

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE STATE OF TASMANIA (Antarctic Tasmania)

AND

THE SECRETARIAT FOR THE AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS

PROVISION OF OFFICE FACILITIES AND SUPPORT FOR THE SECRETARIAT
OF THE AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND
PETRELS

PREAMBLE

The *Agreement on the Conservation of Albatrosses and Petrels* (ACAP) is a multilateral agreement which seeks to achieve and maintain a favourable conservation status for albatrosses and petrels by coordinating international activity to mitigate known threats to albatross and petrel populations. The ACAP has been developed under the auspices of the *Convention on the Conservation of Migratory Species of Wild Animals* (CMS).

There are currently 11 Parties to the Agreement: Australia, Argentina, Chile, Ecuador, France, New Zealand, Norway, Peru, South Africa, Spain and the United Kingdom. Brazil is a signatory to the Agreement and has indicated it will ratify the Agreement shortly.

The Agreement established the Meeting of the Parties (MoP) as the decision-making body of the Agreement. The MoP normally meets every three years. The Meeting of the Parties established an Advisory Committee ("the Committee") to provide expert advice and information to Parties, the Secretariat and others. The Committee normally meets on an annual basis.

At the first Meeting of Parties (MOP1), a decision was taken to permanently locate the ACAP Secretariat in Hobart, Tasmania, Australia (Resolution 1.1). Australia's offer to host the Secretariat had formal support from the Tasmanian Government which offered to provide office accommodation and other support to the ACAP Secretariat free-of-charge for a period of up to eight years, two years during the operation of the interim Secretariat and a further six years once the Secretariat was permanently established.

An initial memorandum of understanding (MoU) was signed by Lara Giddings, Tasmanian Government Minister for Economic Development and Greg Hunt, Australian Government Parliamentary Secretary to Minister for Environment and Heritage, on behalf of the Government of Tasmania and the Australian Antarctic

Division respectively to provide this support for the operation of the interim Secretariat for a two year period. This initial MoU is superseded by this MoU

At the Second Meeting of the Parties (MOP2) agreement was reached between the Parties and the Government of Australia on the adoption of a Headquarters Agreement that would establish privileges and immunities for the Secretariat and provide it with an international legal personality. The Parties also agreed to accept the offer of the Tasmanian Government to provide office accommodation and other support to the Secretariat for a period of six years and authorised the Executive Secretary of the Secretariat to enter into a Memorandum of Understanding with the Tasmanian Government to give effect to this offer (Resolution 2.1)

This Memorandum of Understanding (MoU) between Antarctic Tasmania, Department of Economic Development, Government of Tasmania and the Secretariat for the Agreement on the Conservation of Albatrosses and Petrels outlines the administrative arrangements that are intended to apply to the support arrangements provided by Antarctic Tasmania to host the ACAP Secretariat.

TERMS OF AGREEMENT

Under the terms of this Memorandum of Understanding (MoU), the parties undertake the following:

1. Duration of Agreement

- 1.1. Maximum of six years commencing on 1 February 2007 until 31 January 2013.

2. Office Facilities

- 2.1. The ACAP Secretariat will be located within the offices of Antarctic Tasmania of the Tasmanian Government at Suite 25/26 Salamanca Square, Hobart, Australia. The Tasmanian Government will provide office accommodation and other support specified in this MoU, free-of-charge (unless otherwise stated), to ACAP for a period of up to six years.
- 2.2. Should the Tasmanian Government decide to relocate Antarctic Tasmania equivalent office accommodation will be provided for the ACAP Secretariat in accordance with this agreement

- 2.3. Approximately 36 square metres of space will be allocated to the ACAP Secretariat in Antarctic Tasmania's Salamanca Square facility to provide for an executive office, an administrative area for two workstations, and secure storage for files and other reference material.
- 2.4. The ACAP Secretariat will have shared use of in-house meeting facilities (25 square metres) and reception area.
- 2.5. The Tasmanian Government will provide a car parking space for the Secretariat. The Secretariat will have access to the office space and parking 24 hours a day, seven days a week.

3. Administrative Support

- 3.1. Administrative support will be provided by an administrative officer of Antarctic Tasmania. This officer will monitor any unanswered ACAP telephone calls and facsimile traffic during normal office hours.

4. Communications Support

- 4.1. Antarctic Tasmania will provide three dedicated telephone lines and access to a facsimile machine free-of-charge. ACAP will be responsible for outgoing telephone and facsimile call costs.
- 4.2. Telephone and facsimile services will be monitored during normal business hours by Antarctic Tasmania.
- 4.3. Antarctic Tasmania will provide shared use of a Hobart GPO mailbox, together with the daily collection and delivery of incoming mail.

5. Computer Support

- 5.1. The Tasmanian Government will provide access to electronic mail and the internet and, if requested, will host but not maintain the ACAP web-site. The Tasmanian Government will host the ACAP email server and provide space on the Antarctic Tasmania server for electronic storage. The Secretariat will have reasonable access to the Tasmanian Government's computer services.

including personnel for general computer support and maintenance of software relevant to existing services, including 1st level support. However onsite restoration of service or consultation directly associated with the Secretariat may be undertaken by an external service provider

- 5.2. Service and support is offered in line with existing Antarctic Tasmania provisions between 8 am and 6 pm business days. Service or support outside of these hours may attract a fee for service.
- 5.3. Antarctic Tasmania will provide shared access to an integrated colour photocopier/printer/scanner. Use of this facility will be charged at cost to the ACAP Secretariat.

6. Human Resource Services

- 6.1. The ACAP Secretariat will be responsible for the engagement of its staff and contractors and for ensuring the all legal requirements concerning its staffs' employment are met.
- 6.2. The Department of Economic Development will offer facilities for the disbursement of salaries and salaries entitlements for the Secretariat's staff.

7. Accounting and Financial Services

- 7.1. The Department of Economic Development will establish a financial project account for receiving fees, making payments and holding and managing the ACAP operating funds. Payments made for relevant supplies and services will be debited from the ACAP account, subject to prior authorisation by the Executive Secretary.
- 7.2. The ACAP Secretariat's financial accounts will be incorporated into the accounting system for the Department of Economic Development. Monthly computerised statements will be available to facilitate the monitoring of transactions.
- 7.3. The payment of accounts and the acquittal of expenses incurred by the Secretariat on ACAP business will be submitted through the ACAP Executive Secretary for certification that the expenses are in accordance with ACAP procedures.

- 7.4.1 The ACAP Executive Secretary has responsibility for the oversight, approval and disbursement of ACAP funds and will be responsible to the Meeting of the Parties for the management of these funds in accordance with the requirements of the financial regulations adopted by the Meeting of the Parties. The Tasmanian Government will bear no responsibility for the management of these funds.

8. Auditing of Accounts

- 8.1 The Secretariat's accounts will be subject to annual auditing consistent with the Department's finance procedures. Auditing will be conducted by a Department of Economic Development accountant free-of-charge.

9. Overheads

- 9.1. Items not covered by Antarctic Tasmania include:
- 9.1.1. ACAP office furniture and computer equipment, including provision of additional capacity above and beyond existing Antarctic Tasmania requirements;
 - 9.1.2. outgoing telephone and facsimile calls;
 - 9.1.3. printing and photocopying;
 - 9.1.4. stationery and general office supplies;
 - 9.1.5. costs associated with intensive internet usage, and
 - 9.1.6. all other expenses associated with the operation of the ACAP Secretariat, other than those expenses referred to in this MoU.

10. Insurance

- 10.1. Antarctic Tasmania's facilities at Salamanca Square are included under the Tasmanian Government's general cover for public liability insurance. Any incidents at Antarctic Tasmania that are not specifically attributable to the actions of the ACAP Secretariat or its employees or agents, will be covered under this policy.
- 9.2. Public liability insurance specifically covering the activities of the ACAP

Secretariat while occupying Antarctic Tasmania's facilities will be the responsibility of the ACAP Secretariat.

- 9.3 Workers compensation insurance for the ACAP Secretariat's staff will be the responsibility of the ACAP Secretariat except for those staff members whose salary and entitlements are paid through the Department of Economic Development.

11. Review of Arrangements


- 10.1 The level and quality of support provided by the State Government of Tasmania, through Antarctic Tasmania, to the ACAP Secretariat will be reviewed annually. Any proposals to change administrative support arrangements will be agreed by the General Manager of Antarctic Tasmania and the Executive Secretary of ACAP.

12. Legal Status

- 12.1. The parties to this MoU acknowledge that this Memorandum is not legally binding between them.



10/10/07
Ben Galbraith
General Manager, Antarctic Tasmania
Department of Economic Development



10/10/07
Warren Papworth
Executive Secretary
ACAP Secretariat