

## ATTACHMENT A

### FURTHER INFORMATION ON THE NATIONAL WATER INITIATIVE

The National Water Initiative (NWI) agreed by the Council of Australian Governments (COAG) contains a number of actions to be implemented as priorities by the Commonwealth, State and Territory Governments over the next 10 years. In combination, these actions have the objective of achieving a nationally-compatible, market, regulatory and planning-based system of managing surface and groundwater resources for rural and urban use, that optimises economic, social and environmental outcomes, and is able to adapt to future changes in the supply of, and demand for, water.

Some highlights of the NWI Agreement and their implications are outlined below, and a full copy of the NWI Agreement is at [www.coag.gov.au](http://www.coag.gov.au). States and Territories will be developing detailed implementation plans over the next 12 months indicating how the NWI will be rolled out in each jurisdiction.

#### Water access entitlements

The consumptive use of water will generally require a water access entitlement, separate from land, and described as a perpetual or open-ended share of the consumptive pool of a specified water resource. Entitlements will have characteristics to allow their free and open trade, and will only be able to be cancelled by governments in the case of water users not meeting their conditions of entitlement.

A perpetual share-based approach to water access entitlements provides water users with confidence that their entitlements are unable to be 'taken away' unilaterally, and that the amount of water they are entitled to receive is a share of that which is available for consumptive use in the system.

#### Environmental and other public benefit outcomes

Water that is provided by States and Territories to meet agreed environmental and other public benefit outcomes (such as good quality drinking water and recreational water use) will be given statutory recognition and at least the same degree of security as water for consumptive use and be fully accounted for. If held as a water access entitlement, such water may be traded temporarily when not required to meet the defined environmental outcomes nor in conflict with them. Improved institutional and accountability arrangements will be required to address environmental outcomes in systems that cross borders and highly interconnected ground and surface water systems. Where necessary to recover water to achieve environmental outcomes, the selection of measures will be

based primarily on cost-effectiveness with a view to managing socio-economic impacts.

Maintaining healthy surface and groundwater systems is fundamental to a sustainable water industry. Under the NWI, Agreement Governments agree to specify the environmental outcomes to be achieved in surface and groundwater systems, and require explicit provision of water and associated management arrangements to meet those outcomes in an accountable manner. Achieving environmental outcomes will no longer be seen as an optional extra in water management.

### Overallocation

Water extraction in systems that are currently *overallocated* (that is, have entitlements issued for more than the sustainable level of use) or *overused* (that is, the consumption of water is more than the sustainable level of use) will be adjusted to meet environmental and other public outcomes required in water plans, with substantial progress to be made by 2010. In doing so, any significant adjustment issues affecting water users will be addressed and existing commitments under National Competition Policy to provide appropriate allocations to the environment in overallocated or stressed water systems will still apply.

Overallocation of water is a threat to the integrity of water access entitlements and to the achievement of environmental outcomes. Potential investors in the water industry will understandably be concerned if overallocation is not dealt with and entitlements are unable to be seen as secure into the future. Achieving a return to sustainable extraction levels may take time in some severely overallocated systems. Governments agree that substantial progress towards addressing overallocation will occur by 2010, and to consult with affected stakeholders and provide adjustment assistance if necessary.

### Risk assignment

COAG agreed to a framework that assigns the risk of future reductions in water availability as follows:

- reductions arising from natural events such as climate change, drought or bushfire to be borne by water users;
- reductions arising from bona fide improvements in knowledge about water systems' capacity to sustain particular extraction levels would be borne by water users up to 2014. After 2014, the water users would bear this risk for the first three per cent reduction in water allocation; State/Territory and the Australian Government would share (one-third and two-third shares respectively) the risk of reductions of between three per cent and six per cent; State/Territory and the Australian Government would share equally the risk of reductions above six per cent;

- reductions arising from changes in government policy not previously provided for would be borne by governments; and
- where there is voluntary agreement between relevant State or Territory Governments and key stakeholders, a different risk assignment model to the above may be implemented.

### Interception

A major objective of the NWI is to secure the integrity of water access entitlements and environmental outcomes. As part of this COAG agreed that land-use change activities, that have the potential to intercept significant volumes of surface or ground water, need to be addressed.

COAG acknowledged that there is an acceptable level of interception that is part of the mix of land use in catchments, and that interception activities, such as large scale plantations, also have positive benefits on the environment and the productivity of water resources. The intention of the NWI framework on interception is not to pre-determine whether an activity is a significant interceptor, but instead to determine whether the volume intercepted from any land-use change activity is “significant” in the context of the water system within which it occurs. “Significance” will be determined through the planning process, which is based on best available science and informed by socio-economic analysis and community and industry input.

The NWI sets the broad approach, with specific implementation to be settled by States on the basis of specific regional circumstances. The approach involves assessing land use change activities in water systems (these can be as large as a basin or small as a catchment, depending on the level of management required for water planning purposes). The NWI provides for the setting of a water system threshold limit for land-use change activities determined as intercepting “significant” volumes, having regard to regional circumstances and taking account of both positive and negative impacts of water interception. The NWI framework on interception is intended to apply to future proposals for land-use change rather than retrospectively.

Additional land-use change activities can proceed in water systems that are not fully allocated without the need for an access entitlement, provided that the threshold level determined for that water system has not been reached. In those water systems that are fully allocated, the effect of the NWI as it is progressively implemented by States and Territories, will be to require water access entitlements for additional land use change activities determined as intercepting “significant” volumes of water.

## Water Markets and Trading

Compatible institutional and regulatory arrangements to facilitate intra and inter-state trade in water will be established including, where applicable, the adoption of trading zones, compatible and publicly accessible registers of water access entitlements and trades, trading rules that account for resource and infrastructure constraints, and the use of exchange rates and/or tagging of entitlements. In relation to institutional barriers to trade, temporary trade will be immediately freed up and barriers to permanent trade out of irrigation areas will be progressively phased out by 2014.

In the southern Murray-Darling Basin (MDB), necessary legislative and other actions will be taken to establish, by June 2005, an interim threshold limit to water trade out of irrigation areas of four per cent per annum, with regular assessment of progress with these actions including any regional impacts. A study into the legal, commercial and technical mechanisms to enable interstate trade in the southern MDB will also commence as soon as possible.

At present, trade in water is hindered due to the complexities of numerous different water product specifications, cumbersome administrative arrangements, lack of up-to-date market information, and the policies of some water corporations and other water providers. By creating an environment in which individual water users are able to trade water relatively quickly and easily, a far more dynamic water market will emerge, resulting in more productive and efficient use of water over time.

## National standards for water accounting, reporting and metering

Water accounting systems in each jurisdiction will be benchmarked, and national standards introduced for accounting systems, reporting formats, water meters, and environmental water accounting.

Accounting for water use in a transparent and comparable manner across jurisdictions is fundamental to: improving the hydrological models that underpin water allocation decisions, ensuring there is confidence in the water market, and in the achievement of environmental and resource-use outcomes.

## Water efficiency in urban areas

A number of measures will be taken to improve water use efficiency in urban areas including: pricing policies to stimulate the efficient use of recycled water and storm water, the introduction of minimum water efficiency standards for household appliances and mandatory product labelling, an assessment of the scope to extend low-level water restrictions, the provision of comprehensive water-use information on household water accounts, and measures to stimulate water sensitive urban design.

The conservation of water in urban areas has improved in recent years, but more can be achieved. The above measures are designed to encourage greater re-use and recycling of wastewater where cost effective and to reduce household water use.

### Community partnerships and adjustment

The NWI Agreement provides for open and timely consultation with all stakeholders in relation to addressing overallocated systems, the periodic review of water plans and other significant decisions that may affect the security of water access entitlements. Similarly, the Agreement provides for accurate and timely provision of information about the implementation of water plans and other relevant issues. All governments agree to address significant adjustment issues affecting water access entitlement holders arising from reductions in water availability as a result of implementing the NWI Agreement.

COAG recognises the importance of involving all stakeholders in the development and implementation of water plans, providing understandable and up-to-date information on water, and addressing significant adjustment issues arising from reductions in water availability as a result of the implementation of the NWI Agreement.

## ATTACHMENT B

### NATIONAL FRAMEWORK OF PRINCIPLES FOR DELIVERING SERVICES TO INDIGENOUS AUSTRALIANS

All jurisdictions are committed to achieving better outcomes for indigenous Australians, improving the delivery of services, building greater opportunities and helping indigenous families and individuals to become self-sufficient. To this end, and in delivering services to indigenous people, COAG agreed to national framework of principles for delivering services to indigenous Australians.

#### **Sharing responsibility**

- Committing to cooperative approaches on policy and service delivery between agencies, at all levels of government and maintaining and strengthening government effort to address indigenous disadvantage.
- Building partnerships with indigenous communities and organisations based on shared responsibilities and mutual obligations.
- Committing to indigenous participation at all levels and a willingness to engage with representatives, adopting flexible approaches and providing adequate resources to support capacity at the local and regional levels.
- Committing to cooperation between jurisdictions on native title, consistent with Commonwealth native title legislation.

#### **Harnessing the mainstream**

- Ensuring that indigenous-specific and mainstream programmes and services are complementary.
- Lifting the performance of programs and services by:
  - reducing bureaucratic red tape;
  - increasing flexibility of funding (mainstream and indigenous-specific) wherever practicable;
  - demonstrating improved access for indigenous people;
  - maintaining a focus on regional areas and local communities and outcomes; and
  - identifying and working together on priority issues.
- Supporting indigenous communities to harness the engagement of corporate, non-government and philanthropic sectors.

#### **Streamlining service delivery**

- Delivering services and programmes that are appropriate, coordinated, flexible and avoid duplication:

- including fostering opportunities for indigenous delivered services.
- Addressing jurisdictional overlap and rationalising government interaction with indigenous communities:
  - negotiating bi-lateral agreements that provide for one level of government having primary responsibility for particular service delivery, or where jurisdictions continue to have overlapping responsibilities, that services would be delivered in accordance with an agreed coherent approach.
- Maximising the effectiveness of action at the local and regional level through whole-of-government(s) responses.
- Recognising the need for services to take account of local circumstances and be informed by appropriate consultations and negotiations with local representatives.

### **Establishing transparency and accountability**

- Strengthening the accountability of governments for the effectiveness of their programmes and services through regular performance review, evaluation and reporting.
- Ensuring the accountability of organisations for the government funds that they administer on behalf of indigenous people.
- Tasking the Productivity Commission to continue to measure the effect of the COAG commitment through the jointly-agreed set of indicators.

### **Developing a learning framework**

- Sharing information and experience about what is working and what is not.
- Striving for best practice in the delivery of services to indigenous people, families and communities.

### **Focussing on priority areas**

- Tackling agreed priority issues, including those identified in the *Overcoming Indigenous Disadvantage Report*:
  - early childhood development and growth; early school engagement and performance, positive childhood and transition to adulthood; substance use and misuse; functional and resilient families and communities; effective environmental health systems; and, economic participation and development.

Within this National Framework appropriate consultation and delivery arrangements will be agreed between the Commonwealth and individual States and Territories.

## ATTACHMENT C

### NATIONAL FRAMEWORK FOR PREVENTING FAMILY VIOLENCE AND CHILD ABUSE IN INDIGENOUS COMMUNITIES

All jurisdictions agree that preventing family violence and child abuse in indigenous families is a priority for action that requires a national effort.

Jurisdictions will work cooperatively to improve how they engage with each other and with indigenous communities to prevent family violence and child abuse in indigenous families. Jurisdictions will formalise their cooperation through bi-lateral arrangements between the Commonwealth and State and Territory Governments.

Jurisdictions' action to prevent family violence and child abuse in indigenous families will be based on the following principles:

#### *Safety*

1. Everyone has a right to be safe from family violence and abuse.

#### *Partnerships*

2. Preventing family violence and child abuse in indigenous families is best achieved by families, communities, community organisations and different levels of government working together as partners.

#### *Support*

3. Preventing family violence and child abuse in indigenous families relies on strong leadership from governments and indigenous community leaders and sustainable resourcing.

#### *Strong, resilient families*

4. Successful strategies to prevent family violence and child abuse in indigenous families enable indigenous people to take control of their lives, regain responsibility for their families and communities and to enhance individual and family wellbeing.

#### *Local solutions*

5. Successful strategies to prevent family violence and child abuse in indigenous families are flexible, work across jurisdictional and administrative boundaries, enable communities and governments to work together in new and innovative ways and enable local indigenous communities to set priorities and work with governments to develop solutions and implement them.

*Address the cause*

6. Successful strategies to prevent family violence and child abuse in indigenous families address the underlying causes of violence and abuse, including alcohol and drug abuse, generational disadvantage, poverty and unemployment.

## ATTACHMENT D

### PRINCIPLES FOR THE REGULATION OF AMMONIUM NITRATE

#### Policy Aims

1. A nationally-consistent, effective and integrated approach to control access to security-sensitive ammonium nitrate to those with a legitimate need.
2. To ensure accountability at all stages of the ammonium nitrate supply chain, in order to address security and safety concerns.
3. To establish a framework for control which may be applicable for other materials of security concern.

#### Agreed Principles

1. An authority would be required to import, manufacture, store, transport, supply, export, use or dispose of security sensitive ammonium nitrate (SSAN).
2. Security sensitive AN (SSAN) shall be defined as ammonium nitrate, ammonium nitrate emulsions and ammonium nitrate mixtures containing greater than 45 per cent ammonium nitrate, excluding solutions. (These include dangerous goods under the Australian Dangerous Goods Code with the UN numbers 1942, 2067, 2068, 2069, 2070, 2071, 2072, 3375 and 3139 where applicable.)
3. Persons seeking an authority will be required to:
  - a) demonstrate a legitimate need for access to SSAN<sup>1</sup>;
  - b) provide safe and secure storage and handling procedures;
  - c) report any loss, theft, attempted theft or unexplained discrepancy to the regulatory authority and police in each jurisdiction;
  - d) undergo background checking;
  - e) be a minimum of 18 years of age; and
  - f) provide verifiable proof of identity, and if a company, details of the company.
4. Background checking must include police and ASIO checks.
  - a) As a minimum, background checks will be required for the person responsible for the security of SSAN at a workplace ('responsible

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<sup>1</sup> Legitimate need is likely to include use in commercial production processes, mining, quarrying, the manufacture of fertilizer and explosives, educational, research and laboratory use, commercial agricultural use by primary producers, and services for transportation, distribution and use of the product. Household and domestic use, and the fertilisation of recreational facilities will not be considered a legitimate need.

person'), as well as for any person who has unsupervised access to SSAN.

- b) The owners and directors of companies which are not publicly listed will also undergo background checking.
  - c) Police checking should be done regularly.
  - d) ASIO checks need only be done once, provided ASIO is notified of the change of name of a person who is subject to security checking.
5. An authority to import, manufacture, store, transport, supply, export, use or dispose of SSAN will impose requirements on the holder of that authority.

The following is a description of the requirements for each type of authority.

6. Importation from overseas

- a) Importers of SSAN must have an authority to import.
- b) Importers must inform the regulatory authority<sup>2</sup> of each importation at least seven days prior to import.
- c) This notification must include:
  - i. Vessel identification,
  - ii. details of the quantity to be imported,
  - iii. location of arrival,
  - iv. authorisation details of the recipient and contact details,
  - v. storage location of the SSAN,
  - vi. authorisation details of the agent transporting from the arrival point, and
  - vii. confirmation of dangerous goods classification, with a certificate of analysis for each batch comprising the imported SSAN.
- d) The Australian Customs Service should notify the regulatory authority of each importation of ammonium nitrate, and hold any importation which is not properly authorised.

7. Manufacture

- a) Manufacturers of SSAN must have an authority to manufacture (including storage) from the regulatory authority.
- b) An application for an authority to manufacture SSAN must be accompanied by an approved security plan based on a risk assessment and which is to include:
  - i. the location and details of the manufacturing facility (and note storage requirements below),
  - ii. details of the production process to be used,

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<sup>2</sup> The regulatory authority will be the body within each state and territory which administers the system of authorising access to ammonium nitrate. In most cases, the regulatory authority will be the current regulators of explosives or dangerous goods.

- iii. details of the ingredients to be used, and their sourcing if dangerous goods,
- iv. recording and reconciliation protocols,
- v. designating a responsible person to maintain the security plan, and in the case of a company or other entity, training audits and ongoing maintenance of the plan must be confirmed regularly by the owners and senior officials,
- vi. procedures for checking and authorising persons with unsupervised access to SSAN,
- vii. certificate of analysis for each batch,
- viii. confirmation of dangerous goods classification,
- ix. the recording system for authorisation details of any recipient of SSAN and the quantities taken by them, and
- x. procedures for reporting to authorities any loss, theft, or attempted theft of SSAN.

## 8. Storage

- a) Those who store SSAN must have an authority to store from the regulatory authority.
- b) An application for an authority to store SSAN must be accompanied by an approved security plan based on a risk assessment and which must include:
  - i. the location and details of the facility,
  - ii. precautions to ensure it is safe,
  - iii. procedures for controlling access,
  - iv. recording and reconciliation protocols,
  - v. procedures for checking and authorising persons with unsupervised access to SSAN and designating a responsible person to maintain the security plan. In the case of a company or other entity, training audits and ongoing maintenance of the plan must be confirmed regularly by the owners and senior officials,
  - vi. the recording system for details of persons taking SSAN from the storage and the quantities taken by them, and
  - vii. procedures for reporting to authorities any loss, theft, or attempted theft of SSAN.
- c) As a minimum, SSAN must be stored in a locked facility/container or be under constant surveillance. (A detailed national code for safe and secure storage will be developed.)
- d) The storage facility must also conform to Australian Standards and the Australian Dangerous Goods Code.

## 9. Transport

- a) Transporters of SSAN must have an authority to transport from the regulatory authority.
- b) An application for an authority to transport SSAN must be accompanied by an approved security plan based on a risk assessment, and which must include:
  - i. precautions to ensure it is secure for the duration of the entire journey,
  - ii. procedures for checking and authorising crew members and designating a responsible person to maintain the security plan. In the case of a company or other entity, training, audits and ongoing maintenance of the plan must be confirmed regularly by the owners and senior officers,
  - iii. the recording system for authorisation details of persons taking delivery of SSAN and the quantities taken by them, and
  - iv. procedures for reporting to authorities any loss, theft or attempted theft of SSAN.
- c) As a minimum, SSAN must be transported in a locked container or vessel or be under constant surveillance by an authorised crew member.
- d) An authority would not be required for the transport of quantities of SSAN of 20kg or a lesser weight.
- e) The transportation must also conform to Australian Standards and the Australian Dangerous Goods Code.

## 10. Supply

- a) A person may only supply SSAN to another authorised person, under the conditions of their authority.
- b) Records must be kept of all transactions, including the recipient's authorisation type and number, the date, quantity, and a description of the product (name and UN number).
- c) The supplier must sight the authorisation or a certified copy of the authorisation (and if applicable, proof of employment) and confirm the bona fides of the purchaser, and as a minimum sight and record photo identification details.

## 11. Export

- a) Exporters of SSAN must have an authority to export and must inform the regulatory authority of each exportation at least seven days prior to the date of exportation.
- b) This notification must include details of the type and quantity to be exported, to where the goods will be sent, and documentation confirming that the shipment complies with import regulations in the receiving country.

- c) The Australian Customs Service should notify the regulatory authority of each exportation of SSAN.
- d) The exporter of SSAN must keep records of all transactions, and report any loss, theft, or attempted theft.

#### 12. Use/disposal

- a) A person may only acquire SSAN from another authorised person.
- b) Records must be kept of all transactions, including the authorisation type and number and identification details of the supplier, the date, quantity, and a description of the product (name and UN number).
- c) Records must also be kept of use or disposal.

#### 13. Offences

- a) It will be an offence to import, manufacture, store, transport, supply, export, acquire, use or dispose of SSAN without an authorisation.
- b) It will also be an offence to breach the requirements of an authorisation.
- c) Penalties will be consistent with penalties for breaches of explosives legislation in each jurisdiction.
- d) Penalties will include loss of authorisation and confiscation of the product.

#### 14. Reporting of loss, theft, attempted theft and discrepancies

- a) Such incidents must be reported to the regulatory authority in each jurisdiction, as well as to the police in each jurisdiction.
- b) The police will be responsible for reporting these types of incidents, as well as discoveries of abandoned or illegally-held SSAN to the Australian Bomb Data Centre, which will maintain a national data base of such incidents.

#### 15. Explosives regulations

In view of these measures to be introduced for SSAN, which in some cases are more stringent than those for the control of explosives, states and territories should review their explosives regulations. In particular, states and territories should quickly move to:

- a) implement security checking for persons having access to explosives, and
- b) ensure penalties for breaches of explosives regulations are appropriately severe.

**BROAD PROTOCOLS FOR THE  
OPERATION OF MINISTERIAL COUNCILS**

**1. Preamble**

Ministerial Councils are a means of coordinating across jurisdictions, national approaches to issues. It is important that Ministerial Councils operate as efficiently as possible to achieve this objective. One of the aims of these Broad Protocols is to facilitate high-quality consultative decision-making, through a robust framework that is accountable, fiscally prudent, and administratively efficient.

**2. Representation of Constituent Governments**

It is the responsibility of Ministers to ensure they are in a position appropriately to represent their governments at Council meetings. This is of particular importance where resolutions require commitment, especially financial commitment, from respective governments.

Issues with cross-portfolio or whole-of-government implications or of a highly controversial nature may require prior consideration by governments at Cabinet level.

Where new issues or alternative proposals arise at meetings on which a Minister believes further consideration by Cabinet is required, it is the responsibility of that Minister to make this clear to the Council.

Ministerial Councils exercising formal decision-making responsibilities must submit a report on decisions taken on an annual basis to the Council of Australian Governments.

**3. Development of Agendas**

Council arrangements should include processes for ensuring that all parties have input to the development of agendas and that agendas are agreed at the earliest possible date prior to meetings. It is desirable that the Agenda setting process is commenced sufficiently ahead of the proposed Ministerial Council meeting to ensure that final Agendas and papers are circulated no later than three weeks prior to the meeting.

If additional items are proposed for discussion after the agenda is finalised the Ministerial Council Chair must seek the views of jurisdictions prior to the inclusion of any proposed additional items. These additional items may be included formally on the meeting Agenda only if they are unable to be handled out-of-session and only following the agreement of a majority of members. No individual jurisdiction shall have the power of veto.

Agendas for Ministerial Council meetings should focus on items of strategic national significance and, where possible Ministerial Councils should avoid having standing discussion items. To this end, out-of-session consideration of these types of items may be appropriate, to assist Ministerial Councils in maintaining their focus on items of national significance.

#### **4. Provision of Agenda Papers**

Council arrangements must include processes for ensuring that agenda papers are circulated sufficiently in advance to allow appropriate prior consideration by the constituent governments, particularly where there are budgetary implications.

It is desirable that the agenda-setting process is commenced sufficiently ahead of the proposed Ministerial Council meeting to ensure that final Agendas and papers are circulated a minimum of three weeks prior to the meeting. Ministerial Councils should ensure that members are notified of the status of document versions circulated for consideration.

However Ministerial Councils should be aware that additional time should be allowed if Cabinet consideration is required for approval of jurisdictional positions.

#### **5. Arrangement of Officials' Meetings**

Officials' meetings held to develop issues for the consideration of Ministers should be held a minimum of five weeks prior to the meeting, to allow proper consideration of the issues. It is desirable that the agenda-setting process is commenced sufficiently ahead of the proposed Official's meeting to ensure that final Agendas and papers are circulated no less than three weeks prior to the meeting.

#### **6. Record Keeping Arrangements**

Processes for record keeping and minute taking are the responsibility of individual Councils. Copies of Minutes from Ministerial Council meetings should be forwarded to the Department of the Prime Minister and Cabinet (PM&C) after each meeting. PM&C will circulate these minutes to other First Ministers' Departments.

#### **7. Resolutions**

Decision-making procedures such as voting rules are the responsibility of individual Councils, unless specific rules are included in relevant legislation or included in the establishment criteria/charter of the Ministerial Council. Arrangements for announcing resolutions reached by Ministerial Councils should be agreed by all members of a Council. When matters require further consideration, any Ministerial Council announcements should not pre-empt this further consideration, particularly where matters involve financial implications that have not been settled by Councils.

## **8. Liaison between Councils**

When considering intergovernmental matters which have implications beyond the areas of responsibility of a Ministerial Council, other relevant Councils should be consulted through liaison between the Chairs in the first instance. Ministerial Councils should also refer such issues to Heads of Government where they have major cross-portfolio or whole-of-government implications.

## **9. Involvement of the Australian Local Government Association (ALGA)**

Except for matters where membership is explicitly set out by statute or agreement, it is up to individual Ministerial Councils to decide (and regularly review) whether ALGA should be a member or attend proceedings.

## **10. Involvement of Other Countries**

Except for matters where membership is explicitly set out by statute or agreement, it is up to individual Ministerial Councils to decide whether other countries or any other parties should be members or attend proceedings. The continued involvement of other countries with individual Ministerial Councils should be regularly reviewed.

## **11. Efficiency of Council Operations**

Each Ministerial Council should regularly review the efficiency of its administrative arrangements, including the frequency of meetings. This review should include the structure of the secretariat and funding issues and should take place, at a minimum, every three years. One issue it should consider is whether a rotating secretariat or a permanent secretariat is more appropriate.

All Ministerial Councils should ensure that they comply with the Broad Protocols and General Principles.

In this respect, arrangements for the operation of individual Councils should also take account of the involvement of its members in other Ministerial Councils, including the possibility of joint back-to-back meetings where appropriate, and the use of teleconferencing and/or videoconferencing.

Ministerial Council Secretariats should submit no later than September each year to PM&C an update on key issues and associated outcomes deliberated by the Ministerial Council during the preceding financial year.

## **12. Consultation with Interest Groups**

In any consultations with interest groups, Ministerial Councils should ensure that consideration of major policy initiatives by their constituent governments is not pre-empted or precluded. The status of any documents released to those groups or the general public should also be made clear.

## **13. Information about Councils**

Each Ministerial Council should make available in a convenient form, and provide annually to PM&C for inclusion on its COAG website, information on its:

- title and membership;
- role and responsibilities, including any pursuant to statute or agreement;
- administrative arrangements; and
- contact officer and address.

#### **14. Reports to COAG**

On an annual basis, all Ministerial Council Secretariats should provide a copy to PM&C of their:

- minutes;
- a list of all resolutions; and
- any other relevant documents.

This will allow the preparation of a consolidated report of Ministerial Council activities for COAG if requested.

#### **15. COAG Principles and Guidelines on National Standard Setting by Ministerial Councils and National Regulatory Bodies**

Under the 1995 COAG Principles and Guidelines, COAG and Ministerial Councils are required to prepare Regulatory Impact Statements (RISs) for all regulatory proposals which would affect business or impact on competition. The RIS obligations complement similar requirements at the Commonwealth and State/Territory levels and can be used to satisfy those obligations. Regulatory proposals must satisfy the principles for good regulatory practice and the guidelines for the preparation of RISs set out in the COAG Principles and Guidelines.

Under the amendments to the COAG Principles and Guidelines endorsed by Heads of Government in November 1997 and amended in 2004, draft RISs should be provided to the Commonwealth Office of Regulation Review (ORR) for comment prior to finalisation. The ORR's role is to assist Ministerial Councils and national (that is, intergovernmental) regulatory Bodies to prepare RISs which comply with the COAG Principles and Guidelines. The ORR will report annually on compliance with the COAG Principles and Guidelines and can at any time bring concerns it may have about particular regulatory proposals to the attention of Heads of Government through the COAG Committee on Regulatory Reform.

#### **16. The Trans-Tasman Mutual Recognition Arrangement (TTMRA)**

Ministerial Councils have statutory decision-making functions under the TTRMA. Councils can be required to make determinations in relation to the Temporary Exemption, Special Exemption and Referral mechanisms. When Ministerial Councils are considering TTRMA-related issues, determinations are made on a vote in favour by at least two-thirds of Participating Parties. This requirement, effective only for TTMRA issues, supersedes any existing voting arrangements of Ministerial Councils. New Zealand will not vote on issues that are relevant to Australian jurisdictions only. When considering TTRMA issues, New Zealand is to have full membership and voting rights on Ministerial

Councils. Any proposed standards or regulations considered under the TTRMA are to be developed consistently with the COAG Principles and Guidelines.

## ATTACHMENT F

### GENERAL PRINCIPLES FOR THE OPERATION OF MINISTERIAL COUNCILS

The following are principles for the efficient and effective operation of Ministerial Councils.

1. Membership by local government and New Zealand (and/or other regional governments) should not intrude on the central functions of the development and coordination of policy, problem-solving and joint action by jurisdictions within the Federation. However, such membership may often be desirable to facilitate consultation and national policy development and should be reviewed on a regular basis.
2. Every three years, as a minimum, each Ministerial Council should review its structure, objectives and performance, and evaluate the implementation of its decisions. This will be assisted by procedures for tracking the implementation of decisions and agreements made between the Ministers. The review should include an assessment of the Council's structure and relationship with other Ministerial Councils, identify any areas of overlap and include recommendations and timelines for addressing any issues in the report. The outcomes of the review process should be made available in a report to COAG Senior Officials and COAG if requested.
3. Each Ministerial Council should clarify annually its field of coverage and the powers it exercises, consistent with the brief that Ministers hold from their governments.
4. The locations of Ministerial Council meetings will generally be restricted to the capital cities of Australia and to Alice Springs, although Ministerial Councils may choose to opt for other locations if necessary, giving serious regard to economy, convenience and relevance to the matters being discussed. Meetings of Ministerial Councils should consider rotation of venues to ensure that the burden of travel does not fall disproportionately on some jurisdictions.
5. Every three years, as a minimum, Ministerial Councils should review the structures of their committees of officials and working parties to ensure they are reduced in number to those which are essential, that those retained are clearly focussed, given a fixed time to achieve their objectives and that their terms of reference include a sunset clause. The outcomes of the review process should be made available in a report to COAG Senior Officials and COAG if requested.

6. Ministerial Councils should meet annually. Councils may meet more than once a year in exceptional circumstances, or where the work program of the Council clearly demonstrates a need. In all cases, when Ministerial Council meetings are scheduled, Ministers should check the agendas to ensure that a face-to-face meeting is necessary. Ministerial Councils should make full use of the technology available to increase the efficiency of their operations, including to reduce the need for face-to-face meetings to one a year, where possible. Ministerial Councils should implement out-of-session arrangements, discussing items at other scheduled Ministerial Council meetings and discussions via teleconferencing and videoconferencing.
7. Council agendas should focus on items of strategic national significance. Items should only be included on the Agenda where there is:
  - referral by COAG;
  - legislative requirements;
  - interest or potential interest for all jurisdictions;
  - seen to be a benefit in sharing information, innovations and experience;
  - a need to resolve areas of disagreement on key issues of Australia-wide concern; or
  - a need to ensure effective Ministerial control and accountability to Ministers at a national level of key activities and matters subject to funding agreements.

Items of a procedural and technical nature should be delegated as far as possible to standing committees of officials to determine, or be dealt with out-of-session (for example, by correspondence).

8. Where items cover the remit of more than one Ministerial Council, the Council should identify a process for involving the other relevant Ministerial Councils in discussions and policy development. Relevant Ministerial Council decisions should be discussed and/or ratified by other Ministerial Councils where appropriate.
9. A list of Ministerial Councils should be published and regularly updated on the COAG website ([www.coag.gov.au](http://www.coag.gov.au)), including where possible for each, details of its field of policy, roles and functions, operational objectives, membership, standing committees of officials, secretariat arrangements and contact points. This website should also include the Protocols for the Operation of Ministerial Councils, and the COAG Guidelines for the Creation of New Ministerial Councils. A printed copy of this publication should also be prepared and made available if requested. Individual jurisdictions should ensure that this publication receives wide circulation among their agencies.

10. A Ministerial Council should only be formed or abolished with the endorsement of Heads of Government. The COAG Guidelines for the Creation of New Ministerial Councils should be applied in all cases. To achieve consistency of nomenclature, it is desirable that, as far as possible, continuing, multilateral meetings of Ministers from the various jurisdictions should be called Ministerial Councils. Groups of senior officials which support Ministerial Councils should be called Standing Committees.
11. In cases where the field of policy covered by a Ministerial Council covers more than one portfolio in any jurisdiction, each jurisdiction should determine which Minister or Ministers are to attend and arrange appropriate liaison. The use of a standardised consultation process across Departments on Ministerial Council issues, particularly when issues cover the remit of more than one Ministerial Council, would also be beneficial.
12. Each Council may wish to review its arrangements for chairing with a view to considering the option of rotating the chair. Ministerial Councils may wish to examine their secretariat arrangements along with the chairing arrangements, to ensure that they have the arrangement which is the most effective for that Council. Ministerial Councils with rotating Secretariats could investigate the option of establishing a permanent secretariat.
13. All Councils should formalise their procedures so that they are consistent with the Protocols for the Operation of Ministerial Councils. These procedures should be reviewed at least triennially.
14. Subject to the applicability of the relevant Commonwealth, State or Territory freedom of information legislation, unless Council approval is received, any discussion by, or document of the Council, or any committee, sub-committee, working party, officer or agent of the Council, shall be confidential.