



HANDBOOK FOR COAG COUNCIL SECRETARIATS

A best practice guide

Department of the Prime Minister and Cabinet

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Introduction

The *Handbook for COAG Council Secretariats* (the Handbook) has been developed by the Department of the Prime Minister and Cabinet (PM&C) in consultation with a number of Council and Ministerial Forum Secretariats, state and territory central and line agencies, and Commonwealth departments.

The Handbook provides information about the structure, operations and expectations of COAG and the COAG System.

Whilst the role of each Council is determined by COAG and shaped by their Terms of Reference, the purpose of the Handbook is to offer best-practice guidance to Secretariats in supporting their Councils consistently – both strategically and administratively. Council-specific protocols should be considered in conjunction with the Handbook.

The overarching principles in the Handbook are also intended to guide Secretariats supporting those Ministerial Forums operating outside the COAG System.

The Handbook supersedes all previous guidance administered by PM&C and is accessible from the [COAG](#) website.

Any questions regarding the Handbook should be referred to the [COAG Secretariat](#).

1 The COAG System

1.1 Council of Australian Governments

At its highest level, the COAG System comprises the Council of Australian Governments (COAG) and inter-jurisdictional, ministerial-level Councils (Councils).

COAG is the peak intergovernmental forum in Australia. Its role is to manage matters of national significance that need co-ordinated action by all governments.

The [members of COAG](#) are the Prime Minister (Chair), State and Territory Premiers and Chief Ministers, and the President of the Australian Local Government Association (ALGA).

COAG generally meets twice a year and is supported by a Senior Officials group and a Deputy Senior Officials group.

1.1.1 Senior Officials Meetings

Senior Officials have two key roles: to progress the work of COAG outside of COAG meetings, and to review agenda papers for COAG.

This group is chaired by the Secretary of PM&C, and includes heads of the Premiers' and Chief Ministers' departments, as well as the Chief Executive Officer of ALGA. Several Senior Officials meetings (SOMs) are held each year, including at least one in the lead-up to each COAG meeting.

1.1.2 Deputy Senior Officials Meetings

COAG Deputy Senior Officials consider matters for SOM and COAG and forecast the COAG agenda over the medium-term.

This group is chaired by the PM&C Deputy Secretary with responsibility for COAG, and includes Deputy Secretary equivalents from Premiers' and Chief Ministers' departments, as well as a representative from ALGA.

Deputy Senior Officials meetings (DSOMs) are held in the lead up to each SOM and COAG meeting, as well as throughout the year as appropriate to consider COAG strategic priorities.

1.2 The COAG Secretariat

The COAG Secretariat sits within the Department of the Prime Minister and Cabinet's (PM&C's) Commonwealth-State Relations Branch (CSR).

Its duties include organising COAG, SOM and DSOM meetings, supporting other PM&C areas in preparing agenda papers for meetings, and managing the COAG website.

The COAG Secretariat supports Council and Ministerial Forum Secretariats by:

- providing a central point of contact on COAG matters;
- providing advice to Secretariats on their interactions with COAG, including:
 - progressing items to COAG; and
 - COAG decisions and tasking.
- monitoring implementation and comebacks stemming from COAG meetings;

- coordinating out-of-session COAG processes for items originating from Councils;
- maintaining the *Handbook for COAG Council Secretariats*; and
- organising annual Secretariat roundtable sessions.

1.2.1 COAG System Review

The COAG Secretariat will review the COAG System every two years in consultation with states and territories to:

- confirm there is a continuing need for each Council;
- ensure Terms of Reference remain consistent with COAG priorities;
- review progress made by Councils on issues referred to them by COAG; and
- check progress against the Councils' responsibilities under Commonwealth and State legislation and funding agreements, including National Agreements and National Partnerships.

The COAG Secretariat will advise Council Secretariats when the system is being reviewed and will ask for information on the work of their Council to inform the review. Ministerial Forum Secretariats may also be asked to participate in the review.

Senior Officials will consider review findings and recommendations and COAG will consider any proposals to change the number or scope of the Councils.

1.2.2 Tasking from COAG

Following a COAG meeting and/or decision, the COAG Secretariat will write to relevant Secretariats as soon as practicable to advise that a particular piece of work has been tasked to them by COAG.

If there is no relevant Council, or if a Taskforce or Working Group needs to be established to complete the work, PM&C will liaise with the relevant Commonwealth Department to clarify arrangements.

Secretariats will not be contacted if there is no work for them resulting from a COAG meeting and/or decision.

1.2.3 Progressing Items to COAG

Councils and Ministerial Forums should seek to progress items to COAG when:

- the issue becomes important enough for consideration by the Prime Minister, Premiers, and Chief Ministers, including where:
 - it cuts across more than two Councils' area of focus, or is considered of strategic importance to the three levels of government;
 - resolution requires a leaders-level process given political, fiscal or policy complexity;
 - accountability is required for the work of the Council or Ministerial Forum; and/or

- there is a strong need to drive a number of current COAG activities to successful conclusion so that, among other things, service delivery improvements flow to the Australian community.
- COAG has tasked the Council or Ministerial Forum and:
 - has requested an update on progress;
 - there is a risk the item is not going to meet the expected completion date; or
 - the work is completed and ready for COAG endorsement.

PM&C advises the Prime Minister on a range of Commonwealth-State matters and regularly liaises with other Commonwealth Departments, and State and Territory counterparts, to inform its advice on items that may be included on the COAG agenda.

Where a Council or Ministerial Forum would like to request to have items considered by COAG, the Chair, with the agreement of members, will write to the Prime Minister to seek an item be added to the agenda. Secretariats will coordinate this in consultation with the [COAG Secretariat](#).

COAG may consider items at meetings or out-of-session. In most cases, items will progress through DSOM and SOM before being considered by COAG so officials can work on COAG's response to them.

The COAG Secretariat will provide timely updates on the progress of an item, including feedback once it has been considered by COAG.

1.3 Councils

Councils are established to:

- facilitate consultation and cooperation between the Commonwealth and the States and Territories in specific policy areas.
- achieve COAG's strategic priorities by pursuing and monitoring issues of national significance which require sustained, collaborative effort; and
- address key areas of shared Commonwealth, State and Territory responsibility and/or funding.

Councils should ensure they consult with other Councils or Ministerial Forums on issues of shared responsibility.

1.3.1 *The Role of the Chair*

The Chair is either permanent or rotating, as determined by the Council/Ministerial Forum, or approved by COAG at inception.

The Chair has a strategic role to play in ensuring the Council or Ministerial Forum operates effectively and collaboratively to deliver outcomes requiring joint action by the Commonwealth, State, and Territory governments.

The Chair is supported by an independent Secretariat that considers the collective needs of the Council to ensure effective collaboration and engagement of all members.

The Chair's responsibilities are to:

- have a thorough understanding of the meeting agenda and maintain a focus on achieving outcomes;
- ensure all agenda items are discussed within the allocated time;
- encourage full participation by all members;
- debate contentious issues in a professional manner and mediate when conflict arises; and
- facilitate decision-making by consensus wherever possible.

Concurrently, the Chair represents their jurisdiction's position in discussions and decision making.

Where there may be issues or conflicts that will impact the Council or Ministerial Forum's ability to reach consensus on any particular item, the Chair should take appropriate action ahead of the formal meeting to negotiate a mutually acceptable outcome with the relevant jurisdiction/s.

1.3.2 Supporting Architecture

Support will be provided by at least one Senior Officials group (Officials), which will develop issues for upcoming meetings and implement the work plan in accordance with direction from the Council/Ministerial Forum including delegation to sub-groups.

Items of a procedural, technical or administrative nature should be delegated to Officials for decision, unless otherwise requested by Ministers.

The Officials group will comprise representatives from all member jurisdictions, one of which will serve as Chair. Seniority may vary, but members must be in a position to represent their jurisdiction/agency at meetings, ensure objectives are met, and that implementation is followed through.

Officials will meet prior to each Ministerial meeting and are expected to meet more frequently to ensure continuous progress against the work plan.

Meetings can be held by TelePresence or teleconference as appropriate. Face-to-face meetings should also be encouraged where time and cost allow. Further work will be conducted out-of-session.

As a general rule, over-arching principles, such as voting and decision making, will also apply to Officials.

Each Council and Ministerial Forum should establish sub-group arrangements that best suit its requirements, with consideration of Secretariat best practice and noting that supporting architecture should be kept to a strict minimum.

Officials are responsible for agreeing sub-group arrangements, including their terms of reference, membership and work plans, and this should be reviewed annually. Secretariat supporting arrangements to sub-groups will vary to suit operational requirements.

1.3.3 Establishing or Revoking a Council

COAG may decide to establish a new Council, or revoke an existing one, at a meeting or out-of-session.

All Councils are constituted under the auspices of COAG and are accountable, through their Chair, to COAG.

1.3.4 Terms of Reference

The overarching priorities for each Council are set out in its Terms of Reference, which is agreed by COAG.

The Terms of Reference should cover:

- The design and operations of the Council as defined in any bilateral or multilateral intergovernmental agreement, if applicable.
 - This would include funding arrangements for the Secretariat, meetings, and delivery of the work plan.
 - The number of meetings held by a Council each year will largely depend on the scope of its work plan. As a general rule, Councils should aim to meet twice a year.
- Membership and Chairing arrangements, including permanent observers
 - Where Chairing practices (e.g. co-Chairs, Commonwealth, permanent or rotating Chairs) are not specified by COAG they are to be determined by the Council.
 - In determining Chairing arrangements, consideration should be given to the objectives of the Council and the needs of its members. For example, a permanent Chair may be appropriate where the work plan involves time-dependent or project-based outcomes. Rotating Chairs may be better suited to a Council with a more strategic, long-term agenda.
- The Council's scope of responsibilities, including cross-cutting issues and relationships with other Councils and/or Ministerial Forums.
 - Councils must consider Indigenous and deregulation matters within the scope of their responsibilities.
- Review and reporting obligations.
 - Councils should review their Terms of Reference annually. New terms of reference and material changes to the scope of responsibilities will require COAG agreement, but minor updates, including changes to membership to align with Commonwealth, State or Territory government or Ministerial movements, do not require approval by COAG. In these cases, the revised terms of reference should be provided to the COAG Secretariat for their information as soon as practicable.
 - Councils should regularly review the efficiency of their administrative arrangements, including the structure of the Secretariat and funding arrangements.

Ministerial Forums are expected to develop a Terms of Reference consistent with the above requirements.

1.3.5 Annual Work Plan

An annual work plan should be developed for all Councils and Ministerial Forums.

The work plan ideally forms a supporting document to the Terms of Reference and may include key actions, timings for delivery, milestones, and action leads.

The work plan is not agreed by COAG but, rather, is considered a flexible document to guide each Council and Ministerial Forum in shaping its meeting agendas.

Where there are cross-cutting issues, or shared responsibilities, a joint work plan should be developed in addition to individual work plans.

1.3.6 Membership and Attendance

Membership includes the relevant Minister from the Commonwealth and each State and Territory (or relevant States and Territories in rare cases such as the Murray-Darling Basin where not all jurisdictions are involved).

If the work plan includes matters relevant to New Zealand, and/or the Australian Local Government Associate (ALGA), membership may be extended to representatives where appropriate.

Councils and Ministerial Forums have discretion to decide whether other countries or any other parties should be formal members or attend proceedings as observers.

As a general rule, no more than two Ministers from each jurisdiction will hold membership.

1.3.6.1 Councils with non-government members

In some cases it may be appropriate for a Council or Ministerial Forum to be formed with members from outside of government.

An example of this is the COAG Joint Council on Closing the Gap (the Joint Council). In December 2018 COAG established the Joint Council which includes members from the Coalition of Peaks as a key part of COAG's commitment to a formal partnership on Closing the Gap with Aboriginal and Torres Strait Islander peoples.

In addition to relevant Ministers from Commonwealth and each State and Territory, and a representative from ALGA, membership of the Joint Council comprises representatives elected by the Coalition of Peaks with broad geographic and subject matter knowledge.

The Joint Council's membership structure is unique and recognises that shared decision making with Aboriginal and Torres Strait Islander peoples, through their representative organisations, in the design, implementation, monitoring and evaluation of the Closing the Gap framework is essential to closing the gap in life outcomes between Indigenous and non-Indigenous Australians.

1.3.7 Speaking Rights

All members or their proxies have speaking rights. While meetings are forums for Ministers, Officials accompanying Ministers may speak on specific items at their Minister's request.

1.3.8 Proxy Arrangements

If a member is unable to attend a meeting, they may appoint a proxy to attend who will, where applicable, vote on their behalf. This applies equally to any member, including the Chair.

Proxy options include an Assistant Minister, Senior Adviser to the Council member, relevant Department or Agency Head, or the Chair.

Where the Chair is unable to attend a meeting, their proxy will assume chairing responsibilities unless otherwise specified as part of Council-specific protocols.

Proxy arrangements must be finalised and communicated to the Secretariat prior to the commencement of a meeting.

1.3.9 Quorum

Wherever possible the aim should be for all members to be represented at a meeting. Councils can develop quorum arrangements, usually taken to mean a majority of members are present, but with consideration of how the Commonwealth's and New Zealand's participation should count.

In extreme circumstances, the Chair may decide to proceed with a meeting without a quorum present. However, formal decisions or determinations may be deferred and dealt with at a future meeting or out-of-session.

1.3.10 Decision Making and Voting

1.3.10.1 Consensus

As a general rule, decisions will be made on the basis of consensus.

Consensus occurs when those involved in decision-making reach agreement, or come to a common understanding on an approach to a matter or a response to a situation, without any active opposition to the course of action.

This does not imply unanimity. Rather, all parties participating in the decision-making process are able to accept and are prepared to abide by, or act in accordance with, the position that has been reached.

Where consensus cannot be reached, decisions will be made on the basis of a majority of members. Where consensus cannot be reached, the council will make decisions on the basis of a majority of members. In these circumstances, jurisdictions in the minority are not bound to implement the decisions that have been made. This is consistent with the COAG operational process.

One vote will be recorded per jurisdiction and Councils and Ministerial Forums have discretion to determine the voting rights of other formal members of the Council.

1.3.10.2 Voting Rights

When two Ministers represent a jurisdiction, i.e. where responsibility is shared across more than one portfolio, one will serve as the Senior Minister and will have sole voting rights on matters relating to general administration and operations.

For all other matters, one vote per jurisdiction will apply with voting arrangements aligning with portfolio responsibilities. Ministers should consult on matters that may impact both portfolios before voting.

1.3.10.3 Specificity

Some decisions may be subject to unanimous agreement or specific rules, particularly for legislation, statutory functions, appointments and protocols.

Voting rules, including jurisdictional eligibility, should be developed and agreed by individual Councils and Ministerial Forums as required.

Voting rules may also form part of bilateral or multilateral intergovernmental agreements and statements of cooperation.

1.3.10.4 Trans-Tasman Mutual Recognition Arrangement

Councils or Ministerial Forums may also have statutory decision-making functions under the Trans-Tasman Mutual Recognition Arrangement (TTMRA), requiring them to make determinations in relation to temporary exemption and referral mechanisms. When considering TTMRA-related issues, determinations are made on a vote in favour by at least two-thirds of the participating parties.

When considering TTMRA issues, New Zealand is to have a full membership and voting rights. Any proposed standards or regulations considered under the TTMRA are to be developed in a manner consistent with this Handbook.

1.3.11 Caretaker Arrangements

Successive governments have accepted that, prior to an election, a 'caretaker role' is assumed until the outcome of the election is clear or, if there is to be a change of government, until the new government is sworn in.

Caretaker is an especially important mechanism for upholding the principles of oversight and accountability in Australia's democracy.

Caretaker conventions aim to ensure actions do not bind an incoming government and limit its freedom of action. In summary, the conventions are that a government avoids:

- making major policy decisions that are likely to commit an incoming government;
- making significant appointments; and
- entering into major contracts or undertakings.

The jurisdiction in caretaker should be guided by their caretaker conventions/guidelines, but ultimately the business of government continues and ordinary matters of administration still need to be addressed.

Meetings can be held during a caretaker period but this should be avoided where possible. Attendance and decision making will be assessed on a case-by-case basis consistent with caretaker convention/guidelines in the relevant jurisdiction.

Practice to date has been that jurisdictions in caretaker have three options regarding attendance:

- The jurisdiction is represented by the relevant Department or Agency Head instead of the lead portfolio Minister. The Department or Agency Head observes the meeting but cannot make decisions on behalf of the government at the meeting. They may give an indication of their jurisdiction's likely position on a particular issue if there is bipartisan support on the matter.
- Both the relevant Minister and Opposition Minister attend.
 - The above two options apply to all member jurisdictions, including the Chair.
- The jurisdiction in caretaker is not represented at the meeting.
 - This option would not apply where the Chair's jurisdiction was in caretaker.

1.3.12 Ministerial Forums

Ministers may meet with their counterparts from other jurisdictions as part of a Ministerial Forum established outside the COAG System.

Meetings can be conducted on a private, informal, regular or ad-hoc basis to facilitate collaboration and information sharing on matters of mutual interest. However, significant intergovernmental reform and ongoing work is to be progressed through the COAG System.

A Ministerial Forum may be supported by an Officials group and operational arrangements, including membership, meeting frequency, etc. will generally follow that of a formal Council. There may also be a need for a COAG Council and a Ministerial Forum to work closely together on issues of shared responsibility.

2 Secretariat Best Practice

2.1 Overview

The role of the Secretariat can be under-valued, but is crucial to the efficient and effective operation of a Council or Ministerial Forum.

The following section sets out best-practice guidance for Secretariats, noting that individual structures, scope of responsibilities, resourcing and location may vary to meet operational requirements.

Secretariats play an integral role in facilitating consultation and cooperation between the Commonwealth, States and Territories, and across portfolios. As such, it is of utmost importance that they are fair and impartial towards all member jurisdictions.

2.1.1 Relationship with the COAG Secretariat

Given the COAG Secretariat's role in managing Commonwealth-State relations, it is important for them to be kept updated on Council and Ministerial Forum operations.

Secretariats are asked to include the COAG Secretariat in the distribution of meeting dates and locations, agendas, and communiqués, and to provide progress updates on COAG-tasks items.

To assist with planning, the COAG Secretariat will provide Council Secretariats with COAG meeting dates, tasking advice, and any other relevant information, as soon as practicable.

2.1.2 Relationship with other Secretariats

Secretariats are encouraged to communicate about the work of their Councils and develop positive lateral relationships in the interests of, knowledge sharing, process improvement and delivering holistic national outcomes. Website and e-mail addresses for current Councils are listed below.

Website	Email address
COAG	COAGcommonwealth@pmc.gov.au
Australian Data and Digital Council	ADDC@pmc.gov.au
Council of Attorneys General	CAGSecretariat@ag.gov.au
Council on Federal Financial Relations	federalrelationssecretariat@treasury.gov.au
Disability Reform Council	NDISGovernance@dss.gov.au
Education Council	secretariat@ec.edu.au
Energy Council	energycouncil@environment.gov.au
Health Council	healthchcsecretariat@sa.gov.au
Indigenous Affairs Council	Nil
Joint Council on Closing the Gap	closingthegaprefresh@niaa.gov.au
Skills Council	skillscommittees@education.gov.au
Transport and Infrastructure Council	councilsecretariat@infrastructure.gov.au

2.2 Agenda Development

Draft agendas are coordinated by the Secretariat, cleared by the Chair of the Officials' group, and circulated to members through Officials prior to Ministerial approval.

Draft agendas should be prepared as early as possible ahead of a proposed meeting to maximise time for consultation with jurisdictions.

The Secretariat should set a clear cut-off date for agenda items.

A draft agenda, including a two to three sentence summary and purpose of each item, will be considered at the final Officials meeting prior to a ministerial meeting.

Agenda items will be structured to facilitate both the smooth flow of the meeting and to allow Officials and/or guests with an interest in specific sub-sections of the meeting to attend for their items in an efficient manner.

Non-controversial items for endorsement requiring no, or minimal, discussion should form the final part of the agenda. In general, noting items will be dealt with out-of-session and will not be included on the agenda.

Once feedback on the agenda has been received, the Council or Ministerial Forum Chair will provide final clearance. Proposed changes that are significant, such as the addition or removal of an agenda item, should be discussed with the affected jurisdiction or line area at official level prior to finalisation.

The Secretariat should allocate a unique reference number to each agenda item. This number will be used to track all future actions regarding that item, including any out-of-session or budget-related decisions.

The final agenda should be circulated by the Secretariat as soon as practicable ahead of a meeting.

Additional items proposed within 72 hours of a meeting will be discussed as part of Other Business, time permitting. Where an item is considered complex, or contentious, a decision may need to be deferred until the next meeting, or dealt with out-of-session, if members have not had sufficient time to fully consider the matter.

The order of dealing with items will be as per the agenda unless otherwise agreed during the meeting.

2.2.1 Agenda Papers

A paper will be prepared for each agenda item. Verbal reports, in lieu of a paper, should only be presented in exceptional circumstances.

Secretariats should develop a standard agenda paper template to suit individual Council/Ministerial Forum preferences and requirements.

Papers should contain:

- clear recommendations;
- summary of key issues;
- next steps;
- a brief background;
- consultation undertaken;
- budgetary considerations; and
- the author's contact details.

Papers must have clear and concise recommendations and will ideally be no more than two pages in length.

Supporting documents will be included as attachments to the paper.

The final Officials' meeting ahead of a Ministerial meeting should consider draft agenda papers for the Ministerial meeting.

Documents should be distributed on a strict need-to-know basis.

Where there is an expectation that a document will be made public, all members should be advised early in the preparation of the document.

Unless otherwise advised, it will be assumed that any paper received by the Secretariat has been cleared for circulation. It is for each jurisdiction to determine appropriate clearance requirements and processes.

2.2.2 Late Papers

Papers must be received by the due date specified by the Secretariat to ensure sufficient time is allowed to brief Officials and/or Ministers.

Papers received within 72 hours of a meeting will be circulated for discussion but, where an item is considered complex or contentious, a decision may need to be deferred until the next meeting, or dealt with out-of-session, if members feel they have not had sufficient time to fully consider the matter.

2.2.3 Edits and Circulation

The Secretariat will review, and may edit, agenda papers to correct errors of fact, ensure clarity and consistency in style, but will not materially alter the substance of any agenda paper.

Papers that do not conform to a reasonable standard will be returned to the responsible jurisdiction for revision.

It is the responsibility of the drafting jurisdiction to ensure the accuracy and completeness of paper content **before** it is sent to the Secretariat.

The Secretariat will circulate and/or lodge papers on their document sharing platform, such as GovTEAMS, within 24 hours of receipt.

Papers will only be edited after they are circulated and/or lodged in extreme cases.

2.3 Meetings

Meetings may be held by TelePresence or teleconference as appropriate. Face-to-face meetings should also be encouraged where time and cost allow. Further work will be conducted out-of-session.

Joint-meetings with other Councils and/or Ministerial Forums on issues of shared responsibility should be held as required.

An annual meeting calendar for Ministerial and Officials' meetings should be prepared with consideration of Commonwealth, State and Territory parliamentary sitting dates, national and jurisdictional public holidays, and known elections – including potential caretaker periods. School holidays may also be taken into account.

Finding a date that suits key participants is challenging but vitally important. Inevitably you will not be able to accommodate all jurisdictions, so priority should be given to:

- the availability and preference of the Chair or co-Chairs;
- the availability and preference of the host jurisdiction, where applicable; and
- ensuring appropriate representation across priority agenda items.

When preparing the annual meeting calendar, Secretariats should consult with jurisdictions and other Council Secretariats to facilitate the scheduling of meetings that would not cause unreasonable or consistent conflicts for Ministers responsible for multiple portfolios.

Meeting dates may change during the course of the year, but the initial meeting calendar will assist with planning and agenda setting. Proposed dates should be shared with member jurisdictions and the COAG Secretariat as soon as practicable, noting these may be subject to change.

2.3.1 Location

With consideration of ease-of-access and cost, face-to-face meetings will generally be held in Australian capital cities.

Face-to-face meetings may be rotated amongst jurisdictions and many will incorporate a Ministerial dinner the evening before, or breakfast the morning of, the meeting. Side events may also be organised by the host jurisdiction in consultation with the Secretariat.

Where face-to-face meetings are rotated amongst jurisdictions, consideration should be given to the development of a forward location calendar for Ministers' approval. This will ensure the host Minister, and jurisdiction, has sufficient preparation time ahead of a meeting.

2.3.2 Funding

Funding arrangements, including for Secretariat staff, meetings, and the delivery of the work plan, will be agreed by each Council/Ministerial Forum, through Officials, but consideration should be given to a cost-sharing arrangement across all member jurisdictions for some, or all, costs.

Typically, this would be a 50/50 split between the Commonwealth and States and Territories with pro rata contributions derived from the latest Census population data available from the Australian Bureau of Statistics. However, alternate formulas can be applied as appropriate.

New Zealand's contribution will be pro rata based on their level of engagement with the work plan.

Where face-to-face meetings are rotated amongst jurisdictions, some, or all, costs may be borne by the host jurisdiction.

2.3.3 Roles

The Secretariat and other support staff should be assigned clearly defined roles and responsibilities to undertake before, during and/or after a meeting. For example, someone solely responsible for meeting logistics (catering, IT, etc.), primary and back-up minute-takers, and a dedicated person to coordinate updates to the communiqué.

It should be clear what the role is, its location, when it's required, and whether it is a 'fixed' or 'roaming' position. For example:

Name	Role	Location	Duration
Person 1	Primary Minute-Taker	Main Meeting Room (Fixed)	9.00am – 3.00pm
Person 2	General Runner	Roaming	7.00am – 4.00pm
Person 3	Communiqué Upload	Canberra (Fixed)	From 3.00pm

2.3.4 Communiqué

Councils should ensure their key decisions and outcomes are made available publicly within one week of a meeting. This will generally be in the form of a communiqué.

A communiqué may not be considered necessary where a Council does not reach a final position on substantive issues.

A draft communiqué should be prepared by the Secretariat and circulated to Council members, through Officials, prior to a meeting.

The communiqué will be considered and updated prior to the close of a meeting and must be agreed by all members and proxies present before being published.

Members, including the Chair, may choose to issue a Media Release as well as, or in lieu of, a communiqué. In these instances, it should be made clear whether the Media Release represents the Council's position or the views of individual Council members.

Ministerial Forums are also encouraged to publish key outcomes following a meeting.

2.3.5 Minutes

A template for minutes should be developed prior to the meeting. The template should be prepopulated with the unique reference numbers assigned to agenda items, and the recommendations made in the agenda papers.

After the meeting, the Secretariat should finalise the record, coordinate input from member jurisdictions, and provide the draft record to all members for approval within four weeks of the end of a meeting.

Minutes should be concise, accurate, and contain no errors. It is suggested more than one person review the minutes prior to circulation.

Where matters require further consideration, any Ministerial announcement should not be pre-empted. This is particularly important where matters involve financial implications that have not been settled.

2.4 Out-of-Session Process

The Out-of-Session (OOS) process is used when items do not require discussion for decision making or where the urgency of the item requires it to be finalised ahead of the next scheduled meeting. Items for information or noting should also be progressed OOS.

OOS items for Ministers' decision will first be considered by Officials. Once supported by Officials, the OOS package will be circulated to Ministers, through Officials, for decision.

Items of a procedural, technical or administrative nature should be delegated to Officials for decision, unless otherwise requested by Ministers.

The OOS package and covering e-mail is prepared, and appropriately cleared, by the responsible jurisdiction.

Response times may vary depending on the urgency of the item, but Officials will generally be given **10 working days** to respond with **15 working days** allowed for a response from Ministers.

The responsible jurisdiction will be deemed to agree with the recommendation/s of the OOS package and will not be required to provide a formal response.

The Secretariat should send a follow-up reminder no less than one working day before the due date.

If a response has not been received by the due date, and no extension has been granted, it will be assumed that the jurisdiction/s concerned have abstained or, where other jurisdictions have endorsed the recommendation/s, have no objection to the recommendation/s of the paper.

It is important to advise Officials of this assumption when the OOS package is initially circulated.

2.5 Website

Each Council must have a dedicated website with the following key information available:

- terms of reference and key priorities;
- upcoming meeting dates and locations (once public);
- membership;
- meeting communiques;
- contact details for the Secretariat; and
- COAG website link.

Core work of the Council will also be published as and when required. This might include public consultation processes and final COAG Regulation Impact Statements.

The website should be reviewed regularly to ensure all information publicly available is accurate and up-to-date.

Websites may include a function for stakeholders to register to receive notifications of updates to the site, including consultations, calls for submissions, etc.

The Secretariat may also develop a members-only website to provide secure, web-based space to assist Officials share documents and information, including meeting agendas, papers, and minutes.

Websites for former Councils that have been revoked or replaced should be archived.

Ministerial Forums are also encouraged to have a web presence.

2.6 Branding

Branding clearly distinguishes Council documents as being independent of individual jurisdictions and/or departments.

There are no guidelines on branding for websites or documents. It is at the discretion of individual Councils and Ministerial Forums to decide whether a brand is necessary and/or appropriate.

The Secretariat is responsible for approving the use of any branding.

2.7 Regulation Impact Statements

Councils and Ministerial Forums are required to prepare COAG Regulation Impact Statements (RISs) for all regulatory proposals that would affect individuals or business, or impact competition, unless the proposal would result in regulation that is minor or machinery in nature and would not substantially alter existing arrangements.

The [Best Practice Regulation Guide \(BPRG\)](#) is designed to ensure that regulatory processes at the national level, including RISs, are consistent with principles of best-practice agreed by COAG.

The BPRG sets out the role of the Office of Best Practice Regulation (OBPR) in assisting Councils and national (intergovernmental) regulatory bodies, including Ministerial Forums operating outside the COAG System, to prepare RISs that comply with best-practice regulations.

The OBPR should be consulted early about whether a RIS should be prepared. It will report publicly on compliance with these requirements.

Secretariats should establish, and monitor adherence with, processes to strengthen the compliance and transparency of COAG RISs.

2.8 Intergovernmental Agreements, National Agreements and National Partnership Agreements

Councils and Ministerial Forums should consult with all relevant counterparts, including other Councils, when considering new legislation.

This applies to any potential responsibilities under Intergovernmental Agreements (IGAs), National Agreements (NAs) and National Partnerships (NPs) and provides members with an opportunity to review and scrutinise before signing and entering into an agreement.

In accordance with practice and previous circulars¹, portfolio agencies take the lead in most consultations. However, draft NPs or documents that could be regarded as draft NPs will not be provided to State portfolio agencies at the beginning of a negotiation process on a new NP. Instead, PM&C will initiate negotiations with State and Territory Premiers and Chief Ministers' departments by providing them with the draft NP. This will be shortly followed by Commonwealth Treasury sending the draft NP to State treasuries and the relevant Commonwealth portfolio agency circulating it to their counterpart State and Territory agencies.

Negotiations should be carried out in accordance with the business rules and considerations for each jurisdiction as outlined in [Federal Finances Circular No. 2015/01](#) *Developing National Partnerships Under The Federal Financial Relations Framework*.

Relevant Councils have a role with respect to the IGA on Federal Financial Relations, which includes recommendations to COAG on:

- the development of objectives, outcomes, outputs and performance indicators for NAs; and
- proposing new specific projects and reform which could be supported by NPs.

¹ [Federal Finances Circular No. 2015/03](#) "Processes for drafting, negotiating, finalising and varying agreements under the federal financial relations framework, and related estimates and payments processes".

2.9 Provision of Data

Where Councils and Ministerial Forums have responsibility for providing data in a timely way in relation to national agreements, national partnership agreements and for the Report of Government Services (ROGS), Secretariats should seek to ensure these responsibilities are fulfilled in a timely manner and are carried out in compliance with their relevant jurisdiction's privacy and information legislation, where applicable. This is critical to enable bodies, such as the Steering Committee for the ROGS, to fulfil the roles given to them by COAG.

2.10 Record Keeping

Secretariats will comply with their jurisdiction's recordkeeping and archives legislation.

Where a Council or Ministerial Forum is disbanded, Secretariats should ensure that there is an appropriate record of its existence and activities.

2.11 Freedom of Information Requests

Where a request is made to make a document public through a Freedom of Information (FOI) request, a request from a Royal Commission, or some other avenue, the relevant jurisdiction's FOI legislation should be followed and views on the public release of a document must be sought by all members prior to publication.