

# **JOINT COUNCIL ON CLOSING THE GAP**

## **Terms of Reference**

<p><b>Co-Chairs</b></p>	<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>
<p><b>Membership</b></p>	<p>One Minister with responsibility for Closing the Gap 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 and/or subject matter experts 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>
<p><b>Governance Structure</b></p>	<p>The Joint Council will be supported by a Partnership Working Group (PWG) consisting of senior officials from governments and representatives of the Coalition of Peaks.</p> <p>The PWG will develop and agree its own Terms of Reference.</p> <p>The PWG will develop and progress issues for upcoming Joint 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 PWG 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><b>Operations and decision making</b></p>	<p>The Joint Council will meet at least twice a year, in April and October where possible. The Co-Chairs are responsible for settling the dates in writing – via email or formal correspondence. Joint Council will be notified of proposed meeting dates for the following year at the last meeting of the preceding year. With agreement of the Co-Chairs, further work can be conducted through extra meetings or out-of-session. Additional meetings can be scheduled, or the timing changed by verbal or written agreement between the Co-Chairs.</p> <p>The Joint Council will make decisions on the basis of consensus between government parties and the Coalition of Peaks. 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 PWC 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><b>Scope of Council responsibility</b></p>	<p>The Joint Council will support national leadership, coordination and cooperation on Closing the Gap.</p> <p>The Joint Council is responsible for monitoring implementation of the National Agreement on Closing the Gap, including progress by the Parties against their Implementation Plans (clause 111 of the National Agreement).</p>

	<p>The Joint Council may provide advice to Parties as appropriate and as set out in the National Agreement on Closing the Gap.</p> <p>All Intergovernmental Ministers' Meetings are required to progress Indigenous Affairs matters as part of their normal business. This Joint Council will work in cooperation with other Intergovernmental Ministers' Meetings on an as-needs basis.</p>
<p><b>Review and reporting</b></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 may 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, amendments to the Partnership and National Agreements 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. Any updates should reflect agreed outcomes from annual Partnership Health Check discussions.</p> <p>An annual Partnership health check will be undertaken by an independent assessor and provided to the Joint Council.</p> <p>The health check report and Joint Council's response will be published on the Closing the Gap website.</p> <p>A risk register for the Partnership Agreement has been jointly developed and will be monitored by the PWG. PWG will escalate risks as they arise to Joint Council where necessary. The risk register will be reviewed as part of the annual health check and published on the Closing the Gap website.</p>
<p><b>Priorities for the Council</b></p>	<p>Joint Council workplans will be published on the Closing the Gap website, Joint Council will review its forward work-plan on an annual basis at its October meeting, or more frequently as agreed by the Joint Council.</p>
<p><b>Context and accountability</b></p>	<p>The Partnership Agreement between the National Coalition of Aboriginal and Torres Strait Islander Peak Organisations</p>

	<p>and COAG member governments gives effect to COAG’s commitment on 12 December 2018 to form a partnership to ensure “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>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. Following the cessation of COAG, Parties acknowledge the Partnership Agreement is between the Coalition of Peaks, all Australian Governments and ALGA. The Partnership Agreement is published on the Closing the Gap website.</p> <p>The Joint Council is constituted under the Partnership Agreement.</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 National Agreement is essential to achieve their shared goal to close the gap in life outcomes between Indigenous and non-Indigenous Australians.</p>
<b>Secretariat</b>	<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 PWC, including the preparation of papers, meeting records, communiqués and correspondence from the Co-Chairs. Preparation of papers by the Secretariat is to enable the Joint Council and PWC to make well-informed decisions based on the range of perspectives in the partnership</p>
<b>Agenda</b>	<p>Agenda items should support the strategic priorities of Joint 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</p>

	<p>items; provide templates for papers; and compile and circulate draft agendas to Council members.</p> <p>A draft agenda will be endorsed by the PWC and then agreed by the Co-Chairs ahead of each meeting.</p> <p>Any party can put forward items 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 items forward.</p> <p>Papers for Joint Council must be considered by the Partnership Working Group preceding Joint Council.</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>By exception, the Co-Chairs may agree a paper without it being considered by a preceding Partnership Working Group meeting.</p>
<p><b>Information and communication</b></p>	<p>Information about Joint Council’s progress will be made available through the Closing the Gap website, such as its terms of reference and work plan, outcomes of meetings and decisions, and links to relevant documents.</p> <p>Prior to each meeting, the Secretariat will prepare a draft communiqué. The communiqué will be 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 has established an email mailbox for internal communications relating to the Joint Council and its working groups – <a href="mailto:closingthegap@niaa.gov.au">closingthegap@niaa.gov.au</a>.</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>



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.