Handbook for COAG Councils

A Guide for Best-practice Operations for COAG Council Secretariats
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Purpose

This Handbook provides best-practice advice to Council of Australian Governments (COAG) Councils and their secretariats. The Handbook is organised into two parts:

1. **Part One, COAG Council System** – provides information about the structure of the new Council System and how it operates. The general operating procedures at section 1.3 apply to all Councils, and sections 1.4 to 1.6 (inclusive) give operational information that is specific to the particular type of Council.

2. **Part Two, Best-practice Secretariat Operations** – provides best-practice guidance to secretariats on supporting their Councils strategically and administratively.

The Handbook replaces the *COAG Commonwealth-State Ministerial Councils: A Compendium*, drawing on the guidance it contained for Councils and secretariats and updating it in the context of COAG’s new Council System, which commenced September 2011. It draws particularly on the sections of the Compendium entitled ‘Broad Protocols for the Operation of Ministerial Councils’ and ‘General Principles for the Operation of Ministerial Councils’. The high-level information the Compendium contained about each Council is now required to be made available on the internet and accessible via the COAG website. Hyperlinks will be maintained from the COAG website.
1. **THE COAG COUNCIL SYSTEM**

1.1 **Preamble**

COAG is the peak intergovernmental forum in Australia. Its role is to initiate, develop and monitor the implementation of policy reforms of national significance which require cooperative action by Australian governments. COAG Councils manage and oversee a range of these reforms.

Following a review by Dr Allan Hawke in 2009-10, COAG decided on 13 February 2011 to institute a new Council System. This new System will better enable COAG to focus on, and progress, nationally significant reforms.

1.2 **The New COAG Council System**

COAG is supported by Councils that facilitate consultation and cooperation between the Commonwealth and the States and Territories in specific policy areas. Councils pursue and monitor priority issues of national significance and take joint action to resolve issues that arise between governments. Councils also develop policy reforms for consideration by COAG, and oversee the implementation of policy reforms agreed by COAG.

COAG pursues an agenda under five strategic themes. These themes shape its work, and the work of its Councils, on national strategic priorities. The themes are:

- a Long-Term Strategy for Participation – addressing social and economic issues, such as skills development, education and early childhood development;
- a National Economy driven by our Competitive Advantages – addressing issues such as the microeconomic reform agenda, further regulatory and competition reforms and infrastructure investment;
- a Sustainable and Liveable Australia – addressing issues such as housing supply and affordability, sustainable population, climate change and energy efficiency measures;
- a Better Health Service and a More Sustainable Health System for Australia; and
- Closing the Gap for Indigenous Australians.

1.2.1 **The New Council System**

There are three types of Councils (hereafter referred to as Councils) in the new System:

- Standing Councils that are ongoing and address issues of national significance;
- Select Councils that are reform-focused and time-limited; and
- Legislative and Governance Fora that oversee responsibilities set out in legislation, intergovernmental agreements (IGAs) and treaties outside the scope of Standing Councils.
There are also COAG Working Groups which were originally established to progress the 2008 COAG Reform Agenda.

### 1.3 COAG Councils General Operating Principles

This section of the Handbook details the operating principles applicable to all Councils, unless otherwise specified. Operating principles specific to each of the three types of Council can be found under the relevant headings.

#### 1.3.1 Scope

The scope of each Council as directed by COAG is set out in its terms of reference. Each Council is expected to work within its terms of reference.

COAG uses Councils as vehicles for driving its reform agenda and co-operative federalism. Councils develop and coordinate policy, problem-solve and provide a ministerial forum for joint action by jurisdictions within the Federation.

Only significant intergovernmental reform work should be progressed through the Council System, with all other work delegated to Senior Officials’ level.

COAG uses a number of criteria for prioritising issues, including pursuing items:

- that are at the intersection of jurisdictional responsibilities and of national significance;
- that are of strategic importance to the three levels of government that require a leaders-level process;
- where accountability is required for the work of COAG Councils and working groups; and
- where there is a strong need to drive current COAG activities to successful conclusion to bring service delivery improvements to the Australian community.

#### 1.3.2 Accountability

Councils are accountable to COAG. COAG agrees their terms of reference and work priorities. Annually, Councils provide a report to COAG on their actions and decisions. Relevant timeframes and reporting deadlines are set out in this Handbook at Appendix 4 and under the details for each of the three types of Council.

The actions of Councils need to be transparent to all stakeholders. Objectives, outcomes and progress should be communicated publicly in non-bureaucratic language.

#### 1.3.3 Reviews

Councils must undertake a review approximately every three years of their:

- structure, including chairing and secretariat arrangements;
- number of meetings;
- costs;
objectives and performance;

implementation of decisions;

relationship with other Councils and COAG;

areas of possible overlap, including recommendations with timelines for addressing any issues in the report; and

sub-committees and working parties to ensure they are limited to those that are essential. Those established or retained should be clearly focused and given fixed time to achieve their objectives.

Each relevant Council should also regularly review the efficiency of its administrative arrangements. This review should include the structure of the secretariat and funding issues. It is up to each Council to determine the most appropriate way to undertake these reviews.

Councils should provide to the Commonwealth-State Relations Secretariat (CSRS) at the Department of the Prime Minister and Cabinet (PM&C) no later than the next 31 July, the outcomes of the review and any changes it believes should be made to its terms of reference. The outcomes of the review will not be made public.

1.3.4 Membership

Membership of Councils will generally encompass the Commonwealth and all States and Territories. This may vary depending on the scope and purpose of the body.

Membership by the Australian Local Government Association (ALGA) and New Zealand (and/or other regional governments) may often be desirable to facilitate consultation and national policy development. COAG has agreed that ALGA and New Zealand may participate in Standing Councils if they so wish, with the exception of the Standing Council on Federal Financial Relations, and Legislative and Governance Fora in accordance with the membership in the relevant governing instrument(s).

Except for matters where membership is explicitly set out in the terms of reference, it is up to individual Councils to decide whether other countries or any other parties should be members or attend proceedings as observers. Councils should regularly review the involvement of other countries.

There may be times when only Australian Ministers may participate in Council discussions and decisions. For example, where a governing instrument(s) only nominates Australian jurisdictions as responsible.

1.3.5 Council Meetings

Ministers must ensure they are in a position to represent their governments at meetings and to ensure that objectives are met and implementation is followed through. This is of particular importance where resolutions require commitment, especially financial commitment, from respective governments.

It is at the discretion of Councils as to how often and when meetings are held and whether they are face-to-face or via the TelePresence network.
COAG considers that Councils are likely to require no more than two face-to-face meetings per year. In making decisions about frequency of meetings, Councils should prioritise the achievement of COAG tasks over other work undertaken by the Council, and consider how often they must meet to achieve their priorities and responsibilities.

Meetings of Councils and Senior Officials should utilise the TelePresence network as much as possible to transact their business, to minimise environmental impacts, and meeting and travel costs. Further information on TelePresence can be found at Appendix 3 of this Handbook.

Where applicable, meetings should be held in accordance with any relevant requirements in governing instrument(s).

1.3.6 Delegation of Attendance

If a Council member is unable to attend a meeting, they may nominate a delegate to attend on their behalf. This applies equally to any member of a Council, including the Chair.

If the Chair wishes to transfer their membership and the chairing role permanently, the relevant principles for the type of Council would apply (see sections 1.4.3 for Standing Councils; 1.5.5 for Select Councils and 1.6.4 for Legislative and Governance Fora).

1.3.7 Council Name in Governing Instruments

The remit of Ministerial Councils in existence prior to the establishment of the COAG Council System (except the Select Council on Gambling Reform) was withdrawn when the new Councils were launched in September 2011, except where a Ministerial Council was referred to by name in instruments such as legislation, treaties and IGAs.

COAG has asked the Councils to amend references to Ministerial Councils that pre-date the new Council System by 30 June 2016. References should be amended to refer instead to the ‘Ministers with responsibility for […….]’. This more general reference will remain current even if Councils change their names in the future.

In the interim, where the decisions or responsibilities under governing instrument(s) need to be exercised, the Council will ‘convene’ as the Council named in the relevant legislative instrument. This should be reflected in the minutes and records of decisions.

EXAMPLE:

The Australian Health Workforce Ministerial Council, in existence prior to the commencement of the new Council System, was established under the Health Practitioner Regulation National Law and has a responsibility, under this legislation and the Intergovernmental Agreement for a National Registration and Accreditation Scheme 2008 (Cwth), to agree the inclusion of new professions in the accreditation scheme.

The Standing Council on Health commenced operations in September 2011 and is pursuing its new terms of reference. However, if a decision needs to be made on including a new profession in this national registration and accreditation scheme, the members of the Standing Council on Health will, when making that decision, operate as the Australian Health Workforce Ministerial Council.

By 30 June 2016, the Health Practitioner Regulation National Law, the Intergovernmental Agreement for a National Registration and Accreditation Scheme 2008 (Cwth), and any relevant legislation, apply.
Scheme 2008 (Cwth), and any other instrument in which the Australian Health Workforce Ministerial Council is referred to by name, will be amended to refer to the Council by the generic description ‘Ministers with responsibility for...’

Chairs of Councils have been asked to advise the Chair of COAG when the amendments have been made to all instruments naming the earlier Ministerial Council. When all changes have been made, the earlier Ministerial Council will cease to exist.

1.3.8 Council Operations

Councils should establish effective operational arrangements to ensure they achieve their priorities and responsibilities. Councils will generally be supported by a Senior Officials Group and may set up other sub-groups.

Senior Officials Groups will generally develop and progress issues for upcoming Council meetings. Items of a procedural and technical nature should be delegated to officials to determine, or be dealt with out-of-session.

Differing secretariat arrangements apply to each of the Councils. Further details in relation to establishing and maintaining the most effective secretariat support is discussed under the Best-practice Secretariat Operations heading in this Handbook.

1.3.9 Responsibilities under the Intergovernmental Agreements National Agreements and National Partnership Agreements

Councils should consult with all relevant counterparts, for example other Councils, when considering new legislation. This particularly applies to any potential responsibilities under the IGAs, National Agreements (NAs) and National Partnerships (NPs). This provides members and COAG with an opportunity to review and scrutinise ministerial decisions before signing and entering into an agreement at Head of Government level.

Relevant Councils and relevant COAG Working Groups have a role with respect to the IGA on Federal Financial Relations. This role includes recommendations to COAG on:

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

1.3.10 Cross-cutting Issues

Councils should ensure that they address any potential cross-cutting issues. These should be thoroughly considered in the development of any work undertaken by the Council. For instance, Indigenous disadvantage is a significant cross-cutting issue for most Councils and the Closing the Gap targets are particular goals that many Councils might be contributing to. Councils should consult as appropriate with relevant stakeholders. For further information on consultation refer to section ‘2.4 Guidelines and Processes for Liaising with Other Council Bodies and Secretariats’.

1.3.11 Relationship with COAG

COAG sets the priorities for Councils, and approves their terms of reference and annual work plans. Councils also report annually to COAG (refer to section ‘1.3.2 Accountability’). The
primary role of Councils is to help COAG achieve a clear focus on issues of singular importance to the nation and follow through on the implementation and delivery of COAG decisions. Councils report to COAG regularly on tasks as directed (see section 1.3.2 Accountability, 1.3.3 Reviews and Appendix 4).

1.3.12 Creation and Discontinuation of COAG Bodies

The creation of new Councils can only be agreed to by COAG. Any suggested new Councils must be proposed by a First Minister.

Select Councils are time-limited and will cease once their work has been completed.

This supersedes the previous COAG Guidelines for the Creation of new Ministerial Councils.

1.3.13 Trans-Tasman Mutual Recognition Arrangements

Councils may have statutory decision-making functions under the Trans-Tasman Mutual Recognition Arrangement (TTMRA). Councils can be required to make determinations in relation to the temporary exemption and referral mechanisms. When Councils are considering TTMRA-related issues, determinations are made on a vote in favour by at least two-thirds of the Participating Parties. This requirement, effective only for TTMRA issues, supersedes any existing voting arrangements of Councils. New Zealand will not vote on issues that are relevant to Australian jurisdictions only.

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

For further information on the TTMRA refer to www.coag.gov.au/mutual_recognition/tt_mutual_recog_agreement.cfm.


1.3.14 Meetings outside the Remit of COAG

Although there may no longer be a need for a Council on a particular issue, it is acknowledged that there is value in Ministers meeting with their counterparts from other jurisdictions. Such meetings can be conducted occasionally on a private, informal and ad-hoc basis to facilitate collaboration and information sharing on matters of mutual interest. Significant intergovernmental reform and ongoing work however, is to be progressed through the COAG System.
1.4 **COAG Standing Councils**

1.4.1 **Purpose**

COAG Standing Councils are established to:

- achieve COAG’s strategic themes by pursuing and monitoring priority issues of national significance which require sustained, collaborative effort; and
- address key areas of shared Commonwealth, State and Territory responsibility and/or funding.

1.4.2 **Work of the Standing Councils**

Standing Councils will undertake high-level policy and reform generally in line with one or more of COAG’s strategic themes. They will ensure issues relevant to multiple policy areas, such as Indigenous disadvantage, will be considered in all work. Councils will also perform collective responsibilities of Ministers, as set out in legislation and intergovernmental agreements.

It is expected that at any one time a Standing Council will be tasked by COAG with five to seven issues or reforms which it will vigorously pursue within its broad scope. These priority issues will be of national significance, warrant oversight by First Ministers and be consistent with COAG’s strategic themes. Each issue is supported by a high-level project plan which specifies timeframes for action and completion, milestones and deliverables.

1.4.3 **Chairing Arrangements**

The Chair of a Standing Council is either permanent or rotating and is to be determined by the Council or as approved by COAG at the Council’s inception.

1.4.4 **Membership**

The Commonwealth, States and Territories are the foundation members of Standing Councils. In addition, as mentioned above, ALGA and New Zealand may also participate as members of Standing Councils, except in the case of the Standing Council on Federal Financial Relations.

1.4.5 **Decision-making**

Standing Councils will make decisions on the basis of consensus wherever possible, unless specific voting rules are included in relevant governing instrument(s). Unless a governing instrument sets out a different voting arrangement, the principle of one vote per jurisdiction should apply when deciding on matters by vote.

1.4.6 **Secretariat Arrangements**

Each Standing Council should determine and establish the secretariat arrangements that best suit its requirements.
1.4.7 Reporting

Standing Councils are to provide COAG annually by 31 May, a draft work plan for the next financial year. Standing Councils will also provide to COAG annually by 31 July a report on:

- the progress and completion of priority issues against agreed milestones;
- the contribution made towards meeting the Closing the Gap targets;
- additional priorities, if any, that it proposes should be addressed and submitted for COAG consideration;
- key outputs or achievements from other inter-jurisdictional activities; and
- decisions taken as a result of legislative or governance responsibilities, and any changes made to legislation or agreements.

See Appendix 2 for the reporting template.

1.4.8 Work within the Council’s Scope but outside COAG’s Themes

It is recognised that Standing Councils are a key forum in which inter-jurisdictional relationships are developed and various issues discussed. However, only significant intergovernmental reform work should be progressed through the COAG System, with all other work delegated to Senior Officials’ level. All work progressed by Standing Councils must meet the criteria of achieving COAG’s strategic themes and addressing key areas of shared Commonwealth, State and Territory responsibility and funding.

1.5 COAG Select Councils

1.5.1 Purpose

COAG Select Councils are established as a result of a proposal by a First Minister, and agreed by COAG:

- to pursue matters of critical national importance which require sustained, collaborative effort;
- where there is shared Commonwealth, State and Territory responsibility;
- where work is unable to be undertaken by another body, such as a taskforce, working group or group of Officials; and
- with a specific time duration within which to achieve its reform task(s).

1.5.2 Work of Select Councils

Select Councils undertake focused and time-limited reform work that aligns directly with COAG’s five strategic themes. They work to a timeframe for each reform task with a project plan specifying milestones and deliverables.

1.5.3 Creation of new Select Councils

Taking into consideration the purpose of Select Councils as set out in section 1.5.1, any First Minister may propose to COAG the creation of a new Select Council. The relevant First Minister’s Department should advise CSRS at PM&C of such a proposal.
1.5.4 Duration
Select Councils are established to pursue a specific reform task within a specific time period. Once Select Councils have achieved their reform task, they are to be wound up. COAG will specify the duration of a Select Council in setting its terms of reference. It is expected that Select Councils may operate for periods ranging from six months to several years.

1.5.5 Chairing, Membership and Secretariat Arrangements
COAG agrees the chairing, membership and secretariat arrangements for Select Councils on a case-by-case basis consistent with the nature and intent of the reform the Select Council is established to pursue.

Consideration may also be given to membership of Select Councils by ALGA, New Zealand and other parties.

1.5.6 Reporting
Select Councils are to provide progress reports to COAG, through the CSRS at PM&C, against their reform task project plans at least bi-annually. The frequency of reporting may vary with each Select Council, but should be set out in the terms of reference. See Appendix 2 for the reporting template.

1.5.7 Current Select Councils
As this type of body has been included in the structure to allow COAG to respond flexibly to emerging priorities, the number of Select Councils is subject to change but is intended to remain small.

1.6 Legislative and Governance Fora

1.6.1 Purpose
Legislative and Governance Fora have been established where:
- Commonwealth, State and Territory Ministers have significant collective responsibilities under governing instruments, such as legislation and intergovernmental agreements; and
- the responsibilities are outside the scope of the Standing Councils.

1.6.2 Work
Legislative and Governance Fora perform collective Ministerial responsibilities as set out in instruments such as Intergovernmental Agreements and legislation. It is not within the scope of Legislative and Governance Fora to develop new policy or reform proposals, unless the work directly relates to the responsibilities under relevant instruments (for example, an IGA may specify that aspects of the Agreement are to be reviewed every two years).

1.6.3 Creation of new Legislative and Governance Fora
COAG may create additional Fora as needed.
1.6.4 **Chairing and Membership**

The members of a Forum are governed by the collective responsibilities it performs. For example, the membership of a Forum overseeing an instrument to which all States and Territories and the Commonwealth are signatory will be the Commonwealth, States and Territories.

Chairing arrangements may be set out in governing instruments or as agreed by the members of the Forum.

1.6.5 **Secretariat Arrangements**

Each individual Forum determines and establishes the secretariat arrangements that best suit its requirements, subject to the relevant governing instruments.

1.6.6 **Reporting**

Fora are to provide COAG annually by 31 July, through the CSRS at PM&C, with an overview of decisions taken as a result of their legislative or governance responsibilities. See Appendix 2 for annual reporting template.

1.7 **Commonwealth-State Relations Secretariat**

1.7.1 **Role of the Commonwealth-State Relations Secretariat**

The CSRS is the Secretariat to COAG provided by the Department of the Prime Minister and Cabinet. It is the central point of contact for Councils for submitting work to COAG.

Councils are required to undertake a number of reporting and review activities with outcomes all provided to the CSRS. The CSRS collates this information and distributes to COAG and/or Senior Officials as required.

1.7.2 **Commonwealth-State Relations Secretariat liaison with Councils**

The CSRS is responsible for formally advising relevant Councils of COAG outcomes and decisions following a COAG meeting. The CSRS writes to relevant Council Chair(s) only when there are outcomes which require the respective Councils to undertake work or report back to COAG.

Councils will not be contacted by the CSRS if there is no work for the Council resulting from a COAG meeting.

Councils are encouraged to contact the CSRS e-mail address csrs@pmc.gov.au, if they have any queries in relation to COAG and the COAG Council System.

1.7.3 **COAG Website**

The COAG website is managed by the CSRS. The website contains a section on Councils which includes links to the web presence of each Council. These are managed individually by each Council and the information contained on these websites is not filtered by the CSRS.
2. **BEST-PRACTICE SECRETARIAT OPERATIONS**

### 2.1 Purpose

This section provides guidance on best-practice administrative and strategic arrangements for COAG Council secretariats. The Handbook is to be used as a guide only and is not intended to replace secretariat arrangements which are specific to individual jurisdictions and/or agencies.

### 2.2 Operational Principles

COAG has decided that secretariat arrangements will be determined by individual Councils. There are, however, some general principles that govern how secretariats should best operate and support their Council strategically.

There are a number of desirable features of secretariat operations.

- **Effective governance** – secretariats should have strong governance systems and a good understanding of their stakeholder base and the issues managed by their Councils.
- **Transparency and accountability** – Councils are accountable to COAG. Secretariats need to communicate clearly decisions and outcomes. It is essential that secretariats employ strong stakeholder communication strategies so outcomes are transparent.
- **Quality assurance** – secretariats should exercise quality assurance of Council materials. Secretariats need to have the capacity to undertake policy analysis, plan strategically and develop reform focused and strategic agendas.
- **Professional competence** – secretariats should be proactive in maintaining their professional competence, including knowledge about current legislation and policies that may affect Councils, for example classification of materials.
- **Coordination capacity** – secretariats should be the primary coordination point for their Councils. It is essential that secretariats employ effective co-ordination strategies, particularly in relation to the priority tasks of their Councils.
- **Fairness** – secretariats should be fair and impartial towards all member jurisdictions, regardless of secretariat location.
- **Cost effectiveness** - secretariats should utilise resources effectively. Secretariats should encourage their Councils to utilise technologies that reduce costs associated with their work, for example the TelePresence network for meetings.
- **Custodianship** – secretariats should be vigilant in overseeing and maintaining the documentation for their Councils.
- **Flexibility** – secretariats should be innovative, agile and responsive to the emerging challenges faced by their Councils.
2.3 **Best-practice Guidelines**

2.3.1 **Strategic Agendas**

Secretariats should assist their Council to remain focused on issues of the most strategic importance, by applying the following suggested structure to the Agenda:

- **Priorities of national significance** – major work priorities for the Council;
- **Items for special consideration** – items with the need for focused discussion and thorough consideration by the Council to ensure current priorities and activities are driven to successful conclusions; and
- **Implementation, performance and accountability** – to address progress reports on implementation and delivery, ensuring Council follow through.

In addition to assisting with agenda management and reporting, secretariats should provide advice on the substantiative policy content of proposed agenda items and briefs.

2.3.2 **Work Programs**

Secretariats should provide strategic support in establishing and monitoring work programs for their Councils. Work programs should be long term and strategic in nature and form a reference for Council reviews. These will vary depending on the lifespan of the Council. Secretariats should have consistent procedures in place for tracking implementation of decisions by Ministers. See Appendix 6 for a work plan template.

Secretariats need to ensure Councils have the capacity to deliver their activities within the time allocated. Good working relationships with Councils and Senior Officials are essential to progress work quickly and smoothly.

2.3.3 **Transparency and Accountability**

Secretariats should ensure that Councils make available publicly within a week of the meeting, their decisions and outcomes. This may be in a form of a communiqué or other form of record of meeting. Each Council should have a presence on the internet, which it updates regularly, making available key information including, but not limited to:

- membership;
- scope of its work;
- priority issues;
- outcomes of meetings and decisions; and
- links to relevant documents and to the COAG website.

Councils are accountable to COAG and the public for their activities and decisions. Secretariats need to ensure Councils report annually to COAG and more regularly, if requested.

Refer also to 2.4.1 Public and Stakeholder Consultation and 2.5.4 Communiqués.
2.4 Guidelines and Processes for liaising with other Council Bodies and Stakeholders

2.4.1 Public and Stakeholder Consultation

In any consultations with stakeholders, Councils should ensure that consideration of major policy initiatives by their constituent governments is not pre-empted or precluded. The status of any documents released to those groups or the general public should also be made clear. Secretariats should familiarise themselves with guidelines within their agency as there may be expectations of, or limitations on, information distributed publicly. For example, COAG-in-Confidence classified documents are not for public distribution. This may be relevant, but not limited to, communiqués, responses to requests and information displayed on websites.

Meeting communiqués or records of meetings should be released within a week following Council meetings. They should be written in action-oriented plain English that is comprehensible to the Australian public.

2.4.2 Liaison between Councils and Legislative and Governance Fora

It is up to individual Councils to decide on appropriate working arrangements and the level of interaction required with other Councils. COAG will provide direction where it is appropriate. For instance, Legislative and Governance Fora do not undertake general policy development. Where there is a need for policy development outside the scope of the Forum’s governing instruments, the work will be allocated by COAG to a relevant Standing or Select Council. A level of interaction between the Forum and the Council(s) would be necessary to ensure smooth transition and development of the policy matter.

COAG may also decide that particular issue(s) falling under a Select Council may require a long-term dedicated body to undertake the work. In this instance, the work would be allocated to a relevant Standing Council or another type of COAG body.

2.4.3 Liaising with Other Council Secretariats

When considering intergovernmental matters which have implications beyond the areas of responsibility of a particular Council, other relevant Councils should be consulted. Initial contact, coordinated by a secretariat, should occur at an officer level. For instance, the Secretariat would draft correspondence on behalf of the Council rather than the Chair. Councils should also refer such issues to COAG where they have major cross-portfolio or whole-of-government implications.

2.5 Operational Guidelines

2.5.1 Agenda Setting and Co-ordination

Although Councils’ priorities are set by COAG, it is essential that there are good practices in place to ensure Councils remain focused.

Draft agendas for Council meetings should be coordinated by the secretariat and circulated to Council members at the Officials level as soon as possible. The secretariat should allow sufficient time for consultation with member jurisdictions in the early stages of agenda
development. A draft agenda may also be considered at the final Officials meeting prior to Council meeting.

Once the agenda has been agreed by member jurisdictions, a final agenda should be provided by the secretariat to all Council members in a timely manner.

Where applicable, ALGA, New Zealand and other Council members should also have an opportunity to propose items for both Officials’ and Council meetings.

If there are additional items for the final agenda, the Council chair will need to seek the views of all member jurisdictions prior to the inclusion of any proposed items. These additional items are only to be included on the agenda if they are unable to be handled out-of-session and only following the agreement of all members. No individual jurisdiction is to have the power of veto.

2.5.2 Arrangements for Officials Meetings

Officials’ should develop issues for the consideration of Ministers. Officials should meet a minimum of three weeks prior to Council meetings, to allow proper consideration of the issues. Agenda-setting processes should be commenced sufficiently ahead of the proposed Officials meeting to ensure that final agenda and papers are circulated in a timely manner.

2.5.3 Papers for Council Meetings

Agencies preparing agenda papers and other documents for Council meetings should, where possible, be required to provide documents to the secretariats at least four weeks prior to the date of the Council meeting.

Where possible, Council members should be given an opportunity to consider papers at least two weeks prior to the meeting. Members should be given sufficient time to provide comments, at least five full working days, before they are considered final.

Where possible, agenda papers for Council meetings should be the same as those provided for a Senior Officials meeting.

2.5.4 Communiqués

Meeting communiqués should be jointly agreed by all member jurisdictions. Communiqués need to be as short as practicable, compelling and written in action-oriented plain English. Matters of detail are better addressed through the record of meeting. A communiqué may not be considered necessary where a Council did not reach a final position on substantive issues.

When a communiqué is proposed, a draft should be prepared by the secretariat and provided to all members as soon as possible in the lead-up to the Council meeting. A communiqué drafting session may be organised to which representatives of Council members are invited in the week leading up to the meeting. ALGA, New Zealand and other Council members may also be invited to participate where relevant.

At the conclusion of a Council meeting or within a maximum of a week, representatives of all Council members should clear the communiqué before it is released publicly. There may be a need for another drafting session involving Officials prior to this. The secretariat should be present and available to action requests arising from the meeting.

The secretariat should be responsible for making the final communiqué public after the meeting and sending a copy of it to CSRS at PM&C.
2.5.5  Records of Meetings

A draft record of the meeting, based on the recommendations in the agenda papers, should be prepared by the secretariat prior to the meeting. Draft copies should be provided to members at the meeting for information. After the meeting, the secretariat should finalise the record, coordinate input from member jurisdictions and provide the draft record to all members for approval. The approved record should be provided to all participants as a final, desirably within three weeks of the end of the meeting.

Copies of meeting records should be forwarded to the CSRS at PM&C after each meeting.

2.5.6  Resolutions and Minutes

Resolutions reached by a Council should also be agreed by consensus and distributed by the secretariat. When matters require further consideration, any Council announcement should not pre-empt this further consideration. This is particularly important where matters involve financial implications that have not been settled by the Council. Secretariats should ensure this does not occur.

2.5.7  Reporting Requirements

Secretariats should also provide to the CSRS, within a week following a meeting, copies of minutes, resolutions and other relevant documents. In addition, the Secretariat should advise once the communiqué, and any other document(s) the Council has agreed to release, have been released publicly. Secretariats should also send a hyperlink to all those documents.

2.5.8  Websites

Councils should develop and regularly update their web presence as set out in 2.3.3 above. In their online presence, Councils should clearly reflect their relationship to COAG and avoid using branding of any single jurisdiction or department.

At a minimum, Councils should post current information on: scope and priority work, membership, chairing arrangements, contact details and communiqués. It is essential to ensure that information that will be viewed publicly is unclassified. This should be accessible by the public via the COAG website.

Council web pages could also be used as a means of communicating among Council members. For instance, a secure password locked link on the Council website that leads members to meeting papers or other relevant documents.

2.5.9  Branding

There are no guidelines on branding for Council web pages or documents. It is up to individual Councils to decide whether a brand is necessary and/or appropriate. Councils should however, in their web presence, as set out in 2.5.8 Websites, clearly reflect their relationship to COAG and be independent of any single jurisdiction or department.

2.5.10  TelePresence

As a general rule Councils should not require more than two face-to-face meetings each year with others being conducted through the TelePresence network. The same regime applies to Officials.
TelePresence has the potential to reduce the cost associated with travel for Council and Officials’ meetings and therefore has both economic and environmental advantages.

For further information on the TelePresence system refer to the Appendix 3 of this Handbook.

2.5.11 Funding
There are no set guidelines in relation to funding for Councils. It is up to individual Councils to make the appropriate arrangements.

2.5.12 Staffing of Secretariats
There are no set guidelines in relation to staffing of secretariats. It is again up to individual Councils to make the appropriate arrangements.

2.5.13 Secretariat Location
There are no set guidelines in relation to secretariat location. It is up to individual Councils to make the appropriate arrangements.

2.5.14 Location of Meetings
Meetings may occur anywhere in Australia, although strict consideration should be given to costs and ease of access. In New Zealand, meetings will be limited to Auckland or Wellington.

2.6 Your Responsibilities under Legislation and Policies

2.6.1 Provision of Data
Councils have extensive responsibilities for providing data in a timely way in relation to National Agreements, some National Partnership Agreements and the Report of Government Services (ROGS).

Secretariats should assist and ensure that that these responsibilities are fulfilled by Councils expeditiously and efficiently. This would ensure that bodies such as COAG Reform Council and the Steering Committee for the ROGS are readily able to fulfil the roles, using the data, given to them by COAG.

2.6.2 Regulatory Impact Statements (RISs)
Secretariats have a vital role in setting up processes to strengthen the compliance and transparency of RISs. COAG Councils are required to prepare RISs for all regulatory proposals which would affect business or impact on competition.

The Best-practice Regulation Guide is designed to ensure that regulatory processes at the national level, including RISs, are consistent with principles of best-practice agreed by COAG. The Guide sets out the role of the Commonwealth Office of Best-practice Regulation (OBPR) in assisting Councils and national (intergovernmental) regulatory bodies prepare RISs that comply with best-practice regulations. In fulfilling its role, the OBPR should be consulted early about whether a RIS should be prepared. The OBPR will report annually on compliance with these requirements to COAG Senior Officials who will initiate any follow up action that is considered necessary.

### 2.6.3 Intellectual Property (IP)

The jurisdiction providing the Secretariat services or commissioning the work would generally decide the terms of the IP ownership. Joint ownership of IP materials should be avoided and the terms set out and agreed to by the Council prior to work commencing. For further information and the rights associated with the different types of IP refer to [www.ipaustralia.gov.au/ip/index.shtml](http://www.ipaustralia.gov.au/ip/index.shtml).

### 2.6.4 Recordkeeping and Classification

Where there is an expectation that a document prepared for the Council or Officials will be made public (for example, communiqués or public records of meetings), all members should be advised early in the preparation of the document. If a member receives a request for a document to be made public (either through a Freedom on Information (FOI) request, a request from a Royal Commission or some other avenue), all members of the Council should be consulted regarding release of the document.

Secretariats should meet the recordkeeping and archives legislation that applies in the jurisdiction in which it is based. In the instance where a Council is disbanded, Councils should ensure that there is an appropriate record of its existence and activities.

Documents prepared for Councils and Officials should be treated as sensitive, unless otherwise agreed by the Council or Officials, and only distributed on a strict need to know basis.

### 2.6.5 Provision of Freedom of Information Material

If a member receives a request for a document to be made public through an FOI request, all members of the Council should be consulted regarding release of the document. For further information on FOI requirement refer to the relevant jurisdiction’s FOI legislation.
3. APPENDICES

Appendix 1: Relevant websites
Appendix 2: Template for Council annual reporting
Appendix 3: TelePresence Quick-facts
Appendix 4: Council Reporting Timeline
Appendix 5: Project Plan Template
Appendix 6: Work Program Template
Appendix 1 - Relevant websites

- COAG Website: [www.coag.gov.au](http://www.coag.gov.au)
Appendix 2: Template for Council Reporting

Report to the Council of Australian Governments

This Annual Report should be submitted electronically to cers@pmc.gov.au to the Department of the Prime Minister and Cabinet.

<table>
<thead>
<tr>
<th>Name of Council</th>
<th>[COAG Standing Council OR Select Council OR Legislative and Governance Forum on...]</th>
<th>Website address</th>
<th>[insert link here]</th>
</tr>
</thead>
</table>

### Summary of Work plan being reported against [insert relevant year ie. 2011-12]

**TO BE COMPLETED AT THE START OF THE CYCLE**

<table>
<thead>
<tr>
<th>Priority Issue OR Legislative and Governance Instrument</th>
<th>Milestones and Deliverables</th>
<th>Date to be completed</th>
<th>Status</th>
<th>Summary of outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Insert title or description. Include all items of work undertaken by the Council]</td>
<td>[Include milestones and deliverables to be progressed or completed during the reporting year.]</td>
<td>[Identify whether milestone has been achieved/not-achieved or still on-going]</td>
<td>[If milestone not achieved, please identify reasons why]</td>
<td>[Additional Notes/Comments ie. additional priorities the Council believes should be addressed.]</td>
</tr>
</tbody>
</table>

| | | | | |

**Annual Report**

**TO BE COMPLETED AT THE END OF THE CYCLE**

Describe and provide a project plan (using the template provided at Appendix 5) for any proposed additional priorities.
Appendix 3: Telepresence Quick-facts

Why use it?
TelePresence is a CISCO video-conferencing product. Cisco TelePresence simulates a live, face-to-face meeting environment over the network, using high-quality spatial audio and life-like video. Participants can meet in many rooms at once for the same meeting, and the technology is user-friendly. People appear lifelike and life-size across the “virtual table” that is created by the facilities.

How easy is it to use?
It is a very easy system to use. Scheduled meetings are launched at the touch of a button. Ad-hoc meetings can be launched by dialling the number of the other required room, or selecting the room from a directory displayed on the telephone screen.

How do I get access to the system?
To access the system, the user will need to get a login for the online booking system. This can be done through the following website.
Once the user has completed the steps for a “new registration”, they will receive an e-mail at their nominated e-mail address confirming their request. The log-in details generally arrive within 24 hours. If there are any issues they can contact the National Telepresence System Concierge Desk on (02) 6215 1800 or by e-mailing MCNHelpdesk@finance.gov.au.

How do I book a meeting on the system?
Bookings can be made through the online booking system, by contacting the Room Facilitator at your site or by contacting the National Telepresence System Concierge Desk on the number above.

Where are the sites and what types of systems are available?
All of the States and Territories have a number of sites. To view information on the exact location of the sites, the user will need to gain access to the online booking system. There are different types of systems available including CTS3000, CTS1000 and CTS500 units.

- CTS3000 – This is the largest system which includes three 65” plasma screens and seating for six participants with the option of on-lookers behind.
- CTS1000 – This is a smaller system and includes a single 65” plasma screen and seating for two participants with the option of on-lookers behind.
- CTS500 – This is the smallest system and includes a single 37” plasma screen and seating for one to two participants.

Document cameras are available in all CTS-1000 and CTS-3000 rooms to share hard copy documents. Laptop connections exist in each room to share laptop displays, power point presentations, documents, videos, etc. The system allows 12 CTS3000 units, 24 CTS1000 or 24 CTS500 units, or a combination, to be joined in a conference at any one time.

Access to the sites
It is essential to ensure that the meeting attendees have access to the building(s)/site(s) where the facilities are located. In some cases, it is necessary to leave attendees' names at the security desks of the building in which the meeting is being held. This would only apply if there were meeting attendees from outside of the building(s)/site(s) where the meeting is being held. In which case, after making the booking online, the meeting organiser would need to provide a list of all the attendees to the applicable security desks. Clearly communicating the location and security access details to meeting attendees is also essential.
How secure is it?
The system runs over the well-established Ministerial Communication Network which currently reaches over 200 locations across the nation, and can be used for meetings up to the SECRET national security classification.

What are the costs associated with using the system?
There are no costs to the Department/user for using the system.

For further information about the National Telepresence System please contact the National Telepresence System Concierge Desk on (02) 6215 1800 email the MCNHelpdesk@finance.gov.au or visit the COAG website on www.coag.gov.au.
## Appendix 4: Council Reporting Timelines

<table>
<thead>
<tr>
<th>Items for reporting</th>
<th>Due date</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>For each meeting:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>✤ Communiqué release</td>
<td>Within a week of the conclusion</td>
<td>Secretariats to undertake.</td>
</tr>
<tr>
<td>✤ Communiqué and hyperlink to documents to be provided to the Commonwealth-State Relations Secretariat (CSRS).</td>
<td></td>
<td>Applies to all Councils and Fora.</td>
</tr>
<tr>
<td>✤ Resolutions/Minutes to be provided to the Commonwealth-State Relations Secretariat (CSRS).</td>
<td>Within three weeks of the conclusion</td>
<td>Secretariats to undertake.</td>
</tr>
<tr>
<td>✤ Final record of meeting provided to all participants and to the CSRS.</td>
<td>Within three weeks of the conclusion</td>
<td>Secretariats to undertake.</td>
</tr>
<tr>
<td><strong>Annually:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>✤ Progress/Annual report on:</td>
<td>Undertaken annually.</td>
<td>Secretariats to undertake.</td>
</tr>
<tr>
<td>✤ the progress/completion of its priority issues against agreed milestones;</td>
<td>To be submitted by 31 July to the CSRS, <a href="mailto:csrs@pmc.gov.au">csrs@pmc.gov.au</a>.</td>
<td>Applies to Standing Councils.</td>
</tr>
<tr>
<td>✤ the contribution made towards meeting the Closing the Gap targets;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>✤ any additional priorities that it believes should be addressed and submitted for COAG consideration;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>✤ key outputs or achievements from other inter-jurisdictional activities; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>✤ decisions taken as a result of its legislative or governance responsibilities and changes made to legislation or agreements.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>✤ Proposed work plan for the next financial year.</td>
<td>Undertaken annually.</td>
<td>Secretariats to undertake.</td>
</tr>
<tr>
<td>See template at Appendix 6.</td>
<td>To be submitted by 31 May to the CSRS, <a href="mailto:csrs@pmc.gov.au">csrs@pmc.gov.au</a>.</td>
<td>Applies to all Councils and Fora.</td>
</tr>
<tr>
<td><strong>Biannually</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>✤ Progress reports against their reform task project plans.</td>
<td>To be submitted biannually: 31 January and 31 July.</td>
<td>Applies to Select Councils only.</td>
</tr>
<tr>
<td>Can use template at Appendix 5.</td>
<td>To be submitted to the CSRS, <a href="mailto:csrs@pmc.gov.au">csrs@pmc.gov.au</a>.</td>
<td></td>
</tr>
<tr>
<td><strong>Pre-expiry Report</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>✤ Advice on whether the Council needs to continue and if it does:</td>
<td>To be submitted 6 months before its expiry date.</td>
<td>Applies to Select Councils only.</td>
</tr>
<tr>
<td>✤ a proposal to COAG for how any further priorities, specific projects or reforms should be handled, including the timeframe.</td>
<td></td>
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<tr>
<td><strong>Final Report</strong></td>
<td></td>
<td></td>
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<tr>
<td>✤ A Final report against their reform task project plans.</td>
<td>To be submitted on date of expiry.</td>
<td>Applies to Select Councils only.</td>
</tr>
<tr>
<td><strong>Every three years</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>✤ Review of Council and secretariat structure, objectives and performance.</td>
<td>Undertaken at minimum every three years.</td>
<td>Secretariats to undertake under Council guidance.</td>
</tr>
<tr>
<td>✤ Evaluation of the implementation of decisions.</td>
<td>To be submitted by 31 July to COAG Senior Officials through the CSRS, <a href="mailto:csrs@pmc.gov.au">csrs@pmc.gov.au</a>.</td>
<td>Applies to all Standing Councils, Fora.</td>
</tr>
</tbody>
</table>
## Project Milestones for Priority Issue [Number]:[Name]

<table>
<thead>
<tr>
<th>Deliverable/outcome</th>
<th>Milestone/s</th>
<th>Responsibility</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>[High-level outcome or deliverable – final item that will be achieved] Priority issues can have one deliverable</td>
<td>[The significant steps which occur along the way to achieving the deliverable] Generally, there will be four to six milestones per deliverable</td>
<td>[The body responsible for the milestone (can be the Council itself)]</td>
<td>[Month and year by which the milestone will be completed]</td>
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</table>
Appendix 6: Work Program Template

**Work plan for 20xx-xx**

Develop a work plan reflecting items to be progressed or completed during the financial year. Include all items of work undertaken by the Standing Council.

<table>
<thead>
<tr>
<th>Priority</th>
<th>Deliverable</th>
<th>Milestones</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>J</td>
<td>A</td>
</tr>
</tbody>
</table>