

**Senate Standing Committee on Environment and Communications  
Legislation Committee**

Answers to questions on notice  
**Environment and Energy portfolio**

**Question No:** 41  
**Hearing:** Budget Estimates  
**Outcome:** Corporate  
**Program:** Legal  
**Topic:** Freedom Vs Control  
**Hansard Page:**  
**Question Date:** 08 June 2017  
**Question Type:** Written

**Senator Roberts asked:**

Are you aware that both history and theory show that the environment is far more efficiently & effectively, and thus more sustainably, regulated based on free markets and common law (eg tort) than government regulation – ie freedom v control?

Are you aware that both history and theory show that natural resources & environmental management systems based on voluntary & competitive private-property-rights are far more efficient & effective, and thus sustainable, than those based on involuntary & monopolistic command-and-control ones – ie freedom v control?

**Answer:**

There are a range of policy instruments available to manage the environment sustainably. These include, but are not limited to, relying on the market in conjunction with existing laws, market-based instruments, information and education campaigns, self-regulation (such as industry codes) and explicit government regulation.

The *Australian Government Guide to Regulation* requires that all new policy measures likely to impact society are subject to a Regulation Impact Statement (RIS). Every RIS must consider a range of policy options, including a non-regulatory option (except where a policy is an election commitment, relates to multi-lateral international agreements or has been the result of international processes). A RIS will only recommend a regulatory option where it can be shown to offer an overall net benefit when compared to business as usual and/or other non-regulatory options.