

Revised Implementation Plan for Fitzgerald River National Park Project

NATIONAL PARTNERSHIP AGREEMENT ON LOCAL GOVERNMENT AND REGIONAL DEVELOPMENT

PRELIMINARIES

1. This Implementation Plan is created subject to the provisions of the National Partnership Agreement on Local Government and Regional Development and should be read in conjunction with that Agreement. The objective in the National Partnership is to improve the capacity, resilience and infrastructure in communities and build capacity and resilience of local governments.
2. The Commonwealth has agreed to provide financial assistance of \$20 million for the upgrading of roads and recreation sites within the Fitzgerald River National Park. The Commonwealth funded components of the road and recreation site upgrades are scheduled for completion by end June 2012.
3. The Commonwealth funding comprises half of the funding for the project to upgrade the Fitzgerald River National Park; the Western Australian Government is also contributing \$20 million to the project which will include additional recreation site upgrades and walk trails.
4. Where there are inconsistencies between this Implementation Plan and the Guidelines for Regional Development and Local Government Programs as they relate to projects that are being implemented solely by a State or Territory government agency or jointly with a Local Government Participating Authority, the provisions of the National Partnership will apply.

TERMS OF THIS IMPLEMENTATION PLAN

5. This Implementation Plan will commence as soon as it is agreed between the Commonwealth of Australia, represented by Minister for Infrastructure, Transport, Regional Development and Local Government, and the State of Western Australia, represented by the Minister for Transport.
6. This Implementation Plan will cease on completion of the Commonwealth funded components of the project (scheduled for completion by June 2012) as specified in this Implementation Plan, including the acceptance of final performance reporting and processing of final payments against project milestones specified in this Implementation Plan.

7. This Implementation Plan may be varied by written agreement between the Ministers.
8. Either Party may terminate this agreement by providing 30 days notice in writing. Where this Implementation Plan is terminated, the Commonwealth's liability to make payments to the State is limited to payments associated with project milestones achieved by the State by the date of effect of termination of this Implementation Plan.
9. The Parties to this Implementation Plan do not intend any of the provisions to be legally enforceable. However, that does not lessen the Parties' commitment to this Implementation Plan.

PROJECT OBJECTIVE

10. The objective in this Implementation Plan is to reconstruct and seal priority roads at the eastern and western ends of the park; progress improvements to walking trails between Hamersley Inlet, Quoin Head, and Point Ann and Fitzgerald Inlet; and upgrade existing day visit and camping facilities.

PROJECT OUTCOMES

11. This project will facilitate the following outcomes:
 - (a) improved two wheel drive access to tourism sites within the world class national park;
 - (b) responsible management of tourism in a world class national park;
 - (c) upgraded recreational opportunities to provide good visitor and environmental management in the world class national park; and
 - (d) protecting jobs in the vulnerable Hopetoun/Ravensthorpe community affected by the closure of BHP Billiton's nickel operation;

PROJECT OUTPUTS

12. The objectives and outcomes will be achieved by:
 - a) reconstruction and sealing of around 40km of all weather, two wheel access roads into the Fitzgerald River National Park;
 - b) upgraded gravel roads of around 40km, two wheel access roads into the Fitzgerald River National Park;
 - c) upgrading recreational day visit and camping sites facilities within the Fitzgerald River National Park; and
 - d) improving walking trails between Hamersley Inlet and Quoin Head, Point Ann and Fitzgerald Inlet.

ROLES AND RESPONSIBILITIES

Role of the Commonwealth

13. The Commonwealth is responsible for reviewing the State's performance against the project milestones specified in this Implementation Plan and providing any consequential financial contribution to the State for that performance.

Role of the State

14. The State is responsible for all aspects of project implementation, including:
- (a) fully funding the project, after accounting for financial contributions from the Commonwealth and any third party;
 - (b) completing the project in a timely and professional manner in accordance with this Implementation Plan, and to the extent it applies to the project, the National Code of Practice for the Construction Industry, and the Australian Government Building and Construction OHS Accreditation Scheme; and
 - (c) meeting all conditions and project milestones including providing reports in accordance with this Implementation Plan.

PERFORMANCE REPORTING AND FINANCIAL ARRANGEMENTS

15. The maximum financial contribution to be provided by the Commonwealth for the project is \$20 million payable in accordance with project milestones set out in Table 1. All payments are exclusive of GST.

Table 1: Project milestones and associated payments

No	Milestone	Due Dates	Amount
1	Acceptance of Progress Report 1 to the satisfaction of the Commonwealth which demonstrates: <ul style="list-style-type: none"> a) Execution of the Implementation Plan; b) An email confirming completion of the detailed road designs for road construction, for the initial 3 kilometres at the eastern end of the Fitzgerald River National Park and the preliminary designs for the remainder of the eastern end; and c) An email confirming the completion of high level recreation site planning and budgeting. 	On date of execution of the Implementation Plan	\$10,000,000

Fitzgerald River National Park Road Upgrade and Walk Trail Project

2	<p>Acceptance of Progress Report 2 to the satisfaction of the Commonwealth which demonstrates:</p> <ul style="list-style-type: none"> a) Evidence of detailed designs for road construction, for the initial 3 kilometres at the eastern end of the Fitzgerald River National Park and preliminary designs for the remainder of the eastern end b) Evidence of high level recreation site planning and budgeting. 	Expected by 2/07/2010	\$1,000,000
3	<p>Acceptance of Progress Report 3 to the satisfaction of the Commonwealth which demonstrates:</p> <ul style="list-style-type: none"> a) Some tenders let for road construction b) Completion of detailed designs for the remaining road construction at the eastern end of the Fitzgerald River National Park c) Completion of an environmental management plan (eastern end road section) d) Completed and approved design specifications for eastern side recreation facilities e) Completed community consultation for Stage 1 walking trail f) Commencement of preliminary alignment selection for Stage 1 walking trail g) Photographic evidence of the approved project sites pre-construction 	Expected by 30/09/2010	\$1,000,000
4	<p>Acceptance of Progress Report 4 to the satisfaction of the Commonwealth which demonstrates:</p> <ul style="list-style-type: none"> a) Completed surveying of eastern side recreation facilities b) Written evidence of approvals/ permits/ authorisations for eastern end road construction and recreation facilities c) Concept design specifications for recreation facilities complete for western side Construction¹: d) Commencement of the eastern side remaining road construction e) Commencement of eastern end recreation sites upgrades f) Tenders let for construction of recreation facilities g) Photographic evidence which demonstrates achievement of project milestone 4 	Expected by 1/02/2011	\$1,500,000
5	<p>Acceptance of Progress Report 5 to the satisfaction of the Commonwealth which demonstrates:</p> <ul style="list-style-type: none"> a) Completed detailed designs for western end road construction Construction: b) 50% completion of eastern side recreation sites c) Commencement of western side road construction d) Photographic evidence which demonstrates achievement of project milestone 5 	Expected by 15/04/2012	\$4,000,000

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6	Acceptance of Progress Report 6 to the satisfaction of the Commonwealth which demonstrates: a) Eastern end road works, subject to environmental and heritage approvals having commenced and progressed b) Completion of 75% of eastern side recreation sites	Expected by 15/05/2012	\$2,500,000
7	Acceptance of the Final Report on the component of the project funded by the Commonwealth to the satisfaction of the Commonwealth, including a summary from the Western Australian Government which provides photographic evidence of the completion of the project.	Expected by 30/06/2012	Nil

¹ Construction start is dependent on weather and environmental approvals.

Note: In the event of partial performance of the milestones (ie one or more project milestones are not achieved as evidenced in the progress reports), a payment proportional to the achievement of the milestone will be paid. The remaining amount will be paid following satisfactory completion of the milestone.

15. Any Commonwealth financial contribution payable will be processed by the Commonwealth Treasury and paid to the State Treasury in accordance with the payment arrangements set out in Schedule D of the *Intergovernmental Agreement on Federal Financial Relations*.

BUDGET

16. The overall project budget (exclusive of GST) is set out in Table 2.

Table 2: Overall project budget (\$ million)

Expenditure item	C'wealth (excl GST) \$ million	State (excl GST) \$ million	Total (excl GST) \$ million
(i) Construction – roads	17.0	13.0	30.0
(ii) Construction – walking trail	0.0	4.0	4.0
(iii) Construction – recreation sites	3.0	3.0	6.0
TOTAL	20.0	20.0	40.0

17. Having regard to the estimated costs of projects specified in the overall project budget, the State will not be required to pay a refund to the Commonwealth if the actual cost of the project is less than the agreed estimated cost of the project. Similarly, the State bears all risk should the costs of a project exceed the estimated costs. The Parties acknowledge that this arrangement provides the maximum incentive for the State to deliver projects cost effectively and efficiently.

PERFORMANCE REPORTING

18. The State will provide progress reports to the Commonwealth to demonstrate its achievement of project milestones set out in Table 1.

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19. Each progress report is to contain the following information:
 - (a) a description of actual performance of the project to date against the project milestones;
 - (b) promotional activities undertaken in relation to, and media coverage of, the project during the reporting period;
 - (d) a description of the work that will be undertaken to complete the remaining project milestones and any expected promotional opportunities during the next reporting period; and
 - (d) details of mitigating circumstances and remedial action undertaken in the event a project milestone is not met or completed in the manner and/or by the time specified.
20. The final project report is due within 60 business days of the completion of the Commonwealth funded component of the project or termination of this Implementation Plan.
21. The final project report will be a stand-alone document that can be used for public information dissemination purposes regarding the project and must:
 - (a) describe the conduct, benefits and outcomes of the project as a whole;
 - (b) evaluate the project, including assessing the extent to which the objective in this Implementation Plan has been achieved and explaining why any aspects were not achieved; and
 - (c) include a discussion of any other matters relating to the project, limited to the minimum necessary for the effective evaluation of the project, which the Commonwealth notifies the State should be included in the final project report at least 30 days before it is due.
22. All progress reports and the final report must contain photographic evidence to a standard acceptable to the Department, which clearly demonstrates the achievement of project milestones.
23. The States will provide the Commonwealth with a licence (including a right to sublicense) to use, reproduce and adapt the photographs referred to in Clause 22 for any Commonwealth purpose.
24. Where projects are funded from sources other than the Commonwealth and the Commonwealth's final payment is made prior to full completion of the project, the State is responsible for providing the Commonwealth with a report containing photographic evidence to a standard acceptable to the Department, which clearly demonstrates the project has been fully completed. This report is due within 60 business days of the full completion of the project.

ACKNOWLEDGEMENT AND PUBLICITY

25. Signage acknowledging the financial and other support of the Commonwealth, to be provided by the Commonwealth, will be erected and maintained for a period determined in writing between the Parties.

26. The Commonwealth will be notified one month prior to any promotional events including launches and visits for the project and an invitation extended to the Minister or his delegate to attend.

NOTICES

27. A notice relating to this project, rather than the Agreement generally is to be in writing and dealt with as follows:

- (a) if given by the State to the Commonwealth:

Director
Small National Infrastructure Programs
Department of Infrastructure, Transport, Regional Development and Local Government
GPO Box 594
CANBERRA ACT 2601

Ph: 02 6274 6828
Fax: 02 6274 8009
Email: [Craig.Downsborough@infrastructure.gov.au]

- (b) if given by the Commonwealth to the State:

Executive Director
Regional Services
Main Roads Western Australia
PO Box 6202
EAST PERTH WA 6892

Ph: 08 9323 4508
Fax: 08 9323 4323
Email: john.erceg@mainroads.wa.gov.au