

**PROCESSES AND PROCEDURES**

**FOR**

**THE**

**PRIMARY INDUSTRIES**

**MINISTERIAL COUNCIL**

**AND ITS ASSOCIATED**

**PRIMARY INDUSTRIES**  
**STANDING COMMITTEE**

**AND**

**UNDERPINNING ADVISORY**  
**COMMITTEES AND WORKING GROUPS**

## **PROCESSES AND PROCEDURES**

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## PROCESSES AND PROCEDURES

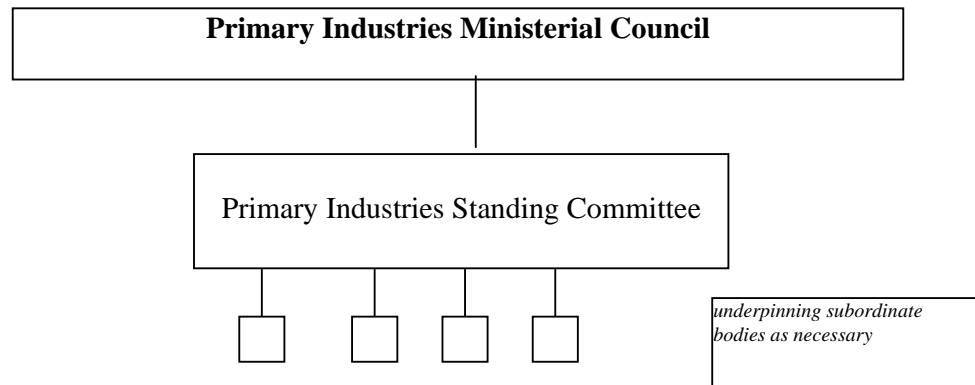
[The following *Processes and Procedures* are consistent with the COAG approved *Broad Protocols and General Principles for the Operation of Ministerial Councils* (COAG June 2001) - see Attachment 1.]

### INTRODUCTION

The division of Constitutional powers between Australian State, Territories and Commonwealth Governments necessitates a consultative approach to the development and implementation of many national policies, plans and proposals.

Ministerial Councils are a mechanism for developing national approaches and views on national issues and have, in various forms, been in existence almost since Federation. In 2001 the Prime Minister, State Premiers and Territory Chief Ministers reviewed these Councils - both in terms of number and format - and agreed to a series of changes, including the creation of a Primary Industries Ministerial Council. It was also agreed that the Council be underpinned by a single Standing Committee of senior officials.

In respect of this document, the Council and Standing Committee structure is represented diagrammatically below.



Meetings of the Ministerial Council and its related Standing Committee will be held at least annually.

### 1. COUNCIL

#### 1.1 Objectives and terms of reference

The agreed objective of the Primary Industries Ministerial Council is:

*“To develop and promote sustainable, innovative and profitable agriculture, fisheries/aquaculture, food and forestry industries.”*

The terms of reference of the Council are:

That the Primary Industries Ministerial Council:

- (a) develop, implement and review policies and strategies for achieving agreed national approaches to the development of sustainable primary and related food industries;
- (b) actively liaise with other Ministerial Councils and other bodies on matters relevant to the activities of the Council; and
- (c) direct the work of and consider matters submitted by its Standing Committee.

## **1.2 Membership**

Council membership is open to relevant Ministers from each Australian jurisdiction as well as New Zealand. Such Ministers will have portfolio responsibility in their jurisdictions for any of the matters within the scope of the interests of the Council

- for consideration of issues out-of-session the Secretariat will direct papers to all Council members, with the most appropriate Minister in each jurisdiction asked to provide a single State/Territory response.

It is the responsibility of Ministers to ensure they are in a position to appropriately represent their governments at meetings, in particular for issues which require financial commitments. Issues with cross-portfolio or whole-of-government implications or of a highly controversial nature may require prior consideration by governments at Cabinet level.

Where new issues or alternative proposals arise at meetings on which a Minister believes further consideration by his/her Cabinet is required, it is the responsibility of that Minister to make this position clear to the Council.

As necessary, other Ministers may be invited to participate in Council meetings.

## **1.3 Chairing arrangements**

Council is chaired by the Commonwealth Minister for Agriculture, Fisheries and Forestry.

## **1.4 Secretariat support**

Secretariat support is provided by the Commonwealth Department of Agriculture, Fisheries and Forestry.

## **1.5 Meeting arrangements**

Council meetings are held at least once a year, usually in March/April and/or in September/October.

Meetings are hosted on an agreed rotation by all non-Commonwealth members. Extraordinary meetings may be held from time to time, called by the Chair and generally hosted by the Commonwealth.

At any given meeting, the dates and venues of the next two meetings will be decided in accordance with the agreed order of rotation.

## **1.6 Management of agenda**

A draft agenda for each meeting will be prepared by the Secretariat in consultation with the members of Standing Committee and approved by the Council Chair.

The draft agendas will be circulated to all Ministers via their agency heads who are Standing Committee members.

**1.7 Decision-making**

Decisions of the Council are arrived at by consensus.

**1.8 Devolution of responsibility**

With regard to financial issues, Standing Committee will seek from Council a degree of delegated responsibility to take decisions on financial issues up to a limit determined by Council, and without reference to Council, with the proviso that Council is provided, at each regular meeting, with a consolidated summary of all decisions involving the expenditure of funds.

**1.9 Representatives on outside bodies**

From time to time Council will be asked to provide a representative on a particular industry or other body. In these situations, the Standing Committee Chair, after any necessary consultation, will resolve the matter on behalf of Council and provide an information report to Council's next meeting.

**1.10 Record of meetings**

A record of meeting discussion and resolutions will be prepared by the Secretariat and circulated to all members for consideration/comment, and approval.

If they are not contentious, requested amendments to the meeting record will be incorporated by the Secretariat, and the final record published. Where significant changes are requested these will be discussed/resolved by the Secretariat with the Council Chair who will have the prerogative of accepting or rejecting any proposed amendments, and the final report published as soon as possible, including on the Council's Internet site.

Any media communiqués issued at the conclusion of the Council meeting will be incorporated in the published meeting record.

**1.11 Reporting to COAG**

Councils exercising formal decision making responsibilities must submit a report on decisions taken on an annual basis to the Council of Australian Governments.

Additionally, COAG requires that every 2-3 years Ministerial Councils should review their own structure, objectives and performance, and evaluate the implementation of Council decisions. Similarly, each 2-3 years Council must review its committees of officials and working parties to ensure that these are reduced in number to those which are essential, that those retained are clearly focussed, given a fixed time to achieve their objectives and that their terms of reference include a sunset clause. The outcomes of the review process are to be made available in a report to COAG if requested.

**2. STANDING COMMITTEE****2.1 Responsibilities and terms of reference**

The main objective of the Standing Committee is to support the Ministerial Council in the achievement of its objectives and to develop cooperative and coordinated approaches to matters of concern to the Council.

Having regard to the specific terms of reference of Council, Standing Committee's role is to:

- (a) direct the work of its subordinate committees;
- (b) secure cooperation between members; and

- (c) advise Council on the initiation, review and development of Standing Committee activities.

## **2.2 Membership**

Membership of Standing Committee is limited to Department Heads/CEOs of Commonwealth, State/Territory and New Zealand government agencies responsible for the policy/regulatory issues which fall within the ambit of the Council.

For consideration of issues out-of-session, agenda papers are directed to all Standing Committee members, with the most appropriate member in each jurisdiction asked to provide a single State/Territory response.

## **2.3 Chairing arrangements**

Standing Committee is Chaired by the Secretary of the Commonwealth Department of Agriculture, Fisheries and Forestry.

## **2.4 Secretariat support**

Secretariat support for Standing Committee is provided by the Commonwealth.

## **2.5 Meeting arrangements**

Meetings are held at least four weeks before Council meetings. Meetings are hosted on an agreed rotation by members. Extraordinary meetings may be held from time to time and these will generally be hosted by the Commonwealth.

The cost of meetings (other than fares and accommodation costs of delegates) is met by the meeting host. Detailed requirements regarding meeting arrangements are available from the Secretariat.

## **2.6 Management of the agenda**

Items are only placed on the agenda of the Standing Committee through the Standing Committee Chair or the Chairs of its principal underpinning committees. This ensures a focus on strategic issues.

When seeking nominations for agenda items, the Secretariat circulates a timetable to Standing Committee members and principal committee secretaries detailing timeframes and deadlines for the receipt of papers and their distribution to members.

Draft meeting agendas are circulated to all members for comment at least five weeks before meetings. The agendas are agreed at a teleconference of Standing Committee members.

Agenda papers are prepared to a consistent format. This format is explained in *A Guide to Authors* which is available from the Secretariat.

Agenda papers are circulated at least three weeks prior to meetings.

As far as possible, "information" items and routine matters are dealt with by Standing Committee out-of-session.

## **2.7 Decision-making**

As with Council, decisions by Standing Committee are reached by consensus.

## **2.8 Devolution of responsibility**

Standing Committee and its advisory/technical committees at all levels (hereinafter referred to as subordinate bodies) are required to address a wide range of activities independently. This requires a significant degree of devolution of decision making powers and responsibility from the Council.

The extent of such delegation is yet to be taken up with Council.

## **2.9 Representatives on outside bodies**

All Standing Committee members have the opportunity to represent the Standing Committee on outside bodies. The final decision on representation will be made by the Standing Committee Chair, after appropriate consultation.

Standing Committee representatives on outside bodies have an obligation to consult with and seek guidance from relevant Standing Committee members. Such representatives are required to report on their activities to Standing Committee.

## **2.10 Record of meetings**

Within two weeks of Standing Committee meetings, a draft record of meeting discussion and resolutions, together with details of follow-up action, will be prepared by the Secretariat and cleared by the Standing Committee Chair prior to being circulated to all members for consideration/comment and agreement.

The published meeting record will contain the agreed meeting resolutions as well as resolutions relating to items circulated out-of-session prior to the meeting. The record will also include details of required follow-up action arising from the meetings, specifying the member or members responsible for action on particular items.

If they are not contentious, requested amendments to the meeting record will be incorporated by the Secretariat. Where significant changes are requested these will be discussed/resolved by the Secretariat with the Standing Committee Chair who will have the prerogative of accepting or rejecting any proposed amendments. Circulation of the Standing Committee report will be limited to Standing Committee members.

An action list covering all agenda items will be attached to the summary record.

The Secretariat will maintain a complete record of all Standing Committee and Council agenda papers and resolutions.

# **3. GENERAL POLICY FOR COUNCIL/STANDING COMMITTEE AND SUBORDINATE BODIES**

## **3.1 Meeting venues**

The locations of Council/Standing Committee meetings will generally be restricted to the capital cities of Australia and to Alice Springs, although Ministerial Councils may choose to opt for other locations if necessary, having regard to economy, convenience and relevance to the matters being discussed.

## **3.2 Publishing policy**

When reports, discussion papers, etc are submitted to Council/Standing Committee for consideration, the subordinate body which submits the report should state whether, and in what manner the report might be published (including an approximate cost). This will

facilitate decisions on how the report might best be made available for distribution to organisations and the public.

Significant papers (policy papers, codes of practice, standards, etc) will be published in a Council/Standing Committee Report series which is coordinated through the Secretariat.

The Secretariat will maintain a site on the Internet to provide information on all aspects of the Council/Standing Committee and their subordinate bodies. Publications (many free), including Council meeting records, will be made available through this site.

### **3.3 Media releases/statement**

It is not appropriate for a subordinate body of Council to issue media releases, or to make statements on its own initiative without the approval of Council. Draft media releases or statements should be presented for Council approval and decision as to the manner in which such statements might be made.

### **3.4 Availability of documents**

With the exception of published reports, as a general principle Council/Standing Committee working documents remain restricted to member organisations of Standing Committee.

COAG has determined that, subject to the applicability of the relevant Commonwealth, State or Territory Freedom of Information legislation, unless all members of Council agree, any discussion by, or document of the Council, or any committee, sub-committee, working group officer or agent of the Council shall be confidential. Requests for Council and Standing Committee documents under the provisions of the Commonwealth Freedom of Information (FOI) Act are to be referred to the Council Secretariat in the first instance.

Where persons on Standing Committee subordinate bodies, eg working groups, are not officers of a member organisation of Standing Committee, the documents used by and prepared during the working group's deliberations are provided to those persons for their use only as members of the working group and are not to be distributed more widely. Similarly, the discussion of issues in these meetings is confidential.

### **3.5 Conferences/workshops**

Requests for approval of conferences and workshops are considered in the first instance by the relevant committee. The committee will then seek Standing Committee approval, generally out-of-session. All proposals should be nominated by the relevant subordinate body, or in the case of a member organisation, the relevant Standing Committee member.

## **4. COST SHARING ARRANGEMENTS**

4.1 As a general principle, costs related to Council/Standing Committee activities are shared by the Commonwealth and the States/Territories in an agreed ratio related to the particular initiative. For example:

- . **national interest formula** (50% Commonwealth and 50% State/Territory funding for particular plant/animal exotic disease eradication campaigns) is applied to relatively few initiatives
  - involves all members to varying degrees as funding is generally a function of the gross value of production of the particular commodity being considered, or some other agreed formula.

**population based general funding formulae**

- applied to the majority of funding situations where the costs are shared between the Commonwealth and States. The formula is revised from time to time by the Secretariat. The latest (based on ABS population figures at 1999) is set out below:

A = Commonwealth contributes 1/7<sup>th</sup> of the cost with the State/Territory members contributing to the remaining 6/7ths in proportion to their population; and

B = Commonwealth contributes 50% with States/Territories contributing pro rata according to population.

**bilateral issues**

- only involving particular members with costs shared on an agreed basis.

**administrative issues** (eg publications and workshops)

- costs to be shared by all members on an agreed basis.

*Cost sharing formulae based on ABS population figures as at 1999*

	<b>A</b>	<b>B</b>	<b>C</b>
	<b>%</b>	<b>%</b>	<b>%</b>
Commonwealth	14.3	50.0	11.9
New South Wales	29.0	16.9	24.1
Victoria	21.3	12.5	17.7
Queensland	15.8	9.3	13.2
Western Australia	8.4	4.9	7.0
South Australia	6.8	3.9	5.6
Tasmania	2.1	1.2	1.8
Northern Territory	0.9	0.5	0.7
Australian Capital Territory	1.4	0.8	1.2
New Zealand	-	-	16.8
<b>TOTAL</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

A = 1/7<sup>th</sup> Commonwealth and 6/7<sup>th</sup> States/Territories by population.

B = 50% Commonwealth and 50% States/Territories by population.

C = Australian Commonwealth/States/Territories plus New Zealand, by population.

- 4.2 In certain instances New Zealand will also participate in these cost sharing arrangements.

**5. SUBORDINATE BODIES AND THEIR OPERATION**

*[In this context, "subordinate bodies" means all committees, task forces, working groups, etc which report to Standing Committee either directly or indirectly.]*

**5.1 Structure of subordinate bodies**

Bodies subordinate to Standing Committee will take various forms ranging from high level advisory committees and task forces through to networks and working groups.

The title of subordinate bodies that are established to report/work to more than one Standing Committee/Council must be prefixed with the word "Joint".

To guard against duplication, Standing Committee must be advised of the establishment of any subordinate body, with the exception of those with a life of less than six months. Such advice must be accompanied by a statement of the functions proposed, draft terms of

reference, membership, the agencies accepting responsibility for convening and supporting meetings, as well as a termination/review date.

All subordinate bodies must have clearly defined terms of reference and an approved workplan, which directly relates to the Council workplan.

## **5.2 Membership and observer status**

### General principles

Membership of subordinate bodies is generally limited to one person nominated to represent the interests of each Standing Committee member. Such nominees must have sufficient professional/technical expertise, seniority and delegated authority to speak and act on behalf of those they represent.

With the exception of the advisory committees, persons may be co-opted on a temporary basis, for a specific purpose. These may include representatives from universities, industry groups, statutory authorities, other Ministerial Councils, non-government organisations, other specialist personnel and stakeholders. Persons, other than those co-opted on a temporary basis, continue as members until they are replaced by their sponsors.

The involvement of relevant industry in the work of subordinate bodies is encouraged, as is the involvement of all stakeholders in committee-sponsored workshops/annual industry meetings, etc.

The Chair of a subordinate body may at any time invite persons who are not represented on Standing Committee to attend individual meetings of that body, but only in an advisory or consultative capacity for the purpose of assisting members, and on the understanding that any papers or discussion relating to that meeting be treated as confidential. When such an offer is considered, the Chair of the subordinate body in question should discuss the issue with the Chair of the next most senior subordinate body (ie to which it reports).

### Exceptions

Some subordinate bodies will have a valid requirement for membership outside the principles stated above and these are considered on a case by case basis.

## **5.3 Chairing of subordinate bodies**

As far as possible, Chairs of subordinate bodies should be members of the committee to which they report. If a deputy Chair is not nominated at the time of the appointment of the Chair then the committee itself should nominate a deputy as soon as possible.

Chairs generally hold office for not more than two years from the date of their appointment.

Unless otherwise agreed, each member of Standing Committee is entitled to have only one representative on each subordinate body except for such times as that representative is acting as Chair, when an alternate may be nominated to represent the member.

## **5.4 Secretariat support**

As a general principle subordinate bodies are serviced by the agency providing the Chair.

As far as possible, secretariat support (as with chairing), should be shared by all Standing Committee members.

### **5.5 Timing and frequency of meetings**

The Chair of subordinate bodies should discuss with the Chair of the committee to which they report, and with the Secretariat, their proposed meeting schedule/arrangements to ensure linkages to Standing Committee's procedures/timeframes.

Meetings of subordinate bodies must be timed to allow agenda papers to be available at least 10 working days prior to the meeting of the committee to which it reports - and four weeks in the case of Standing Committee.

Subordinate bodies may meet as often as business warrants although it is not expected that they will meet face to face more than twice each year.

### **5.6 Reporting**

As a general principle, subordinate bodies are to report on their activities and the outcomes of their meetings to the committee to which they are responsible. Such reports are to be available within one month of meeting. This, generally, will be done out-of-session.

Reports to Standing Committee should be as follows:

- (a) all matters for decision by, or for information of, Council or for decision by Standing Committee are to be submitted as separate agenda papers; and
- (b) all other matters dealt with are reported to Standing Committee by way of a consolidated information paper, generally out-of-session.

Reports are to be submitted to the Secretariat in the required format at least four weeks prior to the meeting of Standing Committee. (See *Agenda Papers - Guide for Authors* issued by the Secretariat from time to time.)

**Attachment 1:** COAG Protocols and Principles for the operation of Ministerial Councils

## **BROAD PROTOCOLS FOR THE OPERATION OF MINISTERIAL COUNCILS<sup>1</sup>**

- **Representation of Constituent Governments**

It is the responsibility of Ministers to ensure they are in a position to appropriately represent their governments at Council meetings. This is of particular importance where resolutions require commitment, especially financial commitment, from respective governments.

Issues with cross-portfolio or whole-of-government implications or of a highly controversial nature may require prior consideration by governments at Cabinet level.

Where new issues or alternative proposals arise at meetings on which a Minister believes further consideration by Cabinet is required, it is the responsibility of that Minister to make this position clear to the Council.

Ministerial Councils exercising formal decision making responsibilities should submit a report on decisions taken on an annual basis to the Council of Australian Governments.

- **Development of Agenda**

Council arrangements should include processes for ensuring that all parties have input to the development of agendas and that agendas are agreed at the earliest possible date prior to meetings, with provision for discussion of additional items at meetings only by agreement of members.

- **Provision of Agenda Papers**

Council arrangements must include processes for ensuring that agenda papers are circulated sufficiently in advance to allow appropriate prior consideration by the constituent governments, particularly where there are budgetary implications. Draft agenda papers must generally be circulated at least three weeks prior to a meeting. Additional papers can only be prepared after this with the agreement of the majority of jurisdictions.

- **Arrangement of Officials' Meetings**

Officials' meetings held to develop issues for the consideration of Ministers should be held at least three weeks prior to the meeting of Ministers to allow proper consideration of the issues involved.

- **Record Keeping Arrangements**

Processes for record keeping and minute taking are the responsibility of individual Councils.

- **Resolutions**

Decision-making procedures such as voting rules are the responsibility of individual Councils. Arrangements for making announcements of resolutions reached by Ministerial Councils should be agreed by all members of a Council. When matters require further consideration, any Ministerial Council announcements should not pre-empt this further consideration.

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<sup>1</sup> Agreed to by COAG on 7 December 1992. Revised by COAG on 8 June 2001.

- **Liaison between Councils**

When considering intergovernmental matters which have implications beyond the areas of responsibility of a Ministerial Council, other relevant Councils should be consulted through liaison between the Chairs in the first instance. Ministerial Councils should also refer such issues to Heads of Government where they have major cross-portfolio or whole-of-government implications.

- **Involvement of the Australian Local Government Association**

Except for matters where membership is explicitly set out by statute or agreement, it is up to individual Ministerial Councils to decide whether the Australian Local Government Association should be a member or attend proceedings.

- **Involvement of other Countries**

Except for matters where membership is explicitly set out by statute or agreement, it is up to individual Ministerial Councils to decide whether other countries or any other parties should be members or attend proceedings.

- **Efficiency of Council Operations**

Ministerial Councils should ensure the efficiency of their administrative arrangements and exercise due economy. They should regularly review their meeting arrangements and the number of meetings held having regard to the costs involved and the benefits to be gained.

In this respect, arrangements for the operation of individual Councils should also take account of involvement of its members in other Ministerial Councils, including the possibility of joint or back-to-back meetings where appropriate.

- **Consultation with Interest Groups**

In any consultations with relevant interest groups, Ministerial 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.

- **Information about Councils**

Each Ministerial Council should make available in a convenient form, information on its:

- title and membership;
- role and responsibilities, including any pursuant to statute or agreement;
- administrative arrangements; and
- contact officer and address.

- **Reports to COAG**

Ministerial Councils should make available a summary of Council outcomes to Heads of Government through the Chair of COAG after each Council meeting, if requested.

- **COAG Principles and Guidelines on National Standard Setting by Ministerial Councils and National Regulatory Bodies**

Under the 1995 COAG Principles and Guidelines, Ministerial Councils are required to prepare Regulation Impact Statements (RISs) for all regulatory proposals which would affect business or impact on competition. The RIS obligations complement similar requirements at the Commonwealth and State/Territory levels and can also be used to satisfy those obligations. Regulatory proposals must satisfy the principles for good

regulatory practice and the guidelines for the preparation of RISs set out in the COAG Principles and Guidelines.

Under amendments to the COAG Principles and Guidelines endorsed by Heads of Government in November 1997, draft RISs should be provided to the Commonwealth Office of Regulation Review (ORR) for comment prior to finalisation. The ORR's role is to assist Ministerial Councils and national (ie intergovernmental) regulatory bodies prepare RISs which comply with the COAG Principles and Guidelines. The ORR will report annually on compliance with the COAG Principles and Guidelines and can at any time bring concerns it may have about particular regulatory proposals to the attention of Heads of Government through the COAG Committee on Regulatory Reform.

- **The Trans-Tasman Mutual Recognition Arrangement (TTMRA)**

Ministerial Councils have statutory decision making functions under the TTMRA. Councils can be required to make determinations in relation to the Temporary Exemption, Special Exemption and Referral mechanisms. Council determinations are made on a vote in favour by at least two-thirds of the Participating Parties to the TTMRA. When considering TTMRA issues, New Zealand is to have full membership and voting rights on Ministerial Councils. Any proposed standards or regulations considered under the TTMRA are to be developed consistent with the COAG Principles and Guidelines.

## **GENERAL PRINCIPLES FOR THE OPERATION OF MINISTERIAL COUNCILS<sup>2</sup>**

The following are principles for the efficient and effective operation of Ministerial Councils:

1. Membership of Local Government and New Zealand (and/or other regional governments) should not intrude on the central functions of the development and coordination of policy, problem solving and joint action by jurisdictions within the Federation. However, such membership may often be desirable to facilitate consultation and national policy development.
2. Every 2-3 years each Ministerial Council should review its structure, objectives and performance, and evaluate the implementation of its decisions. This would be assisted by procedures for tracking the implementation of decisions and agreements made between the Ministers. The review should include an assessment of the Council's structure and relationship with other Ministerial Councils, and identify any areas of overlap. The outcomes of the review process should be made available in a report for COAG if requested.
3. Each Ministerial Council should clarify its field of coverage and the powers it exercises, consistent with the brief that Ministers hold from their governments.
4. The locations of Ministerial Council meetings will generally be restricted to the capital cities of Australia and to Alice Springs, although Ministerial Councils may choose to opt for other locations if necessary, giving serious regard to economy, convenience and relevance to the matters being discussed.<sup>3</sup> Meetings of Ministerial Councils should consider rotation of venues to ensure that the burden of travel does not fall disproportionately on some jurisdictions.
5. Every 2-3 years Ministerial Councils should review the structures of their committees of officials and working parties to ensure that these are reduced in number to those which are essential, that those retained are clearly focussed, given a fixed time to achieve their objectives and that their terms of reference include a sunset clause. The outcomes of the review process should be made available in a report to COAG if requested.
6. Ministerial Councils should meet annually. Councils may meet more than once a year in exceptional circumstances or where the work program of the Council clearly demonstrates a need. In all cases, when Ministerial Council meetings are scheduled, Ministers should check the agendas to ensure that a face-to-face meeting is necessary. Ministerial Councils should make full use of the technology available to increase the efficiency of their operations, including to reduce the need for face-to-face meetings.
7. Council agendas should focus on items of strategic national significance. Items of a procedural and technical nature should be delegated as far as possible to standing committees of officials to determine, or be dealt with out-of-session (e.g. by correspondence).
8. COAG should arrange for a list of Ministerial Councils to be published and regularly updated, including for each, details of its field of policy, roles and functions, operational objectives, membership, standing committees of officials, committees and working parties, secretariat arrangements and contact points. This publication should also include the Protocols for the Operation of Ministerial Councils, and the COAG Guidelines for the Creation of New Ministerial Councils. Individual jurisdictions should ensure that this publication receives wide circulation among their agencies.

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<sup>2</sup> Endorsed by COAG on 8-9 June 1993. Revised by COAG on 8 June 2001.

<sup>3</sup> This principle incorporates changes proposed by the Prime Minister in his letter of 14 April 1997 to Heads of Government and endorsed by them.

9. A Ministerial Council should only be formed or abolished with the endorsement of Heads of Government. The COAG Guidelines for the Creation of New Ministerial Councils should also be applied in all cases. To achieve consistency of nomenclature, it is desirable that, as far as possible, continuing, multilateral meetings of Ministers from the various jurisdictions of the Australian Federation should be called Ministerial Councils. Groups of senior officials which support Ministerial Councils should be called Standing Committees.
10. In cases where the field of policy covered by a Ministerial Council covers more than one portfolio in any particular jurisdiction, it is a matter for each jurisdiction to determine which Minister or Ministers are to attend and to arrange appropriate liaison.
11. Each Council may wish to review its arrangements for chairing with a view to considering the option of rotating the chair. Ministerial Councils may wish to examine their secretariat services along with chairing arrangements, in the light of options available, to ensure they have the arrangement which is the most effective for that Council.
12. All Councils should formalise their procedures so that they are consistent with the Protocols for the Operation of Ministerial Councils.
13. Subject to the applicability of the relevant Commonwealth, State or Territory Freedom of information legislation, unless Council approval is received, any discussion by, or document of the Council, or any committee, sub-committee, working party, officer or agent of the Council, shall be confidential.

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