

**Response to a question on notice: Improving the role of Council of Australian
Governments (COAG) on environmental issues**

1. The Law Institute of Victoria's Young Lawyers' Law Reform Committee ("YLLRC") makes this submission in response to a question on notice from Senator the Hon. Doug Cameron.

COAG and environmental protection

2. COAG is a forum for consultation between Commonwealth, State and Territory governments. As environmental issues transgress borders and cannot be effectively controlled by any one government, the role that COAG could play in assisting governments to work together on environmental issues needs to be thoroughly explored.
3. COAG meeting outcomes have lead to some successful reforms on a number of fronts. However, and due to the politicisation of environmental issues, we doubt that COAG would be able to achieve the amount of reform that is required.
4. In our view, an attempt to negotiate wide-scale reform within COAG is bound to fail. The Commonwealth government cannot rely upon it.
5. The Commonwealth government needs to assume leadership. As we made clear on our appearance before the Senate Committee, the Commonwealth must redesign an environmental framework that best promotes environmental protection and reduces green tape. This should include the creation of an independent regulator.
6. The Commonwealth should not shift the policy failure in this area to COAG.

COAG Governance Generally

7. The YLLRC believes that COAG could strengthen its focus on the environment within its existing agenda.
8. The ambitious (but comparatively non-politicised) projects, statements and plans that COAG administer provide an opportunity for environmental protection to be considered in meaningful ways.

9. To this end, we believe COAG could benefit from a decision-making framework that requires it to consider the impact upon the environment before each decision is made. Such a decision-making framework could include other areas of public policy.

Leigh Howard
Rachele Troup
Leanne Olden