



TERMS OF REFERENCE

Purpose of Council	
Background	Following a review of Ministerial Councils in 2022, the Skills and Workforce Ministerial Council was established to operate under an enduring structure that promotes collaboration and results driven decision making.
Purpose	<p>The Skills and Workforce Ministerial Council provides a forum for national cooperation and stewardship of the vocational education and training (VET) system and on the intersection of skills and training policy with workforce issues.</p> <p>The Council collaboratively progresses items of national importance within the portfolio to achieve agreed objectives, outcomes and priorities, including those set out in the National Skills Agreement.</p> <p>The scope of the Council is to provide stewardship for the VET system through strategic policy, priority setting, planning, performance and evaluation and aligning key cross-sectoral issues.</p>
Objective	To enable national cooperation and consistency where beneficial, on enduring strategic issues including a focus on shared complex and long-term policy areas requiring sustained cooperation for effective implementation and service delivery.
Strategic priorities and work program	
Priorities	<p>The Skills and Workforce Ministerial Council priorities are focussed on supporting skills reform including embedding new model of stewardship to deliver national priorities; delivery of key initiatives and reforms, placing TAFE at the Heart of the VET sector; and oversight of the national training system; and First Nations engagement and Closing the Gap.</p> <p>Skills Ministers will continue to perform regulatory policy and standard-setting functions, with focus on issues related to shared governance, legislative and regulatory requirements where a cross-jurisdictional mechanism must approve and create or update requirements for policies, standards or codes.</p>
Work Plan	The Skills and Workforce Ministerial Council will develop a forward work plan with up to five priorities per year, which deal with matters that are of significance or require national agreement, including priorities tasked by National Cabinet or set out in the National Skills Agreement. The work plan will include priority items and timelines for completion.

Reporting	<p>The Skills and Workforce Ministerial Council resolves issues in its portfolio and will regularly report to National Cabinet on its progress to deliver tasked priorities, in addition to reporting annually on delivery of its workplan.</p> <p>The Chair of the Skills and Workforce Ministerial Council is required to submit a summary report to National Cabinet through the First Secretaries Group in the first quarter of each calendar year, outlining its achievements during the previous year and up to five priorities for the upcoming year.</p>
Cross portfolio collaboration	<p>The Chair may share work plans with other Ministerial Councils to provide opportunity for potential collaboration on shared priorities and to avoid overlap or duplication of priorities.</p> <p>Members are responsible for proactively engaging with other relevant Ministers in their jurisdiction to progress cross-portfolio priorities.</p>
Design and operations	
Operating Principles	<p>The Skills and Workforce Ministerial Council operates through a cooperative and collaborative relationship as shared stewards of the VET system, where all jurisdictions are equal partners in strategic discussions and decision-making.</p>
Structure	<p>National Cabinet is the peak intergovernmental forum in Australia to manage matters of national significance that require coordinated action by all governments. National Cabinet consists of the Prime Minister (Chair), and State and Territory Premiers and Chief Ministers.</p> <p>Ministerial Councils support National Cabinet in progressing priority work that requires significant intergovernmental collaboration. The Skills and Workforce Ministerial Council reports directly to National Cabinet.</p>
Expertise	<p>The Skills and Workforce Ministerial Council is supported by the Skills Senior Officials' Network (SSON), consisting of representatives from the Commonwealth and each State and Territory.</p> <p>The Council may task the SSON with work or establish expert groups for a specific purpose and timeframe, to advise as required, including presenting at meetings.</p> <p>The Skills and Workforce Ministerial Council will work with other ministerial councils to progress and explore cross-cutting policy as required.</p>
Frequency and location	<p>At least four meetings will be held each year, one each quarter, and rotated across jurisdictions.</p> <p>The Skills and Workforce Ministerial Council meetings may be held virtually to allow for shorter, targeted discussions and more frequent meetings to progress strategic items as required.</p>
Quorum	<p>Skills and Workforce Ministerial Council meetings will be scheduled and convened by the Chair, with a quorum of at least five members. The Chair will be considered a member of the meeting for quorum purposes.</p>

<p>Agenda and Papers</p>	<p>The Chair is responsible for finalising meeting agendas.</p> <p>Agenda items can be initiated by State, Territory and Commonwealth Ministers in consultation with the Chair.</p> <p>The agenda and meeting papers will be circulated five business days prior to a meeting, with flexibility for the inclusion of urgent or emerging issues as required, as agreed by the Chair.</p> <p>Agenda items should be covered by a paper or presentation, wherever possible, to facilitate discussion, and drafted by the relevant jurisdiction leading the item. Papers must be provided to the Secretariat at least 10 days before the meeting.</p> <p>Ministers set, control and review the agenda for the Skills and Workforce Ministerial Council and do not delegate these responsibilities to officials.</p>
<p>Out of session</p>	<p>Items that do not require discussion for decision making, where the urgency of the item requires it to be finalised ahead of the next scheduled meeting or for information or noting can be progressed out-of-session.</p> <p>Routine, non-controversial or technical matters should be progressed out-of-session or may be delegated to senior officials where appropriate.</p> <p>Members will generally have 15 working days to respond to routine out-of-session items.</p>
<p>Decision making</p>	<p>The Skills and Workforce Ministerial Council makes decisions by consensus wherever possible. Where a consensus is not achievable, the decision may be put to a formal vote if a quorum has been reached. The Chair will be considered a member of the meeting for voting purposes. Certain decisions under the National Skills Agreement, including in relation to the amendment of national priorities and the National Skills Plan, are to be made by consensus. If consensus cannot be reached, a majority of parties, including the Commonwealth, may agree to make an amendment.</p> <p>Consensus by officials is not required before papers proceed to Ministers but, in the interest of full transparency, papers may indicate which jurisdictions do not support progression to Ministers.</p> <p>Unless specified by legislation, and where appropriate, decisions should be principles-based and allow individual jurisdictions flexibility to determine the best way to achieve any agreed outcomes. Implementation of decisions is ultimately up to Ministers in each jurisdiction.</p>
<p>Escalation</p>	<p>If the Ministerial Council determines the need to escalate issues (outside National Cabinet tasking) for National Cabinet’s attention, the Chair will write to the Prime Minister requesting National Cabinet consideration of the issue. Escalation should be made with agreement of a majority of members but may be initiated by the Chair in exceptional circumstances.</p>
<p>Communications</p>	<p>Outcomes of meetings are communicated via a press release from the Chair or a communique agreed at the meeting on the same day, where possible.</p>

Membership, Chairing and Secretariat arrangements

<p>Role of Chair</p>	<p>The Commonwealth is the Chair of the Skills and Workforce Ministerial Council and ensures the Council operates effectively and collaboratively to deliver outcomes requiring joint action by Commonwealth, State, and Territory governments.</p> <p>The Chair’s responsibilities are to:</p> <ul style="list-style-type: none"> • act as a public spokesperson for the Council; • have a thorough understanding of the work plan and maintain a focus on achieving outcomes; • finalise meeting agendas and ensure all agenda items are discussed within the allocated time; • encourage full participation of all members including agenda setting; • promote a cooperative and collaborative relationship where all jurisdictions are equal partners in decision making, ensuring contentious issues are debated in a professional manner and mediate when conflict arises; and • facilitate decision-making by consensus where possible. <p>Chairing arrangements will be reviewed on a two-yearly basis.</p>
<p>Membership</p>	<p>The Skills and Workforce Ministerial Council consists of portfolio ministers with responsibility for skills and training in their jurisdiction, including the Commonwealth Minister. Jurisdictions should determine the relevant ministerial representative for the Council.</p> <p>Members may nominate a proxy parliamentary colleague to attend on their behalf if they are unable to attend a meeting.</p> <p>Members can have a maximum of one official, and where appropriate, one advisor support them at the meeting. Where there is a demonstrated need for additional support (such as additional Ministers from a jurisdiction, senior officials or expert advisers), members may seek the Chair’s agreement in writing.</p> <p>New Zealand and the Australian Local Government Association (ALGA) should continue their involvement in the Skills and Workforce Ministerial Council, where they add value to all parties and the item under discussion. The Chair may invite representatives from New Zealand and local governments to meetings as required.</p> <p>Members are responsible for supporting the Chair and acting in accordance with these Terms of Reference. Members should proactively engage with other relevant Ministers within their jurisdiction to progress priorities that cross portfolios.</p>

<p>Guests and First Nations Engagement</p>	<p>The Chair may invite other Ministers, Parliamentary Secretaries, representatives from other agencies or portfolios, or other guests to participate in specific meetings or discussions, as appropriate.</p> <p>Guests and experts should only attend meetings for relevant agenda items.</p> <p>Consistent with all governments' commitment through the National Partnership on Closing the Gap and the National Skills Agreement, the Council will engage on the design and delivery of VET to First Nations Australians in full and genuine partnership.</p>
<p>Secretariat</p>	<p>The Commonwealth will provide and resource the Secretariat function for the Skills and Workforce Ministerial Council.</p> <p>The Secretariat is responsible for:</p> <ul style="list-style-type: none"> • managing appropriate meeting arrangements and logistics; • assisting in developing the agenda in consultation with the Chair; • distributing the agenda and meeting papers 5 business days prior to the meeting or at discretion of the Chair; • providing quality assurance and general drafting advice for Council papers; • taking minutes, recording decisions and actions, circulating information to members and keeping appropriate records; • monitoring action items arising from Council business and assisting in their implementation, including liaising between Council and other agencies; and • drafting annual reports to National Cabinet on progress of action items and Council achievements for endorsement by the Council. <p>Secretariat arrangements will be reviewed on a two-yearly basis.</p>
<p>Review of Council strategic priorities and operations</p>	
<p>Review</p>	<p>To ensure the Council remains focused on key priorities, the Council will review its strategic priorities annually and develop a forward work plan.</p> <p>The First Secretaries Group may make recommendations to National Cabinet on the federal relations architecture based on Ministerial Council annual reports and changes to priorities.</p>
<p>Sunset clause</p>	
<p>Sunset</p>	<p>The establishment of a Ministerial Council with a reporting line to National Cabinet is a decision for National Cabinet (based on advice from First Secretaries Group). The cessation of a National Cabinet reporting line on a Productivity Priority does not necessitate disbanding the Skills and Workforce Ministerial Council.</p>

Endorsed by Members on 17 November 2023.