Gosnells will notify the SEREG if these actual costs significantly differ from annual budget projections.

7. AGREEMENT PERIOD

This Memorandum of Understanding will remain in force for a period of five years commencing 1 July 2015 and expiring 30 June 2020. The term of this agreement is synchronous with the term of the Switch your thinking Business Plan.

The term of this agreement may be extended by the mutual agreement of the Partner Councils in writing.

8. CONFIDENTIALITY

The Parties agree to confidentiality and will not disclose, communicate or divulge to anyone confidential information received through, or for the purposes of, this MOU unless expressly required by law.

9. DISPUTE RESOLUTION

The Partner Councils will attempt to settle all disputes arising from the execution of, or in connection with, this Agreement through friendly consultation between the Parties. Failing agreement, arbitrators may be appointed by each party involved in the dispute, in accordance with the

provision of the *Commercial Arbitration Act 2012*. Any party may, if it so desires, be represented by a qualified legal practitioner or other representative.

10. VARIATIONS

The Partner Councils may agree to vary this Memorandum of Understanding at any time by an exchange of letters.

11. TERMINATION

This agreement may be terminated at any time by:

- Mutual agreement of all Partner Councils in writing at any time; or
- Any Partner Council by giving three months' notice in writing to the other Partner Councils.

12. SIGNATORIES

SIGNED ON BEHALF OF THE PARTIES

Ray Tame **Date**
Chief Executive Officer
City of Armadale

Richard Gorbunow **Date**
Chief Executive Officer
Shire of Serpentine Jarrahdale

Ian Cowie **Date**
Chief Executive Officer
City of Gosnells