

GUIDELINES FOR THE CREATION OF NEW MINISTERIAL COUNCILS¹

1. There should be a presumption against the creation of new Ministerial Councils.
2. If a new Ministerial Council is to be created, the following tests should apply:
 - Could the work proposed for the new Council be done by an existing Council?
 - If not, could the new Council be brought under the umbrella of an existing Council or under an arrangement with an existing Council?
 - If not, is there scope for adjustment and/or rationalisation of the work of existing Councils to encompass the work proposed for the new Council?
3. If it is considered necessary to create a new Council:
 - Heads of Government must formally agree to its creation and terms of reference;
 - it should be supported by existing Secretariats, wherever possible;
 - it must comply with the Broad Protocols and General Principles for the Operation of Ministerial Councils; and
 - consideration should be given to inserting a sunset clause in its terms of reference.
4. If legislation is considered necessary to confer functions and powers on a Ministerial Council, the Council should not specifically be named in the legislation, allowing for greater flexibility in the roles and responsibilities of statutory Councils.

¹ Agreed to by COAG on 8 June 2001.