BILATERAL

MEMORANDUM OF UNDERSTANDING RELATING TO THE ASEAN-AUSTRALIA COOPERATIVE PROGRAM IN MARINE SCIENCES (TIDES AND TIDAL PHENOMENA PROJECT)

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GENERAL

1. THIS MEMORANDUM expresses the understanding and intentions of the Governments of the Republic of the Philippines and Australia concerning the administration by the Government of the Republic of the Philippines of Australian funds contributed to the ASEAN—Australia Cooperative Program in Marine Sciences Related to Tides and Tidal Phenomena,

DEFINITIONS

2. For the purpose of this Memorandum of Understanding, unless the contrary intention is stated;

"AAECP " mean the ASEAN—Australian on Economic Co-operation Program;

"AAECP" Liaison Office" means the Australian Liaison Office for the AAECP located in Kuala Lumpur;

"ACG" means accountable cash grant;

"ADABS" means the Australian Development Assistance Bureau;

"ASEAN" means the member countries of the Association of South East Asian Nations;

"Australian Mission means the Australian High Commission representing the Government of Australia in the Philippines;

" Australian Personnel" means Australians or other persons not country nationals or permanent residents of the Philippines engaged by ADAB as servants or agents in ASEAN to give effect to the Project in the Philippines

"COST" means the ASEAN Committee on Science and Technology

"Funds" means money provided by ADAB through the Australian Mission in Manila as ACG's from Australia's commitment to the AAECP.

"Management committee" means the committee appointed by the ASEAN Working Group on Marine Science for implementation of the Project;

"NSTA" means the National Science and Technology Authority of the Government of the Philippines which will be the executing authority in the Philippines;

"Secretariat " means the Management Committee Secretariat in support of the Project chairman and located with the Science Council of Singapore;

"The Program" means the ASEAN-Australia Cooperative Program in Marine Sciences funded by the Government and which is coordinated by the ASEAN Marine Science Working Group;

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"The Project" means the Tides and Tidal Phenomena Project which is administered by the Management Committee;

"Working Group" means the ASEAN Marine Science Working Group which is responsible to the ASEAN Committee on Science and Technology for oversighting the Project.

AUTHORITIES

3. The Executing Authorities for this Project will be:

For the Government of
the Republic of the Philippines:

NSTA

For the Australian Government:

ADAB

NSTA may nominate suitably qualified persons to undertake any part of its functions on its behalf.

ADAB may, in consultation with NSTA nominated suitably qualified persons to undertake any part, of its functions on its behalf.

COMMENCEMENT

4. This Memorandum will take effect from the date of its signing and all undertakings herein will cease on such may be mutually arranged between the two Governments.

RESPONSIBILITY

5. Responsibility for development and direction of the Project will be vested in the Management Committee and NSTA. Responsibility for clarification of acquittals for each ACG will be vested in NSTA as further described in Annex I (para 4.)

ARRANGEMENTS

6. To Assist the Government of the Republic of the Philippines in implementing the aims of the Project, the Australian Government will provide funds to NSTA. Such funds will be applied by NSTA for meeting the costs of research, development and administration activities directly related to the Project and will be paid to NSTA on a quarterly basis, in advance, taking into consideration projected expenditure on the Project for the relevant three month period. NSTA will apply payments from the grant only for the purpose intended as specified in ANNEX II to this Memorandum. Such funds and any income that may be derived from these funds, will be tax exempt.

REVIEW

7. A review of progress of the Project may be made at times arranged between, and mutually convenient to, the Management Committee and ADAB, Such a review may be undertaken by a joint evaluation team appointed by the Management Committee and ADAB and independent of staff directly involved in the Project. Costs associated with the review shall be met from the Project budget.

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TENDERING AND PROCUREMENT

8. NSTA will, in consultation with the AAECP Liaison Office, prepare specifications for equipment to be purchased far the Project and issue purchase orders. These procedures will be in accordance with the Government of the Republic of the Philippines purchasing regulations.

9. As far as possible preference will be given to suppliers of equipment manufactured in one of the ASEAN countries or in Australia, All items for tender will be advertised extensively in all ASEAN countries and Australia.

10. Assets purchased for the Project with funds provided by Australia will become the property of the Working Group or other body determined by the Working Group.

11. The Government of the Philippines exempt from import duties and other taxes all goods supplied from funds provided by Australia for the established purposes of the Project and shall expedite their clearance through customs,

ADVISORS

12. For the purposes of this Project, the Management Committee may request the services of Australian technical advisors as and when required.

13. ADAB will receive six copies of any publication or report produced for the Project. The reports, or the contents thereof, will not be made available to any other Governments body or person except with the prior written permission of the Management Committee.

AMENDMENTS

14. Amendments to this Memorandum may be made at anytime by an Exchange of Letters between the signatories. ANNEXURES I and II to this Memorandum form an integral part of it.

Signed at Metro Manila, in duplicate, this Twenty-eighth day of June, Nineteen Hundred and Eighty Six.

(Sgd.)
SALVADOR H. LAUREL

(Sgd.)
BILL HAYDEN

Vice-President
and
Minister for Foreign Affairs
of
The Republic of the Philippine;

Minister for Foreign Affairs
of the Government of Australia

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