

## Terms of Reference - National Cabinet Review of COAG Councils and Ministerial Forums

<b>Overview</b>	<p><b>Review purpose:</b> to rationalise and reset the structure and work programs of the former COAG Councils and Ministerial Forums to better align the work of new Ministerial Forums with the revised federal relations architecture overseen by the National Cabinet and the National Federation Reform Council. <b>The objective</b> of this work is to ensure that the Australian community is served by a federal relations architecture which is responsive to issues confronting our community and economy, makes decisions efficiently with minimal bureaucracy and is able to focus on critical regulatory and policy work programs.</p>
<b>Membership</b>	<p>The review will be led by an eminent person supported by a taskforce within the Department of Prime Minister and Cabinet (PM&amp;C) comprising officials from PM&amp;C, other Commonwealth departments and the states and territories.</p>
<b>Context</b>	<p>On 29 May 2020, the National Cabinet agreed a revised architecture for federal relations. The principal feature of this framework is the ongoing role of National Cabinet to: oversee the suppression strategy for COVID19; and pursue economic recovery in the transition to a COVIDSafe community. The National Cabinet agenda will focus on job creation. Reform priorities will be settled by National Cabinet and specific reform projects will be commissioned, with advice from relevant Expert Advisory Groups, to be undertaken by National Cabinet Reform Committees and the Council on Federal Financial Relations (CFFR).</p> <p>National Cabinet also agreed to cease the Council of Australian Governments and to form the National Federation Reform Council (NFRC) as a joint forum for the National Cabinet, the CFFR (with an expanded remit) and the ALGA to consider broader transformation of federal relations and to improve the lives of all Australians. This work will be informed by the Indigenous Affairs Taskforce and the Women’s Safety Taskforce.</p> <p>The new federal relations architecture precipitates a review of former COAG Councils and Ministerial Forums.</p>
<b>Scope of Review</b>	<p>The review will undertake an audit of former COAG Councils and Ministerial forums (<a href="#">Attachment A</a>) and make recommendations to National Cabinet on:</p> <ol style="list-style-type: none"> <li>1. <b>A streamlined structure, scope and reporting arrangements:</b> Options for a streamlined structure and scope for Ministerial regulatory councils and forums to progress defined federal relations priorities which are outside the National Cabinet Reform Committee agenda and for reporting, only when essential, to the NFRC.</li> </ol>

	<p>2. <b>Focused regulatory and policy work programs:</b> providing for refinement and prioritisation of existing work programs and for continuity of explicit regulatory functions.</p> <p>3. <b>Guidance on operating procedures:</b> including, but not limited to:</p> <ul style="list-style-type: none"> <li>• membership and chairing arrangements;</li> <li>• decision-making and interaction with the CFFR and the NFRC;</li> <li>• secretariat support;</li> <li>• use of expert advisory groups (new or existing);</li> <li>• any requirements to undertake regulatory impact analysis; and</li> <li>• proposed content of a NFRC guide to replace the <i>Handbook for COAG Council Secretariats: A best practice guide</i>.</li> </ul>
<b>Considerations</b>	<p>The review will consider:</p> <ul style="list-style-type: none"> <li>• how best to support National Cabinet’s focus on job creation;</li> <li>• the ability for state and federal ministers to come together to solve issues without requiring bureaucratic structures;</li> <li>• any roles prescribed to Ministerial forums under legislation;</li> <li>• current work programs and reporting arrangements, including work previously assigned to the forums by COAG;</li> <li>• the interaction of Ministerial forums with CFFR under its new expanded remit (CFFR will now oversee negotiation and funding arrangements under Commonwealth/State funding agreements, including National Partnership Agreements, and will review the current suite of NPAs); and</li> <li>• any ongoing regulatory and policy priorities for Ministerial forums which are outside the scope of commissioned work allocated to the new National Cabinet Reform Committees in the areas of Rural and Regional, Skills, Energy, Infrastructure and Transport, Population and Migration, and Health.</li> </ul>
<b>Consultation</b>	<p>The review will consult First Ministers, members of existing forums, forum secretariats, members of CFFR, the Australian Local Government Association and representatives of the New Zealand Government.</p>
<b>Timing</b>	<p>The review will provide recommendations to National Cabinet by September 2020.</p>
<b>Steering committee</b>	<p>The First Ministers’ departments Deputy Senior Officials meeting (DSOM) will act as a steering committee for the review.</p>