

JOINT COUNCIL ON CLOSING THE GAP

Terms of Reference

Co-Chairs	<p>Government Minister with responsibility allocated on a rotational basis and an Aboriginal and Torres Strait Islander representative nominated by the Coalition of Peaks.</p>
Membership	<p>One Minister nominated by each jurisdiction and one representative from the Australian Local Government Association.</p> <p>Twelve representatives nominated by the Coalition of Peaks, with broad geographic and subject matter coverage.</p> <p>The Co-Chairs, on agreement, may invite other ministers, representatives from government agencies, other Aboriginal and Torres Strait Islander stakeholders or the Productivity Commission’s Indigenous Policy Evaluation Commissioner to participate in specific meetings or specific items, as appropriate.</p> <p>All members may be supported by advisers. Advisers are not members and do not contribute to the discussion unless invited to do so by the Co-Chairs.</p>
Governance Structure	<p>The Joint Council will be supported by a Partnership Working Group consisting of deputy senior officials from governments and representatives of the Coalition of Peaks.</p> <p>The Partnership Working Group will develop and agree its own Terms of Reference.</p> <p>The Partnership Working Group will develop and progress issues for upcoming Council meetings.</p> <p>Additional working groups may be established for specific purposes to progress the work of the Joint Council. Working groups may be established by the Joint Council or Partnership Working Group and may be time limited or ongoing.</p> <p>Working groups will develop papers and provide policy advice as required. Wherever possible, papers for the Joint Council should be developed in partnership.</p>

	<p>Items of a procedural or heavily administrative nature should be delegated to the Secretariat to progress, or dealt with out-of-session.</p>
<p>Operations and decision making</p>	<p>The Joint Council will meet at least twice a year. With agreement of the Co-Chairs, further work can be conducted through extra meetings or out-of-session.</p> <p>The Joint Council will make decisions on the basis of consensus. Consensus decision-making requires agreement on an outcome or course(s) of action. While it does not require uniformity of actions by all members, it does require agreement on the outcome of an item and wording of a resolution.</p> <p>If the Joint Council cannot reach agreement on a matter, it will refer that matter to the Partnership Working Group for further work, for subsequent consideration by the Joint Council.</p> <p>If a member abstains from participating in a decision, this does not prohibit remaining Council members from reaching consensus provided a majority of members participate in the decision-making process.</p> <p>For the purposes of determining whether a Joint Council meeting can proceed, a Quorum will be taken to mean at least six ministerial members and seven Coalition of Peaks members. The number of ministerial members must not exceed the number of Coalition of Peaks members.</p> <p>Decisions arising from the Joint Council will be made public following each meeting through a jointly agreed communiqué.</p>
<p>Scope of Council responsibility</p>	<p>The Joint Council will support national leadership, coordination and cooperation on Closing the Gap and provide advice to the Council of Australian Governments (COAG) as appropriate.</p> <p>The Joint Council will finalise the refreshed Closing the Gap framework and targets and review the 2008 National Indigenous Reform Agreement.</p> <p>The Joint Council will have an ongoing role in monitoring performance against the jointly agreed framework and targets. The Joint Council will also monitor implementation, noting jurisdictions will determine how they implement the Closing the Gap agenda in a manner that is consistent with the overarching national framework.</p> <p>All COAG Councils are required to progress Indigenous Affairs matters as part of their normal business. This Joint Council will work in cooperation with other COAG Councils on an as-needs basis.</p>

<p>Review and reporting</p>	<p>The Partnership Agreement between the National Coalition of Aboriginal and Torres Strait Islander Peak Organisations and COAG member governments gives effect to COAG’s commitment to form a partnership on 12 December 2018. The Joint Council is constituted under the Partnership between the Coalition of Peaks and COAG (‘the Partnership Parties’).</p> <p>The Joint Council supports the formal Partnership and drives the work of our joint efforts to close the gap. The Joint Council is accountable to the Partnership Parties. The Joint Council is able to refer matters to the Partnership Parties for their consideration and endorsement, noting that these will be matters requiring the Partnership Parties’ attention (such as major decisions and intergovernmental agreements).</p> <p>The Joint Council will report to the Partnership Parties on its progress, as requested by the Partnership Parties or agreed by the Joint Council.</p> <p>The Joint Council will review its terms of reference after 12 months and then at least every 18 months. Material changes to terms of reference will require agreement by the Joint Council.</p> <p>The Partnership Working Group will develop a work plan for endorsement by the Joint Council at its first meeting. Joint Council work plans will be published on the COAG website and reviewed on an annual basis, or more frequently as agreed by the Joint Council.</p> <p>An annual Partnership health check will be undertaken by the Partnership Working Group and provided to the Joint Council.</p> <p>A risk register for the Partnership Agreement will be jointly developed and monitored by the Partnership Working Group for endorsement by the Joint Council. The risk register and will be reviewed as part of the annual health check.</p>
<p>Priorities for the Council</p>	<p>The Council will:</p> <ol style="list-style-type: none"> 1. finalise all draft targets and a national Closing the Gap Framework for endorsement by COAG. The draft framework considered by COAG in December 2018 will inform the discussion; 2. review the National Indigenous Reform Agreement; 3. agree the methodology and terms of reference for the Indigenous-led three yearly evaluation; 4. agree the methodology and terms of reference for a review of progress nationally and in each jurisdiction;

	<p>5. agree indicators for the annual Partnership Agreement Health Check; and</p> <p>6. agree and monitor a risk register for the Partnership Agreement.</p>
Context and accountability	<p>At its meeting on 12 December 2018, COAG committed to ensuring “that the finalisation of targets and implementation of the (refreshed) Closing the Gap framework occurs through a genuine, formal partnership between the Commonwealth, state and territory governments and Indigenous Australians through their representatives”.</p> <p>The Joint Council gives effect to COAG’s commitment.</p> <p>In March 2019 a formal Partnership Agreement was finalised, expressing the agreed arrangements between COAG and the Coalition of Aboriginal and Torres Strait Islander Peak Organisations on Closing the Gap. The Partnership Agreement is published on the COAG website.</p> <p>This Agreement embodies the belief of all signatories, that shared decision making with Aboriginal and Torres Strait Islander representatives in the design, implementation and monitoring of the Closing the Gap framework is essential to achieve their shared goal to close the gap in life outcomes between Indigenous and non-Indigenous Australians.</p>
Secretariat	<p>The Secretariat for the Joint Council will be provided by the Commonwealth.</p> <p>The Secretariat will undertake the administration required to support the Joint Council and the Partnership Working Group, including the preparation of meeting records, communiqués and correspondence from the Co-Chairs.</p>
Agenda	<p>Agenda items should support the strategic priorities of Council or urgent matters requiring attention. Matters that fall outside this remit will generally be dealt with by exception.</p> <p>On behalf of the Co-Chairs, the Secretariat: will call for agenda items; set the date for the final submission of agenda items); provide templates for papers; and compile and circulate draft agendas to Council members.</p> <p>A draft agenda will be endorsed by the Partnership Working Group and then agreed by the Co-Chairs ahead of each meeting.</p> <p>Additional items can be put forward for consideration by contacting the Secretariat. These will be considered by the Partnership Working Group ahead of the following Joint Council.</p>

	<p>Items being put forward will need to include: the title recommendations and purpose; and timing – with a proposed way to take forward items.</p> <p>The Partnership Working Group will agree how agenda items will be progressed, including who will undertake the initial drafting of the paper and consultation process.</p>
<p>Information and communication</p>	<p>The Joint Council will make available key information through its website, such as its terms of reference and work plan, outcomes of meetings and decisions, and links to relevant documents and the COAG website.</p> <p>Prior to each meeting, the Secretariat will prepare a draft communiqué. The communiqué will be endorsed by the Partnership Working Group and then distributed to members of the Joint Council. The communiqué is progressively amended to reflect decisions made during the meeting. Once all members have agreed to the content of the communiqué, the Secretariat will release the communiqué publicly on behalf of the co-chairs. At any point prior to the public release of the communiqué, draft versions are considered to be confidential.</p> <p>The Secretariat will establish an email mailbox for internal communications relating to the Joint Council and its working groups.</p> <p>Documents prepared for the Joint Council, representatives and officials will be treated as sensitive, unless otherwise agreed, and only distributed on a need-to-know basis.</p> <p>The Chatham House rule applies to the deliberations and discussions of the Joint Council and its working groups. This does not preclude members discussing or expressing an opinion on the agreed outcomes of a meeting.</p>