



**This Memorandum of Understanding** is made on the 29 day of October 2007

**Between The Parties:**

A handwritten signature in blue ink, appearing to be "David Hill".

**Cancer Council Victoria**  
("CCV")  
Professor David Hill, Executive Director

A handwritten signature in purple ink, appearing to be "D. Alcorn".

**The Victorian Cancer Agency** ("the Agency") **acting on behalf of The Victorian Department of Human Services**  
("The Department")  
Professor Daine Alcorn, Chair of the Consultative Council

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# 1 Background

## The Cancer Council Victoria

In 1936 an unincorporated Anti-Cancer Council of Victoria was constituted. The Anti-Cancer Council became an incorporated body by Act of Parliament in December 1936. The enabling Bill enacted forms the basis of the current Act of Parliament governing the Anti-Cancer Council with no major subsequent amendments. The Anti-Cancer Council of Victoria has established itself as an organisation of international standing. It now trades as The Cancer Council Victoria (CCV), and is governed by a Council of 50 people, with delegated authority to an Executive Committee (Board) and several other sub-committees.

The CCV is constituted by the Cancer Act (1958) in Victoria and is required to report to Parliament. CCV accounts are audited by the Auditor-General and are published in their Annual Report. As well as moneys contributed through philanthropic sources, the operating budget and Cancer Council strategies are considerably enhanced by grants and contracts won in competition from external sources, including state and federal government.

## The Victorian Cancer Agency

As part of the vision for a Comprehensive Cancer System for Victoria, the Ministerial Taskforce for Cancer (MTFC) advised on the establishment of the Victorian Cancer Agency (the Agency) to support and develop the integration of cancer research and services. In response to the advice from the MTFC, the Victorian Government committed \$15 million over two years for the establishment of the new Agency as part of the *Healthy Futures: Life Sciences Statement*. Funding of \$3 million was allocated in 2006-07 and \$12 million was allocated in 2007-08.

An independent panel consulted and reviewed with key stakeholders in the cancer research arena and recommended that the Agency be established as an independent statutory authority. Following the release of this report, a CCV proposal was put to the previous Minister for Health, Hon. Bronwyn Pike, for a CCV facilitated Agency, which involved the collocation of the Agency within CCV premises, with a separate street entry and signage (on Victoria Street), sharing of infrastructure including IT, HR, payroll, telecommunications and various committees. The Victorian Government agreed with components of this proposal and the Agency's operational team is now collocated with the CCV at 12 Victorian Street, Carlton.

In June 2007, the previous Minister for Health established the Agency and its membership as a statutory "Consultative Council" under the *Health Act 1958, Section 24*, for a two-year period from 1 July 2007 to 30 June 2009. The Chair of the Council reports to the Minister for Health.

# 2 Definitions and Interpretations

In this Memorandum of Understanding:

- 2.1 "The Parties" means the parties to this Memorandum of Understanding.
- 2.2 "Partnerships" means a collaborative arrangement based on transparency, mutual respect and acknowledgement of different and complementary roles and responsibilities, aimed at achieving agreed outcomes for the future.

### **3 Purpose of this Memorandum of Understanding**

The specific purpose of this Memorandum of Understanding is to record The Parties' commitment to:

- Working together to improve the cancer research capacity and capability in Victoria;
- Defining the roles and responsibilities of the Agency and the CCV; and,
- Establishing protocols in relation to specific operational matters.

This Memorandum of Understanding does not create legally binding rights and obligations, but is intended to reflect the principles and goodwill on which their Partnership has been and shall continue to be developed.

### **4 Principles of Partnership**

#### **4.1 Client and Community Focus**

- 4.1.1 The Parties' primary objective is to work together to promote, enhance and foster all aspects of cancer research.

#### **4.2 Collaborative Approach**

- 4.2.1 The prevailing philosophy and culture shall be one of collaboration;
- 4.2.2 There shall be a commitment by the Parties to respect and involve each other; and
- 4.2.3 The Parties shall present and promote each others' services in a positive manner.

### **5 Relationship Building**

- 5.1 The relationship between the Agency and CCV shall be based on transparency, mutual respect, recognition of diversity and recognition of the complementary contribution each makes to the cancer research sector.
- 5.2 There shall be open and honest communication between the Parties.
- 5.3. Robust structures and fair and efficient mechanisms for resolving differences shall be developed and supported to sustain the Partnership, foster the development of trust, enable developmental opportunities to be captured, and facilitate efficient and effective management of change, as needed.

### **6 Roles and Responsibilities**

- 6.1 The core business of the CCV is cancer control. The CCV is also responsible for:
- 6.1.1. *Helping people affected by cancer* – the CCV supports people with and at high risk of cancer, and their families and friends.
- 6.1.2. *Preventative research and education programs* – prevention of the occurrence of cancer, prevention of its spread, and prevention of avoidable distress associated with it. CCV's education programs explain how people can reduce their risk of cancer.
- 6.1.3. *Conducting effective research* - CCV has two major in-house research units: the Cancer Epidemiology Centre, which includes the Victorian Cancer Registry and Health 2020 (the Melbourne Collaborative Cohort Study); and the Centre for Behavioural Research in Cancer.
- 6.1.4. *Funded Research Programs* – the CCV also funds scientists working in laboratories in universities and hospitals around Victoria. The Centre for

Clinical Research in Cancer facilitates clinical research through hosting the Victorian Cooperative Oncology Group and administering clinical trials support that spreads over 18 centres around Victoria. The VicHealth Centre for Tobacco Control is a research and policy unit housed at the CCV – Drummond Street, which conducts research into the legal, economic and social aspects of tobacco use.

6.2 The Agency is a Victorian Government funded organisation, as such, it will undertake its operations in a manner that enables the Victorian Government goals, values and vision to be achieved. The Agency, as legislated as a Consultative Council, under the *Health Act 1958, Section 24*, will advise the Minister for Health (and where appropriate, key stakeholders) on:

- 6.2.1. developing a cancer research strategy for Victoria, based on identified areas of need;
- 6.2.2. using the cancer research strategy to set priorities for the strategic use of State Government available funds to maximise cancer research capacity and capability in Victoria;
- 6.2.3. building cancer research capacity and capability, with a focus on developing a comprehensive translational research program designed to maximise the health outcomes of cancer patients;
- 6.2.4. the appropriate coordination and management of existing state-wide programs and initiatives relating to cancer research and for any new state-wide programs and initiatives– with the overall aim of ensuring success and adding value;
- 6.2.5. ensuring cancer patients have access to world-class clinical trials through the development of a ten-year plan to build capacity and capability in clinical trials across metropolitan and regional Victoria;
- 6.2.6. continuing to establish Victoria as the national centre for cancer informatics by linking clinical data, quality monitoring and clinical audit data, state-wide outcomes review data, and research data (Australian Cancer Grid);
- 6.2.7. aligning current clinical programs for productive biotech research; and,
- 6.2.8. fostering collaborative relationships between stakeholders, and working with stakeholders and stakeholder groups (for example the Integrated Cancer Services[ICS]) to identify and develop opportunities for cancer research, thus aligning and integrating research with service delivery.

6.3 The Victorian Cancer Agency will not:

- 6.3.1 Raise funds from any philanthropic source;
- 6.3.2 Provide “support to people with and at high risk of cancer, and their families and friends”, as this is the role of the CCV;
- 6.3.3 Duplicate the funding programs provided by the CCV. The Agency will ensure this does not occur through regular meetings with the Research

Management Unit and with the Director CCV to discuss funding opportunities and funding gaps;

6.3.4 Themselves undertake preventative cancer research or community education programs (epidemiological or behavioural research programs); or,

6.3.5 Themselves undertake cancer research projects or programs.

## **7 Governance and Management**

7.1 The Parties recognise the Victorian Cancer Agency Consultative Council and the Department of Human Services (DHS) as the governing bodies of the Agency. The parties recognise the Cancer Council Victoria Executive Committee as the governing body of the CCV.

7.2 The Executive Officer, or Program Manager in the interim, of the Agency has responsibility for the implementation of management and operations of the Agency and is accountable to the Chair of the Council and to the Executive Director, Metropolitan Health and Aged Care Services, Department of Human Services.

7.2.1 The staff and members of the Agency are subject to the policies, rules and regulations of the Victorian Public Sector. In particular the Department of Human Services Code of Conduct, Values, Human Rights Charter, Privacy legislation, Occupational Health and Safety Act and Equal Employment Opportunities Act.

7.3 The Director of the CCV has responsibility for the management and operations of all CCV activities and is accountable to the Executive Committee of the CCV. It is recognised that the staff and volunteers of the CCV are subject to the policies and rules of the CCV.

7.4 CCV research projects, programs or researchers are able to apply for appropriate funding programs through the Agency, however each applicant will be subject to the same assessment process as all other applications.

## **8 Media and Communications**

8.1. The Agency, as a business unit of the DHS, has a responsibility to ensure all media related activities are in the best interest of the Victorian Government. The DHS Media Unit must be made aware of all contact from the media relating to the Agency and will be responsible for providing appropriate responses on behalf of the Victorian Government. Approval of messages released by the Agency is required by Executive Director of Metropolitan Health and Aged Care Services and Corporate Communications of the DHS. Sufficient time needs to be allowed for this to occur and changes to messaging cannot occur without obtaining endorsement.

8.2. A common, agreed message pertaining to the relationship between the Agency and CCV is:

- The Victorian Cancer Agency and the Cancer Council Victoria are working together to improve outcomes for the community and cancer patients in Victoria.
- The Victorian Cancer Agency is a Victorian Government initiative that is wholly funded through the State Government of Victoria. The Cancer Council Victoria is a non-profit organisation that relies on the generous support of donors, volunteers and the receipt of grants and contracts won in competition from external sources, including state and federal governments.

- The Victorian Cancer Agency will focus on providing funding to develop Victoria's capacity and capability in cancer research in identified areas of need, and specifically in translational research, supportive care and psychosocial care research. The Cancer Council Victoria will continue to focus upon its strengths of epidemiological and behavioural research, preventative and education programs.
- 8.3. The Agency has developed an identity and branding of its own. This is to be used at all times to assist in increasing awareness of the existence of the Agency. The Victorian Cancer Agency will not be shortened to VCA, it can be shortened to the Agency or used in full, this is so as not to risk confusion with the Victorian College of the Arts.
- 8.4. Where appropriate, the Agency will utilise the Victorian Clinical Oncology Group (VCOG) structure for the dissemination of information in conjunction with other structures, such as the ICS.

## **9 Dispute Resolution**

- 9.1. The Consultative Council of the Agency and the Executive Committee of the CCV shall support and develop the relationship between The Parties and ensure that they each have adequate mechanisms in place to address differences which may arise between them.
- 9.2. The Parties shall agree on a formal dispute resolution mechanism to be relied on in the event of a dispute between the Agency and CCV that cannot be resolved by them.
- 9.3. Pending resolution of any dispute, the Agency and CCV agree that they shall continue to adhere to and perform all of their respective obligations in relation to the work of each organisation.

## **10 Disclosure of Information**

- 10.1 Wherever possible, the Agency and CCV shall inform each other if either party becomes aware that a significant issue has arisen which may become contentious or compromise the position of either in relation to matters relevant to this Memorandum of Understanding.

