



Partnership Working Group on Closing the Gap

TERMS OF REFERENCE – VERSION CONTROL

Version	Date	Changes
3.0	28 August 2025	<p>Provisions have been included to:</p> <ul style="list-style-type: none">• clarify non-member and observer attendance (page 2)• amend the regularity of updates to the PWG work plan (page 3)• distribute papers 16 business days ahead of meetings instead of 'at least 8 business days' (page 4)• provide for the process of PWG to coordinate a Partnership Health Check and the development of a related risk register (page 5)• outline the process for amending the National Agreement on Closing the Gap (page 6)• highlight considerations to be made by PWG in their decision-making process, including interdependencies on structures outside of the National Agreement governance architecture and whether the decision involves a funding requirement by Parties (page 7)• remove reference to the Chatham House Rule and include provisions for 'closed session' discussions and the publication of documents (page 8)• replace references to 'PWG Secretariat' or 'Drafting Group Secretariat' with 'Commonwealth Secretariat' throughout the document, and minor edits.



2.0	23 February 2023	<p>Edits made include:</p> <ul style="list-style-type: none">• ensure approximately equal representation of Government Parties to the number of Coalition of Peaks representatives in the membership, and appropriate seniority of members (page 1)• section inserted outlining the process for proxies attending meetings (page 1)• provisions inserted to make reference to the Drafting Group Terms of Reference (page 2)• section inserted outlining the responsibilities of Partnership Working Group (page 2)• amendments made to the terms around scheduling of Partnership Working Group meetings, including that they will be scheduled complement the Joint Council meeting scheduled and work plan, with a general timeframe of occurring approximately every six to eight weeks (page 3)• further detail was included around Drafting Group's role in leading the development of an agenda and supporting papers for each Partnership Working Group meeting (page 3)• provisions have been included to increase the number of business days ahead of each PWG meeting that papers are required to be distributed by from five to eight (page 3)• an additional line was inserted clarifying the minimum number of Government Parties represented at a Partnership Working Group meeting to meet a quorum (page 4)• additional provisions were inserted outlining the process and timing for reviewing the Partnership Working Group Terms of Reference (page 4)• further detail was added around Secretariat responsibilities (page 4)• the 'Operations' section was moved within the document (page 5), and• provisions inserted to reference the shared resourcing arrangement (page 5).
1.0	18 March 2021	N/A

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TERMS OF REFERENCE (EFFECTIVE 28 AUGUST 2025)

<p>Chair</p>	<p>Partnership Working Group (PWG) meetings will be co-chaired by the following:</p> <ul style="list-style-type: none"> • a senior government official (corresponding to the jurisdiction providing the Joint Council government co-chair) • Lead Convenor or a representative of the Coalition of Peaks.
<p>Membership</p>	<p>Membership of PWG will be comprised of:</p> <ul style="list-style-type: none"> • a nominated senior official from each Government Party to the Partnership Agreement on Closing the Gap (Commonwealth, states and territories, and the Australian Local Government Associations) • representatives from the Coalition of Peaks. <p>Noting the nature of the partnership representation, there should be an approximately equal representation of Government Parties to the number of Coalition of Peaks representatives in the membership.</p> <p>Members should be of appropriate seniority to speak and make decisions on behalf of their jurisdiction.</p> <p>Government Parties and the Coalition of Peaks will inform PWG of any changes to nominated representatives.</p>
<p>Proxies</p>	<p>In the event of a member being unavailable to attend a PWG meeting, the member may send a proxy.</p> <p>Nominated proxies will be able to speak and make decisions on behalf of their jurisdiction. As with the requirement for members, proxies for Government Parties should be senior officials, with an appropriate level of seniority to speak and make decisions on behalf of their jurisdiction.</p>



<p>Non-member Attendance and Observers</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 PWG 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 PWG 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 both PWG co-chairs via the Commonwealth Secretariat or Coalition of Peaks Secretariat, by indicating their need-to-know basis, in writing, at least two weeks prior to the PWG 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 PWG meetings as a permanent observer may be considered by both PWG co-chairs or as an item for discussion at the next available PWG 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>
<p>Governance structure</p>	<p>PWG reports to the Joint Council on Closing the Gap. All papers for Joint Council consideration must be agreed by PWG before tabling at Joint Council.</p> <p>PWG is supported by a Drafting Group. References to the roles and responsibilities of Drafting Group in this Terms of Reference are outlined in further detail in the Drafting Group Terms of Reference.</p> <p>PWG may establish additional working groups at its discretion (for example, for a specific analysis task). These may be time limited or ongoing and will report to PWG.</p> <p>The Terms of Reference for Drafting Group and other working groups will be endorsed by PWG in the first instance (with revisions to be agreed at the sub-group level and reported back to PWG).</p>



Responsibilities	<p>PWG is responsible for:</p> <ul style="list-style-type: none">• driving the implementation of the Partnership Agreement and the National Agreement on Closing the Gap• 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. <p>PWG 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 PWG work plan will be reviewed and updated regularly throughout a 12-month period, as deemed appropriate by Parties.</p>
Meeting schedule	<p>PWG meetings will be scheduled to complement the Joint Council meeting schedule and work plan.</p> <p>In general, PWG will meet approximately every six to eight weeks, with a minimum of two meetings between each Joint Council meeting, or as required (as agreed by PWG co-chairs).</p> <p>The Commonwealth Secretariat will issue meeting invitations to nominated senior officials from each Government Party (Commonwealth, states and territories, and the Australian Local Government Association) and the Coalition of Peaks Secretariat.</p> <p>PWG will agree dates and locations for future PWG meetings at each meeting (included 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>



Meeting agendas	<p>Drafting Group will lead the development of an agenda and supporting papers for each PWG meeting.</p> <p>The agenda for each meeting should align with the work plan agreed by PWG, and support PWG to meet its responsibilities (set out above).</p> <p>In preparing the agenda and papers for PWG meetings, Drafting Group must take into account any items specifically requested by either Joint Council or PWG at preceding meetings.</p> <p>Any Party can put forward proposals and/or papers for consideration by PWG (for consideration by Drafting Group in the first instance). Draft papers should be submitted to Drafting Group members by either the authoring party, or via the Commonwealth Secretariat.</p>
Meeting papers	<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 PWG meeting, unless exceptional circumstances arise and as agreed by the co-chairs.</p> <p>All papers for PWG consideration must be agreed by Drafting Group before tabling at PWG.</p>
Meeting quorum	<p>For a PWG meeting to proceed, a quorum will be determined as follows:</p> <ul style="list-style-type: none">representatives from a majority of Government Parties (i.e. Commonwealth, each state and territory, and the Australian Local Government Association); andrepresentatives from the Coalition of Peaks. <p>For clarity, the minimum number of Government Parties represented in order to meet a quorum is six (of 10).</p>



Review and reporting	<p>PWG will report progress to Joint Council as requested by the Partnership Parties or agreed by Joint Council. These Terms of Reference reflect the responsibilities placed on the group by Joint Council.</p> <p>A Partnership Health Check requiring participation from all Parties to the National Agreement will be coordinated by the PWG, as required, and provided to Joint Council for a response to recommendations and findings to be published on the Closing the Gap website.</p> <p>A risk register for the Partnership Agreement will be developed and considered as part of the Partnership Health Check process, and progress against it monitored by PWG for endorsement by Joint Council as required.</p> <p>Where possible, PWG will review its Terms of Reference at the first PWG meeting each year, or as required (for example, following Joint Council reviewing its Terms of Reference or following a Partnership Health Check).</p>
Context and accountability	<p>PWG is accountable to Joint Council.</p> <p>Individual members of PWG are accountable to their jurisdictions (for officials) or the Coalition of Peaks (for its representatives).</p>
Secretariat	<p>The Commonwealth (NIAA) will provide secretariat functions for PWG.</p> <p>The Commonwealth Secretariat is responsible for distributing meeting papers and facilitating meeting logistics for PWG.</p> <p>The Commonwealth Secretariat will work with PWG co-chairs (and the Coalition of Peaks Secretariat) to schedule meetings.</p> <p>Following each meeting, the Commonwealth Secretariat will draft a <i>record of meeting</i>, including action items, for consideration and endorsement at the following PWG meeting.</p>



**Amendments to
the National
Agreement**

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.

Any changes to the National Agreement must be agreed by all Parties ensuring shared ownership and accountability.

Clauses 137 and 138 of the National Agreement specify the arrangements that must occur to amend it, including PWG and Joint Council agreement.

Agreed changes to the National Agreement must be reported to National Cabinet by the Commonwealth Secretariat on behalf of Joint Council.



Operations

PWG 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.

PWG 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.

Consistent with the Partnership Principles, equal participation includes identifying and addressing systemic and structural racism, discrimination and unconscious bias.

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.

Parties will seek to maximise participation in PWG 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 PWG and commitment to open and transparent negotiation.

Parties should ensure PWG decisions consider interdependences on structures outside of the National Agreement governance architecture including ministerial forums, portfolio ministers and their jurisdictional counterparts and commit to supporting engagement with those forums.

Items put forward for decision by PWG 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.



Information and communication

Documents prepared for PWG, representatives and officials will be treated as sensitive, unless otherwise agreed, and only distributed on a need-to-know basis.

Deliberations and discussions of PWG 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. The PWG co-chairs will declare when a closed session discussion commences, and any notetaking shall cease. Only PWG 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.

PWG should support Joint Council in its role 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 meeting 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, along with the relevant criterion for publication (Partnership Stocktakes, Partnership Agreement, Expenditure Reviews, Evaluations, Transformation Strategies or Other).