



# Joint Council on Closing the Gap

## TERMS OF REFERENCE – VERSION CONTROL

Version	Date	Changes
3.0	21 November 2025	<p>Provisions have been included to:</p> <ul style="list-style-type: none"><li>• clarify non-member and observer attendance (page 2)</li><li>• distribute papers 16 business days ahead of meetings instead of 'at least eight business days' (page 5)</li><li>• require a Partnership Health Check to be coordinated by the Partnership Working Group (PWG) and provided to Joint Council for a response. Recommendations and findings are to be published on the Closing the Gap website (page 6)</li><li>• regularly review Joint Council Terms of Reference (page 6)</li><li>• outline the process for amending the National Agreement on Closing the Gap (page 8)</li><li>• require all parties provide a clear position to recommendations and action items (page 8)</li><li>• ensure Joint Council decisions consider interdependencies on structures outside of the National Agreement governance architecture (page 8)</li><li>• require that items tabled at Joint Council identify funding requirements, if any, by Parties, and outlines further requirements for those items (page 8)</li><li>• remove reference to the Chatham House Rule and including provisions for 'closed session' discussions and the publication of documents (page 9-10)</li><li>• replace references to 'Joint Council Secretariat' with 'Commonwealth Secretariat' throughout the document, and other minor edits.</li></ul>

2.0	7 June 2023	<ul style="list-style-type: none"> <li>• Updated sequence and structure for ease of reading, clarity and alignment with the PWG Terms of Reference.</li> <li>• Amending the Government co-chair arrangements from rotational, to the Commonwealth Minister.</li> <li>• Confirmation of membership numbers.</li> <li>• Confirmation of the limit of advisers for each Joint Council member to be present in the meeting room (unless prior agreement from co-chairs).</li> <li>• Confirmation of arrangements for proxies.</li> <li>• Confirmation of meeting quorum requirements.</li> <li>• Additional time for members to receive and review papers (eight business days before the meeting, up from five).</li> </ul>
1.0	16 April 2021	N/A



## TERMS OF REFERENCE (EFFECTIVE 21 NOVEMBER 2025)

<b>Chair</b>	<p>Joint Council meetings will be co-chaired by the:</p> <ul style="list-style-type: none"><li>• the Commonwealth Minister with responsibility for Aboriginal and Torres Strait Islander people, and</li><li>• an Aboriginal and Torres Strait Islander representative nominated by the Coalition of Peaks.</li></ul>
<b>Membership</b>	<p>Membership of Joint Council will be comprised of:</p> <ul style="list-style-type: none"><li>• one Minister nominated by each jurisdiction</li><li>• one representative nominated by the Australian Local Government Association (ALGA), and</li><li>• 12 representatives nominated by the Coalition of Peaks, in addition to the Coalition of Peaks Chair.</li></ul> <p>The co-chairs, on agreement, may invite other Ministers, representatives from government agencies, other Aboriginal and Torres Strait Islander stakeholders or the Productivity Commission’s Indigenous Policy Evaluation Commissioner to participate in specific meetings or specific items, as appropriate.</p> <p>All members may be supported by one adviser present in the meeting room. Additional advisers may be present in the meeting room only if agreed by the co-chairs. Advisers are not members and do not contribute to the discussion unless invited to do so by the co-chairs.</p> <p>Government Parties and the Coalition of Peaks will inform Joint Council of any changes to nominated representatives.</p>

<p><b>Proxies</b></p>	<p>For government parties, in the event of a member being unavailable to attend Joint Council, a member may send a proxy in line with the following:</p> <ul style="list-style-type: none"> <li>• for jurisdictions, a proxy must be another Minister of the respective government</li> <li>• for ALGA, the proxy must be of an appropriate seniority to speak and make decisions on behalf of ALGA.</li> </ul> <p>Proxies may represent the Coalition of Peaks, with all proxies to be of appropriate seniority to speak and make decisions as part of the Coalition of Peaks. Joint Council should be advised of proxies attending a meeting as soon as this information becomes available.</p>
<p><b>Non-member Attendance and Observers</b></p>	<p>Non-member attendance will be considered and approved on a need-to-know basis, for example as a subject matter expert for an agenda item. Approval must be sought from both Joint Council co-chairs via the Commonwealth Secretariat or Coalition of Peaks Secretariat, by indicating their need-to-know basis, in writing, at least four weeks prior to the Joint Council meeting.</p> <p>Approved non-members may attend in-person or online in the virtual meeting room.</p> <p>All observers must seek approval from Joint Council co-chairs via the Commonwealth Secretariat or the Coalition of Peaks Secretariat, by indicating their need-to-know basis, in writing, at least two weeks prior to the Joint Council meeting.</p> <p>Approved observers may attend via the virtual observer’s room only.</p> <p>The Commonwealth Secretariat will provide a virtual link to either the physical meeting room or the observers’ meeting room depending on the approved attendance format.</p> <p>Requests to attend Joint Council meeting as a permanent observer may be considered by both Joint Council co-chairs or as an item for discussion at the next available Joint Council meeting for consideration and agreement.</p> <p>The Commonwealth Secretariat will maintain a list of non-member attendees for each agenda item and manage observers’ attendance accordingly.</p>

## Governance structure

Joint Council forms part of Australia's Federal Relations architecture, providing annual updates to National Cabinet.

Joint Council will be supported by Partnership Working Group (PWG) consisting of senior officials from governments and representatives of the Coalition of Peaks. PWG will develop and progress issues for upcoming Joint Council meetings with all papers for Joint Council consideration to be agreed by PWG before tabling at Joint Council.

References to the roles and responsibilities of PWG in this Terms of Reference are outlined in further detail in the PWG Terms of Reference. PWG has responsibility for reviewing and endorsing its Terms of Reference, ensuring it aligns with this Terms of Reference, including:

- supporting Joint Council by developing policy positions and providing advice to inform discussions between Joint Council members
- supporting Joint Council to meet activities set out in the Joint Council work plan
- resolving issues referred from Joint Council
- fulfilling requests from Joint Council.

Joint Council may establish additional working groups at its discretion (for example, for a specific analysis task). These may be time limited and will report to Joint Council. Working groups will develop papers and provide policy advice as required. Wherever possible, papers for Joint Council will be developed in partnership.

Items of a procedural or heavily administrative nature should be delegated to the Secretariat to progress or dealt with out-of-session.

## Responsibilities

Joint Council is responsible for:

- the ongoing administration and oversight of the National Agreement on Closing the Gap (National Agreement)
- supporting national leadership, coordination and cooperation on Closing the Gap
- providing advice to the First Ministers, the President of the ALGA and the Coalition of the Peaks as appropriate
- oversight and monitoring of performance against the Closing the Gap Priority Reforms, socio-economic targets and agreed jurisdictional and partnership actions
- monitoring of implementation, noting jurisdictions will determine how they implement the Closing the Gap agenda in a manner that is consistent the National Agreement on Closing the Gap.

The Council will:

- operate in accordance with the National Partnership Agreement on Closing the Gap
- finalise all draft targets and a national Closing the Gap Framework for endorsement
- review and agree the methodology and terms of reference for the Indigenous-led three yearly evaluation following consideration of a proposal from the Coalition of Peaks
- agree the methodology and terms of reference for a review of progress nationally and in each jurisdiction
- agree success indicators and undertake an annual Partnership Agreement Health Check
- undertake a formal review of the Partnership Agreement at years three, six and nine and agree the terms of reference
- agree, review and monitor a risk register for the Partnership Agreement
- agree the methodology to consider progress on the Priority Reforms and identify additional partnership actions if needed.

Joint Council will develop a work plan to meet these requirements and prioritise matters so that items are logically sequenced and to ensure visibility of risks. The Joint Council work plan will be reviewed and updated at least annually and will be published on the Closing the Gap website.

<p><b>Meetings schedule</b></p>	<p>Joint Council will meet at least twice a year. With agreement of the co-chairs, further work can be conducted through extra meetings or out-of-session.</p> <p>The Commonwealth Secretariat will issue meeting invitations to the nominated Joint Council members from each Government Party (Commonwealth, states and territories, and the Australian Local Government Association) and the Coalition of Peaks Secretariat.</p> <p>Joint Council will agree dates and locations for future meetings of Joint Council at each meeting (and include meeting dates in the forward work plan).</p> <p>Any changes to confirmed dates and locations of meetings are to be agreed in writing between the co-chairs (or their delegates) out-of-session.</p>
<p><b>Meeting agendas</b></p>	<p>PWG will lead the development of an agenda and supporting papers for each Joint Council meeting, with Joint Council co-chairs to agree an agenda ahead of each meeting.</p> <p>The agenda for each meeting should align with the work plan agreed by Joint Council, support the strategic priorities of Joint Council, and address urgent matters requiring attention. Matters that fall outside this remit will generally be dealt with by exception.</p> <p>Any Party can put forward proposals for consideration by Joint Council (noting that papers are to be agreed by PWG before tabling at Joint Council).</p>
<p><b>Meeting papers</b></p>	<p>The Commonwealth Secretariat will distribute papers to nominated senior officials from each Government Party (Commonwealth, states and territories, and the Australian Local Government Association) and the Coalition of Peaks Secretariat at least 16 business days ahead of each Joint Council meeting, unless exceptional circumstances arise and as agreed by the co-chairs.</p> <p>All papers for Joint Council consideration must be agreed by PWG before tabling at Joint Council.</p>

<p><b>Meeting quorum</b></p>	<p>For a Joint Council meeting to proceed, a quorum will be determined as follows:</p> <ul style="list-style-type: none"> <li>representatives from a majority of Government Parties (i.e. Commonwealth, each state and territory, and the Australian Local Government Association); and</li> <li>representatives from the Coalition of Peaks.</li> </ul> <p>For clarity, the minimum number of Government Parties represented in order to meet a quorum is six (of 10).</p> <p>The number of Government representatives must not exceed the number of Coalition of Peaks representatives.</p>
<p><b>Review and reporting</b></p>	<p>The Joint Council:</p> <ul style="list-style-type: none"> <li>supports the formal Partnership and drives the work of our joint efforts to close the gap</li> <li>is accountable to the Partnership Parties</li> <li>able to refer matters to the Partnership Parties for their consideration and endorsement, noting that these will be matters requiring the Partnership Parties’ attention (such as major decisions and intergovernmental agreements)</li> <li>will report to the Partnership Parties on its progress, as requested by the Partnership Parties or agreed by Joint Council.</li> </ul> <p>A Partnership Health Check requiring participation from all Parties to the National Agreement will be coordinated by the Partnership Working Group and provided to the Joint Council for a response to recommendations and findings to be published on the Closing the Gap website. A risk register for the Partnership Agreement will be developed by all Parties and progress against it monitored by the Partnership Working Group for endorsement by the Joint Council.</p> <p>Where possible, Joint Council will review its Terms of Reference at the first meeting each year, or as required (for example, following PWG reviewing its Terms of Reference or following a Partnership Health Check).</p>



<p><b>Context and accountability</b></p>	<p>Joint Council:</p> <ul style="list-style-type: none"><li>• is established by the Partnership Agreement on Closing the Gap (Clauses 17 to 25)</li><li>• supports the formal Partnership and drives the work of our joint efforts to close the gap</li><li>• is accountable to the Partnership Parties</li><li>• is able to refer matters to the Partnership Parties for their consideration and endorsement, noting that these will be matters requiring the Partnership Parties’ attention (such as major decisions and intergovernmental agreements)</li><li>• will report to the Partnership Parties on its progress, as requested by the Partnership Parties or agreed by Joint Council.</li></ul> <p>Individual members of Joint Council are accountable to their jurisdictions (for Government Party representatives) or the Coalition of Peaks (for their representatives).</p>
<p><b>Secretariat</b></p>	<p>The Commonwealth Secretariat is responsible for distributing meeting papers and facilitating meeting logistics.</p> <p>The Commonwealth Secretariat will work with Joint Council co-chairs (and the Coalition of Peaks Secretariat) to schedule meetings.</p> <p>The Commonwealth Secretariat will provide additional administrative support for Joint Council as required including publishing agreed communiqués and work plans.</p> <p>Following each meeting, the Secretariat will draft a <i>record of meeting</i>, including action items, for consideration and endorsement at the following Joint Council meeting.</p>



<b>Amendments to the National Agreement</b>	<p>The National Agreement on Closing the Gap is a formal agreement between the Parties requiring their joint commitment to achieving the agreed outcomes and targets.</p> <p>Any changes to the National Agreement must be agreed by all Parties ensuring shared ownership and accountability.</p> <p>Clauses 137 and 138 of the National Agreement specify the arrangements that must occur to amend it including PWG and Joint Council agreement.</p> <p>Agreed changes to the National Agreement must be reported to National Cabinet by the Commonwealth Secretariat on behalf of Joint Council.</p>
<b>Operations</b>	<p>Joint Council will operate in accordance with the Partnership Agreement Objectives (Clause 13) and Principles (Clause 14). These principles encompass support for self-determination, self-management and Aboriginal and Torres Strait Islander community control as fundamental to achieving our shared goals.</p> <p>Joint Council will make decisions on the basis of consensus between Parties wherever possible. Consensus decision-making requires equal participation and agreement on an outcome and/or course of action.</p> <p>Consistent with the Partnership Principles, equal participation includes identifying and addressing systemic and structural racism, discrimination and unconscious bias.</p> <p>While consensus decision-making does not require uniformity of actions by all Parties, it does require agreement on the outcomes of an item and wording of a resolution with all Parties providing a clear position to recommendations and action items.</p> <p>Parties will seek to maximise participation in Joint Council and support continuity in representation. Effective participation and shared decision-making will be enabled through adequate time for consultation and consideration of key decisions, with an outcomes-focused approach to the work of the Joint Council and commitment to open and transparent negotiation.</p> <p>Parties should ensure Joint Council decisions consider interdependencies on structures outside of the National Agreement governance architecture including ministerial forums, portfolio ministers and jurisdictional counterparts and commit to supporting engagement with those forums.</p> <p>Items put forward for decision by Joint Council must identify if there is a funding requirement by Parties, seek agreement to the funding commitments required and to a process to secure the funding, and identify the timeframe for completion of the work.</p>

## Information and communication

Decisions arising from Joint Council will be made public following each meeting through a jointly agreed communiqué.

Joint Council will make available key information through its website, such as its terms of reference and work plan, outcomes of meetings and decisions, and links to relevant documents and the Closing the Gap website.

Prior to each meeting, Drafting Group 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 Commonwealth 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.

The Commonwealth Secretariat will establish and maintain an email mailbox for internal communications relating to the Joint Council and its working groups.

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.

Deliberations and discussions of Joint Council are on a without prejudice basis and held in confidence to support free and frank discussion. This does not preclude members discussing or expressing an opinion on the agreed outcomes of a meeting.

Items that are particularly sensitive or confidential in nature may be progressed through a closed session. Joint Council co-chairs will declare when a closed session discussion commences, and any notetaking shall cease. Only Joint Council members will be permitted in closed session discussions. All decisions relating to closed session discussions including recommendations, actions and outcomes will be recorded by the Secretariat at the instruction of the co-chairs and announced for formal noting when the meeting resumes. In the case that the Secretariat is asked to leave the meeting, a co-chair will note the actions and outcomes of the closed session discussion and announce them for formal noting when the meeting resumes. Closed session recommendations, actions and outcomes will be included in the Record of Meeting, and decisions will be made public following each meeting through a jointly agreed communiqué at the instruction of the co-chairs.

It is the role of Joint Council to determine whether documents that do not meet the minimum publishing requirements recommended by the Productivity Commission's 2024 Review of the National Agreement on Closing the Gap should be published on the Closing the Gap website.

Documents that meet the minimum publishing requirements will be published on the Closing the Gap website without consideration by Joint Council. Documents that do not meet the minimum publishing requirements will first be considered by Drafting Group and PWG before Joint Council.



The intention to publish documentation in line with the agreed principles should be clearly stated in the Joint Council paper, along with the relevant criterion for publication (Partnership Stocktakes, Partnership Agreements, Expenditure Reviews, Evaluations, Transformation Strategies or Other).

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