



Joint Council on Closing the Gap

TERMS OF REFERENCE (EFFECTIVE 7 JUNE 2023)

Chair	<p>Joint Council meetings will be co-chaired by the:</p> <ul style="list-style-type: none"> the Commonwealth Minister with responsibility for Aboriginal and Torres Strait Islander people, and an Aboriginal and Torres Strait Islander representative nominated by the Coalition of Peaks.
Membership	<p>Membership of Joint Council will be comprised of:</p> <ul style="list-style-type: none"> one Minister nominated by each jurisdiction one representative nominated by the Australian Local Government Association (ALGA), and 12 representatives nominated by the Coalition of Peaks, in addition to the Coalition of Peaks Chair. <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>



Proxies	<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"> • for jurisdictions, a proxy must be another Minister of the respective government • for ALGA, the proxy must be of an appropriate seniority to speak and make decisions on behalf of ALGA. <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>
Governance structure	<p>Joint Council forms part of Australia's Federal Relations architecture, providing annual updates to National Cabinet.</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • 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>Joint Council 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 Joint Council. Working groups will develop papers and provide policy advice as required. Wherever possible, papers for Joint Council will 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>

Responsibilities

Joint Council is responsible for:

- the on-going 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.

Meetings schedule	<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 Joint Council 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>
Meeting agendas	<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>
Meeting papers	<p>The Joint Council 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 eight 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>



Meeting quorum	<p>For a Joint Council 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); and representatives 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> <p>The number of Government representatives must not exceed the number of Coalition of Peaks representatives.</p>
Review and reporting	<p>The Joint Council:</p> <ul style="list-style-type: none"> supports the formal Partnership and drives the work of our joint efforts to close the gap is accountable to the Partnership Parties 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) will report to the Partnership Parties on its progress, as requested by the Partnership Parties or agreed by Joint Council. <p>An annual Partnership health check will be undertaken and provided to the Joint Council. A risk register for the Partnership Agreement will be jointly developed and monitored by the Partnership Working Group for endorsement by the Joint Council. The risk register and will be reviewed as part of the annual health check.</p>



<p>Context and accountability</p>	<p>Joint Council:</p> <ul style="list-style-type: none"> • is established by the Partnership Agreement on Closing the Gap (Clauses 17 to 25) • supports the formal Partnership and drives the work of our joint efforts to close the gap • is accountable to the Partnership Parties • 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) • will report to the Partnership Parties on its progress, as requested by the Partnership Parties or agreed by Joint Council. <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>Secretariat</p>	<p>The Commonwealth (NIAA) will provide secretariat functions for Joint Council.</p> <p>The Joint Council Secretariat is responsible for distributing meeting papers and facilitating meeting logistics.</p> <p>The Joint Council Secretariat will work with Joint Council co-chairs (and the Coalition of Peaks Secretariat) to schedule meetings.</p> <p>The Joint Council 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 / endorsement at the following Joint Council meeting.</p>

Operations

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.

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.

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.

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, taking an outcomes focus in the work of the Joint Council and commitment to open and transparent negotiation.

**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 Joint Council 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 Joint Council 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.

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.