

*An agreement about the  
Council for the Australian Federation*

**dated this 2nd day of February 2023**

**between**

the State of New South Wales and  
the State of Queensland and  
the State of South Australia and  
the State of Tasmania and  
the State of Victoria and  
the State of Western Australia and  
the Australian Capital Territory and  
the Northern Territory of Australia

*Recitals*

The First Ministers of the above-named Australian States and Territories created the Council for the Australian Federation as part of their plan to protect, maintain and revitalise the Australian federation and build a more collaborative, co-operative and effective federal system. First Ministers recognise that:

Australia was established as a federation in 1901 under the Commonwealth Constitution. The six States, the Northern Territory, and the Australian Capital Territory are core components of the Australian federation, as is the Commonwealth.

Federalism is based on shared principles, including respect for constitutions and the division of powers. It allows for diversity in policy priorities and their implementation coupled with the freedom to consult and co-operate on common matters where this promises the best outcomes.

Intergovernmental collaboration and constructive dialogue between the States and Territories will advance the interests of Australians and Australia.

There are and will be issues that are of importance to the States and Territories in which the Commonwealth Government has only limited involvement, or in which the Commonwealth may decline to become involved.

To operate effectively into the future the federation must evolve, and through the Council for the Australian Federation First Ministers are committed to providing the necessary leadership through institutional innovation.

The Council for the Australian Federation will be an enduring and evolving institution that will be flexible, efficient and able to anticipate and act quickly to make Australia work better for Australians.

### *The Council for the Australian Federation*

The common objectives and organisation of the Council are as described in this Agreement (the Agreement).

### *Composition of the Council*

The Governments of the six States and the two self-governing mainland Territories of Australia are members of the Council.

### *Objectives of the Council*

The objectives of the Council are:

1. to work towards a common understanding of the States' and Territories' positions in relation to policy issues involving the Commonwealth Government; and
2. to take leadership on key national policy issues, including the Federation, that are not addressed by the Commonwealth Government.

The Council's Chair may prioritise these objectives depending on intergovernmental dynamics at the time.

## *Organisation of the Council*

### **Chair**

Premiers and Chief Ministers will Chair the Council on a rotational basis as set out below. The term of office of the Chair is one year. The Chair will act on behalf of the Council according to the directions received from it.

The Deputy Chair of the Council is the Premier or Chief Minister who will Chair the Council in the following year.

Unless otherwise arranged in consultation and agreement with all States and Territories, the sequence for the rotation of Chair and Deputy Chair of the Council is:

1. South Australia
2. Victoria
3. Queensland
4. New South Wales
5. Northern Territory
6. Western Australia
7. Tasmania
8. Australian Capital Territory

### **Meetings**

There will be at least two meetings of the Council per year or as necessary, via a mixture of virtual and face-to-face meetings. Where there is a National Cabinet meeting, the Council may arrange to meet beforehand to discuss the National Cabinet agenda as well as State and Territory priorities to be raised by the CAF Chair at National Cabinet.

Member States and Territories will be represented at Council meetings by their Premier or Chief Minister. A quorum of the Council is 75% which is six of eight members.

In exceptional circumstances, a Premier or Chief Minister may designate a Minister as a substitute representative for a meeting of the Council, who may take part in decision making.

When a Premier or Chief Minister is unable to attend a Council meeting, or a Government is subject to the Caretaker conventions, an Officer nominated by that Premier or Chief Minister may participate in a Council meeting but may not take part in decision making.

The Council may decide, from time to time, to invite representatives of other bodies to its meetings. However, such representatives will not take part in decision-making.

The Council anticipates that decisions will be unanimous and will be reached through consensus. A consensus occurs when no members are against a proposed resolution. If this is not possible, the Council may also decide an issue by majority vote.

All significant decisions of the Council and officials will be recorded in writing.

The Council may take decisions agreed through correspondence between members and the Chair of the Council. This will be co-ordinated by the Secretariat and circulated to the Council.

Where appropriate CAF may release communiqués after a meeting to share key meeting outcomes. Communiqué text will be agreed by the Council before being made public.

## **Agenda**

The Chair of the Council will determine agenda items in consultation with other Council members. Agenda papers will be prepared by the jurisdiction that has suggested or is leading the agenda item, or the Secretariat as appropriate.

## **Secretariat**

On 27 April 2022, the Council agreed to establish a permanent and dedicated secretariat to support the work of the Council. This reflects the new federal relations architecture under National Cabinet and will help the Council drive policy priorities and independent policy advice.

The Secretariat will report to the Council (through the Chair) and provide the Council with relevant information to ensure it is kept up to date on the progress of work priorities. For routine matters, the Secretariat will report to the Chair. A CAF Secretariat Handbook will be agreed between Senior Officials as an aid to provide guidelines, protocols and principles for the chairing jurisdiction of the Council and the Secretariat.



The host jurisdiction for the permanent secretariat will be agreed by Council members. In the first instance, from 1 January 2023, the permanent secretariat will be hosted in South Australia. All staffing appointments to the Secretariat will be overseen by the First Secretary of the hosting jurisdictions or his/her delegate.

The estimated annual cost of the Secretariat will be presented to the Council prior to the commencement of each financial year.

Each State and Territory will provide a financial contribution to the Secretariat based on its population share of the approved estimated cost of the Secretariat for an upcoming financial year. Adjustments to contributions in future years may be made after consultation with States and Territories if actual Secretariat costs differ from original estimates.

The operation of the Secretariat will be reviewed by the Council after a 12-month period and every 3 years thereafter, in line with the review clause in this Agreement.

### *Other matters*

## **Confidentiality**

All Council matters are to be treated at a minimum OFFICIAL: Sensitive//CAF-IN-CONFIDENCE. A decision may only be disclosed to third parties (including the media) if the Council has made a decision to allow such disclosure.

## **Information Access**

Council meeting documents will be subject to different information management laws in each jurisdiction. Where information is sought through freedom of information processes, States and Territories will consult with relevant jurisdictions on all access applications for Council meeting documents sought under their respective access to information regimes.

## **Amendment**

This Agreement may be amended with the consent of 75% of members - when all States and Territories are members of the Council, this means six members.

Amendments may be agreed at a meeting of the Council, or agreed between members out of session in writing.

A member may withdraw from this Agreement by giving notice, in writing, to each of the other members. If a member withdraws from this Agreement, this Agreement will remain in force in relation to the remaining members.

## **Review**

The objectives, functions and organisation of the Council will be reviewed every 3 years.

## **Reservations**

Nothing in this Agreement alters the legislative or other power of the State and Territory legislatures or Governments of the day or the rights of any of them with respect to the exercise of their legislative, executive or other powers under the various Constitutions.


## Commencement

This Agreement commences when it has been signed on behalf of all members.

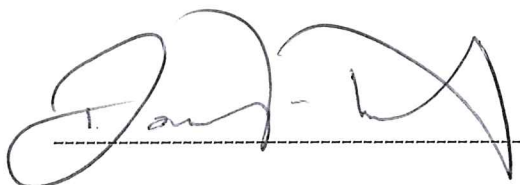
IN WITNESS WHEREOF this Agreement has been executed this day of  
by the Premiers and Chief Ministers of the States and Territories:



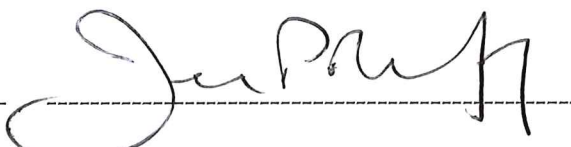
The Hon Natasha Fyles MLA  
**Chief Minister, Northern Territory**



The Hon Mark McGowan MLA  
**Premier of Western Australia**




The Hon Dominic Perrottet MP  
**Premier of New South Wales**



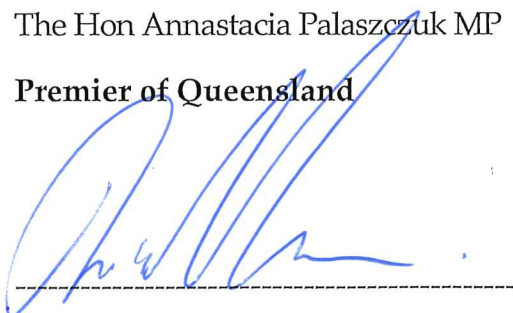
The Hon Jeremy Rockliff MP  
**Premier of Tasmania**



The Hon Anastacia Palaszczuk MP  
**Premier of Queensland**



The Hon Daniel Andrews MP  
**Premier of Victoria**



The Hon Peter Malinauskas MP  
**Premier of South Australia**



Mr Andrew Barr MLA  
**Chief Minister, Australian Capital Territory**