

Appendix 3
Answers to questions on notice

COAG Reform Council.....132

NSW Business Chamber.....133

Western Australian Local Government Association.....134

Department of the Prime Minister and Cabinet.....135

COAG Reform Council

Public Hearing 2 December 2010

Question 1: Names of expert advisory panel

Hansard, p. 33

Ms O'Loughlin—... The December 2009 communique of COAG mentions that they will establish an expert advisory panel for the council.

CHAIR—How soon after you received the reference did you get the names for the council?

Ms O'Loughlin—I would have to take that question on notice.

Response

The names of the panel were released in an announcement by the former Prime Minister on 17 June 2010.

Question 2: Circulation of the draft report

Hansard, p 38

Ms O'Loughlin—All our processes have formal consultation processes built into them. All our reports to COAG have at least one, sometimes more, consultation drafts, as we call them, that we circulate formally to the jurisdictions for a month. We are required to do that under the intergovernmental agreement. So those drafts are in the governments' hands, if I can put it like that.

Senator LUDLAM—When would you expect—I will not tie you down to this—the first of those consultation drafts to go to COAG for this one?

Ms O'Loughlin—I will get back to you with the exact month. It is somewhere around August next year. It might be September.

Senator LUDLAM—I might ask you to take that on notice and table for the committee as much of the work as you are able to.

Ms O'Loughlin—Yes.

Response

The consultation draft of the final report—the one that will go to COAG—will go to governments on 18 October 2011 for one month of consultation.

Question 3: Publication on website

Senator LUDLAM—The reason I am is partly that this is all invisible on the website, so this is useful information on what sounds like a really good process. City governance has fallen through the cracks because I guess local governments are too little, the state government is too big and the federal government—at least for the last

significant period—has not really involved itself in city policy until recently. Before I start fishing around for individual bits and pieces, can you tell us why none of this activity is on your website. Where is the work plan? Where are the interim reports? Where is your meeting schedule?

Ms O’Loughlin—The interim reports are not done yet. They are interim just to jurisdictions, in the sense that we want to make sure we are getting it right. So we would not make those public. All the reports to COAG are public. So the interim reports will just go back to the jurisdictions and we will say, ‘Can you help us here? There’ll be some gaps.’ But all our reports to COAG, the final reports, are on our website. I will take a step back in terms of the work plan. That was between the council and the jurisdictions. But, having said that, I am happy to go back and consult with the jurisdictions and ask them if they would be happy for us to put that information on the website.

Senator LUDLAM—Great. I would be greatly appreciative if you could do that.

Response

The COAG Reform Council will include on its website the key steps in its workplan under the capital city strategic planning systems reference. An invitation to contact the secretariat will also be included on the cities page on the council’s website.

NSW Business Chamber

Public Hearing 2 December 2010

Question: Report on dysfunctionality:

Hansard, p. 24

We do quote in our submission a work that the Business Council of Australia have done on the topic. I think the number there was \$9 billion, but Micah might have some more detail.

Mr Green—I believe that is correct. That report is a few years old now as well but that certainly is the estimate we refer to in our submission. I am not aware of anything having been done more recently than that to try to estimate the costs.

CHAIR—Would that figure now have increased?

Mr Orton—I doubt that it has gone down.

Senator MOORE—Would you mind just checking when that work was done?

Response

Following up from today’s Senate Hearing, one of the Senators asked me if I knew the date of publication of some Business Council of Australia data we referred to on page 5 of our submission (at footnote 12). The date of the publication was October 2006, and a full copy of the publication can be found here:

<http://www.bca.com.au/DisplayFile.aspx?FileID=64>

(Micah Green, NSW Business Chamber)

Western Australian Local Government Association

Public Hearing 9 March 2011

Question: Advertising by WALGA

Hansard, p. 11

Senator MOORE—Is it possible to get a synopsis of that advertising campaign for the committee: the background, how long it has been going, what the messages are, and any feedback you have or any review you have had on success? I think that would be really interesting to see how that process operates.

Response

The following information is provided in response to the Committee's request for details of our local government promotional campaign:

The WALGA local government sector promotional campaigns have been operating since 2005. The association has spent in excess of \$2,000,000 during this period in developing the campaign creative, buying media placement and conducting the underlying research program. The result has been a continual increase in awareness of the facilities and services provided by local government and recognition of the association.

The sector promotional campaigns were initiated in 2005 with the three objectives which remain pertinent 2011:

1. Improve the perception of Local Government in WA
2. Raise the profile of WALGA
3. Redress the skills shortage facing the sector

A comprehensive community research program (qualitative focus groups tested in a quantitative state wide survey) was undertaken to identify critical factors.

The initial research demonstrated that trust was the overwhelming contributing variable to community satisfaction with local government in WA.

The 2005 campaign creative was designed to leverage the drivers of trust (calculus, knowledge and identification) in the context of amplifying the career opportunities in local government.

Initial ad tracking of the initial campaign demonstrated a 45% increase in awareness of services provided by local government; a 35% increase in consideration in local government as an employment option.

Subsequent campaigns have built on these achievements with additional creative developed to build on awareness of local government facilities and services as a value for money proposition; highlight professional career opportunities; participation in the local government election process; and to oppose legislative changes at a state level.

In 2007 the WALGA sector promotional campaign and associated research was awarded a National Marketing Award by the Australian Marketing Institute in the category of consumer insight. The WALGA campaign achieved this in a field of

finalists which included Tourism Australia, Telstra, ANZ Bank, Stockland and Ericsson.

The campaign currently under development intends to leverage the TVC creative into a digital application to enhance the opportunity for community realisation of personal value for money in local government services and facilities and to assist the sector in the management and engagement of communities.

Department of the Prime Minister and Cabinet

Public Hearing 5 May 2011

Question 1: COAG Protocols

Hansard, p. 39

CHAIR: Is there a COAG operating manual of some kind or a list of protocols? In whose corporate memory is COAG located?

Mr English: I am very pleased you asked, because we have recently re-issued the COAG protocols, which I am sure we can provide.

Response

The COAG Protocols are attached. (pp 134–142)



Australian Government

Department of the Prime Minister and Cabinet

PROTOCOLS FOR COUNCIL OF AUSTRALIAN GOVERNMENTS AND SENIOR OFFICIALS MEETINGS

FEBRUARY 2011

Revision History

Version	Release Date	Consultation	Authorisation
1.0	February 2011	COAG Senior Officials	Rebecca Cross (Acting Deputy Secretary)

This document is intended to provide guidance on expectations that apply to Council of Australian Government (COAG) and Senior Officials meetings. These protocols are not intended to replace specific scheduling discussions relating to any particular COAG or Senior Officials meeting.

1. Date and Location of COAG Meetings and Senior Officials Meetings/Videoconferences

A proposed date and location of COAG meetings will be determined by the Prime Minister. The Commonwealth, in consultation with other COAG members, will finalise the date and location of the meeting.

By preference, Senior Officials will, meet on an as needed basis to support COAG members in their work. Where possible, these meetings will be conducted via videoconferencing to minimise the imposition on participants. There will be at least one videoconference and/or meeting prior to each COAG meeting.

If possible, the final Senior Officials meeting/videoconference prior to a COAG meeting will be held at least 10 to 12 days before a COAG meeting. This will best assist the briefing processes for COAG members.

2. Agendas for COAG Meetings and Senior Officials Meetings/Videoconferences

A draft agenda for COAG meetings will be prepared by the Commonwealth and circulated to other COAG members at the Officials-level as soon as possible. The Commonwealth will seek to consult with jurisdictions in the preparation of the COAG agenda early in its development.

The draft agenda may also be considered at the final Senior Officials meeting/videoconference prior to the COAG meeting.

A draft agenda for Senior Officials meetings/videoconferences will be prepared by the Commonwealth and circulated to other COAG members for comment prior to the meeting. A final agenda will then be provided by the Commonwealth to other COAG members.

The agenda for the final Senior Officials meeting/videoconference before a COAG meeting will usually be based on the proposed agenda for the COAG meeting.

States, Territories and the Australian Local Government Association (ALGA) will have an opportunity to propose items for both COAG and Senior Officials meetings.

The following criteria will be used to determine whether an issue should be included on the COAG agenda:

- a. where there is an intersection of jurisdictional responsibilities and is an issue of national significance;
- b. where the issue is considered of strategic importance to the three levels of government;
- c. where resolution of an issue requires a leaders-level process given the political, fiscal or policy complexity of the issue;

- d. where accountability is required for the work of Ministerial Councils and other COAG-appointed intergovernmental fora; and
- e. where there is strong need to drive a number of current COAG activities to successful conclusion so that, among other things, service delivery improvements flow to the Australian community.

To ensure that COAG agendas are focussed on issues of the most strategic importance, the following structure for agendas will apply.

I. Implementation, Performance and Accountability

This section of the agenda will address progress reports on implementation and delivery and response to COAG Council Reform reports, to ensure COAG follows through on the decisions and commitments it makes.

II. Themes of Strategic Importance

Items in this section of the agenda will be structured by the five themes to ensure COAG's ongoing and continued focus on issues of national significance. The five themes are:

- a long-term strategy for participation, addressing social and economic issues such as skills development and early childhood development;
- a national economy driven by our competitive advantages, addressing the microeconomic reform agenda, further regulatory and competition reforms, taxation and federal financial relations, infrastructure investment and use of new digital technologies to drive productivity;
- a sustainable and liveable Australia, addressing issues such as housing supply and affordability, sustainable population, climate change and energy efficiency measures, and water reform;
- better health services and a more sustainable health system for Australians; and
- Closing the Gap on Indigenous disadvantage.

III. Items for Special Consideration

This section of the agenda will include items with the need for focussed discussion and thorough consideration by COAG to ensure current COAG priorities and activities are driven to successful conclusions.

It is intended that activities over the next 12-18 months under each of these themes will be prioritised for COAG.

3. Papers for COAG Meetings and Senior Officials Meetings/Videoconferences

Agencies preparing agenda papers and other documents for COAG meetings will, where possible, be required to provide documents to the COAG Unit in the Department of the Prime Minister and Cabinet (PM&C) at least three weeks prior to the date of a COAG

meeting. Also, where possible, the Commonwealth will provide other COAG members with the papers at least two weeks prior to the date of a COAG meeting.

Where possible, COAG members will have two days to provide comments on the papers before they are considered final.

Where relevant, agenda papers for a COAG meeting will be the same as those provided for a Senior Officials meeting/videoconference. All papers for COAG and Senior Officials' meetings will be prepared in the format at Attachment A.

4. Status of COAG and Senior Officials Documents

Documents prepared for COAG and Senior Officials are COAG-in-confidence, unless otherwise agreed by COAG or Senior Officials. Documents should be tightly held and only distributed on a strict need to know basis.

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

5. COAG Meeting Communiqués

The preparation of the communiqué, to be released at the conclusion of a COAG meeting, is a joint activity between all COAG members. COAG meeting communiqués will be as short as practicable, compelling and written in action-oriented plain English that will resonate with the Australian community. Matters of detail may be better addressed through the record of meeting.

A draft communiqué will be prepared by PM&C and provided to the States, Territories and ALGA as soon as possible in the lead-up to the COAG meeting. A communiqué drafting session to which representatives of all COAG members are invited may be organised by PM&C in the week leading up to the COAG meeting.

The day before a COAG meeting a COAG communiqué drafting session will be held to prepare the draft communiqué for COAG's consideration at the time of the meeting. Representatives of all COAG members will be invited to participate in this session which will be organised by PM&C.

At the conclusion of a COAG meeting, representatives of all COAG members are to clear the communiqué before it is released publicly. This may involve an Officials drafting session to finalise the communiqué.

PM&C will be responsible for placing the communiqué on the COAG website and making available copies to COAG members.

6. Records for COAG Meetings and Senior Officials Meetings/Videoconferences

A draft record of a COAG meeting, based on the agenda paper recommendations, will be prepared by PM&C prior to the meeting. The draft will be provided to State and Territory notetakers for the meeting.

After the COAG meeting a draft record will be prepared by the Commonwealth notetakers and then settled with the State and Territory notetakers. Once finalised the record will be provided to all COAG members.

A draft record of a Senior Officials meeting/videoconference will be prepared by the PM&C notetakers after the meeting. It will then be provided to the other participants for comment. Once comments have been received and the record finalised the record will be provided to the States, Territories and ALGA. The record for a Senior Officials meeting/videoconference will usually be adopted at the next Senior Officials meeting/videoconference.

Records for both COAG meetings and Senior Officials meetings/videoconferences should be finalised and provided to participants desirably within three weeks of the end of the meeting.

7. Handling National Partnership and Intergovernmental Agreements

National Partnership Agreements or Intergovernmental Agreements are brought before COAG for signature either at meetings or out-of-session. If agreements are to be signed at COAG meetings they must have the agreement of all the Parties (that is, all the COAG members required to sign the agreement) prior to the meeting. Obtaining such agreement will be coordinated by PM&C.

PM&C will bring a copy of all the agreements to be signed to the COAG meeting, and will coordinate the signature process. After the meeting, once all the signatures have been obtained, PM&C will retain the original signature page, and will provide copies of the agreement and the signature page to all jurisdictions. PM&C will also provide, where applicable, a copy of the signed agreement to the Commonwealth Department of the Treasury for publication on the federal financial relations website (www.federalfinancialrelations.gov.au).

ATTACHMENT A**PROPOSED AGENDA PAPER TEMPLATE****COAG (Month Year) X(x)****Council of Australian Governments Meeting, dd Month Year****AGENDA PAPER: TITLE**

The cover sheet is not to exceed one page.

Purpose	FOR AGREEMENT/FOR INFORMATION To seek consideration of [outline the proposal/problem to be resolved]. This section should not exceed two or three lines.
Key Outcomes	<ol style="list-style-type: none"> 1. This section must provide a brief description of the outcomes to be achieved through the proposals contained in the agenda paper. 2. Each paragraph should not exceed two or three lines.
Author	Name of Ministerial Council, Senior Officials Group or government

RECOMMENDATIONS

That Council of Australian Governments (COAG) agree:

1. **[for example]** to the new arrangements on X; and
2. **[for example]** that the report on Y be released publically following the COAG meeting.

Drafting instructions:

- Recommendations should be written in a form that requires minimal rewriting for inclusion in a communiqué.
- Recommendations for noting are not generally expected.
- Where work is being referred to a Ministerial Council or other body, the recommendation should provide clarity about whether the other forum can finalise the work or whether a report-back to COAG is required.

SUPPORTING ANALYSIS

Key Issues for COAG

1. This section should be written in a clear, summary form that enables First Ministers to understand the proposal [or the outcomes from a report or other information]. The first paragraph must clearly describe what is being proposed or provided and the problem that is being addressed.
2. In the case of a proposal, agenda papers should refer to significant impacts, including regulatory impacts, particularly where these have strong bearing on the merits of a proposal.

Sub-heading to Structure Case

3. Optional sub-headings and sub-paragraphs are encouraged to be used to assist in structuring the case for the proposal and better informing First Ministers.
 - a. ...
 - i. ...

Key Implementation Issues

4. This section should outline the necessary steps to achieve the intended outcomes and include when benefits will flow to citizens or stakeholders. Information should be included on how the proposal will be implemented and any risks associated with its implementation.
5. Specific sensitivities should be outlined in this section including stakeholder reactions, risks and relevant mitigation strategies. Where there are significant risks or sensitivities, this section provides an opportunity to consolidate advice to COAG on these issues.

Financial Implications

6. In the case of a proposal, the financial implications arising from the proposal must be discussed in this section.

Consultation with External Stakeholders

7. Any proposed announcement strategy, including communication strategies or the release of proposed media releases, should be clearly set out in this section.
8. Describe any consultation that has occurred with stakeholders, including industry and the public.

Style Requirements

1. If you need to change an agenda paper already provided to the COAG Unit, make sure you obtain the latest version from the COAG Unit.
2. In the recommendations, avoid capitalising the first word after agree and note.
3. Names of States and Territories should always appear in full (for example, New South Wales).
4. Refer to States and Territories in descending order of population (that is, New South Wales, Victoria, Queensland, Western Australia, South Australia, Tasmania, the ACT and the Northern Territory), and then the Australian Local Government Association.
5. The words 'States' and 'Territories' should both have a capital letter.
6. Use 'Commonwealth' or 'Commonwealth Government' instead of 'Australian Government'.
7. Attachments should be referred to as Attachment A, Attachment B and so on, without bold or underlined text.
8. Pay special attention to the format of dot points. Ensure that dot points follow sentence structure (with lower-case first letters and semi-colons or commas as appropriate), for example:
 - sub-point, including:-
 - x, and
 - y,
 - sub-point; and
 - sub-point.

Question 2: Commonwealth grants to local government

Hansard, p. 42

CHAIR—What view have you taken about the implications of Pape for your capacity to continue to do that?

Mr English—To date the approach we have taken is that current arrangements will continue unless subsequent decisions by the court suggest that a particular activity should not. So at this stage we do not expect that Pape has taken away the ability to make those payments.

CHAIR—Have you sought the Attorney's advice on the subject?

Mr English—That is consistent with the Attorney's advice—that we should continue with current arrangements unless a demonstrated need arises to change them.

CHAIR—Is that advice available publicly?

Mr English—That is probably something we would have to put to government because it was legal advice to the government.

CHAIR—Perhaps you could do that, because we are getting somewhat inconsistent evidence about this matter.

Response

The Government's legal advice about the Pape decision is not publicly available. It would not be appropriate to release the legal advice as doing so may prejudice the Commonwealth's legal interests.

Question 3: Management costs in Building the Education Revolution

Hansard, p. 43

CHAIR—I do not want to raise the whole debate about BER and so on except in so far as the administrative cost is the same across the Commonwealth. I assume it is. In relation to that, for example, could states negotiate different kinds of management costs with the Commonwealth under the BER?

Mr English—I would have to go back and check my facts on that. Whether the rate was the same across jurisdictions, I cannot recall.

CHAIR—There is a constitutional provision of course against differential grants to states. I am wondering whether it applies to these kinds of management fees et cetera.

Mr English—I should take that on notice.

CHAIR—Would you do that, Mr English? I suppose the question is: have states negotiated different management fees in relation to BER and on what basis have they actually done that?

Response

As per clause D10.(f) of the National Partnership Agreement on the nation Building and Jobs Plan: Building Prosperity for the Future and Supporting Jobs Now, the Commonwealth provided funding to states and territories and Block Grant Authorities of 1.5 per cent of the total funding to cover administrative costs associated with running the application process, all associated administration and reporting to the Commonwealth. Jurisdictions were not able to negotiate different rates.